



San Luis Obispo County

Department of Planning and Building

TO: Interested Party
DATE: April 17, 2013
FROM: Murry Wilson – Environmental Resource Specialist
VIA: Ellen Carroll, Environmental Coordinator
SUBJECT: Las Pilitas Quarry – Revised Notice of Availability of Draft EIR (DRC2009-00025)

The Draft Environmental Impact Report (DEIR) for the Las Pilitas Quarry is complete and available for public review and comment. The DEIR addresses the environmental impacts that may be associated with the request for a quarry and related improvements that would occupy approximately 41 acres within the 234 acre parcel. The proposed project is within the Rural Lands land use category and is located on the north side of State Route 58 and east of the Salinas River, approximately three miles northeast of the community of Santa Margarita.

Copies of the Draft EIR are available at the following locations: Santa Margarita Library, Atascadero Library, Cal Poly Library, and City/ County Library of San Luis Obispo. Hard copies are also available on loan and for review (CDs are also available) at the Department of Planning and Building, located at the 976 Osos St., Room 300, San Luis Obispo, 93408-2040. The EIR is on the Planning Department's web site at: www.sloplanning.org under "Environmental Impact Reports".

ENVIRONMENTAL IMPACTS:

The EIR focuses on the following issues: biological resources, wastewater disposal, water quality and supply, air quality, greenhouse gas emissions, aesthetics and visual resources, geology, public services and utilities, transportation and circulation, agricultural resources, noise, hazards and hazardous materials, recreation, land use, and growth inducement. The EIR also considers twelve alternatives in addition to the "No Project" alternative.

HOW TO COMMENT OR GET MORE INFORMATION:

Anyone interested in commenting on the draft EIR should **submit a written statement by 4:30 p.m. on June 5, 2013**, to me at:

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

If you need more information about this project, please contact Murry Wilson at (805)788-2352 or via e-mail: mwilson@co.slo.ca.us

PUBLIC WORKSHOP:

A public workshop will be held at the Santa Margarita Elementary School (located at 22070 H Street) on April 25, 2013 at 6:30 p.m. County staff and the County EIR consultant will be available to discuss the DEIR, the upcoming hearing process, and to answer questions on the information contained in the DEIR. While comments on the DEIR are anticipated, official comments must be submitted in writing to ensure the intent of the comment is capture and understood by the County and its consultant.

PUBLIC HEARING:

A public hearing before the San Luis Obispo Planning Commission has been tentatively scheduled for September 26, 2013, in the Board of Supervisors Chambers, County Government Center, San Luis Obispo. If you plan to attend, please call two weeks before this date to verify.



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southwest Region

777 Sonoma Ave., Room 325

Santa Rosa, CA 95404-4731

June 5, 2013

In response, refer to:

151416SWR2010SR00304

Murry Wilson
 San Luis Obispo County
 Department of Planning and Building
 976 Osos Street, Room 300
 San Luis Obispo, California 93408

Dear Mr. Wilson:

This letter is in response to the San Luis Obispo County Department of Planning and Building's April 17, 2013, Notice of Availability of the Draft Environmental Impact Report (DEIR) for the Oster Living Trust (Las Pilitas Quarry) Condition Use Permit and Reclamation Plan – DRC2009-0025. Las Pilitas Resources, LLC has applied for a County permit to extract 500,000 tons of material from the quarry over the next 30 years. This project is located near the town of Santa Margarita, San Luis Obispo County, California.

The proposed Las Pilitas Quarry is located adjacent to the Salinas River and is near the confluence of the Salinas River and Moreno Creek. South-Central California Coast (S-CCC) steelhead Distinct Population Segment (DPS) are listed as threatened in the Salinas River and are may go extinct (Good *et al.* 2005, NMFS 2011, and Williams 2011). NMFS recently completed a draft recovery plan for S-CCC steelhead (NMFS 2012) and determined steelhead in the Upper Salinas River Basin is an essential sub-population to recover for the viability of the S-CCC DPS. Groundwater extraction and mining operations were identified as significant threats to steelhead survival and recovery in the Salinas River watershed.

NMFS is concerned about the potential impacts to S-CCC steelhead from the development of the Las Pilitas Quarry. From information provided in the DEIR, we are unable to fully evaluate the extent proposed activities and the cumulative effects of groundwater and mining operations in the project area adjacent to the Salinas River will have on aquatic ecosystems. Extraction of groundwater for beneficial uses could result in impacts to aquatic organisms. Direct impacts might include: (1) passage impediments to juvenile and adult salmonids; (2) impaired water quality; and (3) a reduction of viable rearing habitat for juvenile fish (Smith and The California Water Policy Center 1980; Moyle and Baltz 1985; Ebersole *et al.* 2001). The DEIR does not evaluate how cumulative impacts from groundwater and surface water extraction could affect the migration of steelhead in the Salinas River. We are concerned about the potential impacts to

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steelhead because steelhead migration in the Upper Salinas is already by intermittent surface flows. Overdraft of groundwater can delay surface flows by extending the length of time required to recharge depleted aquifers (Zektser *et al.* 2005). The recovery of steelhead will require suitable habitat conditions, primarily in the form of in-stream flow for adults, juveniles, and smolts. The DEIR evaluates total annual water demand and presumes a uniform monthly demand on water supply in the Upper Salinas River. Thereby the DEIR determined impacts from ground water extraction are less than significant. The DEIR should further evaluate impacts to the natural hydrograph and any affects to migration of adults, juveniles, and smolts.

NMFS assumes quarry operations will employ “best management practices.” However, we recommend further consultation to ensure impacts to S-CCC steelhead and their critical habitat are avoided. Consideration should also be given to other measures like buffers between the quarry and the Salinas River, erosion control methods, and appropriate work windows.

Please keep us informed on the status of the DEIR. If you have any questions concerning this letter, please contact Devin Best at (707) 578-8553 or via email at devin.best@noaa.gov.

Sincerely,



Dick Butler
North Central Coast Office Supervisor
Protected Resource Division

cc: Julie Means, CDFW, Fresno
Diane Noda, USFWS, Ventura
Michael Thomas, CCRWQCB, San Luis Obispo

Literature Cited

- Ebersole, J. L., W. J. Liss, *et al.* 2001. "relationship between stream temperature, thermal refugia, and rainbow trout (*Oncorhynchus mykiss*) abundance in arid-land streams, northwestern United States." *Ecology of Freshwater Fish* 10: 1-11.
- Good, T.P., R.S. Waples, and P. Adams, editors. 2005. Updated status of Federally listed ESUs of West Coast salmon and steelhead. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-NWFSC-66. Santa Cruz, California.
- Moyle, P. B., J. A. Israel, *et al.* 2008. "Salmon, Steelhead, and Trout: A report of an emblematic fauna." Center for Watershed Sciences. University of California Davis. Davis, CA.
- National Marine Fisheries Service (NMFS). 2011. South-Central/Southern California Coast Steelhead Recovery Planning Domain. 5-Year Review: Summary and Evaluation of South-Central California Coast steelhead Distinct Population Segment. National Marine Fisheries Service, Southwest Region, Long Beach, California. 24 pp.

- NMFS. 2012. Public Draft Recovery Plan for South-Central California Coast steelhead Distinct Population Segment. National Marine Fisheries Services, Southwest Region, Long Beach, California. http://swr.nmfs.noaa.gov/recovery/so_cal.htm
- Smith, F. E. and The California Water Policy Center. 1980. The Public Trust Doctrine: Instream Flows and Resources. Sacramento, U.S. Fish and Wildlife Service: 36.
- Williams, T. H., S. T. Lindley, B.A. Spence, and D. A. Boughton. 2011. Status Review Update For Pacific Salmon and Steelhead Listed Under the Endangered Species Act: Southwest. Santa Cruz, CA., NOAA's National Marine Fisheries Service, Southwest Fisheries Science Center.
- Zekster, S., H.A. Loáiciga, and J.T. Wolf. 2005. Environmental impacts of groundwater overdraft: selected case studies in the southwestern United States. *Environmental Geology*, 47:396-404.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

June 11, 2013

Murry Wilson
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Subject: Las Pilitas Quarry Conditional Use Permit and Reclamation Plan
SCH#: 2010071013

Dear Murry Wilson:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on June 5, 2013. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.] 1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2010071013) when contacting this office.

Sincerely,

Handwritten signature of Scott Morgan in cursive.

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



June 6, 2013

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STATE CLEARING HOUSE

Mr. Murry Wilson
Environmental Resource Specialist
Department of Planning and Building
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, California 93408-2040

Draft Environmental Impact Report for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan, Community of Santa Margarita, San Luis Obispo County, Near Coastal Aqueduct Milepost 61.92, San Joaquin Field Division, SCH201071013

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Dear Mr. Wilson:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan (Project) in the county of San Luis Obispo. The DEIR describes the proposal to construct and operate a quarry and related improvements within a 234-acre parcel located on the north side of Highway 58 and east of the Salinas River. A section of the Coastal Aqueduct of the California Department of Water Resources (DWR) and Central Coast Water Authority (CCWA) is located within the Project's 234-acre parcel.

DWR has concerns about the Project and the potential for damage to State Water Project Pipeline (SWP), part of the California Aqueduct. The following items shall be addressed in the next environmental document:

1. The geotechnical report on page 15 of Appendix B, states that an expert in blasting technology will review and comment on the potential effects of blasting operations with respect to the Calf Canyon Tunnel. Due to the technical nature of potential impacts to SWP facilities from blasting operations, a separate report identifying acceptable blast limits shall be provided to DWR for review and approval. Upon approval of a blast report, a DWR inspector shall be present during the first and possibly subsequent blasts to ensure established criteria are met during blasting operations. All cost associated with these reviews and inspections shall be the responsibility of the Las Pilitas Resources LLC.
 - a. Expert to recommend what ppv to use for the mortar lined, grouted joints of the SWP pipeline and to determine the maximum explosive loads to be used for daily operations. As well as setbacks needed to ensure the safety of the SWP facilities.
 - b. An independent firm selected by DWR shall perform a peer review of the "experts" findings once the task has been accomplished.
 - c. H factor needs to be clarified and determined for the site specific soil matrix as referenced in the blast plan in Section 9.2.1 in Appendix B.

2. The detailed, future blasting plan to be submitted as described in section 4.2 of the current blasting plan in Appendix B shall also be submitted to DWR for its review, to make sure that the Coastal Aqueduct and Calf Canyon Tunnel are specifically named and included as nearby structures for predicted ground vibrations.
3. In section 4.10 of the blasting plan, DWR should be named for notification of all blasts.
4. In sections 6.4 and 6.5 of the blasting plan, there is no mention as to **when** (how soon after each blast) the blasting records and as-built blasting reports should be completed and transmitted. A reasonable time frame should be set for these items and included in the document. Also, DWR should be added as a recipient of all blasting records and as-built blasting reports.
5. DWR should be included in section 8.1 of the blasting plan to be notified before initiation of blasting.
6. Depressed curbs or driveways shall be provided for DWR vehicular access across all roadways crossing the pipeline right-of-way. If these crossings shall be fenced, gates shall be provided.
7. The risk to the Coastal Aqueduct pipeline due to additional truck traffic would need to be addressed, and mitigation proposed if needed. Type and weight of construction and operation equipment shall be submitted for review.
8. If any damage to DWR facilities is noted, all blasting will cease. All damages to SWP facilities caused by the blasting operations shall be the responsibility of Los Plitas LLC.

In addition to the proposed construction of an entrance road that will cross the Coastal Aqueduct, a section of new water line near Well A will be installed parallel to the Aqueduct. Any construction work within DWR right of way will require an encroachment permit issued by DWR.

Information regarding guidelines and forms for submitting an application for an encroachment permit to DWR can be found at:

[http://www.water.ca.gov/engineering/Services/Real Estate/Encroach Rel/](http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/)

Mr. Murry Wilson

June 6, 2013

Page 2

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to the above-mentioned concerns of DWR should be sent to:

California Department of Water Resources
Division of Operations and Maintenance
State Water Project Encroachments Section
Attn: Leroy Ellinghouse, Jr.
1416 Ninth Street, Room 641-1
Sacramento, California 95814

If you have any questions, please contact Leroy Ellinghouse, Jr., Chief, State Water Project Encroachments Section, at (916) 653-7168 or Jonathan Canuela at (916) 653-5095.

Sincerely,



David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: Office of Planning and Research
California State Clearinghouse
1400 10th Street
Sacramento, CA 95812-3044

Andrew Dudley
Central Coast Water Authority
255 Industrial Way
Buellton, CA 93427-9565

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
 SAN LUIS OBISPO, CA 93401-5415
 PHONE (805) 549-3101
 FAX (805) 549-3329
 TTY 711
<http://www.dot.ca.gov/dist05/>



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*Flex your power!
 Be energy efficient!*

May 24, 2013

Murry Wilson, Environmental Resource Specialist
 Department of Planning and Building
 San Luis Obispo County
 976 Osos St, Rm. 300
 San Luis Obispo CA 93408-2040

05-SLO-58-4.92

Subject: LAS PILITAS QUARRY DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Wilson:

Thank you for the opportunity to provide comments on this project. Caltrans has been working with San Luis Obispo County staff to ascertain impacts from the proposed Las Pilitas Quarry project. As the lead agency for the project, it is the County's responsibility to ensure where a clear nexus for impacts can be applied and what mitigation is appropriate. Caltrans does hold some discretionary permitting authority for access to State Route 58 in reviewing the development of the project.

In reviewing the development of the project as a "responsible agency" as defined by the California Environmental Quality Act (CEQA), Caltrans has reviewed the draft Environmental Impact Report (EIR) and provides the following comments:

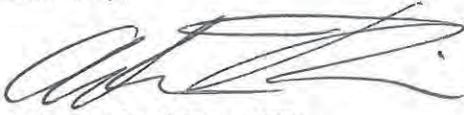
- 1) The 2001 Caltrans Transportation Concept Report for US 101 is a long range planning document and is not a detailed, project-specific engineering study. A target Level of Service (LOS) is the concept of how Caltrans expects a particular facility will operate when the planning horizon year is reached. It is an anticipated planning projection, not a CEQA LOS threshold standard and should not be cited as such. The consultant was informed of this misconception and we regret to see it included in the draft EIR in at least the following instances:
 - a) "All locations under the existing conditions are consistent with or better than the Caltrans route concept of peak hour LOS D for US highway 101 operations" (page 4.11-8).
 - b) "In all cases, the peak hour LOS would be D or better, which is consistent with the target established by Caltrans for US Highway 101 operations" (page 4.11-19).
 - c) The "southbound ramp junction operates at a peak hour LOS D, which is consistent with the Caltrans target LOS for US Highway 101" (page 4.11-22).
- 2) Caltrans agrees with the analysis of traffic operations on State Route 58 at the Park and Ride lot. However, there does not appear to be a discussion of traffic safety at that location as was requested prior to initiation of the traffic study. This area has a collision rate higher than the statewide average. An analysis of this fact should be included as part of the EIR.

- 3) The traffic analysis should address the lack of sight distance at the project driveway. 3
- 4) The traffic analysis finds that the US 101 / State Route 58 interchange currently operates at LOS D. Caltrans agrees with this finding. However, given that the interchange already operates at LOS D, the EIR should address the impact of the project's proposed trips on the interchange and how it will be mitigated. 4
- 5) While the Traffic Study discusses the potential to construct a left-turn lane on State Route 58 at the driveway intersection, it is not specifically included as a mitigation measure on Table ES-1. The left-turn lane should be included as a condition of approval. Any work within the State right of way would need to satisfy Caltrans design standards through its encroachment permit process. 5
- 6) Caltrans has concerns about potential parking or queuing of quarry trucks on State Route 58 (or the Park and Ride Lot) during the morning hours prior to the quarry opening and would like further analysis of this potential impact. The applicant could consider policies including, but not limited to, prohibiting trucks from arriving at the site prior to morning opening of the quarry. However, it is ultimately the responsibility of the applicant to ensure that truck parking or queuing does not adversely impact the State Highway. 6
- 7) The EIR needs to consider the impact of up to 273 daily truck trips on bicycle traffic on State Route 58 both from a traffic operations and safety perspective. For instance, the EIR should explore the possibility of shoulder widening to lessen potential conflicts between bicyclists and trucks. 7
- 8) Regarding Mitigation Measure Traffic-1a (**page ES-13**) signaling the intersection of State Route 58 and El Camino Real, please be aware that any signal proposal must meet Caltrans signal warrants and design standards. 8
- 9) Regarding Mitigation Measure Traffic-2b (**page ES-13**), a pedestrian refuge island or other pedestrian safety related improvement on State Route 58 at Encina Avenue would have to meet Caltrans design standards through the encroachment permit process. 9
- 10) Due to the preliminary nature of the information describing the project, some items may not have been identified in this review. Additional mitigation measures may be necessary as a condition of an encroachment permit for work within the State right of way. Detailed information such as complete engineering drawings, traffic analyses, hydraulic calculations and environmental reports outlining impacts to environmental resources may need to be identified and submitted as part of the encroachment permit process. The comments made in this letter should be considered as preliminary and subject to change based on more detailed review of the applicants final engineered construction plans, additional engineered traffic studies and field review of the proposed project site. 10

If you have questions, please feel free to contact me at (805) 549-3131.

Mr. Wilson
May 24, 2013
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Fukushima', written in a cursive style.

Adam Fukushima, PTP
Caltrans District 5
Development Review

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
 SACRAMENTO, CA 94236-0001
 (916) 653-5791



June 6, 2013

Mr. Murry Wilson
 Environmental Resource Specialist
 Department of Planning and Building
 San Luis Obispo County
 976 Osos Street, Room 300
 San Luis Obispo, California 93408-2040

Draft Environmental Impact Report for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan, Community of Santa Margarita, San Luis Obispo County, Near Coastal Aqueduct Milepost 61.92, San Joaquin Field Division, SCH201071013

Dear Mr. Wilson:

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DWR has concerns about the Project and the potential for damage to State Water Project Pipeline (SWP), part of the California Aqueduct. The following items shall be addressed in the next environmental document:

1. The geotechnical report on page 15 of Appendix B, states that an expert in blasting technology will review and comment on the potential effects of blasting operations with respect to the Calf Canyon Tunnel. Due to the technical nature of potential impacts to SWP facilities from blasting operations, a separate report identifying acceptable blast limits shall be provided to DWR for review and approval. Upon approval of a blast report, a DWR inspector shall be present during the first and possibly subsequent blasts to ensure established criteria are met during blasting operations. All cost associated with these reviews and inspections shall be the responsibility of the Las Pilitas Resources LLC.
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Information regarding guidelines and forms for submitting an application for an encroachment permit to DWR can be found at:

http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/

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Mr. Murry Wilson
June 6, 2013
Page 2

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California Department of Water Resources
Division of Operations and Maintenance
State Water Project Encroachments Section
Attn: Leroy Ellinghouse, Jr.
1416 Ninth Street, Room 641-1
Sacramento, California 95814

If you have any questions, please contact Leroy Ellinghouse, Jr., Chief, State Water Project Encroachments Section, at (916) 653-7168 or Jonathan Canuela at (916) 653-5095.

Sincerely,

A handwritten signature in blue ink that reads "David M. Samson". The signature is fluid and cursive, with a long horizontal stroke at the end.

David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: Office of Planning and Research
California State Clearinghouse
1400 10th Street
Sacramento, CA 95812-3044

Andrew Dudley
Central Coast Water Authority
255 Industrial Way
Buellton, CA 93427-9565

Central Coast Regional Water Quality Control Board

June 5, 2013

Murry Wilson
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040
Email: mwilson@co.slo.ca.us

BY ELECTRONIC MAIL

CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD COMMENTS ON THE JULY 2010 INITIAL STUDY AND MARCH 2013 DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LAS PILITAS QUARRY CONDITIONAL USE PERMIT AND RECLAMATION PLAN PROJECT, SAN LUIS OBISPO COUNTY, COUNTY CASE NO. DRC2009-00025 SCH# 2010071013

Dear Mr. Wilson:

Thank you for the opportunity to review the above-referenced document. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Central Coast Water Board staff understands that the proposed Las Pilitas Quarry Conditional Use Permit and Reclamation Plan Project (Project) involves the following development of an approximately 41-acre site on two parcels that total 234 acres in size within the County of San Luis Obispo (County):

- Establish a mining operation three miles northeast of Santa Margarita on the north side of State Route 58 just east of the Salinas River.
- Operate the mine for a 25 to 58-year timeframe with a maximum annual production of 500,000 tons, a portion of which would be recycled asphalt and Portland cement concrete.

This proposed Project has the potential to impact water quality and beneficial uses of waters of the State. Therefore Central Coast Water Board staff offers the following recommendations for improving the environmental value and environmental review of the proposed Project.

Proposed Project Environmental Impacts and Mitigation

Central Coast Water Board staff finds that the Initial Study and Draft Environmental Impact Report (IS-DEIR) are inadequate because the documents do not fully evaluate all environmental impacts from the proposed Project. Additionally, the IS-DEIR for the proposed Project does not identify measures to fully mitigate for all impacts. As a result, the conclusion of the IS-DEIR that the proposed project will not result in significant impacts is not sufficiently supported. Therefore the final document should incorporate the following elements:

Reclamation Plan (Executive Summary ES.3): The Reclamation Plan proposes to cover and revegetate slopes in phases as the quarry proceeds.

1. *Cover and revegetate slopes.* A mix containing predominantly native species would be used along with minimal irrigation and monitoring/maintenance to promote the success of the revegetation. Final reclamation will include smoothing interior slopes, removing the access road, and revegetating the remaining disturbed areas. To ensure impacts are mitigated to less than significant levels, the final document should specify the success criteria for revegetation at a minimum of 70% coverage on revegetated slopes after a five year period without irrigation. If the success criteria is not met, the final document should specify revegetation efforts will continue until the success criteria is met and slopes are permanently stabilized.

1

Drainage Control (Project Description 2.3.4) and Mitigation Measure GEO-4: The proposed project will alter the rate and condition of stormwater runoff from the existing slopes of the property, and the proposed project includes the design of three detention basins and one swale system that will collect and detain runoff to allow sediment to settle out before discharge.

2. *Pond System Design.* The pond system is designed to control up to a 50-year storm event and discharge at a 2-year event rate. This detention basin design will result in increased duration of erosive flows leaving the project, which will cause downstream erosion and hydromodification to creeks upstream of the Salinas River. To mitigate the impact of alteration of runoff from the Project to less than significant levels, the final document must identify how flow volumes and durations, in addition to flow rates, will be controlled to prevent downstream hydromodification. In addition, relying on detention alone to control increased runoff volumes that may result from the Project does not protect watershed processes (such as baseflow) that are vital to the health of receiving waters. The final document should assess the potential impact of the Project in changing runoff volumes leaving the site. If runoff volumes leaving the site will be increased, and on site infiltration reduced, the final document should identify mitigation measures that will retain the runoff volume on site to mitigate impacts to watershed processes and receiving water health to less than significant levels.

2

Effects on Vegetation and Habitat (BIO-9): The proposed project will result in a loss of 2.35 acres of sensitive habitat, within a total disturbance area of 40.29 acres.

3. *Impacts to Waters of the State.* Table 4.5-5 specifies that the 2.35 acres of impacts to sensitive habitat include 2.1 acres of impacts to Coast Live Oak Woodland and Riparian Forest and 0.25 acre impact to a Seasonally Flooded Vernal Swale. Based on section 2.0 Project Description Figures 2.5 through 2.11 and section 4.5 Biological Resources Figures 4.5-1 and 4.5-2, Central Coast Water Board staff estimates that the proposed project would impact at least 9,000 linear feet of Waters of the State. To adequately identify and address all of these impacts, the final document should map the impacts to all drainage features, swales, and other Waters of the State that will be either temporarily or permanently impacted by the proposed project. For each waterbody directly affected, the final document should identify the acreage and (for drainage features) the number of linear feet directly impacted. Finally, to demonstrate impacts will be mitigated to less than significant levels, the final document should include proposed mitigation that will result in no net loss to functions of waters, including riparian habitat. Mitigation by preservation does not result in no net loss.

3

Effect on Wetland or Riparian Habitat (BIO-10): The proposed project will adversely impact (remove) approximately 0.25 acre of a Seasonally Flooded Vernal Swale, which may be wetland or riparian habitat.

- 4. *Vernal Pool Mitigation.* The proposed project design includes preservation of approximately 0.45 acre of the drainage in question, plus the creation of a 0.75 acre detention basin adjacent to the preserved portion of the drainage, and other detention basins within the quarry site.

Wetlands (including vernal pools) enhance water quality through such natural functions as flood and erosion control, stream bank stabilization, and filtration and purification of contaminants. Wetlands and vernal pools also provide critical habitat for hundreds of species of birds, fish and other wildlife, offer open space, and provide many recreational opportunities. Water quality impacts occur in wetlands and vernal pools from construction and industrial activity. The State of California's Wetlands Conservation Policy requires no overall net loss in wetlands in the short-term and a long-term net gain of wetlands. According to the California Wetlands Conservation Policy the project must ensure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California. The Regional Board prefers to avoid any loss of wetlands. If loss is unavoidable, a mitigation plan should be developed and implemented to achieve replacement of wetland habitat and function.

In the event wetland and/or vernal pool loss is not avoidable, to mitigate impacts to less than significant levels, mitigation should be in-kind, on-site, and permanent with no net destruction of habitat value. Mitigation should be completed prior to, or at least simultaneous to, the filling or other loss of existing wetlands and/or vernal pool. Wetland features or ponds created as mitigation for the loss of existing "jurisdictional wetlands" or "waters of the United States" cannot be used as storm water treatment controls. Therefore the creation of 0.75 acre detention basin to the preserved portion of the drainage, and other detention basins within the quarry site do not mitigate for the 0.25 acre loss of a Seasonally Flooded Vernal Swale. The final document should include a mitigation plan that includes a description of how the vernal swale habitat will be mitigated to achieve no net loss.

HAZ-2 Release of hazardous materials or wastes (HAZ-2): A contingency and spill response plan will be prepared and implemented.

- 5. *Spill Kits.* The final report should specify that the response plan will include a requirement that spill kits be kept on site at all times. The spill kits should be easily accessible and properly maintained to control and contain the amount and type of spill that potentially may occur based on an inventory of hazardous materials that will be stored on site.

Alteration of Runoff Water/Construction Activities (WQ-1a): The applicant/quarry operator will submit appropriate Permit Registration Documents to the SWRCB to provide coverage of the construction of the proposed project (utilities, entrance road, and completion of construction through the end of Phase 1B or other point as appropriate under the Statewide General Permit for Construction (Construction General Permit) SWRCB Order No. 2009-0009-DWQ, NPDES No. CAS000002, or more current permit.



- 6. *Bioassessment Monitoring.* Construction General Permit Finding J. 62. requires Risk Level 3 sites larger than 30 acres to conduct bioassessment sampling before project commencement and after project completion to determine if significant degradation to the receiving water's biota has occurred. The final document should provide information about the proposed project's risk level under the Construction General Permit. If the proposed Project is Risk Level 3 the final document should include the bioassessment sampling plan for before project commencement and after project completion.
- 7. *Post-Construction Standards.* Section XIII of the Construction General Permit requires that all projects replicate the pre-project water balance for the smallest storms up to the 85th percentile storm event. For sites whose disturbed area exceeds two acres, the discharger shall preserve the pre-construction drainage density (miles of stream length per square mile of drainage area) for all drainage areas within the area serving a first order stream or larger stream and ensure that post-project time of runoff concentration is equal or greater than pre-project time of concentration. To mitigate impacts related to alteration of flow characteristics to less than significant levels, the final document should explain how the proposed project will meet the post-construction requirements in Section XIII of the Construction General Permit.

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Alteration of Runoff Water/Mining Activities (WQ-1b). The applicant/quarry operator will submit a Notice of Intent (NOI) and related Stormwater Pollution Prevention Plan (SWPPP) to the SWRCB to provide coverage of the surface mine as an industrial use under the Statewide General Permit for Industrial Uses (Industrial Permit) SWRCB Order No. 97-03-DWQ, NPDES No. CAS000001, or more current permit.

- 8. *Alternative Compliance.* The DEIR states that coverage under the Industrial Permit, "may be met through compliance with the County Stormwater Management provisions of Section 20.10.155 of the Land Use Ordinance." The final document should clarify this statement as the only alternative compliance for the Industrial Permit is circumstances when a facility is regulated by an individual or general Nationwide Pollutant Discharge Elimination System Permit that contains stormwater provisions.

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If we may clarify any of our comments or be of further assistance, please contact **Julia Dyer** at (805) 542-4624, or via email at Julia.Dyer@waterboards.ca.gov, or Phil Hammer at (805) 549-3882.

Sincerely,



Digitally signed by Phil Hammer

Date: 2013.06.05 12:19:00 -07'00'

for
 Kenneth A. Harris, Jr.
 Interim Executive Officer


DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027
P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

June 3, 2013

Murray Wilson, Environmental Resource Specialist
San Luis Obispo County
Department of Planning and Building
976 Osos St, Rm. 300
San Luis Obispo, CA 93408

RECEIVED

JUN - 4 2013

STATE CLEARING HOUSE

SUBJECT: **SCH No. 2010071013** (DRC 2009-00025) – Revised Notice of Availability of Draft Environmental Impact Report for Las Pilitas Quarry, San Luis Obispo County

Dear Mr. Wilson:

Department of Resources Recycling and Recovery (CalRecycle) staff has reviewed the Draft Environmental Impact Report (DEIR) and offer the following project description and analysis for the proposed project based on CalRecycle staff's understanding of the project. If CalRecycle's project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff request notification of any significant differences before adoption of this Draft Environmental Impact Report and approval of the project. Significant differences in the project description could qualify as "significant new information" about the project that would require recirculation of the document before adoption pursuant to California Environmental Quality Act (CEQA) Section 15073.5 or possibly the preparation of a new environmental document.

PROJECT DESCRIPTION

The County of San Luis Obispo Department of Planning & Building, acting as Lead Agency, has prepared and circulated a DEIR in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The project will produce up to 500,000 tons per year of aggregate for use in Portland cement concrete (PCC) and asphaltic concrete (AC). The proposal does not include a hot plant for mixing asphaltic concrete, but it would include a storage area for recycled PCC and AC pavement that will be crushed and sold within the 500,000-ton-per-yr permit limit. Depending on market conditions, the life of the quarry is estimated to range from 25 to 58 years. If the full production rate is achieved, then the average daily truck traffic associated with the project would range from 198 to 273 trips per day; this range is discussed further in Section 2.3.3.

The recycling component of the project would include the receipt, temporary storage, and resale of PCC and AC material within the local market area. This proposed activity is intended to help conserve aggregate resources; the amount of this recycled material would be within the maximum of 500,000 tons of product per year anticipated with the project.

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COMMENTS

CalRecycle currently serves as the solid waste enforcement agency in San Luis Obispo County. This includes issuing operating permits for solid waste handling and disposal activities according to Titles 14 and 27 of the California Code of Regulations (14 or 27 CCR). The recycling of asphalt and concrete is included in CalRecycle's regulations, which may be viewed at <http://www.calrecycle.ca.gov/Laws/Regulations/Title14/ch3a59a.htm>.

Based on the project description, the receipt, storage, crushing, and resale of PCC and AC, this part of the project may not be subject to the Construction and Demolition/Inert Debris regulatory requirements if the operation meets the requirements as an "Inert Debris Recycling Center," as provided in 14 CCR, Section 17381.1(a)(2) and (b), otherwise known as the Three-Part Test.

Three-Part Test

The first part of the test is that an inert debris recycling center shall only receive Type A inert debris [14 CCR, Section 17381(k)] that has been separated for reuse or source separated prior to receipt [14 CCR, Section 17381(a)(2)].

Separated for reuse material is defined in 14 CCR, Section 17381(y) as follows:

"Separated for Reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated."

In other words, the term "separated for reuse" would typically mean the final product sent to a recycling center after being processed by an intermediary (like a transfer/processing facility). "Separated for reuse" recyclable material could also include "source separated" recyclable material.

Source separated material is defined in 14 CCR, Section 173981(d) as follows:

"Source Separated" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

The term "source separated" means the recyclable material that is separated at the point of generation and is sent to a recycler, which is analogous with a homeowner taking his/her recyclables to a recycler. "Source separated" recyclable material does not include "separated for reuse" recyclable material.

The second part of the test is the determination that the residual is less than 10 percent by weight of the amount of debris received, calculated on a monthly basis [14 CCR, Section 17381.1(b)(1)]. The "10 percent residual" part of the test is intended to provide a minimal objective standard to supplement the more subjective first part of the test (and statute). The allowance for 10 percent residual is recognition of the fact that it is not uncommon for materials that are legitimately separated for reuse to still include minimal levels of contamination.

Residual is defined in 14 CCR, Section 17381(x), in part, as follows:

"Residual" means the solid waste destined for disposal, further transfer/processing as defined in 14 CCR, Section 17402 (a)(30) or (31), or transformation which remains after processing has taken place and is calculated in percent as the weight of residual divided by the total incoming weight of materials.

The third part of the test is the determination that the amount of putrescible wastes in the separated for reuse material is less than one percent of the amount of material received by weight and the putrescible wastes shall not cause a nuisance, as determined by the Enforcement Agency (EA) [14 CCR, Section 17402.5 (d)(3)]. The EA staff contact person is Randy Friedlander, and he may be reached at 916.341.6718 or at Randy.Friedlander@CalRecycle.ca.gov. The "1 percent putrescible" part of the test provides additional objectivity to supplement the subjective first part of the test (and statute). The restriction of one percent putrescible wastes is recognition of the fact that putrescible wastes can pose a significant risk to public health, safety, and the environment and, therefore, any site receiving putrescible wastes should be regulated. The regulation allows up to one percent putrescible wastes rather than taking a zero tolerance stance because it is not uncommon for materials that are legitimately separated for reuse to still include minimal levels of putrescible wastes.

The EA is responsible for making a determination as to whether the proposed operation meets the requirements of an "Inert Debris Recycling Center." If the proposed operation is determined not to be an "Inert Debris Recycling Center," then the Construction and Demolition/Inert Debris regulations would apply and CalRecycle staff should be contacted for potential permitting requirements. The Construction and Demolition/Inert Debris Regulatory Requirements may be viewed at the CalRecycle website at: <http://www.calrecycle.ca.gov/Laws/Regulations/Title14/ch3a59a.htm>.

Inert Debris Handling

Tonnage

What is the estimated daily tonnage for the recycled PCC and AC component of the proposed project? Please include methods and calculations to determine the maximum daily capacity.

Days and Hours of Operation

The DEIR does not mention the hours of operation for the inert debris recycling activities. Please provide specifics as to the operating and maintenance cycle of the facility including the hours that waste is received, processed, transferred, etcetera.

Equipment

Please describe the equipment (quantity and type) to be used during the operational phases.

Residual Solid Waste Handling

Please include a description of the waste/residual removal frequency and the final deposition of these wastes, including route, distance, and time to travel to an authorized facility (e.g., recycling center, transfer station or disposal site).

Storage Limits

The Construction and Demolition/Inert Debris regulations include storage limits of up to six months for unprocessed inert debris and 18 months for processed inert debris. Inert debris stored longer than these

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limits is considered unlawful disposal and subject to enforcement action. How will the operator ensure the storage time limits are met?

Hazardous Waste Storage

Describe the load checking program that will be implemented to identify unacceptable materials. Please indicate where the temporary hazardous materials storage area will be located and describe the removal frequency and end destination.

Litter and Dust Controls

Please describe the design and operational features to attenuate for litter and dust both on-site and off-site.

CONCLUSION

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

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this project are sent to the Permitting and Assistance Branch.

If you have any questions or comments regarding this letter, please contact me at 916.324.3753 or by e-mail at Patrick.Snider@calrecycle.ca.gov.

Sincerely,



Patrick Snider
Permitting and Assistance Branch – South Unit
Waste Permitting, Compliance and Mitigation Division
Department of Resources, Recycling, and Recovery - CalRecycle

cc: Randy Friedlander, Jeff Hackett – CalRecycle

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PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 27, 2013

Murry Wilson
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 993408-2040

Re: Draft Environmental Impact Report (DEIR)
Las Pilitas Quarry CUP & Reclamation Plan SCH # 2010071013

Dear Mr. Wilson:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with Commission staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

As noted in our comment letter to the Notice of Preparation (NOP) dated August 9, 2010, this project will have a significant impact to the Estrada Avenue/SR-58 at-grade railroad crossing (CPUC # 001E-231.80, DOT # 752018L). The Commission appreciates the inclusion of the 2009 Traffic Impact Study (TIS) in the DEIR. Below are Commission's comments to the DEIR.

- 1.) The Commission continues to support the signalization of El Camino Real/Estrada Avenue intersection. The current stop controlled configuration results in queuing onto the adjacent railroad crossing from this intersection. Additional traffic generated by this project may increase the potential for queuing at the rail crossing. Subsequent to the 2009 TIS, the California Manual on Uniform Control Devices (CAMUTCD) was updated, adding Warrant 9 for intersections near an at-grade railroad crossing. The DEIR does discuss signalization of the intersection. However, there is no mention of adding railroad preemption, which ties the traffic signals into the railroad automatic warning devices. The new traffic signals must be interconnected with the existing railroad automatic warning devices for the system as a whole to operate effectively. Adding preemption to the new signalized intersection will clear any vehicles queued at the crossing prior to train arrival.
- 2.) The Commission continues to recommend installation of raised concrete medians on both approaches to the railroad crossing to reduce gate drive around incidents.
- 3.) The Commission continues to recommend extending the existing lane guidance striping currently on the east approach through the crossing to help delineate the traveled roadway



through the crossing. The current striping stops just east of the crossing.

- 4.) The Commission continues to recommend adding bicycle lanes through the crossing to match the planned bicycle lane installation on El Camino Real as part of the Salinas River Area Plan and the Santa Margarita Design Plan. The crossing may be currently used by bicyclists traveling to the nearby elementary school. Adding bicycle lanes will aid bicyclists traveling over the bridge.

Items 2-4 were discussed in the TIS as being considered by the Salinas River Area Plan and Santa Margarita Design Plan. However, the TIS states these items are not being considered as mitigations for this project because the “improvements are not currently funded.” The Commission recommends each project contribute a fair share portion to fund each of the above referenced mitigation measures.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. The proposed project has the potential to increase vehicular and traffic in the vicinity.

Measures to reduce adverse impacts to rail safety need to be considered in the Traffic and Circulation section of the FEIR. General categories of such measures include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossing
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing. Completion and submittal of a General Order (GO) 88-B will be required for any proposed work to the crossing along with appropriate project environmental documents per CEQA. The proposed mitigation measure of installing traffic signals at the El Camino Real/Estrada Avenue intersection falls under the criteria requiring a GO 88-B. Information on



Murry Wilson
San Luis Obispo County
June 27, 2013
Page 3 of 3

filing a GO 88-B can be found on the Commission's website here:
<http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/go88b.htm>.

We recommend that a safety diagnostic be conducted with the CPUC, Railroad and County at this crossing to address the project related traffic impacts and applicable mitigation measures.

Thank you for your consideration of these comments. We look forward to working with the County on this project.

Should you have any questions and to schedule the safety diagnostic, please contact me at (415) 703-3722 or email at felix.ko@cpuc.ca.gov.

Sincerely,



Felix Ko
Utilities Engineer
Safety and Enforcement Division
Rail Crossings Engineering Section
505 Van Ness Ave
San Francisco, CA 94102

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/3/13

Name*: Geiska Velasquez, North County Transportation Planner

Affiliation (if any)*: San Luis Obispo Council of Governments

Address*: 1114 Marsh St.

City, State, Zip Code*: San Luis Obispo, CA, 93401

Telephone Number*: (805)788-2104

Email*: gvelasquez@slocog.org

Comment: Thank you for the opportunity to review the Draft EIR for the proposed Las Pilitas Quarry Project. As the Regional Transportation Planning Agency (RTPA) and Metropolitan Planning Organization (MPO) for San Luis Obispo County we review local regionally significant projects for consistency with the Regional Transportation Plan (RTP) or other regional plans, such as roadway corridor or trail plans.

The proposed Las Pilitas Quarry is located adjacent to State Route 58 and will create vehicular trips on other regional facilities such as US 101 and El Camino Real, triggering the "regional significant" status for the project.

The Environmental Impact Report (EIR) prepared by the County identified noise, air, aesthetic and traffic impacts that are expected to be significant and not mitigable. These comments relate only to the latter two.

The EIR mentioned that SR 58 is identified as a "suggested scenic corridor" in the Conservation and Open Space Element of the SLO County General Plan. This Highway is identified by the State as an "eligible" State Scenic Highway, but at this point there are not plans for pursuing designation at this time. Use of this route currently does have high usage for scenic touring by automobile, motorcycle and bicycle clubs.

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

Place
Postage
Here

Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Air Pollution Control District
San Luis Obispo County

June 4, 2013

Murry Wilson
San Luis Obispo County
Department of Planning & Building
Government Center
976 Osos Street, Room 300
San Luis Obispo CA 93408

SUBJECT: APCD Comments Regarding Las Pilitas Quarry Draft Environmental Impact Report

Dear Mr. Wilson,

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 Las Pilitas Quarry Draft Environmental Impact Report (DEIR), which proposes a quarry and related improvements that would occupy approximately 41 acres within two parcels that total 234 acres. The proposed project is within the Rural Lands land use category and is located on the north side of State Highway 58 and east of the Salinas River, approximately three miles northeast of the community of Santa Margarita. The applicant is requesting a 25 to 58 year timeframe for the mining operation and phased reclamation of the mined site, with a maximum annual production of 500,000 tons, a portion of which will be recycled asphalt and Portland cement concrete.

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.**

APCD's goal is to accurately quantify the project's impact to ozone formation, particulate matter (PM), greenhouse gases and health risk impacts from the project's operations (on-site equipment and truck trips) and clearly define mitigation measures that ensure these projects are below thresholds of significance. After a review of this DEIR, the APCD was

unable to confirm the exact assumptions and formulas that were used to calculate the air quality impacts of this project. This information is necessary to ensure the DEIR fully categorizes all the emissions associated with this project. **APCD recommends that the EIR clearly state all assumptions used for calculating emissions. In addition, prior to finalizing the EIR, all assumptions, emission factors and supporting calculations (e.g., spreadsheets, CalEEMod reports, etc.) need to be provided to the APCD to enable review and verification of the calculations.**

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PROJECT SPECIFIC COMMENTS

Documentation of assumptions:

The APCD assessment of the DEIR cannot be finalized without complete information on assumptions used for emissions calculations, modeling and the health risk assessment. **The EIR should provide an expanded explanation as to what assumptions were used for the emissions calculations, modeling and health risk assessment, as discussed in comments 1 to 17 below:**

ASSUMPTIONS FOR CALCULATIONS IN EIR:

1. The APCD recommends that the EIR include a section on the assumptions used for emissions calculations, modeling and health risk assessment. The APCD recommends that this section include a table listing all assumptions (e.g., trip length, trucks per day, emission factors, etc.).
2. The EIR should provide an analysis of both the daily and annual operations (i.e., on-site and off-site emissions). Explain what throughput was assumed for the calculations (was it maximum permitted, daily, annual, average?).
3. The EIR should identify the truck trip rate assumption that was used in the calculations. From a review of Appendix D, it appears that the assumption was 273 trips per day. The EIR also indicates that 800 trips per day are possible. Assumptions of 273 trips per day and 800 trips per day differ considerably from a typical scenario. Quantify the different scenarios for reasonable worst case, daily and annual operations.
4. Quantify the operational air quality impacts when the mine output is at an average daily output and at maximum capacity. With maximum permitted capacity of 500,000 tons per year, what scenarios will allow 273 truck trips per day, 800 truck trips per day, vs. an average number of trips per day? Quantify daily and annual reasonable worst case emissions and compare them to the APCD's operational daily and annual thresholds.
5. Explain what unmitigated and mitigated operational phase equipment and emission factors were assumed in the calculations. Justify why these emission factors are appropriate. Assumptions that are included in the mitigated scenario need to be included in the conditionals of approval to ensure full implementation and compliance with the EIR.
6. From a review of Appendix D, it appears that a truck trip length of 25 miles was used. Please provide justification for this assumption. Indicate what markets were assumed for transport of material. Provide more detail about what part of SLO County is expected to receive the material and indicate whether trips originate or terminate outside of SLO County. Quantify the air quality impacts for the assumed truck trips.

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7. Provide more explanation about the scenarios where the trucks will transport recycled material to the project site and leave with aggregate material. Each scenario should be evaluated in the EIR and the project should be conditioned to ensure calculations clearly represent an operational scenario that is enforceable. 8
8. Indicate whether any truck staging areas are included in the emissions analysis. If it is assumed, then indicate the location and the idling assumptions that were used. 9
9. Include air quality impact analysis for alternative haul routes. Quantify and discuss whether the air quality is improved by the alternate routes and do the alternatives make air quality worse in some areas. 10
10. From the information provided in the DEIR, it is not clear whether the emissions from the truck trips associated with recycled materials and processing of recycled materials are included in the calculations. Describe the air quality impact from bringing recycled material on-site for processing. Quantify the air quality impacts of processing or cleaning this material. Quantify the impacts from removing any debris (metal, wood, asphalt, or other waste material). Indicate the assumption for volume of recycled material. Will recycled material be processed elsewhere - washed elsewhere or on-site? This project scenario will likely also impact fugitive dust emissions. 11
11. Greenhouse gas (GHG) impacts need to be quantified for the entire operational impact, including the on and off-site emission sources (off-road and on-road equipment) including any operation emissions from processing recycled materials or making Portland cement. Section 4.4 of the EIR should be updated to include a breakout of the GHG emissions that result from on and off-site emission sources. From a review of spreadsheets in Appendix D, it appears that the aggregate and recycling plant are electrified. If this is the case, this condition should be included in the conditions of approval. All emissions must be calculated and compared to the APCD's GHG threshold of 10,000 MTCO₂e/yr. The DEIR includes a reference to the SCAQMD GHG screening threshold. Please remove the reference to the SCAQMD threshold and refer to the SLOCoAPCD threshold. 12

COMMENTS LISTED BY PAGE NUMBER:

12. **Page 2-8**, 50 percent backhauling assumption: As stated in Section 2.3.3, Trip Generation and Truck Traffic, half of the truck trips hauling recycled material will leave the site containing aggregate. This was a key limiting assumption in calculating the air quality impacts from truck trip operations. The project should be conditioned to ensure calculations clearly represent an operational scenario that is enforceable. 13
13. **Page 2-9**, second paragraph: The DEIR indicates that "Up to 800 truck trips may be anticipated for a large project". It is unclear whether the maximum of 800 truck trips was evaluated in any of the emission calculations. The EIR should state how many 'large projects' are assumed each year for this project and the EIR should calculate the maximum daily emissions for those instances. In addition, the County's permit conditions of approval need to clearly identify the maximum number of trips that are allowed to on a daily basis. 14
14. **Page 4.3-12 & Appendix D, page 32, section 6.4:** The discussion on Toxic Air Contaminant Regulations should be expanded to include Silica, Trace Metals and Naturally Occurring Asbestos. Please provide additional information on these compounds - why they are a health concern, what mining activities result in health impacts from these compounds. 15

15. **Page 4.3-24, 25:** Impacts from mitigation measures MM AQ 1a and MM AQ 1b have been deemed "Significant and not mitigated" in the DEIR. The APCD does not agree with this classification. As seen in a number of approved projects throughout SLO County, off-site mitigation can be incorporated to reduce the project emissions below a level of significance. The Residual Impact for AQ-1a should be changed to Class II, "Significant but mitigable." Other mitigation measures to include in AQ-1a are the following: 1) limit daily number of truck trips or on-site hours of operation, 2) "No Idling" restrictions (as currently stated in AQ 1a, 5-minute idling is what is required by the State Air Resources Board, reducing the idling time below the state 5 minutes would further reduce air quality impacts of this project), 3) Electrification of equipment and limits on hours of operation, and 4) Development of an APCD approved comprehensive Activity Management Plan that identifies the specific mitigation measures that the applicant is committed to implementing (e.g., identify equipment that meets Tier 4 standards, repowered engines or installed verified diesel emission control strategies).
16. **Page 4.3-28, 29:** Impact AQ -1b indicates that the residual impact is "Significant and not mitigated". With mitigation measures as listed and required by the APCD CEQA Handbook, the impact becomes Class II, "Significant but mitigable". In addition, this section should be expanded to include a reference to APCD rules regarding opacity and nuisance (Rules 401 and 402 respectfully). Complete implementation of the mitigation measures shall manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) from any source project on-site. As defined in APCD's Rule 402, a person shall not discharge, from any source whatsoever, such quantities of air contaminant or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or public, or which cause or have a natural tendency to cause, injury or damage to business or property. .
17. **Page 4.3-33:** Risk values for individual receptors in Appendix D, Section 6.4, Table 13 are different than those listed in Table 4.3-9 in the main report – please make corrections so that the risk values are consistent.
18. **Page 4.3-33:** The mitigation measure MMAQ-2a states that mitigation measure AQ-1a serves as adequate mitigation for Impact AQ-2a. The DEIR should clearly state and quantify how MM AQ-1a serves as adequate mitigation for AQ-2a Mitigation Measures for DPM emissions. See Section 3.8 of the APCD CEQA Air Quality Handbook, for other measures, including "No Idling" and Electrification. Indicate whether electrification for some on-site equipment has been assumed in the calculations, as it appears this could be the case from a review of Appendix D.

Health Risk Assessment

Appendix D: Technical limitations to Health Risk Assessment (HRA) calculations should be discussed in the main body of the EIR. The HRA uses Atascadero meteorological data from the APCD station, which is the closest available meteorological station data. The Atascadero wind rose provided in Appendix D, Figure 4 indicates the Atascadero meteorological conditions used in the modeling analysis are influenced by air flow along the Salinas River valley (a valley aligned approximately north-south). The meteorological conditions on the project site will be influenced by local terrain – which are a series of ridgelines aligned approximately east-west – a significantly different orientation

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than the north-south aligned Salinas River valley. The narrative about the HRA results should discuss that the lines of equal risk are influenced by the difference in local meteorological conditions. Modeling with on-site meteorological data could provide different results. **The EIR should discuss the limitations of the analysis**, so the public understands the limitations of the information presented in the EIR.

Sensitive Receptors: In addition, were all residences and sensitive receptors in the vicinity of the project included in the health risk analysis? **If any sensitive receptors were omitted in the analysis, they should be added and the analysis revised.**

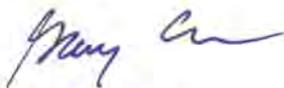
Transportation and Circulation / Land Use Compatibility

Section 4.11 and Section 4.14 both discuss County objectives and policies for the Santa Margarita Community that promote alternative transportation modes such as transit, bicycle and pedestrian use. It is currently stated on page 4.11-12 that "most of these polices do not apply to or directly relate to the proposed quarry project." APCD does not agree with this statement and recommends modifications to the EIR to mitigate the truck impact to the community of Santa Margarita.

The discussion of pedestrian and cycling impacts should be expanded in the main body of the EIR to address traffic impact on the local community and air quality. These issues could be addressed in both the Traffic and Circulation and Land Use Sections. As defined in the APCD's Clean Air Plan's sections on transportation alternatives and land use strategies, the APCD fully supports programs that promote alternative transportation, such as Safe Routes to School and complete streets. Multi-modal design is crucial to providing safe, effective options to driving the private automobile, thus minimizing vehicle miles traveled and the associated exhaust emissions which account for over 50% of the County's air pollution. Public perception of less safe pedestrian or cycling conditions may cause Santa Margarita residents to increase reliance on motorized vehicles to transport children to school; where they may previously have walked or used a bicycle - which could impact local air quality. The EIR should address the potential for increased traffic on Avenue I in Santa Margarita if traffic backs up on Highway 58, which would impact the air quality in the community. If this occurs, residents (sensitive receptors) may be impacted by increased diesel particulate matter concentrations near residences.

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/arr

cc: Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD

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070-141-070,071

San Luis Obispo County

C.01

Department of Planning and Building GENERAL SERVICES

2013 APR -4 AM 9:34

TO: Interested Party
DATE: April 2, 2013
FROM: Murry Wilson - Environmental Resource Specialist
VIA: Ellen Carroll, Environmental Coordinator
SUBJECT: Las Pilitas Quarry -- Notice of Availability of Draft EIR (DRC2009-00025)

The Draft Environmental Impact Report (DEIR) for the Las Pilitas Quarry is complete and available for public review and comment. The DEIR addresses the environmental impacts that may be associated with the request for a quarry and related improvements that would occupy approximately 41 acres within the 234 acre parcel. The proposed project is within the Rural Lands land use category and is located on the north side of State Route 58 and east of the Salinas River, approximately three miles northeast of the community of Santa Margarita.

Copies of the Draft EIR are available at the following locations: Santa Margarita Library, Cal Poly Library, and City/ County Library of San Luis Obispo. Hard copies are also available on loan and for review (CDs are also available) at the Department of Planning and Building, located at the 976 Osos St., Room 300, San Luis Obispo, 93408-2040. The EIR is on the Planning Department's web site at: www.sloplanning.org under "Environmental Impact Reports".

ENVIRONMENTAL IMPACTS:

The EIR focuses on the following issues: biological resources, wastewater disposal, water quality and supply, air quality, greenhouse gas emissions, aesthetics and visual resources, geology, public services and utilities, transportation and circulation, agricultural resources, noise, hazards and hazardous materials, recreation, land use, and growth inducement. The EIR also considers twelve alternatives in addition to the "No Project" alternative.

HOW TO COMMENT OR GET MORE INFORMATION:

Anyone interested in commenting on the draft EIR should **submit a written statement by 4:30 p.m. on May 20, 2013**, to me at:

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

If you need more information about this project, please contact Murry Wilson at (805)788-2352 or via e-mail: mwilson@co.slo.ca.us

PUBLIC WORKSHOP:

A public workshop will be held at the Santa Margarita Community Center (located at 9610 Murphy Street) on April 25, 2013 at 6:30 p.m. County staff and the County EIR consultant will be available to discuss the DEIR, the upcoming hearing process, and to answer questions on the information contained in the DEIR. While comments on the DEIR are anticipated, official comments must be submitted in writing to ensure the intent of the comment is capture and understood by the County and its consultant.

PUBLIC HEARING:

A public hearing before the San Luis Obispo Planning Commission has been tentatively scheduled for September 26, 2013, in the Board of Supervisors Chambers, County Government Center, San Luis Obispo. If you plan to attend, please call two weeks before this date to verify.

4.10 RECREATION

4.10.1 Existing Conditions

San Luis Obispo County Parks Department manages approximately 15,000 acres of parkland providing a variety of active and passive recreational facilities. Within the County of San Luis Obispo there are roughly 23 parks, 3 golf courses, and 8 “Special Places” (i.e., natural areas, coastal access areas, and historical facilities) operated by the County Parks Department. Urban regional parks account for about 644 acres; rural regional parks for about 11,398 acres; and mini, neighborhood, and community parks for about 214 acres (San Luis Obispo County 2006:12).

The County’s major camping, fishing and boating facilities are located at Santa Margarita Lake Regional Park and Lopez Lake Recreation Area. Although both parks are in rural settings, Santa Margarita Lake Regional Park (which is 8 miles southeast from the project site) has a more rustic feeling. This park provides scenic views, an extensive trail system, limited camping, and a peaceful setting. The closest park to the project site is Santa Margarita Community Park located approximately 2.4 miles to the southwest.

In addition, there is a proposed trail corridor located along the Salinas River as identified in the Parks and Recreation Element (Chapter 8, Table 5(b) page 65 and Map H). This proposed Salinas River Trail Corridor crosses generally through the southwest corner of the project site (Map H).

4.10.2 San Luis Obispo County Plans and Policies

County goals, objectives, and policies related to parks and recreation are described in the General Plan Parks and Recreation Element (San Luis Obispo County 2006). Many of these policies relate to regional concerns and the activities of the County and other agencies in developing recreational facilities, and do not relate to the evaluation of individual private projects. Several policies relate to the development of trail systems such as the Salinas River Trail, and these are addressed in Table 4.10-1 below.

4.10.3 Regulatory Setting

California Quimby Act Fees (Parkland Fees) are not applicable to the project since the project is a commercial use and not residential. There are no other specific regulations that affect recreational resources on or near the project site.

4.10.4 Assessment Methodology

The impact assessment in this EIR is based on a review of existing County recreational facilities and the proximity to the project site. Representatives of the San Luis Obispo County

**DRAFT EIR OSTER/LAS PILITAS QUARRY
RECREATION**

**TABLE 4.10-1
POLICY CONSISTENCY ANALYSIS – RECREATION**

Source	Policy Statement	Discussion	Preliminary Determination
Parks and Recreation Element/Policy 3.7	Trail Project Priority Criteria.	List of criteria for highest priority trail projects in the county.	Not applicable to project. Applies to County agencies.
Parks and Recreation Element/Policy 3.8	Trail Provisions to Protect Adjacent Land Use and Environment.	A list of provisions for trail projects to protect adjacent land uses and the environment. Most apply to specific design of trail when it is developed.	Not applicable to quarry project. Applies when specific trail is proposed by County.
Parks and Recreation Element/Policy 3.9	County Agencies Coordination.	County agencies will work together to coordinate the development, maintenance and use of trails.	Not applicable to project. Applies to County agencies.
Parks and Recreation Element/Policy 3.10	Extensive trail system shall be developed in viable segments.	Extensive trail systems such as the Salinas River Trail shall not be constructed until a viable link can be established.	Potentially Consistent.
Parks and Recreation Element/Policy 3.11	Eminent domain will not be used for trail establishment.	Eminent domain will not be used for trail establishment.	Consistent.
Parks and Recreation Element/Policy 3.12	Criteria for when private property may be considered for a trail easement.	A discussion of instances when a public trail, a trail dedication in easement or fee across private property shall be considered and may be obtained. 3.12.3. c. identifies consideration of a trail easement as a condition of project approval for a CUP.	Consistent.
Parks and Recreation Element/Policy 3.13	Trail dedication requirements as a condition of approval.	A discussion of criteria for a trail dedication as part of a discretionary permit.	Consistent.
Parks and Recreation Element/Policy 3.14	Required Finding for acceptance of a public trail corridor.	The approving authority must make findings that: 1) Sufficient funds are available for the trail's ongoing maintenance; and 2) The liability for the trail has been addressed pursuant to Policy 3.15.	Not applicable to quarry project. Consistency would occur at time of trail development.

**DRAFT EIR OSTER/LAS PILITAS QUARRY
RECREATION**

**TABLE 4.10-1 (CONTINUED)
POLICY CONSISTENCY ANALYSIS – RECREATION**

Source	Policy Statement	Discussion	Preliminary Determination
Parks and Recreation Element/Policy 3.15	County shall fully indemnify, protect and hold harmless private property owners who dedicate or grant a public trail easement.	Indemnification would accompany acceptance of easement or construction of trail.	Not applicable to quarry project. Consistency would occur at time of trail development.
Parks and Recreation Element/Policy 3.16	Abandoned public trail easement.	The County shall assure that if a public trail easement is abandoned, or if the liability acceptance is discontinued, the trail easement shall revert to the underlying property owner(s).	Not applicable to quarry project.

Parks Department were consulted regarding potential recreational concerns in relation to the proposed project.

4.10.5 Significance Criteria

With appropriate consideration of the significance criteria presented in Appendix G of the CEQA Guidelines, the County of San Luis Obispo has developed and adopted the following significance criteria to determine project effects for Recreation within San Luis Obispo County. Accordingly, the Las Pilitas Quarry project will have a significant impact if it will:

- a. Increase the use or demand for parks or other recreational opportunities, such that substantial physical deterioration of the facility would occur or be accelerated; and/or
- b. Affect the access to trails, parks, or other recreational opportunities; and/or
- c. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.10.6 Project Impacts and Mitigation Measures

Increased Use or Demand

Demand for park and recreational facilities is closely related to changes in population and housing. Increased demand for park and recreational facilities would be anticipated if a project would be a significant source of new population and/or housing. The project is a commercial quarry operation that does not include any new housing and is not a significant source of new population as identified in the initial study. Therefore, the proposed project would not generate a significant increase in use or demand for park and recreational facilities

**DRAFT EIR OSTER/LAS PILITAS QUARRY
RECREATION**

and would not contribute to or accelerate the deterioration of any park and recreation facilities. The project impact related to the demand for recreational facilities is less than significant.

Description of Impact	Mitigation Measure	Residual impact
IMPACT REC-1: Increase Use or Demand for Recreational Facilities. The project may potentially increase population and/or provide new housing, and it may potentially increase the demand for recreational facilities.	IMPACT REC-1: Increase Use or Demand for Recreational Facilities. Since this effect is less than significant, no mitigation is required.	Less than significant

Effect on Access to Trails, Parks or Other Recreation Opportunities

The proposed quarry site is approximately 1,100 feet from the Salinas River corridor at its closest point. A portion of the proposed Salinas River Trail Corridor generally crosses through the southwest corner of the project site. The construction and operation of the quarry will have no direct effect on access to any future trail in this area or on recreational activities such as hiking that may occur along the trail. However, allowed uses in the Rural Lands category on the balance of the site include agricultural activities and improvements related to agricultural operations. It is possible that these future uses may pose a conflict with the development of the future Salinas River Trail and/or may be incompatible with the recreational uses along this future trail.

However, the inclusion of a new trail easement on the larger subject property is addressed in this EIR since a discretionary action (Conditional Use Permit [CUP]) is required for the quarry and the County may include the offer of a trail easement as a condition of approval for the CUP, in accordance with Policy 3.12.3.c in the Parks and Recreation Element (San Luis Obispo County 2006:28). 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. Acceptance 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 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 on the property. For this reason, any future trail design would have to be developed with the property owner input,

Development

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**DRAFT EIR OSTER/LAS PILITAS QUARRY
RECREATION**

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 is proposed. In summary, this effect is considered a potential significant impact that can be mitigated.

Description of Impact	Mitigation Measure	Residual impact
<p>IMPACT REC-2: Access to Future Salinas River Trail. Future agricultural uses, as allowed by the Rural Lands category, may pose a conflict with the development of the future Salinas River Trail and/or may be incompatible with the recreational uses along this future trail.</p>	<p>MM REC-2: Access to Future Salinas River Trail. Prior to issuance of a <u>Notice to Proceed</u>, the property owner shall offer a <u>future</u> 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 <u>25</u> dedication shall be a minimum of <u>25</u> 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 Parks Department.</p>	<p>Less than significant</p>

construction Permit

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Cumulative Effects

The project is about one-half mile distance from the existing Hanson Santa Margarita Quarry. Both quarries are within the EX1 Extractive Resource Combining Designation, as shown on Figure 3-1. In this region, the EX1 Combining Designation is placed over the La Panza Granitics, a large area that is classified as MRZ-2 by the California State Geological Survey (1989:9). Since this Combining Designation is specifically intended to protect mineral resources, it is reasonable to expect that future quarries will be approved and constructed in this area.

San Luis Obispo County Parks Department manages approximately 15,000 acres of parkland. Development of the larger Salinas River Trail system would have a positive recreational benefit. It may also have relatively minor adverse environmental effects associated with trail construction and increased human activity along the riparian corridor of the river. These types of effects are associated with all recreational trails and would have to be evaluated at the time when a specific trial alignment and design are formulated, which is when measures to minimize any adverse effects could also be identified. The applicant is requesting an approval for a quarry that would have a life of at least 25 years (or longer) and without the offer of dedication could potential result in fragmentation of the Salinas River Trail for a minimum of 25 years. Without the offer of dedication, the project could potentially result in impacts to County trail systems, as would all projects on lands adjacent to the Salinas River.

**DRAFT EIR OSTER/LAS PILITAS QUARRY
RECREATION**

Through the planning and environmental review of projects in the region, however, and implementation of County policies and other requirements, the potential effects on the Salinas River corridor and trail system would be less than significant.

In summary, due to the non-residential nature of this quarry and the Hanson Quarry, and the offer of dedication for the trail alignment, potential cumulative impacts to Recreation are less than significant.

Description of Impact	Mitigation Measure	Residual impact
IMPACT REC-3: Cumulative Effects related to Recreation. Development of the proposed project and future quarries in the region, along with future residential development in the vicinity of the Salinas River, may encroach on or adversely affect the Salinas River corridor and reduce its natural resource and recreational values.	MM REC-3: Cumulative Effects related to Recreation. Since this effect is less than significant, no mitigation is required.	Less than significant



Northern Chumash Tribal Council

A Native American Corporation - NorthernChumash.org
67 South Street, San Luis Obispo, CA 93401 805-801-0347

Murry Wilson
Environmental Resource Specialist
County of San Luis Obispo
Department of Planning and Building
(805) 788-2352

June 5, 2013

Re: **Comments Las Pilitas Quarry Project**

The Northern Chumash Tribal Council (NCTC) is a sovereign California Native American Tribal Government, located at 67 South Street, San Luis Obispo California. NCTC is dedicated to the preservation and protection of the Chumash Sacred Heritage in San Luis Obispo County. NCTC's Cultural Resource team members are **experts** in Chumash Cultural Resources preservation and management. NCTC is the living Chumash Nation today, we are here today, we have always been here and we are the **experts** on our culture and life ways, as it has been past down, since the beginning of time, from elder to child, true knowledge.

The Salinas River from Santa Margarita, and its tributaries, to the Monterey county line is Chumash Nation territory, as it has been told to us by our ancestors. Modern science has many false theories about the Chumash and most of them are wrong as to the territorial Chumash/Salinan boundaries. These modern day anthropologies and archaeologist have use animal breeding patterns studies to make the false statement that the Salinan territory was all the way down to the Cuesta Grade, this is obscured, animal breeding patterns are a horrible way to even begin to discuss human being territorial issues, we the Chumash Nation have always known where our land is, and just because an American marries a Canadian, they do not move the boarders. This land is incredibly Sacred, all along the Salinas River and its tributaries are hundreds of Chumash villages, camps, gathering areas, ceremonial places and living life ways, the area where the above referenced property is proposed is a Chumash Sacred area, and must be treated as such.

NCTC is a stakeholder; NCTC was contacted back in 2010 time period concerning the first NOP, and NCTC had concerns back then, see email between Jeff Oliveira and NCTC.

Hi Fred-

I hope your Wednesday is going good so far. I wanted to get back to you regarding your questions on the scoping meeting notice you mentioned for this mining project in Santa Margarita. Your message mentioned concerns about cultural resources and archaeological issues with a site so close to the Salinas River and its tributaries. The site was surveyed for archaeological resources and no evidence was found. I took a tour of the site yesterday and I can say that it is an inhospitable environment. No water (the River doesn't actually cross the property), no good tool making rock outcrops (only hard granite), no flat land anywhere, no trees in the mining area and not a good hunting area. However, this project will be going through the EIR process. The EIR consultant will take another look at cultural resources and determine if new studies are needed.

If you'd like to come in and review any of the files, just let me know. If you have any questions about the project and would like to discuss it further, please feel free to contact me. Thanks Fred!

**ENVIRONMENTAL & LAND-USE CONSULTING
EDUCATIONAL SERVICES TEACHING NATURE, NATIVE CULTURES &
FARMING**

NCTC was not noticed of this current NOP and as a stakeholder should have been, therefore the NOP is flawed and should not move forward without proper noticing to all stakeholders. Under the UN Declaration of the Rights of Indigenous Peoples, indorsed by County of San Luis Obispo, reemphasizing the living rights of the Chumash Nation and its Peoples, as a Race of Peoples, as a recognized Tribal Government of the UN, NCTC does not give you permission to move forward without proper notification of the most important Stakeholders, the Chumash Peoples. Notification to the California Native American Heritage Commission is not proper notice, the commission sent you, the county a letter with all the names of the Native American Chumash Tribal Government to contact, the county did not notice these tribal government as directed by the NAHC.

1

The cultural resource report compiled by Heritage Discoveries Inc. in 2009 is less than six pages of inaccurate, incomplete, misleading data that does not offer a complete scientific review of the proposed project site. This site is connected to all the registered and unregistered California Native American Chumash sites around the area of the proposed project, everything was used by our ancestors, all the land was traveled upon, the Chumash did not have HAB (hot air balloon) technologies at that time to hop from one spot to another, we live over all the land, all land was and is important to the Chumash. Because the cultural resource reports is incomplete and subpar, NCTC as Cultural Resource Management EXPERTS, NCTC is asking for a EIR, to have a full extended Phase I/II survey with California Native American Chumash present.

2

The MND cannot move forward without the proper complete documentation, the MND is flawed and must not move forward.

3

Sincerely,

Fred Collins
Tribal Administrator
Northern Chumash Tribal Council



EPI-Center, 1013 Monterey Street, Suite 202, San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384

San Luis Obispo COASTKEEPER®

June 5, 2013

Murray Wilson
Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

2013 JUN -5 PM 3:45

SLO CNTY
PLANNING/BUILDING
DEPT

VIA FACSIMILE: 805-781-1242

Subject: Las Pilitas Quarry Draft EIR: Comment

Dear Mr. Wilson,

Thank you for the opportunity to review and comment on the Las Pilitas Quarry DEIR.

San Luis Obispo COASTKEEPER®, a program of Environment in the Public Interest, is organized for the purpose of ensuring that projects affecting water quality, watershed and land use planning, and environmental protection comply fully with sound planning principles and with all environmental laws of the State. As such, the SLO Coastkeeper and our supporters are concerned that the Las Pilitas Quarry Draft EIR is deficient in its treatment of mitigations and fails to propose proper protections for a California Fully Protected Species. Two of our specific concerns follow:

1. Mitigation Measure BIO-1, BIO-7, and BIO-9 rely on a strategy that appears to fail as actual mitigation under CEQA Guidelines Sec 1508.20. The DEIR describes the sale of a Conservation easement covering approximately 69 acres as mitigation for the potential significant impact resulting from the complete conversion of approximately 41 acres of habitat to the requested gravel pit. However, no analysis is provided to specifically demonstrate that merely selling a conservation easement to a third party will avoid, minimize, repair/rehabilitate, reduce or eliminate, or provides a realistic substitute for the identified significant impact to 41 acres of habitat that reduces that impact to less than significant.

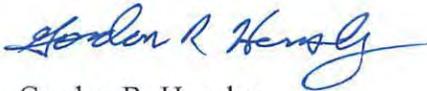
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2. The DEIR identifies significant potential impact from development of the gravel pit to Ring-tail Cat (*Bassariscus astutus*). Ring-tail is listed as a Fully Protected species by the California Department of Fish and Wildlife. Our research indicates no licenses or permits may be issued for their “take” except for specific conditions that do not apply to developing a gravel mine. Under the California Endangered Species Act (CESA) protections extend to its habitat. However the DEIR proposes to completely remove dens and habitat identified as suitable on the preferred pit excavation site.

For these reasons I respectfully urge the Planning Department to direct additional analysis of the proposed project before advancing this Draft for consideration of certification..

Sincerely,



Gordon R. Hensley
San Luis Obispo Coastkeeper





CENTRAL COAST SALMON ENHANCEMENT, INC.

*Enhancing Fisheries while
Improving the Environment*

June 4, 2013

Murry Wilson
Environmental Resource Specialist
Department of Planning and Building
976 Osos St., Rm. 300
San Luis Obispo, CA 93408

RE: Oster/Las Pilitas Quarry EIR Comments

Dear Mr. Wilson,

Please accept the following comments on the Oster/Las Pilitas Quarry EIR.

Biological Resources

Regarding the reclamation process involving restoring sections of the hill-side as quarry activities cease over time, what is the provision for guaranteeing that funding will be in place for restoration activities? If the quarry operation fails as a business at any point in the project life-time, there must be a mechanism to ensure that reclamation/decommissioning for areas where mining has ceased can be paid for. If no such condition yet exists, I suggest a condition that requires the company to provide commensurate restoration/decommissioning funding prior to the start of use and excavation of subsequent sections of the mine so that restoration can be accomplished by the county or a vendor in the event the mine owners cannot.

1

Does declaration of open space and concomitant oak preservation suffice as mitigation? I suggest a condition of replacement of lost oaks at a 2:1 ratio as adequate mitigation. Further, the open space mitigation is less than adequate. I suggest a condition of off-site mitigation through the purchase of lands in the amount of 41 acres of equal or greater value to replace those disturbed, to be placed into permanent conservation easement.

2

While direct impact on the threatened South-Central California Coast Steelhead trout cannot be addressed in this particular single project since the species is not directly affected, the larger issue of extraction in and adjacent to the Salinas River remains unassessed and of critical importance. With the County's RFP entitled The Salinas River Watershed Management Plan in February 2010 not being acted upon, it is not possible to fully assess and confirm oversubscription of vested mines and their future cumulative impact to instream and adjacent contributory gravel availability for the recommended (National Marine Fisheries Service) 50% by-pass. Attempting to review and approve mines in this vicinity without that wider assessment in place makes cumulative impacts portrayed in this EIR invalid. Without a solid understanding of exactly how much of this material is replenished every year during the rainy season, how much actual mineral extraction the larger watershed system can support and how the use of the watershed systems will be monitored to ensure that downstream impacts to neighboring

3



CENTRAL COAST SALMON ENHANCEMENT, INC.

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properties (i.e., headcutting and erosion) are avoided, reviewing individual extraction projects is irresponsible and not well-founded.

↑ 3

According to the County’s aforementioned RFP:

“...As a result, it was determined that a comprehensive resource inventory and assessment of the Salinas River, its tributaries and associated watershed would be a valuable tool. In addition, the County has determined that to best manage this system, studies are needed to determine the scientifically based limit for safe annual yield of material from the system along with the identification of areas appropriate for extractive activities in consideration of other land uses in order to encourage sustainable and renewable operations in the river system. In addition to providing the County with a comprehensive understanding of the valuable local sand and gravel resource, this plan would be intended to allow the County to calculate projected needs for river resources and measure that against current capacity, and assess the best locations and methods for resource development from the perspective of **protecting public trust resources.**”
(Emphasis added.)

According to a document prepared for a separate mine proposal, Preliminary Bedload Sediment Budget for Salinas and Estrella Rivers, May 4, 2009, and attached here for the record, California Department of Fish and Wildlife Senior Engineering Geologist Kit Custis urged the county to move toward a cumulative effects analysis and environmental impact report to cover extractive uses to better understand the existing bedload deficit of the Upper Salinas River.

4

If the county continues to act in evaluating Upper Salinas River extraction projects in a piecemeal fashion, it does so in consideration of the liability for not protecting the public trust resources the county apparently understands to be central to this discussion.

Note name change of California Department of Fish and Game (CDFG) to California Department of Fish and Wildlife (CDFW).

5

Water Supply

Experience has shown that projects might intentionally underestimate proposed water usage for expedient review and approval of the proposed project, only to subsequently request and submit water EIR addendums requesting additional water which do not require CEQA public review. Therefore, I request that a condition be added that expressly forbids additional water use requests via water EIR addenda.

6

Thank you for the opportunity to provide comments.

Sincerely,

Stephnie Wald, Watershed Projects Manager



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

O.04

Date: 06/04/13

Name*: DREAMING THE SALINAS, A Project of Ecologistics, Inc.

Affiliation (if any)*: Ecologistics, Inc., A 501(c)(3) Non-Profit Corporation

Address*: 4349 Old Santa Fe Road #6,

City, State, Zip Code*: San Luis Obispo, CA 93401

Telephone Number*: 805.548.0597

Email*: info@ecologistics.org and info@dreamingthesalinas.org

2013 JUN -5 PM 3:13
SLO COUNTY
PLANNING/BUILDING
DEPT

Dear Mr. Murry Wilson:

Comment: Dreaming the Salinas, a Project of Ecologistics Inc., a California Non-Profit Corporation,
respectfully submits the following comments to the DEIR for the Las Pilitas Quarry
Conditional Use Permit and Reclamation Plan.

~~Dreaming The Salinas is a four-years young innovative and collaborative region-based
restoration and conservation initiative to reconcile nature and cultures along the 174-mile
Salinas River corridor and the 4200 square mile watershed it serves. The premise is that
dreaming the future can create the future, that by asking what success would look like and
what are our dreams a transformative process can be launched resulting in envisioning do-able
dreams. Through meetings and workshops we bring together community leaders, experts,
stakeholders, farmers, military users, concerned citizens, environmental groups, fishermen,
watershed communities, Native Americans, State and Federal Agencies, and Monterey and
San Luis Obispo Counties, for the purpose and in the hope of leveraging the network and
resources of community partners and friends, to identify actions that can be taken to restore
and conserve the Salinas watershed. As permaculturist Brock Dolman says, our watersheds
are our lifeboats.~~

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

The Salinas River has been identified as the most degraded major watershed in California. The river runs from the mountains in the Los Padres National Forest above Lake Santa Margarita in San Luis Obispo County and terminates in Monterey Bay above Seaside near Moss Landing and Elkhorn Slough. Damming of its tributaries has resulted in a loss of water volume, causing loss of critical habitat for anadromous species in the River and its tributaries, and, combined with groundwater pumping near the River, is threatening the River's Free Flow. The lack of water at the far end of the river has caused salt-water intrusion problems in Monterey County. Extensive sand and gravel mining, far in excess of the River's replenishment rate, has diminished natural silt flows which has caused the river to carve out new borders, resulting in a loss of farmland. Siting of industrial uses along the River, like asphalt recycling plants, has had impacts on soil and water quality and the noise has impacted humans and wildlife. Human activity in the river has also affected its use by wildlife as a migration and habitat corridor for wildlife and recreation by humans.

Water Supply. Section 4.13 of the DEIR lacks the specific and foundational information necessary to determine what if any water right the applicant may have. For each a) existing source of water serving either parcel currently; and b) for each source of water intended to be utilized by the Project on either Parcel, please provide:

- Specific point of diversion or extraction (hereafter collectively referred to as "Diversion") [include surface source e.g. Moreno Creek, or Salinas River or, if groundwater, well; APN; watershed or sub-watershed; GIS coordinates; date of first diversion; date of last diversion]
- Means of Diversion
- Specific Place of Use
- Purpose of Use
- Amount of Use (definite quantity of water, including any projected seasonal variations)
- Storage [whether any of the diverted water will be stored, and if so, where, watershed or sub watershed of diversion or extraction and of use)
- Notice [whether any notice was ever given of a claim of right, if so when and how, and where was such notice effectuated]

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- the claimed nature of the water right claimed (e.g. riparian, overlying, post 1914 appropriation, pre 1914 statutory appropriation, pre 1914 non-statutory appropriation), date on which priority of use claimed; if a nonstatutory appropriation, date applicant claims completed;

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Other Watershed Impacts. Please provide factual support for the DEIR's contention that Salinas River flow, including underflow, is not directly or indirectly related to the Paso Robles Groundwater Basin.

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Water Quality. Aside from the hazards of turbidity and sediment, the Project's intent to recycle asphalt raises a serious specter of the contamination of soil and river water by hazardous materials and byproducts of asphalt recycling, including coal tar and dust. These are never good for the health but are particularly problematic in the aquatic environment where they are quickly assimilated by fish. We submit that the DEIR's treatment of hazardous waste is deficient both from the perspective of human health and that of steelhead and slalom.

4

Endangered Species. The DEIR election to write off steelhead and therefore ignore toxic impacts on the endangered fish looks silly in light of the federal-state-local commitment of funds, restoration efforts, and value of a reestablished steelhead fishery. The DEIR should be supplemented with current science on the effects of contaminated water, particularly the hazardous by products on fish of asphalt derivatives.

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Paradigm Shift. One may have hoped we had moved beyond the days where our rivers serve as the sewers of industry. Don't Santa Margarita, Highway 58 which is being promoted for scenic highway designation, and the Carrizo Plain, warrant a paradigm shift where we take back and restore our rivers? Celebrate them for the beauty, wildlife corridors, recreation, kayaking, biking, eco and recreation tourism, and Biodiversity that they add back to our communities? Look at what Paso has done to take back the river! The impacts of this industrial use and its related trucking burdens on aesthetics, and eco/wine/recreation tourism should have been more clearly considered in the EIR. This would be the second mega quarry on just this one reach of the river. Dare we reimagine the North County as being more than just the home of large extractive industries?

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Indigeneity. The DEIR's finding of no impacts on cultural resources is not credible just on the basis of anecdotal knowledge. This area along the river was witness to some of the most numerous large scale Chumash settlements, gravesites, ritual sites in all of California and here the river and its banks have yielded much hard evidence of the people who still call this home. A supplemental study by a county appointed consultant is important for county process and appearances as well so they don't just rely on almost 4 year old study by the applicant's consultant, and one that apparently failed to even try to collaborate with the Chumash Council.

Trails. The DEIR should be supplemented with more discussion of making sure the Project will be consistent with and still allow trails and hiking opportunities in the River's corridor.

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Santa Lucia Chapter
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June 5, 2013

mwilson@co.slo.ca.us

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

COMMENTS OF THE SIERRA CLUB ON THE DRAFT EIR FOR THE OSTER/LAS PILITAS QUARRY

Dear Mr. Wilson,

We wish to point out problematic areas in two sections of the Draft EIR.

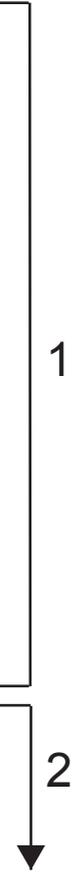
4.5 BIOLOGICAL RESOURCES

MM BIO-6: Effect on California Red Legged Frog (CRLF) states that “Prior to authorization to proceed with Phase 2 of the quarry, or any preparatory work that would impact the main drainage located in the Phase 2 area, the quarry operator shall retain a qualified biologist to conduct a habitat assessment and/or protocol survey for CRLF in accordance with guidance published by the U.S. Fish and Wildlife Service current at the time. If CRLF is determined to be present, the quarry operator shall either modify the project design and implementation to avoid any take of the species, or obtain the appropriate permit or authorization from USFWS to allow any specified take of the species.”

This constitutes piecemealing and deferred mitigation. Such a habitat assessment or protocol survey should be completed as part of this project’s environmental review process and prior to the issuance of the Conditional Use Permit. If the CRLF is determined to be present, the EIR should specify exactly how the project design and implementation will be modified so as to avoid any take, and analyze how such modifications will affect the impacts and mitigations for the project as a whole, not defer this potential mitigation measure to a future date and unspecified means.

4.11 TRANSPORTATION AND CIRCULATION

A fundamental flaw in the EIR’s traffic impact estimates and proposed mitigations lies in the choice to use the estimated 273 trips per day average, rather than peak traffic, as stated at 2.3.3:



“It is also possible that for specific projects, these average numbers of trips per day may be exceeded for short periods. Up to 800 truck trips per day may be anticipated for a large project.”

Even using the lower number from the estimated average rather than the appropriate maximum figure for truck trips per day, mitigations for these impacts are deferred, inadequate, or do not address the potential impacts they purport to mitigate.

The EIR states:

The project will generate heavy truck traffic during the morning and afternoon, which could interfere with traffic and pedestrian activity at the Santa Margarita Elementary School. This is considered a potential significant impact that can be avoided with appropriate scheduling of truck activity associated with the project.

The Applicant Proposed Measure APM LU-1a reads in part:

Prior to any commercial production or sales at the quarry, the Applicant shall prepare and submit a Traffic Control and Management Plan (TCMP) which be updated and resubmitted annually no later than July 1 of each year. The TCMP shall ensure that trucks arriving at or leaving the quarry reduce conflicts with peak pick-up and drop-off and bus arrival/departure times at Santa Margarita Elementary School.

The proposed measure constitutes deferred mitigation, which is not permissible under CEQA. At a minimum, the proposed measure should demonstrate how, with a potential schedule of up to 800 truck trips per day, it would be physically possible to schedule this volume of traffic so as to avoid peak pick-up and drop-off and bus arrival/departure times at the school. Lacking this, the EIR offers no plan or evidence of the feasibility of a plan that would mitigate this significant impact let alone cause it to be “avoided with appropriate scheduling.” Lacking this specificity, this measure is not acceptable as mitigation. Moreover, the EIR’s promise of avoidance of this potential significant impact becomes instead a promise of “reduce[d] conflicts” in the Applicant Proposed Measure, a standard that is not quantified and is thus impermissibly vague.

The EIR states that heavy truck traffic has “the potential to be incompatible with surrounding land uses that generate pedestrian traffic, such as the Santa Margarita Elementary School and the downtown business district.” Rather than “potential,” it appears that the creation of such incompatibility is a certainty. Nor are the proposed flashing crosswalk motion sensors, 2-way radios issued to crossing guards and the issuance of printed admonitions to drivers to obey the speed limit relevant to the ostensible purpose of the Applicant Proposed Measure, i.e. alleviating “the potential land use incompatibility of the project relative to the Santa Margarita community” represented by heavy truck traffic at this location.

We would also suggest the EIR evaluate the potential land use incompatibility of heavy truck traffic relative to the activities planned by the Santa Margarita Ranch – i.e. restaurants, wine tasting, etc.

The EIR states:



On the right angle turn of SR 58 at J Street, although future traffic from the Santa Margarita Ranch Agricultural Residential Cluster Subdivision may cause a significant impact due to its contribution towards unsafe conditions at this location, the proposed quarry traffic will involve slower moving trucks. The project may not improve the situation at this turn, but it should not exacerbate it.

The EIR here conflates the issues of the car traffic of a subdivision with heavy truck traffic of an industrial site. The EIR should note the different safety and hazard issues presented by these two different types of traffic, beyond the fact that trucks are “slower moving.” The EIR should provide an estimate of what percentage of trucks, based on traffic volume over the life of the project, are statistically likely to be involved in accidents, experience brake failure, or fail to make the right-angle turn at SR 58 and J Street, the safety impacts presented by a truck laden with explosives or toxic chemicals involved in this accident scenario, and the adequacy of the project’s proposed \$5 million to cover general liability for same.

Such statistical analysis should also be used to recalculate what the project should pay as its fair share of the Cumulative Contribution to 2030 Traffic Volumes at MM TRAFFIC-4.

The EIR concludes that with mitigation, “cumulative traffic impacts would remain significant and unavoidable.” The same conclusion is reached with regard to scenic vistas, cumulative effects on aesthetics and visual resources, emissions of Reactive Organic Gases, Nitrogen Oxides and PM10, and construction and traffic noise levels. This means that if it were to certify the EIR, the County would need to make a finding of overriding considerations to support a claim that the project’s benefits outweigh its significant environmental impacts. As most of the project’s benefits redound to the applicant, with any economic benefits to the county obtainable from a similar project that could be sited elsewhere without the significant and unavoidable impacts and land use incompatibility relative to the Santa Margarita community which this project presents, there is no support for such a finding.

Thank you for your attention to these concerns,



Andrew Christie
Chapter Director



Terra Foundation
P.O. Box 528
San Luis Obispo, CA 93406
 805-234-1769
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2013 JUN -5 PM 3:13
 SAN LUIS OBISPO COUNTY
 PLANNING/BUILDING
 DEPT

June 4, 2013

Hand Delivered

Mr. Murry Wilson
 Environmental Resource Specialist
 Department of Planning and Building
 976 Osos Street, Room 300
 San Luis Obispo, CA 93408-2040

Subject: Las Pilitas Quarry CUP/Reclamation Plan Project DEIR

Dear Mr. Wilson:

The Board of Directors of the Terra Foundation herewith submits its initial comments to the Draft EIR for the Las Pilitas Quarry Project (DRC2009-00025).

The Terra Foundation is a 501 (c) (3) tax-exempt corporation, headquartered in San Luis Obispo, CA. The Terra Foundation's corporate and educational center occupied the property at 6790 Calf Canyon Highway, Santa Margarita, CA from 1990 through 1997, directly adjacent to and across the Salinas River from the site of the proposed Las Pilitas Quarry Project. During that period, Terra hosted onsite workshops and retreats involving organic gardening and applied research on urban farming; green waste composting and worm bins; land restoration on overgrazed ranch land and declining habitat quality; river study and restoration; and spiritual knowledge garnered from an eclectic range of sources. Terra still has serving board members, for example Dr. Richard Smith, who were involved during its tenancy on the property on Calf Canyon Highway. We have remained involved with the property, most recently with helping organize a permaculture design course to be held there this summer. We are pursuing an active partnership with the residents and other environmental groups to facilitate a steelhead restoration project on this important reach of the river, and we also serve as a bridge for the Indigenous People of San Luis Obispo County to claim their culturally significant legacy on the land.

The Terra Foundation's comments primarily focus on four (4) areas of concern:

Impacts on Endangered Steelhead Habitat Restoration. Our first concern is that of restoration of endangered steelhead habitat on the river. A University of California Davis assessment of fishery habitat on properties on this reach of the river, including on the property parcel at 6790 Calf Canyon Highway, has identified this reach as a very important point on the stream for steelhead habitat restoration. Data on river conditions on the river along the quarry project boundary collected over the past two decades is expected to provide valuable baseline for restoration work of steelhead habitation. Just upstream, less than a mile in distance, the Pierce Dam is proposed to be removed, and with its removal will come a challenge to mitigate the sediment issues which may accompany the dam removal. With the involvement of UC Davis, the mitigation of the sediment issues, along with the enhanced flow of the river, will provide a much-enriched steelhead habitat in

the next few years. Terra had earlier studied steelhead restoration, corroborating UC Davis's postulated significance of this reach of the river for habitat restoration. NOAA and National Marine Fisheries have also expressed interest in steelhead restoration programs there.

Water Quality and Supply. Secondly, Terra is very concerned about water quality and supply issues brought about by the proposed Project. Because of the wide interest in restoration of the steelhead habitat, water supply and quality become primary issues. Increased turbidity and sedimentation caused by runoff from the quarry could impact the habitat restoration studies quite negatively. The river must be maintained in the most pristine condition possible, and certainly any degradation of the habitat of this endangered species should not be tolerated. A large mining operation relying on water pulled and diverted from the river or its underflow, and runoff, can be expected to be detrimental to the success of steelhead habitat restoration along the boundary of the quarry property. The DEIR is more than vague on the source and amount of water to be used by the project, but Terra believes any loss of water attributable to Project diversions would be a threat to the steelhead. Impacts of water usage, place or places of diversion, places of use, and return flow on water quality and the free flow of this reach of river require careful assessment.

Impacts on Cultural and Indigenous Legacy. Thirdly, one of the specific purposes of the Terra Foundation specified in its Articles of Incorporation is: "To teach respect and responsibility to the land through Indigenous Peoples' rituals and ceremonies as well as other beneficial teachings." In the spirit of our Articles, we have grave concerns about the proposed Las Pilitas Quarry Project on the grounds that the quarry applicant's archaeological survey completed by Heritage Discoveries, Inc. in 2009 is incomplete. The survey states, "A prehistoric site has been located immediately west of the Las Pilitas Rock Quarry study area. Site CA-SLO-1664 occupies a terrace on the Salinas River (Orlins et al, 1994). No evidence of this site was found during the present survey *which did not extend to the river terrace area.*" (Italics added.) This report indicates that the archaeologist, Thor Conway, did not complete a thorough investigation of the specific area in which he would most likely have found artifacts or remains. The Draft EIR should be supplemented with a better, more complete record of past indigenous activity on and immediately adjacent to the project site prepared by a County-appointed consultant.

In addition, I have spoken with Fred Collins, Northern Chumash Tribal Council representative, and learned he did not participate in the archaeological survey, nor was he invited to participate. This is a grave oversight on the part of the County Environmental Division.

During the course of Terra's tenancy on the property, many artifacts from prior indigenous habitation were discovered. Most were left in place, but some were unearthed during the installation of the State Water Project aqueduct and handed over to the Department of Water Resources. Those artifacts are presumably still in the care of the DWR. In a letter to the Department of Water Resources dated December 5, 1995, Mr. Ed Ward, former CalPoly professor and CEO of Terra, now deceased, requested that all artifacts be returned to him. The artifacts have not yet been returned.

In 1995 correspondence with the California Department of Transportation about the reach of river between the Oster property and the then Terra education center, Mr. Ed Ward concludes that based on artifacts found on-site a "6,000 - 8,000 year - old Indian river campsite" had been located in the immediate vicinity of the confluence of the creek and river between the Oster and Terra parcels.

"The California Coastal Act of 1976 and the California Environmental Quality Act (CEQA) of 1970 contain policies that require reasonable mitigation of potential significant impacts upon important examples of historic and prehistoric remains on public and private lands. Ninety-five percent of California's cultural history is contained in the archaeological remains of the prehistoric culture. The archaeological sites representing these thousands of years of culture are among the most fragile, nonrenewable resources in the state. Detailed study of archaeological sites is the only method of gaining knowledge and understanding of prehistoric cultures. In addition, many of the archaeological sites, the artifacts and remains therein are sacred and an important part of the heritage, religion and culture of the Native American Community." (Archaeological Resource Protection in San Luis Obispo County)

The same archaeological report referenced above and prepared by the project applicant's consultant, "An Archaeological Surface Survey for the Las Pilitas Rock Quarry Project, Highway 58 Area, Northern San Luis Obispo County, California," prepared by Thor Conway Heritage Discoveries Inc., and dated April 16, 2009, states the following:

"The greater Paso Robles, Templeton, Atascadero and Santa Margarita areas have strong cultural importance, since the border between traditional Northern Chumash lands and the Salinan tribal territory is located nearby. Originally, California researchers placed the division between these groups at the Santa Lucia Mountain Range just north of San Luis Obispo. As mission records were examined for more details, it became apparent that the *Northern Chumash once lived along the upper Salinas River. A series of villages and hamlets were located near the river or along tributary streams.*" (Italics added.)

"Several archaeological studies completed a few miles north of the study area help to define regional settlement and chronologies. The Woodland Plaza site (CA-SLO-992) was discovered during an archaeological survey in 1980 (Gibson 1980). Ten years later, archeological testing and mitigation were done in advance of commercial developments of the property (Singer, Gibson, & Atwood 1990). The excavations and controlled surface collections at CA-SLO-992 revealed a *prehistoric Chumash site with two areas of archaeological deposits. The main habitation area occurred on the western part of the site nearer to the Salinas River and the creek mouth. Further east, indications of a stone tool workshop area were documented.*" (Italics added.)

The Santa Margarita Ranch, directly adjacent to the Project, is the site of two large Chumash villages on the banks of the Salinas River (Gibson; Anderson; Dills; separate studies). The major settlements, Chetpu and Chotnegle, were the center of the Chumash bands who lived in the northern portion of the geographic area now known as San Luis Obispo County. Of special concern are significant Chumash town and gravesites rich in cultural and sacred importance. While a comprehensive archaeological inventory has not been performed on the Ranch, monitored grading activities associated with several oil and water pipelines that run through the property have unearthed a wealth of artifacts.

Lingering Property Line Issue. Finally, during the period of Terra's occupancy, a property line dispute had arisen with the property owners of the Project and DWR over the state water project pipeline which runs through the Oster property and the property Terra occupied. The dispute affected Terra's interests in river restoration work and generated correspondence and at one juncture was referred to then-Senator Tom Bordonaro. The dispute involved demarcation of land adjacent to the river. The Senator reported to us that the Attorney General promised that any changes affecting our property would have to be approved prior to work being done. We are

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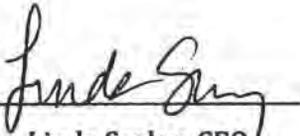
Mr. Murry Wilson
June 4, 2013
Comments on Las Pilitas/Oster Quarry DEIR
Page 4 of 4

informed that this dispute has never been finally resolved, and while Terra today has no surviving property interest in either of the affected parcels, we raise the issue because we believe it would be important to resolve it now, before any permits are granted, in order to avoid conflict over the actual property line. We respectfully ask that you look into this and ensure this dispute is not perpetuated in the County's processing of this Project application.

The Board of Directors of the Terra Foundation appreciates your attention and consideration of our comments. Thank you.

Sincerely,

Terra Foundation

By 
Linda Seeley, CEO

cc: Board of Directors

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California Native Plant Society

O.07

May 18, 201

TO: Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

FROM: David Chipping: President, San Luis Obispo Chapter, CNPS
1530 Bayview Heights Drive
Los Osos, CA St., 93402

REF: Las Pilitas Quarry DRC2009-00025

Comments on the Las Pilitas Quarry DEIR From San Luis Obispo Chapter of the California Native Plant Society

The comments of CNPS are focused on the impacts on native flora and to the proposed mitigations described in the DEIR and in Appendix B of the DEIR.

(1) Incomplete Discussion of Land Use Occupancy.

Section 2.1 of the DEIR states that the quarry will disturb 41 acres of a 234 acre property (Assessor's Parcel Numbers (APN) 070-141-070 (78 acres) and 071 (156 acres). Appendix B, page 2 states that disturbance is to be 45 acres of the 114 acre site. The DEIR does not show why the total site size is described as 114 acres in one instance, and 234 acres in another. The conservation space offered as partial mitigation is "approximately 69 acres" (p. 43 of Appendix B and elsewhere). As the 45 acre disturbance is summed with the 69 acres, that total is 114 acres, and therefore Section 2.1 appears to understate disturbance by 4 acres.

CNPS does not understand why the remaining 120 acres of the two parcels are not considered part of the project in terms of mitigation. A search of Appendix B shows no mention or consideration of the total 234 acres. As the project results in land use changes on two parcels, both should be included in CEQA analysis, or at least the legal basis by which total parcel land use is omitted should be clearly explained.

CNPS would request that the final EIR address the amount of suitable habitat that will be destroyed for each impacted botanical species described in Section 5.2.1. The FEIR should also assess the amount of suitable habitat remaining outside of the disturbance area, but within the project boundaries. For example, the Shining Navarretia is described as occurring on "heavy soils", although soils on granite substrate tend to be light and well drained. CNPS would request that the final EIR be more precise regarding the potential take of each species, which will allow the final quarry design to be optimized for



Dedicated to the preservation of California native flora



maximum animal and plant species conservation. Unless this is done, there is no way of assessing the functional effectiveness

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(2) Specific Issues That Should Be Addressed Concerning Impacts To Plants

Eriastrum luteum (CNPS 1B.2)

The treatment of *Eriastrum luteum* (CNPS 1B.2) is incomplete. Hoover, Chesnut, and many others have collected this taxa just east of the project parcel, west of Highway 58 at the local summit (35.417555°, -120.558296°). It is to be expected in grassy openings in the chaparral on the project site.

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Camissoniopsis hardhamiae (CNPS 1B.2)

Hardham's Evening Primrose, is inadequately addressed in the biological report. The holotype specimen was collected from the property. This is DS516765, P. H. Raven along Calf Canyon 3.7 miles from Santa Margarita on 5 May 1963. The collection site is the small turn just NE and opposite of the junction of Parkhill Rd. (35.413457°, -120.559798°). L. Janeway also collected this site 5/31/1987, and J. Chesnut has a collection made on 3/12/2003.

Preservation of type localities is crucial to the taxonomic record. Raven collected *Camissoniopsis hardhamiae* on the same day from the Santa Margarita quarry, indicating the population likely spread across the project area. CNPS considers the protection and suitable management of the type localities of taxa, rare or not, to be of the highest priority. This is especially true or rare species with difficult taxonomic standing. The collection locality is within the "mitigation zone", but management and long-term protection needs to addressed, as *Camissoniopsis hardhamiae* is likely a seral species that requires periodic disturbance and creation of sunny openings.

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Adequate floristic survey protocol requires visits to known populations to verify phenological conditions. This essential pre-survey action may or may not have been performed as the report makes no record of visits to the *Camissoniopsis* or *Eriastrum* known localities. Some resurvey at phenologically appropriate periods, including visits to vouchered known locations, should be performed targeting these two species.

Oak Woodland

CNPS does not consider that the quarry area's oak and woodland communities can be sufficiently mitigated by avoidance, and recommends that additional acreage be obtained, and that this strategy be considered for mitigation of other species in association with the oaks. The FEIR should assess the feasibility of off-site mitigation, as allowed under the Oak Protection Act in CEQA, in the conservation of other impacted species (see also p.46 of Appendix B).

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(3) Cumulative Impacts Analysis

Section 5.3.5 of the DEIR states that cumulative impacts to biological resources will be less than significant, while at the same time stating in Section 5.3.5 that the cumulative impacts to visual resources will be significant and non-mitigable. The DEIR underestimates the local effects generated by the proximity of the Hanson Quarry and the cumulative effects of both projects and any others generated in the EX1 Combining Designation. The DEIR correctly states that the EX1 designation

"is placed over the La Panza Granitics, a large area that is classified as MRZ-2 by the California State Geological Survey (1989:9). Since this Combining Designation is specifically intended to promote mineral extraction, it is reasonable to expect that future quarries will be approved and constructed in this area, and that an unspecified number of them will have graded areas and ultimately revegetated slopes"

Thus the DEIR describes possible future conditions in which biological disturbance could be considerable and significant, and thus illustrates that mitigation should be incremental to each project.

The project disturbed area occupies the north bank of the Salinas River extending to the ridgeline above Calf Canyon. On a landscape scale, this represents a significant cumulative impact, because the existing quarry occupies the *south bank* of the river. The combined disturbance creates a blocked zone continuous across the Salinas River canyon for the migration of animal and plant populations. CNPS believes this interruption of a major natural migration corridor is a substantial impact and is unaddressed by the local mitigation proposed. Creation of a functional wildlife and plant migration corridor could be accomplished by acquisition and protection of additional property to the north and south of the disturbed area.

The weakness of the cumulative impacts analysis is illustrated by a non-plants issue, which CNPS includes here due to the ecological entanglement of plants and animals. On page 4.5-41 of the DEIR, the cumulative affect of the Hanson quarry on the migration of animals is considered "less than significant" due to an assumption that animals are "habituated" to quarry activity. This claim is made without any supporting evidence. The DEIR does not consider that many animals such as ringtail may already be absent cannot establish any evidence of the degree to which wildlife would simply be driven away by the noise, dust, and human presence generated by the Oster and Hanson projects.

(4) Identification of reserves/open space as mitigation.

CNPS has no idea why Table 4.5-3 "Open Spaces and Reserves With Sensitive Plant Resources" is included in the document, as the species listed have no relationship to the take of CNPS listed species in the Oster Project. This is of minor importance, except it might give the casual reviewer the impression that there is some form of project mitigation implicated with the inclusion of the table.

The DEIR fails to show the location or configuration of the 69 acres of open space on p.4-5.33, nor does it provide any supporting evidence to support the claim that individual

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species will be conserved within this 69 acres. The DEIR does make a comparison for sensitive habitats on Table 4.5-6, and this approach should be applied to potential habitat of CNPS-listed plants that were observed on site. The difficulty of reading the property lines on the maps of the sequential development of the quarry makes any evaluation of the configuration of the open space difficult. CNPS therefore requests that (a) the FEIR include a map that shows the configuration of the open space (b) the map show the positions of CNPS listed plants, and the location of suitable habitat for each plant relative to the open space in order to show its probable effectiveness.

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The DEIR does not identify methods by which open space will be protected and managed, particularly in regard to the ecological needs of certain species.

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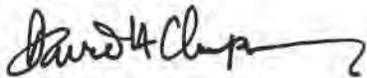
The DEIR fails to identify potential for conservation easements and protected habitat outside of the 114 acre quarry project but within the total acreage of the two parcels that totals 234 acres. If the remainder of the 234 acres is not being considered as the quarry proponents intend to mine within that area, or otherwise disturb the area, then the project description is insufficient.

(5) Definition and discussion of work area buffers.

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Observation of existing quarries shows that there is frequently disturbance that extends into plant habitat beyond the area from which rock is being removed from working quarry faces. These may include safety fences and the trails needed to maintain them, geotechnical survey access to avoid rockfall and other possibly necessary uses. CNPS requests that such areas not be included as conservation areas, and be included in the areas considered as disturbed.

This concludes the comments of the San Luis Obispo Chapter of the California Native Plant Society



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SAN LUIS OBISPO COUNTY BICYCLE ADVISORY COMMITTEE

Josh Olejczak, Chairperson

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 788-2830
Fax (805) 781-1229 email address: molmsted@co.slo.ca.us

June 5, 2013

From: San Luis Obispo County Bicycle Advisory Committee
To: Mr. Murray Wilson, Department of Planning and Building
Subject: Concerns Regarding the Oster/Las Pilitas Resources Quarry DEIR

2013 JUN -5 PM 3:54
SLO COUNTY
PLANNING/BUILDING
DEPT

Background:

Following an in-depth discussion on May 14, 2013 with members of the public, a representative for the Oster/Las Pilitas Quarry and members of the San Luis Obispo County Bicycle Advisory Committee (BAC), regarding concerns over the Quarry development on Highway 58 east of Santa Margarita, our committee voted unanimously to convey our serious concerns for the safety of bicyclists who ride Highway 58. This route is used by recreational cyclists and commuters every day as part of a major bike route in the north county. It provides access to Santa Margarita Lake, Pozo in the south, and the Creston backcountry to the east. Local cycling clubs ride through this area almost daily as do many individual riders seeking the backcountry beyond. On some days hundreds of riders use this route from Santa Margarita.

The Quarry project was introduced to the BAC at its meeting of September 14, 2010. At that time we discussed preliminary concerns. The DEIR showed no indications or an awareness of concerns expressed at that time to SLOCOG Staff. Furthermore, almost a year and a half ago (January 29, 2012), the 'Hwy 58 Aggregate Facility' was a topic of discussion with Supervisor Patterson. Yet, the current DRAFT EIR has failed to evaluate any impact on cyclists and pedestrians who utilize the public right of way referred to as State Highway 58. It simply defers to the weak Caltrans Policy regarding bicyclists. The informational nature of an EIR is intended to fully disclose all reasonably foreseeable impacts. We ask that it do so.

CONCERNS: The critical question regarding the quarry project's affect on bicyclists is, *"Will safety concerns along the Hwy 58 corridor be properly and effectively resolved to accommodate both the high volume of double hopper gravel trucks and the already steady use by bicyclists?"* The issues are summarized below:

1. The Traffic and Circulation Section of the Oster DEIR does not identify impacts to cyclists nor identify needed mitigation necessary to resolve safety issues. [In contrast, refer to the Santa Margarita Ranch Ag Cluster FEIR which did a solid impact evaluation and proposed some effective mitigation, including identifying Class II impacts to bicyclists.]
2. The Traffic and Circulation section's cursory evaluation of the general impacts from 273 daily truck trips does not mitigate for this heavy traffic load nor for the as many



as 800 trips/day that the Project Description says could occur for large projects. The EIR must provide a better evaluation.

3. The Quarry's proposed added traffic in double hopper gravel trucks, would exacerbate the marginal, unsafe travel-way conditions on Hwy 58 for cyclists and motorists as well (see examples below).

The paved space to the right of the white-edge line on Hwy 58 is almost non-existent in both directions. This makes for unsafe riding conditions under normal circumstances, but becomes highly dangerous to cyclists with the presence of a single large truck in the same lane. Add the presence of oncoming traffic, another tandem hauler, and you have the definite possibility of a fatality. This road provides minimal clearance for trucks meeting head-on in the few straight sections. Add the undulations of this road and a bicyclist (or a group of 5 to 20) to the circulation picture (possibly occurring many times a day) and you have a formula for **disaster**. Most of the roadway has shoulder widths too narrow to provide room for bicyclists to move out of harm's way.

Conditions on this rural Caltrans maintained route are minimal for bicyclists (and motorists) under current conditions and will become **unsafe** if heavy truck traffic, identified with the Quarry development, is permitted without improvements. These trucks will frequently have to move to the edge of the road and will continue to erode the edge of the pavement. There are many places where the roadway has broken away to the white line leaving absolutely no space for a bicyclist, thus requiring that they move into the travel lane; which is their legal right. The pavement conditions currently are deteriorating and will accelerate as the volume of heavy trucks increase on this rural road.

If this road were re-built to Caltrans standards, with 6-8 feet wide shoulders/bike lanes, it would increase the margin of safety necessary, however, with tandem haulers passing bicyclists at the average rate of one every two minutes, there is still a high probability of an accident involving bicyclists. (In reality, the volume of morning truck traffic is likely to be much higher as loads are often required early in the day at jobsites.) At a minimum, this roadway should include Class II bike lanes comparable to that built by the County on Pozo Road from its intersection with Hwy 58 toward Santa Margarita Lake. Along portions of the Hwy 58 route the only safe solution is to build a separated (Class I) bike path to mitigate for limited sight distance and narrow roadway conditions where bike lanes cannot be safely incorporated within the existing highway alignment.

4. The applicant has said that Caltrans feels that Hwy 58 can handle the added traffic just fine; however the safety of all modes of traffic must be evaluated. This evaluation must include bicycles.
5. Deficiencies must be resolved, not just 'mitigated'!

The applicant has indicated Caltrans would not allow a project to install bike lanes and instead has suggested that the Quarry ensure that a portion of their processed material be earmarked for base for bike lanes throughout the County. While this is

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a nice notion and should also be pursued, it does not address the reality that adding such a high number of large trucks to an already unsafe travel way would exacerbate the risk to life and limb. Injuries and/or deaths due to these added risks are not just a numbers game. Are the applicant, Caltrans, and the county willing to accept that failure to provide a safe roadway could result in the injury to, or death of, a bicyclist? (Or pedestrian, or motorist as well?) The impact to bicyclists from the proposed quarry development, as currently planned, is unacceptable.



6. In addition to traffic safety issues, the BAC also recognizes that the air quality in the area will be degraded from dust (granite contains silicates) creating a possible health hazard (silicosis) if dust control standards are not strictly enforced. Will these dust controls, promised by the Oster/Pilitas Quarry, be strictly monitored and enforced?

The County Bicycle Advisory Committee (BAC) is deeply concerned about the safety of the users of Hwy 58 and asks that the Planning Commission and the Board of Supervisors take the necessary action to ensure that safety issues for bicyclists along Hwy 58 are addressed more thoroughly in the development of the FINAL EIR for the Oster/Pilitas Quarry. We urge your continued support of bicyclists in San Luis Obispo County as a valuable part of its economy as well as being valued members of the community.

Thank you,

JOSH OLEJCZAK
(BAC Chairperson)

- c: Frank Mecham, Board of Supervisors, District 1
- Bruce Gibson, Board of Supervisors, District 2
- Adam Hill, Board of Supervisors, District 3
- Paul Teixeira, Board of Supervisors, District 4
- Debbie Arnold, Board of Supervisors, District 5
- Dan Buckshi, County Administrator
- Ryan Chapman, Public Works (BAC Staff)



North County Watch

Looking Out Today For Tomorrow

Mr. Murry Wilson
SLO County Planning and Building

Sent Via Email mwilson@co.slo.ca.us

June 4, 2013

Re: Comments on Las Pilitas Quarry DEIR

Dear Murry,

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

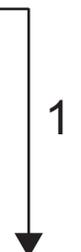
We are submitting comments on the Draft EIR for the Las Pilitas Quarry.

HAZARDOUS MATERIALS AND PUBLIC SERVICES

This project would create a hazard to people or the environment through routine transport, use, or disposal of hazardous materials as a result of an accidental release of hazardous materials.

The project could create a risk to the public or to the environment through the inadvertent explosion or release of explosive materials during transportation or use on the property. This is considered a potential significant impact that can be mitigated. 4-7.9

It is not clear to us how the risk to the public has been mitigated to less than significant. Hazardous materials will be transported within the business and residential community of Santa Margarita and past the elementary school, including explosives. The DEIR states: An inadvertent explosion of blasting material or accidental release of material during transportation could create a potentially significant risk to the public or environment. 4-7.9. Yet we can find no measures offered to mitigate this potentially significant impact.



If, as the Project description states, no explosives will be stored on site and the permit will be allowing blasting up to 20 times a year (nearly twice a month), then the public can assume that the transportation of explosives through their community and past the elementary school will be occurring at some frequency (20 times or 104 – see discrepancy regarding frequency below) during the year. If this is not the case, then explosives will be stored on site.

We do not see how MM HAZ-1a which relates to the qualifications of an explosives delivery company will mitigate the risk of the transportation of explosives through the residential areas and past the school in Santa Margarita. Please explain. Also, should an “inadvertent explosion” occur in the community, a general liability policy of only \$5 million dollars is inadequate. Further, this mitigation puts the entire liability on an as yet undisclosed third party – the explosives delivery company which could conceivably declare bankruptcy in the event of an accidental explosion that caused significant damage. The applicant should be required to post a bond for the life of the project that would cover the liability.

MM HAZ-1a: Risk of Explosion or Release of Explosive Material -Transportation. In accordance with the Blast Plan and as required by federal, state and local regulations, the Blaster and/or explosive delivery company must show evidence of compliance with the following requirements:

- ☐ Copy of drivers current CDL with HAZMAT endorsement,
- ☐ Current USDOT HAZMAT Certification of Registration,
- ☐ Maintain a current California HAZMAT Transportation License,
- ☐ Current enrollment in a drug screening program according to USDOT CFR Title 49 regulations, and
- ☐ Maintain a general liability insurance policy for explosive transportation for not less than \$5,000,000.

The risk management pertaining to the public’s protection from accidental explosions during transportation is dependent on the driving record and skills of a single individual driver not under the control of the county or the operators of the quarry. How is the risk mitigated?

Has the project been referred to the California Highway Patrol for review for application for a valid Hazardous Material Transportation License? Such License, issued by the CHP, is required by law and regulations of the State of California Vehicle Code Section 3200.5 for transportation of either: hazardous materials shipments for which the display of placards is required by State regulations; or hazardous materials shipments of more than 500 pounds, which would require placards if shipping greater amounts in the same manner. Additional requirements on the transportation of explosives, inhalation hazards, and radioactive materials are enforced by the CHP under the authority of the state Vehicle Code. Transportation of explosives generally requires consistency with additional rules and regulations for routing, safe stopping distances, and inspection stops, (Title 14, California Code of Regulations, Chapter 6, Article 1, Sections 1150-1152.10).

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The Project will require the transportation of explosives. It would be negligent to approve a project before the conditions of a Hazardous Materials Transportation License has been addressed whether or not the License is issued to the project owners or the delivery service. Additionally, though the project states that no fuels will be stored on site, fuels will be delivered to the site for the re-fueling of operating equipment and the transportation of those fuels is part of the project and needs to be reviewed and licensed. The Air Quality chapter suggests that the use of LNG as an alternative fuel may be an option to mitigate emissions impact. The storage or transportation of LNG would trigger a re-circulation of the EIR if it is not addressed now.

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In the end, the risk pertaining to the public's protection from accidental explosions during transportation is a significant un-mitigable impact of the project.

Although the project description states that blasting will occur approximately 20 times a year, Chapter 4-7 Haz and Hazmat states that blasting would occur as often as 2 times a week. Two times a week is 104 blasting events:

It is anticipated that blasting would occur up to two times a week and only during daylight hours. According to the applicant's Blast Plan (Gasch Associates 2009), blasting material will not be stored on-site but will be transported to the site by the contractor on an as needed basis. A blasting notification program will be implemented to notify the County and neighboring property owners before blasting events. (4-7.9)

3

The Blast Plan made no specific mention of the frequency of blasting. Please clarify the frequency of blasting.

In a letter dated December 8, 2009, in Appendix B, from Gasch (preparer of the blast plan) to Ken Johnson, Mr. Gasch states: Ultimately, the blaster-in-charge is responsible for all aspects and results of carrying out the blasting program. How will the conditions of approval specifically regulate the actions of the blaster-in-charge.

4

The Blast Plan notes the presence of a petroleum pipeline at 200 feet from the blasting site but no mention is made of the Coastal branch of the state water pipeline which also crosses the property and is subject to damage caused by vibration. Have potential impacts to the pipelines from the project been analyzed? How does the EIR address potential impacts to pipelines on the property and how will they be mitigated?

5

1.2. Adjacent Structures and Facilities

The site is bordered by vacant land. The closest residence is approximately 300 feet southeast of the southernmost corner of the mine. This structure is a single family dwelling. The Calf Canyon to Cuesta Pipeline crosses south and southeast of the Site. It is as close as 200 feet, but averages around 350 feet from the planned working area.

4.2 of the blasting plan states: The Blaster-in-Charge will submit a plan of the details of the planned blast. To whom will the plan be submitted and who will be reviewing the plan pre-blasting?

6

Section 5.1. **Blast Site Preparation** states: The blast site shall have unobstructed access for emergency services, mining equipment, and vehicle entry. All hazards, such as, loose boulders, under-cuts, and trip and fall hazards, shall be noted or resolved before drilling begins. How will the applicant assure unobstructed access for emergency vehicles and accommodate possible queueing of trucks on the site and on Highway 58? How will the conditions of approval assure unobstructed access?

The blast plan states: “Based on the San Luis Obispo County vibration regulations (Title 22 – Land Use, Chapter 22.10, section 22.10.170-Vibration) the site and its operations are exempt from county standards...” but makes no mention of state or federal regulations that might impact petroleum and state water project pipelines. Are the pipelines on the property exempt from state and federal regulations regarding impacts from vibrations generated by blasting? Is the potential for impacts to the pipelines a Health and Safety issue?

7

The Blast Plan makes no reference to what procedure will be followed if winds exceed 25 mph before a planned blast is completed. How will this be handled?

The DEIR claims that there will not be any cumulative effects associated with the nearby operation of the Hanson quarry. However, additional blasting episodes per year will result in a cumulative impact on the town and nearby residents that cannot be mitigated.

Although the project states that no fuels will be stored on site, fuels will be delivered to the site for the re-fueling of operating equipment and the transportation of those fuels and explosives are part of the project and need to be reviewed and mitigated. The EIR should inform the public of the estimated gallons of fuel, types of fuel and number of fueling trucks that will be associated with the project.

8

EVACUATION PLANS

The project would expose people and structures to a substantial risk of loss, injury, or death involving wildland fires. As many as 80 truck a minute (peak demand) could be queued up anywhere from Highway 101 to the construction site. The site only has the capacity to queue 20 trucks. Peak truck traffic could impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan resulting from fire or release of hazardous materials, or other natural disasters such as Dam failure (the project is adjacent to the Salinas River and downstream of Salinas Dam), earthquakes, flooding.

9

Do the comments from Cal Fire address this issue of evacuation and the significant increase in truck trips (up to 800 trucks daily at peak [2-9]) on Highway 58. In a 10 hour day, 800 trips is 80 trips an hour or one truck every 40 seconds. This volume of traffic represents the worst case but CEQA requires that the worst case be addressed. Where and how many trucks will be queued up has a direct impact on evacuation plans for any emergency.

10

Has the SLO County Emergency Operations Plan been consulted for guidance, procedures, and county policies pertaining to emergency planning and responses? Given the constraints of Highway 58 east of Santa Margarita and town itself, emergency plans that may be pertinent to the Project are Dam Failure Evacuation plan; Hazardous Materials Emergency plan; Earthquake Response plan, Storm Emergency plan.

11

Will the project be required to prepare, for public review, an Emergency Evacuation Plan that addresses emergencies such as fire, hazardous material release or spills, accidental explosions, dam failure, and flooding?

12

The project could create a risk to the public or to the environment through the inadvertent explosion or release of explosive materials during transportation or use on the property. Will the Hazardous Waste Business Plan be available for public comment and review?

The project does not include on-site fuel storage; vehicle and equipment refueling will be conducted by service trucks. Other small volumes of hazardous materials and wastes will be stored on-site in compliance with applicable regulations. These might include hydraulic fluid, lubricants, pesticides and similar common substances. Depending on the amounts of wastes generated and stored, the quarry operator or service contractor will be required to register as a hazardous waste generator, and may also be required to file a hazardous waste business plan and comply with other regulations such as those related to training requirements and emergency response planning. The detailed requirements are set by federal and state laws and regulations, and administered by the County Environmental Health Division of the Public Health Department, which serves as the Certified Unified Program Agency. Table 4.7-2 presents more detailed regulatory requirements. 4-7.10

13

PUBLIC SERVICES AND UTILITIES

DWR and the Central Coast Water Authority were not contacted regarding this project regarding the state water pipeline that traverses the project. The DEIR should be referred to these agencies for consultation on the project and the Blast Plan in regard to ground vibrations and vibration predictions.

14

The Blast Plan (Appendix B) includes specifications for the use of explosives and blasting, limiting ground vibrations and air-overpressure levels, records requirements and safety and warning programs, and vibration predictions based on project parameters. 4-7.10

The CPUC should be consulted regarding the potential for rail/truck collisions in light of the potential for 80 trucks a minute – one truck every 40 seconds – at the grade crossing at Highway 58. Even the average of over 200 hundred truck trips a day is a significant impact and safety issue at the grade crossing that cannot be mitigated to less than significant. There are no possible road improvements that could mitigate the impact. Has the CPUC been consulted on this issue?

15

Has the CPUC been consulted on the impact of vibration from blasting within 200 feet of a petroleum pipeline?

16

The project is in a high fire hazard area. The DEIR mentions additional water storage on site. What size is the additional water tank? Is a Fire Management Plan available for Public review?

17

Hazardous Materials Release Response Plans and Inventory Act of 1985, also known as the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plan, and training programs. Is the Business Plan available for public review and comment?

18

Hazardous Waste Control Act is implemented by regulations contained in title 26 of CCR, which describes the required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Does the project comply with the Hazardous Waste Control Act?

19

Has the project been referred to the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program – County Environmental Health Services?

Has the project and the recycling project been referred to the California Department of Toxic Substance Control?

Has the project and a Hazardous Material Business Plan been referred to the California Office of Emergency Services? Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and the health risks) needs to be available to firefighters, public safety officers, and regulatory agencies and needs to be included in the business plans in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

20

Courts require that anyone looking at the DEIR understand what is happening. The DEIR fails to give sufficient detail for the public to understand the risks associated with the use of hazardous materials and explosives related to the project. Commentary such as the following does not inform the public as to whether the operator or service contractor will be required to register as a hazardous waste generator. The DEIR generally consists of lists of federal, state and local regulations but little direction on how those regulations might apply to the project or be enforced through various plans in order to reduce the impacts to less than significant.

Depending on the amounts of wastes generated and stored, the quarry operator or service contractor will be required to register as a hazardous waste generator, and may also be required to file a hazardous waste business plan and comply with other regulations such as those related to training requirements and emergency response planning. The detailed requirements are set by federal and state laws and regulations,

and administered by the County Environmental Health Division of the Public Health Department, which serves as the Certified Unified Program Agency. Table 4.7-2 presents more detailed regulatory requirements. 4-7.10

The public, through the EIR, should be informed on what wastes might be generated and stored and whether the quarry will be required to register as a hazardous waste generator. The DEIR generally consists of lists of federal, state and local regulations but little direction on how those regulations might apply to the project or be enforced through various plans or conditions of approval in order to reduce the impacts to less than significant.

21

TOXIC SUBSTANCES ASSOCIATED WITH THE RECYCLING OF CONSTRUCTION PRODUCTS

Common sealants on asphalt include high levels of polycyclic aromatic hydrocarbons (PAH). PAHs cause tumors in some fish, disrupts the reproduction of aquatic organisms, and causes some water-bottom species to avoid sediment altogether. Health risks to humans include inhalation of PAH contaminated dust, dermal contact with millings, and other toxins, including silica. [see end notes 1, 2, 3 and 5].

The New Jersey EPA has the following information on the health risks associated with asphalt millings and dust [see end note 4]:

ASPHALT MILLINGS DEFINITION

The definition most commonly used for asphalt millings is the fine particles (generally from dust to less than an inch or so) of bitumen and inorganic material that are produced by the mechanical grinding of bituminous concrete surfaces.

ENVIRONMENTAL AND PUBLIC HAZARDS

The bitumen binder used in asphalt paving applications contains a relatively large concentration of a family of organic compounds which can have the potential to pose human health and environmental concerns in certain circumstances especially when asphalt material is ground into very small particles that easily blow off of or wash from the surface. These compounds, known as polycyclic aromatic hydrocarbons (PAHs) are specified as targeted pollutants by the U.S. Environmental Protection Agency (USEPA), and are present in asphalt at much higher levels than the criteria established by DEP guidance for general use in a loose fashion on land. Asphalt millings used alone without a paved top surface have the potential to significantly migrate from the roadway through the actions of water, wind, and physical displacement and possibly contaminate surrounding soils and/or surface water sediments. Traffic traveling on the unpaved asphalt millings would generate dust containing the compounds referenced above and the dust would be a major migration route of the asphalt millings to the surrounding environment.

22

The DEIR contains no analysis of the health risks and environmental impacts from millings and dust from run off from stockpiled asphalt, asphalt dust created from crushing asphalt, or assessment of the toxins contained and potentially released through the recycling process. These deficiencies need to be addressed. The saga of the Kaweah Crop Dusters enforcement

issue at the Ca. Dept. of Toxic Substance Control is a case study in the kind of toxins that can unintentionally contaminate asphalt.

22

Contaminated run-off from the project site will impact the Salinas river habitat:

The quarry site is drained by three surface water features including the Calf Canyon Creek (far northeastern corner of the property), Moreno Creek (southern portion of the property) and the Salinas River (southwestern portion of the property). The quarry itself is not located in the 100-year floodplain of the Salinas River. The majority of the groundwater resource for the project is located in the southern part of the site in the quaternary alluvium deposits located adjacent to the Salinas River. Granitic rock (Kgr) is not a good source of groundwater. 4-7.1

23

The county certified an EIR for the Biorn Diani project in 2008. The Biorn Diani project included an asphalt recycling component. The EIR stated that concrete dust and rubble may increase the PH of water percolating to the alluvial aquifer following storm events (5.14 16).

If the recycling for this project is likely to include the crushing of any concrete products, and we expect that will be the case, the DEIR does not address the issue of the impacts from runoff for the asphalt products or the cement products. The asphalt and concrete rubble must be stored in a manner to prevent runoff. The Biorn Diani project required a detention basin that “would be designed to accommodate run-off generated at the...plant site by a 10-year storm. The purpose of this facility is to control storm water runoff (BD EIR5.14-23). Extensive Sediment and Erosion Control Plan (SECP) mitigations were required (BD EIR 5.14 26-27).

AIR QUALITY

The DEIR claims that it based its modeling on flat terrain for a worst case scenario. A comparative modeling with complex terrain such as exists at this site would be appropriate and give the public a more accurate view of the potential impacts. If the consultant is making an assumption that the flat terrain modeling would render the worst case scenario, what is that assumption based on? In a mountainous area, why would the consultant assume that the receptors are generally at lower elevations? Shouldn't the actual location of the receptors that will be impacted by this project be the basis for the modeling? The modeling is flawed and should be redone based on the actual location of receptors not on unsupported assumptions regarding location of receptors. In regard to the dispersal of dust (PM 10), the EIR should include the factual basis that supports the assumption that “plumes will travel along the ground”.

24

Dispersion modeling was performed assuming flat terrain. Flat terrain is a conservative assumption for this project because the receptors are generally located at lower elevations than the sources and the emissions points are close to the ground. Thus, plumes will travel along the ground between sources and receptors which is

conservatively modeled as flat (i.e., the actual distance is greater with terrain than a straight line and complex terrain promotes vertical mixing). 4-3.18

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The DEIR suggests that the use of liquid natural gas on site may be possible to lessen AQ impacts.

The use of alternative fuel, such as compressed natural gas, or other measures may also be possible, but these would have to be developed by the applicant and accepted by the SLOAPCD.4-3.23

25

If the use of compressed natural gas is a possibility, the impact of the transportation and storage of compressed natural gas must be analyzed in the EIR as it would trigger a number of hazardous material standards.

Determination of on and off site mitigations for emissions should be subject to public review and comment prior to approval of the CUP. The Construction Activities Management Plan should be available for review and comment by the public prior to approval of the project.

The exclusion of the Santa Margarita Ranch cluster subdivision in consideration of cumulative impacts based on its distance of 2 miles from the project site seems arbitrary. The SMR subdivision was determined by APCD to have significant impact on Air Quality.

26

BIOLOGICAL RESOURCES

South-central Coast California Steelhead are an endangered species and are present in the Upper Salinas River. The Salinas River is adjacent to the project and borders the project site. Although steelhead are not present in the drainage of the site, contaminated runoff from RAP dust and sediment from the site could potentially enter the Salinas River and impact the endangered steelhead and this impact should be addressed and mitigated. (4-5.30-1)

27

It was not possible to tell when the biological surveys were conducted nor if the studies extended over 2 seasons.

OPEN SPACE RESOURCES

The DEIR fails to analyze and mitigate for the impacts from the project to Open Space Resources. Rural Lands are considered to be in the inventory of open space and Open Space zoning and the project must mitigate for impacts resulting from the loss of open space.

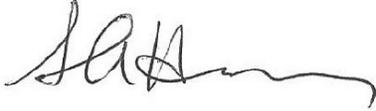
28

RECYCLING FACILITY

Is the applicant applying for a CUP for a recycling facility?

] 29

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Harvey", with a long horizontal flourish extending to the right.

Susan Harvey, President
(805)239-0542



Minnesota
Pollution
Control
Agency

Coal Tar-based Sealcoat

Environmental concerns

wq-strm4-12 • September 2006

If you decide to sealcoat your asphalt driveway this year, there are a few things you should know. Sealcoating makes old asphalt look new and protects its surface, but there are serious environmental concerns with its use.

Sealcoat comes in two basic varieties: coal tar-based and asphalt-based. The coal tar variety is more resilient, but it contains much higher levels of a class of chemicals called PAHs (polycyclic aromatic hydrocarbons) that harm fish, and with prolonged exposure, pose a risk of cancer in humans (see Figure 1).

Environmental problems

Coal tar is a waste material generated in the conversion of coal to coke. Manufacturers choose coal tar for sealcoat because of its resistance to petroleum products like gasoline and oil, which drip from cars and deteriorate asphalt surfaces. In time, sunlight and vehicle traffic wears down sealcoat and sealcoat flakes are washed away by rain or carried away by wind, contaminating stormwater ponds, streams and lakes with PAHs.

PAHs cause tumors in some fish, disrupts the reproduction of aquatic organisms, and

water coming off parking lots coated with asphalt- and coal-tar sealcoat (Figure 2).

Figure 1: Relative amounts of PAHs in sealcoat products



An Austin, Texas, study determined that sealcoat products based on coal tar contained up to 1,000 times more PAHs than asphalt-based products. Consider asphalt-based sealcoat if you choose to coat your driveway.

Figure 2: Concentrations of PAHs in runoff



Parking lots create sticky pollution problem

Suburban, beware: Vast stretches of parking lots in the U.S. are coated with toxic coal tar that is slowly crumbling into dust. Coal-tar-based sealants, which give the lots an ebony finish, produce dust containing 100 to 1000 times higher PAH levels than unsealed lots, according to new research published in *ES&T* (DOI 10.1021/es02119h). Many PAHs are carcinogenic and harm aquatic life, and runoff from the lots could be a major source of urban water contamination, the scientists report.

The sealants first drew attention in Austin, Texas, when city workers discovered high PAH levels in sediment near Barton Springs, a popular swimming spot and home to an endangered salamander species. Scientists from the U.S. Geological Survey (USGS) first reported in *ES&T* in 2005 that runoff from Austin parking lots sealed with coal tar contained 65 times more PAHs than runoff from unsealed lots. Since then, Austin and Dane County, Wis., home to the city of Madison, have banned coal-tar sealants. Now the USGS team, led by research hydrologist Peter Van Metre, has compared lots sealed with coal tar and with asphalt in nine U.S. cities.

Pavement sealants, used to prevent cracks from freezing and thawing, are most often used on parking lots rather than roads and are ground into dust as vehicles drive over them. In the new study, researchers compared PAHs in dust from sealed and unsealed parking lots. Dust from sealed lots in the central and eastern U.S. contained an average of 2200 milligrams per kilogram (mg/kg) of 12 PAHs, compared with 27 mg/kg in unsealed lots. "There is evidence, at least qualitatively, that where coal tar is in use in urban settings it's the ma-

inor source [of PAHs to streams]," Van Metre says.

Coal tar is the most common sealant east of the Continental Divide, the study shows, whereas low-PAH asphalt sealants dominate in the West. This pattern is consistent with industry information and



Coal-tar sealants are sprayed onto parking lots and driveways to give the surface a new appearance and protect underlying asphalt.

corresponds with the availability of coal tar, which is a byproduct of steel manufacturing.

Other sources of PAHs, such as exhaust particles, tire-wear residue, and motor oil, could not account for the high levels found on and near coal-tar-sealed parking lots, Van Metre says. "Even if the soil was made completely of tire rubber or motor oil, it wouldn't reach these PAH levels," he says. No one knows how much coal-tar sealant is used nationally, but according to industry estimates, about 600,000 gallons of sealant, or about 1 gallon per person, are applied annually in the Austin area alone.

"America is doing the worst possible thing by putting down a material with extremely high PAH levels on the surface, where it flakes off and wears down," says Craig Depree, an environmental chemist at the National Institute of Water and Atmospheric Research (New Zealand). Depree has

matched the chemical fingerprint of PAHs in New Zealand streams to coal tar in older roads repaved with asphalt.

"There's no regulation of how much [coal-tar sealant] is used or the PAH content of sealants," adds Tom Ennis, environmental resource manager for Austin's Watershed Protection and Development Review Department. Ennis's research group recommended the Austin ban after finding biological effects such as altered growth, survival, and development in amphibians exposed to sediment containing coal-tar sealant.

PAHs are not the only pollutants that wash off pavement. "The dominant hydrology of urban areas is storm water," says Allison Watts of the University of New Hampshire (UNH) Stormwater Center. Storm water sends large pulses of runoff, loaded with various contami-

nants, into streams. The research center is now continuously monitoring runoff water quality from three parking lots—unsealed as well as coal-tar- and asphalt-sealed.

Van Metre, Watts, and environmental scientist Mateo Scoggins of Austin's watershed department have briefed the U.S. EPA and lawmakers on their results. The EPA's maximum soil screening level for one PAH, benzo[a]pyrene, is 0.09 mg/kg, 5,000 times lower than the level in dust from coal-tar-sealed driveways sampled in suburban Chicago. However, EPA's stormwater program, which could help control non-point-source pollution from parking lots, was recently criticized as ineffective in a report by the National Research Council. Because the sealants are used on some playgrounds and driveways, Van Metre says, the human-health effects of coal-tar dust should be studied further.

—ERIKA ENGELHAUPT

END NOTE 3

September 29, 2005

Ms. Gail Ottolino, Manager
St. Louis County Planning Department
St. Louis County Government Center
41 South Central Avenue
Clayton, MO 63105

Dear Ms. Ottolino:

At Monday evening's Planning Commission hearing on asphalt waste (PC 83-05), Mr. Morgan asked several witnesses if they had any studies or documentation on the health hazards associated with asphalt production or RAP. I just can't imagine how all of the representatives of the asphalt industry could have forgotten that under the Hazard Communication Standard (HCS), 29 CFR 1910.1200, mandates that "the hazards of all chemicals produced or used in the workplace are evaluated and that the information is transmitted to employers and employees." In other words, OSHA requires them to keep Material Safety Data Sheets on file for all chemical products that they produce, store, use or distribute. I have included three fairly recent examples of MSDSs for recycled asphalt product and limestone-based asphalt with the latest health and safety information on those products for your staff to review.

Mr. Morgan also asked me if I would provide the staff with any reports that I may have on the health risks associated with asphalt production. On the enclosed CD I have provided twenty-nine (29) different reports, fact sheets, regulations and articles with more than 870 pages of health and environmental research, findings, recommendations and warnings from various agencies and industry representatives on the hazards related to asphalt, asphalt waste, hydrogen sulfide (H₂S), particulate matter and polycyclic aromatic hydrocarbons (PAHs) – three very common by-products of asphalt production. These reports come from a variety of independent agencies like the U.S. Department of Health and Human Services, the U.S. Environmental Protection Agency, the CDC's Agency for Toxic Substances and Disease Registry, the National Institute for Occupational Health and Safety, the National Park Service, the New Jersey Department of Health and Senior Services, Environment Canada, the Missouri Department of Natural Resources, the University of Missouri, the University of North Carolina, the Virginia Department of Health and the Martin Marietta Corporation.

I have included hard copies of excerpts from some of these reports to highlight the environmental and health hazards posed by RAP and asphalt processing. As one example, the APAC MSDS on recycled asphalt pavement states: "**Removal of hardened asphalt concrete, or other types of asphalt recycling asphalt work can produce dust. Dust may irritate nose, throat, and airways, and may cause coughing, sneezing, and shortness of breath. Prolonged or repeated breathing of quartz-contained dust may result in progressive and permanent lung disease (silicosis) which may cause death from respiratory and/or heart failure.**" It also states that "The International Agency for Research on Cancer (IARC) and the National Toxicology Program have determined that **there is sufficient evidence in humans for the carcinogenicity** of inhaled crystalline silica in the form of quartz or cristobalite."

The MSDS goes on to state that "There is some evidence that breathing respirable crystalline silica or the disease silicosis is associated with an increased incidence of significant disease endpoints such as *scleroderma (an immune system disorder manifested by fibrosis of the lungs,*

skin and other internal organs) and kidney disease. Hot asphalt may release hydrogen sulfide gas and other irritating vapors. Breathing hydrogen sulfide gas may cause nervousness, excitement, dizziness, drowsiness, headache, difficulty walking, and fluid buildup in the lung tissue.”

As to Jim Bell’s opinion that RAP is clean fill, the MSDS states under Hazardous Decomposition that RAP **“May form carbon dioxide and carbon monoxide, amines, ammonia, nitrogen dioxide, hydrogen sulfide, ozone, various hydrocarbons.** Hazardous vapors may collect in areas that are not properly ventilated.” I believe the data in this MSDS which was prepared in November 2001 is much more current and complete than the 1977 data Mr. Bell referred to or the “guppy test” allegedly done by MoDOT.

The “guppy test” was offered as evidence to imply how safe asphalt millings are to wildlife. In 1997, the National Park Service reviewed existing studies on the environmental impacts of asphalt and whether asphalt leachate is a problem. Among the findings in that report: **“There is some evidence of mutagenic effects and DNA damage in animals due to asphalt exposure [609].”** “Chemical and physical insults as diverse as cattle urine and molten lava have been known to breakdown asphalt roadways. Greases can soften asphalt, while xylene and toluene can diffuse through it [478].” **“Road dust and other erosion fractions originating from slowly wearing-away asphalt roadways are considered one potential source of PAHs in the sediments of urban rivers and bays, although the amount of PAHs coming from this source versus other sources would be difficult to assess. Asphalt wear products were suggested to be responsible for some of the petroleum in urban runoff as well as for some of the PAHs found in the sediments of some urban lakes [750].”** This would tend to address Mr. Powers questions regarding asphalt run-off and possible contamination of the air and water from piles of asphalt.

The report went on to say that “In spite of such potential complications, various formulations of asphalt and binders have been used to cover or encapsulate hazardous waste. **Under certain conditions, solvents and road salts can accelerate breakdown of asphalt.**” To be fair, the National Park Service Report did say that more testing should be conducted, and recommends that protocols and procedures for testing and predicting stabilization and solidification should be developed.

I also wish to add a little clarity to the information provided by Mr. Bell regarding the Missouri Department of Natural Resources’ classification of RAP. Even if the department may consider asphalt “clean fill” they do not permit its use in flood prone areas. **No one** applying for an NWP, better known as a 404 Permit, may use asphalt millings in flood-prone areas. It is specifically excluded. They also require the asphalt material to be free from debris before it is classified as “clean fill”. **“Section 404(a) of the Clean Water Act, requires you to get a Federal 404 Permit from the U.S. Army Corps of Engineers (Corps) before excavating in or putting materials or fill into jurisdictional waters of the United States. Missouri requires a 401 Certification for any project that needs a Federal 404 permit.”** (From the **MDNR Preventing Pollution at Hot Mix Asphalt Plants**). That same DNR guide states: “The most common air pollutants from hot mix asphalt plants are particulate matter with a diameter of no more than 10 microns (PM10), sulfur dioxide (SO2), nitrogen oxides (NOx), volatile organic compounds (VOCs), carbon monoxide (CO) and hazardous air pollutants (HAPs). **To protect public health and the environment, all asphalt plants are required to take steps to protect air quality.**” Just because a product is legal does not automatically make it safe for our environment or our public health.

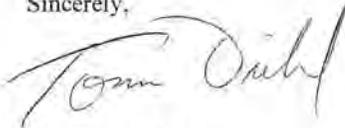
On a related issue, the location of this material is also constricted by FEMA regulations, the County Flood Damage Prevention Ordinances and the Meramec Greenway Plan passed by the Planning Commission and the County Council.

While recycling asphalt is a laudable effort, after reading the most up-to-date information, it is clear to me that there are significant risks involved with asphalt production and storage that require that strict limitations be placed on where this material is stored and processed. In no way should the county endorse placing asphalt facilities and storage in residential neighborhoods or environmentally sensitive areas. The symptoms and health problems associated with chronic exposure to asphalt fumes and dust documented by medical research precisely describe the type of health problems reported in the health survey conducted last fall by Metropolitan Congregations United. I have included another copy of the MCU survey for your convenience.

I hope the information I have provided will be of some use to you and the Planning Commission as you evaluate Mr. Mange's proposal. As we said during the hearing, we believe that the county already has sufficient regulatory authority within the existing ordinances to grant those operators who wish to process and store RAP the right to do so – so long as they comply with all other county, state and federal regulations that apply to their operations. In light of all the independent research, it would be unwise to loosen restrictions within the County Zoning Ordinances which are designed to protect the health, safety and property of ALL St. Louis County residents.

Should you have any questions, please don't hesitate to call.

Sincerely,



Thomas J. Diehl

enclosures

cc Mr. Charlie Dooley
Mr. Jim Baker
Mr. John Campisi
Ms. Janet Williams
Ms. Janet McNichols, St. Louis Post-Dispatch
Ms. Laura Uhlmansiek, Call Newspapers

New Jersey EPA
<http://www.state.nj.us/dep/dshw/rrtp/asphalt.htm>

Asphalt Millings Guidance Document Revision Date: 05/15/02

A.

ASPHALT MILLINGS GENERAL INFORMATION

This guidance document outlines the New Jersey Department of Environmental Protection's (DEP or Department) guidance for use of asphalt millings (bituminous concrete). The guidance document is intended only as a guide to help the reader understand the need for controlled use of asphalt millings in some forms of use and does not replace any regulations in any context. Asphalt millings may be: recycled pursuant to existing regulations at N.J.A.C. 7:26A-1.4(a)1 for recycling directly into new asphalt without Department approval; reused directly for road construction in some situations without Department approval; and, used for beneficial uses pursuant to N.J.A.C. 7:26-1.7(g) with site specific Department approval as discussed below.

B.

ASPHALT MILLINGS DEFINITION

The definition most commonly used for asphalt millings is the fine particles (generally from dust to less than an inch or so) of bitumen and inorganic material that are produced by the mechanical grinding of bituminous concrete surfaces.

C.

WHAT ARE ASPHALT MILLINGS?

Asphalt millings contain approximately five to seven percent asphalt, which is used as a binder for the quarry materials (stone, rock, sand, silt) that make up the load-bearing portion of a bituminous concrete surface. The asphalt millings are produced by grinding a bituminous

concrete-paved surface which results in the generation of fine particles of bitumen and inorganic material that made up the road surface.

D.

SOURCES AND QUANTITIES OF ASPHALT MILLINGS

Sources of asphalt millings include highway departments and local contractors hired to conduct road improvements. Quantities of asphalt millings from a particular operation can vary greatly from a few tons to hundreds of thousands of tons and quality will vary dependant on the original asphalt character, age, weather and other site-specific conditions.

E.

ENVIRONMENTAL AND PUBLIC HAZARDS

The bitumen binder used in asphalt paving applications contains a relatively large concentration of a family of organic compounds which can have the potential to pose human health and environmental concerns in certain circumstances especially when asphalt material is ground into very small particles that easily blow off of or wash from the surface. These compounds, known as polycyclic aromatic hydrocarbons (PAHs) are specified as targeted pollutants by the U.S. Environmental Protection Agency (USEPA), and are present in asphalt at much higher levels than the criteria established by DEP guidance for general use in a loose fashion on land. Asphalt millings used alone without a paved top surface have the potential to significantly migrate from the roadway through the actions of water, wind, and physical displacement and possibly contaminate surrounding soils and/or surface water sediments. Traffic traveling on the unpaved asphalt millings would generate dust containing the compounds referenced above and the dust would be a major migration route of the asphalt millings to the surrounding environment.

F.

BENEFICIAL USE OF ASPHALT MILLINGS

Several uses of asphalt millings are fully

appropriate in accordance with regulations for recycling and beneficial use and, therefore, asphalt millings may be used as follows below. The use of loose unbound asphalt millings on land and roadway surfaces without the placement of a paved top surface is not generally appropriate, and asphalt millings are not considered clean fill. In order to prevent sediment contamination, asphalt millings should not be used where runoff to surface water features would be possible. Asphalt millings may be used, provided the appropriate conditions are followed.

1. Asphalt millings may be taken directly to and used by road asphalt manufacturing plants for direct incorporation into asphalt (bituminous concrete), pursuant to the recycling exemption for such use at N.J.A.C. 7:26A-1.4(a)1.

2. Asphalt millings may be used as sub-base material if:

- The asphalt millings are placed directly beneath, and fully contained by, a paved road surface of either bituminous asphalt or Portland cement concrete.

- The use of asphalt millings follows the New Jersey Department of Transportation (DOT) requirements mentioned below and other site-specific criteria as determined and approved by the DEP for use of asphalt

- The use of the asphalt millings follows the DOT 1996 Standard Specification for Road and Bridge Construction Subsection 202.12 concerning roadway sub-base construction and depth requirements for roadway embankments, which is prudent guidance for appropriate use of asphalt millings that were not recycled back into asphalt. Subsection 202.12 specifies using excavated bituminous concrete, in the lower portion of Zone 3 embankments and not placed within 600 millimeters of the final sub-grade or less than one meter above the highest seasonal high groundwater table. Such use should adequately prevent the asphalt millings from

entering the surface water and groundwater features in most instances. in road construction.

This use would be considered direct recycling pursuant to N.J.A.C. 7:26-1.1(a)1 and would not require authorization as a Beneficial Use Project from the Department pursuant to N.J.A.C. 7:26-1.7(g) if performed to construct or repair a needed vehicle surface that meets DOT and/or local construction requirements.

3. Asphalt millings may be used as surfacing materials if an appropriate binder is applied to keep the asphalt millings in place. Liquid asphalt (tack) may be used to bind the asphalt millings in surficial applications. This may be less expensive than applying finished asphalt or concrete to meet the sub-base requirements described above and meets the need to fully contain and bind the particles to prevent wind and water erosion.

This use would be considered direct recycling pursuant to N.J.A.C. 7:26-1.1(a)1 and would not require authorization as a Beneficial Use Project from the Department pursuant to N.J.A.C. 7:26-1.7(g) if performed to construct or repair a needed vehicle surface that meets DOT and/or local construction requirements.

http://water.usgs.gov/nawqa/asphalt_sealers.html

http://water.usgs.gov/nawqa/asphalt_sealers.html

<http://www.atsdr.cdc.gov/toxprofiles/phs69.html>

<http://pubs.usgs.gov/ds/363/#>

Collection and Analysis of Samples for Polycyclic Aromatic Hydrocarbons in Dust and Other Solids Related to Sealed and Unsealed Pavement From 10 Cities Across the United States, 2005–07

By Peter C. Van Metre, Barbara J. Mahler, Jennifer T. Wilson, and Teresa L. Burbank

Abstract



Parking lots and driveways are dominant features of the modern urban landscape, and in the United States, sealcoat is widely used on these surfaces. One of the most widely used types of sealcoat contains refined coal tar; coal-tar-based sealcoat products have a mean polycyclic aromatic hydrocarbon (PAH) concentration of about 5 percent. A previous study reported that parking lots in Austin, Texas, treated with coal-tar sealcoat were a major source of PAH compounds in streams. This report presents methods for and data from the analysis of concentrations of PAH compounds in dust from sealed and unsealed pavement from nine U.S. cities, and concentrations of PAH compounds in other related solid materials (sealcoat surface scrapings, nearby street dust, and nearby soil) from three of those same cities and a 10th city. Dust samples were collected by sweeping dust from areas of

several square meters with a soft nylon brush into a dustpan. Some samples were from individual lots or driveways, and some samples consisted of approximately equal amounts of material from three lots. Samples were sieved to remove coarse sand and gravel and analyzed by gas chromatography/mass spectrometry. Concentrations of PAHs vary greatly among samples with total PAH (Σ PAH), the sum of 12 unsubstituted parent PAHs, ranging from nondetection for all 12 PAHs (several samples from Portland, Oregon, and Seattle, Washington; Σ PAH of less than 36,000 micrograms per kilogram) to 19,000,000 micrograms per kilogram for a sealcoat scraping sample (Milwaukee, Wisconsin). The largest PAH concentrations in dust are from a driveway sample from suburban Chicago, Illinois (Σ PAH of 9,600,000 micrograms per kilogram).

Recent engineering briefs within the FHWA and the FAA, discuss the toxic and hazardous particulate matter released into the atmosphere when a coal tar coated pavement is recycled. As a result, many engineers have begun banning the recycling of asphalt pavements that have been coated with coal tar. This change in stance and rating of coal tar may require owners to remove coal tar coated pavements completely and dispose of it as "hazardous waste".

<http://www.epa.gov/RSuper/acd/cg/html/toxprofiles.html#pahs>

EPA site

POLYCYCLIC AROMATIC HYDROCARBONS (PAHs)

PAHs are highly potent carcinogens that can produce tumors in some organisms at even single doses, but other non-cancer-causing effects are not well understood (Eisler 1987b). Their effects are wide-ranging within an organism and have been found in many types of organisms, including non-human mammals, birds, invertebrates, plants, amphibians, fish, and humans. However, their effects are varied and so generalizations cannot be readily made. It has been shown that the fungus *Cunninghamella elegans* can inhibit the mutation-causing properties of various PAHs, including benzo(a)pyrene and benzo(a)anthracene. Effects on benthic invertebrates include inhibited reproduction, delayed emergence, sediment avoidance, and mortality. Fish exposed to PAH contamination have exhibited fin erosion, liver abnormalities, cataracts, and immune system impairments leading to increased susceptibility to disease (Fabocher et al. 1993; Weeks and Warner 1984; 1986; D'Amour and Huggatt 1983).

Mammals can absorb PAHs by inhalation, dermal contact, or (more poorly) ingestion (Eisler 1987b). Plants can absorb PAHs from soils through their roots, and translocate them to other plant parts such as developing shoots. Uptake rates are generally governed by PAH concentration, PAH water solubility, soil type, and PAH physicochemical state (vapor or particulate). Lower molecular weight PAHs are absorbed more readily than higher molecular weight PAHs. PAH-induced phytotoxic effects are rare, however the database on this is limited. Some higher plants can catabolize PAHs, but this metabolic pathway is not well defined. Certain plants contain substances that can protect against PAH effects, inactivating their cancer-causing and mutation-causing potential. Additionally, PAHs synthesized by plants may act as growth hormones.

In aquatic systems, PAHs tend towards increased toxicity with increased molecular weight (Eisler 1987b). In addition, although the rate of uptake from the environment is variable among species, bioaccumulation tends to be rapid.

Adsorption of PAHs in soil is directly proportional to soil organic matter (OM) content and the K_{ow} of the PAH (greater in high molecular weight (HMW) PAHs than in low molecular weight (LMW) PAHs), and is inversely proportional to soil particle size (roughly 2 orders of magnitude greater on silts and clays as compared with

sands). LMW PAHs have higher volatilization rates and are more readily leached as compared with HMW PAHs. Both LMW and HMW PAHs are microbially degraded, but the rates are higher for the former probably because of weaker adsorption and greater bioavailability. Examples of soil half-lives are approximately 100–200 and 300–500 days for LMW and HMW PAHs, respectively; however, they will be longer in hazardous waste sites toxic to bacteria. Plants absorb PAHs from soil, especially LMW PAHs, and readily translocate them to above-ground tissues. The concentrations in plants are substantially lower than in soil, and they are poorly correlated because of deposition and absorption of atmospheric PAHs. Eating of leaves (foliar herbivory) does not appear to be a significant route of exposure to soil PAHs. Bioaccumulation has been shown in terrestrial invertebrates and voles; earthworm levels were 30–50 times greater than soil concentrations (Gile et al. 1982), but PAH metabolism is sufficient to prevent biomagnification. The oral toxicity of PAHs ranges from very to moderately toxic (50 to 1000s mg/kg bw) in rats. Many PAHs are cancer-causing, producing tumors in epithelial tissues in “practically all animal species tested” (Eisler 1987f). Other effects in terrestrial organisms are not well known, but may include adverse effects on reproduction, development, and immunity (ATSDR 1990c).

DIOXINS

The most toxic of the chlorinated dioxin isomers is 2,3,7,8-TCDD (Eisler 1986c). It has been associated with lethal, cancer-causing, teratogenic, reproductive, mutation-causing, tissue damaging, and immunotoxic effects. In fish, the following effects were observed: reduced growth, fin necrosis, death, declining interest in feeding (5–8 days postexposure), skin discoloration, reduced resistance to fungal infestations, reduced swimming, teratogenesis, tissue damage, degeneration and necrosis of the liver in fry, and opercular defects in fry. In general, older and larger fish die last, and smaller or younger specimens succumb first. **Bioaccumulation** does occur in fish. Among fish, body burdens of 2,3,7,8-TCDD increased with increasing concentration in the water column and with increasing duration of exposure; on removal to uncontaminated water, less than 50% was lost in 106 days.

Invertebrates, plants, and amphibians were comparatively resistant to 2,3,7,8-TCDD.

Birds exhibited the following effects from dioxins (Eisler 1986c): death, enlarged livers, severe emaciation, high accumulations of uric acid salts in connective tissues, and fluid accumulations in the pericardial and abdominal cavities, excessive drinking, loss of appetite, hypoactivity, emaciation, weakness, debility, muscular incoordination, increased reaction to stimuli, fluffed feathers, huddled position, unkempt appearance, falling, tremors, spasms, convulsions, necrosis, fatty degeneration, and immobility. Birds may bioaccumulate from fish prey, but dioxins do not appear to biomagnify.

In mammals, poisoning by 2,3,7,8-TCDD is typically characterized by loss of body weight and delayed lethality; large interspecies differences exist in lethal dosages and toxic effects (Eisler 1986c). For example, 2,3,7,8-TCDD produces prominent chloracne-type skin lesions in humans and monkeys, and severe liver damage in rats, mice, and rabbits. Other effects include tissue damage, atrophy of the thymus, edema,

hemorrhagic tracheitis, pleural hemorrhage, and dystrophic lesions of the liver, skin hyperkeratosis, gastric ulcers, and lung and kidney lesions, teratogenesis, carcinogenesis (in the liver, pharynx, lungs, skin, and thyroid), and fetotoxicity. Suppression of thymus-dependent cellular immunity, particularly in young animals, may contribute to their death. Developing mammalian fetuses are especially sensitive to 2,3,7,8-TCDD, and maternal exposure results in increased frequencies of stillbirths. Among live births, exposure to 2,3,7,8-TCDD produces teratogenic effects such as cystic kidney, cleft palate, and spinal column deformities; dioxin poisoning also produces decreased litter size at birth, increased number of stillborns, and reduced survival and growth of young in both the F1 and F2 generations (first and second generations of offspring—e.g., children and grandchildren of animals exposed to a chemical). Higher dose level in monkeys for extended periods (i.e., 500 ppt in diets equivalent to about 0.011 ug/kg body weight daily for 9 months) caused death (63%) or, among survivors, abortion, chloracne, nail loss, scaly and dry skin, and progressive weakness. Most treated monkeys remained fairly alert to external stimuli until just prior to death. On removal from the 500 ppt 2,3,7,8-TCDD diet and transfer to an uncontaminated diet, a severely affected monkey became pregnant and gave birth to a well-developed infant after an uneventful gestation. This suggests that some 2,3,7,8-TCDD damaging effects are not permanent.



North County Watch

Looking Out Today For Tomorrow

Mr. Murry Wilson
SLO County Planning and Building

Sent Via Email

June 5, 2013

Re: Additional Comments on Las Pilitas Quarry DEIR - Recreation

Dear Murry,

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

We are submitting additional comments on Recreation the Draft EIR for the Las Pilitas Quarry.

4.10 RECREATION

4.10.1 Existing Conditions

Existing Conditions as described in this DEIR are incomplete.

Public recreation plans and facilities in the unincorporated areas of San Luis Obispo County are the responsibility of two different agencies, each with their own planning documents. One is the County Bicycle Plan produced by the county Department of Public Works. This Plan must be included and addressed in this DEIR.

The other document is the County General Plan Parks and Recreation Element (PRE) produced by General Services Agency County Parks, which we believe has not been addressed completely.

Tourism had a direct influence in the development and adoption of the 2006 Parks and Recreation Element. Tourism needs to be addressed in the DEIR for its contribution to recreational demands. As stated in the PRE on page 8:

“Tourism is the county’s largest industry, contributing \$1billion to our local economy each year and providing over 16,000 jobs. The tourist trade also generates approximately \$60 million in sales and hotel taxes for local government. About twelve percent of the county’s workforce is engaged in tourism.”

Page 1 of 1



This data came from the San Luis Obispo County Visitors & Conference Bureau at the time the PRE was prepared.

A proposed trail corridor along the Salinas River is identified in the PRE. This condition has been correctly identified. However the importance and recreational impact of this corridor has been overlooked. See section 4.10.2 for discussion.

Existing conditions must also include recreational demand caused by changes to nearby Santa Margarita. Santa Margarita will be experiencing significant growth when the 2008 approved Santa Margarita Ranch agricultural cluster subdivision is constructed. This will bring approximately 110 new households to the area. Future plans for the Ranch are based on tourism and tourist services. These latter plans were tentatively and conceptually approved, as part of the certification of ag cluster residential project EIR by the Board of Supervisors.

4.10.2 San Luis Obispo County Plan and Policies

In our opinion the DEIR Table 4.10-1 Policy Consistency Analysis – Recreation imparts no useful information on which to perform a CEQA analysis.

This DEIR must include the plans and policies for Class I, II and III bike lanes that can be found in the county Bicycle Plan. Pertaining to Class I bike lanes, county Public Works, county Parks and Recreation Agency, and SLOCOG often work cooperatively.

Concerning the Salinas River corridor, there are two applicable Park and Recreation Element goals and objectives. As previously stated tourism is an important economic engine in the county. Visitors are included in the recreation goal that extends to a countywide trail system of which the Salinas River corridor is a part.

Recreation Goals, Objectives and Policies

GOAL #2: Recreation that serves the County’s residents and visitors, various age groups, varying economic situations and physical abilities.

GENERAL RECREATION:

Trails

OBJECTIVE C: Provide a viable multi-use trail system which is protective of private property interests and public resources, and consistent with Chapter 8 Parks and Recreation Project List.

The Salinas River is also recognized as a natural area to be preserved and enhanced as opportunities arise. The entire corridor is included in the various sub-area tables as potential natural area including the one cited in this DEIR.

Special Places Goal, Objectives, and Policies



GOAL #4: Natural areas preserved within the County that protect unique and sensitive resources.

4

OBJECTIVE F: Provide natural areas consistent with Chapter 8 Parks and Recreation Project List, and/or the County’s Agriculture and Open Space Element.

4.10.3 Regulatory Setting – no comment

4.10.4 Assessment Methodology

Again, we believe Table 4.10.1 Policy Consistency Analysis – Recreation imparts no useful information.

5

The methodology is micro when a macro approach should have been taken. If the existing conditions were expanded as we suggest and the PRE goals and objectives cited as we suggest, a more meaningful assessment would have been achieved.

4.10.5 Significance Criteria – This is a statement of fact not requiring a comment.

4.10.6 Project Impact and Mitigation Measures

Increased User Demand

While the proposed project will not increase household demands for recreation, existing approved project(s) such as the 110-house Santa Margarita Ranch cluster sub-division will. The Ranch has numerous recreation facilities; while privately owned, they are open to the public. These by their very existence increase public demand for local recreation.

6

The DEIR assessment for user demand is also flawed because it has failed to take into consideration (countywide) tourism, the county’s largest industry. Consideration of the project site and its sub-regional location is not sufficient. The Salinas River corridor is better viewed on a countywide map showing the county trail system. The county map shows Salinas River corridor trails connecting cities and towns and how this backbone river trail corridor branches off to connect to parks and other destinations.

The DEIR has not assessed the impact of current projects in the vicinity. One is the Garden Farms to Santa Margarita trail – this is a generous property owner easement donation and a section of the Juan Bautista de Anza Historic Trail, Anza Trail for short. Another is the Salinas River Corridor Master Trail Plan project funded by a \$350,000 grant – this encompasses 35-miles from Santa Margarita to San Miguel with SLOCOG as lead agency with the cities, county, CalTrans, National Park Service and others.

7

Besides the examples cited above, a continuous trail from Santa Margarita Lake to Nacimiento Lake is largely in the Salinas River corridor. Entirely in the river corridor is a continuous trail from Santa Margarita Lake to the Monterey County line. Both are in the county PRE.

Effect on Access to Trails, Parks or Other Recreation Opportunities

None of the Rural Land uses mentioned under this topic in the DEIR are incompatible with a public trail. However since the project site is located adjacent to and near numerous large lot residential properties, there is a reasonable possibility these residents and friends might enjoy a nearby trail.

8

Cumulative Effects

It is clearly evident that some time in the foreseeable future, less than twenty-five years, there will be numerous sections of public trail along the Salinas River open to the public. Therefore North County Watch encourages County Parks to require a trail easement as a condition of project approval and that easement is placed in the county trail easement inventory without any conditional restrictions (such as time limits or other land uses) per current county procedures.

9

We also recommend additional mitigation for quarrying and other long-term destructive activities on or near the project site. The mitigation should be incorporated into the state required and locally reviewed and approved Reclamation Plan along with a required endowment. Such mitigation might establish restoration of the mined area to include a publicly accessible Salinas River Natural Area as well as funds for long-range maintenance. Said area would be calculated and identified to compensate for the impacts identified in the entire DEIR.

10

North County Watch Summary

In our opinion, the CEQA assessment of impacts to recreation is incomplete. We encourage County Planning to require these deficiencies be remedied and that the Recreation section of the DEIR be re-circulated.

11

The deficiencies are:

1. Failed to include County Bike Plan and Class I, II, and III bike lanes in existing conditions
2. Failed to adequately detail existing conditions on which to analyze recreation impacts (reasons stated above)
3. Failed to cite the appropriate PRE goals and objective in which to perform an analysis
4. Failed to incorporate approved project(s) in the project site area, mainly in Santa Margarita
5. Failed to evaluate the demand for recreation related to tourism in Santa Margarita and project vicinity
6. Failed to evaluate the importance of the Salinas River trail corridor and Salinas River natural area designation

Sincerely,



Susan Harvey, President
(805)239-0542



DEIR

Kathy Longacre to: mwilson
Cc: Dorothy Jennings, Curtis Black

06/04/2013 08:42 AM

June 4, 2013

Kathy Longacre, co-chair SLO County Trails Committee (TAC)
Advisory to SLO County Parks and Recreation Committee

At the joint meeting of the SLO County Bicycle Committee (BAC) and TAC on 5/14/2013 the first item discussed was the DEIR of the Oster/Las Pilitas Rock Quarry.

After the short presentation from the representative of the project and much discussion TAC is very concerned for the following reasons:

- number of vehicle trips (representative said maximum 273 which calculates out to 1 truck every 2.5 minutes during hours of operations) from 6 am to 5 pm M-F
- size of the vehicles- truck with trailer-
- 3 very tight and dangerous curves along route
- narrow shoulder if any, and no options for adding a bicycle lane

The operations of this proposed quarry will negatively affect a very popular bicycle route with no way to mitigate it in the areas affected.

The representative from the Oster/Las Pilitas Rock Quarry said that they would be willing to help with other areas that BAC or TAC could recommend but it was discussed that improvements to routes or trails outside of the affected area would not compensate for the dangerous conditions on the proposed route.

Kathy Longacre, TAC

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**Santa Margarita Area Advisory Council
Sub-committee Report on the
Draft EIR for the Las Pilitas Quarry**

Members: Butch Pope, John Beccia, David Blakely and Su Andros

The following are questions, requests and concerns raised by the sub-committee as relates to the DEIR for the Las Pilitas Quarry.

Aesthetics and Visual Resources

- 1. The recommended re-vegetation of the project suggests using “mostly” native plants. It is a concern that 100% native plants are not being used and that the upkeep and maintenance of that vegetation are not called out. 1
- 2. In addition to the users of Hwy 58 there are 12 residences that are affected by the visual impact of the quarry. 2
- 3. 4.1-12 We are concerned that the quarry address any nighttime glare to protect against local glare. 3
- 4. Make a condition of approval that the hours of operation be determined and then codified into the EIR. 4
- 5. 4.1-13 Of significant note: As this area is designated for extraction it is reasonable to expect other quarries could be constructed. The accumulation of re-vegetated slopes and graded slopes could have a major cumulative visual impact. 5
- 6. As a way to mitigate visual impacts the committee ask for clarification on some of the grading plans starting on page 6-6 be discussed. The way the quarry is graded can affect what the public can see. 6

Transportation and Circulation

- 1. The California Public Utilities Commission (CPUC) has jurisdiction over railroad crossings (RRX). The committee feels that the CPUC comments should be incorporated into the EIR. 7
- 2. 4.11-3 Of concern, is the ability of trucks to avoid “offtracking” on the roadway starting at the quarry site all the way to just past the “J” street’s 90 degree turn. 8
- 3. 4.11-4 If two semis are in the “J” street 90 degree turn at the same time is there an ability to transit safely through? 9

4. **4.11-24** It is imperative that the mitigation measures here be strongly codified in the EIR. The need to make sure trucks are not queuing up on SR58 at the quarry entrance or queuing/ idling off site in Santa Margarita as they wait for the quarry to open. 10
5. **4.11-25** The cumulative effects on traffic at the intersection of SR58 and El Camino Real can become onerous over the years as population increases put more stress on the intersection. It is strongly felt by the committee that whether the intersection is signalized or not, a back up of traffic will put a strain on the residential streets. It cannot be stressed enough that even without the proposed quarry, anecdotal evidence suggests, cars and trucks alike avoid RRXs that are down. They also avoid backed up traffic from the approach to the SR58 and ECR intersection. They avoid it by using the east – west streets in Santa Margarita to facilitate transit through the area. 11
6. This Committee would like a full discussion of the Haul Road mentioned on figure 6.8-1. It could partially mitigate some of the transportation concerns. 12

Noise

1. Creating, maintaining and enforcing (respecting) a quiet zone through the Santa Margarita area. The committee would like to see definitive mitigation measures. How is the quarry going to enforce the zone and what are the consequences for non-compliance? Will there be a suspension period? We would like to see the enforcement plan codified in the table on 4.8-16 13
2. Will the quarry blasting sirens be aimed or directed towards the quarry? 4.8-25 14
3. Committee suggests that the mitigation measures mentioned in chart 4.8-22 2b be the established plan or criteria for daily operations at the quarry. 15
4. Did the study consider the truck noise generated in the staging area at the quarry? The trucks have a hill to pull, which creates noise. Is there room to stage up away from the highway. 16

Air Quality

- 1. 4.3-24 It is suggested that any funds collected from SLOAPCD for fines or fees be kept in account for use here in Santa Margarita for local mitigation measures.**
- 2. SMAAC requests further clarification and explanation of paragraph 3 on 4.3-24**

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SANTA MARGARITA COUNTY SERVICE AREA NO 23 ADVISORY GROUP
P. O.BOX 397, Santa Margarita, CA 93453
Smcsa23@yahoo.com

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SLO COUNTY
PLANNING/BUILDING
DEPT

June 3, 2013

TO: San Luis Obispo County Board of Supervisors
Debbie Arnold, District 5
Frank Mecham, District 1
Bruce Gibson, District 2
Adam Hill, District 3
Paul Teixeira, District 4
Murray Wilson, County Planning Department

Subject: CSA 23 Advisory Group response to Draft Environmental Impact Report (EIR) for the Oster/Las Pilitas Rock Quarry.

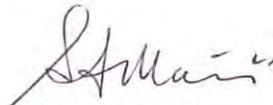
The CSA Advisory Group's General Statement and Procedures states: "While the group is not directly concerned with the land use planning function, or public health safety and welfare, it may be involved in such activities to the extent that it considers the adequacy of proposed public services to any proposed development in the Community".

The Santa Margarita CSA 23 Advisory Group is submitting the attached response to the Draft EIR for the Oster/Las Pilitas Rock Quarry. The Advisory Group has reviewed the Draft EIR and believes the proposed rock quarry is not necessary and will create a substantially negative impact and safety hazard for the community of Santa Margarita.

The CSA 23 Board has unanimously voted to request a "no vote" on this project.

Thank you for your consideration on this project.

Sincerely,



Sharon Marini
Chairperson

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SANTA MARGARITA COUNTY SERVICE AREA NO. 23 ADVISORY GROUP
P.O. Box 397, Santa Margarita CA 93453
Smcsa23@yahoo.com

June 3, 2013

**CSA 23 Review of Draft Environmental Impact Report (DEIR)
For the Oster/Las Pilitas Rock Quarry**

In the opinion of the CSA 23 Advisory Board, The Oster/Las Pilitas Rock Quarry DEIR falls short in providing accurate information and or identifying specific details in the Community of Santa Margarita.

General Concerns:

- The need for an additional quarry in this area is overstated. With the proposed Hanson Aggregates Santa Margarita Quarry Expansion submitted April 26, 2013, to extend the current rock quarry in Santa Margarita by 369 acres over a period of 59 years, any reduction or elimination of current truck traffic utilization is highly questionable. 2
- **4.11.pg 29** The DEIR fails to reference the proposal of the Santa Margarita Ranch to develop in excess of 100 homes, which will use the same roadways as the Las Pilitas Quarry Project. It is short sighted to not include this future projection, just because the Board has not approved such project. 3
- Cumulative impacts of a proposed church to be built near the school on H Street have not been addressed or evaluated. 4
- **It is the opinion of the Advisory Board this project will negatively affect the quality of life in the Community of Santa Margarita.** 5

4.11 Transportation and Circulation (Traffic) Concerns:

- **4.11. pg4, pg5 and 4.11. pg6:** The standard of measurement of levels of service is not appropriate for the small rural community of Santa Margarita. 6
- **4.11.3:** The stated school hours for crosswalk use are incorrect. Kindergarten dismissal is 11:20, so increased school traffic will be present at mid day not just early and late as stated. The DEIR may be correct based on a time weighed traffic pattern, however, the intersection of H Street and Estrada (State Road 58) where school traffic enters a dead end street has major traffic congestion several times per day and during RR crossings. The Santa Margarita School is of major importance to the community as our children are our primary concern. 7
- Traffic shortcutting through the residential areas of Santa Margarita is grossly under estimated. The DEIR fails to mention the intersection of I Street and Estrada (SR 58). I Street is the only through roadway in Santa Margarita if vehicles are to avoid the “scenario” intersections. Additional traffic will have a 8

major impact on the residential community. It is anticipated many vehicles will bypass the “scenario” intersection to avoid delay. There is not a complete analysis of traffic (short cutting) patterns in the community either by volume or speed. There are no mitigation measures proposed for I Street. We feel additional investigation is needed to determine the impacts and solutions.

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4.11. pg4: The SR 58 curve at J Street is under designed to handle two large trucks, bike riders or pedestrians at the same time. This is a significant issue and would require road improvements to mitigate. The roadway must be designed to accommodate simultaneous use at this section of the road.

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- There is a CalTrans sign posted El Camino Real and H Street on SR 58, stating “Trucks not recommended” on SR58
- **4.11. pg8:** The project must contribute their fair share for any improvements needed to the SR 58/ Hwy 101 interchange. SLOCOG must be consulted for all interchange or overpass improvements required.
- **4.11. pg10:** The DEIR incorrectly states that there is one RTA bus stop in Santa Margarita at El Camino Real and Encina Street. There is a second stop near Ancient Peaks Winery on El Camino Real near Maria Street. Each bus stop has a north and south loading location. Since the traffic impact cannot be mitigated to a level of insignificance, the Santa Margarita community should receive some improvements in the traffic areas, such as:
 1. Bus shelters at both bus stops (north and south)
 2. Improvements and expansion to the SR 58/101 Park and Ride lot
 3. Bike lanes through Santa Margarita from Hwy 101 to the SR58 cutoff to California Valley

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- **4.11. pg13:** Policy 7: This project is not consistent as it’s corrections cannot be mitigated to a level of insignificance.
Policy 4: This project does nothing to address multi-use trails, bicycle lanes and pedestrian walkways, and therefore is potentially inconsistent with County Policy.

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- **4.11.pg19:** The mitigation measures under estimate impacts in the following areas:
 1. North bound elevation gain at SR 58 and El Camino Real
 2. Affect of the Railroad grade crossing
 3. PUC input has not been addressed
 4. Traffic short cutting through residential areas of Santa Margarita
 5. Traffic congestion at school crossings
 6. El Camino Real south bound traffic at SR 58 as to volume and speed during critical school hours and other special events
 7. Acceleration ability of loaded trucks on to El Camino Real from a stopped position creates a major traffic safety hazard
 8. CalTrans sign posting of trucks not recommended on SR 58 roadway to be used by project.

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Without additional mitigation this cannot be considered “less than significant”.

- **4.11. pg20:** State of California’s “Level of Service” criteria is not appropriate for a small rural community like Santa Margarita. The residential impacts would be significant if using State standards as used in the DEIR, however, a rural community standard should be applied to a small residential community such as Santa Margarita.

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- **4.11. pg21: Traffic and Pedestrian Safety:** The Traffic Study by TPG consultants which is cited and used as a traffic and pedestrian count in the DEIR was for only one day, 4/7/09 (appendix Table A-1). It is not nearly enough to conclude what actually happens at these intersections during inclement weather and special events.

School Crossing: The crossing guard has incurred several near catastrophic incidents in the past year, where vehicles have failed to slow down or stop for pedestrians in the crosswalk . Also the CalTrans light installed at this location has failed on several occasions as reported by Santa Margarita Fire Department. There is a sight distance issue at the intersection of I Street and Estrada (SR 58) due to a small hill for vehicles north bound. This rise in the roadway greatly reduces the visual distance for approaching vehicles to the H Street School crossing intersection. The statement that quarry truck drivers sitting in a higher position can see the crosswalk from 350 feet away is questionable, as the ability to see a “straggling” pedestrian. Futher investigation of the ability of said drivers to stop in a safe and reasonable distance should be conducted.

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Pedestrian Crossing of El Camino Real: No mitigation is being recommended for the business district of Santa Margarita, where all the residents in the community must obtain their mail as there is no home delivery mail service. Most business services are located in this area thus creating an additional traffic hazard.

- **Park and Ride:** Stopping distances of trucks heading north on Hwy 101 are a serious safety concern as they are rapidly approaching the exiting Park and Ride lot located on El Camino Real.

- **4.11. pg23: Mitigating Measures:**

1. Traffic 2a. Where are the Applicant Proposed Measures LU-1A mentioned in the DEIR and how do they actually mitigate problems at the school crossing to a “less than significant” status?
2. Traffic 2b. Regarding section Pedestrian Crossing at Encina Avenue quoted as “or related pedestrian safety improvements considered with Design Plan”: These improvements should be mentioned as mitigations so the public and decision makers are aware of mitigations to make the determination that the impact is “less than significant”.

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- **4.11. pg24:**

Traffic 3b. Add the following mitigation: No quarry related traffic will be allowed to stage or park within the boundaries of community of Santa Margarita due to air quality and noise issues.

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- Recommendations:
 1. A third party enforcer should be hired by the County and paid for by the Quarry to monitor safety concerns and implementation of traffic mitigations, including but not limited to speeding, parking, noise and air quality issues which should not be the sole responsibility of the Quarry management.
 2. Consequences should be in place for violations of these infractions.

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4.8 Noise

- **4.8. pg16:** The DEIR should only state that the noise impact is “significant and not mitigateable” after all remediation strategies have been implemented and investigated. Such things as sound proofing residence in areas of significant impact should be considered, i.e. triple paned windows and any other recommended sound mitigation available
- The level of severity for noise does not accurately reflect the community values for noise pollution in the rural community of Santa Margarita.
- Noise is created and dispersed through various factors such as empty vs. loaded trucks, speed, road surface, topography and existing structures. These types of issues for noise need to be addressed. This is particularly important for critical noise levels along SR 58 and the east and west entrances to Santa Margarita.
- Quality of Life issues have been grossly underestimated in the DEIR.
- **More attention should be directed to an alternative project which would route traffic around the community of Santa Margarita and through the Santa Margarita Ranch or connecting to the Hanson Road route through the Santa Margarita Ranch currently used by Hanson Aggregates.**
- Traffic on SR 58 through the town of Santa Margarita has not been adequately addressed.
- Measures such as:
 1. Sculptured and landscape center dividers
 2. Sidewalks built along roadways
 3. Additional crosswalks, more clearly marked

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These measures may assist in slowing traffic.

- Noise and traffic are impacts that must be brought to a level of insignificance to address the community’s concerns for traffic, noise and safety.
- Please add additional noise mitigation: Quarry owners should look into creating a railroad “quiet zone” to offset the noise impact that cannot be mitigated. Providing some improvements to the train crossings to reduce whistle/horn blowing with-in the town of Santa Margarita.

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Sue Luft
Chairperson

John Ashbaugh
Vice Chairperson

Courtney Howard
Secretary

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Russ Thompson
Atascadero

Vacant
Grover Beach

Noah Smukler
Morro Bay

Christopher Alakel
Paso Robles

Erik Howell
Pismo Beach

John Ashbaugh
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Bob Gresens
Cambria CSD

John D'Omelias
Heritage Ranch CSD

David Vogel
Los Osos CSD

Larry Vierhellig
Nipomo CSD

Mary Lucey
Oceano CSD

Rene Salas
San Miguel CSD

Charles Grace
San Simeon CSD

Tina Mayer
Templeton CSD

Linda Chipping
Coastal San Luis RCD

Michael Broadhurst
Upper Salinas RCD

Jackie Crabb
County Farm Bureau

Vacant
Agriculture At-Large

Lowell Zelinski
Agriculture At-Large

Eric Greening
Environmental At-Large

Sue Luft
Environmental At-Large

Annie Gillespie
Environmental At-Large

Greg Nester
Development At-Large

John Neil
Atascadero MWC

Tisdell Thomas
California Men's Colony

John Reid
Camp SLO

Edralin Maduli
Cuesta College

Mark Zimmer
Golden State Water

May 2, 2013

Honorable Paul Teixeira
Chairperson, Board of Supervisors
County of San Luis Obispo
1050 Monterey Street
San Luis Obispo, CA 93408

Subject: WRAC Comments on the Water Resources Components of the Oster/Las Pilitas Quarry Project Draft Environmental Impact Report

Dear Chairperson Teixeira:

On June 21, 2011, your Honorable Board approved a contract with URS Corporation to prepare an Environmental Impact Report for the proposed Oster/ Las Pilitas Quarry Conditional Use Permit/ Reclamation Plan. The Draft Environmental Impact Report (DEIR) involved an analysis of the applicant's (Las Pilitas Resources LLC) request for a Conditional Use Permit/ Development Plan and Reclamation Plan to allow for an aggregate quarry and asphalt and concrete recycling facility. On October 3, 2012, the Water Resource Advisory Committee (WRAC) formed an ad hoc subcommittee whose purpose was to review and comment on the water resources components of the subject DEIR.

Subcommittee members included Member John Hollenbeck (District 5), Member Eric Greening (Environmental At-Large), Member John Neil (Atascadero Mutual Water Company), Member John Reid (Camp San Luis Obispo), and Member Jim Toomey (District 2). Member Hollenbeck served as chair to the ad hoc subcommittee. The subcommittee met on June 20, 2012, and subsequently developed a subcommittee report (attached).

On May 1, 2013, the WRAC reviewed and approved the ad hoc subcommittee's report and voted (10-0-0) to submit the attached comments to your Honorable Board for further consideration.

Respectfully,

SUE LUFT
Chairperson, Water Resources Advisory Committee

cc: SLO County Board of Supervisors
SLO County Planning Commission
Murry Wilson, County Department of Planning and Building

Purpose of the Committee:

To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the SLO County Flood Control & Water Conservation District. To recommend to the Board specific water resource programs. To recommend methods of financing water resource programs.

Attachments¹: Subcommittee Report on Water Resources Comments on the Draft Environmental Impact Report (DEIR) for the Oster/ Las Pilitas Quarry

¹ Related correspondence submitted to the WRAC can be found at:
<http://www.slocountywater.org/site/Water%20Resources/Advisory%20Committee/Submittals/>

MEMORANDUM

April 22, 2013

TO: Water Resources Advisory Committee (WRAC)
c/o Ms. Sue Luft, WRAC Chairman

FROM: John R. Hollenbeck, WRAC Member, District 5
Chairman, Ad Hoc Subcommittee, Oster/Las Pilitas Quarry Project

SUBJECT: Suggested Water Resource Comments on the Draft Environmental Impact Report (DEIR) for the Oster/Las Pilitas Quarry

At its meeting on October 3, 2012, the WRAC formed an Ad Hoc Subcommittee (Subcommittee) to review the water resources components of the DEIR of the Oster/Las Pilitas Quarry Project (Project). The DEIR was released on or about April 2, 2013. The Subcommittee met at 3:00 p.m. on Thursday, April 18, 2013, at the offices of the Atascadero Mutual Water Company. Membership of the Subcommittee includes:

Member John Hollenbeck (volunteered February 6, 2013)
Member Eric Greening (volunteered October 3, 2012)
Member John Neil (volunteered October 3, 2012)
Member John Reid (volunteered October 3, 2012)
Member Jim Toomey (volunteered December 5, 2012)

The purpose of this memorandum is to propose comments regarding water resources discussed within the DEIR. These proposed comments are offered by the Subcommittee for the WRAC to consider at its May 1, 2013, meeting.

1. The Las Pilitas Resources LLC (Applicant) issued the revised Conditional Use Permit (CUP) Application Packet for File No. DRC2009-00025 on March 22, 2010, via memorandum to the County. The paragraph atop page 6 of 18 of the revised application states *"A portion of high quality aggregate will be washed and sorted for use in the manufacturing of Portland Concrete Cement and Hot Mix Asphaltic Concrete as well as being sold to customers for specialty applications."* which appears to be inconsistent with the following statements from the DEIR:
 - a. first sentence of the second paragraph of Section ES.3 of the DEIR, which states "The project will produce up to 500,000 tons per year of aggregate for use in Portland cement concrete (PCC) and asphaltic

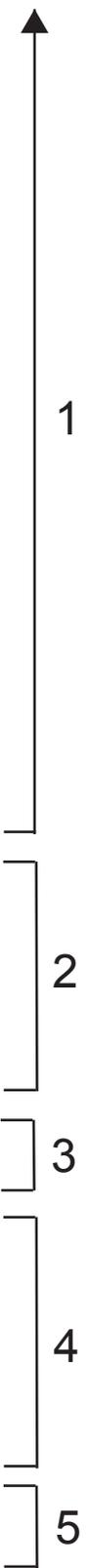
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- concrete (AC). (the inconsistency is the lack of the description of washing the aggregate)
- b. first sentence of the first paragraph of Section 2.3.5 of the DEIR, which states "Due to the type of rock product proposed, and the nature of the granitic material to be mined, the applicant was not proposing to wash any of the material that is processed."

The inconsistencies are:

- The revised CUP Application states that a *"portion of high quality rock"* without providing any quantity or estimate on what constitutes "a portion" whereas the sentence referenced in ES.3 would indicate that all 500,000 tons per year would be aggregate used for PCC; therefore, the CUP application would indicate that some level of washing of concrete aggregate is an expected operation of the quarry and as such the impacts to water resources of washing aggregate is not fully addressed within the DEIR. Please identify, address, and correct this inconsistency.
 - The revised CUP Application clearly states that washing quarried material in the production of concrete aggregates will occur, whereas the sentence referenced in Section 2.3.5 says the applicant was not proposing to wash any of the processed material. Please identify, address, and correct this inconsistency.
2. The DEIR states that the Project will produce aggregate for PCC and AC. Industry standards typically require the aggregate for the PCC to be a washed product. Where (geographically) will the washing of the coarse aggregate occur? Please identify which watershed(s) in San Luis Obispo County within which the offsite impacts of washing of PCC aggregates will occur, and impacts thereon to water supply and water quality.
 3. In addition to the high quality aggregates, what other products, if any, are going to be produced from the Project? Please identify all of them.
 4. The estimated 4,000 gallons per day for dust control appears low, and the DEIR does not provide a clear understanding of the annual distribution of water usage, nor is it clear how much land area is expected to be actively disturbed and requiring dust control. What are the dust control water supply and usage hydrographs (water volume vs. months) and what is the maximum actively disturbed area that will engage a water application procedure to control dust?
 5. What are the best management practices for the application of water as dust control? Please describe in detail.



6. The DEIR mentions the use of dust suppressants, but the DEIR does not contain the Material Safety Data Sheet (MSDS) information on the chemicals. What are the water quality implications of the application of these suppressants? 6

7. Regarding the section in Chapter 4 on Air Quality, on page 4-3.28, the second air quality mitigation states *"Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15mph. Reclaimed (non-potable) water should be used whenever possible."* The phrase *"in sufficient quantities to prevent airborne dust from leaving the site"* is an open-ended and immeasurable criterion; therefore, the two questions are: 7
 - a. What is the objective criterion for measuring the fugitive dust that leaves the site?
 - b. What quantity of water is needed to accommodate this mitigation measure?

8. Regarding the section in Chapter 4 on Air Quality, on page 4-3.28, the third air quality mitigation states *"All soil or product stockpile areas should be sprayed daily as needed, or be covered or treated to minimize windblown dust."* Which of the above air quality control methods are expected to be used and what are the water quantity and quality implications? 8

9. The WRAC has reviewed the domestic water quantity and quality discussions (both water and wastewater) and currently does not have any comments.

The following is a list of additional materials that the Subcommittee reviewed during the course of the DEIR review. We understand that these documents will be placed on the WRAC's portion of the County's web site (www.slocountywater.org).

Item No.	Description
1.	Letter from Mr. Roy Reeves to CalRecycle, March 16, 2012.
2.	Letter from Mr. Roy Reeves to Water Quality Control Board, Central Coast Region, July 6, 2012.
3.	Letter from Margarita Proud to the Water Resources Advisory Committee, November 27, 2012.
4.	Letter from Margarita Proud to the Water Resources Advisory Committee, April 14, 2013

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June 5, 2013

SENT VIA EMAIL & REGULAR U.S. MAIL

Murry Wilson
Department of Planning
County of San Luis Obispo
San Luis Obispo, California 93401
mwilson@co.slo.ca.us

RE: Las Pilitas Quarry Draft Environmental Impact Report

Dear Mr. Wilson:

I submit these comments on behalf of Margarita Proud in response to the Draft Environmental Impact Report (“DEIR”) for the proposed Las Pilitas Quarry. For the reasons that are set forth below, the DEIR is incomplete or otherwise does not comply with the requirements of the California Environmental Quality Act (“CEQA”). The County therefore must revise the DEIR as indicated and resubmit the revised draft for public review and comment.

Project Objectives

Project objectives must disclose the underlying purpose of a project in order to guide the selection of alternatives that would be evaluated by the EIR and the lead agency. CEQA Guideline (“Guideline”) §15124(b). Many of the Project Objectives listed in the DEIR are inappropriate because they do not relate to an “underlying purpose” of the Project. For example, the DEIR uncritically lists as an objective of the Project, protection of “significant mineral resources from land uses that threaten their availability for future mining.” It is difficult if not impossible to see how a quarry, in and of itself, would prevent land uses in neighboring properties that could be incompatible with mining.

This purported objective amounts to an admission that sand and gravel mining is inherently incompatible with other land uses, including the existing rural residences that surround the Project site. Moreover, the objective of protecting mineral resources (presumably on-site) from incompatible land uses is vague and difficult to understand as it is not clear what land uses would be incompatible with mining. Finally, influencing land use in the project’s vicinity (presumably by preventing



incompatible land uses, including but not limited to rural residential and related uses) is not an appropriate project objective. The DEIR must be revised to exclude this purported project objective or to explain why it is appropriate.

1

The stated project objectives are inconsistent with the project description. According to the DEIR, due to the “type of product proposed, and the nature of the granite material to be mined, the applicant is not proposing to wash any of the material that is processed.” AR 2-9. The “type of product proposed” presumably refers to “concrete-grade aggregate,” the production of which, according to the DEIR, is a project objective. DEIR 2-2. Yet, according to the applicant’s May 1, 2013 letter to Water Resources Advisory Council, the DEIR’s reference to concrete grade aggregate is “confused” because it was based on old project description, which assumed the Project would produce PCC grade aggregate. Contrary to the Applicant’s characterization, however, because the DEIR refers to the production of concrete grade aggregate as a project objective, which in light of the Project applicant’s admission, is clearly untenable. The DEIR therefore must be revised and recirculated in order to clearly state the Project’s objectives.

2

Project Description

According to the DEIR, “[t]he applicant is requesting a 25- to 58-year timeframe for the mining operation and phased reclamation of the mined site.” This time-frame is unnecessarily vague and indefinite. The difference between 25 and 58 years is 33 years. As the potential land-uses and traffic volumes are likely to be change significantly in 58 years, the Project approval should be limited to a much shorter period, eg. 30 years.

3

As explained above, according to the DEIR, the Project will produce concrete and PCC-grade aggregate. The DEIR further claims that owing to the “and the nature of the granite material to be mined, the applicant is not proposing to wash any of the material that is processed.” This statement clearly implies that it would be possible to produce concrete-grade aggregate without washing. As the Applicant’s own letter admits, however, it is impossible to produce unwashed concrete-grade aggregate. It is therefore entirely unclear why the DEIR claims the Project can produce concrete-grade aggregate without the need for washing when the applicant itself admits this cannot be done. The DEIR must therefore be revised and recirculated to make clear that the Project would not be producing concrete-grade aggregate, and that if the applicant ever decides to change the project description to produce higher quality aggregate, it would be required to undergo specific and further environmental review.

4

Air Quality

The DEIR’s analysis of the potential mitigation measures for addressing the Project’s emission of ozone precursors (ROG+NOx), which the DEIR admits would be significant, is inadequate. In fact, the DEIR admits that the Project would exceed both the daily (25 pounds per day) and annual (25 tons per day) emissions thresholds as set by the San Luis Obispo Air Pollution Control District (“SLOAPCD”). DEIR 4.3-21. Despite this admission, the DEIR fails to adequately consider the feasibility of off-site mitigation, which the DEIR admits would be needed to augment the largely ineffective potential onsite mitigation measures.

5

Regarding mitigation of ozone precursors, the DEIR first considers but ultimately rejects as ineffectual most on-site mitigation measures, such as deployment of electrical equipment. 4.3-23 to

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24. The DEIR states that “portable aggregate processing equipment could be operated by grid-supplied electrical power rather than by diesel engines or generators” but dismisses this potential mitigation because its feasibility could not be established.

6

The DEIR briefly considers other potential mitigation measures, such as restrictions on the simultaneous use of heavy equipment, but again fails to consider the feasibility of this option.

The DEIR then considers off-site mitigation because it concludes that the Project’s operational emissions would exceed the SLOAPCD’s threshold. Off-site mitigation may include “specific emissions reductions achieved through retrofit activities to improve energy efficiency, improvements or funding to increase the use of transit or alternative transportation, ...”

The DEIR includes only a cursory consideration of the cost of off-site mitigation. 4.3-24. (“approximate cost of [mitigation] would range from 30 to 50 cents per ton of aggregate produced over the 25 year lifetime of the project.”) The DEIR fails to include an analysis of the economic feasibility of off-site mitigation:

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The economic effect of this additional cost is not clear, and it may depend on whether or not similar air emissions charges are imposed either directly or indirectly on other aggregate sources. The details of this type of analysis and the determination of specific emission reduction measures and costs are matter for consultation between the applicant and SLOAPCD. At this time, it is assumed that the additional mitigation measures beyond those typical measures associated with quarry projects . . . would not be implemented.

It is the legislative policy of California “that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects....Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1028-1029 (“LA Unified”). To implement this policy, CEQA requires that agencies “mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.” Pub. Res. Code § 21002.1(b); Napa Citizens for Honest Gov’t v. Napa County Bd. Of Supervisors, (2001) 91 Cal.App.4th 342, 360 (“the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified.”)

The DEIR’s analysis of mitigation measures to address the Project’s ozone precursor emissions is woefully inadequate and violates CEQA. The DEIR is deficient in that it does not include a thorough discussion of potential mitigation measures, including a discussion of the feasibility of each mitigation measure considered.

8

The DEIR is deficient and violates CEQA also because it impermissibly defers the formulation of off-site mitigation measures for addressing the Project’s emission of ozone precursors. Deferral of the formulation of mitigation measures is permissible only if early formulation of the mitigation measures is impractical, and the agency adopts specific performance criteria to guide the future formulation of mitigation measures. Sacramento Old City v. City Council (1991) 229 Cal.App.4th 1011, 1028-9, CEQA Guideline §15126.4(a)(1)(B). Here, there is no evidence that formulation of mitigation measures, with or without consultation with the SLOAPCD, was not practical. But even it was impossible to formulate precise mitigation measures at this stage, the DEIR could have included a

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more thorough discussion of potential mitigation measures, and included a commitment to complete mitigation of the impact by imposing a standard or performance criteria. As it is, the DEIR makes no concrete recommendations regarding off-site mitigation (which it admits would be necessary to address the project’s impacts) and assumes no additional mitigation beyond “typical measures” associated with quarries would be recommended. As such, the DEIR violates CEQA because it does not propose or make a commitment to full mitigation of the impact.

9

The DEIR violates CEQA also to the extent that it does not analyze the economic feasibility of off-site mitigation. Pub. Res. Code §21061.1 defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” “CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project’s benefits, unless the measures necessary to mitigate those effects are **truly infeasible.**” City of Marina v. Board of Trustees of the California State University (2006) 39 Cal.4th 341, 368-369. (Emphasis added.) Here, the DEIR merely states that off-site mitigation could cost between 30 to 50 cents per ton, but fails to explain the basis for this calculation. It also incorrectly assumes, moreover, that the life of the project is 25 years, when as we state above, the DEIR claims the life of the project could be anywhere between 25 and 58 years. The DEIR violates CEQA to the extent that it does not analyze the feasibility of off-site mitigation, and compounds the problem by concluding that the Project’s ROG+NOx emissions would be “significant and not mitigable.” 4.3-24. This conclusion is not supported by any substantial evidence or adequate explanation.

10

Air Quality: PM10/fugitive dust

As with the discussion of ROG+NOx, the DEIR’s discussion of PM10/fugitive dust is inadequate and in violation of CEQA. The DEIR admits that these emissions must be considered significant because they exceed the SLOAPCD’s threshold of significance, but makes no attempt to quantify the proposed mitigation measures or to considerable additional measures to reduce the significance of these impacts to a less than significant level. As with ROG+NOx mitigation measures, the DEIR impermissibly defers consideration of additional mitigation measures without a commitment to reducing the impact to less than significant: “additional mitigation measures may be required for the control of fugitive dust and PM10, these can be developed in consultation with the SLPAPCD.” 4.3-28. As explained above, deferral of the formulation of mitigation measures in this manner violates CEQA because the EIR has not established any performance criteria (such as compliance with the SLOAPCD standards), and has not adequately considered the feasibility of potential mitigation measures, and has not made a commitment on behalf of the County to fully and adequately mitigating the Project’s air quality impacts.

11

Diesel particulate matter (DPM)

The DEIR admits that Project DPM emissions will likely be above the threshold of significance, and cause an unacceptable increase in cancer rates, yet concludes that with the imposition of Mitigation Measure (MM) AQ-1a, this impact will be “minimized” (4.3-30) and would be reduced the threshold of significance of an increase cancer risk of 10 in one million. 4.3-32. This conclusion, however, is not supported by any adequate explanation or analysis. The DEIR must be revised in order to disclose the purported relationship between the proposed mitigation measures and the expected reduction in the cancer risk.

12

Biological impacts

The DEIR does not include an adequate discussion of potential impacts on biological resources and an analysis of mitigation measures. The DEIR fails to adequately describe the potential biological resources on-site because of the limited surveys conducted. The brief botanical survey in October 2009, and again in May and July 2011 were not timed to adequately assess the presence of spring flowering plants. The evidence further shows that the authors did not survey for all potentially present species. The pond turtle, for example, could be present in the on-site pond, but the DEIR admits that the condition and management of the pond was not known. Likewise, the DEIR's discussion of potential impacts on bats shows that no surveys were conducted to detect the presence of bats or suitable roosting sites. 4.5-36.

13

The DEIR's discussion of mitigation measures is likewise inadequate. In reference to the impact on rare plants, the DEIR states that because the site does not appear to contain any federally protected plants, any impacts on rare plants would be adequately mitigated by the preservation of open space as required by MM BIO-1. 4.5-34. Yet, the DEIR does not seem to track the County's threshold of significance, according to which Project impacts on "unique or special status species or their habitat" or a reduction in the "extent, diversity or quality of native or other important vegetation" could be considered significant. See. 4.5-33. The County's threshold of significance does not support the DEIR's assumption that only impacts on federally protected species are to be considered significant. Accordingly, the DEIR's emphasis on the absence of federally protected species is misplaced; the DEIR must be revised to include a discussion of whether the Project's impact on unique or special status species or their habitat amounts to a significant and adverse biological impact within the meaning of CEQA.

14

The DEIR's bald assertion that preservation of 69 acres of on-site habitat will adequately mitigate the impact on the loss of sensitive or rare plants is not supported by substantial evidence or adequate analysis. There is no discussion, for example, of the presence or absence of the same type of plants that are likely to be lost due to the implementation of the Project, such as Shining Navarrets, La Panza Mariposa Lily, etc. See, 4.5-33. An EIR "must contain facts and analysis, not just the agency's bare conclusions or opinions." Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392.

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The evidence, moreover, does not support the conclusion that MM BIO-1 would be feasible because BOP-1 does not require an endowment to support the management of the proposed preserve. Feasible means "means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. CEQA Guideline §15364. Without an endowment or other revenue stream to support the long-term management of the habitat, there is no evidence to suggest the habitat would be adequately managed.

Despite admitting that suitable habitat for both native and migratory birds and sensitive bat species exists on the project site, the DEIR does not include adequate surveys for these species. 4.5-35 to 36. The DEIR contends that the Project's impact on these species would be less than significant because the imposition of MM BIO-4 and BIO-5 would avoid direct loss of these species. Ibid. The DEIR fails, however, to propose any mitigation measures to address the indirect impacts to these species in the form the loss of habitat and harassment (i.e. from noise, dust, vibration etc.) caused by the implementation of the Project. The DEIR must be revised to analyze the Project's indirect impacts on these species, require mitigation measures if the impact is deemed to be significant.

16

Finally, the DEIR does not include a discussion of the project’s potential impacts on stealhead trout, a federally protected species, and other native fish and water-dependent residents of the Salinas River such as the red-legged frog. Although the DEIR claims the Project will not directly affect the Salinas River (which traverses the project site), the DEIR fails to consider the Project’s indirect impacts, which could result from withdrawing an estimated 7 acre feet per year (see discussion of water supply below) from the river underflow, as well as potential discharge of contaminated storm-water runoff, dust, and other impacts that may be expected when a large industrial facility such as the proposed mine is placed adjacent to a major water body.

17

Water Supply

The DEIR does not include an adequate discussion of project’s impact on water supplies. The DEIR’s claim that the Project would use far less water than previously established on the project site is not supported by substantial evidence, which to the contrary, supports the conclusion that the project would use considerably more water than any documented water use in the recent in the past. The DEIR is deficient also to the extent that it fails to adequately analyze the project’s potential impacts on other nearby drinking water wells, which like the project well, draw on the Salinas River underflow.

18

The DEIR violates CEQA also because it does not explain the basis for assuming that the Project would use only 5,500 gallons of water per day. This assumption must be explained in reference to common industry standards. I request access to any information or documents in the Project file that the County contends supports this assumption, including but not limited to any calculations, studies, case studies, etc.

19

The DEIR contains a discussion of past water use at 4.13-4. According to this discussion, the two residences on site have historically used between 1.5 and 1.7 acre feet per year (AFY). The DEIR assumes a figure of 2 AFY for the purpose of its discussion, but by rounding up, the DEIR impermissibly overstates the Project’s historical water use by a factor of between %33 to %18. The DEIR must use the documented baseline water use for its analysis not a substantially larger rounded number.

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The DEIR also claims that the site contains two other “water storage facilities” with a combined storage of 0.7 AF. The presence of these storage facilities does not, however, establish additional water rights or evidence greater historical water use. The DEIR also claims that the Statements of Diversion and Use (“SDU”) “indicate that approximately 94 AFY has historically been diverted for temporary storage . . .” Ibid. The DEIR appears to be confused about the significance of this ponded water. According to SDU No. 15136, the water in this pond was stored for emergency use only, it was never actually consumed on the project site. See, Supplemental Statement of Water Use No S015136 for 2006-8, attachment A to these comments. The baseline water use on the site, therefore, is 1.5-1.7 AFY, not 94 AFY as the DEIR suggests.

Despite this evidence, the DEIR claims the Project water use would be “lower than the water used in previous agricultural activities on the property, and much lower than the potential use indicated in the Statements of Diversion and Use.” 4.13-11. The DEIR’s claim that agricultural water use on site has been historically greater than the anticipated 7 AFY is not supported by any evidence presented in the DEIR or the DEIR and the Water Supply Assessment (“WSA”) on which it relies. If evidence of relevant agricultural water use exists, I ask to be provided with a copy of all such evidence as soon as

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possible.

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The DEIR and WSA seem to confuse the concept of water use and water rights. It is undisputed that the water stored in the 92.7 pond was not historically consumed for any agricultural or other purposes on site. The evidence shows, moreover, that the full 92.7 acre feet was never diverted on an annual, which DEIR apparently assumes. The DEIR does not refer to any evidence or discussion of the amount of water that was diverted on an annual basis. Even if the evidence supported the DEIR’s claim that the project applicant has a “right” to 92.7 AFY (a claim that Margarita Proud very much disputes), it still does not follow that the applicant has established a baseline level of water use equal to 92.7 AFY. The DEIR must be revised accordingly.

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The DEIR also seems to ignore the fact that historically, the ranch used water from Moreno Creek, but the mine now proposes to withdraw water from the Salinas River. The applicant has not established or even suggested it has historically withdrawn water from the Salinas River, so this would be a new use. The DEIR must be revised to address this issue. See, 4.13-13.

23

The DEIR must be revised also to include a discussion of the potential impacts of the Project’s expected water use on the water supply (i.e. Salinas River) and nearby water users who rely on the same source of water for their own use. The DEIR never considers the Project’s potential impact on nearby residents who rely on their water wells for domestic water use. The reported well test (4.13-11) did not measure the draw down on nearby wells. Before making claims about the Project’s potential impact on nearby residents’ ability to use water wells for domestic purposes, the County must perform adequate tests to determine the impact of pumping from the project well on nearby residents’ well(s). The pumping test must also measure the draw down and include a record of the recovery time. The DEIR’s conclusion that the existing well can operate at the rate of 25 gallon per minute (4.13-11) is not reliable unless the well test shows this level of production can be sustained continuously. The well test relied on by the DEIR only lasted 4 hours. The DEIR’s conclusion that the Project has a reliable source of water supply is not established by the available evidence.

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Traffic and Circulation

The DEIR’s analysis of Project impacts on traffic and circulation is inadequate and must be revised because the Project’s expected impacts on local intersections and safety is grossly understated.

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The DEIR underestimates traffic impacts in part because it uses an average daily estimate of truck traffic, but the estimated daily truck traffic will likely be regularly exceeded during heavy construction season. The DEIR discloses that for large projects, daily truck trips may exceed 800, but does not include any analysis of seasonal variations, which may result in daily truck trips that exceed the expected 273 during summer construction season. 2-9.

Likewise, the DEIR offers no explanation or evidence to justify the assumption that the delivery of concrete materials for recycling will result in only 75 truck trips. The overall net increase in the number of daily truck trips could easily exceed 75 if the DEIR’s assumption that %50 of concrete delivery trucks will haul back processed aggregate proves to be wrong. The DEIR must supply evidence and explanation to support this assumption, and include a condition (as mitigation) that limits the number of delivery trucks.

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As explained in the June 5, 2013 peer review and comments of traffic consultants, Arch Beach

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(“Archer”), the DEIR grossly underestimates Project traffic by failing to take into account the difference between truck and passenger car traffic. On average, trucks displace three passenger cars, such that each project-related truck will have a traffic impact that is equal to three passenger cars. As explained in the Highway Capacity Manual (cited by Archer), in order to accurately assess traffic impacts caused by this Project, the traffic study must multiply the number of Project-related trucks by a factor of three (passenger-car equivalent or PCE factor) and reassess the Project’s impacts based on the PCE-adjusted numbers. As explained in the Archer Beach comments, the Project’s PCE-adjusted traffic impact is much larger than the DEIR’s estimate, which means the Project will result in significant direct and cumulative adverse traffic impacts.

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Following adjusting the traffic study as explained by Archer, the DEIR must reassess the Project’s impact on the intersection of El Camino and Estrada. The DEIR must be revised to show that the Project would result in a significant degradation of the level of service (LOS) at this intersection, and require adequate mitigation accordingly. See, Archer comments at 6-7. The DEIR must be revised also to include an adequate queuing analysis. Archer’s analysis shows that the addition of truck traffic from the Project would significantly exacerbate an existing problem of queuing exceeding storage capacity, which results in vehicles queuing on railroad tracks on Estrada Ave. See, Archer at 8. The DEIR must evaluate the proposed mitigation measures (by Archer) for feasibility and require as a condition of approval all measures that are determined to be feasible.

The DEIR must be revised also to accurately reflect and analyze the hazardous conditions that would be created as a result of trucks accessing the site through a driveway on Highway 58. The DEIR assumes that under “normal” conditions, the proposed driveway access on Route 58 would function adequately without any improvements. 4.11-23. This statement, however, is not supported by any evidence, such as a detailed study of expected delay caused by trucks waiting to turn into the driveway or those leaving the site. It would appear that especially during peak hours truck, access to and from the site would cause considerable traffic delay both east and west of the site. The delay and slow moving trucks will likely create an unsafe condition on Route 58, which according to the County’s significance criteria, should be considered a significant impact. See, 4.11-15. The DEIR must be revised to adequately address this problem. This analysis must be conducted in light of expected heavier-than-average summer season truck traffic.

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After conducting an adequate analysis of potential delay, the DEIR must consider potential mitigation measures, including but not limited to a dedicated left turn lane (traveling east) and a west bound dedicated truck lane.

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Finally, the DEIR must be revised in order to correct the DEIR’s contention that the Route 58 ramp to Highway 101 has lower than average accident rates. 4.11-9 to 10. Figure 4.11-6 clearly indicates that this ramp has an accident rate that is 3 times greater than state average.

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Land Use

The DEIR does not include an adequate discussion of the Project’s consistency with the existing rural residential uses in the Project’s immediate vicinity. The discussion at 4.14-6 suggests that Project impacts on neighboring residences, such as parking traffic, dust, etc., “have been appropriately addressed . . .”. The DEIR suggests that the only significant impact that could not be mitigated to a less than significant level is noise. This is not the case, as the DEIR in its current iteration does not include adequate mitigation measures to adequately mitigate the adverse impact associated with the

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emission of dust, PM10, ROG+NOx, and diesel particulate matter.

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The DEIR's discussion of Land Use compatibility must also be revised to address the applicant's stated objective of "protecting significant mineral resources from land uses that threaten their availability for future mining." 2-2. The DEIR's discussion of land use must address how this objective would be met, and the effect it might have on the continued development of rural residential land use and agricultural practices in the project's vicinity.

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CONCLUSION

For all of the foregoing reasons, the DEIR must be revised and recirculated.

Sincerely,

/s/
Babak Naficy, for Margarita Proud



June 5, 2013

Murry Wilson
Environmental Resource Specialist
San Luis Obispo County Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) COMMENTS
DRC2009-00025 Oster/Las Pilitas/Hwy. 58 Quarry Conditional Use Permit and Reclamation Plan

Dear Mr. Wilson,

Margarita Proud is a non-profit community organization that represents a diverse group of San Luis Obispo county residents committed to the future livability and safety in and around Santa Margarita, CA. We support responsible planning principles that result in economic and aesthetic well being for the entire community by promoting wise use of our natural resources, stewardship of the Salinas River, safe transportation corridors that retain our rural appeal, the legal rights of private property owners, and meaningful participation in the local decision making process.

We have been closely following the application and subsequent environmental review process for the proposed Las Pilitas Quarry since application was made for a Conditional Use Permit and Reclamation Plan in 2009. The highly industrial operations currently proposed are simply not a good fit for the proposed site or the character and future livability of Santa Margarita.

An EIR is intended to be a full disclosure informational document which provides the public and decision makers with detailed information about the effect a proposed project is likely to have on the environment. Of considerable importance to an affected community is that mitigation measures to eliminate or reduce impacts be effective and enforceable.

The EIR will become a tool decision makers will rely upon accuracy of to make well informed decisions for generations. For this reason, it is imperative that every effort to create such a document be exercised as this process moves forward.

We have limited our comments to the Sections listed but understand that underlying assumptions introduced as part of a specific impact analysis often carry over into several other impact areas. We trust that observations and comments made in one impact area will be translated globally through the entirety of the document as appropriate.

Sections submitted in pdf format and via hand delivery

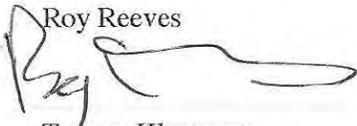
- Cover Letter
- Section 2.0 Project Description
- Section 4.1 Aesthetics and Visual Resources
- Section 4.3 Air Quality
- Section 4.7 Hazards and Hazardous Materials
- Section 4.8 Noise
- Section 4.11 Transportation and Circulation
- Section 4.14 Land Use
- Section 6.0 Project Alternatives

The comments submitted represent a good faith effort to achieve a full disclosure document and reflect the diversity of our Board of Directors and the members of the sub-committee that drafted comments for our Board's final approval. We trust all other stakeholders in the process will do the same.

Sincerely,
The Board of Directors, Margarita Proud

DRC2009-00025 Subcommittee members

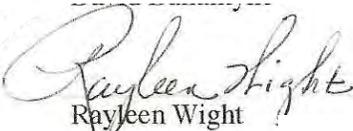
Roy Reeves



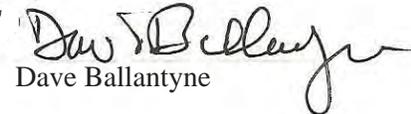
Tamara Kleemann



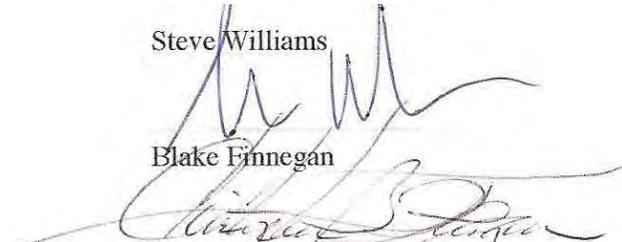
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Dave Ballantyne



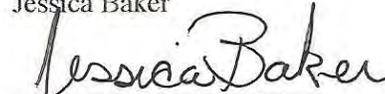
Steve Williams



Blake Finnegan

Charlie Kleemann

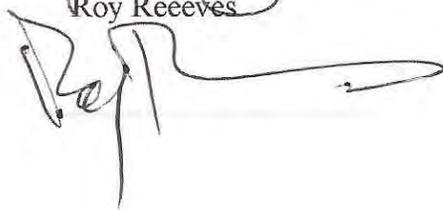
Jessica Baker



Rob Zeszotarski



Roy Reeves





**MARGARITA
PROUD**

DRC2009-00025 DEIR COMMENTS

Submitted June 5, 2013

Section 2.0 Project Description Comments

pg. 2-1, *The proposed Las Pilitas Quarry surface mine and related disturbance areas would occupy approximately 41 acres of a 234-acre property located approximately three miles northeast of Santa Margarita on the north side of State Route 58 just east of the Salinas River. Access to the property is directly from SR 58, which is a two-lane state highway extending from US Highway 101 (four miles to the west) to the easterly county line. Figures 2-1 and 2-2 show the project location and vicinity.*

Comments

- The precise location of the entrance into the access road is important as the logistics and workability of project details and operations are being discussed throughout all sections of this DEIR document.
- **The proposed quarry entrance is located at Post Mile (PM) 5.08 on Hwy. 58.**
- There are mile markers along the entirety of 58. Mile zero is at the 101 interchange. Mile marker 5.0 is located on east side of Structure 49 0237 (Salinas River Bridge). The entrance as proposed is 430' (.08/10 of a mile) east of mile marker 5.0.
- State Route 58 is a two lane rural arterial route.
- Reference to US Highway 101 being 4 miles to the west is unclear. Four miles from where? Mile markers indicate 101 is approximately 5.08 miles from the entrance to the proposed project site.

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pg. 2-2, *More information regarding the project vicinity and surrounding lands is in Section 3.0, Environmental Setting; and a specific discussion of Land Use is in Section 4.16 of this EIR.*

Comments

- Refer to our detailed comments in Section 4.14 regarding Land Use.

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pg. 2-2 2.2 Project Objectives

Section 1.3 presents a more detailed discussion of the project objectives along with an introductory background discussion of the aggregate industry and how the project relates to the identified objectives. As a brief summary of that discussion, the objectives are presented in the following points:

- A. **Develop significant mineral deposits** in a manner that protects sensitive natural resources and existing adjacent uses, and is consistent with other County general plan goals and policies.
- B. **Protect significant mineral resources** from land uses that threaten their availability for future mining.
- C. **Develop known concrete-grade aggregate** reserves in the local production-consumption region in accordance with previous planning and coordination with the California Department of Water Resources, state policy, the County EX1 Combining Designation, and applicable regulations.
- D. Provide an additional source of aggregate material in the local production-consumption region, with a permitted production of up to 500,000 tons/year for approximately 30 years, consistent with state policy, the County EX1 Combining Designation and applicable regulations, and in a manner that supports independent contractor and other local use groups.
- E. Contribute towards increased recycling of construction and demolition debris to help achieve an overall goal of 75 percent recycling for this type of waste material.
- F. Locate a **concrete-grade aggregate quarry** as near as practicable to use areas in the San Luis Obispo-Santa Barbara Production-Consumption region, and with minimal reliance on local streets to gain highway and freeway access.

2.2 Comments

- The project objectives will be important for future discussions within a number of impact areas.
- Whether or not the project objectives are changed will be an important consideration in evaluating project alternatives. The DEIR should provide a clear and comprehensive description of all possible project objectives in order to objectively assess each potential impact areas. This should include any potential uses that could be added to the project in the future. Post hoc addition of activities to the proposed project, or “piece-mealing”, is inconsistent with CEQA procedures.
- Much effort is spent in this document to communicate the existence of an EX1 Combining Designation. While the combining designation exists in the Las Pilitas Area Plan, it’s importance to this site is not entirely applicable due to the many existing residential uses adjacent to the proposed site. The DEIR fails to identify that the proposed project site meets criteria that would **exclude** this location as a suitable Aggregate Resource Area (ARA) under California State Geological Survey definitions.
- Simply put, a mining application proposal at this specific site location comes too late. Refer to our detailed comments in Section 4.14 Land Use, including parcel inventories and permitting history.
- This will be an important consideration as the process moves forward. Clearly, the presence of an EX1 Combining Designation provides no special protection from the Conditional Use Permit process specifically designed to evaluate compatibility on a project by project basis. As such, reference to the EX1 Combining Designation should be removed from any and all further discussions, descriptions and related EIR materials.

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Deposits that meet the specifications for concrete aggregate (also known as Portland Cement Concrete, or PCC aggregate) are among the scarcest and most valuable construction aggregate resources. Construction aggregate includes materials that meet specifications for concrete aggregate, but also includes lower grade materials that are used in products such as base, sub-base, and fill.

(Source: Ca. Dept. of Conservation Special Report 215)

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- The DEIR does not adequately define the quality and type of mineral resources at this specific site location and how those relate to the project objectives.

pg. 2-2 2.3 PROJECT CHARACTERISTICS

2.3.1 Overall Description

The applicant is requesting a 25- to 58-year timeframe for the mining operation and phased reclamation of the mined site, with a maximum annual production of 500,000 tons, a portion of which will be recycled asphalt and Portland cement concrete. The project will result in the disturbance of approximately 41 acres on two parcels that total approximately 234 acres in size.

Comments

- “Recycled” asphalt and concrete is being sought through a waiver to LUO 22.30.380.
- The waiver process is found within LUO 22.30.020(D).
- The letter requesting a waiver (filed on September 20, 2010) by project applicant is not included in the DEIR.
- The request for the waiver and the impacts associated with the additional processing and shipping must be included in the DEIR.
- The portion of material to be processed and sold as “recycled” asphalt and concrete aggregate products has not been defined.
- More importantly, the input threshold (amount of “recycled” material being taken in) is not adequately defined. This information is needed in order to determine a reliable assumption for trip counts. The reliability of the truck trip count affects all impact areas, and will also be a part of the CalRecycle permitting requirements at the state level.

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pg. 2-5 Operational Details

A portion of the high quality material will be sorted for use in the manufacturing of building materials and sold for specialty applications, including aggregate for AC pavement.

Comments

- This intent would seem to align with the project objectives.

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pg. 2-6 Recycling

Asphalt and concrete debris from construction sites would be brought to the site for recycling.

Comments

- Recycling has not been defined.
- Processing associated with recycling has not been defined.
- A waiver to the Land Use Ordinance Waiver is being sought to permit a use not currently an allowable use within the Rural Lands land use category (see previous comment at 2.3).
- Details necessary for accurate categorization within Regulations: Title 14, Natural Resources Division 7, CIWMB, Article 5.9 Construction and Demolition and Inert Debris Transfer/ Processing Regulatory Requirements (Section 17381.2 Regulatory Tiers Placement for CDI Debris and Inert Debris Processing Operations and Facilities) need to be further defined:
 - (a) Clearly, the EA Notification Tier is the minimum permitting requirement given the language within 1.4.2 of the DEIR and the intent to process incoming material.
 - (b) While this operation would be subject to Article 5.9 and additionally not considered eligible for the Excluded Operations Tier (Section 17382), a more objective definition on proposed debris volumes is needed to determine whether a Registration Tier or Full Solid Waste Facility Permit would be required. The amount of “Type A Inert Debris” to be processed in a day remains undefined, and will determine whether this would be a processing facility or a processing operation as defined in 14 CCR 17381 (m)(o).
 - (c) Material Production Facility as defined in 14 CCR 17381 (r) is another possible category potentially defining this operation, but a more detailed description of operational objectives and procedures is necessary in order to make such a determination.

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- Volume of debris from construction proposed for importation and processing has over-reaching considerations across the entire spectrum of impacts. Air quality, noise, transportation, land-use compatibility, and other impact areas are directly affected by how accurately this is defined.
- The sequencing of materials processing has not been defined. Will material be stockpiled and stored on-site prior to or after being processed for re-sale?
- The millings and residue from concrete and asphalt crushing likely should be considered hazardous waste, as well as associated construction debris.
- Appropriate and legal disposal of residue into an approved disposal site and the associated impacts does not appear to have been considered adequately in the DEIR. EPA has clear guidelines for the processing of hazardous asphalt.
- Asphalt millings in particular, as well as exhaust particles, tire wear residue, and motor oil (contaminates associated with concrete and asphalt resulting from demolition), contain increased concentrations of polycyclic aromatic hydrocarbons (PHAs) which are targeted as pollutants by the EPA. These hazardous materials, and their cumulative impacts have not been adequately disclosed or discussed in the DEIR
- At what point do millings and contaminants accumulated on an in-place roadway render the removed material no longer appropriate to categorize as “Type A Inert Debris”?

9

- Residual materials migration through the actions of wind, water, and physical displacement to contaminate surrounding soils and surface water sediments has not been adequately addressed in the DEIR.
- This component of the project has not been given the separate and thorough consideration warranted.
- This is a highly industrial processing activity and has not been adequately evaluated in the DEIR for compatibility with the surrounding Residential Rural land use category.



10

pg. 2-7 2.3.2 Equipment Inventory

Comments

- The Equipment Inventory provided does not appear sufficient to serve an operation as large as the proposal.
- What is the origin of the equipment inventory?
- Was it created and verified against inventories of similar quarries of the same output scale?
- Refer to our comments in Section 4.3 Air Quality

11

pg. 2-8 & 9 2.3.3 Trip Generation and Truck Traffic

Comments

- Truck trips associated with the delivery of explosives and fuels have not been quantified or included.
- There is no maintenance facility on site. Will this be achieved through mobile services?
- There is no objective evidence presented to support the assertion that “backhauling would result in no net increase of truck traffic.” Data from existing, comparable operations should be presented to support, or refute these claims.
- Likewise, no concrete verification to support the assertion that a 50 percent backhauling assumption would constitute a “conservative or reasonable worst case assumption” has been provided.
- Accurate quantification of the amount of material being hauled into the facility for crushing is critical to generating reliable trip counts.
- Were the operations of other pavement recycling facilities in the region researched in an effort to gain the perspective ultimately adopted in the DEIR? If so, that data should be cited, including locations and duration of data sampled, and included in the DEIR.
- The application for waiver to LUO 22.30.380 has not been addressed
- What is the permitted amount of input being sought through the waiver to LUO 22.30.380?
- The proposed volume for importation of construction debris is not cited within the applicant’s letter of request for waiver to LUO 22.30.380. Where does this number originate?
- Any number of variables can affect the trip count calculation.
- The delivery (importation) of up to 1500 tons of recycled material per day appears as a value in 2.3.3. We have been unable to locate this number in other locations within the DEIR or the project application. Refer to Section 4.14 Land Use for more comments on waiver application.
- 250 days per year and 20.2 tons per truck load and operating hours from 6:00 a.m. to 5:00 p.m. Monday through Friday are provided as the underlying assumption values.
- Assuming, for now, that we accept 75 additional truck trips per day as a “conservative” estimate, there are still many ways the trip count could increase.

1. Applicant has stated that winters will have long periods of inactivity due to market cycles associated with inclement weather. This would likely create a higher level of activity during favorable weather.
2. Any combination of adjustments to the tonnage amount of broken concrete and asphalt hauled in, increasing the backhaul assumption, etc. would also increase the trip counts.
3. The truck trip count could substantially increase if the amount of concrete and asphalt being hauled in is increased.
4. 500,000 annual tons is the permitted amount of material that can be shipped out.
5. No percentage values have been assigned to output of mined material vs. output of imported and processed material.



6. No absolute amount is cited in the project description for the daily acceptance amount.
7. We recommend the addition of an absolute amount as part of any conditions of approval.
8. This makes it not possible to determine an accurate THROUGHPUT amount.
9. An accurate truck trip count cannot be determined without the total overview that knowing the volume of what is going to come in and what is going to go out provides.
10. Adjustment of assumption values would create more significant impacts than the 273 truck trips currently being used.
11. Additional transportation impacts created by reaching storage amount and time limits for processed and non-processed (recycled) material at peak demand times for mined material have not been addressed.
12. Every impact area within the entire EIR is affected by an increased trip count.
13. Refer to Section 4.11 Transportation and Circulation for additional comments regarding Mitigation Measures.

14

pg. 2-9 It is also possible that for specific projects, these average numbers of trips per day may be exceeded for short periods. Up to 800 truck trips per day may be anticipated for a large project.

Comments

- "For short periods" is a subjective description and should be clearly defined to adequately identify and evaluate related impacts.
- "A large project" is a subjective description and should be clearly defined to adequately identify and evaluate related impacts.
- If 800 truck trips is being presented as a reasonable worst case scenario, why is an average of 273 being used for the purpose of evaluating impacts?
- Refer to Section 4.11 Transportation and Circulation for additional comments regarding Mitigation Measures.

15

pg. 2-9 2.3.5 Water Consumption and Wastewater

Due to the type of rock product proposed, and the nature of the granitic material to be mined, the applicant is not proposing to wash any of the material that is processed. The primary use of water by the project will be for dust control.

Comments

- The absence of washing processed aggregate is not aligned with the project objectives and conflicts with the intent to produce product suitable for use in PCC (Portland Cement Concrete) grade aggregate.

16

- More information is required regarding the types of products and specifications of what is being processed from the asphalt and concrete debris being imported onto the site. Superpave and other specialty products require washing the ingredients.
- A consumption value for these operations has not been established.

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***pg. 2-9** Exposed granitic surfaces in the quarry would not generate much dust, but stockpiled soils and the action of mining equipment on quarry roads will require periodic watering to control dust. On a regular basis during dry weather, the water use for dust control will amount to about 4,000 gallons per day. The need for dust control will be minimized through paving the entire access road length within the property, up to and around the scale house.*

Comments

- No objective data or peer reviewed source has been cited to support “*exposed granitic surfaces in the quarry would not generate much dust*”.
- “*Much*” is a subjective description and should be clearly defined to adequately identify and evaluate related impacts.
- How have assumptions for amount of dust generated from quarry operations been arrived at?
- Has data gathered from other operative quarries been incorporated into these assumptions?
- Where does the 4000 gallon per day estimate originate?
- Has data gathered from other similar quarrying operations been incorporated into this estimate?
- Refer to our comments in Sections 4.3 Air Quality, and 4.13 Water Quality and Supply.

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***Pg. 2-10** The use of dust control additives approved by the County Air Pollution Control District will help to minimize the volume of water necessary for this purpose in other areas. An existing well on the property near the Salinas River will supply water for dust control.*

Comments

- No description or specifications for dust control additives has been provided.
- Refer to Section 4.13 Water Quality and Supply for additional comments regarding Mitigation Measures.

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2.4 USES OF THE EIR

We understand that the County of San Luis Obispo Department of Planning and Building has prepared this EIR as the Lead Agency under the California Environmental Quality Act (CEQA). The EIR is an informational document to provide descriptions of the environmental effects of the proposed quarry. It may be used by the County decision makers, other agencies, and members of the public in reviewing and considering the project.

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We trust that the work of Margarita Proud’s sub-committee to review and comment on this document will be duly considered at this time in the process. We appreciate the Department of Planning and Building’s efforts, as the lead agency, towards understanding the community’s deep concerns regarding this project proposal and the information within this DEIR document. It is only through such a project by project cooperative process that the community’s input can truly help staff achieve the agency’s greater mission of “Helping Build Great Communities” and “Promoting Wise Use of Land”.



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Section 4.1 Aesthetics/Visual Resources Comments

pg. 4.1-1 Surrounding Land Uses

Comments

- There are at least a dozen residences to the south of the project on 58 and Digger Pine Road as illustrated in Figure MP4.14-2.
- The increasing elevation southward from the proposed quarry on Digger Pine Road places the proposed quarry directly in the view of these residences. This impact has not been adequately addressed in the DEIR.
- The Surrounding Land Uses introduction to this section is the only section within the DEIR that identifies anything more than a few, several, or some residences on Parkhill Road.
- Although the surrounding uses are defined and described by the lead agency, San Luis Obispo County Department of Planning and Building, there is no standard, or uniform description, of these uses by the various consultants.



Figure MP4.1-3

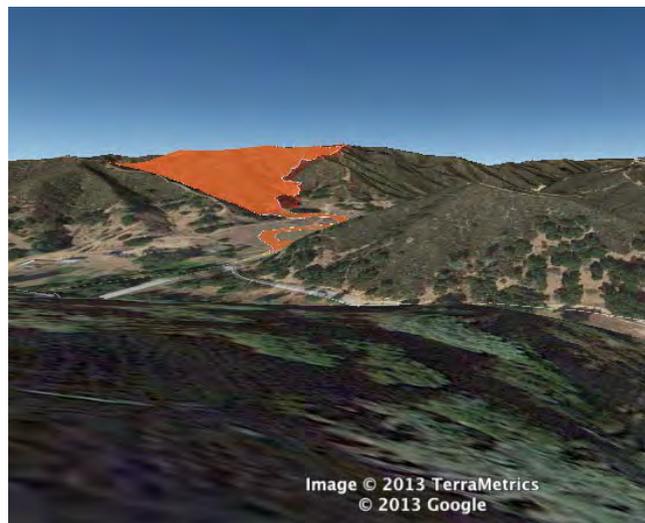


Figure MP4.1-4 view from north side of residence @ 070-154-019

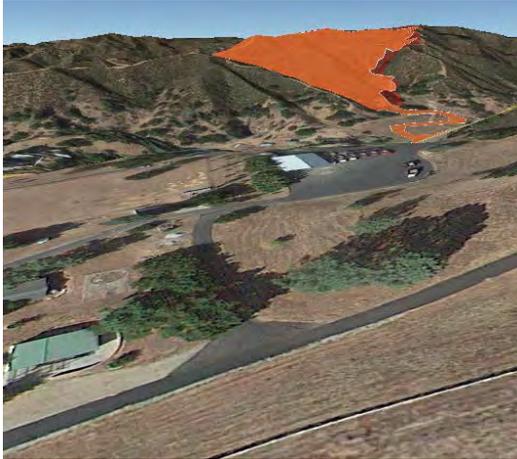


Figure MP4.1-5 Overview taken at 070-154-022.

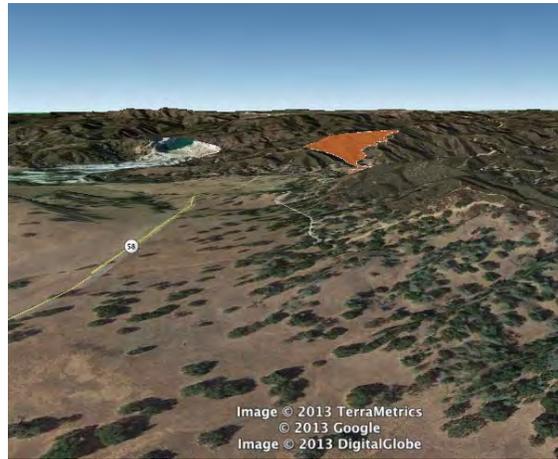


Figure MP4.1-6 Looking north along ridge parallel to Digger Pine Road.

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pg. 4.1-3 Regulatory Setting

Comments

- This section begins with a description of the EX1 Energy and Extractive Resource Combining Designation, a topic well covered in other sections of the DEIR.
- The existence of the EX1 Extractive Resource Combining Designation provides no special protection from the fundamental purpose of planning to address compatibility between uses or any compatibility considerations ordinarily applicable to a CUP application.
- Combining designations are applied in addition to other requirements within a particular land use category
- The existence of the EX1 Extractive Resource Combining Designation does nothing to circumvent the intention of the COSE.
- As indicated initially in Section 2.0, reference to the EX1 Combining Designation lacks relevance and should be removed from any and all further discussions, descriptions, and related DEIR materials.

21

pg. 4.1-4 Policy Consistency Analysis

Comments

- Table 4.1-1 addresses several COSE Visual Resource Policies
- No specific timeframe is provided for arriving at consistency to VR 2.1
- No specific timeframe is provided for arriving at consistency to VR 2.2
- Is there a specific timeframe associated with the intent of COSE policy in these areas?
- VR 3.1 thru VR 5.2 are preliminarily determined as Not applicable to project specific analysis.
 - If goals and objectives are not applicable when specific projects are before us, when will they be applicable and how will they be implemented?
- VR 7.0 is presumably relative to security lighting as no nighttime operations are being proposed.
 - We suggest a minimum, a locked entrance gate in lieu of lighting to mitigate impacts of nighttime security lighting, given the rural nature of the surroundings.
 - Ideally, considering the proximity to residential uses, the entire proposed site boundary would be secured with a barrier (i.e., fencing or solid barrier) to mitigate any need for security lighting.
- MN 3.3 - Refer to comments in section 6.0 regarding Need for additional aggregate sources.

• We strongly support and encourage adhering to the language, intentions of, and policies within the San Luis Obispo County Open Space Element.

According to the COSE, The intent of the visual resource goals, policies and implementation strategies is to protect the visual character and identity of the county while respecting private property rights, in order to: 1) maintain a sense of place recognized by residents, 2) preserve scenic landscapes that are highly valued by residents and visitors, and 3) maintain a high quality visual environment that enhances tourism, real estate values and economic growth. The visual resources chapter guides the appropriate placement of development so that 1) the natural landscape continues to be the dominant view in rural parts of the county, and 2) in urban areas, visual character contributes to a robust sense of place.

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Pg. 4.1-7 - The primary visual resource considered in this analysis is the SR 58 corridor, and the associated views of steep hillsides covered with natural chaparral vegetation that contribute to the identification of this area as a suggested scenic corridor in the COSE.



Figure 4.1-2a DEIR depiction of existing conditions



Figure 4.1-2c DEIR depiction of proposed quarry

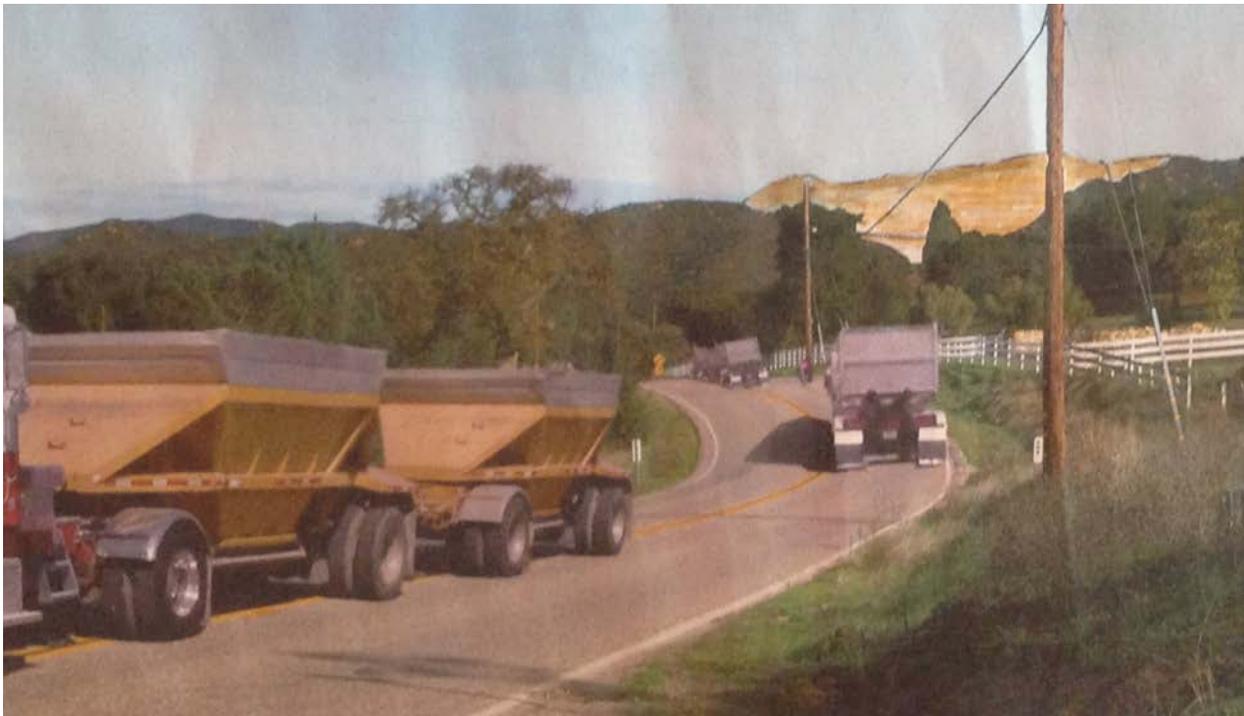
Comment - Figure 4.1-2c

- The precise location (PM) of this photo rendering is not denoted.
- We would place it at approximately PM 4.3, just southwest of the Digger Pine Rd. juncture.
- The camera lens and it's lower than eye level position creates the illusion that a shoulder in the road exists. The width of the shoulder at this location is equal to the width it appears to be tapering to (towards the vanishing point of the perspective) two tenths of a mile in the distance. Shoulders generally do not exist along the proposed haul route.
- No background methodology or description of tools used in developing renderings is offered in the DEIR.
- The cumulative visual impacts of the entire operation, the double hopper gravel haulers, fuel trucks, equipment haulers, explosive deliveries, and other industrial vehicle activity related to industrial operations associated with a quarry of this scale.
- Figure MP4.1-8 originates at Digger Pine Rd. (PM 4.5), about one quarter of a mile east of the rendering within the DEIR. Shot from eye level, this photo and the subsequent rendering placed on it accurately illustrates the topography of the road and the visual impacts of the proposed quarry at this location.

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Figure MP 4.1-8

Comments MP 4.1-8 (pg. MP4.1-5)

- The visual impact and blight on the rural character resulting from the relentlessly constant presence of an average of 273 truck trips daily is equal in magnitude to the scar on the mountainside to which every eastbound traveler would be subject to for up to the next 58 years.
- This would be in addition to the visual impacts and blight already imposed on the region by the operations and traffic associated with the existing Hanson Quarry
- Blight and compromise of our rural character has not been applied to the significant visual impacts already identified as a result of the proposed quarry operation?

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Figure 4.1-3b DEIR depiction of proposed quarry at Phase 1B

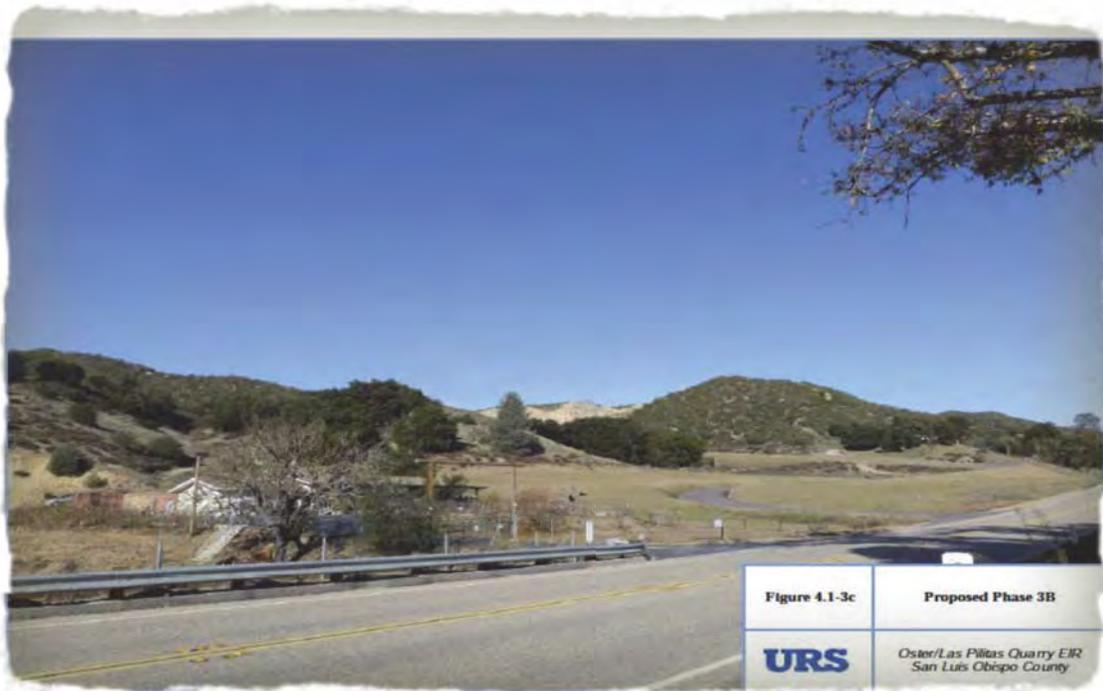
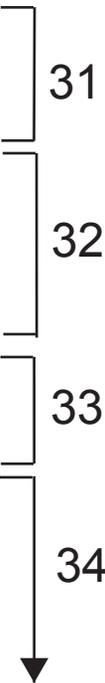


Figure 4.1-3c

Comments - Figures 4.1-3b and c (Phase 1B and Phase 3B)

1. Phase 1A has the greatest visual impact.
 - The mountaintop is slowly being nibbled away at that stage.
 - By skipping this phase, the mountaintop has disappeared without the impacts associated being portrayed.
2. Area of fill on entrance road is shown fully re-vegetated.
 - This will take many, many years to achieve and may never look as natural as is being shown here.
 - The visual scars and dust associated with the entrance road will be around for a long time.
 - The entrance road itself is the only paved area.
3. Area of fill on entrance road is shown fully re-vegetated.
 - This will take many, many years to achieve and will never look as natural as depicted.
 - The visual scars and dust associated with the entrance road will be around for a long time.
4. The engineered drawings depict cuts as if a bulldozer can perform surgery on the mountain.
 - The over-disturbance amounts to significantly more than predicted or this drawing illustrates.
 - The blends into the surrounding, yet to be disturbed, areas will not be clean nor will they be aesthetically pleasing and have not been depicted.



- They will be around for many, many years before any re-vegetation will provide any cover.
- The impacts of this activity are of aesthetic significance as noted in the DEIR.
- The totality of the impacts of de-nuding the mountaintop introduces impacts into Section 4.5 Biological Resources, and Section 4.15.1 Cultural Resources, that have not been adequately identified or addressed in the DEIR.

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The Entrance Road

- The entrance road is windy and steep. Major sections of it are at a 10 percent grade.
- The entrance road is incapable of serving the staging function it has been assigned on pg. 2-9 of the DEIR; *If it is necessary for rapid delivery of aggregate in conjunction with specific contracts, however, there are several areas within the project site that can accommodate short-term parking of trucks. In the early phases in completing Phase 1A, there will be some area in the vicinity of the scale house where about six trucks could be parked. In addition, the paved access road within the project site could accommodate another 20 trucks along the entrance lane. As Phase 1A is completed, the flatter areas around the scale house will be larger, and more trucks could be staged in this area.*

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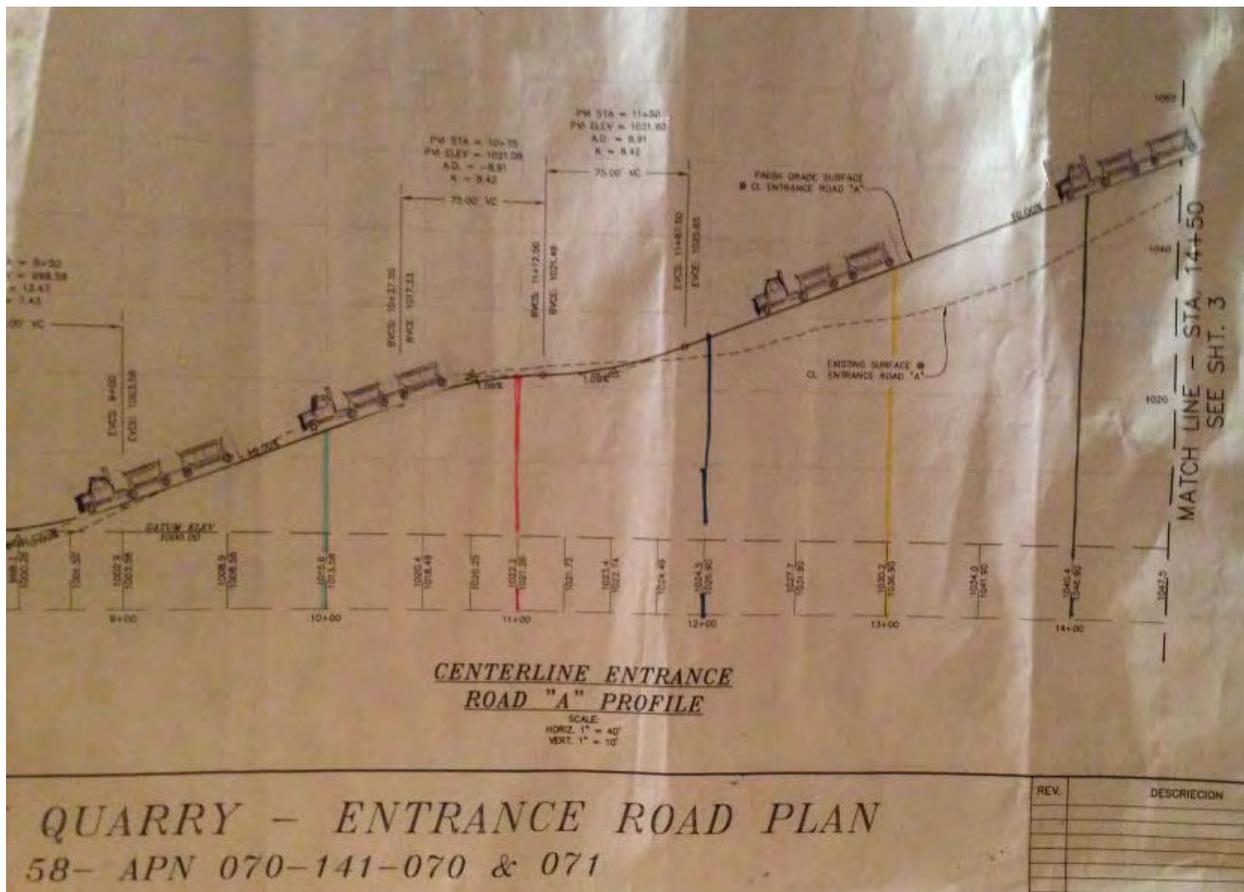


Figure MP4.1-9

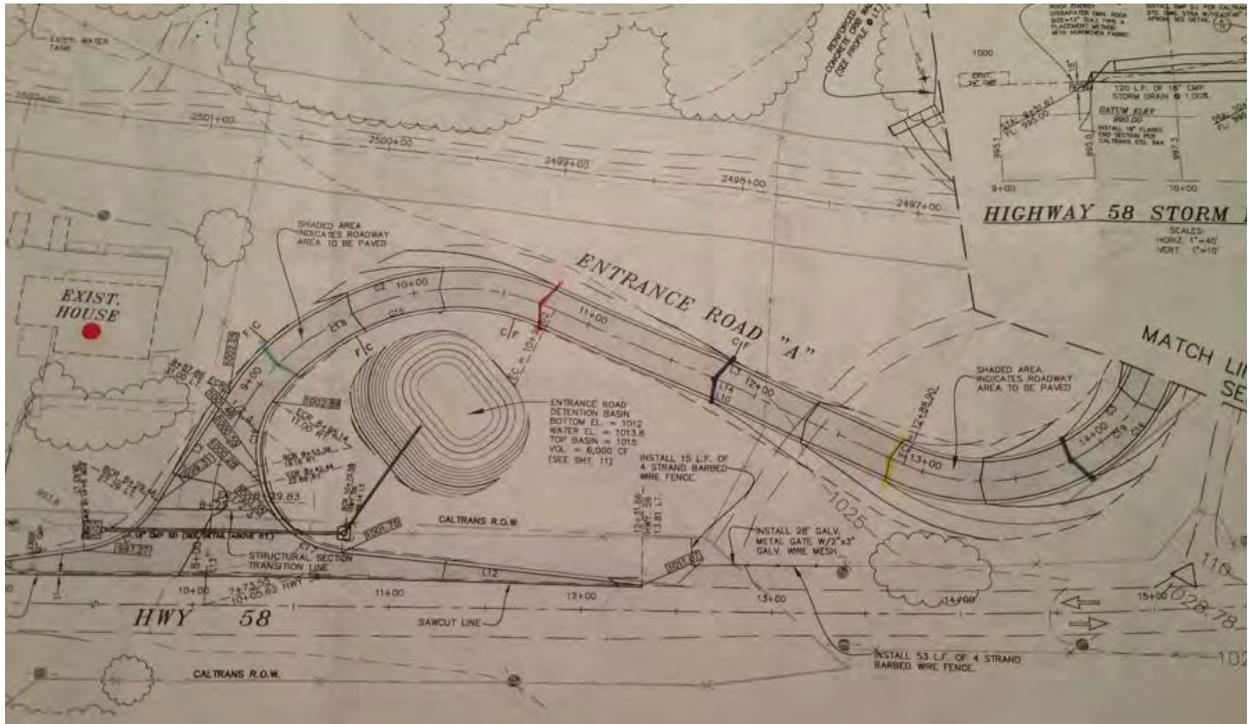


Figure MP4.1-10

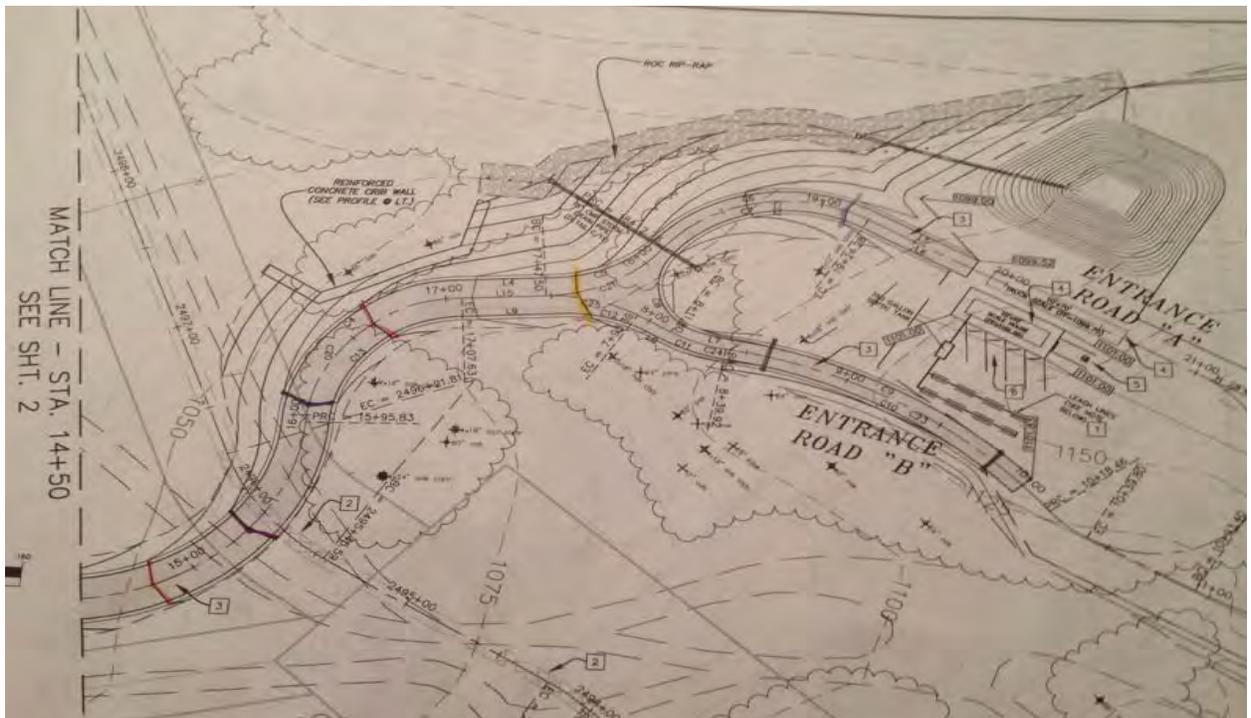


Figure MP4.1-11

Comments - Figure MP4.1-10 and 11

- Figure MP4.1-10 is the upper section of the entrance road from Match Line -STA. 14 + 50 to the scale house, and Figure MP4.1-11 is the lower section from Hwy. 58 to Match Line -STA. 14 + 50.
- Multiple factors, including line of sight off Hwy. 58 and a specific location to cross the Coastal Branch of the California Aqueduct, constrain the entrance road placement into a less than ideal location.
- The accumulation of trucks caused by actively staging in the uphill inbound lane of the entry road brings up a number of logistical issues.
 - The approximately 700' length snakes through several 90 degree bends at steep incline.
 - Trucks cannot pass one another in the sharp turns due to the geometry of off-tracking.
 - The entrance road, as currently designed and submitted, will not accommodate 20 trucks as stated in the DEIR.
- Specific and detailed descriptions (i.e., drawings), showing the location of the 20 double-hopper gravel haulers trucks to demonstrate the carrying capacity of this staging area must be included in the EIR. Such drawings should consider adequate spacing for safe starting, stopping and movement of these 20 queued vehicles, many of them presumably loaded with “materials for recycling”
- Impacts associated with the deficient staging plan and steepness of the access road will affect trucks idling in and out of town, air quality, noise (compression/jake brakes down hillside) , and circulation issues.
- How will these additional impacts be accounted for?
- An additional aspect of the insufficiency of staging being overlooked is the blight on the rural character of Santa Margarita.
- The applicant must clearly demonstrate its ability to operate fully within the boundaries of the proposed project.
- The surrounding community should not bare the burden (i.e., trucks staging in any area other than the proposed project site) for inadequacies associated with a proposed project.

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Additional Comments Section 4.1

1. Although Visual Impacts on Hwy. 58 have been classified as significant, the impacts have not been adequately presented visually.
2. Two perspectives are insufficient to visualize the entirety of the impacts.
 - Visual renderings reveal non-visual impacts often overlooked when expressed only in words.
3. Visual renderings provided in the DEIR do no include the presence of trucks as part of the viewshed analysis.
4. The highest elevation of the mountaintop on the proposed quarry site is over 1475'.

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- Due to this elevation, the cut is visible from a number of other corridors not included in the DEIR.
- No objective evidence has been provided to demonstrate this proposed project would not be visible from the US 101 corridor; when in fact, our analysis suggests that it will. The EIR must address these inconsistencies.



Figure MP4.1-12

Section 4.11 TRANSPORTATION AND CIRCULATION Comments

Background Details

1. The Traffic Impact Study originally prepared by TGP Consulting Inc. (2009) was commissioned by the project applicant before the need for an Environmental Impact Report had been definitively established.
 - Early in the application process, processing the application with a Negative Declaration was being considered.
2. The Traffic Impact Study was completed before the scoping process took place.
 - The Planning Department had previously provided written warning to the applicant with specific instructions not to conduct their own studies prior to determination of EIR scope.
3. It is unclear whether the applicant, TGP Consulting, or the Department of Planning ever intended the document developed to become part of an EIR.
 - Consultants preparing the original applicant provided studies conducted their work under the direction of the applicant, not the county, as the lead agency.
4. URS Corporation bid to prepare an EIR was done with the knowledge that applicant provided studies existed.

40

pg. 4.11-1 *The proposed rock quarry would be located on the north side of SR-58, just east of the Salinas River approximately three miles of northeast of the Santa Margarita Community.*

Comments

- As noted in Section 2.0 Project Description, the precise location of the entrance into the access road is important.
- The quarry entrance as proposed is located at Post Mile (PM) 5.08 on Hwy. 58.

41

pg. 4.11-2 *Table 4.11-1 lists the average daily traffic volume on the W Pozo Rd. section of the haul route at 1112¹, and the section of Hwy. 58 east of Santa Margarita as 925.²*

Comments

- These are the sections of Hwy. 58 where introducing the types of vehicles associated with this project proposal would create significant impacts to public health and safety.
- Currently, aside from the temporary solar construction projects, this stretch of Hwy. 58 experiences minimal traffic from the types of vehicles the proposed project would introduce.
- The ability of the geometric design of this portion of the haul route between the proposed site and Pozo Rd. to allow for the safe and orderly movement of large double gravel haulers has not been adequately addressed. Additionally, problems with the structural stability of the surface and base have also become apparent since the temporary solar projects began and are not addressed at all in this DEIR. (See comments in Section 4.7 Hazards and Hazardous Materials)
- Adding the calculated average of 273 double gravel trucks per day to the existing baseline volume of 925 amounts to an 88.54% increase in average daily traffic volume. (273 x 3 (passenger car equivalent) = 819 trips).
- Assuming the baseline remains at 925, the addition of 800 double gravel truck trips per day as anticipated for a large project, amounts to a 259.46% increase in daily traffic volume (800 x 3 (passenger car equivalent) = 2400 trips).
- If the baseline numbers and generated truck trips are accepted as accurate (because the traffic impact study is fundamentally flawed if they are not), this is a significant increase that has not been adequately addressed throughout the study.

42

pg. 4.11-3 *The tractor/semi trailer/full trailer hopper trucks commonly used in the aggregate industry ("doubles") are capable of navigating the steep curvy portions of SR58 without offtracking.*

Comments

- The methodology used to arrive at this conclusion has not been adequately defined in the DEIR.
 - Provide the field data and calculations verifying this statement in technical appendices.
- A number of methods exist to accurately quantify off-tracking at any given location where the width of the road, the radius, and specific vehicle dimensions are known
 - See comments re: 90-degree curve at J Street discussed in more detail below.
- Field Observation has been employed by ATE and put forth as justification for several conclusions presented.

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¹ San Luis Obispo County 2012 (traffic counts from the Dept. of Public Works)

² Caltrans 2012 is the listed source of this information.

- Community members have been gathering data from “field observations” since construction began on the solar projects on the Carrizo.
- These observations provide data that illustrate an inability for double hopper gravel trucks and other large vehicles to safely navigate portions of Hwy 58. (Also see comments re: 90-degree curve at J Street discussed in more detail below.)
- There are a number of areas, even on some of the relatively straight sections, where crests and dips prevent a safe line of sight.
- Figures MP4.11-2 thru 6 provide a few examples of the many public safety concerns that have not been adequately addressed in the DEIR.
 - Geometric justification must be developed at various PM locations prior to endorsement of Hwy. 58 as a suitable industrial transportation corridor.
- The impacts to public safety are potentially significant along the entire haul route.

43

pg. 4.11-3 continued *Field observation by ATE found that there are brief periods of the day when SR 58 traffic operations are affected by school traffic on Estrada Avenue and H Street.*

Comments

- No details of what “field observation” consisted of are provided in the DEIR.
- While it’s true that the school traffic is not constant, the presence of trucks intensifies the potential for conflicts and needs to be adequately addressed.
- There are times throughout the entire day that traffic associated with the school is present.
- Mitigation that eliminates this section of the road from the haul route is the only means of effectively mitigating this serious threat to public safety. (refer to Additional Mitigation Measures to 4.11)

44

pg 4.11-4 *Truck traffic volumes on SR 58 in the project vicinity originate primarily from local sources (the existing rock quarries in the area, rail associated businesses and other heavy commercial centers in Santa Margarita)*

Comments

- “Vicinity” has not been defined in this context. Does vicinity typically suggest nearby?
- List “heavy commercial centers” in Santa Margarita with special attention to any that travel sections of Hwy. 58 nearby to the location of this proposal.
- There are no stops or depots on the rail corridor within Santa Margarita. List “rail associated businesses” in Santa Margarita with special attention to any that travel sections of Hwy. 58 nearby to the location of this proposal.
- Is there any current truck traffic near the proposed project site related to permanent ongoing operations (i.e. not for irregular deliveries or construction)?

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SR 58 Curve on J Street

In the eastern corner of Santa Margarita, SR 58 makes a 90-degree turn from Estrada Avenue at J Street and continues towards the northeast. The addition of traffic to this segment and curve of SR 58 from the proposed Santa Margarita Ranch Agricultural Residential Cluster Subdivision was identified as a significant and not mitigated impact in the EIR for that project (San Luis Obispo County 2008, Final Environmental Impact Report for Santa Margarita Ranch 2008: ES-32, ARCS Impact T-1). The Agricultural Residential Cluster Subdivision was approved in 2008, and proposed 111 dwelling units along SR 58 southeast of Santa Margarita. **Virtually all of that project traffic would use SR 58, and the increase of 1,154 ADT was considered a significant impact on the operation of traffic through the 90-degree curve on SR 58, in part because of the higher than average accident rate along SR 58 nearby (San Luis Obispo County 2008, Final Environmental Impact Report for Santa Margarita Ranch 2008:4.12-9). The Santa Margarita Ranch Final EIR identified mitigation measures for this impact including installing radar feedback signs and advisory speeds on each approach to the 90-degree curve on SR 58 near J Street (San Luis Obispo County, Final EIR for Santa Margarita Ranch 2008:4.12-25, and Conditions of Approval for Tract 2586, Condition 3.1. on page 13).** The original mitigation measure also included widening both sides of SR 58 along this segment to provide four-foot shoulders and/or bike lanes in accordance with County standards; but at the time the project was approved this widening requirement along with other improvements within the Caltrans right-of-way was determined to be infeasible (San Luis Obispo County, 2008, Santa Margarita Ranch CEQA Findings: page 55).

- No definition of infeasible as it applies to this mitigation measure has been provided.
- Who made the determination that mitigation for the benefit of public safety was infeasible?
- Is infeasible being used to pre-determine a financial evaluation for an applicant's benefit? Is it appropriate in the context of an EIR to assign consideration to the profit margin of a private business entity when defining mitigation to maintain public safety?
- Given the impact was already clearly identified within an EIR for a project now approved, if a PCE of 3.0 or greater were applied to a reasonable worst case truck count, the J Street curve must be identified as a significant impact within this DEIR.

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4.11.1 pg. 5 Level of Service for Roadways

Comments

- LOS is not an appropriate metric as employed, and fails to address the fundamental safety concerns expressed by residents in over 200 scoping letters.
- More applicable metrics need to be applied for the conclusions to be meaningful to the specific problematic conditions of a rural route never suited to incur this level of truck traffic. The concern of residents who actually know and use the road is that SR58 was never designed or

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intended to serve as an industrial transportation corridor. This seemingly obvious deficiency failed to be adequately addressed.

- The traffic impacts disclosed in the DEIR and Traffic Impact Study are understated by not using a passenger car equivalency (PCE) factor. Application of a PCE factor for project trucks significantly increases traffic and elevates the significance of the associated impacts.

47

pg 4.11-17 (Table 4.11-8) Revised Project Trip Generation

Comments

Table A – Project Trip Generation Comparison

Land Use	Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Employees	495,000 TPY	10	5	0	5	0	5	5
Trucks		273	19	19	38	15	15	30
• PCE adjustment for trucks (3.0)		819	57	57	114	45	45	90
Total w/ PCE		829	62	57	119	45	50	95
Single-Family Residential	112 DUs	1,154	22	66	88	75	44	119
Trip Generation		-325	+40	-9	+31	-30	+6	-24

- As shown in Table A (submitted as part of a peer review of the TIS by Arch Beach Consulting), the actual trip count with inclusion of PCE is 829.
- This table assumes that Section 2.3.3 Trip Generation and Truck Traffic (pg.2-9) is an accurate foundation. Much of 2.3.3 relies on unsupported underlying assumptions.
- No evidence to support the applicant’s “belief” that there would be no net increase in truck traffic has been provided in support of the backhauling assumption.
- No evidence to support the assertion that a 50 percent backhauling assumption would constitute a “conservative or reasonable worst case assumption” has been provided.
 - Provide comparison data from truck logs of other pavement recycling facilities in the region and elsewhere to support assumptions.
- There are a number of variables that can affect the trip count arrived at in 2.3.3 of the DEIR without changing the underlying assumption values of 250 days per year and 20.2 tons of material per truck load or the stated operating hours.
 1. 1500 tons of recycled material per day appears as a value in 2.3.3.
 - This figure does not appear in other locations within the DEIR.
 - This figure is not defined in the application for waiver to LUO 22.30.380.
 - What is the origin of this figure?

48

- Where in the project application is this figure defined?
2. The input side of the “recycling” operation has not been adequately described, but assuming we accept the 75 additional truck trips per day as a “conservative” estimate, other factors equally affect the total.
 - Applicant has stated that winters will have long periods of inactivity due to market cycles associated with inclement weather. This would likely create a higher level of activity during favorable weather.
 - Any combination of adjustments to the tonnage amount of broken concrete and asphalt hauled in, increasing the backhaul assumption, etc. would also increase the trip counts.
 3. Additional transportation impacts created by reaching storage amount and time limits for processed and non-processed (recycled) material at peak demand times for mined material have not been addressed.
 4. Further adjustment of assumption values as described and otherwise would escalate the trip count well beyond 829.
 5. An increased trip count has a global effect on the entirety of this DEIR as it affects a variety of key impact areas.

48

(pg. 2-9 Project Description) It is also possible that for specific projects, these average numbers of trips per day may be exceeded for short periods. Up to 800 truck trips per day may be anticipated for a large project.

Comments

- This scenario would create 293% more truck trips than using the figure of 273 arrived at in 2.3.3. The cumulative level of increase in impact significance would likely be much greater than that.
- If 800 truck trips is being presented as a worst case scenario, why is an average being used for the purpose of evaluating impacts?
- Practical mitigation solutions include making the necessary improvements to the existing highway in order for it to function properly or developing an alternative haul route utilizing privately built and maintained roads.
- Associated factors being overlooked within this DEIR are impacts upon rural character all these trucks introduce and the impacts that passenger vehicles create by taking alternative routes to avoid being behind trucks. H and I Streets are obvious short-cuts that would increase traffic impacts within residential settings.

49

pg. 4.11-22 SR 58 Curve on J Street:

The issue of truck traffic from the proposed Oster/Las Pilitas Quarry, and its potential effect on the SR 58 and other roadways, was considered by reviewing agencies during the scoping period for this EIR and during preparation of the EIR itself. Although residents and others have raised a concern about the safe operation of trucks through the 90-degree curve, for several reasons the quarry related truck traffic represents a less than significant effect relative to traffic operations at this curve location. For these reasons (1-4 below), the effect of the project related truck traffic on the safe highway operations at the 90-degree curve are considered less than a significant impact:

1. The radius of curvature for the roadway at this location is adequate to accommodate large trucks within the travelled lanes, with possible use of the paved shoulder by some trucks, without “offtracking” outside of the travelled lanes (see Figure 4.11-5).

Comments

- Off-tracking is defined as the difference in the paths of the inside front wheel and of the inside rear wheel as a vehicle or combination negotiates a curve. Another commonly used definition is the difference in the paths of the centerline of the front and rear axles.
- Caltrans provides a similar definition; “off-tracking is the tendency for rear tires to follow a shorter path than the front tires when turning”. Or further explained, when a tractor trailer (or any vehicle with a trailer) turns, the tires of the trailer do not follow the same course as the tires on the truck, but instead follow the turn radius of the truck (power unit).
- The “tendency” is clearly a well studied and defined geometric relationship that is possible to predict with accuracy.
 - No clear definition or calculations quantifying the extent of off-tracking at various PM locations along the currently proposed haul route have been provided in the DEIR.
 - Calculations at numerous problematic locations need to occur and be part of the EIR.

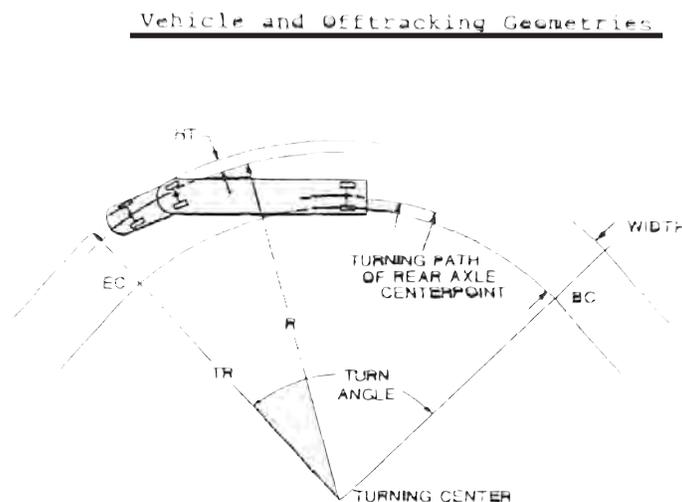


Figure MP 4.11-7

Calculations and methodology utilized to arrive at “the radius of curvature for the roadway at this location is adequate to accommodate large trucks within the travelled lanes” has not been defined:

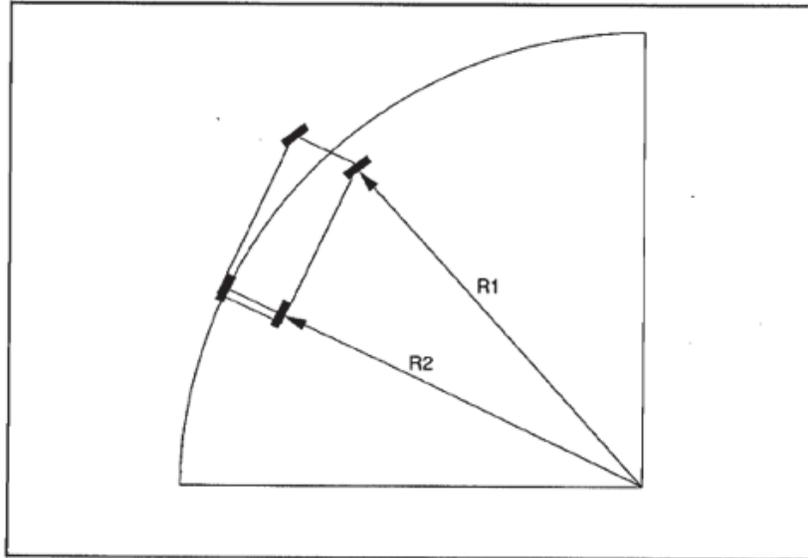
- Without the results of some combination of off-tracking equations, development of a scale model, field observation, algorithmic computer simulation, etc., the conclusion as presented is inadequate.
- For turns of 120 degrees or less, the clean geometric relationships that exist make it possible to readily quantify off-tracking. The Western Highway Institute (WHI) off-tracking formula³ and others provide relatively straightforward methodology.
- Applying more than one method of analysis has the most likelihood of accurately predicting reasonably foreseeable events. Of the alternatives, field observation is probably the easiest to pair with geometric equation.
- As noted, many in the community have valuable field data (video and photographs)⁴ documenting an ongoing “field observation” that has been occurring daily since construction began on the solar projects on the Carrizo.
- Data gathered by residents is an essential feature of CEQA. In fact, the California Supreme Court⁵ has stated that members of the public hold a “privileged position” in the process and often are able to compile much more thorough information than what limited time and local knowledge allows outside consultants.
- Although the large truck traffic volumes are far less for the solar projects⁶, Figures MP4.1-10 thru 13 provide a few examples of what residents are currently experiencing at J Street.
- Figure 4.11-5 as presented provides no mathematical justification for the projected lines drawn.
 - It does serve to illustrate how out of scale and poorly designed events associated with this project proposal are within the context of a neighborhood and the rural character preferred by residents and communicated within the Santa Margarita Design Plan (refer to 4.14 Land Use).
 - The treatment given to this core safety issue fails to adequately address the long term level of impacts that would be introduced by approval of this project as proposed. The community finds this unacceptable.

³ Transportation Research Record N1052, Symposium for Geometric Design for Large Trucks

⁴ Samples of this library are presented within these comments.

⁵ Concerned Citizens of Costa Mesa v. 32nd District Agricultural Association (1986) 42Cal. 3d 929

⁶ ATE prepared and provided the Traffic Management Plans (TMPs) for the solar projects currently underway. It is assumed logs exist.



Definition of Off-tracking
Figure MP 4.11- 8



Figure MP 4.11-9 PM 1.9

The geometry of off-tracking dictates the path a truck and trailer combination will follow, is predictable, and is physically pre-determined.

- Figure MP 4.11-10 thru 13 clearly illustrate geometric relationships that are predictable.
 - Driving skills do not overcome geometric constraints.
- Figures MP 4.11-10 and 11 are nearly identical units driven by separate drivers (from separate trucking companies) that follow a nearly identical path of travel.
- Although 10 and 11, are the types of equipment haulers we've been seeing frequently associated with the solar projects, they appear to track very similarly to the double gravel trucks that would be generated by this proposal.
- The photos were taken over a two year period and were made possible because of the solar projects occurring on the Carrizo.
- Random study over a long period of time by individuals without financial interest in the outcome should be considered reliable and useful field observation.
- It should also be noted that the solar projects are not generating anywhere near the volume of truck traffic on the section of Hwy. 58 this project proposes to.
- What were relatively infrequent events during field observation associated with a temporary construction project would be happening every couple of minutes for the next 28-58 years.

50

2. The truck traffic volume from the proposed quarry would contribute approximately 38 **peak hour truck trips**.

Comments

- At an average rate of one truck every 1.57 minutes, it is reasonably foreseeable that multiple trucks will often be running end to end through the J-Street curve during peak hour and otherwise.
- Trucks passing through the curve simultaneously in opposing directions during peak hour (east and westbound) is also reasonably foreseeable during peak hour and otherwise.
- Figures MP4.11-14 thru 16 illustrate multiple gravel trucks running in succession to temporarily serve the solar construction projects.
- The far lower truck count to the solar plants and the far greater distance (elapsed time of trip cycle) further support the likelihood that this event will frequently occur at peak hour and otherwise as a direct result of this project proposal.
- Potential for accidents and fatalities not occurring at peak times has not been given adequate consideration.
- Consideration of reasonably foreseeable events is not adequately considered, nor is the weight proportionately allocated to each of these events disclosed in arriving at the conclusion that a less than significant impact to the safety of nearby residents, pedestrians, bicyclists, or the motoring public exists.

51

3. Truck traffic is generally slower than the passenger vehicles from residential uses.

Comments

- Slower traffic ahead increases congestion.
- Passenger vehicles will re-route through the residential neighborhoods existing on H and I Streets due to this event.
- The impacts associated with this event have not been adequately considered or analyzed.
- This impact needs to be addressed in detail in the Traffic Control Management Plan. H and I Streets will need to be declared off-limits to trucks and the measures to achieve this must be effective and enforceable.

52

4. Truck drivers have an elevated driving position providing better forward vision when compared to most passenger vehicles.

Comments

- Better forward vision associated with an “elevated driving position” could be an advantage under certain circumstances.
- Introduction as further justification for the conclusion presented for the J-Street curve is oddly placed and lacks relevance.
- Evaluation within the context of the geometry of that passage would be necessary in order to begin to determine whether an elevated driving position offsets the public safety concerns being expressed.
- What values for the relationship between the proportional difference in a driver’s elevation and any increase in visibility, the stopping distance of a 72’ long, 80,000 lb. gravel truck relative to that of a passenger vehicle, etc. have been used?

53

pg. 4.11-23 Access, Parking, and Internal Traffic Under normal operations, no more than a few trucks are expected at the quarry site at any one time. Intersection analysis indicates that under both existing and future conditions, the proposed driveway access on SR 58 will function adequately without additional highway widening, dedicated turn lanes, or other improvements.

*Emergency service in the area is provided by Cal Fire from the Parkhill Road station, which is about 1.5 miles east of the project site. **The proposed access drive would provide a paved road with two 12-foot travel lanes suitable for use by emergency vehicles if necessary.** It would not alter or interfere with access to the existing residences and ranch structures elsewhere on the property. Thus, the project effects relative to emergency access would not be significant.*

Specific construction projects or contracts may require larger volumes of aggregate material in shorter times, and these occurrences may lead to a larger number of trucks at the site simultaneously. The particular concern in this regard is the queuing or parking of trucks in nearby areas prior to the quarry opening in the mornings, or if sufficient parking is not available on-site. In addition to designated employee parking, the project design shows sufficient flat area in the vicinity of the scale house and office for parking six large aggregate trucks, without interfering with the loop road through the processing and stockpile area where trucks would be loaded. **If trucks were also to be lined up on the paved access road, another 20 trucks could be accommodated. Thus, the issue related to off-site parking would be associated with early morning truck arrivals prior to the quarry opening. Potential disturbances to residential neighborhoods from off-site truck parking could occur if trucks arrive before the quarry opens, but it can be minimized through appropriate scheduling and operational controls at the quarry.** The quarry operator can identify suitable off-site parking areas, or exclusion areas where parking of heavy trucks should not occur, and provide this information to all truck drivers dealing with the quarry. Such a procedure should also include publicizing the information to the community and providing communication points to receive complaints in response to illegal truck parking.

Comments

- No evidence to support the statement that *no more than a few trucks are expected at the quarry site at any one time* is provided.
 - Observation of operations at the nearby Santa Margarita and Rocky Canyon Quarries indicate that trucks back up many more than a few at a time routinely.
 - What measures will be in place to ensure that queuing of trucks would not occur in a similar manner to what is routinely observed at other local quarries?
- Early in the project, left-turn channelization (left-turn lane) was present at the entrance into the project.
 - What happened to this critical safety feature?
 - Was Caltrans included during preparation of the DEIR on this critical public safety feature of the project?
- Entrance Road as designed does not adequately accommodate staging (refer to the Engineered Drawings 08-23, sheets 2 & 3 of 20, Appendix B, and reproduced in Section 4.1 (Aesthetics/ Visual Resources).
 - Physical constraints make it not possible to stage anywhere near 20 trucks along this access road.
 - This is before discussion of what constitutes a reasonably foreseeable need for staging.
 - The other two existing local quarries have much greater ability to stage internally within their operations, but even so, we see staging occurring wherever space exists.
 - Access for emergency vehicles is at odds with fouling the inbound lane with trucks awaiting entry into the loading and scale area. (4.7 Hazards)
 - What mitigation is being proposed to address delayed emergency response in this scenario?

Where exactly will trucks be staged? An answer to this question must be provided in the EIR. The impacts associated with the insufficient staging currently identified need to be quantified and mitigated.



- Not identifying staging at this time in the process amounts to project segmenting and is not acceptable because it avoids the CEQA public review process.



Figure MP 4.11-17
Rocky Canyon trucks staged in a county park nearby to the quarry



Figure MP 4.11-18
Truck staged @ PM 3.2 turnout waiting for others in fleet

pg. 4.11-25 *The project is about one-half mile from the existing Hanson Santa Margarita Quarry. Both quarries are within the EX1 Extractive Resource Combining Designation, as shown on Figure 3-1. In this region, the EX1 Combining Designation is placed over the La Panza Granitics, a large area that is classified as MRZ-2 by the California State Geological Survey (1989:9). Since this Combining Designation is specifically intended to preserve mineral resources and protect mineral extraction, it is reasonable to expect that future quarries will be approved and constructed in this area.*

Comments

- The existence of the Hanson Santa Margarita Quarry comes with existing impacts that community members are aware of and that must be incorporated into all baseline data for evaluating the impacts of this proposal.
 - The EX1 Extractive Resource Combining Designation is discussed in Section 4.11 as it has been in numerous other sections of this DEIR.
 - Combining designations are applied in addition to other requirements within a particular land use category.⁷
 - The relevance of the EX1 Extractive Resource Combining Designation to the Transportation and Circulation Section and other areas of the DEIR is not clear.
 - As noted in Section 2.0 and other Comment Sections, the EX1 Combining Designation should be removed from any and all further discussions, descriptions, and related EIR materials.
-
- The existence of the Hanson Santa Margarita Quarry and it’s current application for expansion remove the need for additional aggregate supply in this area for some time to come.
 - Removing aggregate from the location being proposed by Las Pilitas Resources will only be made possible in the future by introduction of a suitable industrial transportation corridor.
 - The purpose of an EIR is not to predict the future, but to evaluate the impacts of what is being proposed and measure them cumulatively with existing and approved projects.

58

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Additions/Revisions to Mitigation Measures for 4.11

MM Traffic-1a for Impact Traffic-1a

- No methodology for determining the applicant’s fair share of the cost of these improvements has been provided. No definition of a “suitable financial guarantee” has been provided.
- Have the necessary additional factors for heavy large trucks been applied?
- Has the more than 5000 times of additional road wear a gravel truck exerts been factored in?

60

⁷ How to Use the LUE & LUO System, SLO County Department of Planning and Building pg. 2

MM Traffic-1b for Impact Traffic-1b

- This MM will need to be re-visited when the appropriate vehicle count is determined and inserted into the methodology utilized to arrive at the original conclusion.

61

MM Traffic-2a for Impact Traffic-2a

- This MM will need to be re-visited when the appropriate vehicle count is determined and inserted into the methodology utilized to arrive at the original conclusion.
- An applicant proposed MM of avoiding school times creates the need to evaluate the additional traffic created at other times by doing so. Also, the elementary school is only one component of the activities that take place on weekdays.
- Appropriate mitigation is an alternative haul route that does not pass the elementary school.
- If for any reason, the proposed haul route is maintained, the applicant must install a pedestrian bridge at the Elementary School Crossing.
- It is unacceptable to the community for safety to not be the over-riding consideration.

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MM Traffic-2b for Impact Traffic-2b

- This MM must be funded before issuance of any use permits.
- This MM will need to be re-visited when the appropriate vehicle count is determined and inserted into the methodology utilized to arrive at the original conclusion.
- Additional features of the Margarita Design Plan should be implemented as the need for traffic slowing and calming measures increases with an accurate trip count.

63

MM Traffic-3a for Impact Traffic-3a

- The MM at the access shall include a left-turn lane (left-turn channelization). The impacts at this location were considered significant by Caltrans.

64

MM Traffic-3b for Impact Traffic-3b

- Sufficient evidence that Internal Traffic and Parking exists has not been provided. (For a detailed graphic representation of the proposed access road , refer to Section 4.1 Aesthetics and Visual Resources)
- The impacts associated with staging are significant and are not confined to only early mornings. When a project is underway, the same trucks will come and go all day as many times as the job requires. The inability of the site to safely accommodate that level of activity will be present at all times of the day. Jobs being nearby (local) magnifies the problem due to reduced length of time for trip cycles.
- MM Traffic-3b is completely inadequate on several levels even should the erroneous assumption that 20 trucks can accumulate on the access road is accepted.
- Mitigation must be effective and enforceable, therefore independent monitoring shall be required.

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- The Traffic Control Management Plan must be defined and included in the DEIR. Developing it at a time after public comment period has expired is not acceptable and will not conform to CEQA guidelines.
- The Planning Dept. has no special capability in either traffic control management or validation of controls, but cannot escape it's responsibility for ensuring adequacy of the Traffic Control Management Plan program. Any TCMP shall be managed by an independent consulting firm.
- The public must also be informed of what the mitigations are and for how long they will be maintained and by whom they will be enforced.

66

MM Traffic-4 for Impact Traffic-4

- The applicant's "fair share" for these improvements seems drastically low for the severity of the impacts being created.
- How was the applicant's fair share determined?
- Because of the similarity of impacts, we recommend that the DEIR be revised to incorporate similar impact and MM statements as found within the EIR for the SMR Agriculture Residential Cluster Subdivision.

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MM's not listed

- A maximum number of daily truck trips entering and exiting the project site.
- Alternative haul route not utilizing any portion of Hwy. 58. (Figure MP 6.0-1, Section 6.0 Comments, provides one such example)
- No Jake (compression) brakes along any portion of the haul route or along project entrance/access road.

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Additional Comments - Section 4.11

1. Hwy. 58 is a popular route for bicyclists, yet the DEIR fails to address the significant impacts to the safety of cyclists that would be introduced.
2. Hwy. 58 is a popular route for motorcyclists yet the DEIR fails to address the significant impacts to the safety of motorcyclists that would be introduced.
3. Hwy. 58 was never designed or intended to function as a de-facto industrial transportation corridor.
 - We cannot support the use of Hwy. 58 as a transportation corridor for this proposed operation.

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4. There needs to be a left-turn lane into the project entrance traveling east as travelers come off the bridge.
 - Caltrans did not respond to the NOP, and does not appear to have offered adequate input at the administrative phase of the DEIR document.
5. There needs to be an extended exit lane out of the project entrance westbound.
6. The westbound line of sight from PM6 to PM5 needs further evaluation with verified field dimensions. From Parkhill Rd., there is a dip in the road that prolongs the inability to see oncoming traffic around the blind corner.
7. Level of Service (LOS) is not an appropriate metric capable of quantifying the impacts to public safety on a rural haul route (with a Ca. Yellow Advisory already in place) that passes a school, a park, a railroad crossing, pedestrians, and bicyclists.
8. The DEIR and Traffic Impact Study failed to adequately address potential impacts and needed mitigation measures at the at-grade railroad crossing at El Camino Real/Estrada Avenue. The EIR for the SMR Ag Cluster found significant impacts and provided appropriate mitigation.
9. No consideration has been given to the operating value of Structure 49 0237 (Salinas River Bridge). (Refer to the specifications in Section 4.7 Hazards and Hazardous Materials)

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Misc. Field Observations pgs. 18 - 24

75



Figure MP4.11-2 Eastbound PM2.15



Figure MP4.11-3 Westbound PM 3.5

75



Figure MP4.11-4 Eastbound travel @ PM 4.4 (view from east side of blind



Figure MP4.11-5 Westbound travel @ PM 4.4 (view from east side of blind curve)

75



Figure MP4.11-6 Westbound travel @ PM 4.4
(viewed from west side of blind curve)

75

J Street



Figure MP 4.11-10



Figure MP 4.11-11

Westbound at J Street, the power unit is over the centerline while the trailer is all the way into the shoulder. Different day, different truck, different driver, almost identical outcome.

75



Figure MP 4.11-12



Figure MP 4.11-13

75



Figure MP4.11-14 PM3.65



Figure MP4.11-15 PM3.4



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Figure MP4.11-16

Section 4.13 WATER QUALITY Comments

Background

- The original application included the intent to mine high quality aggregate to be washed and sorted for use in the manufacturing of portland cement concrete (PCC), a concrete and asphalt recycling facility, and hot-mix asphalt concrete manufacturing.
- Hot-mix asphalt manufacturing was removed from the current application for CUP/ Reclamation Plan after a Land Use Ordinance (LUO) Interpretation Hearing determined that asphalt manufacturing was not an allowable use within the Rural Lands land use category unless the raw materials originated on-site.
- The revised project description outlined in the DEIR reflects those original project objectives:

2.2 PROJECT OBJECTIVES

Section 1.3 of this EIR presents a more detailed discussion of the project objectives along with an introductory background discussion of the aggregate industry and how the project relates to the identified objectives. As a brief summary of that discussion, the objectives are presented in the following points:

- A. Develop significant mineral deposits in a manner that protects sensitive natural resources and existing adjacent uses, and is consistent with other County general plan goals and policies.*
- B. Protect significant mineral resources from land uses that threaten their availability for future mining.*
- C. **Develop known concrete-grade aggregate** reserves in the local production-consumption region in accordance with previous planning and coordination with the California Department of Water Resources, state policy, the County EX1 Combining Designation, and applicable regulations.*
- D. Provide an additional source of aggregate material in the local production-consumption region, with a permitted production of up to 500,000 tons/year for approximately 30 years, consistent with state policy, the County EX1 Combining Designation and applicable regulations, and in a manner that supports independent contractor and other local use groups.*
- E. Contribute towards increased recycling of construction and demolition debris to help achieve an overall goal of 75 percent recycling for this type of waste material.*
- F. Locate a **concrete-grade aggregate quarry** as near as practicable to use areas in the San Luis Obispo-Santa Barbara Production-Consumption region, and with minimal reliance on local streets to gain highway and freeway access.*

Deposits that meet the specifications for concrete aggregate (also known as Portland Cement Concrete, or PCC aggregate) are among the scarcest and most valuable construction aggregate resources. Construction aggregate includes materials that meet specifications for concrete aggregate, but also includes lower grade materials that are used in products such as base, sub-base, and fill.

(Source: Ca. Dept. of Conservation Special Report 215)

Section 2.0 Project Description 2.3.5 Water Consumption and Wastewater

Due to the type of rock product proposed, and the nature of the granitic material to be mined, the applicant is not proposing to wash any of the material that is processed. The primary use of water by the project will be for dust control.

Comments

- Not washing any of the material being processed is not aligned with the project objectives and conflicts with the intent to produce product suitable for use in PCC (Portland Cement Concrete) grade aggregate.
- More information is required regarding the types of products and specifications of what is being processed from the asphalt and concrete debris being imported onto the site. Superpave and other specialty products require washing the ingredients.
- A consumption value for these additional operations has not been established.
- The concern is that water consumption will have no limits upon issuance of a use permit. We support additional mitigation measures that meter water usage at proposed quarry and monitor neighboring wells.

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pg. 2-9 Exposed granitic surfaces in the quarry would not generate much dust, but stockpiled soils and the action of mining equipment on quarry roads will require periodic watering to control dust. On a regular basis during dry weather, the water use for dust control will amount to about 4,000 gallons per day. The need for dust control will be minimized through paving the entire access road length within the property, up to and around the scale house.

Comments

- No source or data to support *exposed granitic surfaces in the quarry would not generate much dust* has been identified or provided.
- Where does the 4000 gallon per day estimate originate?
- How have assumptions for amount of dust generated from quarry operations been arrived at?
- Has data gathered from other operative quarries been incorporated into these assumptions?
- Refer to comments in Sections 4.3 Air Quality

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Pg. 2-10 The use of dust control additives approved by the County Air Pollution Control District will help to minimize the volume of water necessary for this purpose in other areas. An existing well on the property near the Salinas River will supply water for dust control.

Comments

- No description or specifications for dust control additives has been provided.
- Surface runoff carrying suppressants is not adequately addressed.

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- Potential for contamination of water supply through introduction of suppressants has not been adequately addressed.

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78

pg. 4.13-3 *Agriculture has been the dominant land use in the upper Salinas watershed. For the most part, the agricultural uses include grazing and pasture land on relatively flat areas such as the southern portion of the Oster property.*

Comments

- No verifiable evidence for this description has been provided.
- The grazing and pasture area referenced does not consist of more than a few acres and is the only potential irrigated ag use on the Oster parcel. It is in full public view along Hwy. 58 and nearby neighbors surrounding this area are not able to recall any time in the past when any substantial irrigated use took place.
- What is the origin of the information contained in this description?
- The project proposal is for a quarry on parcels within the Rural Lands land use category. Mining and quarrying would not be considered an ag use.
- Is there a purpose for outlining “beneficial uses” that mining and quarrying are not included among? Is there purpose for outlining an ag use that never appears to have existed?

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pg. 4.13-3 *Table 4.13-2 Summary of CCamp Data for Site*
Since the proposed quarry site near the Salinas River is located several more miles upstream from the sampled point, and in an area that is more rural and less developed, it is reasonable to assume that the surface water quality in the river near the project site is better than that shown above.

Comments

- No data has been provided to support this assumption.
- Monitoring must occur at the specific location where conclusions are drawn to be useful.

80

pg. 4.13-4 ***Current Water Use and Supply***
Project Site. The existing water uses on the property support two residences and some agricultural use – typically watering for up to 30-40 cattle, and a small orchard and garden and landscaping at the main house. Estimated water consumption for recent years (when there has been no extensive irrigation of corn or other field crops) is between 1.5 and 1.7 acre feet per year (afy), so a figure of two afy is assumed in this discussion.

Comments

- As stated above, there is not local knowledge of field crops ever occurring on this parcel nor has any data that supports that claim been provided.
- If we accept 1.7 afy as an accurate estimate of current domestic use, the extremely low consumption value (compared to other quarries) being put forth in 4.13.6 of 5 afy still represents a nearly 294% increase in water consumption.

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pg. 4.13-6 4.13.3 Regulatory Setting

*The Federal Clean Water Act of 1972, and subsequent amendments, forms the overall structure for maintaining surface water quality in the country. The act prohibits point source discharges to surface waters unless a permit under the National Pollutant Discharge Elimination System (NPDES) is obtained from the U.S. EPA. **For waters affected by broader pollutant issues, the CWA requires the identification of impaired water bodies, in which pollutant concentrations will adversely affect beneficial uses of the water.** For these water bodies, Total Maximum Daily Loads (TMDL) for pollutants from natural and man-made sources must be specified and implemented through management practices and permit procedures.*

Comments

- Overlooked has been the WAIVER for the hauling in and crushing of Concrete and Asphalt debris, being referred to as “recycling”.

1. Applicant is asking for a waiver to LUO 22.30.380 in order to allow concrete and asphalt recycling within the Rural Lands category on a site which does not meet the current ordinance requirements for such activity. Aside from not conforming to the LUO, this component of the project introduces significant adverse impacts on the riparian flow of the Salinas River.

- a) The millings and residue from concrete and asphalt recycling should be considered hazardous waste and disposed of in an approved disposal site.
- b) Recycling may not best describe the process, but in the way the term is being used, the process consists of crushing and resizing of the product. The residual material from the asphalt and concrete crushing operation will result in dust and small particulate matter.
- c) Asphalt millings in particular, as well as exhaust particles, tire wear residue, and motor oil (contaminates associated with recycled concrete and asphalt), contain increased concentrations of polycyclic aromatic hydrocarbons (PHAs) which are targeted as pollutants by the EPA.
- d) These residual materials have the potential to migrate through the actions of wind, water, and physical displacement to contaminate surrounding soils and surface water sediments.
- e) Any handling or processing of concrete and/or asphalt demolition debris on this property should be prohibited.

2. The amount of broken concrete and asphalt material being permitted for intake has not been adequately defined in the application.

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3. The amount of material from the “recycling” processing facility to be shipped out is described as some portion of the total 500,000 ton annual output. No breakdown of projected percentages for mined aggregate vs. imported concrete and asphalt for re-processing has been provided in the DEIR. Project Objective (E) suggests that the input side for imported material may be far greater than is currently being disclosed.
4. It is reasonably foreseeable that the specifications for some of the products that the “recycled” offerings of Las Pilitas Resources, LLC, would find a market for would require washing. Superpave as specified by Caltrans is one such product among other possible options.
5. No assumption values for water use associated with the “recycling” facility being proposed through a waiver to the Land Use Ordinance have been included in this DEIR. This represents a significant oversight.

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pg. 4.13-11 Increased Use of Surface Water

This issue relates to criteria “d” and “e” above dealing with changing the quality or movement of surface or groundwater, and affecting other water suppliers. As presented in the Water Supply Assessment for the project (see Appendix F) the proposed quarry will use about 4,000 gallons of water per day for dust control, about 500 gallons per day for domestic purposes, and up to 1,000 gallons per day for irrigating revegetation as part of the mine reclamation, for a total of 5,500 gallons per day. This total is about 5 afy. Water for the quarry use would be drawn from a shallow well about 80 feet from the Salinas River in the ranch compound of the property owner, identified as “Well A.” A pumping test on Well A demonstrated its ability to provide a minimum of 25 gallons per minute, which is more than sufficient for the proposed use. The water drawn from the well is part of the subsurface flow in the Salinas River and is part of the riparian rights water that has been used on the property for many years. Combined with the existing recent uses by the two residences and ranch activities on the property (approximately 2 afy), the estimated total water use on the property would be approximately 7 afy. Thus, the quarry project would more than triple the current water use on the property. This amount is lower than the water used in previous agricultural activities on the property, and much lower than the potential use indicated in the Statements of Diversion and Use (over 94 afy). The total projected water use with the quarry project and current uses (7 afy) is very much lower than the lowest base flows maintained in the Salinas River near the project vicinity (about 800 afy).

Comments

- The water supply assessment is inadequate and fails to adequately address the following pertinent information:
 1. Well depth
 2. Date of pump test (time of year)
 3. Pump volumes
 4. Pump rates

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- The reported four hour pump test is not adequate to demonstrate reliable production.

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Water Consumption values

- When water use was scrutinized at the scoping and other early public meetings, applicant claimed consumption amounts stated were just a worst case scenario and could easily be reduced by using chemical dust suppressants, conservation, and by eliminating any washing of aggregate.
- These claims have now been incorporated into 4.13.6, the Water Supply Assessment, and the revised project description in the DEIR.
- We have concerns that reducing water consumption estimates to unrealistically low levels undermines meaningful environmental review.
- Our early research indicated that the initial estimate of 20,000 gallons a day (for dust control)1 was low when compared to similar quarry operations already occurring or being proposed.
- Currently, the initially very low “worst case” projection has been further reduced to 4,000 gallons daily for dust control and the applicant is not proposing to wash any of the material that is being processed. What is the origin of this assumption value?
- Any washing of aggregate and the additional needs of a concrete and asphalt crushing facility being sought through a waiver to LUO 22.30.380 would significantly add to assumption values.

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Washing of aggregate

- Other quarries do not produce PCC grade aggregate without washing the product and it is doubtful that an economically viable high grade aggregate could be produced without inclusion of such a process.
- Upon review of Hydrology within several attached Environmental Impact Reports for similar aggregate quarry proposals, it becomes clear that aggregate washing is typical (therefore, reasonably foreseeable), uses water, and needs to be quantified before meaningful input on associated impacts can be developed.
- At a minimum, a requirement of the Conditional Use Permit for this project should be metering and monitoring of water consumption to prevent foreseeable impacts on the riparian flow of the Salinas River in the future.
- Additionally, if product is to be washed off-site, the location and details of those activities will need to be disclosed as part of the environmental review process in order to avoid “piece-mealing” under CEQA guidelines.

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- The following EIRs were examined for comparison:
 - a) The Hanson Quarry Expansion Hydrological Report (DRC2011-00098) is of considerable interest because it is based on actual water use by an operative aggregate quarry located nearby to the Oster/Las Pilitas proposal on Santa Margarita Ranch and that the Oster/Las Pilitas applicants have publicly stated they will compete against. The Santa Margarita Quarry (SMQ owned by Hanson) produces 700,000 annual tons and diversion of 300 acre feet of water per year.

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- b) The Liberty Quarry proposal was ten times the size of this proposal. While it's possible that actual usage may have been underestimated in the attached EIR, the Water Usage and Demand Study in that document estimated water use at 360 acre feet per year.
- c) Jesse Morrow Mountain in Fresno county proposes to extract 1.5 million tons/yr, 3 times that of the Oster/Las Pilitas proposal. The anticipated water use identified in the attached EIR for aggregate washing alone is 145 acre/feet/year.
- d) The Roblar Road Quarry in Sonoma county proposes to extract 500,000 tons/yr, an amount equal to the Oster/Las Pilitas proposal. In the attached EIR, total estimated annual demand is 8,881,965 gallons (divide by 325,851 gallons per acre foot = 27.26 acre/feet/yr)

* While each project obviously has specific circumstances that determine actual water usage, it becomes evident that hard rock quarry operations all use significantly greater amounts than this proposal is estimating.

* The applicants have stated providing competition to the Santa Margarita Quarry provides ample confirmation that producing products that meet similar specifications (washed) is indeed reasonably foreseeable, and in fact should be assumed in the criteria for determining the worst case scenario for water consumption assumption values.

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pg. 4.13-12 Cumulative Effects

The base flows in the Salinas River result from rainfall and runoff in its watershed upstream from the project site and from periodic releases that are mandated by the SWRCB permit for the Santa Margarita Reservoir. These releases are designed to ensure the protection of all downstream surface and shallow subsurface water uses that existed prior to construction of the dam and reservoir in the 1940s. The project will not significantly affect flows in the river, and will not contribute a substantial fraction towards cumulative use of water from the Salinas River. The Hanson Santa Margarita Quarry also uses water from surface and underflow in the Salinas River.

Comments

- DEIR fails to adequately document daily, weekly and monthly river flows .
 - This is pertinent information if the project water source is the Salinas River
- DEIR fails to provide Salinas River Dam release documentation.
 - This is pertinent information if the project water source is the Salinas River
- DEIR fails to consider performance of similar wells on neighboring parcels.
- The DEIR fails to provide adequate documentation that the potential cumulative impacts related to Water Quality and Supply are less than significant.
- There is no documentation that the water source for the identified well for the project is provided by the Salinas River.
- There is no documentation to support that the water supply is reliable.

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Appendix F – Water Supply Assessment

pg. F-6 *With respect to water quantity, no shortages are known for the project vicinity and areas downstream, until those noted for the Paso Robles groundwater basin. Upstream from the Project Site, in the Moreno Creek drainage along Parkhill Road, the County has noted that the water supply is limited and represents a constraint to future development in that area (SLO County 2003:3-1).*

Comments

- This statement is incorrect.
- Similar wells along the Salinas River on adjoining parcels experience water shortage issues, especially during low rainfall years.
- No attempt was made to contact the neighboring parcel owner with the well in closest proximity to the proposed project well.
- It appears that the project well is a shallow well similar to others in the vicinity.
 - No documentation of depth or supply source is provided in the DEIR
- Shallow wells are the first to have problems in dry years.
- The project will require the most water during the times that well performance is in decline.

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Additional Comments Section 4.13

- The project objectives to produce “concrete grade” aggregate do not align with stated water consumption. This raises concerns that a good faith effort has not been made by the project applicant to provide full disclosure of intended operational details.
- It is extremely important to review the project objectives in order to gain perspective on reasonably foreseeable events.
- Early in the environmental review process provides the best opportunity to question the origin and accuracy of assumption values provided for study.
- No MM WQ-3 for Impact WQ-3 exists. The impact being mitigated for, increased use of surface water, must be accurately described and appropriately mitigated for.
- No assumption values for water use associated with the “recycling” facility being proposed through a waiver to the Land Use Ordinance have been included in this DEIR. This represents a significant oversight.

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Section 4.14 Land Use Comments

4.14.1 Introduction and Existing Conditions

pg. 4.14-1 - *The Initial Study for this project (contained in Appendix A) included a preliminary determination that the proposed quarry would be consistent with all applicable plans, policies, and regulations, and that it would be compatible with surrounding land uses. That preliminary conclusion was based on the review of environmental issues and on the input received from other County departments and other agencies contacted through referrals during preparation of the Initial Study. Since then, completion of the analyses of environmental issues described in the preceding sections has identified several effects that are considered significant impacts that relate to the issue of land use compatibility. These include aesthetics and visual resources, noise, and cumulative traffic effects through the Santa Margarita community.*

The quarry site is located less than one half mile east of the Salinas River. Moreno Creek is south of the site on the opposite side of SR 58; Moreno Creek connects to the Salinas River southwest of the site. The proposed quarry site is largely surrounded by undeveloped vacant land and some scattered large lot residential parcels, with the Hanson Aggregate granite quarry located less than one-half mile northwest of the site and scatter rural residential development to the south and southeast of the project site.

Comments

- Because impacts only occur in the presence of receptors, existing land uses are at the core of determining the severity in all impact areas.
- Considering it's fundamental role as the foundation for all planning decisions. Land Use and associated compatibility issues have received less than sufficient attention in the DEIR.
- It is imperative to begin any analysis of land use compatibility with accurate and descriptive mapping of the area, with particular emphasis on existing land uses.
- The Initial Study contained selective mapping submitted by the applicant and a variety of errors in it's description of the area and surroundings.
- Original project mapping omits Parkhill Road, the Salinas River, Salinas River Bridge (Structure 49 0237) and Digger Pine Road.
- The foundation for conclusions that follow "*the proposed quarry site is largely surrounded by undeveloped vacant land and some scattered large lot residential parcels*" has not been sufficiently verified through mapping.
- Insufficiently validated presumptions have been carried forward into other areas of the EIR.
- Figure 4.14-1(General Plan Land Use Categories) identifies Land Use Categories, the Salinas River and the Coastal Branch of the California Aqueduct but fails to provide a clear representation of existing land uses in the vicinity of the proposed project.

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Accurate and representative mapping matters

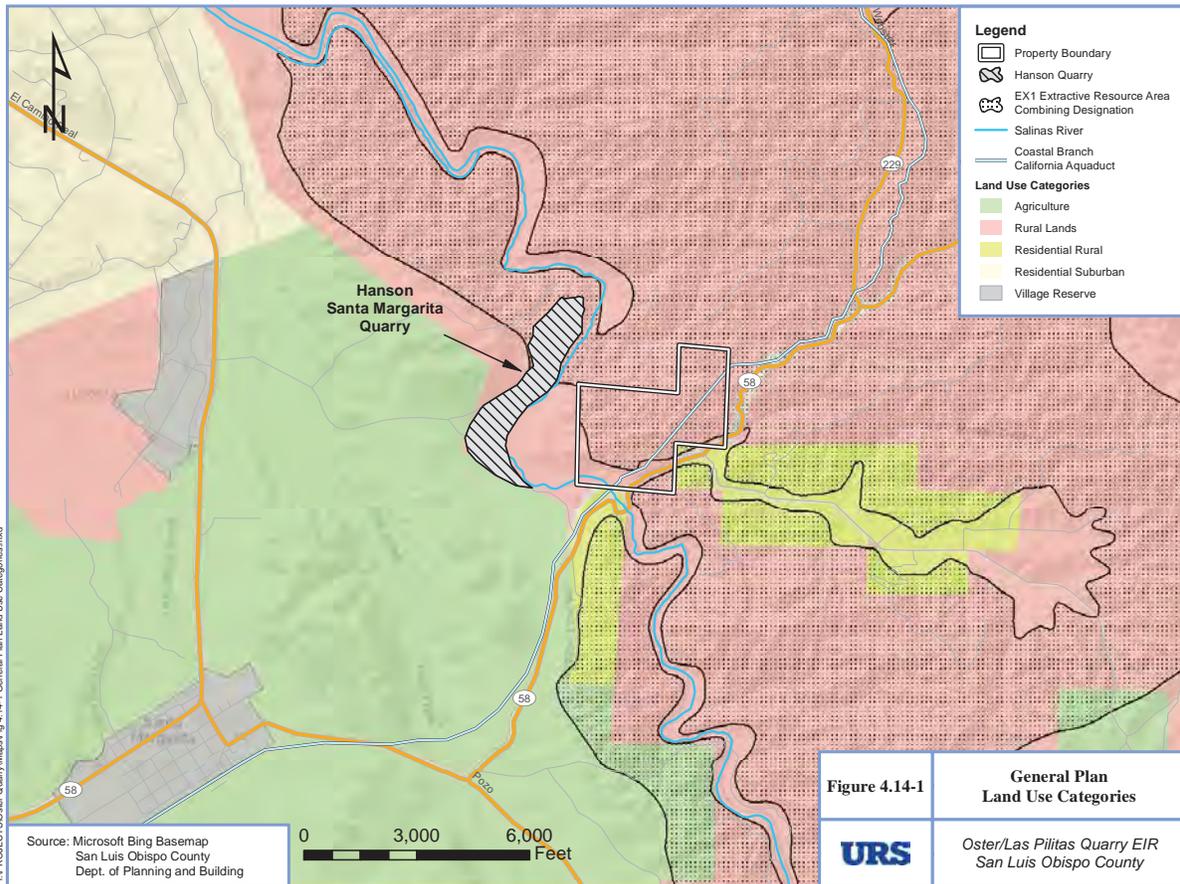
- The primary goal of an EIR is to identify and mitigate impacts. Mitigation cannot occur until identification of impacts has.
- Graphics that illustrate EXACTLY what is on the ground in the vicinity of the proposed project are fundamental to evaluating compatibility, the core purpose of land use planning.

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Suggested mapping

- Parcel Mapping overlaid onto an Area Map needs to be developed and reviewed.
- A uniform table with columns that clearly list distances to nearby residences as well as their property boundaries should be secondarily be developed.
 - In order to be useful, the table should cross reference ordinances and elements within the General Plan.
 - The table should clearly delineate distances to the various pertinent points that would be necessary to evaluate conformance.

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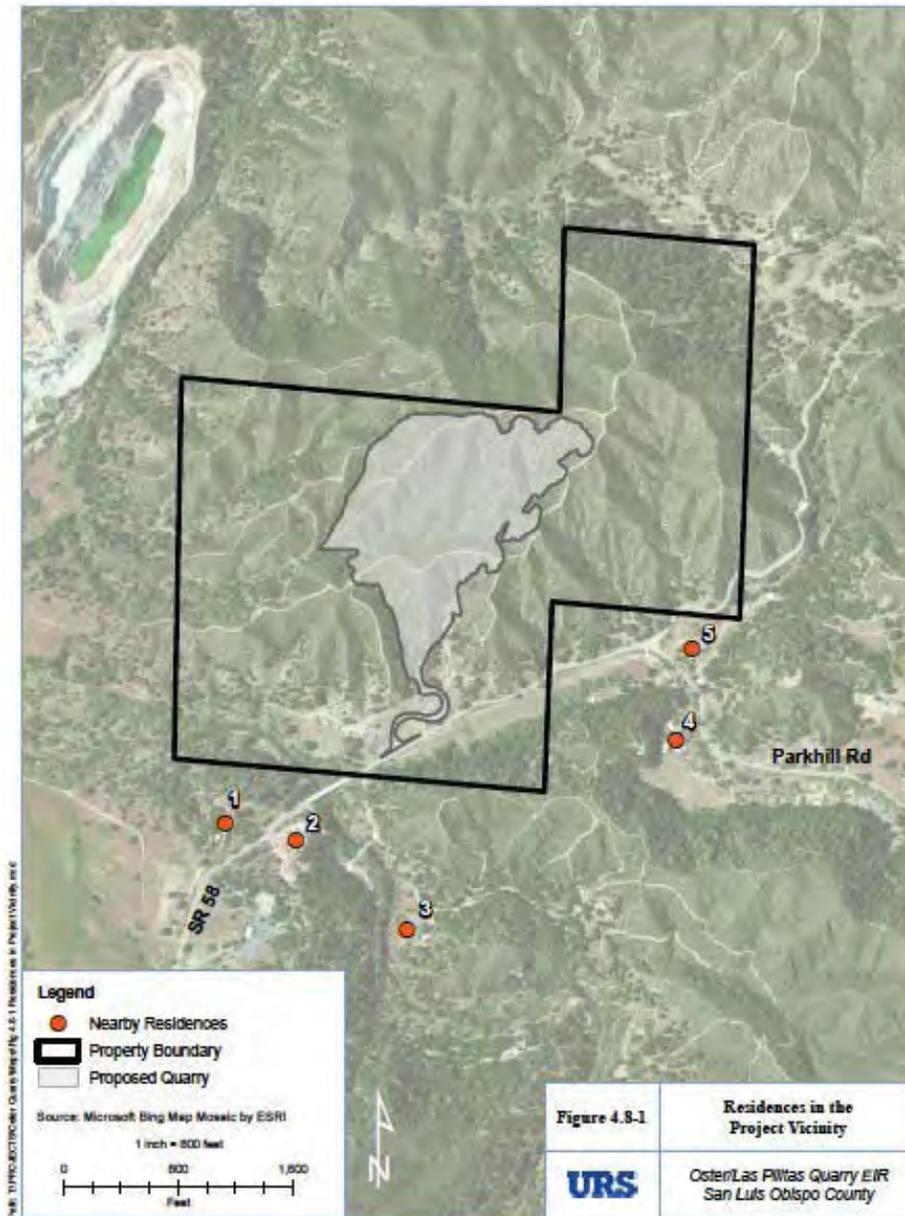
97

Comments on Figure 4.14-1

- Two concentrations of Residential Rural (RR) parcels existing within the Las Pilitas Area Plan.
- As illustrated, viewed as the cluster (village) that they are, they are directly adjacent to the proposed quarry site and significantly impacted by operations.
- Nothing about this map would indicate that there are more than 60 individual parcels within one mile of the proposed quarry's scale house or how individual parcels are situated in relationship to the proposed quarry operations.
- While an overview of Land Use Categories is a fundamental tool for initial review, breaking these RR areas down to their constituent parcels is needed in order to gain an in-depth working knowledge of the area being studied. A decision cannot be arrived at regarding suitability or compatibility of a proposed use without knowing what exists on the ground.

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Figure 4.8-1 next page



Comments on Figure 4.8-1

- Five nearby residences are identified on this map.
- No indication of how those residences were identified is provided.
- No parcel divisions are illustrated.
- Mapping fails to provide sufficient depth to gain an overview of compatibility issues.

Overview of Figure MP4.14-2

- Margarita Proud has constructed a Parcel/Area map (**Figure MP4.14-2**) built from Parcel mapping overlaid onto an Area Map.
- Margarita Proud has constructed a Parcel Inventory (**Table MP4.14-1**) that lists APN’s of all parcels that show up within 5280’ (one mile show as dotted orange line) from the scale house location at the proposed quarry.
- The intent of Figure MP4.14-2 is to more thoroughly understand the area most impacted by industrial operations.

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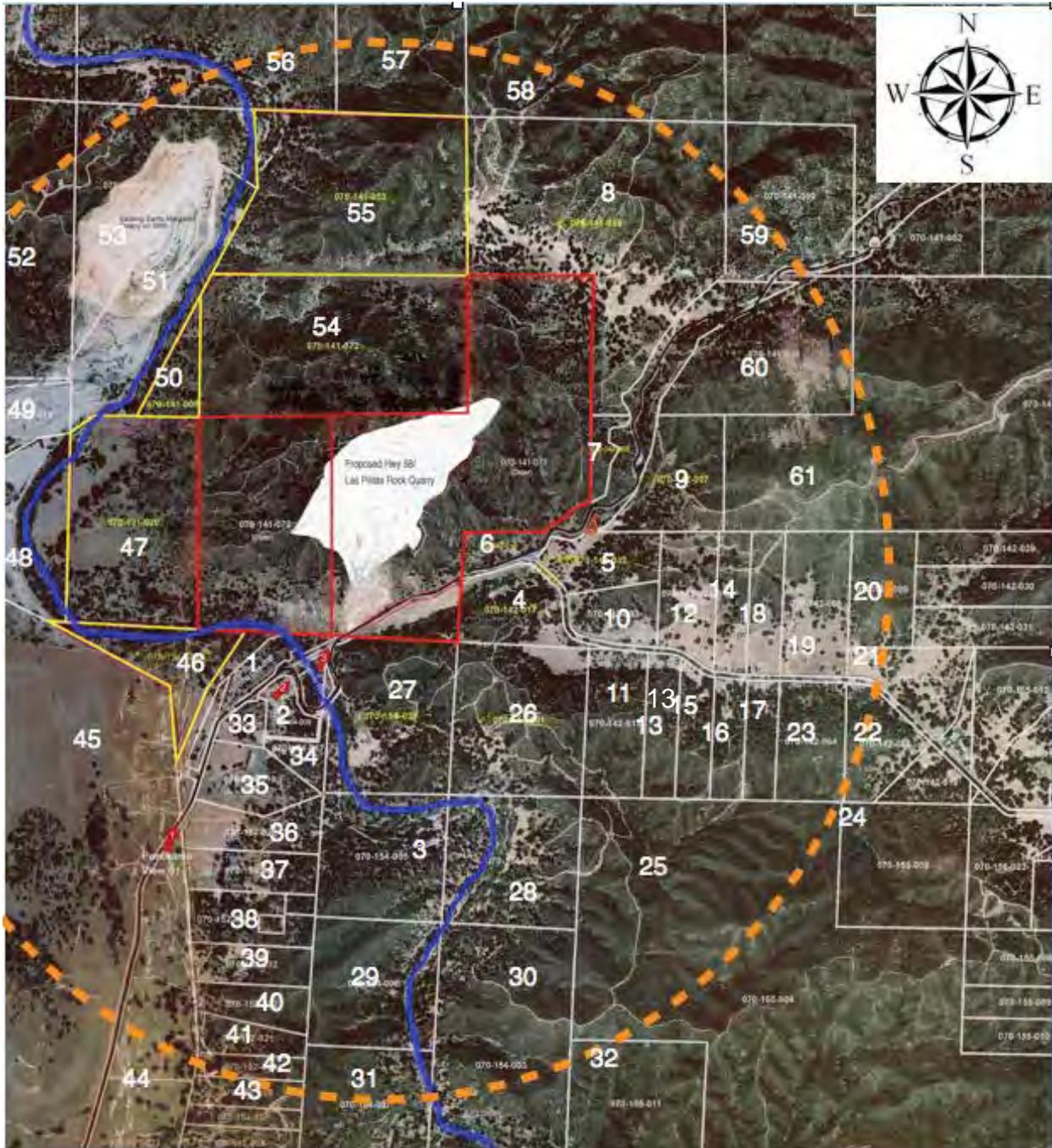
Suggested additions to MP4.14-2

- Increase scope to greater distance that identifies all receptors and their relative location to the proposed project.
 1. The parcel count increases significantly if additional parcels beyond the one mile line are included.
 2. It is reasonably foreseeable that impacts associated with air quality, noise, and water supply project beyond the one mile mark, particularly in those residential areas to the east/southeast (Parkhill Road) and south/southwest (Digger Pine Road).
 3. The prevailing wind comes right up the Parkhill Rd. canyon from the NW. Many residents have pointed this out throughout the process and within the over 200 letters that were received during the scoping process. Residents more than 2 miles southeast of the proposed quarry on Parkhill Rd. (near Parkhill Rd. church) report hearing the train daily. The rail corridor is nearly 4.5 miles from CDF Station 40 on Parkhill Rd.
 4. Extending the parcel inventory out to the two mile mark, especially on Parkhill Rd. would provide much more accurate identification of receptors for 4.3 Air Quality, and 4.8 Noise as well as better inform many assumption relating to 4.13 Water Quality and Supply.
- Detailed development of accurate mapping that can be used to develop more complete and descriptive parcel inventories.
 - This would be useful as part of an informational document for our decision makers that endeavors to fully disclose all aspects of the project and the resulting impacts.

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Figure MP4.14-2 next page

Figure MP4.14-2 Parcel Map overlaid onto Area Map (orange = one mile (5280') from scale house @ proposed quarry operation.



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Table MP4.14-1 Parcel Inventory

Inventory of parcels, the parcel size, if a building permit has been issued for the parcel since the EX1 Combining Designation has been in place, associated land-use classification and other location information within the one mile radius defined in Figure MP 4.14-2

#	APN	Parcel Size	Permit issued since EX1	LUC	Location Notes
1	070-154-032	12 ac	Not in EX1	RR	adjacent to 070-141-070
2	070-154-009	5 ac	yes	RR	6755 Hwy. 58
3	070-154-005	40 ac	yes	RL	
4	070-142-017	26 ac	yes	RR	SW corner Parkhill/58
5	070-142-032	14 ac	yes	RR	NE corner Parkhill/58
6	070-142-016	2.4 ac	yes	RR	adjacent to 070-141-071
7	070-142-026	3.3 ac	vacant	RR	adjacent to 070-141-071
8	070-141-059	> 40 ac	yes	RL	adjacent to 070-141-071
9	070-142-027	27 ac	yes	RR	Hwy. 58
10	070-142-033	10 ac	yes	RR	6450 Parkhill Rd.
11	070-142-015	23 ac	yes	RR	6445 Parkhill Rd.
12	070-142-024	14 ac	yes	RR	6428 Parkhill Rd.
13	070-142-020	11 ac	yes	RR	6395 Parkhill Rd.
14	070-142-025	14 ac	yes	RR	6352 Parkhill Rd.
15	070-142-022	10 ac	yes	RR	6375 Parkhill Rd.
16	070-142-021	10 ac	yes	RR	6355 Parkhill Rd.
17	070-142-019	10 ac	yes	RR	6321 Parkhill Rd.
18	070-142-007	10 ac	yes	RR	6324 Parkhill Rd.
19	070-142-008	19 ac	yes	RR	6318 Parkhill Rd.
20	070-142-009	< 20 ac	yes	RR	Parkhill Rd.
21	070-142-011	6.5 ac	yes	RR	Parkhill Rd.
22	070-142-065	14 ac	no	RR	Parkhill Rd.
23	070-142-064	18 ac	yes		Parkhill Rd.
24	070-155-005	40 ac	no	RL	Parkhill Rd.

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#	APN	Parcel Size	Permit issued since EX1	LUC	Location Notes
25	070-155-004	320 ac	NA	RL	BLM Land
26	070-154-001	40 ac	yes	RL	
27	070-154-024	39 ac	yes	RL	
28	070-154-002	40 ac	no	RL	
29	070-154-006	40 ac	no	RL	
30	070-154-003	120 ac	no	RR	
31	070-154-007	40 ac	no	RL	
32	070-155-011	40 ac	no	RL	
33	070-154-018	5 ac	yes	RR	6795 Hwy. 58
34	070-154-017	5 ac	yes	RR	
35	070-154-019	13 ac	yes	RR	6835 Hwy. 58
36	070-154-022	14 ac	yes	RR	Digger Pine Rd.
37	070-154-021	14ac	yes	RR	Digger Pine Rd.
38	070-152-033	16 ac	yes	RR	Digger Pine Rd.
39	070-152-032	10 ac	yes	RR	Digger Pine Rd.
40	070-152-022	10 ac	yes	RR	Digger Pine Rd.
41	070-152-021	10 ac		RR	Digger Pine Rd.
42	070-152-005	6 ac		RR	Digger Pine Rd.
43	070-152-006	7 ac		RR	Digger Pine Rd.
44	070-091-023				now part of parcel 45
45	070-091-037	1697 ac	NA	AG	Major Domo LLC (SMR) Access road into Hanson follows northern boundary of this parcel.
46	070-154-033	17 ac	NA	RL/RR	Kaiser (mining buffer parcel) adjacent to Oster

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#	APN	Parcel Size	Permit issued since EX1	LUC	Location Notes
47	070-131-020	79 ac	NA	RL	Kaiser (mining buffer parcel) adjacent to Oster
48	070-131-021	73 ac	NA	RL	Kaiser
49	070-131-018	8 ac	NA	RL	SMR LLC
50	070-141-008	5 ac	NA	RL	Kaiser (mining buffer parcel)
51	070-141-006	40 ac	NA	RL	Mission Lakes LLC (SMR) Hanson Quarry operations
52	070-131-003	171 ac	yes	RL	Dkf LLC (SMR) Hanson expansion site
53	070-141-054	115 ac	NA	RL	Mission Lakes LLC (SMR) Hanson Quarry operations
54	070-141-072	80 ac	NA	RL	Kaiser (mining buffer parcel) adjacent to Oster
55	070-141-053	64 ac	NA	RL	Kaiser (mining buffer parcel)
56	070-141-001	160 ac	no	RL	
57	070-141-041	363 ac	no	RL	
58	070-141-061	404 ac	no	RL	
59	070-141-060	40 ac	no	RL	
60	070-141-049	50 ac	no	RL	
61	070-141-039	360 ac	no	RL	BLM Land
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pg. 4.14-4 & 5

4.14.5 Compatibility Criteria

4.14.6 Compatibility with Land Uses immediately adjacent to the Project Site

Comments

- Table 4.14-2 (pg. 4.14-5) contains several inaccuracies:
 1. North - 070-141-059 is a RL parcel with residences already existing.
 2. South/southwest - Digger Pine Road is completely omitted.
 - Table MP4.14-1 locates parcels within one mile of the proposed scale house.
 - There are more parcels and homes up Digger Pine if the distance is increased.
 - Digger Pine Road’s proximity to 58 and to the proposed site has not been adequately addressed in this DEIR.
 3. South/slightly southwest - Rural homes on Digger Pine Road in Residential Rural.
 4. East/ slightly southeast - Rural homes on Parkhill Rd.
 - Not vacant land, not grazing (no water).
 - Table MP4.14-1 and Figure MP4.14-2 illustrate that several (more than two but not many) does not accurately describe the depiction of this table.
 5. West - This description is nearly accurate.
 - Overlooked is that Hanson Quarry exists on SMR properties (main quarry is held by Mission Lakes LLC, comprised of one or more of the SMR owners).
 - As shown on Figure MP4.14-2, there are at least 5 parcels bordering Oster that are held by Hanson as buffers to their mining operations.
 - There is no mining currently or planned. The expansion Hanson has applied for moves to the Northwest.
 - It is a mis-representation to portray the western boundaries of the Oster parcels as being adjacent to the Hanson Quarry.
 - Bordering the Oster parcels to the northwest, west, and southwest are Hanson owned parcels purchased specifically to be buffers from their mining operations (refer to table MP4.14-1 for details and APN’s)

- Table 4.14-2 focuses on the EX1 Extractive Resource Combining Designation in several areas, hinting that the presence of EX1 Extractive Resource Combining Designation somehow ensures compatibility with this specific project proposal.

- The stated purpose of this combining designation within the DEIR (pg. 4.14-5) is *“to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction”*.
- The entirety of LUO 22.14.050 reads:

A. Purpose and applicability. The Extractive Resource Area (EX1) combining designation is used to identify areas of the county which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits.

The purpose of this combining designation is to protect existing resource extraction

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operations from encroachment by incompatible land uses that could hinder resource extraction. In addition, Framework for Planning - Inland Portion, Part I of the Land Use Element contains guidelines which call for proposed land use category amendments to give priority to maintaining land use categories which allow and are compatible with resource extraction.

B. Processing requirements. The following standards apply to proposed land uses within the EX1 combining designation which are required to have Minor Use Permit or Conditional Use Permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 22.04 (Standards for Specific Land Uses), or by planning area standards in Article 9.

1. All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and 22.08.170 through 22.08.198.

2. Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

- The purpose of this ordinance is not to usher in mining proposals without regards to existing surroundings, but to protect existing mining operations from encroachment by incompatible uses.
- What is before you is a mining proposal, not an existing “resource extraction operation”.
- A mining proposal must prove itself to be compatible with existing surrounding uses and demonstrate that the uses IT proposes are not likely to cause public health and safety problems.
- The existence of the EX1 Extractive Resource Combining Designation provides no special protection from the fundamental purpose of planning to address compatibility between uses.
- The existence of the EX1 Extractive Resource Combining Designation is not, and should not be a consideration in the process underway to determine if granting a discretionary Conditional Use Permit (CUP) is an appropriate action for a site specific proposal.
- Section 4.14 would be the only section of this DEIR where the EX1 Extractive Resource Combining Designation should have received any attention. Instead, the existence of an overlay has been used throughout the DEIR in a seeming attempt to convert an inapplicable piece of background land use information into an underlying assumption of importance.

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Comparing Siting to Existing Quarries

- Comparing Figure MP4.14-2 to the siting of several quarry operations already existing within the same sector of the same production-consumption region, Santa Margarita Quarry, and Rocky Canyon Quarry, illustrates that the size of parcels and uses surrounding these existing facilities are much better suited to their surroundings than the location currently proposed by Las Pilitas Resources, LLC.

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Below are area maps and adjoining parcel inventories for Santa Margarita Quarry (Hanson), (Figure MP4.14-4 and Table MP4.14-4), and Rocky Canyon Quarry (Figure MP4.14-4 and Table MP4.14-5)

Santa Margarita Quarry

- Santa Margarita Quarry is operated by Hanson Aggregates on parcels 070-141-054 (Mission Lakes LLC), 070-141-006 (Mission Lakes LLC), 070-131-018 (SMR LLC), and 070-131-019 (Kaiser).
- As previously discussed, Hanson owns the adjoining parcels to the south and east of their operations. Those parcels are identified in Table MP4.14-1 and also asterisked (*) in Table MP4.14-4.
- Extraction operations shall provide and be provided with adequate buffering and screening from adjacent land uses.¹
- This quarry is adjoined almost entirely by parcels it owns or leases, including the smallest of these parcels, 070-154-033.

Figure MP4.14-4 next page

¹ Ordinance 2498, An ordinance amending specific sections of the San Luis Obispo County LUO, Title 22 of the County Code, introduced at regular meeting of the BOS held on April 16, 1991



Figure MP4.14-4

1. El Camino Real to Hwy. 101 (approximately equidistant to north or southbound on-ramps)
2. Entrance into Hanson Quarry - the 1.5 mile long access road provides a staging area and places distance between mining operations and residential uses to the north and west.

Parcels adjoining Hanson Aggregates Quarry

- North - Large parcels in RL
- East - No mining occurs on multiple parcels * owned by Hanson along entire eastern perimeter of Hanson's mining operations. *Buffer parcels.
- South - Large parcels (519ac and 1696ac) parcels in AG.
- West - Large parcels in AG (same parcels as above) and RL (parcel expansion is currently proposed on). Staging along Hanson's access road is approximately 1.75 miles long.

Parcels adjoining Hanson Aggregates Quarry

A.P.N.	Parcel size	Use Category
*070-141-053	64 acres	RL
*070-141-072	80 acres	RL
*070-141-008		RL
*070-131-020	40+ acres	RL
*070-154-033	17 acres	RL
070-091-037	1,696 acres	Ag
070-091-038	519 acres	Ag
070-131-003	171 acres	RL
070-131-002	100+ acres	RL
070-141-001	80+ acres	RL

Table MP4.14-4

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	Hanson	Las Pilitas Resources
Permitted volume	700,000 annual tons	500,000 annual tons
Access route into plant	9240'	700' (pg. ES-2)
Grade of access route	minimal	10% (Dwg. 08-23 Tartaglia)

Table MP4.14-5

Contrast in ability to accommodate truck accumulation and staging between Hanson and proposed Las Pilitas Quarry

Rocky Canyon Quarry

Located 3 miles north of Santa Margarita Quarry, Rocky Canyon is adjoined only by large parcels within the RL and AG land use categories (Table MP4.14-5)

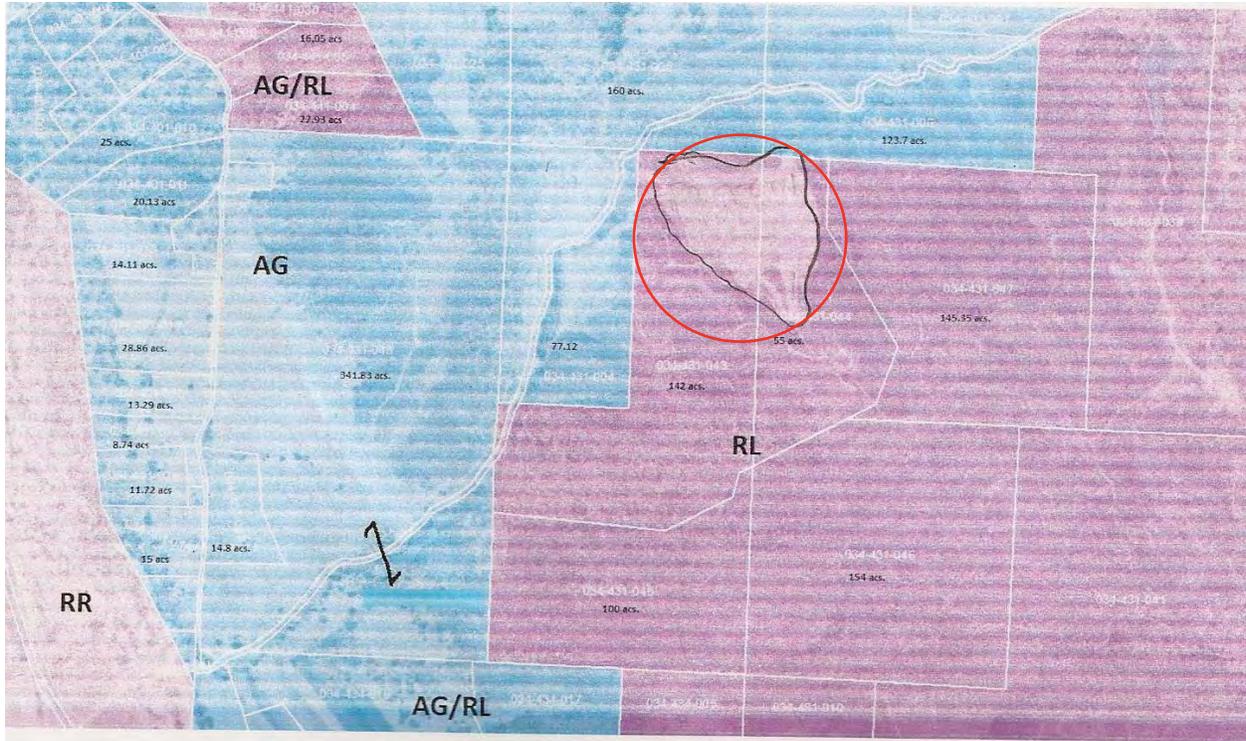


Figure MP 4.14-5

Parcels adjoining Rocky Canyon Quarry

A.P.N.	Parcel size	Use Category
034-431-045	100 acres	Rural Lands
034-431-046	154 acres	Rural Lands
034-431-047	145 acres	Rural Lands
034-431-048	342 acres	Ag
034-431-004	77 acres	Ag
034-431-005	160 acres	Ag
034-431-006	124 acered	Ag

Table MP4.14-5

pg. 4.14-7 *The truck traffic generated from the proposed quarry (273 daily trips, on average) could compromise the desired rural character of the Santa Margarita community, as expressed in the adopted Santa Margarita Design Plan.*

Comments

- Impacts directly contributing to inconsistencies with the rural character of the community have not been adequately defined or addressed.
- It will be difficult to assess consistency with LUO Section 22.62.060 (C)(4)(d) without a detailed evaluation of impacts that deteriorate rural character.

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pg. 4.14-8 *Truck traffic will occur only on SR 58, a state-owned and maintained highway. As such, the County has no authority to limit truck trips along this route.*

Comments

- Truck traffic will travel on Hwy. 58 as well as any other roadways encountered in getting to delivery locations.
- If truck traffic *will occur only on SR 58*, this routes all truck trips through Santa Margarita to 101.
- This situation would introduce the need to re-visit the truck trip distribution assumption percentages as presented.
- Will the occurrence of truck traffic *only on SR 58* be possible to achieve given the *Oster Quarry Market Area²* introduced as part of the DEIR?
 1. Contrary to information provided to the public by the project applicant at the scoping meeting that the main market would be Nipomo, *“the aggregate market in the region of the proposed Oster Quarry (project) was researched in order to evaluate how operation of the project would affect supply and demand for aggregate in the region. The Oster Quarry Target Market is shown in Figure 1 and consists mainly of U.S. Highway 101 corridor between the City of San Luis Obispo and the northern County line.”*
 2. When did the market area change?
 3. Who made the determination to change the market area and why?
- It is common knowledge that Hwy. 58 is a state owned and maintained highway.
- The county of San Luis Obispo has authority to deny a CUP application if it is determined that the project would generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. (LUO 22.62.060 (C)(4) (e).
- The “project” is not under the jurisdiction of Caltrans, it is under the jurisdiction of the County of San Luis Obispo.
- Project conditions can address any aspect of a CUP application deemed appropriate to address.

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² Sespe Consulting, Inc., Memorandum, October 28, 2011 (DEIR Appendix D)

pg. 4.14-8 *In general, large trucks have the effect of slowing down passenger vehicles in the area. Maximum aggregate production from the Las Pilitas Quarry shall be limited to 500,000 tons of aggregate per year, which will limit the number of trucks that will travel the haul route servicing the quarry.*

Comments

- As proposed, the haul route to the quarry would include Hwy. 58.

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pg. 4.14-9 & 10 Applicant Proposed Measure LU-1

Comments

- A Traffic Control Management Plan must be defined and included in the DEIR. Developing it at a time after public comment period has expired is not acceptable and does not conform to CEQA guidelines.
- The Planning Dept. has no special capability in either traffic control management or validation of controls, but cannot escape it's responsibility for ensuring adequacy of the Traffic Control Management Plan program.
 - Any TCMP shall be managed by an independent consulting firm and overseen by the permitting authority.
- Elementary School arrival/departure times are one component of activity to and from the Elementary School.
- It is stated that truck traffic will not be active on the day of the annual Wildflower Ride.
 - Proposed operating hours are 6:00 a.m. to 5:00 p.m. Monday through Friday.
 - The Wildflower Ride historically occurs on a weekend.
 - The first Wildflower Ride was in 1972.
 - For over 40 years, the event has taken place on a Saturday.
 - The next event is scheduled for Saturday April 26, 2014.
 - Many other quarries operate on weekends and during night-time hours.
 - Are there measures in place that would guarantee this applicant will not seek to expand operating hours into weekends and nighttime in the future?
- No information on the origin of APM/LU-1b or any studies that concluded it increases public safety have been provided in this DEIR.
 - It is not possible to determine if this would be effective mitigation.
 - This mitigation fails to maintain the rural character the community prefers and has documented in the Santa Margarita Community Plan.
 - Refer to Santa Margarita Design Plan (Highway 58-Estrada Avenue Corridor Enhancement and Pedestrian Improvements) for appropriate mitigation at this location that has already been designed with community input.

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• Downtown Improvements at Encina through Margarita Ave. as outlined in the Santa Margarita Design Plan should be part of any mitigation measures intended to address the character of Santa Margarita.

- Trip distribution as outlined in Figure 4.11-3 and the associated impacts of diverting the haul route away from downtown Santa Margarita will need to be re-considered as the rural character of the town is considered.

• APM/LU-1c is not effective or enforceable mitigation.

- Independent management of such guidelines must be in place prior to issuance of any use permits.

- A clear and enforceable definition of emergency must be defined and included.

• APM/LU-1d is not effective or enforceable mitigation.

- A toll-free traffic hot-line operated by applicant is ineffective.

• The experience of local residents with a similar hot-line for the Carrizo solar projects informs this statement.

• Those results inspire little confidence that a plan that proved ineffective for a temporary 3 year project would be effective for one lasting up to 58 year.

- An independently managed program shall be implemented that ceases quarry operations upon report of an infraction until such time that appropriate corrective and disciplinary action to prevent any further incidents has been taken.

112

113

114

Additional Comments - Section 4.14

• There are far more parcels being affected than recognized in the DEIR.

• Project Mapping and the mapping within the DEIR are inadequate.

• Impacts to the entire community of Santa Margarita have been left largely unaddressed in the DEIR.

• The existence of the EX1 Extractive Resource Combining Designation provides no special protection from the fundamental purpose of planning to address compatibility between uses or any compatibility considerations ordinarily applicable to a CUP application.

• The performance standards of the Land Use Ordinance ensure compatibility of adjacent uses.

• The LUE and LUO are together a growth management system that directs the amount, type and intensities of development into specific areas.

• Combining designations are applied in addition to other requirements within a particular land use category.³

• The reason that you are unlikely to see a concrete batch plant next to your house is because of the regulations contained in the LUO.⁴

• Land use compatibility is potentially a significant impact not adequately addressed in the DEIR.

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³ How to Use the LUE & LUO System, SLO County Department of Planning and Building pg. 2

⁴ How to Use the LUE & LUO System, SLO County Department of Planning and Building pg. 3

Section 4.3 Air Quality Comments

The accuracy of Section 4.3 is affected by numerous deficiencies originating in other sections of the DEIR.

The following are among the deficient assumption values that will affect the ability to accurately calculate air quality impacts:

Trip Generation and Truck Traffic (2.3.3)

- As discussed in Section 2.0 and others, the 50 percent backhauling assumption used to calculate additional trucks associated with the importation of PCC and AC pavement for recycling is not supported by data from comparable operations in the DEIR.
- Although the applicant “believes” that all trucks associated with the “recycling” facility, being sought through a waiver to Land Use Ordinance 22.30.380, will arrive with concrete and asphalt and will leave with aggregate, the sequencing of construction projects would not seem to support that assertion.
- Accurate assumptions (quantification) of the amount of material being hauled into the facility for crushing is fundamental data necessary for generating reliable trip counts.
- Accurate air quality impacts associated with project generated truck traffic cannot be determined until fundamental background data has been accurately identified and provided.

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Average or reasonable worst case truck trips

- The average number of trips has been the value applied for study.
- It is generally agreed that there may be very few trucks on certain days or weeks, but that an average will yield certain times when many more trucks than average will be present.
- Pg. 2-9 of the DEIR states that up to 800 truck trips per day may be anticipated for a large project.
- Will air quality conclusions be affected by whether the truck trips come in large concentrations or are averaged?

118

Total Site Disturbance

- Total site disturbance assumptions associated with mining operations, processing areas, storage piles, facility maintenance, and other needs appear to be understated if other quarry operations visited provide any indication.

119

- The concern is that utilizing unverified assumption values has potential to undermine accurate and meaningful review of a variety of impacts.
- Provide comparable field data from other similar quarrying operations to substantiate the site disturbance assumptions being utilized.
- Not identifying all components of an entire project constitutes piecemealing under CEQA.

119

Portable Crushing Equipment

- The use of portable crushing equipment (pg. 2-5) is not typical for large scale (500,000 annual tons proposed) fixed quarry operations. Among the questions this raises:

1. Is the Portable Equipment Registration Program of the California Air Resources Board more or less restrictive than what would be required under SLO County APCD guidelines?
2. Will the “anticipated” maximum use periods be fixed quantities or will they be determined by “market demand”?
3. Will it be possible to accurately predict the AQ impacts of a loosely defined fluctuating use period?
4. Will it be possible to enforce mitigation measures without vaguely defined use periods anticipated?

120

2.3.2 Equipment Inventory

- The estimate of the heavy equipment that will be used in the project (2.3.2 Equipment Inventory) does not appear to be consistent with the objective of extracting 500,000 tons per year.
- No methodology or background for how the equipment list was developed has been provided.
- Meaningful review depends on the use of reasonably foreseeable assumption values.
- Provide comprehensive inventory lists from other similar quarrying operations.

•A number of or reflect commonality with other maps found in other areas of the DEIR. While Residences in the Project Vicinity (Figure 4.8-1) and Changes in Sound Level showing the closest residences (Figure 12 within Noise Analysis prepared by Dubbink Associates) identify the same five receptors as each other, they similarly downplay the existence of residences. Our DEIR comments will include corrected mapping illustrating more than 25 additional residences that should have been identified. We maintain that whether or not a parcel owner has publicly voiced concerns should have no relationship to their sensitive receptor status.

121

Air Quality Receptors (AQRs Figure 4.3-1) ●

- Accurate mapping of sensitive receptors has not been provided in the DEIR.
- 4.3-1 suffers many of the same deficiencies found in Figure 12 of Section 4.8.
- 4.3-1 does appear to identify the receptors located adjacent to proposed quarry but fails to recognize additional receptors. Parcel 070-142-016 is likely the closest receptor for AQ impacts.

122

- Mapping showing the the boundaries of parcels 070-141-070 and 070-141-071 with a line around the perimeters at 1000' out has not been provided.
- Preliminary revised mapping suggests a far greater number of sensitive receptors.
- Unless 1000' represents a boundary that meteorological and atmospheric conditions are unable to penetrate, the number of sensitive receptors continues to grow in the RR areas of Parkhill Rd. and Digger Pine Road.
- Additionally, many of the receptor parcels have ministerial entitlements for secondary dwellings not yet exercised. This eventuality further increases the number of nearby homes.
- The health of many families is at risk. This should not be considered insignificant.

122

Valley Fever Mitigation Measures are inadequate

- Potential exposure to valley fever (Impact HAZ-7) appears to rely on MM AQ-1b.
- While an AQ MM could potentially simultaneously mitigate for a Hazard, the measures must be defined separately to be effective and enforceable independent of one another.
- MM AQ-1a is not sufficient to achieve either goal.

123

Silica Dust

- The presence of silica dust and potential risks of silicosis appear to have been left un-addressed in the DEIR despite being raised by several residents nearby to the proposal in scoping letters.
- How has the presence of silica dust been addressed and mitigated in the DEIR?

124

Cancer Risk

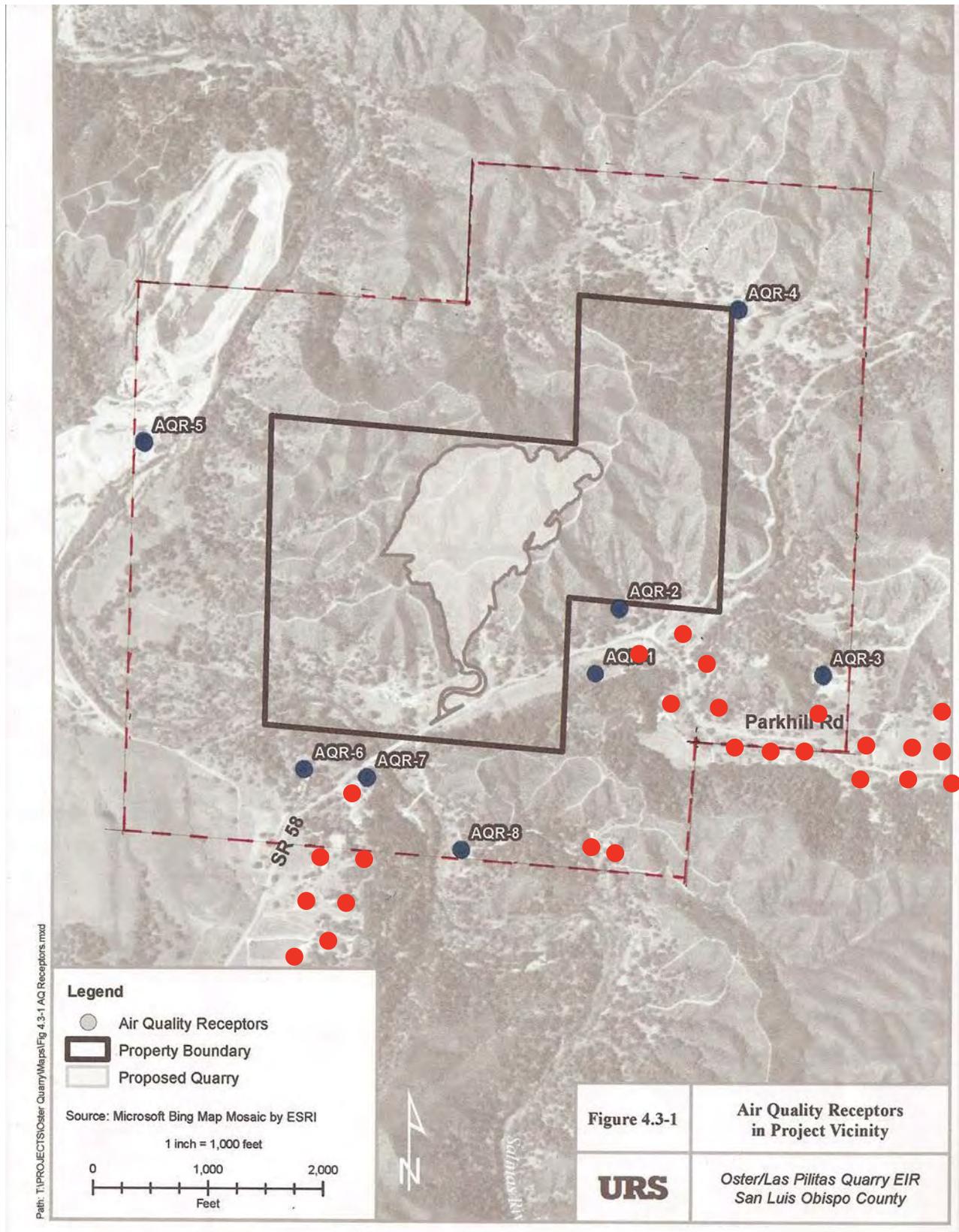
- Figure 4.3-1 and Table 4.3-3 describe the increased cancer risks for receptors near the project.
- Exactly how will the proposed mitigation measures reduce the cancer risk to less than significant.
- The presence of increased cancer risks poses serious long term health risks to nearby residents.
- Further clarification, development, and complete mitigation of this impact must occur.

125

Mitigation Measures Proposed

- The air quality impacts are understated due to flawed or inaccurate input data and need to be revised accordingly.
- The mitigation measures throughout this section are inadequate relative to the severity of impacts associated with air quality as currently described. Their inadequacy increases without revisions reflective of the actual impacts yet to be identified.

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MP 4.3-1 Revised Air Quality Receptors in Project Vicinity

Section 4.7 Hazards and Hazardous Materials Comments

pg 4.7-1

4.7.1 Existing Conditions Regional Setting

Comments

- Refer to mapping in Section 4.14 Land Use Comments for accurate representation of surrounding land uses.
- The Coastal Branch of the California Aqueduct crosses the southern portion of parcel APN APN 070-141-070 (behind the existing residence) before coming onto parcel APN 070-141-071 and running northeast parallel to the area being proposed for quarry operations for the entirety of that parcel.
 - Nearby residents have serious concerns about the proximity of the aqueduct to proposed blasting operations.
 - It does not appear that adequate consideration has been given to the impacts of events resulting from rupture of a 54” pipeline such as major flooding, associated adjacent waterway damage, etc.

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pg 4.7-1

The site vicinity is underlain by Cretaceous-aged granitic rock (Kgr) as mapped by Hart (1976) and Dibble (2004). In some locations, the Kgr is overlain by quaternary alluvium. Granitic rock does not normally contain naturally occurring asbestos.

Comments

- Mapping exists that suggests this. Data from test results verifying that naturally occurring asbestos is not present on this specific site have not been provided.
- Provide all pertinent field data for specific site conditions.

129

Comments

MM Haz-1a for Impact Haz-1a

- No methodology or background information on how \$5,000,000 was determined to be a sufficient or adequate liability insurance policy.

130

- Have historic events resulting from these types of accidents been researched and considered as part of determining the adequacy of this amount?
- Has an accident event resulting from a truck transporting explosives colliding with a passenger or cargo train been considered as part of determining the adequacy of this amount?
- Has an accident event resulting from a truck transporting explosives colliding with a passenger vehicle, gravel or other large truck, or school bus been considered as part of determining the adequacy of this amount?
- The project is not proposing storage of explosive material on-site. Frequency of transportation increases probability of transportation related incidents.
- The potential ineffectiveness of this mitigation measure poses an unnecessary safety hazard to Santa Margarita.
- Appropriate mitigation is an alternate haul route for all traffic to the proposed site.

130

MM Haz-1b for Impact Haz-1b

- MM assumes explosives will be stored on site. The DEIR states that no explosives will be stored on site.
- In order to ensure this MM is effective and enforceable, independent monitoring must be required.

131

Hazard Impacts not Addressed or not Adequately Addressed in DEIR

Bridge

- Structure 49 0237, the 323' long Salinas River Bridge, classified as a minor arterial (rural) route, has an operating rating of 59.8 tons. It is reasonably foreseeable that this rating would be routinely exceeded by industrial activity requiring large numbers of trip cycles utilizing trucks up to 75' in length loaded to the legal capacity of 80,000 lbs.
- It is also foreseeable that vehicle malfunctions, traffic accidents, congestion getting into the constrained quarry access, and any number of other events, could back multiple trucks on the bridge structure that become dead weight. Vehicles moving across the bridge do not exert the same forces as dead loads do.

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Aqueduct

Trucks

- Using current truck trip calculations (pg. 2-8), more than 65,000 trucks will cross over the aqueduct beneath the access road into the quarry each year for the next 28-58 years.
- Staging of as many vehicles as possible in the incoming (uphill) lane is planned.

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- It is foreseeable that vehicle malfunctions, onsite accidents, congestion due to the constraints of a steep road with several swithbacks, and any number of other events, could cause trucks to rest atop the aqueduct for extended periods of time.
- This event has not been adequately addressed.
- Drawings, engineering, and input from DWR (owner of the aqueduct) are not included as part of the DEIR.
- The impacts (flooding, significant environmental degradation, etc.) associated with a rupture in the aqueduct have not been considered adequately.

Blasting

- Blasting is occurring in close proximity to the aqueduct.
- The same concerns regarding impacts associated with a rupture existing around truck activity exist around blasting.

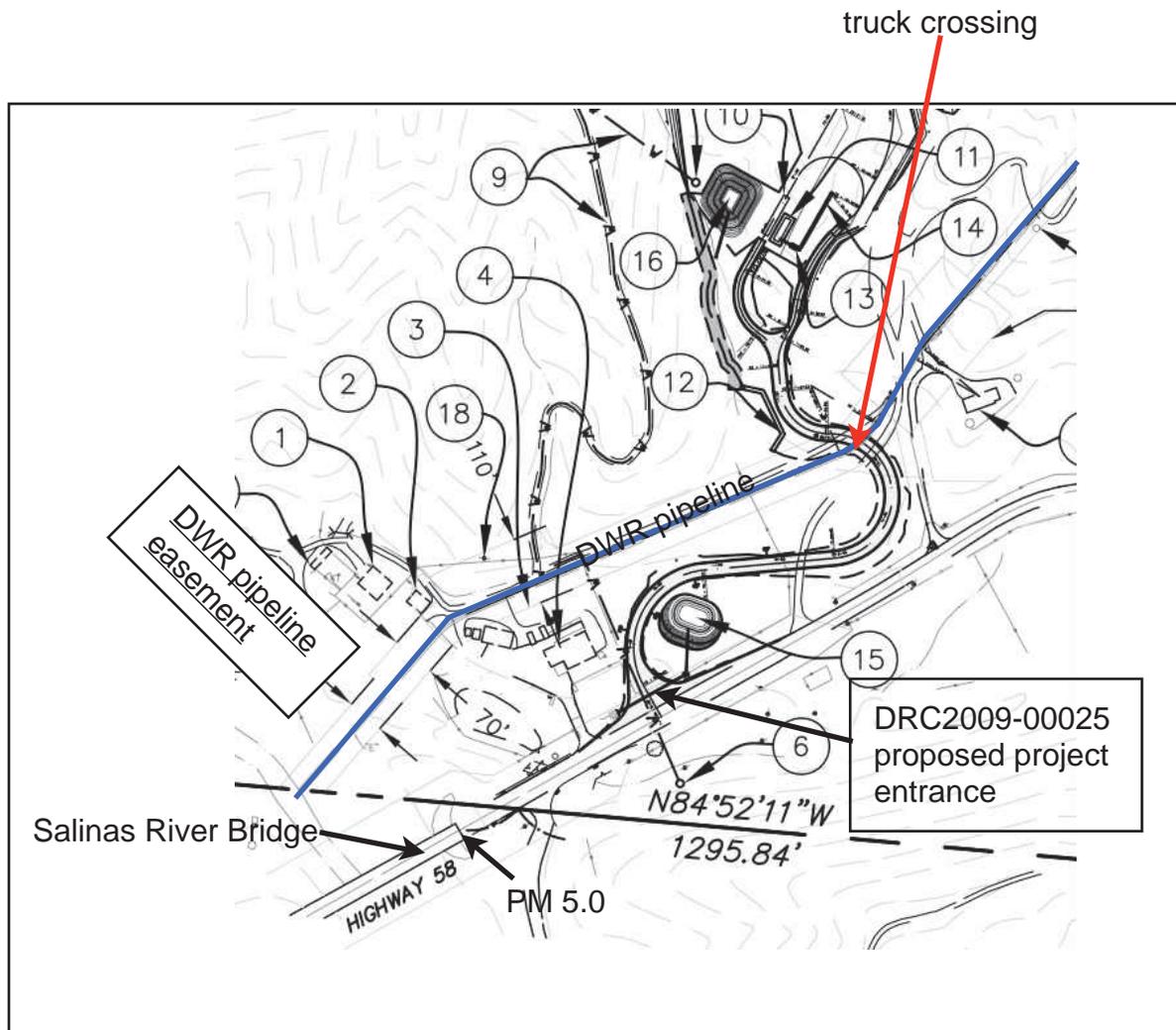


Figure MP4.7-1

133

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Petroleum Pipeline

- Mapping denoting location of petroleum pipeline in the vicinity and proximity to the quarry proposal has not been provided in the DEIR.

Wear and tear on roadways

- The cost to taxpayers nor the hazards associated with cumulative wear and tear that the proposed truck trip count of 68,250 gravel truck trips annually introduces onto our roadways has not been adequately addressed in the DEIR.



Figure MP 4.7-2 Road wear and tear
Field Observation of solar traffic to the Carizzo

- The cost of damage to private vehicles imparted through road hazards created by trucks routinely operating at the legal load limit of 80,000lb. should not be shouldered by the victims of such destruction.
- Delayed emergency response vehicle times and increased probability of collisions (swerving to avoid holes) should be considered a hazard.

Valley Fever MM Haz-7 for Impact Haz-7

- The level of significance of the risk has not been adequately identified.
- MM is ineffective and definitely not enforceable.
- Describe mitigation measures specific to the impact and separate from MM's in other impact areas. Separate issues need to be addressed separately.

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Additional Comments - Section 4.7

- What mitigation measures are in place to ensure operations cease during high wind periods?
- What will define a high wind period?
- An external wind guage displaying current wind speeds should be mounted in a visible location (near project entry) to display current conditions during all operative hours.
- Will the same wind limits for ceasing operations be in place for blasting?
- Will the same wind limits for ceasing operations be in place for in progress blasting? What happens if explosives have been placed and wind speeds increase prior to detonation?

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Section 4.8 NOISE Comments

Section 4.8 is based in part on the original Noise Analysis prepared by David Dubbink Associates and in part on independent review performed by URS Corporation. Section 4.8 begins with: *A noise analysis was prepared by David Dubbink Associates (March 2010) and submitted with the application material for this project, and is included as Appendix E of this EIR. The analysis and discussions in this section of the EIR are based in part on this analysis, and on an independent review and update of some results to reflect updated traffic projections performed by URS Corporation.*

There appears to have been no formal or methodical peer review, or at least none is presented within the DEIR. Portions of the DEIR that rely on the original, applicant funded analysis and subsequent analyses is not defined. A detailed line by line accounting of what is being accepted, what is being discarded, and what is being updated should be provided. The assertion provided by our subcommittee members in scoping comments regarding the inadequacies of the David Dubbink Associates Noise Analysis is only reinforced by further review in this DEIR. This applicant funded, and directs "analysis" should not have been carried forward into the DEIR and should be replaced with independent analysis conducted under direction from the contractor. This speculative analysis lacks fundamentally reliable and accurate baseline measurements. The validity of the DEIR Noise Analysis and associated conclusions described in Section 4.8 are compromised by its incorporation.

Framework

- The goals of the San Luis Obispo County Noise Element¹ are:
 1. To protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise.
 2. To protect the economic base of San Luis Obispo county by preventing incompatible land uses from encroaching upon existing or planned noise-producing uses.
 3. To preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses.
 4. To educate the residents of San Luis Obispo County concerning the effects of exposure to excessive noise and the methods available for minimizing such exposure.
 5. To avoid or reduce noise impacts through site planning and project design, giving second preference to the use of noise barriers and/or structural modifications to buildings containing noise-sensitive land uses.

- The Noise Element is directed at minimizing future noise conflicts whereas a noise ordinance focuses on resolving existing noise conflicts.

¹County of San Luis Obispo General Plan; Noise Element; Chapter 3 - Goals and Policies

Background Details

1. The Noise Analysis originally prepared by David Dubbink Associates in March of 2010 was commissioned by the project applicant before the need for an Environmental Impact Report had been definitively established.
2. It is unclear whether the applicant, Dubbink Associates, or the Department of Planning ever intended the document developed to become an integral part of an EIR.
3. Consultants preparing the original applicant provided studies conducted their work under the direction of the applicant, not the county, as the lead agency.
4. The project applicant directly provided equipment and participated in the Dubbink Noise Analysis.
5. Scoping comments by agencies and individuals occurred after applicant provided studies were conducted.
6. URS Corporation’s bid to prepare an EIR was done with the knowledge that applicant provided studies existed.

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Foundation of Dubbink Noise Analysis

- Review of this Noise Analysis reveals a variety of areas inconsistent with the General Plan and Noise Element, county ordinances, and policies, and lacks an objective foundation to evaluate impacts from.
- Sensitive receptors appear to have been identified prior to conducting the study.

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Pg. 6 Appendix E

The project also includes the recycling of concrete. The materials that are to be recycled will be brought to the site by the trucks coming to pick up quarried materials and processed by the same equipment used to process the granite rock.

Comments

- While this assumption appears to have been modified in Section 2.3.3, Trip Generation and Truck Traffic, of the DEIR, the incorporation of the 50 percent backhauling assumption is not apparent in Section 4.8.
- Specifically, how has this revision been applied to the Noise Analysis and other impact areas?
- Refer to our additional comments regarding this component of the project within 4.3(Air Quality), 4.11(Transportation), 4.12(Waste Water), 4.13(Water Quality), and 4.14(Land-use compatibility).

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Pg. 8 Appendix E

The county’s regulatory standards are divided in two segments; one relates to the

exposure of projects to transportation noise and the other to the allowable levels of noise that can be produced by projects. There is also a section describing classes of activities that are exempt from the regulations.

Comments

- LUO 22.10.120 - Exterior noise level standards, provides a fundamental piece of language that appears to have been overlooked in other assumptions.

B. Exterior noise level standard *The exterior noise level standards of this Section are applicable when **a land use affected by noise is one of the following noise-sensitive uses: residential uses listed in Section 22.06.030** (Allowable Land Uses and Permit Requirements), except for residential accessory uses and temporary dwellings; health care services (hospitals and similar establishments only); hotels and motels; bed and breakfast facilities; schools (pre-school to secondary, college and university, specialized education and training); churches; libraries and museums; public assembly and entertainment; offices, and outdoor sports and recreation.*

- The key language is “a land use affected by noise is one of the following noise-sensitive uses....”.

The logical intent would be to protect existing uses (especially residential receptors) from encroachment on their right to quiet enjoyment. The first stated goal of the Noise Element, *to protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise, and the third of to preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses* serves to reinforce that interpretation as would this language: *The reason that you are unlikely to see a concrete batch plant next to your house is because of the regulations contained in the LUO.*²

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Pg. 9 Appendix E

There are a number of exceptions and exemptions to the County standards. Several of these are relevant to the Quarry project. The initial phase of work involving clearing of the site, construction of access ways, and stockpiling of surface materials represents a construction period. Noise associated with “construction” is exempted by the ordinance as long as it occurs between 7 AM and 9 PM weekdays and 8 AM and 5 PM on weekends.

Comments

- Due to the nature of quarrying (excavation), the activities that constitute construction require further detailed definition, such that related cumulative impacts of those activities can be objectively assessed.

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² How to Use the LUE and LUO System, SLO County Dept. of Planning and Building

- In the event that excavated material generated from initial phases of work is sold, are these activities considered construction or operations?
- Monitoring and enforcement of the mitigation measures and conditions developed in association with these activities require clear, and specific definition.
- The appropriate time periods for work classified as construction must be clearly defined. For example, is “construction” anticipated to occur throughout the life of the project or only during a specifically defined time period after issuance of a use permit?

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Pg. 9 Appendix E

The site of the proposed quarry operations is designated as rural land (RL) in the county general plan. It is within a larger area that has an “Extractive Area” overlay. The purpose of this combining designation is to: “protect significant resource extraction and energy production areas identified by the Land Use Element from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production” (Land Use Ordinance section 22.14.040). The properties closest to the quarry site are within the same extractive area overlay. The county’s policies recognize the economic benefits of resource extraction and call for a balanced assessment of compatibility concerns.

Comments

- Use Ordinance 22.14.040 - Extractive Resource Area (EX) is not the applicable ordinance. The action of designating a mineral resource area pursuant to Sections 2710 et seq. of the Public Resources Code (SMARA) triggers the applicability of 22.14.040. This action has not occurred at this time.

- The applicable section of the LUO is 22.14.050 - Extractive Resource Area (EX1)

A. Purpose and applicability. The Extractive Resource Area (EX1) combining designation is used to identify areas of the county which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits.

The purpose of this combining designation is to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction. In addition, Framework for Planning - Inland Portion, Part I of the Land Use Element contains guidelines which call for proposed land use category amendments to give priority to maintaining land use categories which allow and are compatible with resource extraction.

B. Processing requirements. The following standards apply to proposed land uses within the EX1 combining designation which are required to have Minor Use Permit or Conditional Use Permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 22.04 (Standards for Specific Land Uses), or by planning area standards in Article 9.

1. All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and 22.08.170 through 22.08.198.

2. Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

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Further Comments

- A mining proposal does not constitute an existing operation.
- The existence of a combining designation provides no special protection from the requirements of the discretionary use permit process involved with application for a Conditional Use Permit (CUP) and Reclamation Plan.
- Not all properties adjacent to the quarry site are within the same extractive area. Comments regarding the EX-1 Combining Designation in other sections, predominantly 4.14(Land-Use). Parcel inventory, permits issued since classification of the mineral resource, etc., are located in 4.14.
- Combining designations are applied in addition to, not to the exclusion of, nor do they supercede other requirements within a particular land use category.
- For the above reasons, as stated in Section 2.0 and other sections of our comments, reference to the EX1 Combining Designation should be removed from any and all further discussions, descriptions, and related EIR materials.

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pg. 9 Appendix E

The County's noise standards do not apply to "agricultural land uses" listed in Section 22.06.030 of the Land Use code. Table 2-2 of this section includes "mines and quarries" among the allowable uses for Agriculture, Rural Lands and Rural Residential lands.

Comments

ag·ri·cul·ture The science, art, and business of cultivating soil, producing crops, and raising livestock; **farm·ing** The activity or business of growing crops and raising livestock.

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- Presumably, LUO 22.10.120 is being referenced. This section of the LUO details Exceptions to noise standards relating to agricultural land uses.
- Mining and quarrying does not constitute an agricultural land use.

Pg. 10 of 35 Forecasting Noise

Comments

- The base noise level on Hwy. 58 near the project was not measured but modeled using TNM.

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- While TNM is the recognized tool for projecting future noise levels, it does not replace taking real-time measurements of current on-site conditions.
- Instead, real-world measurement data is fed into TNM to calibrate the model and make it an accurate noise prediction tool.
- Since it is not based on current measurements of existing noise levels, the DEIR analysis is not adequate.
- Subsequent conclusions based on flawed input must be dismissed.

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Pg. 12 Appendix E

Sound levels for gravel extraction activities were measured at the neighboring Hanson quarry on December 8, 2009 and January 7, 2010. Table 2 shows noise levels for various pieces of quarry equipment. Measurements were made using a Brüel & Kjær Precision Integrating Sound Level Meter, Type 2230. The meter was calibrated before and after the survey using a B&K Acoustic Calibrator Model 4231. The readings were determined to be accurate. Both the meter and the calibrator were laboratory calibrated in February, 2009.

Comments

Land Use Ordinance 22.10.120:

E. Noise level measurement. For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows.

1. Use of meter. Any noise measurement in compliance with this Section shall be made with a sound level meter using the A-weighted network (scale). Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.

- The most important parameter for any measurement device is sensitivity.
- For this reason, calibration is required “immediately prior” to recording any noise data.
- Sufficient information regarding the methodology of sample collection should be provided such that the procedures can be replicated by an independent analyst. This includes providing manufacturer specifications for equipment assumptions.
- In order to verify the information cited in the Noise Analysis is accurate, provide receipts from testing laboratory verifying accuracy of dates and specific equipment calibrated.

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Pg. 14 Appendix E

Blasting takes place periodically at the Hanson Quarry. An event was monitored on January 7, 2010. Figure 7 shows the setting and the event as seen from the monitoring location. The blast site was at the base of the extraction area which was partially filled with water from recent rains. The vertical distance between the site and the monitoring position is about 150 feet. The straight line distance from the blast location to the monitoring site is 1,400 feet allowing for the change in elevation. Two Type I “precision” meters were used to record the event. One was a Larson Davis integrating sound level meter, Model 870 and

the other was a Brüel & Kjær Integrating Sound Level Meter, Model 2230.

The equipment descriptions and calibration dates are as follows: Larson Davis Integrating SLM Model 870 SN# 0177. Meter, preamp, and microphone calibrated Nov 16, 2009; Brüel & Kjær Integrating SLM Model 2230 SN # 1033493. Meter and microphone calibrated Sep 29, 2009; Brüel & Kjær Calibrator Model 4231 SN # 2052124, calibrated Sep 29, 2009. The laboratory reports on the calibration of each of the instruments and its components are available.

Comments

- Provide laboratory test reports and receipts for each of the instruments cited as being calibrated.
- Provide citations supporting the application of the methodology selected for this assessment.

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Pg. 17 Appendix E

The closest residence is 1,699 feet away (Residence 2); more than one-quarter mile distant. The table below shows the air-overpressure and dB levels at these distances. Sounds are likely to be less than shown on the table because in most cases there is topography separating quarry operations from the residences.

Residence	Distance	PSI	dB(L)	dB(A)
1	1,920	0.0014	113.7	78.7
2	1,688	0.0016	115.1	80.1
3	1,822	0.0015	114.3	79.3
4	1,861	0.0015	114.1	79.1
5	1,920	0.0014	113.7	78.7

Comments

- Land Use Ordinance 22.10.120 - Noise Standards states:
This Section establishes standards for acceptable exterior and interior noise levels and describe how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property.
E. Noise level measurement. For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows.
2. Measuring exterior noise levels. Except as otherwise provided in this Section, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Subsection B. Where practical, the microphone shall be positioned five feet

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above the ground and away from reflective surfaces.

- The distance to the closest residences is not the point of reference in the LUO.
- A measurement of distance more appropriate to the language within the LUO would denote distance from the noise source to various property boundaries.
- Measuring from the scale house represents a conservative location blending transportation related noise with on-site operations.
- The table denotes approximate distances as calculated in Google Earth. These are approximate lengths intended to be conservative as Google Earth measures terrain, not a straight line.
- The parcel directly to the south (APN 070-154-024) is the closest using distance as the only parameter.
- APN 070-142-016 is as close as APN 070-154-032 and is not listed in the table of pg. 17.
- The distances originally cited are inaccurate and must be recalculated.
- It is unclear why the DEIR is selectively presenting data associated with certain residences, when those that are closest to the proposed project site are not included in the analysis.

#	APN	Scale house to PL
1	070-154-032	896'
2	070-154-009	1433'
3	070-154-005	1900'
4	070-142-017	923'
5	070-142-032	1585'
6	070-142-016	927'
7	070-142-026	2028'
8	070-141-059	2958'
9	070-142-027	
10	070-142-033	2210'
26	070-154-001	1215'
27	070-154-024	780'

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Changes in Noise Levels

The blue circles on Figure 12 show the locations of the closest residences to the Las Pilitas Quarry operation¹⁴. It is apparent from inspection of the previous figures, that the most significant impacts on the project's neighbors take place during Phase 1B. While the later, Phase 3A, operation involves a similar area of impact, there are no nearby homes that are affected. The contour shadings on the map show the decibel change from existing to future conditions. In this diagram, the green color code shows changes in excess of 3 dB, the blue area changes greater than 5 and the orange shaded area shows the changes exceeding 12 decibels. (These numbers reflect standards used by various agencies for evaluating the significance of changes in noise levels).

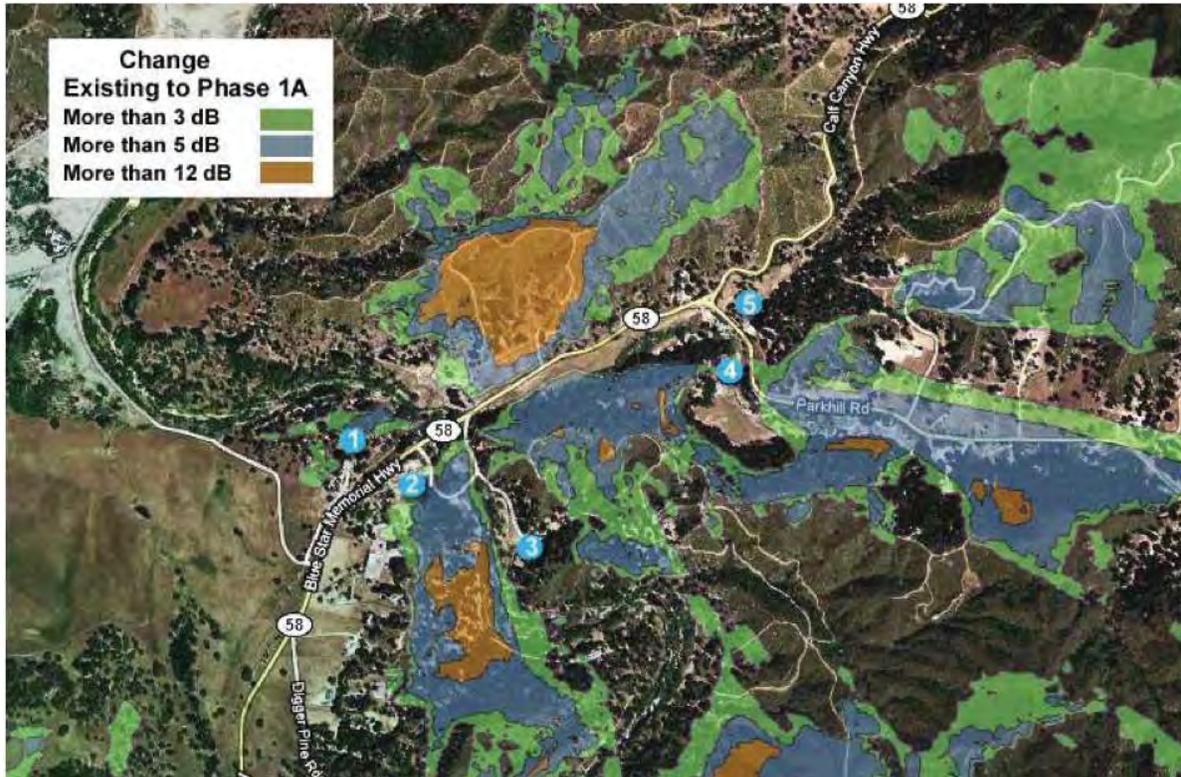
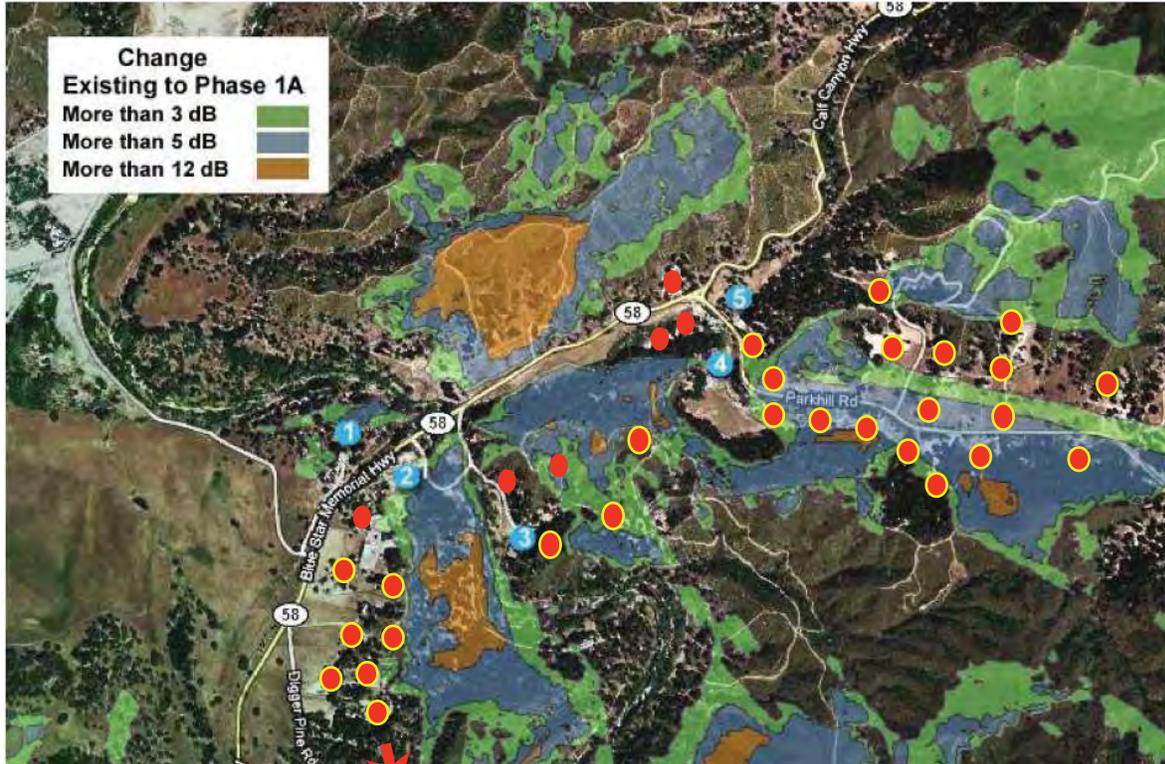


Figure 12 - Change in Sound Levels Showing Closest Residences as originally presented by David Dubbink Associates

Figure 12 Comments

- The underlying existing baseline noise contours used are from the 1992 Noise Element.
- More recent information should be employed to reflect the increased density of residences within the immediate vicinity of the proposed project site since 1992, and the influence of those structures on noise contours.
- Useful noise contours should be less than five years old.
- Analysis predicated on less than accurate underlying assumptions unravels subsequent conclusions.
- The baseline noise contours are then apparently used to model what appears in Figure 12.
- Parcel Mapping and APNs are not cited.
- Three of the four closest parcels are not identified in Figure 12. The four closest parcels are APN 070-054-032, APN 070-142-016, APN 070-154-024, and APN 070-154-001.

- Below is Figure 12 with additional impacted receptors.



(Noise Analysis) Figure 12 - Change in Sound Level Showing Closest Residences

LEGEND (MP Revised Figure 12)

- **Blue** - Five Residences originally identified in Noise Analysis as being “closest”.
- **Red** - Residences NOT identified in Noise Analysis that are as close to proposed site as those identified.
- **Red w/ yellow boundary** - Residences on parcels within one mile of the quarry site that SHOULD be considered sensitive receptors based on the noise contours.
- **Direction** where expanding map size reveals more parcels and residences within one mile of proposed quarry operations. Note: Digger Pine Rd. and Parkhill Rd. are the only two concentrations of Residential Rural parcels within the entirety of the Las Pilitas Planning Area.

Figure 12 MPRevised

- The two residences on APN 070-141-070 and APN 070-141-071 (proposed project site) are not depicted.
- Additional parcels that currently have no residences are not depicted but should be given consideration as receptors due to existing ministerially exercisable entitlements.

- Many of the residence locations, including most of the five originally mapped (blue) residences, do not appear to fall squarely within the colored noise contours indicating significant level increases.
- Land Use Ordinance 22.10.120 states that noise levels from activities are to be evaluated at the property boundary.
- If Figure 12 is an accurate representation, then there are far more “sensitive receptors” that fall within the blue and brown zones indicating “significant” increases in noise levels. The red and red with yellow border dots super-imposed on Figure 12 represent clearly impacted residences (see Parcel Inventory Table 4.9-1).
- This is a plausible conclusion considering that many Parkhill Road residents have commented on atmospheric conditions that blow directly up Parkhill Road from the proposed Las Pilitas site. Residents near CDF Station 40 have reported hearing railroad traffic adjacent to El Camino Real, a distance of nearly 4.5 miles.

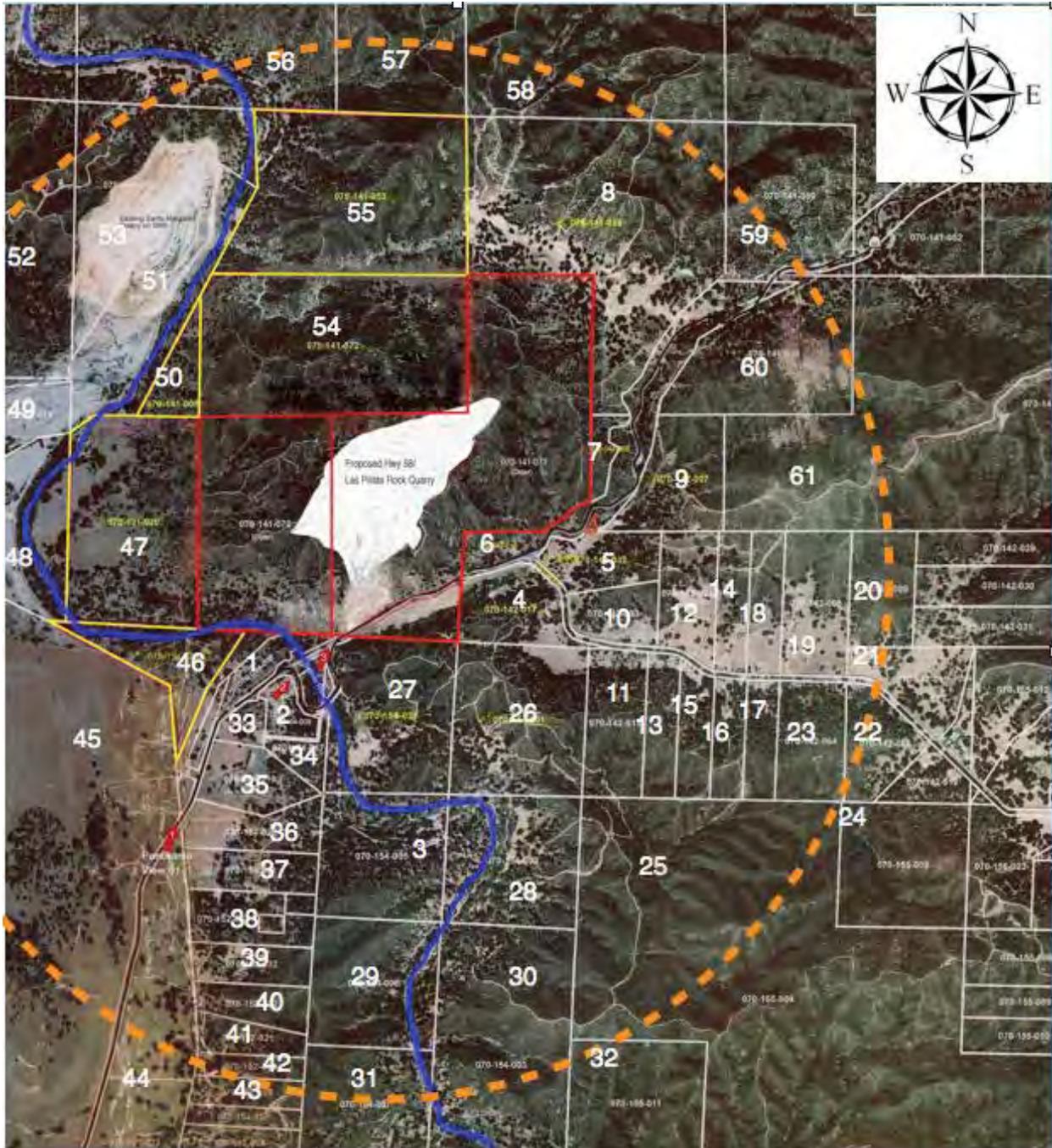
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As expected there is substantial change in the immediate vicinity of the quarry but changes in the sound environment are also experienced in more distant locations. Areas that are very quiet will become less quiet. But, much of this area is rugged land where there are no residences.

Comments

- While much of it may be rugged land, there are many EXISTING residences and ministerially exercisable entitlements to future residences that EXIST nearby.
- Without overlaying a parcel map onto the area map, existing uses are not evident. These uses should be clearly indicated as part of a full disclosure document that all decision makers will rely upon the accuracy of.
- The number of receptors identified is grossly misrepresented.
- The existing residential areas are primarily east, southeast, south, and southwest of proposed operations. These are misrepresented in Table 4.14-2 on pg. 4.14-5 of the DEIR.
- Based on anecdotal descriptions of sound levels and the movement of sound through the rugged terrain surrounding the proposed operations, a minimum one mile radius to evaluate and potentially rule out these impacts should be more than reasonable.
- Figure MP4.14-2 depicts what a one mile radius looks like when taken from the scale house. (scale house chosen as a reasonable point of reference)

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Figure MP4.14-2 Parcel Map overlaid onto Area Map (orange = one mile (5280') from scale house @ proposed quarry operations.

Figure MP4.14-2

- We can reasonably conclude that although the original (blue) receptors and the additional red receptors are potentially subject to significant impacts as a result of the proposed quarrying operations, the greater number of receptors are the most impacted by noise should the noise contours depicted in Figure 12 be accepted as accurate.
- Below is a parcel inventory listing the APN of all parcels with boundaries within one mile from the scale house (orange line). The box on the left is colored to correspond with dots placed on Figure 12, as revised by Margarita Proud for these comments.

Table MP4.8-1 - Parcel Inventory (parcels falling into one mile radius from scale house)

#	APN	Description of Location	status
1	070-154-032	residence 1 in Figure 12	included
2	070-154-009	residence 2 in Figure 12	included
3	070-154-005	residence 3 in Figure 12	included
4	070-142-017	residence 4 in Figure 12	included
5	070-142-032	residence 5 in Figure 12	included
6	070-142-016	adjacent to Oster 071 north of 58	not incld.
7	070-142-026	adjacent to Oster 071 on east boundary	not incld.
8	070-141-059	adjacent to Oster 071 on north and boundary	not incld.
9	070-142-027	Northeast on Hwy. 58	not incld.
10	070-142-033	Parkhill Rd.	not incld.
11	070-142-015	Parkhill Rd.	not incld.
12	070-142-024	Parkhill Rd. (included in NRV)	not incld.
13	070-142-020	Parkhill Rd.	not incld.
14	070-142-025	Parkhill Rd.	not incld.
15	070-142-022	Parkhill Rd.	not incld.
16	070-142-021	Parkhill Rd.	not incld.
17	070-142-019	Parkhill Rd.	not incld.

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#	APN	Description of Location	status
18	070-142-007	Parkhill Rd.	not incld.
19	070-142-008	Parkhill Rd.	not incld.
20	070-142-009	Parkhill Rd.	not incld.
21	070-142-011	Parkhill Rd.	not incld.
22	070-142-065	Parkhill Rd.	not incld.
23	070-142-064	Parkhill Rd.	not incld.
24	070-155-005	southeast of operations Parkhill Rd.	not incld.
25	070-155-004	southeast of operations	not incld.
26	070-154-001	adjoins Oster 071 SE corner	not incld.
27	070-154-024	adjoins Oster 071 south boundary	not incld.
28	070-154-002	south of operations	not incld.
29	070-154-006	south of operations	not incld.
30	070-154-003	south of operations	not incld.
31	070-154-007	south of operations	not incld.
32	070-155-011	south of operations	not incld.
33	070-154-018	SW of operations (58)	not incld.
34	070-154-017	SW of operations (adj. to 009)	not incld.
35	070-154-019	SW of operations (58)	not incld.
36	070-154-022	SW of operations (58)	not incld.
37	070-154-021	SW of operations (Digger Pine Rd.)	not incld.
38	070-152-033	Digger Pine Road	not incld.
39	070-152-032	Digger Pine Road	not incld.
40	070-152-022	Digger Pine Road	not incld.
41	070-152-021	Digger Pine Road	not incld.
42	070-152-005	Digger Pine Road	not incld.

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#	APN	Description of Location	status
43	070-152-006	Digger Pine Road	not incld.
44	070-091-023	between Digger Pine and 58	not incld.
45	unknown parcel #	SMR SW of operations	not incld.
46	070-154-033	SW of operations (Hanson owned buffer)	not incld.
47	070-131-020	West of operations (Hanson owned buffer)	not incld.
48	070-131-021	West of operations (Hanson owned)	not incld.
49	070-131-018	West of operations (Hanson staging site on SMR)	not incld.
50	070-141-008	NW of operations (Hanson owned buffer)	not incld.
51	070-141-006	NW of operations (Hanson quarried site) on SMR (Mission Lakes LLC)	not incld.
52	070-131-003	NW of operations (west of 141-006)	not incld.
53	070-141-054	NW of operations (Hanson quarried site) on SMR (Mission Lakes LLC)	not incld.
54	070-141-072	adjoins north boundary of both Oster parcels (Hanson owned buffer)	not incld.
55	070-141-053	North of operations (Hanson owned buffer)	not incld.
56	070-141-001	North of operations (RL)	not incld.
57	070-141-041	North of operations (RL)	not incld.
58	070-141-061	North of operations (RL)	not incld.
59	070-141-060	North of operations (RL)	not incld.
60	070-141-049	NE of operations (RL on 58)	not incld.
61	070-141-039	East of proposal (RL)	not incld.

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Pg. 25 Appendix E

The Land Use Ordinance states that noise levels from activities are to be evaluated at the property line of adjoining uses. But, this is not well-suited to rural residential development and rolling terrain. At the source side, there are problems in pinpointing the source of quarry events since these are dispersed over multiple locations and the intensity of activities changes with time. At the receiver end there can be problems if the property line is shielded by topography and the residence is not. The County's regulations related to winery events and locations of composting facilities include provisions that measure setback distance to neighboring residential structures as well as property lines. **This seems a reasonable perspective to adopt in this analysis.**

Comments

- A reasonable perspective to adopt in this analysis is the language in the Land Use Ordinance.
- The language within the LUO is very clear:

Measuring exterior noise levels. Except as otherwise provided in this Section, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Subsection B. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.

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Pg. 27 Appendix E pg. 4.8-14Comments

- Accepting a 3db increase in noise levels to be significant is a reasonable threshold to use.
- Even if "significant" is not assigned until a 5db increase, many parcels experiencing significant noise impacts have been left unidentified.
- What are current noise levels in relationship to allowable standards? How have those been measured?

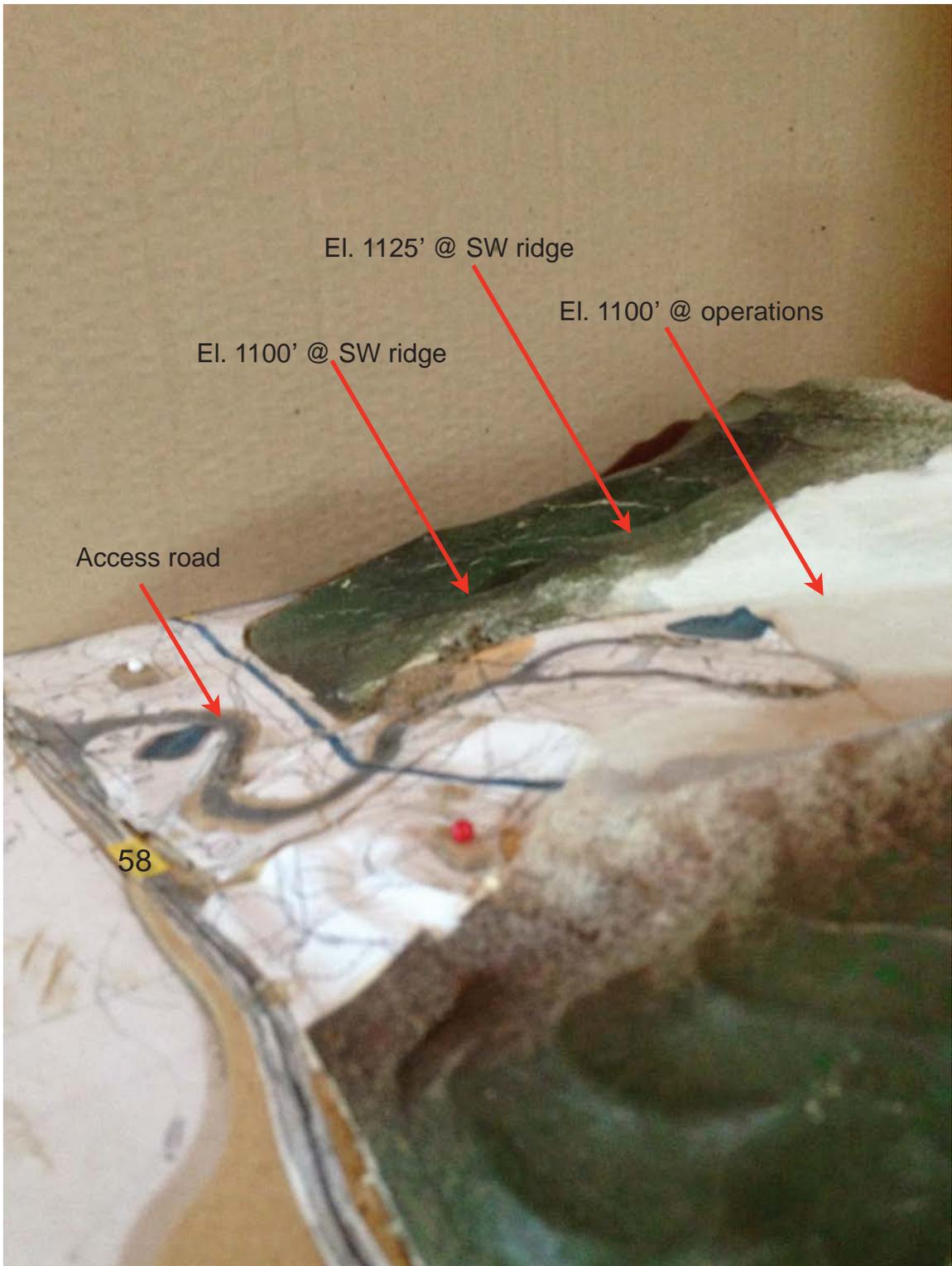
156

Pg. 29 Appendix E thru **Recommended Mitigations**

The noise evaluations and forecasts presented above do not include specific actions to mitigate the noise produced by the project. This section of the report describes actions that may be taken to lessen noise impacts.

Quarry activities

The Las Pilitas quarry project was designed to retain the natural ridgelines on either side of the quarry area (see Figure 4). As work progresses, the excavation into the hillside will deepen, and with this topographic change, provide an opportunity to locate noise producing equipment in locations that are shielded from neighboring property. At the conclusion of the first phase of construction, the floor of the quarry is fifty feet lower than the present elevation at the southwest entry to the quarry. It is recommended that Noise producing equipment such as crushers, screening equipment and recycling be sited as close as practical to the southwest face of the



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Model of proposed Las Pilitas Quarry



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It is also recommended that noise production be considered in the selection of quarry equipment.

Comments

- We agree with this recommendation.
- However, it needs to be effective and enforceable to be considered mitigation. Independent monitoring and enforcement would need to be in place to ensure the applicant is accountable to the community and that promises made are carried out.

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The backup signals produced by trucks and loaders are designed to be insistently audible. However, there are newer models of beepers that include proximity sensors or variable level controls related to ambient noise. It is recommended that equipment be outfitted with warning beepers that are effective in protecting workers but that produce no more than the necessary amount of noise.

Comments

- This is a reasonable concession to nearby residents. Noise carries directly up Parkhill Rd. as previously mentioned (with residents over 2 miles away from the proposed quarry hearing rail traffic along the El Camino Real corridor).

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The quarry supervisor should act as project noise manager and if a complaint is received the noise manager should see that it is formally recorded, investigated, and responded to both in writing and, where possible, through corrective action.

Comments

- The quarry supervisor is accountable to Las Pilitas Resources, LLC, and the economic feasibility of operations.
- A Noise Management Plan (NMP) needs to be developed prior to issuance of a use permit, not at some future date, so that the public has ample opportunity to comment on the details of that plan.
- Independent monitoring and enforcement of a NMP will be necessary to assure residents that their concerns are routinely recorded, investigated, and responded to adequately and consistently over the duration of the project.

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While blasting produces levels of noise that may be experienced as “strongly perceptible to mildly unpleasant”, there are ways of lessening annoyance. The 2004 Caltrans manual on transportation construction noise includes a section on how to deal constructively with the potential disruption from blasting. The recommendations in the manual are appropriate as mitigations for the Las Pilitas project. These include sponsorship of pre- project meetings with residents who may be impacted or concerned about blasting. At such a meeting the project blast plan would be explained. The warning signals that accompany blasting would be explained so that residents might anticipate the blast and not be startled. People that would like to receive notification of proposed blasting could sign up to receive information. The Caltrans plan even includes a recommendation that people be invited to witness the blasting if they choose to do so. As is that case with other noise issues, there should be a designated contact person at the quarry to deal with issues. The recording, investigation and reporting would be part of the overall noise management plan.

Comments

- The quarry supervisor would be accountable to Las Pilitas Resources, LLC, and the economic feasibility of their operations.
- Independent monitoring and enforcement of a NMP will be needed to assure residents that their concerns are routinely recorded, investigated, and responded to adequately and consistently over the duration of the project.

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Mufflers on trucks should be in good condition. The scale house should post a notice that trucks that don't have effective mufflers will not be admitted to the quarry. When problems are received by the quarry manager, or trucks are observed to have defective mufflers, notice should be given to drivers that repairs are needed in order to maintain access to the site. In measuring truck noise for this project it was noted that the truck used in our sound tests that was equipped with a well functioning exhaust system designed to AB 32 compliance was quieter than "average" trucks (Table 6).

Comments

- A Noise Management Plan (NMP) needs to be developed prior to issuance of a use permit so that the public has ample opportunity to comment on the details of that plan.
- Mitigation measures such as a NMP cannot be based on some future actions, such as being prepared and approved at some future date. The County Planning Dept. has no special capability in either noise abatement or validation of controls, but cannot escape it's responsibility for ensuring adequacy of the NMP program.
- CEQA requires that impacts must be clearly stated and mitigations both effective and enforceable.

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Comments RE: Additions/Revisions to Mitigation Measures for 4.8

MM Noise-1 for Impact Noise-1: Truck traffic noise

- "Advising" all truck drivers about residential uses and asking them not to use compression (jake) brakes does not constitute effective mitigation.
- MM must provide soundproofing at impacted residences along haul route. Precedent language for sound proofing MM's exists in numerous other project conditions. A few to reference would be SFO noise abatement procedures in the city of South San Francisco, the Roblar Road Quarry (Sonoma County) conditions of approval, and the Biorn-Diani Mine (Santa Barbara County).
- An example of such language would be; The applicant/operator shall fund residential noise mitigation upgrades, as agreed to by the property owners, on the residences (list APNs) sufficient to maintain existing interior noise levels with the increased truck traffic. The applicant shall contact the property owners in writing with an offer to fund insulation upgrades. If approved by the property owners, upgrades, or compensation for upgrades, shall be made prior to the commencement of any preliminary construction or mining activity.

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Applicant Proposed Mitigation Measure APM LU-1 for Impact Noise-1

- A Traffic Management Plan MUST be presented in the EIR and its effectiveness both quantified and made available for public comment prior to implementation.
- The County Planning Department has no special capability in either traffic management or validation of controls for such a plan.
- To be effective and enforceable will require independent management. Voluntary compliance is not an acceptable option for a Traffic Management Plan. Residents have

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experienced firsthand the ineffectiveness of this approach with the temporary traffic associated with construction of the solar projects.

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MM Noise-2a, 2b, and 2c for Impact Noise-2

- Impact Noise-2 acknowledges that quarry operations would exceed the county daytime Leq standard of 50 dBA. The nearby residents are existing uses permitted by the county within the RR land use category.
- Any mitigation measures proposed must be effective and enforceable.
- Sound proofing as at MM Noise-1 needs to be funded by applicant and legally defined prior to issuance of any use permits. At a minimum, legal agreements to fund need to be on file prior to issuance of any use permits.
- Any Noise Management Plan MUST be presented in the DEIR, quantified and made available to the public.
- Over-the-road diesel truck traffic shall be limited to the hours of 7:00 a.m. to 7:00 p.m. so as not to increase the ambient Leq noise level to nearby residents.
- A maximum daily number of truck trips shall be a part of any conditions of approval.
- The public must be informed of what the mitigations are and for how long they will be maintained and by whom they will be enforced.
- 2c-Noise complaint procedures must include a provision to shut down operations until the complaint is responded and remedial action has been taken and verified. Independent monitoring of complaint resolution will be necessary to for this MM to be effective.

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MM Noise-3a for Impact Noise-3a - Blasting Noise

- Blasting Noise is considered significant and not mitigable.
- Blasting Notification Plan cannot be based on some future action, such as a BNP to be prepared and approved at a future date.
- The Blasting Notification Plan MUST be presented in the Draft EIR.
- Blasting Noise is annoying and stressful to both humans and animals. This is a public health and safety consideration that needs to be completely mitigated.
- It's effectiveness must be quantified as complete and made available for public comment.
- The public must be informed of what the mitigations are and for how long they will be maintained and enforced.
- Sound proofing as at MM Noise-1 for existing residences impacted by blasting noise must be provided. Direct impacts created need to be directly mitigated.
- Private property rights include the right to quiet enjoyment of real property. An allowable use in the Land Use Ordinance does not grant an applicant the privilege to usurp that right.

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MM Noise-3b for Impact Noise 3b - Blasting Ground Vibration

- There appears to be an exemption from the ordinance that is being said not to apply because of the proximity to the URL (pg. 4.8-7).
- There is much evidence that blasting vibration may damage nearby wells, crack foundations, and generally places nearby residents on edge.

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- Appropriate mitigation would be to not blast on a site that is in such close proximity to pre-existing homes, wells, and the Coastal Branch of the California Aqueduct.
- A legal guarantee to nearby residents that damage from vibration to structures and water supply will be compensated for shall be in place prior to the issuance of any use permits.
- This would require effective (independent) monitoring of wells and structures, and a bond in place prior to issuance of any use permit. The bond would need to be specifically maintained and earmarked for this purpose.

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Additional Comments - Section 4.8

- Flawed assumptions used in underlying baselines are introduced into Section 4.8 through the Dubbink Analysis.
- Management Plans must be presented in the EIR and their effectiveness must be both quantified and made available for public comment prior to adoption.
- Mitigation measures need to be effective and enforceable. Measures to achieve this need to be meaningfully addressed in the EIR.
- Several of the requirements for an acoustical analysis found in Table 4-2 of the Noise Element do not appear to have been met.
- Even though some assumptions based on outdated noise contours may still be accurate, Section 4.8 of this EIR is reduced to conjecture by not having actually measured current real-world existing noise levels in the original analysis being brought forward into 4.8.
- A valid EIR is based on credible, reproducible tests and measurements.
- The conclusions presented in Section 4.8 regarding consistency with Noise Element Policy 3.3.5 c are rendered unusable by not actually knowing what the existing noise levels are because they were never measured in the original analysis brought forward into 4.8.

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Section 6.0 Project Alternatives Comments

pg. 6-1

6.1 INTRODUCTION

The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

Comments

- No explanation of what is being considered feasible has been included. For example, if a project alternative is located on private property without possibility for acquisition of necessary easements, rights, etc., is an alternative in that location considered feasible?
- Project alternatives that are not or were never feasible fail to constitute a reasonable range of alternatives.
- Far more thorough and detailed discussion of what measures have been taken to determine the feasibility of the project alternatives presented needs to occur.

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pg. 6-1,2

6.2 BASIC PROJECT OBJECTIVES

Comments

- Project alternatives are required to meet project objectives.
- Basic project objectives are at odds with one another.
- While the desire to protect existing adjacent uses is stated in objective A, the desire to protect significant mineral resources from land uses that threaten their availability (objective B) is opposite.
- What strategy is being utilized to simultaneously achieve contradictory project objectives?
- Why is the fundamental and most basic project objective as summarized in the application for LLC by Las Pilitas Resources, “to develop and produce rock products for investment and production of income”, not included in the project objectives?

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pg. 6-4

6.5 NO PROJECT ALTERNATIVE

Comments

• Although the No Project Alternative *would not fulfill the specific project objective related to producing 500,000 tons per year of aggregate material for use in the local development and road construction and maintenance sector, the need for additional aggregate sources within the production-consumption region has not been adequately proven.*

Evaluation of need for additional aggregate

1. Analysis used to predict future aggregate needs is based on projecting a peak construction period over a future period of time. This methodology fails to account for drastic economic downturns occurring since 2006. Predictions of economic recovery have proven to be inaccurate since that time. The economic downturn, possibly not yet fully realized, will likely result in even further decreases in aggregate demand for some years to come.
2. *“As with many forecasts of economic activity, those generated for this report should not be viewed as offering unqualified predictions of the future. The forecasts in this report are based on assumptions that the data used is accurate, and that the economic and urban development trends of the past three decades will continue for the next five decades.”¹*
3. Several existing large scale quarries currently operate at production levels below their permitted volumes.
4. The amount of available material existing is substantially underestimated by only taking inventory of currently permitted resources. Many existing quarries have resources far beyond their currently permitted levels and at least one large local quarry within this sector, Santa Margarita Quarry, has made application to expand production. Those levels are not accounted for in future supply forecasts.
5. The proposed Oster/Las Pilitas Quarry has stated they will only be taking business from existing suppliers. By their own admission, no new need exists: *“The project is contending that it’s own operations will likely remove Hanson trucks while replacing those with project trucks, resulting in a net balance of current quarry related traffic.”²*
6. Geographic inequity is an additional consideration in areas where potential for multiple mining operations to locate in close proximity to one another exists. The need for aggregate must be balanced against the cumulative environmental degradation and loss of rural character to industrial that multiple operations present to existing communities.

¹ Ca. Dept. of Conservation , SR162-Mineral Land Classification (Russell V. Miller, Judy Wiendenheft Cole, John P. Clinkenbeard)

² Pg. 1 Traffic Impact Study for Las Pilitas Rock Quarry prepared by Walter Hutcheson, TPG Consulting

Suitability of Transportation Corridor

1. Mining is transportation based and depends upon access to safe and suitable industrial transportation corridors.
2. Pro-active network and corridor planning is essential to achieving safe pathways for commerce.
3. Formal corridors are planned and built specifically for expanding needs.
4. Functional corridors represent flows along an existing infrastructure. These often become operational reality by default before determination of suitability or functionality.
5. The safety of all users of the corridor MUST be considered prior to determining the suitability of a corridor.
6. The large scale mining operations (Hanson and Rocky Canyon) are much more favorably located in relation to accessing transportation corridors suitable for intensive industrial activity than would ever be possible to achieve in the location Las Pilitas Resources currently proposes.
7. The currently identified haul route (Hwy. 58) is a narrow, shoulder-less rural route with limited lines of sight related to topography, yet is being considered to serve as a busy industrial transportation corridor for up to the next 58 years.

- Hwy. 58 is a California Legal Yellow Advisory Route beginning at J Street in Santa Margarita.³
- Hwy. 58 from Santa Margarita urban reserve line to the Kern County line is listed under Suggested Scenic Corridors for the candidate roads and highways.⁴
- Structure 49 0237, the 323' long Salinas River Bridge, classified as a minor arterial (rural) route, has an operating rating of 59.8 tons. Given the constraints of the haul route and proposed access into the project, it is reasonably foreseeable that this rating would be routinely exceeded by industrial activity requiring large numbers of trip cycles utilizing trucks 65-72' in length loaded to the legal capacity of 80,000 lbs.

- The geographic inequities and cumulative impacts associated with operating yet more quarries in this area far outweigh any benefits to the local economy. The material produced will not stay local because there is already a surplus in the local market.
- The No Project Alternative is the only truly effective mitigation measure.
- We strongly support the No Project Alternative for the specific location of this project proposal and agree with the conclusion within 6.6.1 that *expansion of the existing quarries may be considered in conjunction with the No Project alternative at the Oster family property, and would thus avoid the impacts associated with this project. It may also be reasonable to consider expansion of existing quarries as a way of delaying the proposed project and its accompanying effects for some time.*

³ State Truck Networks Map, California Department of Transportation

⁴ SLO County Open Space Element, Visual Resources Table VR-2

pg. 6-14

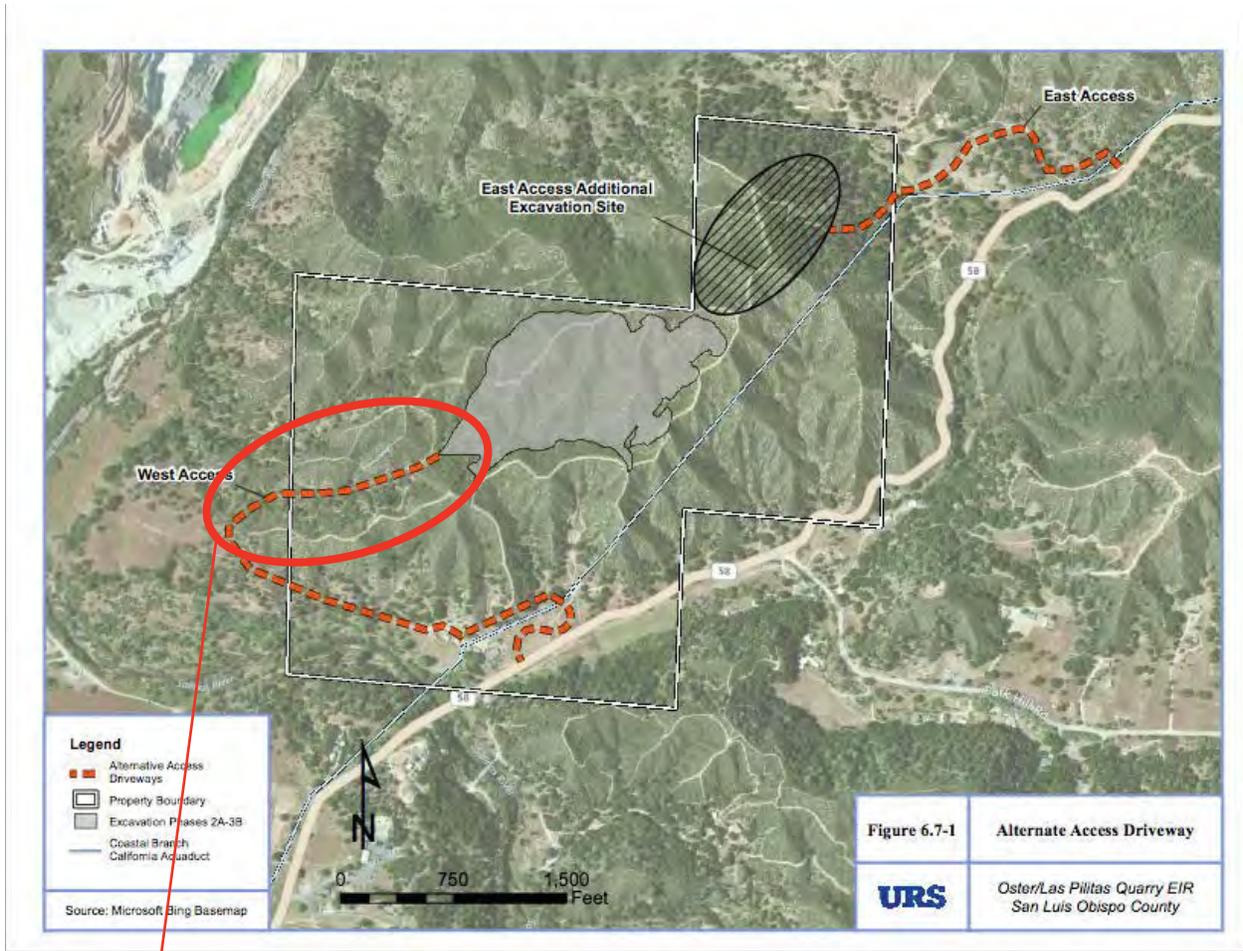
6.8 ALTERNATIVE ACCESS ROUTE TO SR 58 VIA HANSON QUARRY

Comments

- While it may be true that *some of the identified noise impacts of the project associated with truck traffic through residential neighborhoods and the school zone along SR 58* would be mitigated by using this alternative, far more impacts are introduced in other areas.
- This alternative compounds the safety impacts that are the major concern with the use of Hwy. 58 through one of the many dangerous sections of the roadway (PM 4.6 thru PM 5.08) and likely beyond.
- The need for a left-turn lane would remain present at the proposed project entrance while the need for a right hand turn shoulder would be created at the private road providing access to a residence and jeep access into the back of Hanson Quarry.
- The Coastal Branch of the California Aqueduct would need to be crossed at this location.
- Noise, air quality, and aesthetic impacts are significantly increased for the concentration of residences, most all of which are at higher elevations on Digger Pine Rd.
- We are not supportive of any alternative route that utilizes Hwy. 58.
- Figure MP6.0-1 as an example of an alternative route worthy of community review if properly designed and subjected to an environmental review process that ensured public comment was incorporated into any final outcome.

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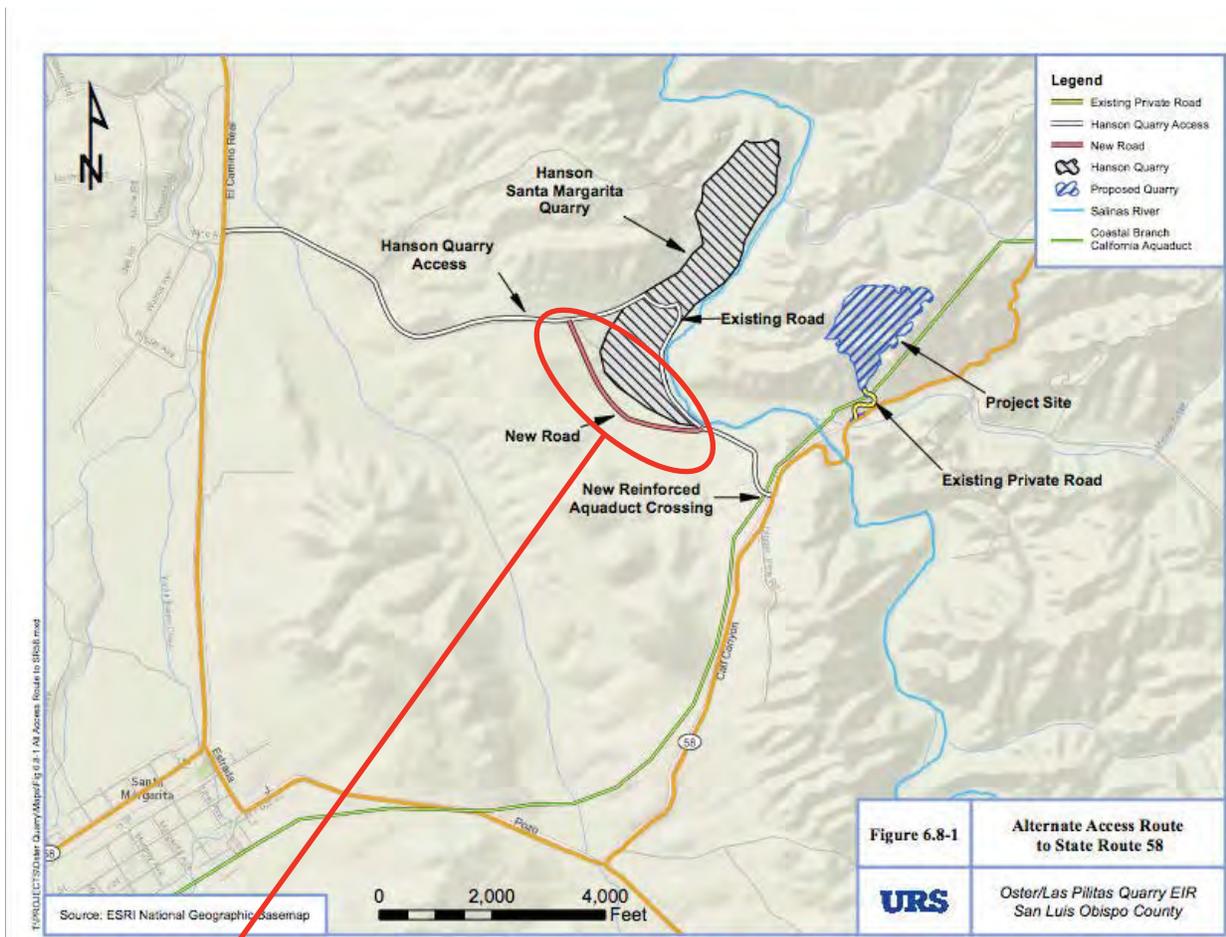




Portion of 6.7-1 utilized in MP6.0-1

Comments Figure 6.7-1

- This alternative may possibly mitigate some of the more severe noise impacts associated with the currently proposed access into the quarried area depending on how deep the road were cut in. If the existing benching were maintained, the road would enter the quarried area at the bench elevation of 1150', 50' higher than currently proposed. This likely increases the steepness (grade) of the road.
- The remainder (not circled) portion does nothing to lessen impacts present in the original proposal and still relies on Hwy. 58 to function as a suitable industrial transportation corridor, a solution we find unacceptable as previously stated.



Approximate location of road utilized in MP 6.0-1

Comments Figure 6.8-1

- Existing Private Road appears to be the currently proposed access driveway.

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Figure MP 6.0-1
An Alternative Access Route

--- New road 1. Private bridge over Salinas River 2. Junction to existing Hanson access.
Suggested alternative Figure MP6.0-1

- Utilizes elements of already considered pathways.
- Makes same feasibility assumptions as URS has regarding access easements.
- Requires private bridge over Salinas River.
- Figures MP6.0-2 thru 4 provide examples of some river crossings.



Figure MP 6.0-2 on access route to Rocky Canyon Quarry



Figure MP 6.0-3 on access route to Rocky Canyon Quarry

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Figure MP 6.0-4 Private bridge over Salinas River at Santa Clara Rd. in South Atascadero



175

Additional Comments Section 6.0

- Alternative transportation options must be carefully considered if the environmentally superior option, the No Project Alternative is not chosen.
- The feasibility of alternative transportation options must not be measured in dollars.
- It is unacceptable to apply any metric to “feasibility” other than the public health, safety, and welfare.
- The community does not support subsidizing a private business enterprise proposing a use of publicly maintained, taxpayer funded roadways that compromises the structural integrity of public infrastructure and the future safety of all other users of the roadway.

176

Clean Air Temecula

33850 Sattui Street, Temecula, California 92592
CleanAirTemecula@verizon.net, 951-216-3030

June 4, 2013

TO: Mr. Murry Wilson, Environmental Resource Specialist
SLO County Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: COMMENTS REGARDING THE OSTER/LAS PILITAS QUARRY DEIR

Mr. Wilson,

On behalf of Clean Air Temecula, we are submitting the following comments regarding the DEIR for the proposed Oster/Las Pilitas Quarry project. In addition, I am requesting that we be added to your distribution list for future communications regarding this project.

DEIR COMMENTS:

A number of the proposed Mitigation Measures are flawed in that they rely on plans and proposals being submitted after the project is approved. Clearly, this is a violation of CEQA as it disenfranchises (denies) the Public of their legal right to review and submit comments on the DEIR, due to some mitigation plan(s) and proposal(s) not even being included in the Draft EIR. Further, this means under CEQA that the DEIR is incomplete.

1

To mitigate air quality (pollution) impacts, the County shall require that the Applicant can only have Heavy-Duty diesel powered trucks (all trucks, not just the Applicant's trucks) servicing the quarry site which comply with the EPA 2010 diesel truck emissions standard. This will help reduce the over-the-road diesel particulates, which if not mitigated, will increase the negative impacts and health impacts to nearby residents.
NOTE: Precedent already set in California for this mitigation measure.

2

All known health risks have not been properly evaluated. With the unearthing of such a large plot of land, not previously unearthed, there is the possibility that spores of Coccidioidomycosis (Valley Fever) will be released. Coccidioides is a fungus typically found in the soil of dry, low rainfall areas. In California, individuals have been known to develop chronic pulmonary infection or widespread disseminated infection from the first time unearthing of soil. What testing will be done prior to project approval to ensure that this health risk will not be unleashed if the project is approved? If this disease is found to be present, the proposed project should not be approved.

3

It is also unclear from the DEIR how any hazardous materials, such as residue from blasting, equipment lubricants and fuels, will be kept from entering the ground water of the proposed quarry. It appears that any watering of the site to control dust will only cause these chemicals to enter the groundwater under the site.

4

Mitigation Measure AQ-1a: Shall be modified to include that: All rock crushers, conveyors, and processing equipment shall be fully enclosed to control fugitive dust and to comply with the Best Available Control Technology (BACT).

5

Mitigation Measure AQ-1b, Item 2: Shall include a watering frequency so that the Public can observe if the Applicant is complying with the mitigation measure.

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Mitigation Measure AQ-1b, Item 7 states: "Reclamation and revegetation of all disturbed areas shall occur as soon as practicable." The term "as soon as practicable" cannot be monitored to ensure compliance with the mitigation measure. A timetable for starting and completing needs to be included .

7

Mitigation Measure NOISE 2b: This Mitigation Measure acknowledges that the approval of this project will more than likely exceed the County daytime Leq standard of 50 dBa. For this reason, the project must be denied.

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Mitigation Measure NOISE 2b: Shall be modified to limit over-the-road diesel truck traffic to the hours, and quarry operating hours, to 7:00 AM to 6:00PM so as to not increase the ambient Leq noise level to nearby residents.

9

Mitigation Measures AIR QUALITY and NOISE standard that the Applicant shall provide a contact person for dust and noise complaints, however, these mitigation measures do NOT mitigate anything if the Applicant is not required to shut down operations until such a time that the complaints are under control. The mitigation measures shall be modified to include such a shutdown until corrections are made.

10

DEIR page ES-5 states that blasting will be "Infrequent blasting noise, expected one to two times per month (up to twenty times per year). Based on the proposed 500,000 tons of annual production and information provided from other California quarries which blast, it is difficult to believe only 20 blasts per year would be needed at full production. How will the County, as Lead Agency, ensure that blasting does not exceed this proposed maximum number?"

11

SECTION 2.3.1 states that the Applicant is requesting a C.U.P. for up to 58 years. Based on unknown potential future changes in aggregate demand, environmental considerations, etc., the C.U.P. should only be issued for a maximum of 25 years. The issuing of a C.U.P. for up to 58 years means that the project would be "grandfathered" from future changes in California laws and environmental considerations.

12

SECTION 2.3.2 lists a number of pieces of processing equipment to be used at the project site. One of these items is a "Portable rock crushing plant (1)". From the DEIR, a lot is not known about this specific piece of equipment; however, portable rock crushing plants usually consist of open conveyors, which results in a significant amount of dust. California law requires that all equipment used at mining sites meet the B.A.C.T. (Best Available Control Technology) requirement. This would mean that the rock crushing

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facility and related conveyors, at a minimum, should be fully enclosed, with a bag house to collect airborne dust generated from within the rock crushing facility.

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SECTION 2.3.3 states that between aggregate deliveries, recycled material and employee trips, there would be “278 trips/day”. The DEIR mixes trips of employee vehicles with over-the-road trucks. It is customary to also state a “passenger vehicle equivalence”. The passenger vehicle equivalence would be significantly greater than 278.

14

SECTION 2.3.3, second paragraph states that trucks bringing in recycled material would “backhaul” material out, thus reducing the number of truck trips. This assumption is flawed, as every truckload of recycled material brought in would leave as either recycled aggregate and/or waste from recycling. Further, “1,500 tons of recycled material per day at the quarry site” actually should be listed at 150 truck trips/day, instead of 75 truck trips/day.

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SECTION 4.3.1, page 10, shows that there are a number of private residences in close proximity to the quarry site. Many quarries require that employees wear face masks and/or oxygen air packs to reduce the inhalation of crystalline silica; however, it appears there is no plan to mitigate the potential of crystalline silica inhalation to nearby residence. The California mining law (S.M.A.R.A) Section 2712 (c) states for mining projects: “Residual hazards to the public health and safety are eliminated.” Clearly, this proposed project will not comply with this requirement.

16

EIR STUDIES included in the DEIR in most cases are over three (3) years old, and in some cases over four (4) years old. While these studies may have been peer reviewed by the County, the County Planning Commission, and eventually the County Board of Supervisors, will be asked to make a decision on studies, which in some cases are outdated and no longer representative of current circumstances.

17

GENERAL: Before the County approves this, or any other significant pollution-producing project, we wish to respectfully remind County Officials that San Luis Obispo County has received an “F” rating for “High Ozone Days” in 2011, 2012, and 2013 from the American Lung Association.

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If you have any questions regarding the above comments, please let me know. Further, I am requesting e-mail, or other confirmation, acknowledging receipt of these comments.

Sincerely,



Frederick J. Bartz
Clean Air Temecula
O: (951) 216-3030



San Luis Obispo Bicycle Club



O.18

P.O. Box 1585, San Luis Obispo, CA 93406

To promote safe and legal bicycle riding for recreation and transportation

May 1, 2013

Mr Murry Wilson
Department of Planning and Building
976 Osos Street Room 300
San Luis Obispo CA 93408-2040

Dear Mr Wilson,

San Luis Obispo Bicycle Club opposes the proposed Oster/Las Pilitas Rock Quarry, Conditional Use Permit DRC2009-00025, on Hwy 58 east of Santa Margarita. We believe that the proposed volume of truck traffic on this section of highway presents unmitigatable risks to bicyclists.

1

We also believe that the draft EIR in circulation does not adequately identify the impact on bicyclists nor propose reasonable mitigation efforts. At a minimum, the project must find a way to separate bicyclists from the high volume of new truck traffic, such as construction of a parallel Class I bike trail between Santa Margarita and the proposed quarry site.

2

Please put the bike club on your distribution list for future communications concerning this project.

Thank you.

Robert Davis,
President

Cc: SLO County Bicycle Advisory Committee
SLO County Bicycle Coalition
Supervisor Arnold



Hanson Aggregates
West Region
131 Suburban Road
P.O. Box 71
San Luis Obispo, CA 93406
Tel 805-543-8100

June 5, 2013

Murray Wilson, Environmental Resource Specialist
San Luis Obispo County Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Re: Las Pilitas Quarry – Draft Environmental Impact Report Comments
DRC 2009-00025

Dear Mr. Wilson:

On behalf of Lehigh Hanson, this letter provides brief written comments on the draft environmental impact report (“DEIR”) for the proposed Las Pilitas Quarry. Lehigh Hanson is the owner and operator of the Hanson Aggregates Quarry, a longstanding quarry operation located west of the Las Pilitas Quarry project site.

Lehigh Hanson takes no position concerning the approval or disapproval of the Las Pilitas Quarry. We have no operational or legal connection with the proposed project, and if the project is approved, it would be a separate operation from the Hanson Aggregates Quarry, and serve a distinct customer base.

Our review of the DEIR indicates that the Planning Department and its consultants have done a thorough and professional job, and that the County deserves recognition for the quality of its work. Our comments below are limited to statements in the DEIR which refer to our Hanson Aggregates Quarry expansion – a separate project that is expected to undergo CEQA review in the near future.

1. The DEIR treats the current Hanson Aggregates Quarry traffic and associated emissions as part of the CEQA baseline and states that such traffic and emissions will not change with our expansion. (DEIR, 4.3-37.) This treatment is entirely correct. Lehigh Hanson’s project will not increase truck traffic, and onsite emissions will actually be reduced using various means. Our forthcoming project allows us only to continue our existing operations, at their present rate, by ensuring the continued availability of high-quality granite.

2. Section 6.8 of the DEIR describes an alternative truck access road to the Las Pilitas Quarry site using a private road associated with the Hanson Aggregates Quarry. To date, Lehigh Hanson has not been approached regarding the possibility of using this road, nor have we been asked to consider if the alternative may affect our operations. We would hope to have these





discussions if the County or the Las Pilitas proponents desire to bring this alternative forward as part of the as-built project.

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We thank the County for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terry Marshall".

Terry Marshall



Las Pilitas Quarry DEIR Comments from SMART

upndair@netzero.com to: mwilson, darnold, jcaffee, pteixeira
Cc: d.arndt, william, bclark8760

06/04/2013 03:37 PM

1 attachment



13cwk.cwk

Dear Mr. Wilson, and Supervisors Arnold and Teixeira,
I am copying SMART's comments about the DEIR for the Las Pilitas Quarry in this email.
I am also attaching a copy in case that is easier for you to print.
Thank you,
John Beccia

June 4, 2013

Dear SLO County Planning Dept. and URS Corporation,

I am submitting comments to the DEIR for the Oster/Las Pilitas Quarry project proposal on behalf of Santa Margarita Area Residents Together (SMART).

First of all, I want to thank the county for extending the comment period so the community could have adequate time to study this complex proposal. This project could have a very significant impact on the quality of life for the residents who live near the proposed quarry, and for the town that will bear many of the traffic and noise impacts.

INTRODUCTION

1) ASPHALT & CONCRETE RECYCLING - In the discussion of the recycling objective on pages 1-2 and 1-3, it is noted that it is recommended in COSE to increase the amount of construction and demolition waste recycling. However, there is no discussion of the fact that this type of activity is not currently an allowed use in the Rural Land Zones, where this project resides.

Asphalt and concrete recycling at this site is not compatible with the current Land Use Ordinance. This fact is notably absent when a later discussion of recycling occurs on pages 2-6 and 2-7. Furthermore, it is noted that all recycled material "will be required to be free of oil...". That would be virtually impossible since petroleum is the basic component of asphalt concrete.

Once again, when the issue of Land Use Compatibility is studied on pages 4.14-1 through 4.14-10, there is nothing said about the recycling issue.

The fact that there has been a request for a waiver by the applicant in order to have a recycling component is public knowledge and can be found at the following link...-

<http://margaritaproud.com/LPR-LandUseWaiverRequest.pdf>

Since the DEIR ignores this issue, we find the DEIR to be totally deficient in this area.

We also would note that in letters dated Sept. 7, 2010 , in emails of Sept 10 2010, and another letter of May 18, 2011 to SLO County Planning from SMART we bring up the Land Use compatibility concerns and ask for an interpretation of this issue to be made at that time. We never received an interpretation or a hearing, so this concern remains on the table for this EIR to address. I am including copies of these letters to be included in the record so this issue can no longer be ignored.

A discussion of this issue needs to be included in the EIR and in fairness to the applicant and the EIR preparer, the county needs to make a decision about compatibility and whether they will grant a waiver so the impacts can fully be discussed in the EIR

2) DEMAND FOR AGGREGATE MATERIAL - pages 1-4, 1-5. & 1-6 which include table 1-1 makes no mention of the pending permit for expanding the Hanson Quarry or the possible expansion of the Rocky Canyon Quarry.

To the DEIR's credit, this is included in the Alternatives section of 6.6.1 on pages 6-5 and 6-6 and it is noted that expansion of those quarries may be able to meet the future demand and would then avoid the significant impacts of this quarry. This should be included in the introduction section as well.

However, the statement on page 6-6 that this project would provide an independent, local source of aggregate is unfounded since there is no guarantee this quarry would continue to be owned by local residents in the future. There is nothing that prevents the current applicant from selling it to someone else, and therefore the "independent, local" label has no merit.

3) CONSERVATION AREA - page 1-5 and 1-6 notes the 68.8 acres that will be set aside for permanent conservation. While this is admirable, it should not be considered mitigation for oak tree removal as noted in section 4.5-38. Instead, true mitigation should be achieved by requiring the applicant to purchase and preserve oak woodland based on the amount of canopy removed. This can be achieved by outright purchase or donation to a local Land Conservancy for this purpose.

4) FUEL STORAGE - It is noted on page 1-7, that no fuel storage or vehicle maintenance facilities will be on the project site. It is common knowledge among local residents that Mr. Cole, one of the project applicants, has for years had a fuel storage tank and vehicle maintenance facility on his property within a half-mile of the quarry. This is pertinent as this is likely the source/location where the quarry will be getting it's fuel and maintenance needs met,. Thus the EIR should be addressing that probability.

5) STREAMBED ALTERATION AGREEMENT- page 1-8, section 1.4.4.....Since an agreement with CA Dept. of Fish and Game needs to be in place before streambed alteration can take place, this should be done first, so the EIR can discuss the contents of such an agreement and the resultant environmental impacts. A true assessment of the project impacts cannot be done without that data. It is not sufficient to say an agreement will take place.



PROJECT DESCRIPTION

1) EQUIPMENT LIST - page 2-7 gives an estimate of the equipment used at the proposed quarry. Since CEQA requires an EIR to look at the worst case scenario of a project when assessing it's impact, this equipment list should reflect the amount of equipment required when the quarry is operating at it's full capacity so that the full impacts can be addressed.

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2) TRUCK TRIPS - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. The whole traffic analysis needs to be redone based on this higher number, since, once again, CEQA requires studies be done based on the worst case scenario. Unless the traffic analysis is redone, the DEIR is totally deficient in the traffic and noise areas.

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3) SALINAS RIVER WATER USE - page 2-10 states that the quarry will use about 4000 gallons a day. If that is based on average use, the EIR analysis needs to be done based on the quarry operating at it's highest capacity so the full impact can be assessed. The DEIR also needs to include comparison of water use by other quarries to this project to show whether that number is realistic.

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4) LAND USE COMPATIBILITY - page 3 paragraph 2 notes that the proposed quarry may be inconsistent with several county policies. This is again noted in section 4.14 about Land Use. The project may be inconsistent because of noise issues and traffic on Highway 58. On page 4.14-4, the DEIR specifically notes that the project may be inconsistent with the County's Clean Air Plan, with habitat and conservation planning, with agency environmental plans or policies, and may be inconsistent with surrounding land uses.

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Once again, as with the recycling question, SMART feels that in fairness to both the applicant and the public, the county should make these determinations with regards to whether a project is compatible or inconsistent with land use policies, and that determination should be made up front. In this way an applicant understands where they stand before putting too much money into a project that may be infeasible because of land use issues.

ENVIRONMENTAL SETTING

1) SCENIC RESOURCES - page 3-2, section 3.2 states that the County General Plan and Open Space Element identifies SR 58 as a "Suggested Scenic Corridor" and to the DEIR's credit on page 4.1-2 it treats it as such even though there is not yet an official designation.

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2) SURROUNDING LANDS - page 3-3 section 3.3 states that there are 2 residences in the adjacent Rural Lands designation to the east and north of the quarry property. In our discussions with local neighbors and in looking at the enclosed map, that number appears to be grossly underestimated. The Final EIR needs to verify those numbers and correct the document accordingly. Any mitigation should take into consideration the people most affected, and mitigations should be tailored accordingly.

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AESTHETICS and VISUAL

1) SCENIC CORRIDOR - see earlier note on SCENIC RESOURCES

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2) VISUAL IMPACTS - pages 4.1-9 through 4.1-14 summarize how the proposed project would change the visual character of the area because of grading and possible night lighting. It is noted that even with the reclamation required, the impact will be significant and not mitigable. (see table at bottom of page 4.1-10). The cumulative effects are also deemed significant and not mitigable. Once again SMART feels that as mitigation the nearest neighbors who will bear most of the negative impacts should be compensated for their losses due to this project. Compensations should be written into the mitigations.

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AG RESOURCES - no comments

AIR QUALITY

1) SIGNIFICANT IMPACTS TO AIR QUALITY - It is noted on page 4.3-11 in Table 4.3.4 that the project could exceed SLOPCD emission thresholds. On page 4.3-20, the DEIR states that the annual ROG and NOX emissions from this project are significant and not mitigable. On page 4.3-21 it is noted that the total emissions could exceed the threshold of 25 tons a year and 25 pounds a day with or without blasting.

The DEIR does not include any discussion of a reduction in hours of operations in order to meet emission thresholds. This discussion should take place in the Final EIR since a reduction in operational hours would in fact be an effective way to mitigate these impacts.

On page 4.3-27, the DEIR mentions the “nearby sensitive receptors” being the most at risk which once again brings up the fact that those who bear the burden of this project, if it is allowed, should also get a share of the benefit with some kind of compensation included in the mitigations.

If the project is allowed to go forward with these impacts not being mitigated, then a possible buy-out of the property owners who are the “nearby sensitive receptors” should be considered as a condition of approval.

On page 4.3-28 the DEIR states that a formal agreement with SLO APCD has not yet been reached. This should be required by the county so the impacts can be studied in the final EIR.

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GREENHOUSE GAS EMISSIONS

1) Reduction of Greenhouse Gas emissions - on page 4.4-3 in table 4.4-1 with regards to policy AQ 1.2, the DEIR states that providing a local source of aggregate would reduce the need for importing material and thus reduce fuel consumption and greenhouse gases. The same statement is made with regards to AQ 5.2.5 on page 4.4-5. However there is no reference or footnote to any research or study done to support that argument. An assumption has been made that increased local truck trips would replace truck trips from out of the area and have a net reduction of greenhouse gas emissions. There is also no data as to how much reduction would occur.

This raises the question of whether the project quarry will be exporting material to outside

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areas. If so, there is potentially no reduction in greenhouse gas emissions as suggested here.

The Final EIR needs to present data to support the greenhouse gas reduction statements and it needs to address whether the quarry will be exporting material outside the county.

Also, on page 4.4-3 in table 4.4-1, with regards to policy AQ 1.7, the increased large truck traffic will not encourage bicycle and pedestrian use along 58. It will, in fact, serve to discourage bicycle use due to safety as well as aesthetic reasons. Therefore, the DEIR is blatantly wrong about this project being potentially consistent with this policy. The final EIR needs to address this and correct that finding.

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BIOLOGICAL RESOURCES

1) Policy Consistency Analysis - On page 4.5-5 in table 4.4-1 it is pointed out that this project is potentially inconsistent with Policy BR 4.3 and goes on to state in the discussion that monitoring is not necessary. Without monitoring, there is no way to ensure project water use data is consistent with their projections. There would be no mechanism to measure if they are consistent, whether they decide to wash aggregate, or to know how much water is actually being used to control dust. Monitoring should be required in the final EIR.

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2) 4.5.6 Project Impacts and Mitigation Measures - SMART believes that too often, open space conservation easements occur on lands that are unusable, and serve as mitigation for projects that destroy sensitive species and trees

Instead, true mitigation should be achieved by requiring the applicant to purchase and preserve oak woodland based on the amount of canopy removed. This can be achieved by outright purchase or donation to a local Land Conservancy for this purpose.

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GEOLOGY - No comments

HAZARDS AND HAZARDOUS MATERIALS – Once again, we believe that any mitigation should take into consideration the people who are most affected, and tailor the mitigations accordingly. It is critical that those who bear the burden of this project, if it is allowed, should get a share of the benefit with some kind of compensation included in the mitigations.

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NOISE

1) TRUCK TRAFFIC NOISE - The DEIR notes that the project will cause an increase in the LDn because of traffic, and will add to the problem in Margarita Village where the level already exceeds 60LDn, and that this impact (MM-Noise 1) is significant and not mitigable. Therefore, in order for this project to go forward, the County would have to find an overriding consideration that would find the community benefits outweigh the significant impacts.

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The Final EIR needs to include a discussion of possible community benefits, as none are immediately evident.

2) QUARRY OPERATIONS - The DEIR states that noise during the normal operation of the quarry will be significant and not mitigable. (MM Noise 2a, 2b and 2c).

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Once again, in order for this project to go forward the County would have to find an

overriding consideration that would find the community benefits outweigh the significant impacts.

The Final EIR needs to include a discussion of possible community benefits.

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PUBLIC SERVICES & UTILITIES - no comments

RECREATION - no comments

TRANSPORTATION & CIRCULATION

1) CEQA REQUIRES WORST CASE SCENARIO ANALYSIS - In the DEIR's Project Description section on page 2-9, paragraph 2 it states that up to 800 truck trips a day could occur with a large project. As noted in our comments, above, the whole traffic analysis needs to be redone and based on this higher number, since CEQA requires studies be done based on the worst case scenario. Unless this is done, the DEIR is totally deficient in the traffic and noise areas.

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2) TRAFFIC CIRCULATION ON NEIGHBORHOOD STREETS - The DEIR also completely ignores the impacts the increased truck traffic will have on residential neighborhood streets, specifically on I and H streets. Many private vehicles will take residential streets as an alternate route to avoid the back-up of traffic that will inevitably occur along Estrada at the Estrada/ El Camino intersection. A Transportation Impact Analysis needs to be done to assess this impact.

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3) BICYCLE USE OF HIWAY 58 - The DEIR does not adequately address the issue of bicycle traffic on Highway 58. Since this is a designated bicycle route, and one of the county's land use policy goals is to encourage bicycle use, an assessment of this use and the effect this project will have on it needs to be done in the Final EIR.

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4) CALTRANS KPRA ADVISORY FOR HIWAY 58 - The discussion on page 4.11-3 points out the Caltrans 30 foot KPRA truck advisory for Highway 58 and the safety issues with the longer length trucks being able to stay in designated lanes. Many of the trucks using the quarry facility will be more than double the advised KPRA length. The DEIR needs be revised to reflect that this advisory applies to the entire length of SR 58 from J St. in Santa Margarita to the Kern county line.

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5) EL CAMINO/ ESTRADA INTERSECTION - Pages 4.11-7 and 4.11-8 discuss the distance between the stop sign on El Camino and the railroad crossing. The DEIR states the distance to be 78 feet. In actuality, it is closer to 60 feet. Since many of the trucks using the quarry will be longer than 70 feet, this will create a dangerous condition. The final EIR needs to address this and, as a mitigation, impose a fixed limit on the size of vehicles allowed to use the quarry facility.

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6) QUARRY ACCESS - Pages 4.11-23, 24 and 25 discuss quarry access and staging of trucks at the quarry site and has a table of mitigation measures proposed. Impact Traffic 3A recognizes the disruption to normal highway traffic that will occur at the quarry entrance. The mitigation

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basically says that an Encroachment Permit with Caltrans will take care of this problem.

There are no specifics about what this permit will require, therefore it cannot accurately conclude that this will mitigate the problem.

Anything short of a left hand turn lane will create major delays to traffic at the quarry access point. The EIR needs to address this and propose suitable mitigations.

7) SALINAS RIVER BRIDGE - There is no discussion or analysis in the DEIR about the weight of fully loaded gravel trucks routinely crossing and exceeding the operating capacity of the Salinas River Bridge. This impact needs to be addressed in the Final EIR.

8) CUMULATIVE IMPACTS - Page 4.11-29 includes the mitigation for the cumulative traffic impacts. It correctly notes that these impacts will be significant and not mitigable.

Any future improvements cannot be assured since it remains ultimately in Caltrans jurisdiction. Because of this, the safety concerns with the nearby elementary school, the off-tracking that will occur with the large trucks on Highway 58, the staging and access disruptions, all are completely inappropriate for existing conditions. Once again, the Final EIR needs to include an analysis of possible community benefits so the decision-makers could weigh these benefits against the significant long-term impacts of this project.

9) MITIGATIONS - In general, the mitigations proposed for the traffic issue in this DEIR are very weak when compared to the mitigations for traffic implemented for the Sunpower-California Valley Solar Ranch project. That project also utilizes State Highway 58. The Sunpower project expected an increase of 25% daily truck travel for up to a period of 36 months compared to a 450% truck traffic increase that comes with this project or up to 56 years. The Final EIR should study the mitigations for the Sunpower-California Valley Project and upgrade the mitigations for this project where appropriate.

WASTEWATER - no comments

WATER QUALITY

1) SANTA MARGARITA RESERVOIR - In discussion on page 4.14-4 and 5, it notes the permit requirements for maintenance of Salinas surface flow but no study is done of proposed methods to assess project impacts on possible downstream release from the reservoir. This needs to be done in the final EIR.

2) WATER USE - Page 4.13-11 estimates water use for this project to be 7AFY. Research of water use at other quarries indicates that this estimate is low. While this projects claims it will not be washing aggregate, even the estimate of 4000 gallons a day for dust control appears to be low. At the nearby Hanson Quarry, which produces 700,000 annual tons of material (compared to 500,000 for the proposed project), the total water use is estimated at 300 AFY. Assuming one third of that is used for aggregate washing (which is a high estimate) that would leave the Hanson water use at 200AFY.

Each project has unique issues, but the water use estimate for the Las Pilitas Quarry seems to be way out of line when compared to the industry standard. The Final EIR needs to include a

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condition of approval that prevents any washing of aggregate in the future, and needs to reassess the water use and the effect it will have on CSA 23.

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3) **WAIVER FOR RECYCLING** – It is public knowledge that the applicant has requested a waiver in order to have a recycling component. This can be found at the following link: <http://margaritaproud.com/LPR-LandUseWaiverRequest.pdf>

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The Final EIR needs to assess the impacts that recycling concrete and asphalt would have on the Salinas River. Without this assessment, the Final EIR should propose a condition of approval that prohibits any recycling of materials in the future.

4) **CUMULATIVE IMPACTS** - Research of water use at other quarries indicates that the estimate in this DEIR is low. The Final EIR should study and assess the use at other quarry operations and adjust the water-use figures as appropriate. This would also require a new assessment of the impacts on the Salinas River and all of the downstream water users.

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LAND USE

1) **INCOMPATIBILITY ISSUES** - The DEIR notes that analysis has identified a number of issues with land use compatibility, specifically in the areas of aesthetics and visual, noise, and traffic. On pages 4.14-9 and 10, there is a table that outlines various Applicant Proposed Measures to help mitigate these problems. The DEIR also notes that a future decision by the county will be made about implementing these measures.

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Once again, like with the recycling question, SMART stresses that in fairness to both the applicant and the public, the county should make these determinations with regards to whether a project is compatible or inconsistent with land-use policies up front, and that this should be included in the Final EIR.

EFFECTS THAT ARE LESS THAN SIGNIFICANT

1) 4.15.6 EMISSIONS, 4.15.8 CLEAN AIR PLAN, 4.15.9 AIR QUALITY - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. Note our earlier comments, Project Description, #2 Truck Trips.

35

2) 4.15.1 BIOLOGICAL RESOURCES - page 1-5 and 1-6 notes the 68.8 acres that will be set aside for permanent conservation. Note our comments, Introduction, #3.

36

3) 4.15.25 TRAFFIC - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. Note our earlier comments, Project Description, #2 Truck Trips.

37

4) 4.15.27 SURFACE WATER, 4.15.28 CSA 23, 4.15.29 WATER QUALITY AND SUPPLY - Research of water use at other quarries indicates that the estimate in this DEIR for this is low. As noted earlier, the Final EIR needs to study and assess the use at other quarry operations and adjust the water-use figures as needed.

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CUMULATIVE EFFECTS SUMMARY

1) NOISE - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. Note our earlier comments, Project Description, #2 Truck Trips.

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2) TRAFFIC - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. Note our earlier comments, Project Description, #2 Truck Trips, and Traffic and Circulation, #8.

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3) WATER USE - Research of water use at other quarries indicates that the estimate in this DEIR for this is low. See our earlier comments..

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PROJECT ALTERNATIVES

1) 6-8 ALTERNATIVE ACCESS ROUTE TO 58 VIA HANSON QUARRY - The proposed access route in this alternative, while attempting to mitigate some of the traffic, still fails to address many problems with regards to quarry access, still uses a portion 58, and increases the noise, air quality, and visual impacts for a number of the nearby residences. SMART could only support a redesigned route that avoids the impacts noted.

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2) NO PROJECT ALTERNATIVE - Given the amount of significant impacts that cannot be mitigated, and the long-term negative consequences that this proposed project will have on the Santa Margarita community, this alternative is the preferred alternative by SMART.

Once again, the Final EIR needs to include an analysis of potential community benefits (if any) so the decision-makers can weigh these benefits against the significant long-term impacts that this project will have. If no community benefits are found, as we suspect, then this needs to be stated in the Final EIR.

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This concludes our comments at this time. We look forward to the responses in the Final EIR. Thank you for the opportunity to provide input.

John Beccia
President, SMART

CORRESPONDENCE ABOUT RECYCLING

Sept. 7, 2010

Dear Mr. Oliveira and County Staff,

In our letter dated July 17, 2010 regarding the Oster Quarry project, we ended our comments with the following sentence; In fairness to both the public and the applicant, the county should make an official decision about whether the asphalt and concrete recycling is or is not allowed under the present land use zoning.

We are writing again to reiterate that point, and formally request that a decision on the recycling issue be issued by the Board of Supervisors. The applicant and the public need to know whether this component is allowed or not allowed, since it will determine whether or not this issue will be part of the upcoming environmental review.

Thank you for your consideration. We will be looking forward to your response.

John Beccia
SMART
PO Box 50
Santa Margarita, CA 93453

Begin forwarded message:

From: John Beccia <upndair@netzero.net>

Date: September 10, 2010 12:19:53 PM PDT

To: joliveira@co.slo.ca.us

Cc: jnall@co.slo.ca.us, jpatterson@co.slo.ca.us, ecarroll@co.slo.ca.us

Subject: Oster recycling

Sept. 10. 2010

Dear Mr. Oliviera,

It seems to us that the language is clear concerning the asphalt recycling issue and that it should not be allowed in this project. As in an earlier letter we wrote, we will cite the interpretation procedure in LUO section 22.02.030 which reads as follows...

If questions arise from persons or bodies charged with
> administering this Title about its content or application, the
> Commission shall ascertain all pertinent facts, and by resolution
> set forth its findings and interpretation. The resolution shall be
> forwarded to the Board, which shall consider the findings and
> interpretation of the Commission and render a final decision and
> interpretation on the matter. Thereafter the interpretation of the
> Board shall prevail.

Though this may not provide the grounds for not accepting the application, it clearly states the procedure for interpretation. Again, this interpretation should be made by the county to serve both the interests of the public and the applicant so they both know the scope of the application and what the EIR needs to address. Why make the applicant pay for studies for something that may not be allowed, and why make the public concern itself with that aspect of the operation if it is not permitted in this land use zoning?

Thank you,
John Beccia
SMART
PO Box 50
Santa Margarita, CA 93453

From: joliveira@co.slo.ca.us
To: John Beccia <upndair@netzero.net>
Cc: ecarroll@co.slo.ca.us, jnall@co.slo.ca.us, jpatterson@co.slo.ca.us
Subject: Re: Oster recycling
Date: Fri, 10 Sep 2010 14:07:26 -0700

Hi John-

I hope your enjoying the return of the sunshine today. I believe the ordinance section quoted below pertains to the interpretation process. As you know, if staff or someone from the public

wants a detail of the ordinance to be interpreted, the Planning Commission has the ability to hear the facts and make an interpretation to be passed along to the Board of Supervisors, at which point an official interpretation is rendered.

Although staff is not requesting an official interpretation at this time, staff will be providing a full analysis of all pertinent environmental issues (which includes Land Use consistency analysis) to the public for review and eventually to the County decision makers through the EIR process. Because the scope of the upcoming EIR has not yet been finalized, it would be too early to comment on what the land use consistency analysis

will include or whether staff can support the project as a whole or whether only portions of the proposed project can be supported, or not at all.

However, we can confidently say that the proposed recycling component of the project will be scrutinized under the land use analysis and it will be circulated for public review and comment.

As you know, the intricacies of a complicated project review like this can become very involved. Sometimes emails aren't enough. I would be happy to talk to you on the phone or in person if you'd like to discuss your questions and concerns. Of course, emails are fine too, but I wanted to make sure you know I'm always available.

Jeff Oliveira

Environmental Resource Specialist

Department of Planning and Building Environmental Resource Division

County of San Luis Obispo

(805) 781-4167

My response that same day-Fri Sept 10 2010

Jeff,

Thanks for your response. I think it was clear from my email yesterday that we (SMART) as the public are formally requesting an interpretation so it can be settled before the EIR process takes place. Supervisor Patterson has informed me that he was going to discuss our request with Ellen Carroll and get back to me. During the Santa Margarita Ranch application process the same mistake was made when staff made a decision to go ahead and not issue a formal determination. I believe that the proper Land Use issue is still part of North County Watch's suit about the ranch. This kind of question should be resolved early in the process so it can be put to rest.

Thank you,
John Beccia

John Nall
SLO County Planning
May 18, 2011

Dear Mr. Nall:

I am writing to repeat a request that we have made on at least two occasions in the past year: Regarding the Los Pilitas / Oster Quarry (DCR2009-00025), the application currently submitted to the County of San Luis Obispo for consideration includes an asphalt and concrete recycling facility. The description of allowed uses in a rural lands zoning area (RL) makes it quite clear that unless there was an application for or an existing land-fill, the recycling facility is just not allowed.

This situation is very similar to a previous discussion regarding the same application. Specifically, the application also had an asphalt manufacturing component. We asked for and received a clarification hearing that put to rest that particular issue once and for all.

Consider the benefits to all parties that that decision provided: Planning did not have to continue to analyze an obviously non-compliant use, the applicant is not spending money to defend the use and the public does not have to continuously defend themselves against this potential violation of zoning.

The county has language that allows interpretation of Land Use Ordinance language...(TK, please resend clarification language).

SMART is again formally asking for a clarification hearing in front of the Planning Commission and the Board of Supervisors. The question will be: Is asphalt and concrete recycling allowed under the land use ordinance for this specific pending operation?

If indeed, as we assert, the answer is "no," we request that the applicant be required to remove that use from the application before further processing of that application is allowed. The applicant can be directed towards the process for a general plan amendment, if they still desire to have an asphalt and concrete recycling facility.

Mr. Nall, please respond to this request as soon as possible. This request is not at all rhetorical, we feel this hearing needs to happen as soon as possible.

Sincerely,

John Beccia
Smart President.

BlackBerry® 10

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BlackBerry.com

June 5, 2013

Mr. Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Subject: Comments on Draft EIR for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan in San Luis Obispo County

Dear Mr. Wilson:

The following letter contains comments from a peer review of the Transportation and Circulation Section of the *Draft Environmental Impact Report* (DEIR) for the *Las Pilitas Quarry Conditional Use Permit and Reclamation Plan* prepared by URS in March 2013; and, the *Las Pilitas Rock Quarry Traffic Impact Study* (TIS) prepared by TPG in May 2009. It should be noted that the TPG TIS was peer reviewed and updated by Associated Transportation Engineers (ATE) based on additional traffic issues that needed to be addressed per County and Caltrans staff.

Arch Beach Consulting has been retained by Margarita Proud to conduct a peer review of the DEIR and TIS. The peer review focuses on the methodology of the traffic analysis; the reported impacts and mitigation measures of the proposed project; and, the consistency of the traffic analysis findings in relation to other projects that have been recently approved, or are currently going through the entitlement process, in the area along State Route 58 (SR 58).

According to the DEIR, the methodology, including study area, of the traffic analysis for the DEIR was updated from the TIS based on consultation with County and Caltrans staff, and comments received during the Notice of Preparation (NOP) period. The proposed project would generate traffic on Caltrans and San Luis Obispo County roadway facilities. Caltrans has published the *Guide to the Preparation of Traffic Impact Studies* (2002) which provides the study area and analysis requirements for State facilities affected by the proposed project.

The following provides our comments based on our peer review of the DEIR and TIS:

Issue 1 – The traffic impacts disclosed in the DEIR and TIS are understated because a passenger-car equivalency (PCE) factor was not used for project truck trips. With the application of a PCE factor for project trucks, the proposed project generates a similar amount of traffic as the approved Santa Margarita Ranch Agricultural Residential Cluster Subdivision located west of the quarry site along SR 58. The EIR for the Agriculture Residential Cluster Subdivision development found numerous significant impacts and provided mitigation measures.

Per the *Highway Capacity Manual* (HCM), the passenger-car equivalent (PCE) represents the number of passenger cars (basic vehicles) displaced by each truck in the traffic stream under specific conditions of flow. PCEs have been used extensively in HCM analysis methodologies to establish the impact of trucks, buses, and recreational vehicles on traffic flow. Traditionally, PCEs have played an important role in freeway design and operations analysis. Based on review of section 2.3.3 *Trip Generation and Truck Traffic* (page 2-8), section 4.11.6 *Project Impacts and Mitigation Measures* (page 4.11-16), and Table 4.11-8 *Revised Project Trip Generation* (page



4.11-17) of the DEIR; and, the *Project Trip Generation* section (page 6) and *Appendix B Project Trip Generation Calculation* of the TIS, there is no mention of the use of a PCE adjustment for the 273 truck trips generated by the proposed project. Based on the size and length of the aggregate trucks of the proposed project (approximately 65 feet, with double trailers), the appropriate PCE factor would be 3.0, or one truck equivalent to three passenger-cars. It should be noted that the *Topaz Solar Farm DEIR* (Aspen Environmental Group, March 2011) and *Transportation Impact Study* (Wood Rodgers, July 2010) also used a PCE factor of 3.0 for their project-generated bus and truck trips. The PCE-factored trips were used in their traffic analyses.

With the application of a 3.0 PCE to the Las Pilitas Quarry project, the passenger-car equivalence would be 819 daily trips (273 truck trips X 3.0 PCE), 114 a.m. peak hour trips (38 truck trips X 3.0 PCE), and 90 p.m. peak hour trips (30 truck trips X 3.0 PCE). The total project trip generation, in PCE, would be 829 daily trips, 119 a.m. peak hour trips, and 95 p.m. peak hour trips. The DEIR only reported a total trip generation of 283 daily trips, 43 a.m. peak hour trips, and 35 p.m. peak hour trips.

Given the higher trip generation of the proposed project when PCE is factored-in, the originally reported traffic impacts in the DEIR and TIS would be understated. When the proposed project's PCE trip generation is compared to the volume of traffic generated by the nearby *Santa Margarita Ranch Agricultural Residential Cluster Subdivision* project (Agriculture Residential Cluster Subdivision), the proposed project's volumes (in PCE) would be similar to Agriculture Residential Cluster Subdivision's daily and peak hour traffic volumes. Table A provides a comparison of the Las Pilitas Quarry traffic volumes (in PCE) with the Agriculture Residential Cluster Subdivision traffic volumes.

Based on the table, with an "apples-to-apples" comparison of passenger-car trips (i.e., truck trips converted to equivalent passenger-car trips) between the two projects, the Las Pilitas Quarry project would generate 325 less daily trips, 31 more a.m. peak hour trips, and 24 less p.m. peak hour trips than the approved 112 single-family home subdivision.

The addition of truck traffic from the proposed Las Pilitas Quarry will contribute traffic to locations with existing operational issues and to locations that do not meet current Caltrans or County design standards. Table B presents the impacts and mitigation measures for the Agriculture Residential Cluster Subdivision project that would be pertinent to the Las Pilitas Quarry project as both projects would contribute similar amounts of daily and peak hour traffic to existing transportation facilities with existing known hazards and deficiencies.

Based on the mitigation measures in the Agriculture Residential Cluster Subdivision EIR, it appears that the Project Applicant (of the Agriculture Residential Cluster Subdivision project) was required to improve the existing substandard and hazardous facilities along SR 58, rather than just pay the fair-share towards the improvements. We agree that this standard should be applied to any project that would be "first in line" for construction and occupancy, whether it be Agriculture Residential Cluster Subdivision or the Las Pilitas Quarry. No new project, that would contribute a significant amount of traffic to the substandard and hazardous facilities along SR 58, should be granted a Certificate of Occupancy without physically improving the substandard and hazardous facilities.

Per the DEIR, the Las Pilitas Quarry was only found to make fair-share payments to the improvements of El Camino Real/Estrada Avenue (MM TRAFFIC-1a, page 4.11-19; and MM TRAFFIC-4, page 4.11-29); and, El Camino Real/H Street (MM TRAFFIC-4, page 4.11-29). The only physical improvement required of the proposed project was at El Camino Real/Encina Avenue which was to construct a pedestrian refuge or related pedestrian safety improvement.

Table A – Project Trip Generation Comparison

Land Use	Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
LAS PILITAS QUARRY ¹								
Employees	495,000 TPY	10	5	0	5	0	5	5
Trucks		273	19	19	38	15	15	30
• PCE adjustment for trucks (3.0)		819	57	57	114	45	45	90
Total w/ PCE		829	62	57	119	45	50	95
AGRICULTURE RESIDENTIAL CLUSTER SUBDIVISION ²								
Single-Family Residential	112 DUs	1,154	22	66	88	75	44	119
COMPARISON (LAS PILITAS QUARRY – AGRICULTURE RESIDENTIAL CLUSTER SUBDIVISION)								
Trip Generation		-325	+40	-9	+31	-30	+6	-24

Notes: ¹ Employee and (non PCE) truck trips are from Table 4.11-8 Revised Project Trip Generation, Draft EIR Oster/Las Pilitas Quarry, URS 2013.

² Single-family residential trips are from Table 4.12-9 Agricultural Residential Cluster Subdivision Trip Generation, Santa Margarita Ranch Agricultural Residential Cluster Subdivision DEIR, Rincon Consultants, Inc., June 2008.

Table B – Applicable Impacts and Mitigation Measures to Las Pilitas Quarry from Agriculture Residential Cluster Subdivision DEIR

<p>Agricultural Residential Cluster Subdivision Impact T-1</p>	<p>Development of the Agricultural Residential Cluster Subdivision would result in the addition of 1,154 average daily trips (88 AM peak hour and 119 PM peak hour trips) to study area roadways and intersections. Although this would not result in exceedances of roadway or intersection LOS standards, with the exception of the US 101/SR 58 interchange northbound off-ramp, the Agricultural Residential Cluster Subdivision will add traffic to locations with existing hazards and deficiencies. Implementation of proposed mitigation measures would improve hazards and deficiencies. However, due to uncertainty regarding Caltrans approval of facilities within State jurisdiction, Class I, significant and unavoidable, impacts would result.</p>
<p>Agricultural Residential Cluster Subdivision Mitigation Measure T-1(a)</p>	<p>SR 58 South of J Street: To mitigate the project's impacts to the two 90-degree curves on SR 58 near J Street, the following improvements are required:</p> <ol style="list-style-type: none"> 1. Widen both sides of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision eastern site access) to provide four foot shoulders and/or bike lanes in accordance with County standards. 2. Install radar feedback signs and advisory speeds on each approach to the 90-degree on SR 58 near J Street. <p>As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A Project Study Report and associated approval from Caltrans would be required if</p>

	<p>the cost of the improvements exceeds three million dollars.</p> <p>Plan Requirements and Timing: Improvements shall be installed prior to occupancy clearance. The applicant shall construct and implement the alternate improvements under a Caltrans encroachment permit or Project Study Report.</p> <p>Monitoring: Caltrans and the County of San Luis Obispo Public Works shall site inspect to ensure installation of improvements prior to occupancy clearance.</p>
<p>Agricultural Residential Cluster Subdivision</p> <p>Mitigation Measure T-1(b)</p>	<p>U.S. 101 Northbound Off-Ramp to SR 58: The applicant shall lengthen the deceleration length from 140 feet to 250 feet from the US 101 mainline to the northbound off-ramp to mitigate the Agricultural Residential Cluster Subdivision's impact to the ramp junction.</p> <p>In addition, the applicant shall reconstruct the area where the northbound U.S. 101 off-ramp merges with eastbound SR 58 to provide 400 feet of merging distance to meet Caltrans' current design standards. Since the park-and-ride facility is located adjacent to the northbound off-ramp, reconfiguration of the parking lot and access to a nearby frontage road is required. The applicant shall include designs for the revised park and ride and frontage road access in the permit with Caltrans. A field assessment indicates that the merge area could be lengthened by physically separating the park and ride lot from the roadway, which would improve the existing condition and reduce the impact.</p> <p>As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A Project Study Report and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.</p> <p>Plan Requirements and Timing: Improvements shall be installed prior to occupancy clearance. The applicant shall construct and implement the alternate improvements under a Caltrans encroachment permit or Project Study Report.</p> <p>Monitoring: Caltrans and the County of San Luis Obispo Public Works shall site inspect to ensure installation of improvements prior to occupancy clearance.</p>
<p>Agricultural Residential Cluster Subdivision</p> <p>Mitigation Measure T-1(c)</p>	<p>U.S. 101 Southbound Off-Ramp to SR 58: The project applicant shall extend the deceleration length from 250 to 550 feet for the southbound off-ramp to provide acceptable freeway ramp diverge operations under Cumulative Plus Agricultural Residential Cluster Subdivision conditions.</p> <p>As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A Project Study Report and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.</p> <p>Plan Requirements and Timing: Improvements shall be installed prior</p>



	<p>to occupancy clearance. The applicant shall construct and implement the alternate improvements under a Caltrans encroachment permit or Project Study Report.</p> <p>Monitoring: Caltrans and the County of San Luis Obispo Public Works shall site inspect to ensure installation of improvements prior to occupancy clearance.</p>
<p>Agricultural Residential Cluster Subdivision</p> <p>Mitigation Measure T-1(d)</p>	<p>El Camino Real/Estrada Avenue Redesign: With the addition of Agricultural Residential Cluster Subdivision traffic, the project applicant shall construct the following improvements:</p> <ol style="list-style-type: none"> 1. Widen Estrada Avenue, between El Camino Real and the railroad tracks, to provide a dedicated northbound right-turn lane. 2. Widen El Camino Real to provide a separate left-turn lane for westbound El Camino Real traffic to turn onto southbound Estrada Avenue. 3. Reduce the superelevation of the El Camino Real curve at Estrada Avenue. 4. Prior to implementation of Future Development Program measure T-1(d), traffic signal installation and rail preemption, advance limit lines for northbound Estrada traffic shall be provided immediately south of the rail tracks, and a Manual on Uniform Traffic Control Devices (2003 Edition) R8-10 sign which states "Stop Here When Flashing" shall be provided to minimize the potential for vehicles to stop directly on the railroad tracks. <p>According to San Luis Obispo County Public Works staff, extension of an existing culvert is required as part of this improvement. The applicant shall secure any regulatory permits for the necessary construction of intersection improvements to meet Caltrans standards.</p> <p>As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A Project Study Report and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.</p> <p>Plan Requirements and Timing: Improvement plans for the El Camino Real/Estrada Avenue intersection shall be submitted for review by Planning and Building prior to approval of Land Use Permits. The improvements shall be installed prior to occupancy clearance. The applicant shall implement the improvements under a Caltrans encroachment permit.</p> <p>Monitoring: Caltrans and the County of San Luis Obispo Public Works shall site inspect to ensure installation of improvements prior to occupancy clearance.</p>



<p>Agricultural Residential Cluster Subdivision</p> <p>Mitigation Measure T-1(e)</p> <p><i>It should be noted that warning beacons have already been constructed at Estrada Avenue/H Street</i></p>	<p>Estrada Avenue/H Street Warning Beacon: A pedestrian activated advanced warning beacon shall be installed on the northbound approach to the intersection of Estrada Avenue and H Street, before the crest on Estrada Avenue, to warn drivers of the presence of pedestrians crossing at the intersection. A pedestrian-activated beacon shall also be installed for southbound Estrada Avenue traffic. The precise location for beacon installation shall be determined in consultation with Caltrans under the encroachment permit process, and shall include any required ramps or other Americans with Disabilities Act (ADA) upgrades. The applicant shall fund and install both advanced warning beacons.</p> <p>The <i>Santa Margarita Design Plan</i>, adopted October 9, 2001, recommended the following long-term improvements to Estrada Avenue between H Street and I Street:</p> <ul style="list-style-type: none"> • Improve sight distance by eliminating the hill/crest • Add curbs and textured crossings at Estrada Avenue/H Street • Provide bike lanes on Estrada Avenue <p>These improvements represent alternative mitigation measures for this intersection. However, eliminating the crest would require extensive earthwork and roadbed re-construction. Depending on the final design of the long-term improvements, the flashing beacons could be integrated into the plan.</p> <p>As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A Project Study Report and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.</p> <p>Plan Requirements and Timing: The pedestrian-activated warning beacons shall be installed prior to occupancy clearance. The applicant shall fund and install the required advance warning beacons on Estrada Avenue under a Caltrans encroachment permit prior to occupancy clearance.</p> <p>Monitoring: Caltrans and the County of San Luis Obispo shall site inspect to ensure installation of the pedestrian-activated warning beacons prior to occupancy clearance.</p>
<p>Agricultural Residential Cluster Subdivision</p> <p>Impact T-4</p>	<p>The addition of traffic generated by the Agricultural Residential Cluster Subdivision may result in conflicts with pedestrians and bicyclists, as well as increase demand for transit services. Although impacts on transit services would be less than significant, impacts related to pedestrian movement and bicycle conflicts are Class II, significant but mitigable.</p>
<p>Agricultural Residential Cluster Subdivision</p> <p>Mitigation Measure T-4(a)</p>	<p>El Camino Real/Encina Avenue In-Pavement Flashing Lights: Pedestrian in-pavement flashing lights shall be installed on the eastbound and westbound approaches to the intersection of El Camino Real and Encina Avenue to warn drivers of the presence of pedestrians crossing at the intersection. The precise location for</p>



	<p>beacon installation shall be determined in consultation with Caltrans under the encroachment permit process, and shall include any required ramps or other Americans with Disabilities Act (ADA) upgrades. The applicant shall fund and install the in-pavement flashing lights on El Camino Real.</p> <p>The design of the pedestrian in-pavement flashing lights shall be consistent with the <i>Santa Margarita Design Plan</i>, adopted October 9, 2001, which recommended pedestrian improvements along El Camino Real in downtown Santa Margarita. Because El Camino Real (SR 58) is a state-maintained roadway, this measure would require Caltrans approval and an encroachment permit.</p> <p>Plan Requirements and Timing: The pedestrian in-pavement flashing lights shall be installed prior to occupancy clearance. The applicant shall fund and install the required pedestrian in-pavement flashing lights on El Camino Real under a Caltrans encroachment permit prior to occupancy clearance.</p> <p>Monitoring: Caltrans and County Public Works shall inspect this location to ensure installation of the pedestrian warning beacons prior to occupancy clearance.</p>
<p>Source: <i>Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program EIR</i>, Section 4.12 Transportation and Circulation, pages 4.12-16 – 4.12-33. Rincon Consultants, June 2008,</p>	

Therefore, we recommend that the Project Applicant revise the traffic analysis to account for PCE for the proposed truck traffic. In addition to the project truck trips adjusted for PCE, the baseline traffic volumes should also be adjusted for PCE for baseline truck traffic. Since the proposed project would generate a similar amount of passenger-car equivalent traffic to segments and intersections along SR 58, and to the US 101/SR 58 interchange as the approved Agriculture Residential Cluster Subdivision project, we recommend that the DEIR be revised to incorporate similar impact and mitigation measure statements. Furthermore, no new project, that would contribute a significant amount of traffic to the substandard and hazardous facilities along SR 58, should be granted a Certificate of Occupancy without physically improving the substandard and hazardous facilities.

Issue 2 – The DEIR and TIS failed to adequately disclose the potential impacts and needed mitigation measures at the at-grade railroad crossing at El Camino Real/Estrada Avenue. The EIR for the Agriculture Residential Cluster Subdivision development found a significant impact and provided a mitigation measure for El Camino Real/Estrada Avenue and the adjacent at-grade railroad crossing.

The DEIR addresses the railroad crossing on Estrada Avenue only as it relates to the vehicular operation of the El Camino Real/Estrada Avenue intersection. Information on the frequency of trains, types of trains (passenger and/or freight), and size of trains/number of cars at the at-grade intersection is not provided, nor is there any analysis of any forecast increase of train usage on this specific rail line. This should be addressed to determine whether there is a future need for railroad crossing grade-separation.

The addition of truck traffic from the proposed Las Pilitas Quarry will contribute traffic to locations with existing operational issues and to locations that do not meet current California Public Utilities Commission (CPUC – railroad crossings/corridors), Caltrans or County design standards. Per the



Agriculture Residential Cluster Subdivision EIR, a review of the northbound (Estrada Avenue) queues indicate that the northbound left-turns are projected to queue back to the railroad tracks during the a.m. peak hour. The DEIR and TIS did not provide a queuing analysis for this intersection to address the potential vehicle queuing on the northbound approach of Estrada Avenue, between El Camino Real and the railroad tracks. Arch Beach Consulting prepared a queuing analysis using the *Synchro 7.0* LOS software which is based on HCM Operations methodologies. The queuing analysis was conducted for the northbound approach at the El Camino Real/Estrada Avenue intersection for the Existing, Existing plus Project, and Existing plus Project with PCE conditions. Table C presents the results of the queuing analysis, and the *Synchro* worksheets are attached to this letter.

Table C – Northbound Approach at El Camino Real/Estrada Avenue Queuing Analysis

Scenario	Available Queue Storage ¹	AM Peak Hour		PM Peak Hour	
		95 th % Queue ²	Impact?	95 th % Queue ²	Impact
Existing	70'	139'	YES	19'	no
Existing + Project	70'	156'	YES	22'	no
Existing + Proj w/ PCE ³	70'	207'	YES	30'	no

Notes: Queuing analysis based on *Synchro 7.0*.

¹ Available storage queue is distance between stop bar and closest railroad track on northbound approach on Estrada Avenue at El Camino Real.

² 95th % Queue is the 95th percentile "design" queue.

³ PCE is passenger-car equivalent. The project truck trips have been converted to equivalent passenger-car trips at 3.0 passenger-cars per truck.

Based on the queuing analysis, there is an existing queuing impact on Estrada Avenue, between El Camino Real and the railroad tracks during the a.m. peak hour. The existing pavement between the stop bar and railroad tracks on Estrada Avenue is approximately 70 feet. The existing queue on the northbound approach in the a.m. peak hour is 139 feet, almost double the length of the existing storage space. With addition of project trips, the 95th percentile queue would be 156 feet and 207 feet, without and with PCE adjustments for project truck traffic. There are no queuing impacts in the p.m. peak hour. Therefore, there would be a significant impact related to the queuing of vehicles on the railroad tracks on Estrada Avenue, south of El Camino Real. This impact was not disclosed in the DEIR and TIS.

At a minimum, in addition to Mitigation Measure T-1(d) above (in Table B), the following improvements should be included to specifically address the at-grade railroad crossing:

- The new traffic signal at El Camino Real/Estrada Avenue shall be interconnected with the existing railroad automatic warning devices. Adding preemption to the new signalized intersection will clear any vehicles queued at the crossing prior to train arrival.
- Install a raised concrete median on both approaches to the railroad crossing per current CPUC standards. This will reduce gate drive-around incidents.
- Extend the existing lane guidance striping on the east approach through the crossing to help delineate the traveled roadway through the crossing. The existing striping ends just east of the railroad crossing.
- Add bicycle lanes through the crossing to match the planned bicycle lane installation on El Camino Real as part of the Salinas River Area Plan and the Santa Margarita Design Plan. The crossing may be currently used by bicyclists traveling to the nearby elementary school. Adding bicycle lanes will aid bicyclists traveling over the railroad crossing.



- Prohibit on-street parking within 100 feet on both sides of the railroad crossing to improve the visibility of warning devices and approaching trains.
- Installation of pedestrian-specific warning devices and channelization and sidewalks.
- Construct turn-out lanes for buses and trucks transporting hazardous materials.

Therefore, we recommend that the Project Applicant revise the traffic analysis to disclose specific impacts related to the at-grade railroad crossing. Since the proposed project would generate a similar amount of passenger-car equivalent traffic through the railroad crossing as the approved Agriculture Residential Cluster Subdivision project, we recommend that the DEIR be revised to incorporate similar impact and mitigation measure statements, and the additional measures listed above. Furthermore, no new project, that would contribute a significant amount of traffic to the substandard and hazardous facilities along SR 58, should be granted a Certificate of Occupancy without physically improving the substandard and hazardous facilities.

Issue 3 – The DEIR and TIS failed to disclose the potential impacts and needed mitigation measures for recreational bicyclists on SR 58, east of Santa Margarita. The EIR for the Agriculture Residential Cluster Subdivision development found a significant impact and provided mitigation measures for SR 58, south of J Street.

Although not designated on the County’s Bicycle Master Plan, SR 58, east of Santa Margarita is a popular rural highway for recreational bicyclists. Several bicycle facilities exist in the vicinity of the approved Agricultural Residential Cluster Subdivision site that the truck traffic from the proposed Las Pilitas Quarry would travel. However, bike lanes are not provided on SR 58. Bicyclists are forced to use the narrow shoulders or to ride in the travel lanes. The truck traffic added by the proposed Las Pilitas Quarry will increase potential automobile/truck/bicycle conflicts on SR 58 between downtown Santa Margarita and the project entrance, east of the Salinas River due to the narrow roadway width on West Pozo Road (SR 58). Mitigation was required for the Agricultural Residential Cluster Subdivision project to ensure less than significant impacts. Since the proposed project would generate similar volumes of traffic, in passenger-car equivalents, as the approved Agricultural Residential Cluster Subdivision project, the same impact thresholds and mitigation measures should apply to the Las Pilitas Quarry project. Below is the impact statement regarding automobile-bicycle conflicts on SR 58 from the Agricultural Residential Cluster Subdivision project EIR:

<p>Agricultural Residential Cluster Subdivision Impact T-4</p>	<p>The addition of traffic generated by the Agricultural Residential Cluster Subdivision may result in conflicts with pedestrians and bicyclists, as well as increase demand for transit services. Although impacts on transit services would be less than significant, impacts related to pedestrian movement and bicycle conflicts are Class II, significant but mitigable.</p>
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Implementation of Agricultural Residential Cluster Subdivision mitigation measure T-1(a), which requires widening of West Pozo Road (SR 58) along the Agricultural Residential Cluster Subdivision site’s frontage to accommodate County-planned Class II bicycle lanes or shoulders, would reduce potential automobile-bicycle conflict impacts to a less than significant level. This would mitigate the Las Pilitas Quarry truck traffic’s potential impact to truck/bicycle conflicts.



<p>Agricultural Residential Cluster Subdivision</p> <p>Mitigation Measure T-1(a)</p>	<p>SR 58 South of J Street: To mitigate the project's impacts to the two 90-degree curves on SR 58 near J Street, the following improvements are required:</p> <ol style="list-style-type: none"> 1. Widen both sides of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision eastern site access) to provide four foot shoulders and/or bike lanes in accordance with County standards. 2. Install radar feedback signs and advisory speeds on each approach to the 90-degree on SR 58 near J Street. <p>As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A Project Study Report and associated approval from Caltrans would be required if the cost of the improvements exceeds three million dollars.</p> <p>Plan Requirements and Timing: Improvements shall be installed prior to occupancy clearance. The applicant shall construct and implement the alternate improvements under a Caltrans encroachment permit or Project Study Report.</p> <p>Monitoring: Caltrans and the County of San Luis Obispo Public Works shall site inspect to ensure installation of improvements prior to occupancy clearance.</p>
----------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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Therefore, we recommend that the Project Applicant revise the traffic analysis to disclose specific impacts related to recreational bicyclists on SR 58. Since the proposed project would generate a similar amount of passenger-car equivalent traffic on SR 58 as the approved Agriculture Residential Cluster Subdivision project, we recommend that the DEIR be revised to incorporate similar impact and mitigation measure statements, and the additional measures listed above. Furthermore, no new project, that would contribute a significant amount of traffic to the substandard and hazardous facilities along SR 58, should be granted a Certificate of Occupancy without physically improving the substandard and hazardous facilities.

Issue 4 – The DEIR and TIS failed to provide any detail on the project’s vehicular access on SR 58, and a qualitative access analysis is not provided. While Mitigation Measure TRAFFIC-3a requires a Caltrans Encroachment Permit and incorporation Caltrans conditions, there is no disclosure of the details of the proposed access, nor a discussion of the impacts of project truck traffic entering and existing the site on SR 58.

As stated on page 4.11-23 of the DEIR:

“...Under normal operations, no more than a few trucks are expected at the quarry site at any one time. Intersection analysis indicates that under both existing and future conditions, the proposed driveway access on SR 58 will function adequately without additional highway widening, dedicated turn lanes, or other improvements. The specific design of the driveway intersection with SR 58 is considered adequate, but final design has not yet been approved by Caltrans...”

That statement assumes that no additional improvements are required at the proposed project access on SR 58 under “normal” conditions. The following impact and mitigation measure statements are provided in the DEIR:

4

Description of Impact	Mitigation Measure	Residual Impact
<p>Oster/Las Pilitas Quarry Impact TRAFFIC-3a: Access. The proposed access drive will require construction within the SR 58 right-of-way causing temporary disruption of highway traffic, and long term adverse effects on traffic using the state highway.</p>	<p>MM TRAFFIC-3a: Access. Prior to the issuance of any construction permit by the County for the project access road, the applicant/quarry operator shall obtain an Encroachment Permit from Caltrans, and shall incorporate any conditions from Caltrans related to traffic controls or construction of the access road into its design.</p>	<p>Less than significant</p>

As discussed in Issue 1, the driveway LOS analysis is likely based on non-PCE adjusted peak hour traffic volumes which understate the impacts of project truck traffic on the delayed movements (eastbound left turn in to site; and, southbound right turn out of site). More important, given the high-speed nature of SR 58, and that it's a two-lane undivided highway with sub-standard shoulders, special design considerations should be given the truck traffic movements that would be occurring at the SR 58 driveway (38 trucks per hour on a normal day, and higher on peak market periods). On average, that would equate to one truck turning into the site; and, one truck turning out of the site, every three minutes (on a normal day) during the a.m. peak hour. And, one truck turning into the site; and, one truck turning out of the site, every four minutes (on a normal day) during the p.m. peak hour. During peak market demand periods, truck movements at the driveway may occur every minute, or less.

There would be more truck movements at the project driveway on SR 58 that would interfere with east- and westbound vehicles traveling on the highway, as well as recreational bicyclists. With project truck traffic stopping on the eastbound travel lane of SR 58 to enter the project site, potential conflicts may occur with other vehicles and bicyclists on SR 58. The consideration of an eastbound left turn storage lane should be considered from an operational and safety standpoint for other eastbound vehicles and bicyclists on SR 58. Also, the consideration of an acceleration lane for westbound trucks exiting the site should be considered. These improvements should be planned and analyzed for a peak production day of the quarry to ensure there would be no vehicular conflicts at the project driveway at SR 58 under any project conditions. In addition, truck turning templates should be applied to the inbound and outbound turn lanes to ensure that trucks do not cross the street centerline while maneuvering in- and out of the project driveway.

Therefore, we recommend that the Project Applicant revise the DEIR and TIS to disclose specific analyses, potential impacts, and required mitigation measures for the design of the project access driveway on SR 58. Furthermore, no new project, that would contribute a significant amount of traffic to the substandard and hazardous facilities along SR 58, should be granted a Certificate of Occupancy without physically improving the substandard and hazardous facilities.

Issue 5 – The DEIR failed to address the higher accident rate (0.99) on the SR 58 transition ramp to US 101 south. The State Average for this facility is 0.35. The DEIR ignores this significant finding and does not address this significant impact.

Table 4.11-6, *US Highway 101/SR 58 Accident Rates*, on page 4.11-9 of the DEIR shows that the actual (calculated) accident rate on the SR 58 southbound on-ramp to US 101 is 0.99. In the same table, the reported state average accident rate is 0.35. The actual accident rate on this facility is almost three times greater than the state average. Yet, on page 4.11-10 of the DEIR, the following is stated:

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"...The accident rates are shown in Table 4.11-6 below, and are compared with state averages for ramps with similar characteristics. This comparison indicates that the recent accident rate at this interchange is generally lower than statewide averages..."

That statement contradicts the information reported in Table 4.11-6 as the actual accident rate at the SR 58 southbound on-ramp to US 101 (0.99) is almost three times higher than the state average (0.35). With addition of project traffic, the accident rate would likely increase. Because the DEIR failed to acknowledge the higher accident rate, no impact and mitigation measure was provided to address the probability of more accidents that would occur on the SR 58 southbound on-ramp to US 101.

Therefore, we recommend that the Project Applicant revise the DEIR correctly analyze the higher actual accident rate for the SR 58 southbound on-ramp to US 101. This analysis should describe the existing conditions that lead to the 0.99 accident rate, and what improvements or mitigation measures are required to minimize the accident potential on this facility. Furthermore, no new project, that would contribute a significant amount of traffic to the substandard and hazardous facilities along SR 58, should be granted a Certificate of Occupancy without physically improving the substandard and hazardous facilities.

This concludes our comments on the *Draft Environmental Impact Report (DEIR)* for the *Las Pilitas Quarry Conditional Use Permit and Reclamation Plan*; and, the *Las Pilitas Rock Quarry Traffic Impact Study (TIS)*. If you have any questions regarding this comment letter, please contact me at (858) 925-6190.

Sincerely,

Arch Beach Consulting, Inc.



Dennis M. Pascua
Principal Transportation Planner

cc: Roy Reeves, Margarita Proud
Tamara Kleeman, Margarita Proud
Babak Naficy, Law Offices of Babak Naficy

Attachments: *Synchro* Queuing Analysis Worksheets

↑
5

HCM Unsignalized Intersection Capacity Analysis
 3: El Camino Real & Estrada Ave

Existing AM Peak Hour
 6/4/2013



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	→			←	←	←
Volume (veh/h)	168	143	118	134	195	111
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	183	155	128	146	212	121
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None		None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			338		662	260
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			338		662	260
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			89		44	84
cM capacity (veh/h)			1221		382	778

Direction, Lane #	EB 1	WB 1	NB 1
Volume Total	338	274	333
Volume Left	0	128	212
Volume Right	155	0	121
cSH	1700	1221	468
Volume to Capacity	0.20	0.11	0.71
Queue Length 95th (ft)	0	9	139
Control Delay (s)	0.0	4.4	29.4
Lane LOS		A	D
Approach Delay (s)	0.0	4.4	29.4
Approach LOS			D

Intersection Summary			
Average Delay		11.6	
Intersection Capacity Utilization		58.8%	ICU Level of Service B
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis
 3: El Camino Real & Estrada Ave

Existing PM Peak Hour
 6/4/2013



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↩			↩	↩	
Volume (veh/h)	68	78	70	95	56	89
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	74	85	76	103	61	97
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None		None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			159		372	116
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			159		372	116
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			95		90	90
cM capacity (veh/h)			1421		595	936

Direction, Lane #	EB 1	WB 1	NB 1
Volume Total	159	179	158
Volume Left	0	76	61
Volume Right	85	0	97
cSH	1700	1421	766
Volume to Capacity	0.09	0.05	0.21
Queue Length 95th (ft)	0	4	19
Control Delay (s)	0.0	3.5	10.9
Lane LOS		A	B
Approach Delay (s)	0.0	3.5	10.9
Approach LOS			B

Intersection Summary			
Average Delay		4.7	
Intersection Capacity Utilization		35.8%	ICU Level of Service A
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis
 3: El Camino Real & Estrada Ave

Existing + Project AM Peak Hour
 6/4/2013



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	→			←	←	↘
Volume (veh/h)	168	151	120	134	205	112
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	183	164	130	146	223	122
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None		None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			347		671	265
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			347		671	265
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			89		41	84
cM capacity (veh/h)			1212		376	774

Direction, Lane #	EB 1	WB 1	NB 1
Volume Total	347	276	345
Volume Left	0	130	223
Volume Right	164	0	122
cSH	1700	1212	460
Volume to Capacity	0.20	0.11	0.75
Queue Length 95th (ft)	0	9	156
Control Delay (s)	0.0	4.5	32.8
Lane LOS		A	D
Approach Delay (s)	0.0	4.5	32.8
Approach LOS			D

Intersection Summary			
Average Delay		12.9	
Intersection Capacity Utilization	60.0%	ICU Level of Service	B
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis
3: El Camino Real & Estrada Ave

Existing + Project PM Peak Hour
6/4/2013



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	→			←	↔	↔
Volume (veh/h)	68	86	71	95	69	90
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	74	93	77	103	75	98
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None		None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			167		378	121
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			167		378	121
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			95		87	89
cM capacity (veh/h)			1410		589	931

Direction, Lane #	EB 1	WB 1	NB 1
Volume Total	167	180	173
Volume Left	0	77	75
Volume Right	93	0	98
cSH	1700	1410	744
Volume to Capacity	0.10	0.05	0.23
Queue Length 95th (ft)	0	4	22
Control Delay (s)	0.0	3.6	11.3
Lane LOS		A	B
Approach Delay (s)	0.0	3.6	11.3
Approach LOS			B

Intersection Summary			
Average Delay		5.0	
Intersection Capacity Utilization		37.1%	ICU Level of Service A
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis
 3: El Camino Real & Estrada Ave

Existing + Proj w/ PCE AM Peak Hour
 6/4/2013



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	→			←	↙	↘
Volume (veh/h)	168	188	124	134	225	114
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	183	204	135	146	245	124
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None		None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			387		700	285
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			387		700	285
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			88		32	84
cM capacity (veh/h)			1172		359	754

Direction, Lane #	EB 1	WB 1	NB 1
Volume Total	387	280	368
Volume Left	0	135	245
Volume Right	204	0	124
cSH	1700	1172	436
Volume to Capacity	0.23	0.12	0.85
Queue Length 95th (ft)	0	10	207
Control Delay (s)	0.0	4.6	44.5
Lane LOS		A	E
Approach Delay (s)	0.0	4.6	44.5
Approach LOS			E

Intersection Summary			
Average Delay		17.1	
Intersection Capacity Utilization		63.7%	ICU Level of Service B
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis
 3: El Camino Real & Estrada Ave

Existing + Proj w/ PCE PM Peak Hour
 6/4/2013



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	→			←	←	←
Volume (veh/h)	68	102	73	95	95	92
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	74	111	79	103	103	100
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None		None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			185		391	129
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			185		391	129
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			94		82	89
cM capacity (veh/h)			1390		578	920

Direction, Lane #	EB 1	WB 1	NB 1
Volume Total	185	183	203
Volume Left	0	79	103
Volume Right	111	0	100
cSH	1700	1390	707
Volume to Capacity	0.11	0.06	0.29
Queue Length 95th (ft)	0	5	30
Control Delay (s)	0.0	3.6	12.1
Lane LOS		A	B
Approach Delay (s)	0.0	3.6	12.1
Approach LOS			B

Intersection Summary			
Average Delay		5.5	
Intersection Capacity Utilization	39.8%	ICU Level of Service	A
Analysis Period (min)	15		



Draft Environmental Impact Report
Las Pilitas Resources to: mwilson
Please respond to info

06/07/2013 02:01 PM



Las Pilitas Resources, LLC

Commitment · Integrity · Responsibility

Dear Murry,

As you may know, the public comment period regarding the draft environmental impact report (EIR) for the Las Pilitas Resources proposal recently came to a close. The San Luis Obispo County Department of Planning and Building is now completing the process of reading, documenting, and responding to all of the questions and comments it received during the public comment period. These comments are critical so that the County and author of the draft EIR can further evaluate and study the issues brought forward during the public comment period to provide a strong, thorough and succinct final EIR.

Before the end of the public comment period, Las Pilitas Resources identified several subject areas it believed needed further evaluation, study or modification between the draft and final EIR and submitted these comments to the San Luis Obispo County Department of Planning and Building. You can view our final comments to the County by clicking [here](#).

We would like to again thank all those who provided their input during the public comment period. We place great value on public participation and believe it is vital for us to understand more about your questions, comments and concerns regarding the Las Pilitas Resources proposal. We want to ensure a collaborative relationship with the community now and in the years ahead, and thank you for being a part of the process.

Mike and I are very appreciative for your active participation in this process. Please do not hesitate to contact us if you have any additional questions.

Sincerely,

Steve Souza

steve@laspilitasresources.com

Mike Cole

mike@laspilitasresources.com

Las Pilitas Resources, LLC

1

P.O. Box 875 · Santa Margarita · California · 93453 ·
www.laspilitasresources.com

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Las Pilitas Resources, LLC | P.O. Box 875 | Santa Margarita | CA | 93453-9902



Sophie Treder, Attorney
22985 El Camino Real, Santa Margarita, CA 93453
805.438.5435 Office streder@trederlaw.com

Mr. Murry Wilson
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA

Dear Mr. Wilson,

Las Pilitas Resources, LLC, submits these comments on the Draft Environmental Impact Report (DEIR) for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan (DRC2009-00025), per the California Environmental Quality Act (CEQA) and the County’s Notice of Availability. Comments are organized according to section. Where appropriate, the relevant page number or section is noted at the start of the comment. Specific textual revisions are suggested in “red line” where practicable.

ES EXECUTIVE SUMMARY

ES-1: The initial paragraph notes that the proposed quarry and related improvements would occupy 48 acres. This is inconsistent with the project sized described throughout the rest of the DEIR, which lists the size at 41 acres. (See Pages 1-1, 2-1, 2-2.) Please revise for consistency.

1

ES-2: Please revise the first sentence of the last paragraph as follows: “*The project will produce up to 500,000 tons per year of construction aggregate ~~materials for use in Portland cement concrete (PCC) and asphaltic concrete (AC)~~.*” As discussed below in the changes to the Project Description, in order to be used in PCC or AC, aggregate must generally be washed, and the project does not intend to wash material.

2

ES-20: Table ES-2: IMPACT TRAFFIC-2a: Elementary School Crossing: Both the Description of Impact and associated mitigation note that any potential impacts to the elementary school crossing are less than significant. Table ES-2 is intended to list only impacts which cannot be mitigated to a level below significance (Class I). Please remove Impact Traffic-2a from Table ES-2 and place it into Table ES-3, which lists impacts which have been found to be less than significant.

3



Sophie Treder, Attorney
22985 El Camino Real, Santa Margarita, CA 93453
805.438.5435 Office streder@trederlaw.com

1.0 INTRODUCTION

1-1: Please revise the first sentence of the last paragraph to read as follows: “*Construction Concrete grade aggregate, consisting of crushed granitic rock used in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC) pavement, is particularly important for road building and maintenance and other construction.*” Both of the cited reports in this paragraph recognize the importance of construction aggregate generally, not just PCC and AC.

4

1-2: **Objective C:** Please strike the words “concrete-grade” from this Objective.

5

1-3: **Objective F:** Please strike the words “concrete-grade” from this Objective.

1-5: Please add the following sentence to the first bullet at the top of this page: “*Approximately 60% (137 million tons) of this demand will be for concrete-grade aggregate, and approximately 40% (126 million tons) will be for other construction aggregate.*” The citation for this sentence is the same as the 2011 data in Table 1-1, and is also found in the Executive Summary of Special Report 215 (DEIR Appendix D).

6

1-5: Please revise the end of the first full paragraph as follows:

Other aggregate suppliers exist in the larger production-consumption region, but are not as conveniently located to serve the San Luis Obispo County and nearby market areas. (Additional information regarding the locations of other aggregate mines in the region and the economics of aggregate mining and transport is provided in Appendix D as part of the background information related to air quality.) The Las Pilitas Quarry is proposed in part to help improve the overall regional balance between projected supply and demand for aggregate material, and in part to provide an independent source of material to support local business, public works departments, and other local customers. Additional information regarding the locations of other aggregate mines in the region and the economics of aggregate mining and transport is provided in Appendix D as part of the background information related to air quality. Although the project is located in a deposit that has been classified by the State Geologist as containing the highest quality granite (MRZ-2 PCC).

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suitable for use in Portland cement concrete (PCC), material generally must be washed before it is actually used as an ingredient in concrete. The project does not propose to wash material, and it is expected that the aggregate produced from this mine will be used for other construction-related applications. For a general list of products to be produced, please see Section 2.3.1 of this EIR.

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2.0 PROJECT DESCRIPTION

2-1: Please revise the bottom paragraph as follows: “*The Coastal Branch of the California Aqueduct was constructed across the southern portion of the property north of SR 58 in the late 1990s. This 54-inch buried water pipeline delivers water from the California State Water Project to communities in San Luis Obispo and Santa Barbara Counties. Construction of the pipeline within the property included two reinforced crossings that would allow heavy trucks to drive over the buried pipeline, in recognition of the currently proposed aggregate mining use of the property.*” This addition is consistent with the information provided on Page 1-2 of the DEIR.

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2-2: Objective C: Please strike the words “*concrete-grade*” from this Objective.

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2-3: Objective F: Please strike the words “*concrete-grade*” from this Objective.

2-5: Please revise the end of the penultimate paragraph as follows: “*Products produced will include road base, decomposed granite for construction, recreation, and landscaping applications, rip rap, drain rock, landscape wall rock, decorative rock, and non-expansive fill and crushed rock of various sizes. A portion of the high-quality material will be sorted for use in the manufacturing of building materials and sold for specialty applications, including aggregate for AC pavement. The remainder of the material would be sold for commercial applications that do not require high-quality specifications.*”

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As discussed above, the Applicant does not intend to wash material prior to sale, and thus would be selling only the unwashed products that are listed. It is generally accepted that product must be washed before being used to make Portland cement concrete. Although very high quality, pure material could be used as an ingredient in asphalt without being



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washed, and the material harvested from the project is expected to be very high quality and pure, that is unlikely to be the end use of aggregate harvested from this project. The reason is that both of the current producers of concrete and asphalt in this local market (Hanson Aggregates and CalPortland) have their own quarries in this same deposit and thus have their own sources of rock for concrete and asphalt; they are therefore unlikely to buy aggregate from the Las Pilitas Quarry for this purpose. In the unlikely event that a concrete or asphalt producer were to purchase rock from the Las Pilitas Quarry, any washing would need to occur as part of the purchaser's permitted activities at the manufacturing location.

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2-8: Trip Generation and Truck Traffic: The Applicant believes that the truck traffic estimated in this section is overstated for the following reasons:

Truck Traffic Associated With Sales of Aggregate

With regard to truck traffic for aggregate sales, it is true that the maximum annual extraction limit of 500,000 tons, when spread over 250 working days and assuming an average truck load of 20.2 tons, yields an average of 99 truckloads or 198 truck trips per day. However, it is important to remember that 500,000 tons is the *maximum* allowed annual extraction; industry statistics show that most quarries statewide hit their maximum extraction limit once every 10 years, on average, even in markets that are considered severely underpermitted by the State Department of Conservation, as most P-C Regions are.

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While it *might* be appropriate for the EIR to assume that the Las Pilitas Quarry would always operate at its maximum capacity as part of forecasting the reasonably-foreseeable worst case scenario for environmental impacts, it is not reasonable for the EIR to also assume that 100% of the truck traffic generated by the project will be “additional.” Because of their close proximity, the Las Pilitas Quarry will be directly competing with the Hanson quarry in the unwashed aggregate products market. If all 500,000 tons of the Las Pilitas Quarry's product could be attributed to new demand, it would be reasonable to assume that Hanson Aggregates would already be operating at its maximum permitted limits. Instead, a reasonable assumption for the FEIR to make is that a substantial portion of the truck trips associated with this project would be on the road and traveling through Santa Margarita to



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the Hanson Quarry in any event, and will simply divert to the Las Pilitas Quarry if this project is permitted.

Given these market realities, it is not reasonable for the EIR to assume *both* that the Las Pilitas Quarry will operate at maximum capacity all the time, *and* that all of its customers and therefore all of its truck traffic will be additional. In order to accurately present the environmental impacts to the public, the EIR should disclose the reasonably-foreseeable worst case scenario (i.e. occasional years at maximum operating capacity), but also disclose what operations will be under normal market conditions and/or make allowances for trucks that will simply be diverted from existing quarries. As currently worded, the description on page 2-8 of the EIR leads the public to believe that it will experience anywhere from 273 to 800 additional truck trips per day, 250 days per year, for the life of the project. That is simply not realistic. A reasonable, but still conservative, estimate for purposes of the EIR would be that the project will average 70% of maximum permitted production, most of the time. Alternatively, the EIR could reasonably assume that one-third, or roughly 30% of the project's market share and truck traffic will be diverted from other, nearby quarries. In either case, this drops the daily truck trips associated with production to approximately 139.

It is important to understand that the above analysis does not mean that there is no demand for the current project, or that the demand numbers forecasted by the State in Special Report 215 are inaccurate. Special Report 215 projects the total demand in the P-C Region for aggregate over a 50 year period. The Report estimates that the currently-permitted reserves of 75 million tons will carry the P-C Region, as a whole, until the year 2026. At that point, if no new reserves have been opened up, the aggregate market will hit the equivalent of a "fiscal cliff," and prices will rise to stratospheric levels as material is imported from outside of the region (it is worth noting that nearly every P-C Region in California is underpermitted, so importing material will only serve to exacerbate the problem throughout the State. See Exhibit B to these Comments: Aggregate Sustainability in California-- Map Sheet 52 (2012).) Because aggregate is a major building block, both figuratively and literally, of a healthy economy, it is critical that supply and demand be kept on a relatively even keel, and not allowed to approach a substantial shortage. The projected critical shortage in this P-C

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Region is only 13 years out—perhaps even sooner at the local level, given that Hanson Aggregates recently applied to the County to expand its reserves. It can often take 7 years or more to permit an aggregate quarry from start to finish, taking into account the CEQA process, neighborhood opposition, and potential litigation. Accordingly, it is imperative that local governments not lose sight of the long-range picture, and constantly look several decades out on a rolling basis when considering available aggregate supply and new permit applications. The Las Pilitas Quarry will supply around 12.5 million tons of aggregate to the local market over its lifespan, but this alone will not be enough to satisfy the 50-year market demand, no more than the Hanson expansion alone could satisfy it. The most responsible thing a local government can do to safeguard its local economy is ensure that it will be self-sustaining for aggregate supplies for the next 50 years in accordance with the numbers projected by the State. If new permits are shelved until all existing quarries are operating at maximum permitted capacity, the supply-demand equilibrium will have already been thrown out of balance. The goal should be to have a well-balanced market where demand eats away at supply at a steady, consistent rate, avoiding sharp peaks and valleys.

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Truck Trips for Emergency Projects

As part of disclosing the reasonably-foreseeable worst case scenario, the EIR should also clarify the statement on page 2-9 that up to 800 truck trips per day could be anticipated for a large project. While it is theoretically conceivable that the quarry could load that many trucks (400) in single day, it is important that the EIR put that statement in context. If the project does load 400 trucks in one day, such as to respond to an emergency repair project, for instance, this would mean that the project would have sold over 8,000 tons of material that day out of its 500,000 annual allotment. Therefore, in order for the project to stay within its annual permitted limit, there would need to be a proportional number of days when there were no trucks trips, or fewer than average truck trips. Accordingly, the FEIR should add a sentence to the effect that, while the precise number of daily truck trips may fluctuate, the annual maximum allowable yield will ensure that the daily truck trips experienced by the community will stay at or under the appropriate average (as stated below, the average of 273 utilized in the DEIR is unrealistically high).

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Truck Trips Associated With Recycled Aggregate

Finally, it is not reasonable for the EIR to assume 75 daily truck trips attributable to recycled material drop-off. That number appears to be based on the project's daily recycled material limit of 1,500 tons, set by the CalRecycle permit. However, if this project were to accept 1,500 tons per day of recycled material, 250 days per year, it would be recycling 375,000 tons of aggregate annually. According to Special Report 215, only 250,000 tons of aggregate was recycled *in the entire P-C Region* (Santa Barbara and San Luis Obispo County combined) in 2009. (See DEIR Appendix D, Special Report 215, pg. 23) Assuming that San Luis Obispo County accounted for roughly half of that amount, a conservative estimate given that San Luis Obispo County has a much smaller population, that means that the entire County recycled 125,000 tons of aggregate in 2009. There are currently 7 facilities in the County that are permitted to accept recycled aggregate—if spread out evenly among those facilities, this means that each facility processed roughly 17,857 tons of recycled aggregate in 2009. Clearly, it is not reasonable for the EIR to assume that the Las Pilitas Quarry alone would process 375,000 tons per year of recycled material—**3 times the County total**—in one year. It is doubtful that the quarry, as designed, even has the room to stockpile that amount of material.

Moreover, it is not reasonable to assume a high recycling rate without decreasing the raw materials sales and associated truck trips correspondingly. Recycled material must be sold within a relatively short period of time (see DEIR Page 2-6), and any recycled material sold by the project must fit within the project's 500,000 ton annual limit. Therefore, if the project *were* to process and sell 375,000 tons of recycled material in one year, it could then only sell 125,000 tons of raw material, which would reduce *those* truck trips accordingly. Simply put, it will be impossible for the project to ever average 273 truck trips (198 attributable to raw material, and 75 attributable to recycled material).

A more reasonable assumption would be that the project will accept a proportionate share of the total recycled aggregate in the County. As stated in Special Report 215, Santa Barbara County and San Luis Obispo County combined recycled a total of 250,000 tons of aggregate in 2009. Although Special Report 215 estimated that this is not likely to significantly

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increase over the next 50 years (it concluded that recycled aggregate would not supplant the demand for raw aggregate), given the increased local incentives and requirements to recycle, it might be reasonable to expect this number to rise to 350,000 tons over the life of the project. Assuming that San Luis Obispo County accounts for half of that amount (again, a very conservative estimate, given that Santa Barbara County has a much larger population), that would mean that the entire County could be expected to recycle 175,000 tons per year. The Las Pilitas Quarry would be the 8th permitted recycling station in the County, and thus could reasonably be expected to handle one-eighth of that market, or 21,875 tons per year. Operating 250 days per year, the project might accept 87.5 tons per day. At 20.2 tons per truck, this amounts to 4.33 trucks per day, or 8.66 trips per day attributed to recycled aggregate. Assuming a 50% backhaul rate under normal industry conditions (see Page 2-8 of the DEIR) again reduces this number to 4.33 truck trips per day, on average. This number could reasonably be rounded up to 5 trips per day to account for the fact that, when being trucked in from the field, a bit less than 20.2 tons of material might fit in a truck, due to the presence of large chunks and pieces.

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Summary of Revised Truck Traffic

Given the foregoing analysis, the number of truck trips in the FEIR should be revised to a daily average of 144—139 attributable to material sales, and 5 attributable to drop-offs of recycled material. The FEIR should still disclose that under the reasonably foreseeable worst case scenario (i.e. operating at maximum permitted capacity), there could be an annual average as high as 208 daily tips (198 for material sales and 10 for recycled material—the latter number assumes no backhauling of material, consistent with a reasonably foreseeable worst case scenario). The FEIR can use that scenario for calculating worst-case traffic and air impacts as well. But for purposes of the Project Description, and disclosing to the public what the likely impacts of the project will be on an average, day-to-day basis, it is important that the upcoming FEIR clarify that daily truck trips from this project would be expected to average around 144 trips per day, *not* 273 trips. The analysis under the Air, Noise, and Traffic sections in the FEIR should be revised to reflect a reasonably-foreseeable worst case scenario of 208 average daily trips as discussed in those sections.

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3.0 ENVIRONMENTAL SETTING

3-2: Some clarifications should be added to the description of the environmental setting under Section 3.2, Geography and Scenic Resources. First, it is pure speculation for the EIR to state that views of the steep, chaparral-covered slopes in the vicinity of the project “*are part of the scenic environment associated with SR 58 leading to its inclusion in the COSE*” as a “Suggested Scenic Corridor.” Neither the COSE nor its Appendices provide any information describing how or why the road segments in Table VR-2 were chosen, and the COSE is equally clear that before any scenic roads are designated, corridor studies will have to be conducted on the candidate roads to identify the important scenic features of each road and their boundaries. (COSE, pg. 9.12) In other words, the features of SR 58 that might make it a scenic corridor and the boundaries of the actual corridor *have yet to be determined*. There simply is no substantial evidence to support the EIR’s statement that the views in the vicinity of the project are what led to SR 58’s nomination, as opposed to other scenic values along the 70-mile stretch. It would be equally if not more reasonable to presume that SR 58 was nominated because of the grasslands and wildflower views associated with springtime in the Carrizo Plain, and that the scrub-covered hillsides in the vicinity of the project are *not* important features that should be protected. Simply put, in the absence of more information, it is improper for the EIR to speculate about why SR 58 was nominated as a “Suggested Scenic Corridor” for further study in the COSE. Instead, the EIR should correctly observe that, to date, it has not been designated as a scenic corridor, and no County-specific scenic corridor standards exist for its evaluation. (The interim guidelines listed in COSE Appendix 9 apply only to County and State road and highway development projects.)

Furthermore, the environmental setting *must* disclose and be frank about the visibility of the existing Hanson Quarry along this stretch of 58, and its overall impact on the viewshed. Please see the more detailed comments to Section 4.0, Aesthetics and Visual Resources, below.

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4.0 AESTHETICS AND VISUAL RESOURCES

Section 4.1.1: The current description of existing conditions in the Aesthetics and Visual Resources chapter is incomplete and misleading. Although the “surrounding land uses” section makes mention of the nearby Hanson Aggregates Quarry, it does not disclose the impact that this operation has on the existing viewshed. The description in the DEIR simply implies that is a nearby, but not necessarily visible, use. (DEIR, pg. 4.1-1.) In actuality, the “cut” caused by the century-old and still active Hanson Quarry is the dominant feature of the landscape in this area.

The Hanson Quarry’s mountainside cut is large, imposing, and contrasting, and will likely serve to (1) distract any viewers from focusing on the Las Pilitas Quarry site, and (2) diminish viewer expectations of an intact and unaltered landscape in this area. Inexplicably, this feature is left out of all of the photo-simulations and key viewpoints provided in the DEIR, despite the fact that it would be clearly visible to drivers as they came upon the project site. Additional photographs should be provided in the FEIR that show the Hanson Quarry in relation to the project, in order to give readers an accurate depiction of the existing panoramic viewshed in the area.

4.1-1 to 2: The description at the bottom of page 4.1-1 and the top of 4.2-2 states that there would be “several” residences with views into the proposed quarry site. Please clarify how many “several” is, and from what vantage points they would be able to see the quarry and during which operational phases. The FEIR should also clarify whether these same residences currently have a view of the existing Hanson Quarry.

4.1-2 to 3: Scenic Highways and Corridors: Please see the earlier comment regarding the Environmental Setting Chapter and scenic corridors. It is unclear how the policies and standards listed in COSE Appendix 9, which apply only to road construction projects, should relate to this project or the Assessment Methodology and Significance Criteria used in the DEIR. The County has not adopted any specific development standards for non-road construction projects in the area of the quarry, or any interim guidance that would govern such projects. It is not necessarily reasonable to presume that the decision-makers who

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adopted the COSE intended the road development standards in Appendix 9 to apply to non-road projects, when they did not take action to make that happen.

Furthermore, it is unclear how the DEIR determined that “*the steep hills covered with chaparral vegetation in the project site are a scenic resource even if they are not ‘spectacular.’*” (DEIR, pg. 4.1-2.) Scenic resources are typically defined as those landscape patterns and features that are visually or aesthetically pleasing and which interact to produce a net visual benefit upon individuals or communities. There is simply no objective, substantial evidence in the DEIR to support the conclusion that the relatively common and indistinct scrub-covered hillsides in the vicinity of the project are a “scenic resource” under this definition. And as discussed above, there is no evidence to support the inference that it was these resources that led to the nomination of SR 58 as a Suggested Scenic Corridor warranting further study in the COSE.

Finally, as discussed above, viewer sensitivity along this stretch of SR 58 is likely to be relatively low, given the negative impact on the viewshed conferred by the existing Hanson Quarry. Accordingly, there is no support for the statement regarding view sensitivity at the top of page 4.1-3.

4.1-6: Assessment Methodology: The DEIR states that: “*For the purpose of this EIR analysis, a scenic vista is an officially designated or recognized public view from a given location or corridor as identified in land use documents. The suggested corridor of SR 58, as described in Section 4.1.1 above is one such visual resource.*” There is no officially designated or recognized public view from this section of SR 58. Given the non-uniqueness of the features in the project area and the already degraded viewshed, it is unlikely that this particular section of SR 58 would meet the County’s criteria for ultimate listing as a scenic corridor, if and when the County finally sets such criteria. Scenic vistas are typically defined for purposes of CEQA as viewpoints that provide expansive views of a highly valued landscape for the benefit of the general public. There is no specific or regularly utilized viewing point along the road in this area, and no indication that the steep, chaparral-covered hillsides in the vicinity of the project are highly valued by the public. The fact that the COSE suggested the entire 70-mile stretch of SR 58 for study and evaluation does not transmute these

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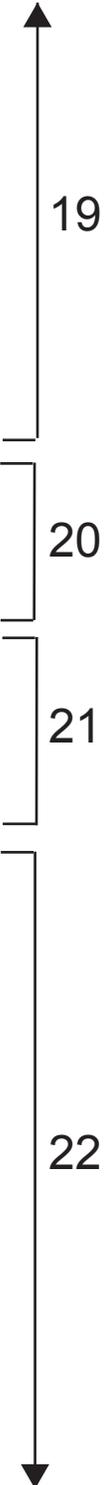
features into a scenic vista. Even the COSE itself states that before a candidate road is designated as scenic, a corridor study should be completed to (a) specify the features that need to be protected through a site-specific analysis of each viewshed; (b) state why it is important to protect those features; [and] (c) where applicable, establish specific mapped boundaries that define the minimum area necessary to protect the identified features. (COSE, pg. 9.12) The DEIR does not even go that far. If the FEIR is going to classify the views from this stretch of SR 58 as a scenic vista, it should provide some substantial evidence to support that conclusion, other than the fact that the entire highway was suggested as a candidate for study as a scenic corridor.

4.1-7: Third Paragraph: See above comment to page 3-2. There is no indication in the COSE that the steep hillsides and chaparral vegetation in the area contributed to SR 58 being listed as a candidate corridor for further study.

4.1-8: Visual Simulations: Please see above comment to Section 4.1.1. Additional photographs should be provided in the FEIR that include the Hanson Quarry in relation to the project, in order to give readers an accurate portrayal of the existing panoramic viewshed in the area.

4.1-9 to 4.1-10: Significance Criteria: The noted significance criteria are new and have not yet been used on any other project, have not been formally adopted by the County, and differ substantially from those provided in CEQA Guidelines Appendix G. Per CEQA Guidelines § 15064.7(b), “Thresholds of significance to be adopted for general use as part of the lead agency’s environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.” Until the County publicly adopts these thresholds for general use, it should utilize the generally-accepted thresholds in Appendix G of the CEQA Guidelines.

Furthermore, it should be noted that the purpose of CEQA thresholds is to identify potentially significant effects on the environment so that they can be mitigated. In order to qualify as a significant effect on the environment, the change must be both substantial and adverse. (CEQA Guidelines § 15382) As currently written, these thresholds of significance



do not distinguish between a substantial, adverse change, and *any* change to the environmental status quo. Accordingly, it is doubtful that the selected thresholds are proper for identifying significant impacts under CEQA.

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4.1-10 to 11: Impact AES-1: Effects on Scenic Vistas: As noted above, there is no substantial evidence that the impacted area qualifies as a scenic vista under CEQA. Furthermore, this impact analysis fails to take into account the existing impacts on the viewshed caused by the Hanson Quarry, which has already substantially altered the natural character of the area, and serves to diminish viewer sensitivity and expectations. Per Appendix 9 of the COSE, an assessment of visual resources should take into account the intactness and unity, or harmony, of the landscape, as well as the visual sensitivity of the area and the viewers. The DEIR fails to follow any of these steps.

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As indicated above, under CEQA, it is not enough that the project will introduce a “change.” To be a significant impact, the change must also be substantial and adverse. Although the project will result in a change to the vegetation and ridgelines in the area, it is not clear why this change, which is largely temporary pending site reclamation, would be both *substantial* and *adverse*. This is particularly true given the history of ridgeline disturbance and vegetation clearing in the area, both from the Hanson Quarry and the establishment and maintenance of fire breaks and other property grading. The analysis behind Impact AES-1 should be revised in the FEIR to take these factors into account.

4.1-11: MM AES-1d: This mitigation measure requires that the Applicant visually screen its water tank, for the life of the project, from public views along SR 58. A water tank is generally recognized to be a necessary accessory structure that is consistent with both agricultural and residential uses in rural areas. Were this an agricultural or residential project, such mitigation would not be required. It is unclear how the presence of a water tank will create a significant, adverse visual impact requiring full mitigation. A more realistic mitigation measure might be to require revegetation of any areas disturbed by grading the pad for the water tank, and to require that the water tank is itself a dark color that will not stand out from the surrounding vegetation.

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4.3 AIR QUALITY

Global: This section should be revised in general to account for the reduced truck traffic under the reasonably foreseeable worst case scenario of 208 average daily trips, as described in the comments to the Project Description, above. In addition, the section in general should acknowledge the project’s potential to reduce criteria pollutants on a regional level, since less material will need to be imported over the next 50 years if the project is approved. Additional data relevant to this point can be found in Appendix D of the DEIR.

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Impacts AQ-1a and 1b: The Applicant has contacted APCD Staff for the purpose of meeting in the near future to formulate additional mitigation measures that should address these impacts. Once this has been accomplished, the Applicant will submit them to the County as applicant proposed mitigation measures for inclusion in the FEIR.

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4.4 GREENHOUSE GAS EMISSIONS

4.4-3 to 4.4-4: Table 4.4-1: Policy AQ 1.7: Please see the comments below in Recreation regarding the dedication of a trail easement.

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4.5 BIOLOGICAL RESOURCES

Section 4.5.3: Regulatory Setting: Please add a section to the text or the tables in this section explaining the regulatory role of the California Native Plant Society (CPNS), their listing protocols and criteria, and the significance of a CPNS listing. As presently written, it is difficult for the general public to understand the difference between a plant listing by the CPNS, versus under the Federal or California Endangered Species Acts.

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4.6 GEOLOGY

Sections 4.6.1, 4.6.2, and 4.6.3: Please insert a brief discussion into these sections regarding the State Geologist’s mineral lands classification system under SMARA, the County’s EX-1 overlay, and the County’s SMARA ordinance, as these comprise important elements of the existing conditions and regulatory setting pertaining to the protection of the geological resources at the site.

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4.6-7: Policy Consistency and Effects on Future Mining: This section, as well as Table 4.6, should note the project’s consistency with the COSE Policies governing mineral resources. (COSE Chapter 6) Moreover, as noted in the list of significance criteria, one important consideration is whether a project would preclude the future extraction of valuable mineral resources. It should be noted that, to the contrary, this project will facilitate the extraction of valuable mineral resources, and therefore is consistent with all of the state laws and policies (including CEQA Guidelines Appendix G) that seek to protect such geological resources from careless encroachment by incompatible land uses.

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4.7 HAZARDS AND HAZARDOUS MATERIALS

4.7-1: Section 4.7.1: Existing Conditions: See comment to Page 2-2, above, and please note the presence of the existing reinforced aqueduct crossings on the property.

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4.7-9: Section 4.7.6: Risk of Explosion or Release of Explosive Material: Please correct the first sentence under this section to say that blasting would occur up to twenty times per year (or roughly two times per month), not two times per week. This correction is consistent with the Project Description on Page 2-5 of the EIR.

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4.7-14 to 4.7-15: Valley Fever: This section should note the low likelihood for the presence of *Coccidioidomycosis* spores on the property, due to the lack of significant topsoil throughout the site. The life cycle of the spores is such that they need anaerobic, moist soil conditions in which to grow during the rainy season, before the soil typically dries out in the summer and is disturbed, spreading the spores. Rich agricultural soils that have remained fallow for periods of time are the most hospitable to *Cocci* spores. These types of soils are generally not present in the area slated for disturbance. The nature of the granitic deposit is such that it sits right at the surface, and is not conducive to holding moisture and fostering the anaerobic conditions required by *Cocci* spores. In general, mining sites have a much lower incidence of Valley Fever than other soil-disturbing activities, even in hyper-endemic areas. (See Exhibit B to these comments – Arizona Department of Health Services, Valley Fever Annual Report (2007), pgs. 8-9, 26-28) It is also notable that the Hanson Quarry has

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been operating nearby and mining this same deposit for nearly a century, opening up new ground as it goes, without any known or reported Valley Fever incidents.

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4.7-15: MM HAZ-7b: The FEIR should include the attached detailed list of the Public Health Department’s recommended Valley Fever mitigation measures as an appendix, so that the public can see the type of mitigation measures that the Applicant will be implementing to protect against Valley Fever at the site. (See Exhibit C to these comments – San Luis Obispo County Department of Public Health, Recommendations for Workers to Prevent Infection by Valley Fever)

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4.8 NOISE

Modeling Parameters Used to Measure Traffic Noise

The DEIR Noise Chapter uses Ldn as the metric for assessing traffic noise impacts from the project. As the DEIR describes on page 4.8-1, Leq is the Equivalent Noise Level over a defined time period—typically an hour, but shorter or longer time periods can also be specified. The Traffic Noise Model (TNM) developed by the Federal Highway Administration does computations in terms of hourly Leq. Leq was the metric used by D. Dubbink & Associates in the noise study included in Appendix E of the EIR. Ldn, by contrast, is a weighted value that attempts to represent ambient noise over a 24-hour period; it is an average of both day and nighttime noise levels. It is calculated by inserting a value representing the equivalent noise level during the daytime (7:00 am to 10:00 pm) as well as a value for the equivalent noise level at night (10:00 pm to 7:00 am), and also includes a “penalty” multiplier to the nighttime noise value, to account for the added nuisance of noise during that period. The EIR analysis used this approach, using the TNM to compute a Leq for a single daytime and nighttime hour and expanding this by the number of day and night hours to create the Ldn estimates. While the TNM can be used to estimate noise levels at differing distances from the road, the EIR estimates were made for a 50 foot distance. The numbers appearing in Table 4.8-7 as estimates for individual residences were interpolated from the 50 foot estimates. The distance attenuation factor that was used (Table 4.8-1) is not from the TNM but the distance factors resemble the attenuation rates assigned to hard, reflective surfaces. If one of the more appropriate TNM surface conditions had been assigned

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to these computations, all of the values reported in the EIR would be diminished; both for Existing and Existing plus Project estimates. Please indicate how the hourly values used in the DEIR were derived from the traffic count data. Also, please show how use of distance attenuation factors for less reflective ground conditions, such as used in the TNM, might affect the analysis and conclusions. Finally, the EIR analysis should disclose to the public that, while a 24-hour Ldn metric was used to measure traffic noise, the project will only generate that traffic Mondays through Fridays, between 7 am and 5 pm.

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Impact of Railroad Noise on the Traffic Noise Baseline

It does not appear that the DEIR took into account the noise from the nearby railroad when calculating the existing noise levels for R6 through R9. Appendix E to the Noise Element Policy Document provides some Ldn noise contour values for at grade railroad crossings in the County, including Estrada, Encina, and Wilhelmina Avenues in Santa Margarita. Please demonstrate how the DEIR noise modeling took the railroad presence into account and that it is consistent with the discussion in the County Noise Element.

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Use of Caltrans Noise Analysis Protocol and Standards

The recommended thresholds of significance for noise provided in CEQA Guidelines Appendix G ask whether the project would expose people to noise in excess of standards established in the local general plan or noise ordinance, *or applicable standards of other agencies*. Therefore, while it is appropriate for the EIR to consider whether the project noise would violate the County's Noise Element, the EIR should also discuss the applicable standards of other agencies, including Caltrans. Because all of the project's traffic noise will occur along a state highway, consideration of the Caltrans highway noise standards is particularly appropriate. The EIR should discuss how the traffic noise analysis is different under the Caltrans protocol than under the County's Noise Element.

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According to the Caltrans Traffic Noise Analysis Protocol Handbook (see Exhibit D to these comments), traffic noise increases of less than 3 dBA attributable to a single project are not significant. This is because, according to the Handbook, 3 dBA is generally the point at which the human ear will perceive a difference in noise level. Under this standard, the



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project's traffic noise increase of 1.9 dBA would not be perceptible at any of the receptors along the haul route, and therefore, the project's traffic noise impacts are less than significant. Similarly, the Handbook notes that 67 dBA is the approximate noise level at which human speech is interfered with. Thus, if the total future noise level will be less than 67 dBA, that could lead to a reasonable conclusion that the project's noise impacts are less than significant. Here, no residence along the haul route would experience noise in excess of 65.8 dBA. These and other differences between the traffic noise impacts as measured under the Caltrans protocols versus the County's Noise Element should be discussed and disclosed in the EIR.

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Section 4.8.5: Significance Criteria: The significance criteria used in this Chapter are new and do not appear to have been used on any other project, nor formally adopted by the County, and they differ substantially from those provided in CEQA Guidelines Appendix G. Per CEQA Guidelines § 15064.7(b), "Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence." Until the County publicly adopts these thresholds for general use, it should utilize the generally-accepted thresholds in Appendix G of the CEQA Guidelines.

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Furthermore, it should be noted that the purpose of CEQA thresholds is to identify potentially significant effects on the environment so that they can be mitigated. In order to qualify as a significant effect on the environment, the change must be both substantial and adverse. (CEQA Guidelines § 15382) As currently written, these thresholds of significance do not distinguish between a substantial, adverse change, and *any* change to the environmental status quo. Accordingly, it is doubtful that the selected thresholds are proper for identifying significant impacts under CEQA.

4.8-16: Impact Noise-1: Truck Traffic Noise: In computing truck noise the hourly truck count was set at 25 trucks. (DEIR Appendix E-2, pages 18 & 19) The total truck count for the 15 daytime hours would extrapolate to 375 trucks. This is significantly higher than estimates. Please revise this impact assessment to take into account the revised truck traffic counts, as

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well as the above comments on the Noise Chapter. For purposes of providing the public with an accurate picture, the Noise Chapter should describe what traffic noise will likely be under normative operational conditions (144 average truck trips per day) as well as the reasonably foreseeable worst case scenario (208 average truck trips per day).

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4.8-27: Impact Noise-5, Cumulative Traffic Noise: Please revise this impact assessment to take into account the revised truck traffic counts, as well as the above comments on the Noise Chapter. In addition, Appendix D to the Noise Element Policy Document provides both existing and projected future noise contour data for major highways and roads in the County, including SR 58. Please describe how this Appendix was taken into account when assessing the cumulative traffic noise impacts.

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The impact assessment discussion on Page 4.8-26 of the DEIR notes that the cumulative traffic noise would be significant by 2030 even without the proposed project. It should be noted in the description of the impact that this is not a significant and unavoidable impact of the proposed project per se, but one that would occur at these residences anyway. In addition, there are feasible mitigation measures that homeowners along this stretch of SR 58 can consider to mitigate the traffic noise, as outlined in the County Noise Element, to protect their homes from the noise exposure that is projected to occur even without the project.

4.10 RECREATION

4.10-2: Table 4.10-1: The description of policies from the Parks and Recreation Element is somewhat incomplete and misleading as discussed below. Many of these policies are not applicable to the project, or preclude the requirement of an easement as a condition of approval of the project.

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4.10-4 to 4.10-5: Impact REC-2 and MM REC-2: The mitigation measure and supporting analysis are wholly inconsistent with the Parks and Recreation Element, as well as general law governing exactions and mitigations. Requiring the dedication of a public trail easement is not supportable in this instance.

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Parks and Recreation Element Policy 3.12 3(b) provides that a trail easement may be obtained as a condition of a project approval for land that is in production agriculture only when the project would convert land to delineated uses not related to agriculture. Those specified uses “are limited to: religious facilities, libraries or museums, schools, commercial electric generating plants for the generation or distribution of electrical energy for sale, manufacturing, recycling facilities (excluding composting), residential care facilities, public safety facilities, commercial retail facilities (excluding restaurants and roadside stands), and waste disposal sites.” (Parks and Recreation Element, pg. 28, fn. 11) As noted in the Project Description and Chapter 4.13 (Water Quality and Supply) the flat, southern portion of the property is used for cattle grazing, as well as a small orchard. There are also stock ponds, and water has historically been diverted from both Moreno Creek and the Salinas River for agricultural purposes. The property is clearly in agricultural use, and since the project would not be converting land to any of the specified other uses listed in Policy 3.12, requiring an easement is neither justified nor consistent with the Policy. (Note that, although the project would include a recycled aggregate component, it does not fall within the definition of a “recycling facility” in Title 22 of the Land Use Ordinance. Please see Exhibit D to these comments.)

Moreover, given the topography of the site, there is not much land that can be used for agricultural production, and requiring an easement along the Salinas River through the property would take a substantial portion of it, rendering the agricultural uses potentially infeasible. The proposed trail segment would pass exceptionally close to both the agricultural operations and the residential uses on the property, which would not be consistent with Policy 3.8(2) were the trail to actually be built. Impact REC-2 identifies this potential conflict between a trail and future agricultural uses of the property, but does not describe how these conflicts would be reconciled by the dedication.

It is also unclear what purpose such an easement would ultimately serve, bringing into question whether the dedication would be consistent with Parks and Recreation Policy 3.7. In order to function as a usable trail, any future segments would necessarily lead right into the Hanson Santa Margarita Quarry downstream. This is a large, industrial site that is not

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appropriate for recreational trail users from either an aesthetic or a safety perspective. Upstream of the Oster property, the Salinas River runs through steep canyons on its way from the Santa Margarita Lake Dam, which would largely be impassible or unsuitable for the public. Accordingly, it is unclear how a trail segment across the Oster property would connect urban communities, provide access to recreation areas, complete an existing trail corridor, be popular or even be used at all. (See Parks and Recreation Element, pg. 27, Policy 3.7 (2-4))

Last, but perhaps most importantly, because the project will have no impact on existing recreation in the County, there is no nexus to support the requirement of a trail dedication. Parks and Recreation Element Policy 3.13 requires that any such dedication be proportional to the level of development being proposed, and have an appropriate nexus to the effects of the permit. These limitations are required by existing law governing exactions and mitigation measures. CEQA Guidelines § 15126.4(a)(4) requires that any mitigation measures imposed under CEQA be roughly proportional to the impacts of the project. Requiring a dedication from a landowner simply because the landowner comes to the government seeking a permit is improper. (*Dolan v. City of Tigard* (1994) 512 U.S. 374; *Nollan v. California Coastal Commission* (1987) 483 U.S. 825) The project itself will not have a significant impact on recreation, and the required “mitigation” will neither effectively nor feasibly provide additional recreational opportunities.

On a side but related note, as it is written, Impact REC-2 describes an impact that has nothing to do with the proposed project. Rather, it describes an “impact” that would exist with or without the project. Finally, from a legal standpoint, it is doubtful that County may require the dedication of an easement, unrelated to the proposed project, from a landowner who is not technically part of the current application. The Applicant in this instance is Las Pilitas Resources, LLC, an entity whose ownership is wholly separate from the property owners. Las Pilitas Resources, LLC has a mining lease with the property owners, which allows it to seek the current mining permits and to put in place a conservation easement to offset mining activity, but the lease does not entitle Las Pilitas to agree to exactions or

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conditions unrelated to mining that would impact other portions of the property, such as the residential or agricultural uses.

In the interests of providing some additional community benefits from the project, however, the Applicant has contacted planners from the San Luis Obispo Council of Governments (SLOCOG) to meet and discuss ways in which the Applicant could participate in SLOCOG’s efforts to forward the Salinas River Master Trail Plan, as well as other efforts. The Salinas River Master Trail Plan envisions a trail segment connecting Santa Margarita, Garden Farms, and Atascadero that does not directly track the Salinas River, and which would be a much more utilitarian and feasible trail corridor than that which is vaguely outlined in the County’s Parks and Recreation Element. The Applicant is also hopeful that its discussions with SLOCOG may lead to ways in which the project could benefit local bicyclists, who need and desire bike lanes throughout the County, which take aggregate to construct. If its discussions with SLOCOG are successful, the Applicant will return to the County with applicant proposed “mitigation measures” (though some of them may not strictly be necessary to “mitigate” for a significant impact of the project) that the County could include in its conditions of approval for the project and any necessary Statement of Overriding Considerations.

4.10-5: Cumulative Effects: The DEIR states in this section that approving the proposed quarry without the offer of dedication for the trail could result in fragmentation of the Salinas River Trail for a minimum of 25 years (the life of the project). This statement is incorrect and misleading. The project itself is well set back and screened from the Salinas River. It is noted in the Water Quality and Supply section that the project will have no impacts on the Salinas River itself. Approval of the project in no way physically impedes access to the river or travel along the river corridor. If the property owner is willing in the future to sell or donate an easement along the river, it would not be precluded by the presence of the project nearby. In order to be accurate and complete, however, this section should note that the potential trail corridor in this area is already fragmented for the foreseeable future by the existing Hanson Quarry downstream—any trail along tracking the

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Salinas River would necessarily need to divert well off the river and around the Hanson Quarry for safety and other practical reasons.

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4.11 TRANSPORTATION AND CIRCULATION

4.11-2: The description of the location of the Elementary School in the third paragraph is somewhat misleading. As written, it leads the reader to believe that the school is immediately adjacent to the intersection of Estrada and H Street. In actuality, the entrance of the school is located about one half mile further up H Street.

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Section 4.11.5: Significance Criteria: The noted significance criteria are new and do not appear to have been used to evaluate any other project nor formally adopted by the County, and they differ substantially from those provided in CEQA Guidelines Appendix G. Per CEQA Guidelines § 15064.7(b), “Thresholds of significance to be adopted for general use as part of the lead agency’s environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.” Until the County publicly adopts these thresholds for general use, it should utilize the generally-accepted thresholds in Appendix G of the CEQA Guidelines. It should also be noted that Criterion (d) is worded such that it would indicate a significant impact whenever a project would provide for *adequate* emergency access.

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Furthermore, it should be noted that the purpose of CEQA thresholds is to identify potentially significant effects on the environment so that they can be mitigated. In order to qualify as a significant effect on the environment, the change must be both substantial and adverse. (CEQA Guidelines § 15382) As currently written, these thresholds of significance do not distinguish between a substantial, adverse change, and *any* change to the environmental status quo. Accordingly, it is doubtful that the selected thresholds are proper for identifying significant impacts under CEQA.

Impact Traffic-4: Cumulative Contribution to 2030 Traffic Volumes: It should be emphasized here that signal warrants at Estrada and El Camino Real will be met by 2030 even without the project’s contribution, and that warrants at Estrada and H Street will not be met by 2030, regardless of whether the project is approved. Accordingly, it is doubtful to

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conclude that the project would contribute cumulatively considerable traffic levels to these intersections. Nevertheless, if approved, the project will be using these roads, and the Applicant is committed to paying its fair share of any necessary improvements. It is improper and unfair, however, to state that the project will have a significant and unavoidable cumulative traffic impact, when the Applicant has agreed to pay its fair share toward such improvements. The significant impact appears to arise not from the cumulative traffic impacts of the project, but from the County’s belief that Caltrans will not actually act to implement the improvements when they are warranted. Assuming that a state agency will not do its job properly is not a proper basis for a significant environmental impact under CEQA. If the County believes that the intersection improvements are not feasible, because they are not capable of being accomplished in a successful manner within a reasonable period of time (CEQA Guidelines § 15364, “Definition of Feasible”), then the EIR should say so.

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Global: Please revise the counts and modeling in this section in accordance with the reasonably foreseeable worst case scenario of 208 average daily truck trips, as calculated in the comments to the Project Description section, above. A worst case scenario of 273 average daily trips is not possible or realistic, as described above.

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Applicant Proposed Mitigation Measures: Many members of the public have stated their concern that the project traffic will have an indirect effect on arterial streets in the community. The specific concern is that slow moving trucks from the project SR 58 will cause passenger cars to divert and speed down I Street, a quiet residential street, in order to save time. In order to alleviate this concern, the Applicant is willing to participate in the construction of appropriate speed bumps along I Street, if both the County and the residents of I Street desire that solution.

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4.14 LAND USE

Section 4.14.1: Existing Conditions: The DEIR’s statements regarding the 2013 draft of the Santa Margarita Community Plan (SMCP) are not correct. The SMCP is not new or updated. The 2013 “draft” simply renames and republishes the contents of the existing Salinas River

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Area Plan, adopted in 1996, as part of the County’s 2013 restructuring of the Land Use and Circulation Element of the General Plan. No changes to the substantive content of the previous Salinas River Area Plan have been adopted or proposed. Please note this clarification here and on Page 4.14-6.

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4.13.3: Regulatory Setting: Neither the Existing Conditions section nor the Regulatory Setting section adequately describes the current zoning on the property, nor what is allowed by the EX-1 overlay. There is also no discussion of the County’s SMARA Ordinance or development standards for surface mines. The Land Use section also does not describe the State SMARA statute, regarding its directives for the use of identified mineral lands. It should be noted that the County currently does not have a Mineral Resources Management Plan as required by SMARA, and thus extra consideration should be exercised by the County when considering projects that would either facilitate or prevent access to mineral resources. Please see the attached Exhibit E to these comments, for an overview of the state and local laws that should be discussed in the FEIR, so that the public can be afforded a complete understanding of the regulatory setting governing the County’s decision on this project.

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In addition, the FEIR should note that the State Geologist has recommended that the mineral deposit containing the proposed project be designated by the State Mining and Geology Board (SMGB) as a deposit of regional or statewide significance. The SMGB will make a determination in the coming months. If the deposit is designated as having either regional or statewide significance, then the County will need to consider the importance of the aggregate to the region or state as a whole, when making a decision whether to approve the project.

The Land Use section also does not address the recycling facility waiver that the Applicant has requested (See Exhibit E to these comments), nor the findings that the County will need to make with regard to that request.

4.14-6 to 4.14-9: This section should describe the project’s compatibility with state and local laws governing the protection and extraction of mineral resources, in addition to discussing its compatibility with the community plan and general CUP ordinance. When discussing the

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draft Santa Margarita Community Plan (a.k.a the current Salinas River Area Plan) and the Santa Margarita Design Plan, it should be disclosed that the County has no authority to implement the standards from these plans on SR 58 where it passes through downtown Santa Margarita, and therefore the visions and goals cited on Pages 4.14-6 to 4.14-7 of the DEIR cannot feasibly be implemented.

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5.0 CUMULATIVE EFFECTS SUMMARY

5.3.1: Aesthetics and Visual Resources: Please see the above comments to the Aesthetics and Visual Resources section and revise this discussion accordingly.

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5.3.11: Transportation and Circulation: Please see the above comments to the Transportation and Circulation section and revise this discussion accordingly.

6.0 PROJECT ALTERNATIVES

Section 6.2: Please revise the Project Objectives in accordance with the comments to Chapter 2.0, above.

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Section 6.3: This section currently does not list Impact Traffic-4 as a significant and unavoidable impact. If that impact is not reduced to less than significant in the FEIR, it should be added to this section and the FEIR should consider the effect each potentially feasible alternative on that impact. Any of the other listed impacts that are reduced to less than significant levels in the FEIR should be removed from this section.

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6-4: Please revise the sentence in the top paragraph as follows: “*These projects along the Salinas River have their own environmental issues and controversies and, in any event, could not supply the volume of angular granitic rock ~~best suited for use in asphaltic concrete pavement~~ desired by the project applicant.*”

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Section 6.5: No Project Alternative: The discussion of the No Project Alternative is incomplete. Several points should be added to ensure a complete and accurate portrayal of this Alternative:



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First, the FEIR should discuss the potential impacts stemming from the lack of local aggregate supply if the project is not approved. The State has predicted a severe shortfall of aggregate supply in the region by the year 2026. If this project is not approved, the additional material that would have been supplied (approximately 12.5 million tons over the life of the project) will need to come either from other local mines, or be imported from outside the region. Each of those potential sources has environmental costs associated with them that should be disclosed.

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Second, the FEIR should discuss the limitations on alternative uses for this property posed by its classification and impending designation as an important mineral resource. Under the current MRZ-2 classification, the County may not approve an alternative use for the property that would threaten the potential to extract minerals on this or nearby properties without balancing the need for the alternative use against the need for the minerals. (See the summary of the classification regulations in Exhibit F to these comments) If the property is designated by the SMGB in the coming months, then the County's EX overlay would apply, mandating a minor use permit for any non-mineral use, and the County would need to make additional findings before approving any such use.

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Finally, the FEIR should disclose what alternative uses the property owner could make of the property. If mining is not approved, it is conceivable that the landowner would look for alternative uses to make of his property that would not require discretionary approval under the current zoning. The landowner may be able to subdivide or build additional residences without going through the environmental review process, which would consume additional water resources, add traffic, etc. Such environmental consequences may be minor, but they should be disclosed.

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Section 6.7.1: Western Access Drive Alternative: A brief discussion should be added to this Alternative to clarify that the west access drive would involve crossing property not owned by the Applicant. As it is unknown whether the owner of that property would willingly convey an easement for gravel trucks, the FEIR should observe that this alternative may not be feasible from a legal, economic, and logistical perspective.

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Section 6.8: Alternative Access Route to SR 58 via Hanson Quarry: It should be noted that this Alternative would involve crossing property not owned by the Applicant. As it is unknown whether the owner of that property would willingly convey an easement for gravel trucks, the FEIR should observe that this alternative may not be feasible from a legal, economic, and logistical perspective. It is also unknown whether the State Department of Water Resources would grant access to their right of way for reinforcing the buried aqueduct pipeline for heaving truck crossings, when such crossings already exist on the Oster property.

The statement that there “*do not appear to be any major environmental constraints to this alternative*” is incorrect. The portion of new road that would have to be constructed would need to cross at least four drainages which drain directly into the Salinas River. Construction and maintenance of the road could disturb sensitive species or habitat. In addition, the road would appear to cross prime agricultural land. The new introduction of gravel trucks across such land could have ancillary impacts on agriculture, apart from the direct impacts of the loss of agricultural land and soils for the construction of the road. There would also be air quality and other potential impacts from construction of the road and reinforcement of the aqueduct crossing that would need to be considered. Building and maintaining a haul road that can convey over 200 large truck trips per day is significantly different than grading a ranch road. Finally, the DEIR does not consider the potential impacts this Alternative would have on the residents of Garden Farms and South Atascadero as a result of the increased traffic using the entrance to the Hanson Quarry off El Camino Real.

Because of the anticipated costs and hurdles associated with acquiring and studying this right of way, constructing the road, and reinforcing the aqueduct, in addition to potentially significant environmental effects, the FEIR should note that this alternative is likely infeasible. (See CEQA Guidelines § 15364, “Definition of Feasible”)

Sincerely,

Sophie Treder

Sophie Treder
TREDER LAND LAW

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MAP SHEET 52

(UPDATED 2012)

AGGREGATE SUSTAINABILITY IN CALIFORNIA

2012



CALIFORNIA GEOLOGICAL SURVEY
Department of Conservation

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MAP SHEET 52

(UPDATED 2012)

**AGGREGATE SUSTAINABILITY
IN CALIFORNIA**

By

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2012

CALIFORNIA GEOLOGICAL SURVEY

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INTRODUCTION

Sand, gravel, and crushed stone are “construction materials.” These commodities, collectively referred to as aggregate, provide the bulk and strength to Portland Cement Concrete (PCC), Asphaltic Concrete (AC, commonly called “black top”), plaster, and stucco. Aggregate is also used as road base, subbase, railroad ballast, and fill. Aggregate normally provides from 80 to 100 percent of the material volume in the above uses.

The building and paving industries consume large quantities of aggregate and future demand for this commodity is expected to increase throughout California. Aggregate materials are essential to modern society, both to maintain the existing infrastructure and to provide for new construction. Therefore, aggregate materials are a resource of great importance to the economy of any area. Because aggregate is a low unit-value, high bulk weight commodity, it must be obtained from nearby sources to minimize economic and environmental costs associated with transportation. If nearby sources do not exist, then transportation costs can quickly exceed the value of the aggregate. Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, air pollution, traffic congestion, and road maintenance.

To give an idea of the scale of these impacts, from 1981 to 2010, California consumed an average of about 180 million tons of construction aggregate (all grades) per year. Moving in 25 ton truckloads that is over 7.2 million truck trips per year. With an average 25 mile haul (50 mile round trip) that amounts to more than 360 million truck miles traveled, almost 47 million gallons of diesel fuel used, and more than 520,000 tons of carbon dioxide emissions produced annually. If the haul distance is doubled to 50 miles (100 mile round trip) the numbers double to 721 million truck miles traveled, almost 94 million gallons of diesel fuel used, and over 1 million tons of carbon dioxide emissions produced.

Land-use planners and decision makers in California are faced with balancing a wide variety of needs. Increasingly, as existing permitted aggregate supplies are depleted, local land-use decisions regarding aggregate resources can have regional impacts that go beyond local jurisdictional boundaries.

These factors, universal need, increasing demand, the economic and environmental costs of transportation, and multiple land-use pressures make information about the availability and demand for aggregate valuable to land-use planners and decision makers charged with planning for a sustainable future for California’s citizens.

California Geological Survey (CGS) Map Sheet 52, 1:1,100,000-scale, and this accompanying report provide general information about the current availability of, and future demand for, California’s permitted aggregate reserves. Map Sheet 52 was originally published in 2002 (Kohler 2002) and subsequently updated in 2006 (Kohler 2006). Map Sheet 52 (2012) is an update of the version published in 2006.

Map Sheet 52 updates data from reports compiled by the CGS for 31 aggregate study areas throughout the state. These study areas cover about 30 percent of the state and provide aggregate for about 85 percent of California’s population. This report is divided into three parts: Part I provides data sources and methods used to derive the information presented; Part II compares the updated 2012 Map Sheet 52 to the prior (2006) map; and, Part III is an overview of construction

AGGREGATE SUSTAINABILITY IN CALIFORNIA — MAP SHEET 52 (UPDATED 2012)

aggregate. All aggregate data and any reference to “aggregate” in this report and on the map pertain to “construction aggregate,” defined for this report as alluvial sand and gravel or crushed stone that meets standard specifications for use in PCC or AC unless otherwise noted.

The estimates of permitted resources, aggregate demand, and years of permitted reserves remaining presented on Map Sheet 52 (2012) and in this report are based on conditions as of January 1, 2011 and do not reflect changes, such as production, mine closures, or new or expanded permits, that may have occurred since that time. Although the statewide and regional information presented on the map and in this report may be useful to decision-makers, it should not be used as a basis for local land-use decisions. The more detailed information on the location and estimated amounts of permitted and non-permitted resources, and future regional demands contained in each of the aggregate studies employed in the compilation of Map Sheet 52 should be used for local land-use and decision making purposes.

PART I: DESCRIPTION OF MAP SHEET 52, AGGREGATE SUSTAINABILITY IN CALIFORNIA

Map Sheet 52 is a statewide map showing a compilation of data about aggregate availability collected over a period of about 33 years and updated to January 1, 2011. The purpose of the map is to compare projected aggregate demand for the next 50 years with currently permitted aggregate reserves in 31 regions of the state. The map also shows the projected years of permitted reserves remaining and highlights regions where there is less than 10 years of permitted aggregate supply remaining. The following sections describe data sources and methodology that were used in the development of the map.

Mineral Land Classification Reports and Aggregate Studies

Data regarding aggregate reserves and projected aggregate demand shown on Map Sheet 52 are updated from a series of mineral land classification reports published by CGS between 1981 and 2010 (see Appendix). They were prepared in response to California's Surface Mining and Reclamation Act of 1975 (SMARA) that requires the State Geologist to classify land based on the known or inferred mineral resource potential of that land. SMARA, its regulations and guidelines, are described in Special Publication 51 (Division of Mines and Geology, 2000).

The Mineral Land Classification process identifies lands that contain economically significant mineral deposits. The primary goal of mineral land classification is to ensure that the mineral resource potential of lands is recognized and considered in land-use planning. The classification process includes an assessment of the quantity, quality, and extent of aggregate deposits in a study area.

Mineral land classification reports may be specific to aggregate resources, may contain information about both aggregate and other mineral resources, or they may only contain information on minerals other than aggregate. Reports that focus on aggregate include aggregate resource classification and mapping, estimates of permitted and non-permitted aggregate resources, projected 50-year demand for aggregate resources, and an estimate of when the permitted reserves will be depleted. Map Sheet 52 is a statewide updated summary of 50-year demands and permitted resource calculations for all SMARA classification reports pertaining to construction aggregate.

Mineral land classification studies for aggregate may use either a Production-Consumption (P-C) region or a County as the study area boundary. A P-C region is one or more aggregate production districts (a group of producing aggregate mines) and the market area they serve. P-C Regions sometimes cross county boundaries. Mineral land classification reports include information from one or more P-C regions, or from a county. For ease in discussion, the area covered by each P-C region or county aggregate study is referred to as an "aggregate study area". These areas are shown at the lower left-hand corner of the map along with their respective report number and publication date. It should be noted that a report may include more than one aggregate study area.

SMARA guidelines recommend that the State Geologist periodically review the mineral land classification in defined study regions to determine if new classifications are necessary. The projected 50-year forecast of aggregate demand in the region may also be revised. Fourteen

updated classification studies have been completed since the program began. Updated studies were completed by county:

- Los Angeles,
- Orange, and
- Ventura

or by P-C region

- South San Francisco Bay,
- Monterey Bay,
- Western San Diego County,
- Fresno, Palm Springs,
- Stockton-Lodi,
- Claremont-Upland,
- North San Francisco Bay (in progress) ,
- San Bernardino,
- San Gabriel Valley,
- Bakersfield, and
- San Luis Obispo-Santa Barbara.

Since Los Angeles and Ventura counties had more than one P-C region, separate updated 50-year forecasts were made for each region. The Los Angeles County update (OFR 94-14) includes the San Fernando Valley, San Gabriel Valley, Saugus-Newhall, and the Palmdale P-C regions. The San Gabriel Valley P-C Region has since been updated separately. The Ventura County update (OFR 93-10) included the Western Ventura and the Simi Valley P-C regions. The index map of aggregate studies shown in the lower left hand corner of Map Sheet 52 shows the latest reports that cover an aggregate study area. Earlier reports covering the same areas or portions of areas are referenced in the Appendix with an asterisk (“*”).

Fifty-Year Aggregate Demand Forecast

The fifty-year aggregate demand forecast for each of the aggregate study areas is presented on Map Sheet 52 as a pie chart (See *Fifty-Year Aggregate Demand Compared to Permitted Aggregate Reserves* section), and also is presented in Table 1 of this report. The demand information may be new, or updated from previously published mineral land classification reports. The demand forecast information depicted on Map Sheet 52 is for the period January 1, 2011 through December 2060.

The aggregate study areas with the greatest projected future need for aggregate are South San Francisco Bay, Temescal Valley-Orange County, and Western San Diego County. Each is expected to require more than a billion tons of aggregate by the end of 2060. Other areas with projected high demands are San Gabriel Valley, and San Bernardino. Each of these areas is projected to need more than 800 million tons of aggregate in the next 50 years. Aggregate study areas having smaller demands generally are located in rural, less populated areas. The aggregate study areas of El Dorado County, Glenn County, Nevada County, Shasta County, Southern Tulare

County, Tehama County, and Western Merced County are all projected to require 100 million tons of aggregate or less over the next 50 years.

Methodology

Before selecting a method for predicting a 50-year aggregate demand, historical aggregate use was compared to such factors as housing starts, gross national product, population, and several other economic factors. It was found that the only factor showing a strong correlation to historical aggregate use was population change. Consequently, a per capita aggregate consumption forecast model is used for most of the aggregate study projections. This method of forecasting aggregate consumption benefits from its simplicity and the availability of population forecast data. The California's Department of Finance (DOF) makes 50-year county population forecasts using U.S. census data.

The steps used for forecasting California's 50-year aggregate needs using the per capita consumption model are: 1) collecting yearly historical production and population data for a period of years ranging from the 1960s through 2010; 2) dividing yearly aggregate production by the population for that same year to determine annual historical per capita consumption; 3) projecting yearly population for a 50-year period from the beginning of 2011 through 2060; and, 4) multiplying each year of projected population by the average historical per capita consumption and adding the results for each year to obtain the 50-year aggregate demand. It should be noted that the years chosen to determine an average historical per capita consumption may differ depending upon historical aggregate use for that specific region.

Effectiveness of the Per Capita Consumption Model

The assumption that each person will use a certain amount of aggregate every year is a simplification of actual usage patterns, but overall, an increase in the population leads to the use of more aggregate. Over long enough periods, perhaps 20 to 30 years or more, the random impacts of major public construction projects and economic recessions tend to be smoothed and consumption trends become similar to historic per capita consumption rates. Per capita consumption is a commonly used and accepted national, state, and regional measure for purposes of forecasting.

The per capita consumption model has proved to be effective for projecting aggregate demand in major metropolitan areas. The Western San Diego and the San Gabriel Valley P-C regions are examples of how well the model works, having only a two percent (over 14 years) and an eight percent (over 29 years) difference, respectively, in actual versus projected aggregate demand (Miller, 1996, Kohler, 2010). However, the per capita model may not work well in county aggregate studies or in P-C regions that import or export a large percentage of aggregate resulting in a low correlation between P-C region production and population. In such areas, projections may be made based on historical production or multiple projections based on differing assumptions may be used to better characterize a range of future demand. For regions that export large amounts of aggregate to neighboring P-C regions, projections are based on an historical production model where 50-year aggregate demand is determined by extending a best-fit line of historical aggregate production data for a county or region. This model was used to project Yuba City-Marysville's 50-year demand because the region exports about 70 percent its aggregate into neighboring areas such as Sacramento County and Placer County. In addition, the 50-year demand

for Glenn and Tehama counties, the Palmdale P-C region, and the Temescal Valley-Orange County area was also projected using this method.

Permitted Aggregate Reserves

Approximately 4 billion tons of permitted aggregate reserves lie within the 31 aggregate study areas shown on Map Sheet 52. Permitted aggregate reserves are aggregate deposits that have been determined to be acceptable for commercial use, exist within properties owned or leased by aggregate producing companies, and have permits allowing mining of aggregate material. A “permit” is a legal authorization or approval by a lead agency, the absence of which would preclude mining operations. Although some permitted reserves face legal challenges, these reserves are included in this study pending resolution of those challenges. In California, mining permits usually are issued by local lead agencies (county or city governments). Map Sheet 52 shows permitted aggregate reserves as a percentage of the 50-year demand on each pie chart (See *Fifty-Year Aggregate Demand Compared to Permitted Aggregate Reserves* section). Beneath the study area name located next to its corresponding pie chart is the amount of permitted resource in tons along with the amount of 50-year demand. These figures are also given in Table 1. Tonnages are not given for Western Merced County and for the southern Tulare County to preserve proprietary company data.

Permitted aggregate resource calculations shown on the map and in Table 1 initially were determined from information provided in reclamation plans, mining plans and use permits issued by the lead agencies. When information was inadequate to make reliable independent calculations, CGS staff used resource estimates provided by mine operators or owners. These data were checked against rough calculations made by CGS staff, and any major discrepancies were discussed with the mine operators or owners. Permitted resource calculations have been updated to account for production from 2006-2010 and are current as of the beginning of 2011.

Fifty-year Aggregate Demand Compared to Permitted Aggregate Reserves

Fifty-year aggregate demand compared to the currently permitted aggregate reserves is represented by a pie chart for each of the 31 aggregate study areas shown on Map Sheet 52. Each pie chart is located in the approximate center of the aggregate study area it represents. There are four different sizes of charts, each size representing a 50-year demand range. The smallest pie chart represents 50-year demands ranging from 25 million to 200 million tons, while the largest chart represents demands of over 800 million tons. The amount of 50-year demand in tons is shown on the map along with the amount of permitted reserves beneath the study area name located next to its corresponding pie chart (permitted reserves, left / 50-year demand, right). The whole pie represents the total 50-year aggregate demand for a particular aggregate study area. The blue portion of the pie represents the permitted aggregate resource (shown as a percentage of the 50-year demand) while the purple-colored portion of the pie represents that portion of the 50-year demand that will not be met by the currently permitted reserves. For example, if the blue portion is 25 percent and the purple portion is 75 percent of a pie chart that represents a total demand of 400 million tons, the permitted reserves are 100 million tons, and the region will need an additional 300 million tons of aggregate to supply the area for the next 50 years. The pie representing the Placer County aggregate study area (north-central California) is completely colored blue showing permitted aggregate reserves are equal to or greater than the area’s 50-year aggregate demand.

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AGGREGATE STUDY AREA ¹	50-Year Demand (million tons)	Permitted Aggregate Reserves (million tons)	Permitted Aggregate Reserves Compared to 50-Year Demand (percent)	Projected Years Remaining
Bakersfield P-C Region	438	143	33	21 to 30
Barstow-Victorville P-C Region	159	124	78	31 to 40
Claremont-Upland P-C Region	203	109	54	21 to 30
El Dorado County	76	18	24	11 to 20
Fresno P-C Region	435	46	11	10 or fewer
Glenn County	59	33	56	21 to 30
Merced County ²				
Eastern Merced County	100	50	50	21 to 30
Western Merced County	28	Proprietary	>50	31 to 40
Monterey Bay P-C Region	346	323	93	41 to 50
Nevada County	100	26	26	11 to 20
Palmdale P-C Region	577	152	26	11 to 20
Palm Springs P-C Region	295	152	52	21 to 30
Placer County	151	152	101	More than 50
North San Francisco Bay P-C Region	521	110	21	11 to 20
Sacramento County	670	42	6	10 or fewer
Sacramento-Fairfield P-C Region	196	128	65	11 to 20
San Bernardino P-C Region	993	241	24	11 to 20
San Fernando Valley / Saugus-Newhall ³	476	77	16	10 or fewer
San Gabriel Valley P-C Region	809	322	40	11 to 20
San Luis Obispo-Santa Barbara P-C Region	240	75	31	11 to 20
Shasta County	93	52	56	21 to 30
South San Francisco Bay P-C Region	1,381	404	29	11 to 20
Stanislaus County	214	45	21	11 to 20
Stockton-Lodi P-C Region	436	232	53	31 to 40
Tehama County	62	32	52	21 to 30
Temescal Valley-Orange County ³	1,077	297	28	11 to 20
Tulare County ²				
Northern Tulare County	124	27	22	11 to 20
Southern Tulare County	73	Proprietary	<50	21 to 30
Ventura County ³	298	96	32	11 to 20
Western San Diego County P-C Region	1,014	167	16	10 or fewer
Yuba City-Marysville P-C Region	403	392	97	41 to 50
Total	12,047	4,067	34	

¹ Aggregate study areas follow either a Production-Consumption (P-C) region boundary or a county boundary. A P-C region includes one or more aggregate production districts and the market area that those districts serve. Aggregate resources are evaluated within the boundaries of the P-C Region. County studies evaluate all aggregate resources within the county boundary.

² The County study has been divided into two areas, each having its own production and market area. A separate permitted resource calculation and 50-year forecast is made for each area.

³ Two P-C regions have been combined into one study area.

Table 1. Comparison of 50-year demand to permitted aggregate reserves for aggregate study areas as of January 1, 2011. (Study areas with ten or fewer years of permitted reserves are in bold type).

Except for Placer County, all of the aggregate study areas have less permitted aggregate reserves than they are projected to need for the next 50-years. Nineteen of the 31 aggregate study areas have less than half of the permitted reserves they are projected to need in the next 50 years.

Estimates of Years of Permitted Reserves Remaining

New to the 2012 update, the right hand column of Table 1 indicates the projected years of permitted reserves remaining for the various aggregate study areas. Calculations of depletion years are made by comparing the currently permitted reserves to the projected annual aggregate consumption in the study area on a year-by-year basis. This is not the same as dividing the total projected 50-year demand for aggregate by 50 because, as population increases, so does the projected annual consumption of aggregate for a study area. Data are presented as ranges; 10 or fewer, 11-20, 21-30, 31-40, 41-50, and more than 50 years. This information is included on the map beneath the study area name along with the permitted reserves and the projected 50-year demand. These estimates are based on conditions as of January 1, 2011 and do not reflect changes, such as new or expanded permits, that may have occurred since that time.

Four of the 31 aggregate study areas – Western San Diego County, Sacramento County, Fresno County, and the San Fernando Valley-Saugus Newhall area – are projected to have less than 10 years of permitted aggregate reserves remaining as of January 1, 2011. They are highlighted by red halos around the pie charts on Map Sheet 52 and appear in bold type in Table 1.

Thirteen of the 31 aggregate study areas have between 11 and 20 years of permitted aggregate reserves remaining. Several of these including the North and South San Francisco Bay study areas and the Palmdale, San Bernardino, San Gabriel Valley, Temescal Valley-Orange County and Ventura County study areas are in or adjacent to urban areas with high aggregate demands.

Eight of the 31 aggregate study areas have between 21 and 30 years of permitted aggregate reserves remaining, three have more than 31 years remaining, two have more than 41 years and one (Placer County) has more than 50 years of permitted reserves remaining.

These numbers are estimates and the actual lifespan of existing permitted reserves in a study area can be influenced by many factors. In periods of high economic growth, demand may increase, shortening the life of permitted reserves. Large projects, such as the construction or maintenance of major infrastructure, or rebuilding after a disaster such as an earthquake could also deplete permitted reserves more rapidly. Increased demand from neighboring regions with dwindling or depleted permitted reserves may also accelerate the depletion of permitted reserves in a study area. Conversely, a slow economy may reduce demand for a period of time, extending the life of permitted reserves, or new or expanded permits may be granted in a study area increasing the permitted reserves and the lifespan of permitted reserves in that area.

Non-Permitted Aggregate Resources

Non-permitted aggregate resources are deposits that may meet specifications for construction aggregate, are recoverable with existing technology, have no land use overlying them that is incompatible with mining, and currently are not permitted for mining. While not shown on Map Sheet 52, non-permitted aggregate resources are identified and discussed in each of the mineral land classification reports used to compile the map (See Appendix). There are currently an

estimated 74 billion tons of non-permitted construction aggregate resources in the 31 aggregate study areas shown on the map. While this number seems large, it is unlikely that all of these resources will ever be mined because of social, environmental, or economic factors. The location of aggregate resources too close to urban or environmentally sensitive areas can limit or prevent their development. Resources may also be located too far from a potential market to be economic. In spite of such possible constraints, non-permitted aggregate resources are the most likely future sources of construction aggregate potentially available to meet California's continuing demand. Factors used to calculate non-permitted resource amounts and to determine the aerial extent of these resources, are given in each of the aggregate classification reports listed in the Appendix.

Aggregate Production Areas and Districts

Aggregate production areas are shown on the map by five different sizes of triangle. A triangle may represent one or more active aggregate mines. The relative size of each symbol corresponds to the amount of yearly production for each mine or group of mines. Yearly production was based on data from the Department of Conservation's Office of Mine Reclamation (OMR) records for the calendar year 2010. The smallest triangle represents a production area that produces less than 0.5 million tons of aggregate in 2010. These triangles represent a single mine operation. About 90 percent of the production areas on the map fall into this category, and many are located in rural parts of the state. The largest triangle represents aggregate mining districts with production of more than 5 million tons in 2010. Only two aggregate production districts fall into this category – the Temescal Valley District in western Riverside County and the San Gabriel Valley District in Los Angeles County. It should be noted that, because of the economic slowdown from 2007 to 2010, the tonnages represented by the triangles on the 2012 map are different from those on the 2006 map.

PART II COMPARISONS BETWEEN THE PRIOR (2006) AND THE UPDATED (2012) MAP SHEET 52

The prior version of Map Sheet 52 was completed and published in 2006. Permitted aggregate resource data for that map were current as of January 1, 2006. Work conducted for that study took place during 2006. The latest aggregate production and location data available for the prior map were from 2005 records. The aggregate demand projections for the prior map were based on DOF county population projections from the 2000 U.S. census. Fifty-year aggregate demand from January 1, 2006 through the year 2055 was determined for 31 study areas.

This updated Map Sheet 52 was completed and published in 2012. **Permitted aggregate resource data for the updated map is current as of January 1, 2011.** All work conducted for the updated study also took place during 2012. The latest aggregate production and location data available for the updated map are from 2010 records. The aggregate demand projections for the updated map were based on DOF county population projections from the 2010 U.S. census. Fifty-year aggregate demand from January 1, 2011 through the year 2060 was determined for 31 study areas.

Changes have occurred in both aggregate supplies (permitted aggregate reserves) and in 50-year aggregate demand in the five years since the prior Map Sheet 52 update was completed. Changes in permitted aggregate reserves between the prior Map Sheet 52 (2006) and updated Map Sheet 52 (2012) are shown in Table 2. Table 3 compares the changes in 50-year demand between Map Sheet 52 (2006) and the updated 2012 map.

Aggregate Study Area Changes

Six aggregate study areas on the original (2002) Map Sheet 52 were modified for the 2006 map, resulting in three fewer study areas. They included the Southern California P-C regions of Orange County, Temescal Valley, San Fernando Valley, Saugus-Newhall, Western Ventura County, and Simi Valley. These regions were combined into three regions when they began to run out of permitted reserves and became dependant on aggregate sources from neighboring regions. The importation of aggregate from neighboring regions typically results in longer haul distances, higher costs, and increased carbon dioxide emissions, air pollution, traffic congestion, and highway maintenance. The shift in supply area also results in more rapid depletion of permitted reserves in neighboring regions.

No additional study areas have been combined in this update. It is likely that in some future update the San Fernando Valley-Saugus Newhall aggregate study area and the Palmdale study area may be combined as permitted reserves in the San Fernando Valley-Saugus Newhall aggregate study area are depleted.

Changes in Permitted Aggregate Reserves

Twenty-four of the 31 study areas shown on the updated map experienced a decrease in permitted aggregate reserves since the 2006 map was completed (See Table 2). Included in these 24 areas are Western Merced County and Southern Tulare County. Permitted reserves for both of these county study areas cannot be shown because they are proprietary.

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AGGREGATE STUDY AREA	Permitted Aggregate Reserves as of 1/1/06 (million tons) Map Sheet 52, 2006	Permitted Aggregate Reserves as of 1/1/11 (million tons) Map Sheet 52, 2012	Percent Difference (%)
Bakersfield P-C Region	115	143	24
Barstow Victorville P-C Region	133	124	-7
Claremont-Upland P-C Region	147	109	-26
Eastern Merced County	53	50	-6
El Dorado County	19	18	-5
Fresno P-C Region	71	46	-35
Glenn County	17	33	94
Monterey Bay P-C Region	347	323	-7
Nevada County	31	26	-16
Northern Tulare County	12	27	125
North San Francisco Bay P-C Region	49	110	124
Palmdale P-C Region	181	152	-16
Palm Springs P-C Region	176	152	-14
Placer County	45	152	238
Sacramento County	67	42	-37
Sacramento-Fairfield P-C Region	164	128	-22
San Bernardino P-C Region	262	241	-8
San Fernando Valley-Saugus Newhall *	88	77	-13
San Gabriel Valley P-C Region	370	322	-13
San Luis Obispo-Santa Barbara P-C Region	77	75	-3
Shasta County	51	52	2
Southern Tulare County	Proprietary	Proprietary	Proprietary
South San Francisco Bay P-C Region	458	404	-12
Stanislaus County	51	45	-12
Stockton Lodi P-C Region	196	232	18
Tehama County	36	32	-11
Temescal Valley-Orange County*	355	297	-16
Ventura County (combined Western Ventura County and Simi Valley P-C Region)*	106	96	-9
Western Merced County	Proprietary	Proprietary	Proprietary
Western San Diego County P-C Region	198	167	-16
Yuba City-Marysville P-C Region	409	392	-4
Total	4,343	4,067	-6

* Two P-C Regions have been combined into one study area

Table 2. Comparison of permitted aggregate reserves between Map Sheet 52, 2006 and Map Sheet 52, 2012.

AGGREGATE SUSTAINABILITY IN CALIFORNIA — MAP SHEET 52 (UPDATED 2012)

AGGREGATE STUDY AREA	50-Year Demand as of 1/1/06 (million tons) Map Sheet 52, 2006	50-Year Demand as of 1/1/11 (million tons) Map Sheet 52, 2012	Percent Difference (%)
Bakersfield P-C Region	252	438	74
Barstow-Victorville P-C Region	179	159	-11
Claremont-Upland P-C Region	300	203	-32
Eastern Merced County	106	100	-6
El Dorado County	91	76	-16
Fresno P-C Region	629	435	-31
Glenn County	83	59	-29
Monterey Bay P-C Region	383	346	-10
Nevada County	122	100	-18
Northern Tulare County	117	124	6
North San Francisco Bay P-C Region	647	521	-19
Palmdale P-C Region	665	577	-13
Placer County	171	151	-12
Palm Springs P-C Region	295	295	0
Sacramento County	733	670	-9
Sacramento-Fairfield P-C Region	235	196	-17
San Bernardino P-C Region	1,074	993	-8
San Fernando Valley/Saugus Newhall *	457	476	4
San Gabriel Valley P-C Region	1,148	809	-30
San Luis Obispo-Santa Barbara P-C Region	243	240	-1
Shasta County	122	93	-24
Southern Tulare County	88	73	-17
Stanislaus County	344	214	-38
Stockton Lodi P-C Region	728	436	-40
South San Francisco Bay P-C Region	1,244	1381	11
Tehama County	72	62	-14
Temescal Valley-Orange County *	1,122	1,077	-4
Ventura County (combined Western Ventura County and Simi Valley P-C Regions) *	309	298	-4
Western Merced County	53	28	-47
Western San Diego County P-C Region	1,164	1014	-13
Yuba City-Marysville P-C Region	360	403	12
Total	13,536	12,047	-11

* Two P-C Regions have been combined into one study area

Table 3. Comparison of 50-year demand between Map Sheet 52, 2006 and Map Sheet 52, 2012.

Seven of the study areas shown on the updated map had increases in permitted aggregate reserves. Most of these increases are because of newly permitted or expanded mining operations. An expansion may increase the footprint of the mine or increase permitted mining depth. Significant increases exceeding 50 percent occurred in the Placer County, Glenn County, Northern Tulare County, and the North San Francisco Bay aggregate study areas (See Table 2).

Total permitted reserves for all 31 areas decreased from 4,343 million tons to 4,067 million tons – an apparent reduction of 276 million tons. Most of this reduction was because of aggregate consumption. Other potential reasons for reductions in permitted aggregate reserves include social and economic conditions leading to mine closures, regulatory changes, or natural variations in the quality of aggregate deposits. Actual production was greater but was offset in part by increases in permitted reserves in some study areas.

Changes in Fifty-Year Demand

Of the 31 study areas shown on the updated Map Sheet 52 five had increases in 50-year demand, one remained constant, and 25 showed decreases in projected 50-year demand (See Table 3). The large number of study areas with decreasing 50-year demand is due in large part to the new population projections used in forecasting. The new county population projections (State of California Department of Finance, 2012) are based on the 2010 U.S. census and project lower growth rates for much of California compared to the projections used in the previous versions of this study. Newly updated per capita consumption numbers may also have contributed to changes in projected 50-year demand.

The large increase (74 percent) in the 50-year demand for the Bakersfield study area is due to the use of newer population projections than were used in the original study and previous versions of this study.

Changes in Permitted Aggregate Reserves and Demand

Table 4 shows the percentages of permitted reserves compared to the 50-year demand for the 2006 and updated 2012 Map Sheet 52. These percentages are represented on both maps as pie charts – the blue portion of the pie depicting percentage of the 50-year demand met with current permitted reserves. Increases occurred in 14 of the 29 study areas that can be compared and no change or decreases occurred in 15 study areas.

The large increases in some of these study areas (Glenn County, North San Francisco Bay, Northern Tulare County, Placer County, Shasta County, and Stockton-Lodi) were because of new or expanded permits resulting in additional permitted aggregate reserves. Many of the small increases are not due to new or modified permits, but are a result of low production rates during the economic slowdown from 2007 to 2010 and the lower projected 50-year demand in many study areas based on updated population forecasts used in the 2012 update. Similarly those study areas with no change or small decreases may also have been influenced by these factors.

Comparison of Areas with Less than 10-Years of Permitted Aggregate Reserves

The 2012 Map Sheet 52 shows four aggregate study areas with less than a 10-year supply of permitted aggregate reserves – Sacramento County, Fresno County, San Fernando Valley-Saugus Newhall, and the Western San Diego County P-C Regions. The map shows these areas with red halos around the pie charts. Compared to the 2006 version of the map, the San Fernando Valley-Saugus Newhall study area is a new addition to this group while the North San Francisco Bay and Northern Tulare County study areas have been removed.

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AGGREGATE STUDY AREA	Percentage of Permitted Aggregate Reserves as Compared to 50-Year Demand as of 1/1/06 Map Sheet 52, 2006	Percentage of Permitted Aggregate Reserves as Compared to 50-Year Demand as of 1/1/11 Map Sheet 52, 2012	Difference
Bakersfield P-C Region	46	33	-13
Barstow-Victorville P-C Region	74	78	4
Claremont-Upland P-C Region	49	54	5
Eastern Merced County	50	50	0
El Dorado County	21	24	3
Fresno P-C Region	11	11	0
Glenn County	21	56	35
Monterey Bay P-C Region	91	93	2
Nevada County	25	26	1
Northern Tulare County	10	22	12
North San Francisco Bay P-C Region	8	21	13
Palmdale P-C Region	27	26	-1
Palm Springs P-C Region	60	52	-8
Placer County	26	101	75
Sacramento County	9	6	-3
Sacramento-Fairfield P-C Region	70	65	-5
San Bernardino P-C Region	24	24	0
San Fernando Valley/Saugus Newhall *	19	16	-3
San Gabriel Valley P-C Region	32	40	8
San Luis Obispo-Santa Barbara P-C Region	32	31	-1
Shasta County	42	56	14
Southern Tulare County	Proprietary	Proprietary	
Stanislaus County	15	21	6
Stockton Lodi P-C Region	27	53	26
South San Francisco Bay P-C Region	37	29	-8
Tehama County	49	52	3
Temescal Valley-Orange County *	32	28	-4
Ventura County (combined Western Ventura County and Simi Valley P-C Regions) *	34	32	-2
Western Merced County	Proprietary	Proprietary	
Western San Diego County P-C Region	17	16	-1
Yuba City-Marysville P-C Region	100	97	-3

* Two P-C Regions have been combined into one study area

Table 4. Percentage of permitted aggregate reserves as compared to 50-year demand for Map Sheet 52, 2006 and Map Sheet 52, 2012.

PART III: OVERVIEW OF CONSTRUCTION AGGREGATE

Construction aggregate was the leading non-fuel mineral commodity produced in California in 2010. Valued at \$1.19 billion, aggregate made up about 41 percent of California's \$2.9 billion non-fuel mineral production in 2010.

Aggregate Quality and Use

Aggregate normally makes up 80 to 100 percent of the material volume in PCC and AC and provides the bulk and strength to these materials. Rarely, even from the highest-grade deposits, is in-place aggregate physically or chemically suited for every type of aggregate use. Every potential deposit must be tested to determine how much of the material can meet specifications for a particular use, and what processing is required. Specifications for PCC, AC, and various other uses of aggregate have been established by several agencies, such as the U.S. Bureau of Reclamation, the U.S. Army Corps of Engineers, and the California Department of Transportation to ensure that aggregate is satisfactory for specific uses. These agencies and other major consumers test aggregate using standard test procedures of the American Society for Testing Materials (ASTM), the American Association of State Highway Officials, and other organizations.

Most PCC and AC aggregate specifications have been established to ensure the manufacture of strong, durable structures capable of withstanding the physical and chemical effects of weathering and use. For example, specifications for PCC and concrete products prohibit or limit the use of rock materials containing mineral substances such as gypsum, pyrite, zeolite, opal, chalcedony, chert, siliceous shale, volcanic glass, and some high-silica volcanic rocks. Gypsum retards the setting time of portland cement; pyrite dissociates to yield sulfuric acid and an iron oxide stain; and other substances contain silica in a form that reacts with alkali substances in the cement, resulting in cracks and "pop-outs." Alkali reactions in PCC can be minimized by the addition of pozzolanic admixtures such as fly ash or naturally occurring pozzolanic materials. Pozzolans are siliceous or siliceous and aluminous material of natural or artificial origin that, in the presence of moisture, reacts with calcium hydroxide to form cementitious compounds.

Specifications also call for precise particle-size distribution for the various uses of aggregate that is commonly classified into two general sizes: coarse and fine. Coarse aggregate is rock retained on a 3/8-inch or a #4 U.S. sieve. Fine aggregate passes a 3/8-inch sieve and is retained on a #200 U.S. sieve (a sieve with 200 weaves per inch). For some uses, such as asphalt paving, particle shape is specified. Aggregate material used with bituminous binder (asphalt) to form sealing coats on road surfaces shall consist of at least 90% by weight of crushed particles. Crushed stone is preferable to natural gravel in asphaltic concrete (AC) because asphalt adheres better to broken surfaces than to rounded surfaces and the interlocking of angular particles strengthens the AC and road base.

The material specifications for PCC and AC aggregate are more restrictive than specifications for other applications such as Class II base, subbase, and fill. These restrictive specifications make deposits acceptable for use as PCC or AC aggregate, the scarcest and most valuable aggregate resources. Aggregate produced from such deposits can be, and commonly is, used in applications other than concrete. PCC- and AC-grade aggregate deposits are of major importance when planning for future availability of aggregate commodities because of their versatility, value, and relative scarcity.

Factors Affecting Aggregate Deposit Quality

The major factors that affect the quality of construction aggregate are the rock type and the degree of weathering of the deposit. Rock type determines the hardness, durability, and potential chemical reactivity of the rock when mixed with cement to make concrete. In alluvial sand and gravel deposits, rock type is variable and reflects the rocks present in the drainage basin of the stream or river. In crushed stone deposits, rock type is typically less variable, although in some types of deposits, such as sandstones or volcanic rocks, there may be significant variability of rock type within a deposit. Rock type may also influence aggregate shape. For example, some metamorphic rocks such as slates tend to break into thin platy fragments that are unsuitable for many aggregate uses, while many volcanic and granitic rocks break into blocky fragments more suited to a wide variety of aggregate uses. Deposit type also affects aggregate shape. For example, in alluvial sand and gravel deposits, the natural abrasive action of the stream rounds the edges of rock particles, in contrast to the sharp edges of particles from crushed stone deposits.

Weathering is the in-place physical or chemical decay of rock materials at or near the Earth's surface. Weathering commonly decreases the physical strength of the rock and may make the material unsuitable for high strength and durability uses. Weathering may also alter the chemical composition of the aggregate, making it less suitable for some aggregate uses. If weathering is severe enough, the material may not be suitable for use as PCC or AC aggregate. Typically, the older a deposit is, the more likely it has been subjected to weathering. The severity of weathering commonly increases with increasing age of the deposit.

Comparison of Alluvial Sand and Gravel to Crushed Stone Aggregate

The preferred use of one aggregate material over another in construction practices depends not only on specification standards, but also on economic considerations. Alluvial gravel is typically preferred to crushed stone for PCC aggregate because the rounded particles of alluvial sand and gravel result in a wet mix that is easier to work than a mix made of angular fragments. Also, crushed stone is less desirable in applications where the concrete is placed by pumping because sharp edges will increase wear and damage to the pumping equipment. The workability of a mix consisting of portland cement with crushed stone aggregate can be improved by adding more sand and water, but more cement must then be added to the mix to meet concrete durability standards. This results in a more expensive concrete mix and a higher cost to the consumer. In addition, aggregate from a crushed stone deposit is typically more expensive than that from an alluvial deposit due to the additional costs associated with the ripping, drilling and blasting necessary to remove material from most quarries and the additional crushing required to produce the various sizes of aggregate. Manufacturing sand by crushing is more costly than mining and processing naturally occurring sand. Although more care is required in pouring and placing a wet mix containing crushed stone, PCC made with this aggregate is as satisfactory as that made with alluvial sand and gravel of comparable rock quality. Owing to environmental concerns and regulatory constraints in many areas of the state, it is likely that extraction of sand and gravel resources from instream and floodplain areas will become less common in the future. If this trend continues, crushed stone may become increasingly important to the California market.

Aggregate Price

The price of aggregate throughout California varies considerably depending on location, quality, and supply and demand. The highest quality aggregate, and typically most costly, is that which meets the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC). All prices discussed in this section are for PCC-grade aggregate at the plant site or FOB (freight on board). Transportation cost, which adds to the final cost of aggregate, is discussed in the next section.

Regional variations make it difficult to estimate the average price of PCC-grade aggregate for the state. Over the last decade, prices have varied from \$20 per ton or more in areas with depleting or depleted aggregate supplies and high demands to \$7 to \$8 per ton in areas with abundant aggregate supplies and low to moderate demands.

In the last decade, the highest prices aggregate in the state have been in the San Diego area, where PCC-grade sand is in short supply, causing prices to range up to \$20-\$22 per ton and in parts of the San Francisco Bay area where sand has also been in short supply and prices have ranged from \$15 to \$19 per ton.

In the Los Angeles metropolitan areas prices have been in the \$13 to \$16 per ton range with aggregate from the sparsely populated Palmdale area at about \$10 per ton. Aggregate from Palmdale is also transported to Ventura County – a haul distance of about 60 miles, and into the San Fernando Valley-Saugus Newhall area. The cost of transportation in these cases adds significantly to the final cost of the aggregate.

In the Central Valley, prices have ranged from \$7 to \$8 per ton in the Yuba City-Marysville area where aggregate supplies are abundant to \$10 to \$11 per ton in the Sacramento and Stockton-Lodi areas. In the Southern Valley, prices have been somewhat higher, about \$12 per ton in the Bakersfield region and \$14 to \$18 per ton in the Fresno and northern Tulare areas.

Transportation and Increasing Haul Distances

Transportation plays a major role in the cost of aggregate to the consumer. Aggregate is a low-unit-value, high-bulk-weight commodity, and it must be obtained from nearby sources to minimize both the dollar cost to the aggregate consumer and other environmental and economic costs associated with transportation. If nearby sources do not exist, then transportation costs may significantly increase the cost of the aggregate by the time it reaches the consumer. For straight hauls with minimal traffic, the price of aggregate increases about 15 cents per ton for every mile that it is hauled from the plant according to industry sources. Currently, transporting aggregate a distance of 30 miles will increase the FOB price by about \$4.50 per ton. For example, to construct one mile of six-lane interstate highway requires about 113,500 tons of aggregate. Transporting this amount of aggregate 30 miles adds \$510,000 to the base cost of the material at the mine. In major metropolitan areas, this rate is often greater because of heavy traffic that increases the haul time. Other factors that affect hauling rates include toll bridges and toll roads, road conditions, and routes in hilly or mountainous areas. Transportation cost is the principal constraint defining the market area for an aggregate mining operation.

Throughout California, aggregate haul distances have been gradually increasing as more local sources of aggregate diminish. Consequently, older P-C regions, most of which were established in the late 1970s have changed considerably since their boundaries were drawn. This is especially evident in Los Angeles, Orange, and Ventura counties where aggregate shortages have led to the merging of six P-C regions shown on the original (2002) map into three regions for the updated maps.

Increased aggregate haul distances not only increase the cost of aggregate to the consumer, but also increase environmental and societal impacts such as increased fuel consumption, carbon dioxide emissions, air pollution, traffic congestion and road maintenance.

Factors Affecting Aggregate Demand

Several factors may influence aggregate demand. In periods of high economic growth, demand may increase, depleting permitted reserves more rapidly than expected. Large projects, such as the construction or maintenance of major infrastructure, or rebuilding after a disaster such as an earthquake could also deplete permitted reserves more rapidly. Increased demand from neighboring regions with dwindling or depleted permitted reserves may also accelerate the depletion of permitted reserves in a study area. Conversely, a period of declining economy or of low economic growth, such as that during the recession of 2007 to 2009 and the subsequent slow economic recovery, can reduce demand for a period of time, extending the life of permitted reserves. In some cases, importation of aggregate from other areas may extend the life of a region's permitted reserves.

SUMMARY AND CONCLUSIONS

Aggregate is essential to the needs of modern society, providing material for the construction and maintenance of roadways, dams, canals, buildings and other parts of California's infrastructure. Aggregate is also found in homes, schools, hospitals and shopping centers. In the 30-year period from 1981 to 2010, Californians consumed an average of more than 180 million tons of construction aggregate (all grades) per year or about 5.7 ton per person per year. Demand for aggregate is expected to increase as the state's population continues to grow and infrastructure is maintained, improved, and expanded. Because aggregate is a low unit-value, high bulk weight commodity, it must be obtained from nearby sources to minimize the dollar cost to the aggregate consumer and other environmental and economic costs associated with transportation.

For the last 33 years, under the Surface Mining and Reclamation Act, CGS has conducted on-going studies that identify and evaluate aggregate resources throughout the state. Map Sheet 52 (2012) is an updated summary of supply and demand data from these studies. The map presents a statewide overview of future aggregate needs and currently permitted reserves.

The following conclusions can be drawn from Map Sheet 52 (2012) and this accompanying report:

- In the next 50 years, the 31 study areas identified on Map sheet 52 (2012) will need approximately 12 billion tons of aggregate.
- The 31 study areas currently have about 4 billion tons of permitted reserves, which is about one third of the total projected 50-year aggregate demand identified for these study areas. This is about 5.5 percent of the total aggregate resources located within the 31 study areas.
- Four of the aggregate study areas are projected to have 10 or fewer years of permitted aggregate reserves remaining as of January 2011 (pie charts highlighted with red borders).
- Thirteen of the 31 aggregate study areas have between 11 and 20 years of aggregate reserves remaining.
- Eight of the 31 aggregate study areas have between 21 and 30 years of aggregate reserves remaining.
- Three of the 31 aggregate study areas have between 31 and 40 years of aggregate reserves remaining.
- Two of the 31 aggregate study areas have between 41 and 50 years of aggregate reserves remaining.
- One of the 31 aggregate study areas (Placer County) has more than 50 years of aggregate reserves remaining.

The information presented on Map Sheet 52 (2012) and in the referenced reports is provided to assist land use planners and decision makers in identifying those areas containing construction aggregate resources, and to quantify potential future demand for these resources in different regions of the state. This information is intended to help planners and decision makers balance the need for construction aggregate with the many other competing land use issues in their jurisdictions, and to provide for adequate supplies of construction aggregate to meet future needs.

REFERENCES CITED

California Department of Transportation, 1992, Standard Specifications.

Division of Mines and Geology, 2000, California surface mining and reclamation policies and procedures: Special Publication 51, third revision.

Kohler, S.L., 2002, Aggregate Availability in California, California Geological Survey, Map Sheet 52, scale 1:1,100,000, 26p.

Kohler, S.L., 2006, Aggregate Availability in California, California Geological Survey, Map Sheet 52 (Updated 2006), scale 1:1,100,000, 26p.

Kohler, S.L., 2010, Update of mineral land classification for Portland cement concrete-grade aggregate in the San Gabriel Valley Production-Consumption Region, Los Angeles County, California.

Miller, R.V., 1996, Update of minerals land classification: aggregate materials in the western San Diego County Production-Consumption Region.

State of California, Department of Finance, *Interim Population Projections for California and Its Counties 2010-2050*, Sacramento, California, May 2012.

APPENDIX: MINERAL LAND CLASSIFICATION REPORTS BY THE CALIFORNIA GEOLOGICAL SURVEY (Special Reports and Open-File Reports, with information on aggregate resources)

SPECIAL REPORTS

- SR 132: Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Yuba City-Marysville Production-Consumption Region.
By Habel, R.S., and Campion, L.F., 1986.
- *SR 143: Part I: Mineral Land Classification of the Greater Los Angeles Area: Description of the Mineral Land Classification Project of the Greater Los Angeles Area.
By Anderson T. P., Loyd, R.C., Clark, W.B., Miller, R.M., Corbaley, R., Kohler, S.L., and Bushnell, M.M., 1979.
- *SR 143: Part II: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, San Fernando Valley Production-Consumption Region.
By Anderson T.P., Loyd, R.C., Clark, W.B., Miller, R.M., Corbaley, R., Kohler, S.L., and Bushnell, M.M., 1979.
- *SR 143: Part III: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, Orange County-Temescal Valley Production-Consumption Region.
By Miller, R.V., and Corbaley, R., 1981.
- *SR 143: Part IV: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, San Gabriel Valley Production-Consumption Region.
By Kohler, S.L., 1982.
- *SR 143: Part V: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, Saugus-Newhall Production-Consumption Region and Palmdale Production-Consumption Region.
By Joseph, S.E, Miller, R.V., Tan, S.S., and Goodman, R.W., 1987.
- *SR 143: Part VI: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, Claremont-Upland Production-Consumption Region.
By Cole, J.W., 1987.
- *SR 143: Part VII: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, San Bernardino Production-Consumption Region.
By Miller, R.V., 1987.

- *SR 145: Part I: Mineral Land Classification of Ventura County: Description of the Mineral Land Classification Project of Ventura County.
By Anderson, T.P., Loyd, R.C., Kiessling, E.W., Kohler, S.L., and Miller, R.V., 1981.

- *SR 145: Part II: Mineral Land Classification of Ventura County: Classification of the Sand, Gravel, and Crushed Rock Resource Areas, Simi Production-Consumption Region.
By Anderson, T.P., Loyd, R.C., Kiessling, E.W., Kohler, S.L., and Miller, R.V., 1981.

- *SR 145: Part III: Mineral Land Classification of Ventura County: Classification of the Sand and Gravel, and Crushed Rock Resource Areas, Western Ventura County Production-Consumption Region.
By Anderson, T.P., Loyd, R.C., Kiessling, E.W., Kohler, S.L., and Miller, R.V., 1981.

- *SR 146: Part I: Mineral Land Classification: Project Description: Mineral Land Classification for Construction Aggregate in the San Francisco-Monterey Bay Area.
By Stinson, M.C., Manson, M.W., and Plappert, J.J., 1987.

- *SR 146: Part II: Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region.
By Stinson, M.C., Manson, M.W., and Plappert, J.J., 1987.

- *SR 146: Part III: Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-Consumption Region.
By Stinson, M.C., Manson, M.W., and Plappert, J.J., 1987.

- *SR 146: Part IV: Mineral Land Classification: Aggregate Materials in the Monterey Bay Production-Consumption Region.
By Stinson, M.C., Manson, M.W., and Plappert, J.J., 1987.

- *SR 147: Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region.
By Cole, J.W., 1988.

- *SR 153: Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region.
By Kohler, S.L., and Miller, R.V., 1982.

- SR 156: Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Sacramento-Fairfield Production-Consumption Region.
By Dupras, D.L., 1988.

DEPARTMENT OF CONSERVATION — CALIFORNIA GEOLOGICAL SURVEY

- *SR 158: Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region.
By Cole, J.W., and Fuller, D.R., 1986.
- *SR 159: Mineral Land Classification: Aggregate Materials in the Palm Springs Production-Consumption Region.
By Miller, R.V., 1987.
- *SR 160: Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region.
By Jensen, L.S., and Silva, M.A., 1989.
- *SR 162: Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo-Santa Barbara Production-Consumption Region.
By Miller, R.V., Cole, J.W., and Clinkenbeard, J.P., 1989.
- SR 164: Mineral Land Classification of Nevada County, California.
By Loyd, R.C., and Clinkenbeard, J.P., 1990.
- SR 165: Mineral Land Classification of the Temescal Valley Area, Riverside County, California.
By Miller, R.V., Shumway, D.O., and Hill, R.L., 1991.
- SR 173: Mineral Land Classification of Stanislaus County, California.
By Higgins, C.T., and Dupras, D.L., 1993.
- SR 198: Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Palm Springs Production-Consumption Region, Riverside County, California. Busch, L.L., 2007.
- SR 199: Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region, San Joaquin and Stanislaus Counties, California. Smith, J.D. and Clinkenbeard J.P., 2012.
- SR202: Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Claremont-Upland Production-Consumption Region, Los Angeles and San Bernardino Counties, California. Miller, R.V. and Busch, L.L., 2007.
- SR 205: Update of Mineral Land Classification of Aggregate Resources in the North San Francisco Bay P-C Region: Sonoma, Napa, and Marin Counties and Southwestern Solano County, California. Miller, R.V. and Busch, L.L., 2012 (in progress)
- SR206: Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the San Bernardino Production-Consumption Region, San Bernardino and Riverside Counties, California. Miller, R.V. and Busch, L.L., 2008.

AGGREGATE SUSTAINABILITY IN CALIFORNIA — MAP SHEET 52 (UPDATED 2012)

- SR 209 Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the San Gabriel Valley Production-Consumption Region, Los Angeles County, California. Kohler, S.L., 2010.
- SR 210 Update of Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Kern County, California. Busch, L.L., 2009.
- SR 215 Update of Mineral Land Classification: Aggregate Materials in the San Luis Obispo-Santa Barbara Production-Consumption Region, California. Busch, L.L. and Miller, R.V., 2011.

* These Mineral Land Classification reports have been updated and are not shown on the index map (lower left-hand corner of Map Sheet 52).

OPEN-FILE REPORTS

- OFR 92-06: Mineral Land Classification of Concrete Aggregate Resources in the Barstow-Victorville Area. By Miller, R.V., 1993.
- OFR 93-10: Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California: Part I - Ventura County. By Miller, R.V., 1993.
- OFR 94-14: Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California: Part II - Los Angeles County. By Miller, R.V., 1994.
- OFR 94-15: Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California: Part III - Orange County. By Miller, R.V., 1995.
- OFR 95-10: Mineral Land Classification of Placer County, California. By Loyd, R.C., 1995.
- OFR 96-03: Update of Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region. By Kohler-Antablin, S.L., 1996.
- OFR 96-04: Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region. By Miller, R.V., 1996.
- OFR 97-01: Mineral Land Classification of Concrete Aggregate Resources in the Tulare County Production-Consumption Region, California. By Taylor, G.C., 1997.
- OFR 97-02: Mineral Land Classification of Concrete-Grade Aggregate Resources in Glenn County, California. By Shumway, D.O., 1997.

DEPARTMENT OF CONSERVATION — CALIFORNIA GEOLOGICAL SURVEY

- OFR 97-03: Mineral Land Classification of Alluvial Sand and Gravel, Crushed Stone, Volcanic Cinders, Limestone, and Diatomite within Shasta County, California.
By Dupras, D.L., 1997.
- OFR 99-01: Update of Mineral Land Classification: Aggregate Materials in the Monterey Bay Production-Consumption Region, California. By Kohler-Antablin, S.L., 1999.
- OFR 99-02: Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, California.
By Youngs, L.G. and Miller, R.V., 1999.
- OFR 99-08: Mineral Land Classification of Merced County, California.
By Clinkenbeard, J.P., 1999.
- OFR 99-09: Mineral Land Classification: Portland Cement Concrete-Grade Aggregate and Clay Resources in Sacramento County, California. By Dupras, D.L., 1999.
- OFR 2000-03: Mineral Land Classification of El Dorado County, California.
By Busch L.L., 2001
- OFR 2000-18: Mineral Land Classification of Concrete-Grade Aggregate Resources in Tehama County, California. By Foster, B.D., 2001

CALIFORNIA GEOLOGICAL SURVEY

AGGREGATE SUSTAINABILITY IN CALIFORNIA

Fifty-Year Aggregate Demand Compared to Permitted Aggregate Reserves

By
John P. Clinkenbeard (PG #4731)
2012

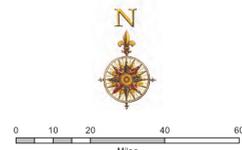
Contributions By:
Joshua Smith and John Church

GIS Design and Map Layout By:
Milton Fonseca



LEGEND

- 50-year demand that will not be met by existing permitted reserves.
 - Permitted aggregate reserves.
 - 50-year demand is 25 to 200 million tons.
 - 50-year demand is > 200 to 500 million tons.
 - 50-year demand is > 500 to 800 million tons.
 - 50-year demand is more than 800 million tons.
- Examples**
- 50-year demand for aggregate is 100 million tons; permitted resources total 25 million tons of the 50-year demand.
25/100 Million Tons (permitted reserves/ 50-year demand)
17 to 20 Years (years of permitted reserves remaining)
 - 50-year demand for aggregate is 510 million tons; permitted reserves are greater than or equal to the 50-year demand.
550/510 Million Tons (permitted reserves/ 50-year demand)
More Than 50 Years (Years of permitted reserves remaining)
- Areas With Short Term Aggregate Supply**
- < 10 years of permitted reserves remaining in the study area.
- Aggregate Production Areas**
(Symbols represent one or more aggregate mines, tonnage represents 2010 annual production)
- < 0.5 Million Tons per Year
 - > 0.5 - 1.5 Million Tons per Year
 - > 1.5 - 3 Million Tons per Year
 - > 3 - 5 Million Tons per Year
 - > 5 Million Tons per Year
- Population**
- 1 Dot = 100 Persons (based on 2010 Census Data)



Scale: 1:1,100,000
Projection: Teale Albers
Datum: NAD 83

Map Usage and Limitations

This map is intended to provide general information about the current availability of California's permitted construction aggregate reserves to state, regional, and local land-use planners and decision-makers. It is designed to assist planning agencies in considering construction aggregate needs in the regional planning process. However, the map is not intended to be used as the sole source of information about construction aggregate availability, or as the basis for site-specific land-use decisions. Although the statewide and regional information on this map may be useful to local decision-makers, the more detailed information contained in the referenced aggregate studies should be used for local land-use decision-making purposes.

Fifty-Year Aggregate Demand Compared to Permitted Aggregate Reserves*

The pie charts show the projected 50-year demand for aggregate as of January 2011 compared to currently permitted aggregate reserves (in short tons). The 50-year demand for a particular study area is graphically represented by one of four pie diagram sizes. Study area boundaries are shown on the index map of aggregate studies (lower left).

* Permitted aggregate reserves are those portions of the resources for which local lead agencies (counties and cities) have issued mining permits. Non-permitted aggregate resource information is given in each aggregate study report. See accompanying text for references to these reports.

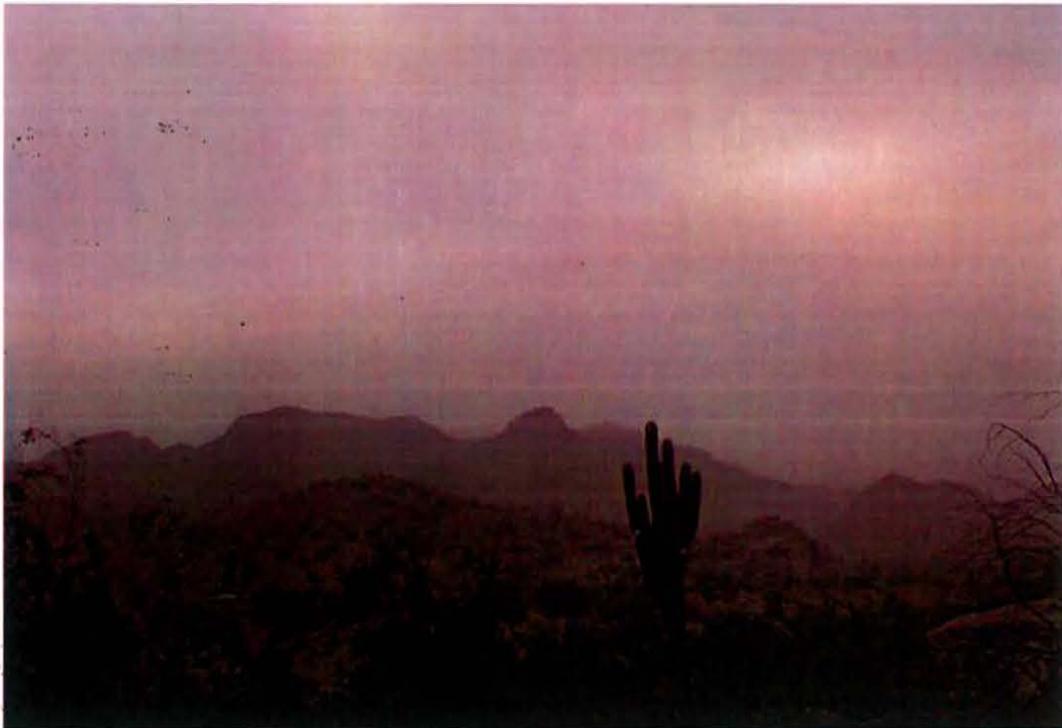


Aggregate Studies by California Geological Survey¹



¹ Study areas are displayed in several colors for clarity purposes.
² These reports can be obtained at: Geological Information and Publications, California Geological Survey, 911 K Street, MS 14-34, Sacramento, CA 95814-3532, Tel. (916) 445-9716. Or visit our website: <http://www.conservation.ca.gov/index/Pages/index.aspx>

Valley Fever Annual Report 2007



**Arizona Department of Health Services
Office of Infectious Disease Services
Bureau of Epidemiology and Disease Control
October 2008**

Epidemiology and Investigations Section
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Executive Summary

Valley fever is caused by a fungus that is prevalent in the soil throughout the southwestern United States, Mexico, Central and South America. Although valley fever is often thought of as a mild and self-limited respiratory disease, it can cause severe, prolonged disease in those afflicted. In some cases, the disease may affect the brain and spinal cord, skin, bones, and other organs, resulting in serious, debilitating disease, or even death. Fortunately, the disease is not spread person-to-person, but there is no cure or vaccine for Valley Fever. Treatment has many side effects and must be continued for many months or even life-long.

Arizona serves as a model for other endemic U.S. states and is the primary driver for recent changes in the national valley fever surveillance definition. The Arizona Department of Health Services receives reports of patients with valley fever from laboratories and health care providers statewide. Analysis of these reports shows that:

- Arizona accounts for 60% of all reported cases in the country
- 95% of Arizona cases reside in Maricopa, Pima and Pinal counties
- Valley fever is the fourth most frequently reported infectious disease in Arizona
- Cases reported in Arizona have almost tripled, from 1,781 cases in 1999 to 4,832 cases in 2007 (75 per 100,000 population)
- The highest age-adjusted rates of valley fever occur in Sun City and Sun City West
- The increase in cases is evidence of an epidemic of valley fever in Arizona

In 2008, to help address this epidemic of valley fever, ADHS received funds for valley fever prevention and control from a legislative appropriation and from the Centers for Disease Control and Prevention (CDC). These funds enabled ADHS, for the first time, to hire staff in an effort to better understand the impact and local risk factors of valley fever, and improve knowledge, prevention and control of this disease.

ADHS conducted an enhanced surveillance study, by interviewing 10% of all Arizonans diagnosed with valley fever in 2007. The interviews reveal the significant impact of the disease among Arizonans.

- People missed an average of 1 month of work, for a total of 4,918 days
- People with valley fever could not perform daily activities for an average of 3 months or a total of 92 years
- People with valley fever waited an average of 44 days before seeking healthcare
- Patients saw their doctors three times before they were tested for valley fever
- On average, patients suffered symptoms of valley fever for half a year; although many were sick longer
- There were \$86 million in hospital charges for valley fever cases in 2007

A telephone survey of a representative sample of the population statewide was conducted to evaluate Arizonans' awareness of valley fever and its risk factors. These results were compared with the enhanced surveillance findings.

- One in five Arizonans had never heard of valley fever

- Only 6% of patients heard about valley fever from their doctors, whereas 11% Arizonans heard of it from their doctors
- Arizonans were more likely to hear about valley fever from the media, while patients heard about it from their social circles

ADHS also performed a study of Arizona physicians.

- One out of three physicians has major gaps in their knowledge about valley fever, how to diagnose and how to treat the disease
- One third of health care providers are unaware that valley fever is reportable
- Only one in four patients with community acquired pneumonia (CAP) were tested for valley fever despite ADHS recommendations to test these patients

In response to these findings, ADHS launched a proactive educational campaign including brochures, posters, a documentary video, a website, and Governor's proclamations targeting the public, physicians, pharmacies, hospital emergency departments to:

- Raise awareness and provide information on the impact of valley fever in Arizona
- Remind physicians to test patients with CAP for valley fever
- Prompt patients to ask their physicians to test them for valley fever
- Tell the stories of real patients with valley fever

ADHS has launched a major initiative to investigate the high rates of valley fever in northwest Phoenix.

- A preliminary analysis comparing mining and non-mining areas revealed no association between mining and valley fever
- A CDC investigation team will arrive in November 2008 to determine risk factors for valley fever in northwest Phoenix.

Collaboration with partners is essential to develop better diagnostic tests, curative treatments and a vaccine for valley fever. Toward that end, ADHS is working with:

- CDC as part of a national public health valley fever task force to coordinate public health strategies for this disease
- Valley Fever Center for Excellence (VFCE) on a promising new drug Nikkomycin Z and to educate the community and physicians in Arizona
- Translational Genomics (TGen) on rapid molecular-based diagnostic tests and strain typing
- University of Arizona to examine influences of climate and other environmental factors affecting the incidence of valley fever
- University of Arizona School of Medicine to develop a vaccine to prevent valley fever

Arizonans are demanding action to investigate and prevent valley fever. ADHS receives hundreds of inquiries from the public and from concerned community groups. These factors highlight the important impact that valley fever has on Arizona and underscores the need to further investigate and control this epidemic.

Introduction

Valley fever has affected inhabitants in the Southwestern desert region for thousands of years¹; the first case in Arizona was reported in 1938.² Coccidioidomycosis, often referred to as valley fever or cocci, is a re-emerging fungal disease endemic to the southwestern United States, parts of Mexico, Central and South America. Valley fever is caused by the fungus *Coccidioides*. Infection usually results in a mild respiratory disease, normally cleared without treatment. However, in some people, it can cause severe illness by affecting the lungs, central nervous system, skin, bones, and other organs, often resulting in pain, suffering, and sometimes death. There is no cure for valley fever and treatment has many side effects.

In 2008, the ADHS received a legislative appropriation as well as one-time funds from the Centers for Disease Control and Prevention (CDC) for valley fever prevention and control. These funds enabled ADHS, for the first time, to hire staff and further investigate valley fever to understand the impact and local risk factors of disease, in an effort to improve knowledge, prevention and control of this disease. Many of these activities are highlighted below.



Phoenix dust storm, September 11, 2008.

Photo: Sonya Shannon, ADHS

¹ Harrison WR, Merbs CF, Leathers CR. Evidence of coccidioidomycosis in the skeleton of an ancient Arizona Indian. *J Infect Dis* 1991;164:436-7.

² Arizona State Department of Health. *Arizona Public Health News: Coccidioidomycosis in Arizona*. 1959; Vol 52 No 2.

Epidemiology

Every year, an estimated 150,000 people in the United States become infected with valley fever³ and approximately 50,000 become ill. In the United States, Arizona has the highest number of reported cases, accounting for sixty percent of all US cases. Approximately 5,000 Arizonans are identified with valley fever each year by public health surveillance, which is significantly less than the 30,000 cases estimated to occur annually in Arizona. This highlights the fact that public health surveillance captures only a fraction of persons with valley fever. This is likely due to the fact that individuals may not seek care for their disease or may not receive diagnostic testing for valley fever if they do seek care.

Valley fever fungus is found in the soil of arid and semiarid regions. In the desert environment, the fungus grows in the top 2-8 inches of soil and produces spores that can be released into the air.⁴ When the ground is disrupted, fungal spores can get picked up by the wind and travel for miles. Disturbance of the soil can occur due to strong winds, construction, farming, landscaping, gardening, driving on unpaved areas, and other activities.

Valley fever is acquired by inhaling spores from the environment, and is not spread from person to person. Once the spores are inhaled, they can cause infection in the lungs. Symptoms typically occur one to four weeks after exposure, and can include fever, cough, fatigue, shortness of breath, headaches, joint/muscle aches, and rash. Most people infected with valley fever (60%) have mild symptoms or have no symptoms at all. The remaining 40% can have symptoms lasting months or years. Most people with healthy immune systems can fight off the disease, often without treatment, providing lifelong immunity; however, in a small percentage of cases, symptoms may recur. In < 5% of those who are infected, valley fever can spread or “disseminate” to other parts of the body, such as the bones, skin, joints or brain. Persons who have compromised immune systems or are pregnant are at higher risk for disseminated disease. These individuals require lifelong treatment and their disease can be very serious, or even fatal. In 2007, there were 36 deaths due to valley fever, and the mortality rate was 0.6 deaths per 100,000 population.

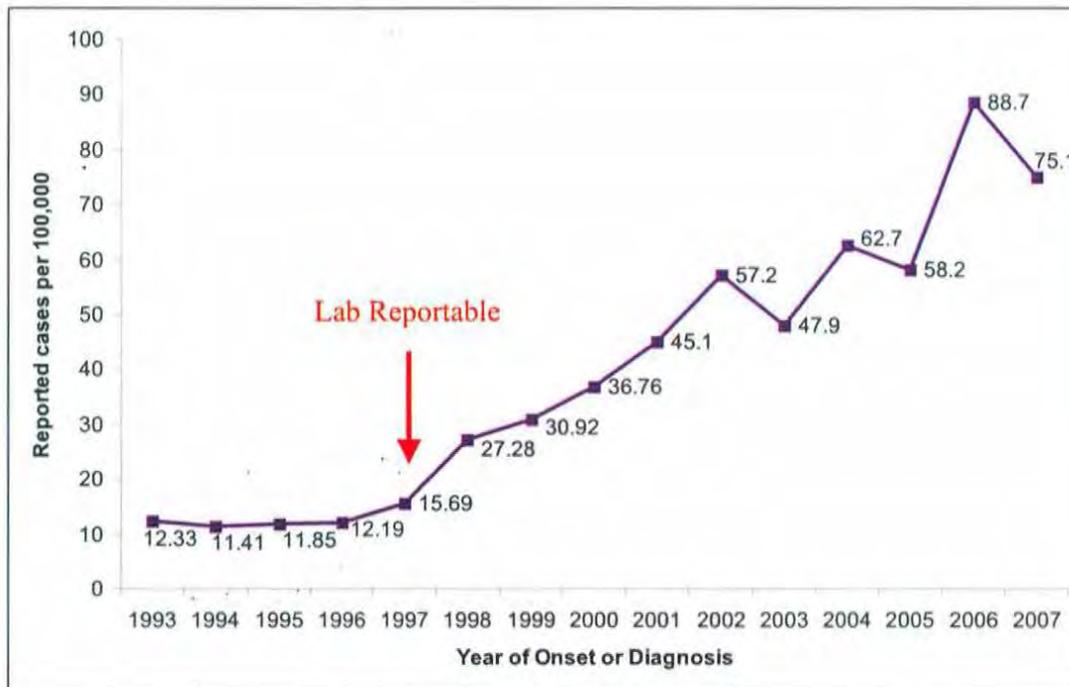
Rising Rates

Arizona physicians first started reporting cases of valley fever to the Arizona Department of Health Services (ADHS) in the 1930's. In 1997, laboratory reporting of positive valley fever test results was mandated, leading to a sharp increase in reported cases. However, the number of cases reported has continued to rise over the last decade (Figure 1). The highest number of coccidioidomycosis cases reported in Arizona was in 2006 with a total of 5,535 cases reported, and a rate of 89 cases per 100,000 population. In 2007, a total of 4,832 coccidioidomycosis cases were reported, with a rate of 75 cases per 100,000 population.

³ Galgiani JN, Ampel NM, Blair JE, Catanzaro A, Johnson RH, Stevens DA, Williams PL. Coccidioidomycosis. Clin Infect Dis 2005;41:1217-23.

⁴ Fisher FS, Bultman MW, Pappagianis D. Operational Guidelines for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever). US Geological Survey Open-File Report v1 2000.

Figure 1. Rates of Reported Coccidioidomycosis Cases in Arizona from 1993-2007.



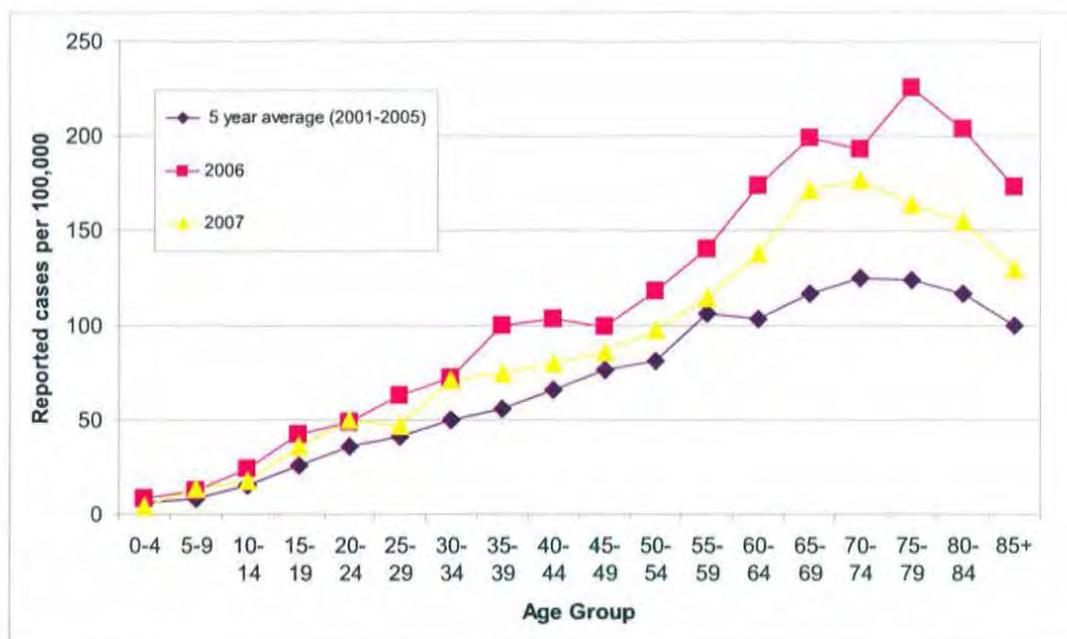
Several factors may account for the continued increase in coccidioidomycosis. First, increased awareness in the general public and healthcare community may lead to more requests for laboratory testing, and in turn, more diagnoses of valley fever. Secondly, large numbers of susceptible individuals, with no prior history of exposure, are moving into endemic areas, putting these people at increased risk for cocci infection. Many of these individuals are older than 65 years, which is the age group most affected in Arizona, based on our surveillance data. Older persons and those with weakened immune systems are more likely to experience severe valley fever disease, which may increase the likelihood that they seek care for their symptoms. Other factors, such as climate change and construction, might also contribute to the increased number of cocci cases; however the evidence for this is not definitive. Construction disrupts the top layer of soil, and, theoretically, could release valley fever spores into the air, while changes in climate patterns may result in increased fungal growth and distribution of the spores. Likely, a combination of many factors has contributed to the increased rates of valley fever seen in recent years.

Demographics

In 2007, several differences were noted among age and ethnic groups. The age of coccidioidomycosis cases ranged from 38 days to 99 years old, with an average age of 51 years. The highest rates of valley fever occurred among the 65-84 year age groups; rates among Arizonans age 65 and older are more than twice those in the general population (163 cases per

100,000 vs. 75 per 100,000, respectively) (Figure 2). Fifty-four percent of the reported coccidioidomycosis cases were male, with a rate of 81 per 100,000 population, while 46% of the cases were female, with a rate of 68 per 100,000. Higher rates in males are consistent with data from previous years in Arizona. When examining cocci data by race or ethnicity, the highest rates of valley fever were seen in African Americans at 53 per 100,000 population (Appendix A). However, only 36% of the coccidioidomycosis cases reported to the Arizona Department of Health Services contained information about race.

Figure 2. Valley Fever Rates by Age Group, Arizona 2007.



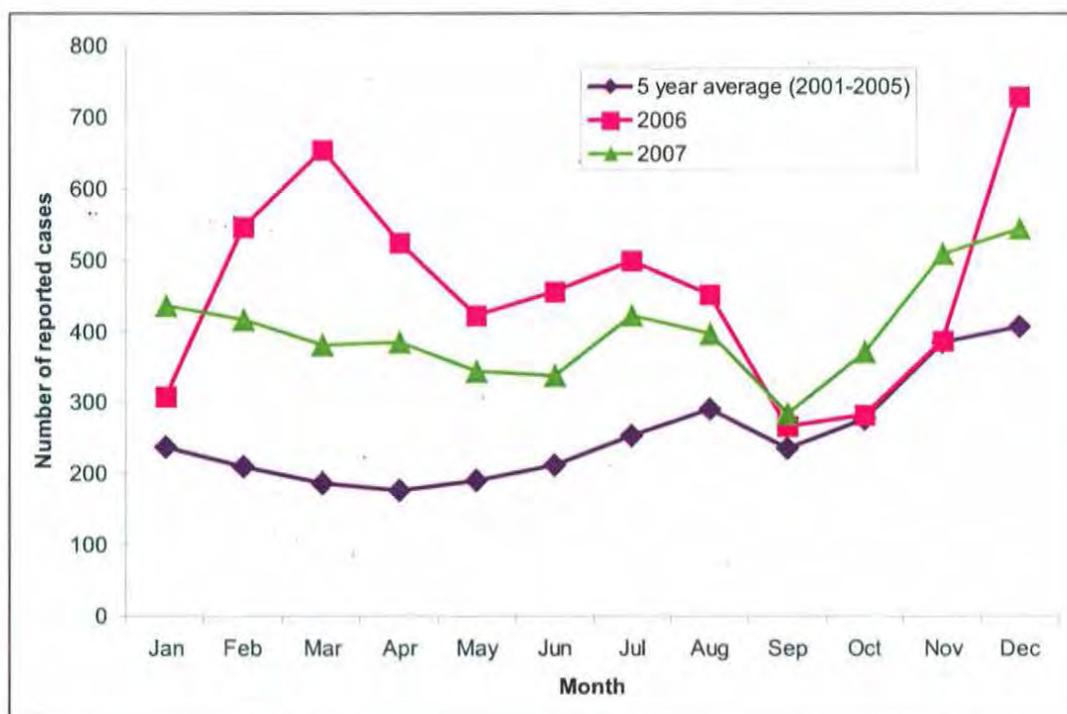
Seasonality

In general, valley fever infections tend to peak after the rainy and windy monsoon season.⁵ The rainfall allows the fungus to grow in the soil and as the soil dries, fungal spores break off and become airborne. Reports of coccidioidomycosis in Arizona typically peak between October and January with a smaller peak from June to August (Figure 3). The seasonality of valley fever in Arizona differs from that of southern California, where infection rates tend to be higher in the later summer and early fall period.⁶

⁵ Heymann DL. Control of Communicable Diseases Manual, 18th edition. APHA, 2004.

⁶ Smith CE, Beard RR, Whiting EG, Rosenberg HG. Effect of Season and Dust Control on Coccidioidomycosis. JAMA 1946;132:833-8.

Figure 3. Reported Coccidioidomycosis Cases by Month, Arizona 2001-2007.



Statewide Distribution

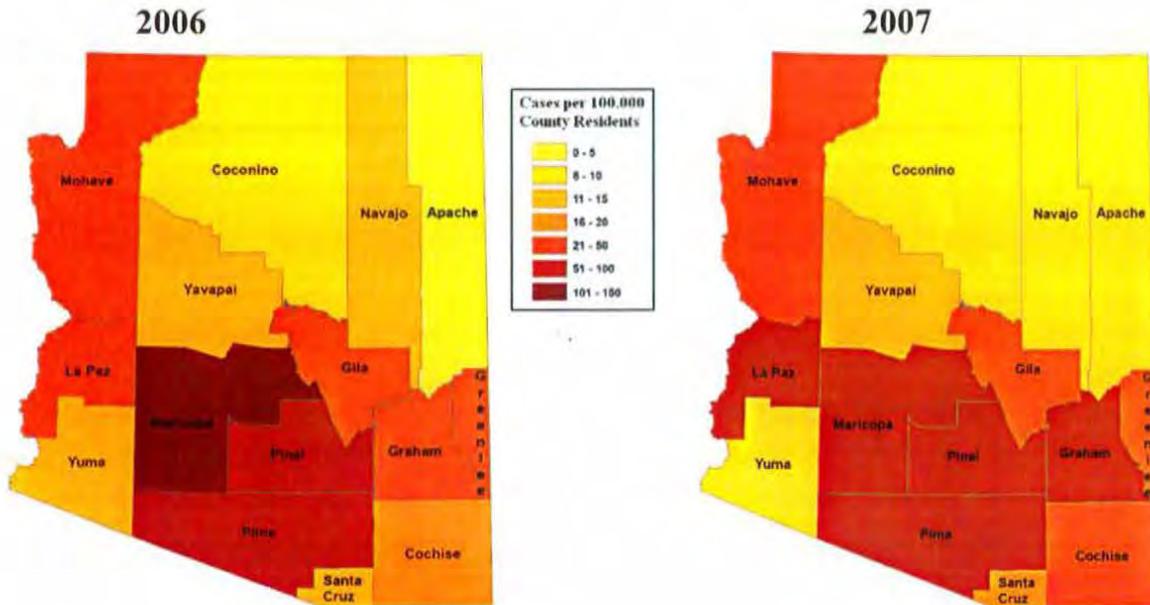
Valley fever is considered endemic to all of Arizona; however, the highest rates occur in Maricopa, Pinal, and Pima (Figure 4 and Appendix B) Counties. In 2007, the highest rates occurred in Pima County (90 per 100,000 population) followed by Maricopa County (89 per 100,000 population) and Pinal County (87 per 100,000 population).

When reported valley fever cases were examined by community, some of the highest rates of valley fever in Arizona were identified in the northwest Phoenix metropolitan area, including the communities of Sun City, Sun City West, Wickenburg, and Surprise. The demographics of Sun City and Sun City West were dramatically different in comparison to other areas of Maricopa County. More than 80% of the population in Sun City and Sun City West were over the age of 65 years, as compared to only 11% of the Maricopa County population.

Because valley fever was more frequently reported in individuals over 65 years of age, rates of valley fever were adjusted by age for each Arizona community during 2006 and 2007 (Appendix C, D). Age-adjusting is a statistical method used to compare communities that are significantly older or younger than other communities and provides an opportunity to determine if valley fever rates would be similar if the populations were of similar age. After age-adjusting, the rates for Sun City and Sun City West were still among the highest in the state. These data suggest that age alone does not explain the increased rates of valley fever in Sun City and Sun City West. The

ADHS, Maricopa County Department of Public Health and CDC plan to conduct further studies to examine why the rates are highest in these communities.

Figure 4. Valley Fever Activity by County, Arizona, 2006 and 2007.



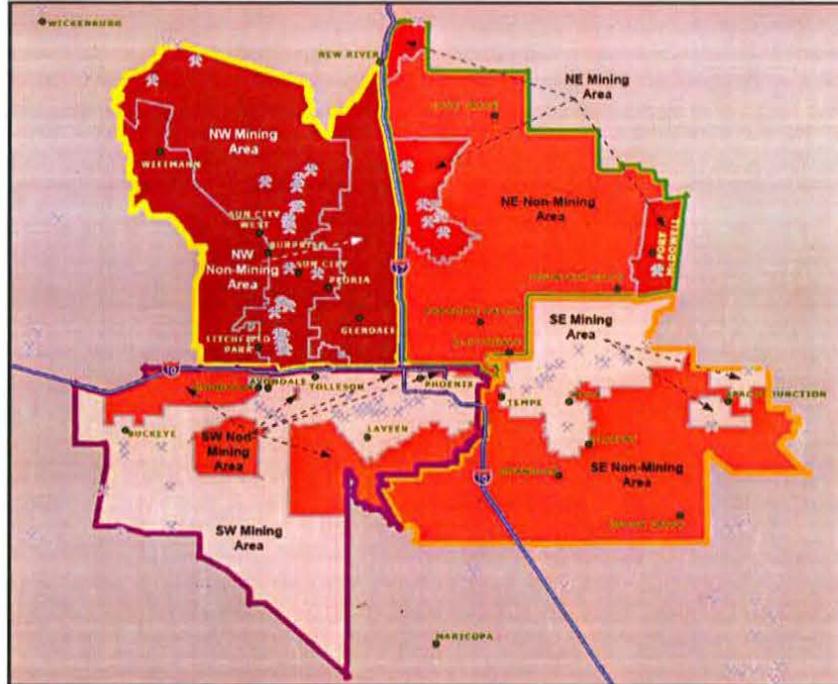
Phoenix Mining Analysis

Multiple sand and gravel mining operations are located throughout Arizona, and some of these mining areas are located in counties with the highest rates of valley fever. While these mining operations can produce large amounts of dust, it is unknown if this actually increases the risk for valley fever. It is known however, that the *Coccidioides* fungus grows only in the top layers of soil - typically 2-8 inches below the surface. Sand and gravel mining operations work mainly at depths greater than two feet. Therefore, in theory, mining facilities should pose little risk for increased valley fever infection to those in the surrounding areas.

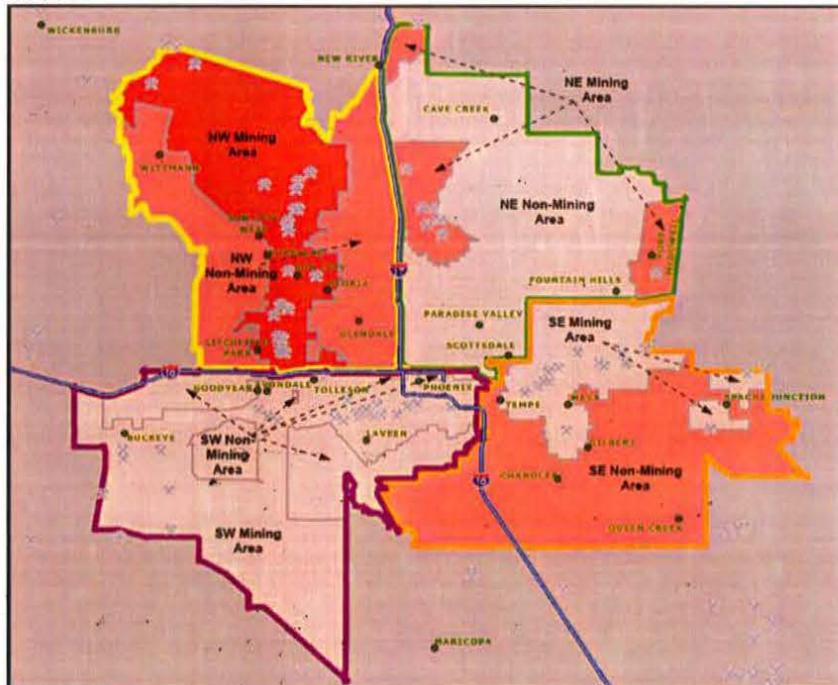
Due to rising community concern that mining may be the cause of increased valley fever rates in certain northwest Phoenix communities, an investigation of valley fever rates in mining areas of the Phoenix metropolitan area was conducted. To analyze the relationship between valley fever and mining operations, the Phoenix metropolitan area was divided into four regions – Northwest, Southwest, Northeast and Southeast (Figure 5, Appendix E, F, and G). Within these regions, communities located within three miles of a mine were designated as mining areas. Communities located greater than 3 miles from a mine were designated as non-mining areas. Age-adjusted rates of valley fever in mining areas were compared to those of non-mining areas in each region. The only region with a significant difference between mining areas and non-mining areas was the Southeast Region, where lower rates of valley fever were reported closer to the mines. These results suggest that mining is not a major contributor to valley fever infections.

Figure 5. Valley Fever Rates in Mining and Non-Mining Areas of the Phoenix Metropolitan Area, 2006 & 2007.

2006:



2007:



Enhanced Surveillance

ADHS monitors physician and laboratory reports and obtained basic demographic information about cases of coccidioidomycosis to follow trends and identify outbreaks. In 2007, ADHS initiated enhanced coccidioidomycosis surveillance to learn more about individuals diagnosed with valley fever and to better understand the impact of the disease on Arizonans. Arizona is the first and only state to initiate this type of in-depth coccidioidomycosis surveillance.

One out of every ten Arizona coccidioidomycosis cases reported from January 2007 to February 2008 was contacted and interviewed with a standardized questionnaire. Interviewees were asked about their signs and symptoms of valley fever, healthcare-seeking behavior, medical treatment information, and effects of the disease on their daily lives. A total of 493 people were interviewed during the enhanced surveillance investigation.

Case Definition

For a report of valley fever to be classified as a case by public health, it has to meet several criteria specified in a case definition. The coccidioidomycosis case definition utilized by the Council of State and Territorial Epidemiologists (CSTE) and the Centers for Disease Control and Prevention (CDC) requires both compatible clinical symptoms and laboratory confirmation⁷. Arizona has adopted a modified coccidioidomycosis case definition that includes only the laboratory criteria for several reasons. First, patient symptoms and clinical description are rarely reported to public health. ADHS attempts to capture every case of diagnosed valley fever, even if clinical information is unavailable. Our experience suggests that the majority of valley fever tests are performed on symptomatic patients. Lastly, since 60% of all US valley fever is reported in Arizona with approximately 5000 cases per year, ADHS does not have the resources to investigate the signs and symptoms of each case to determine if it meets the clinical description of the case definition. Thus, any positive valley fever test is classified as a case.

The data from the enhanced surveillance were used to validate Arizona's decision to change to a laboratory-based case definition. When valley fever cases identified only by a positive cocci laboratory test were interviewed, 95% of them had symptoms consistent with the CSTE case definition, indicating that almost all of Arizona cases meet the national case definition. Elimination of clinical criteria from the coccidioidomycosis case definition allows for easier surveillance methods and requires minimal resources, while still capturing the maximum possible number of true cases. The findings from the enhanced surveillance study will be used to propose changes to the national CSTE coccidioidomycosis case definition in other endemic areas of the US, to increase timeliness and accuracy of cocci reporting.

⁷ Centers for Disease Control. Case Definitions for Infectious Conditions Under Public Health Surveillance, Coccidioidomycosis (Valley Fever), 2008. <http://www.cdc.gov/nepi/disss/nndss/casedef/coccidioid2008.htm>. Accessed October 3, 2008.

Symptoms

Enhanced surveillance provided ADHS with a better understanding of the symptoms that affect people with valley fever. Figure 6 shows that 55% of cases interviewed had seven or more symptoms associated with valley fever. The most common symptoms people experienced included fatigue, cough, shortness of breath and fever (Figure 7).

Figure 6. Total Number of Symptoms of Arizonans with Valley Fever (n=493).

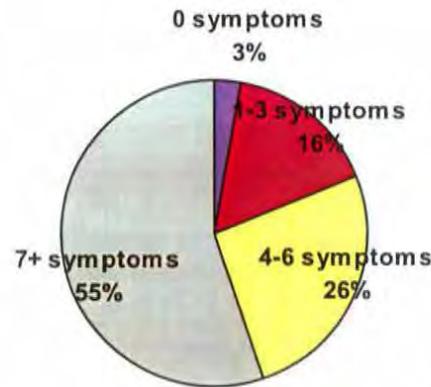
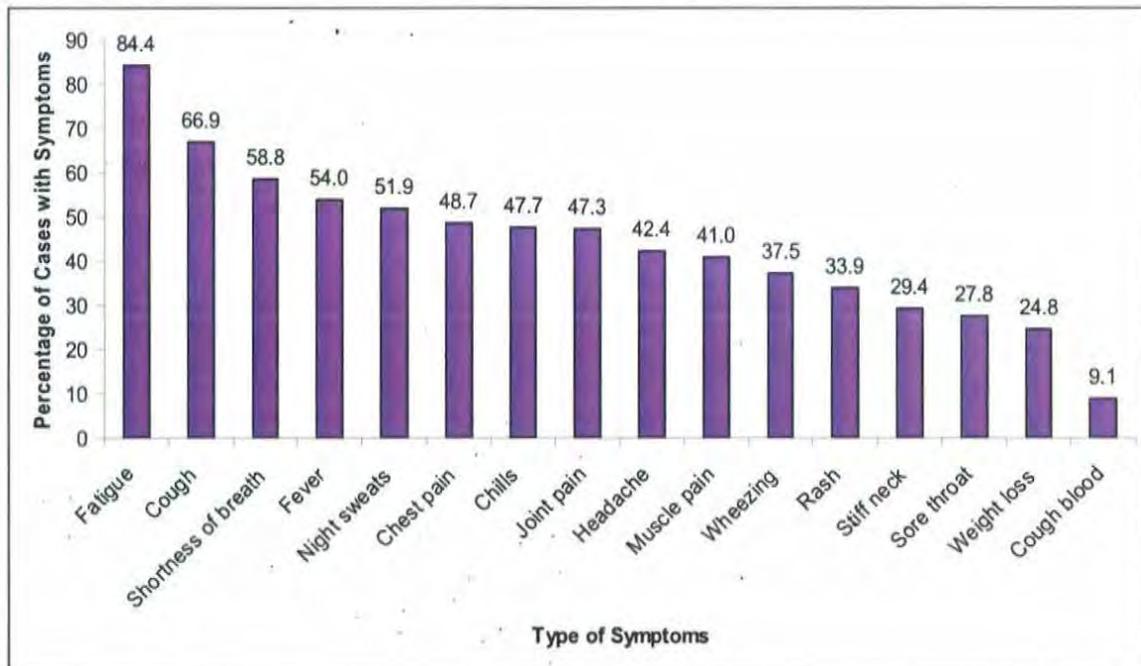


Figure 7. Most Commonly Reported Symptoms of Valley Fever Cases (n=493).



Impact on the Healthcare System

The enhanced surveillance data show the tremendous impact of valley fever on Arizona's healthcare system, in particular, emergency departments (Appendix H). Almost half of the people diagnosed with valley fever had at least one visit to the emergency room during the course of their illness, and a quarter of interviewed valley fever cases visited healthcare providers more than ten times (Figure 8). Over 40% of individuals were hospitalized overnight for their illness (Appendix I). Data from the Arizona Hospital Discharge Database show that in 2007, 1,735 valley fever-related hospital visits occurred, accounting for a total of \$86 million in hospital charges. On average, it cost \$50,000 per valley fever-related hospital visit. These data highlight the profound economic impact of valley fever on Arizonans.

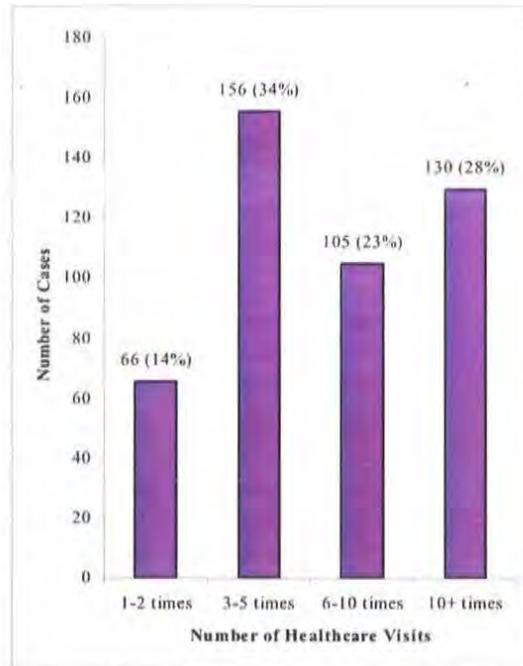


Figure 8. Number of Times Valley Fever Cases Visited a Healthcare Provider over the Course of Illness.

Impact on People

Valley fever also significantly impacts the lives of those who become ill, as symptoms of valley fever can be prolonged and debilitating. On average, each person interviewed had symptoms lasting 6 months, much longer than the flu or mononucleosis (mono). Likewise, the prolonged symptoms of valley fever adversely impact an individual's ability to work and perform daily activities. Arizonans diagnosed with valley fever missed an average of 1 month of work and were unable to perform normal daily activities for more than 3 months. Infection with cocci for these 493 Arizonans alone resulted in a total of 222 years of symptoms and 33,716 days during which patients could not perform their daily activities (Appendix J).

Delays in Diagnosis

The symptoms of coccidioidomycosis are similar to other common respiratory illnesses including severe colds and pneumonia, which makes it difficult for the public and physicians to distinguish between valley fever and these other illnesses. This often leads to delays in seeking care, testing and diagnosis. On average, people with valley fever waited 44 days before seeking healthcare for their symptoms. Additionally, the average time between seeking healthcare and getting diagnosed with valley fever was about five months (Appendix J). If a patient knew about valley fever prior to seeking healthcare, he or she was more likely to be diagnosed and treated earlier than those who were not familiar with the disease [79 days vs. 282 days, respectively ($p=0.04$)]. Our data also show that those who had prior knowledge

Behavioral Risk Factor Surveillance System

The Behavioral Risk Factor Surveillance System (BRFSS) conducts an annual population survey about health behaviors and opinions and is designed to represent the entire population of Arizona. In 2008, the survey included questions to evaluate the general public's awareness of valley fever and its risk factors. Despite the high rates of cocci in Arizona, the BRFSS data indicate a wide range of cocci awareness: One in five Arizonans had never heard of valley fever and sixty percent of Arizonans believe that valley fever is a significant health problem. Over a third of the general public did not know how valley fever is transmitted (Figure 9).

Statewide BRFSS data were compared with the coccidioidomycosis enhanced surveillance data to identify differences in knowledge about valley fever between those infected and the general public. People with valley fever interviewed through enhanced surveillance were more likely to learn about valley fever from their social circles, while those contacted through BRFSS were more likely to hear about valley fever from the media (Appendix K). Only 6% of case-patients heard about valley fever from their doctors, whereas 11% of the general public heard about it from their doctors.

People who answered the BRFSS survey lived in Arizona for an average of 26 years while cases with valley fever lived in Arizona for an average of 16 years. More cases reported with valley fever had lived in Arizona less than 10 years when compared to the general public (25% vs. 40% respectively) (Figure 10). These data indicate that people who acquired valley fever were more likely to live in Arizona for a shorter period of time, however, most case patients lived in Arizona for more than a decade before being diagnosed.

Figure 9. How is Valley Fever Transmitted?

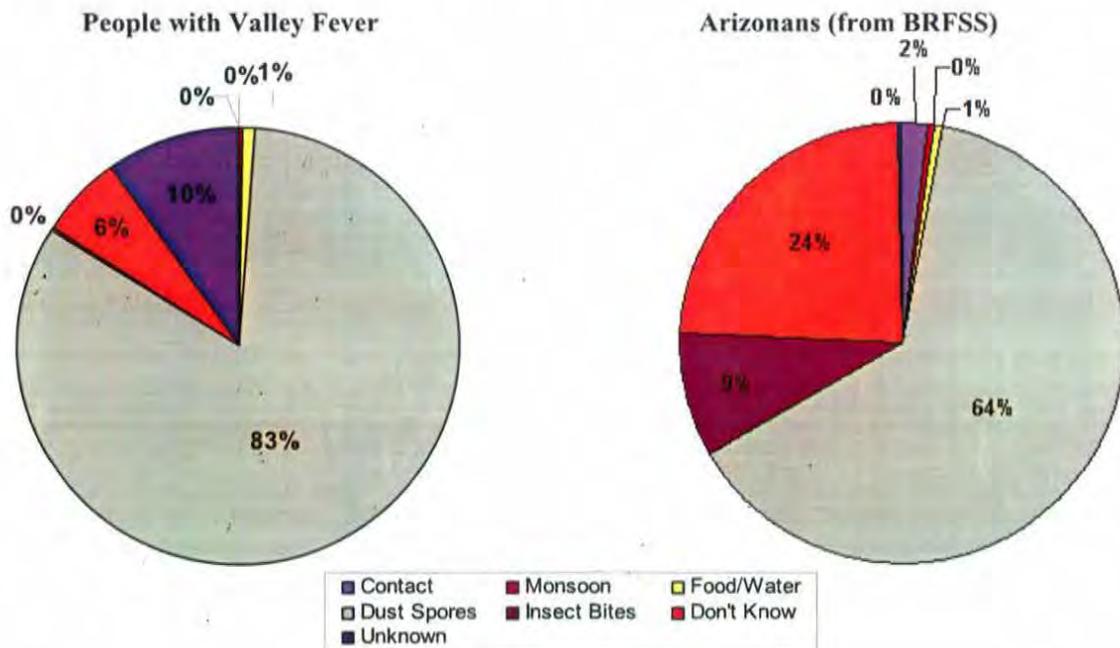
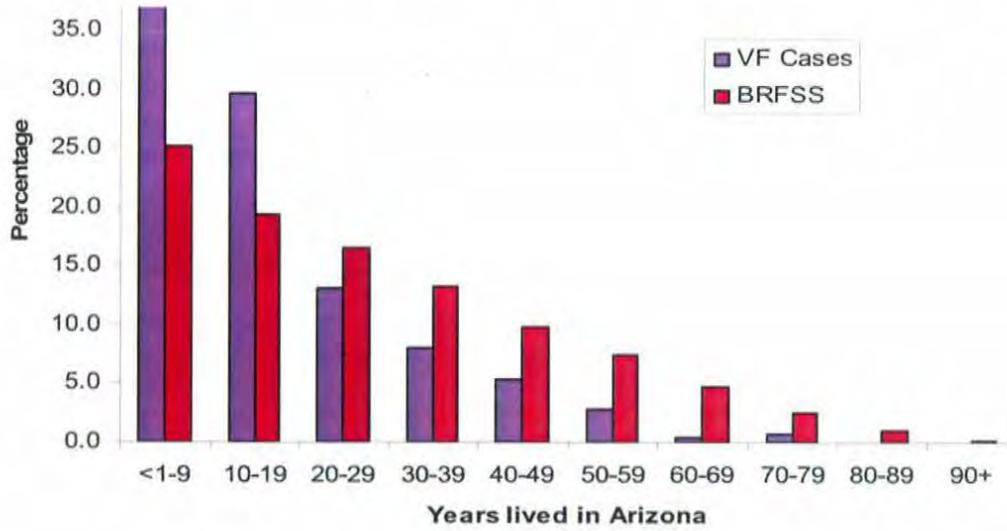


Figure 10. Length of Time Lived in Arizona: Valley Fever Cases Compared to Population (based on BRFSS).



Clinical Management / Physician Education

Both the enhanced surveillance data and the data attained from the BRFSS statewide survey show the importance of educating physicians and the public about valley fever. A study performed in Tucson, Arizona suggested nearly 30% of community-acquired pneumonia patients in areas endemic for cocci actually have valley fever.⁸ In 2006, based on this study, ADHS recommended testing patients who presented with symptoms of community-acquired pneumonia for valley fever. This recommendation is important because misdiagnosis of valley fever can lead to unnecessary antibiotic treatment, delayed antifungal treatment, and to unrealistic expectations of symptom duration.



In 2007, Arizona physicians and nurse practitioners were surveyed in order to assess their knowledge, attitudes, and practices regarding diagnosis and treatment of valley fever. Questions were asked to evaluate recognition of symptoms, testing practices and treatment regimens. About one third of providers were not aware that valley fever is a reportable disease in Arizona and the same number of physicians were not sure if a valley fever vaccine is available. Less than half of providers scored at least 70% correct on valley fever treatment questions. Providers who scored $\geq 70\%$ on valley fever knowledge and treatment questions were twice as likely to have received valley fever Continuing Medical Education in the prior twelve months.

The results of the healthcare provider survey highlighted the need for and value of accurate valley fever medical education for Arizona providers. Based on these results, ADHS developed and implemented several educational campaigns and activities for healthcare providers. Some of these activities included: presentations on valley fever by ADHS infectious disease physicians to physician groups across the state; grand round presentations to hospitals; and development of a brochure for healthcare providers with the recommendation to test patients with community-acquired pneumonia for valley fever. These brochures were sent to 8,000 primary care providers throughout the state of Arizona.

In 2007, data from the enhanced surveillance questionnaire indicated 23% of people with valley fever first sought care for their symptoms at an emergency department and approximately half of the patients required care from an emergency room (ER) physician at some point during their illness. To further evaluate the number of patients presenting with community-acquired pneumonia in Tucson emergency rooms, and whether they were tested for valley fever, ADHS conducted an investigation in collaboration with CDC. A second objective was to determine the unmeasured burden of valley fever among these patients diagnosed with community-acquired pneumonia. To achieve the objectives, medical records of patients diagnosed with community-acquired pneumonia in the ER were reviewed to

⁸ Valdevia L, Nix D, Wright M, Lindberg E, Fagan T, Lieberman D, et al. Coccidioidomycosis as a common cause of community-acquired pneumonia. *Emerg Infect Dis.* 2006;12:958-62.

determine if testing for valley fever had been performed and whether the results were positive. The review indicated that only one fourth of pneumonia patients seen in the ER were tested, despite ADHS recommendations to test these patients for valley fever. An educational campaign directed towards emergency room physicians was initiated and a poster prompting testing of community-acquired pneumonia patients for valley fever was developed by ADHS and CDC and placed in Arizona emergency departments.

Public Education

Data from both the BRFSS and enhanced surveillance studies highlighted important gaps in the public's knowledge of valley fever and its transmission. These gaps are likely responsible for delays in patients seeking care for their symptoms. To fill in these knowledge gaps, ADHS, in conjunction with the Valley Fever Center for Excellence (VFCE), produced an educational brochure to increase knowledge of valley fever among Arizonans. This brochure contains accurate and easy-to-understand information about valley fever, its transmission and symptoms, and where to get further information about the disease. It is being distributed to the public by the Valley Fever Center for Excellence, healthcare providers, valley fever community advocates, and commercial pharmacies. ADHS also created a poster for hospitals, outpatient clinics and other healthcare facilities to encourage people with valley fever symptoms to request testing from their healthcare providers (Figure 11).

To reach a larger audience in Arizona, ADHS produced a valley fever documentary video to educate the public about the disease through stories of real people diagnosed with valley fever. The goal is to air the video on local public television stations, post it on the websites of ADHS and VFCE, and hopefully share it with public libraries and schools in the coming year.

Figure 11. ADHS Coccidioidomycosis Educational Poster.



Partnerships

ADHS works with various partners to advance knowledge of and research in coccidioidomycosis. In 2007, ADHS continued its annual partnership with the Valley Fever Center for Excellence to present public and physician educational conferences during Valley Fever Awareness Week. This annual week-long event is held to increase awareness of valley fever among Arizona physicians, public health officials, and interested general public. Topics included new valley fever treatment and vaccine research developments, the impact of valley fever on Arizona's citizens and animals and the importance of testing pneumonia patients for valley fever. ADHS is also currently working with the University of Arizona and the Valley Fever Center for Excellence to provide valley fever education through an online Continuing Medical Education course.

In order to provide educational opportunities to students and to learn more about public health aspects of valley fever, ADHS works with Arizona universities and medical schools to support student internships. For example, one medical student from the University of Arizona is conducting a study on valley fever laboratory reporting to validate the state's valley fever surveillance system and compare the predictive value of different tests.

ADHS is also an active member of a nationwide public health valley fever task force coordinated by CDC. This group involves epidemiologists from all states where valley fever is endemic in the US. Thus far, the task force has successfully changed the CSTE coccidioidomycosis case definition to more accurately reflect the science of the disease. As mentioned previously, the task force is awaiting presentation of Arizona's valley fever enhanced surveillance data, as well as surveillance data from endemic areas in California, to determine if the clinical criteria should be removed from the current CSTE case definition.

In addition to educational and public health activities, ADHS is partnering with organizations, such as Translational Genomics Research Institute (T-Gen), to improve diagnostic testing for coccidioidomycosis. ADHS is also working with T-Gen to develop environmental testing techniques to identify the *Coccidioides* fungus in the soil, which will ultimately assist public health in targeting valley fever interventions.

Future Directions

ADHS is partnering with Maricopa County Department of Public Health and CDC in order to determine why the Sun City and Sun City West areas in Maricopa County have extremely high valley fever rates, a team of CDC epidemiologists will visit Arizona in November 2008 to investigate potential risk factors of valley fever unique to these areas in the Northwest Valley. The information learned from the investigation will be used to target valley fever education and identify prevention strategies in these areas.

ADHS will continue to partner with the University of Arizona, VFCE, T-Gen, CDC and other states with endemic valley fever to learn more about this important disease and determine the best way to target public health interventions.

APPENDIX

Appendix A. Race and Ethnicity Distribution of Valley Fever Cases compared to Arizona Demographics*, 2007.

Race	2007 (n=1,726)	2007 Demographics (n=6,432,007)	Rate per 100,000
American Indian/Alaska Native	95 (5.5%)	337,764 (5.3%)	28
Asian/Hawaiian/Pacific Island	52 (3.0%)	169,780 (2.6%)	31
Black/African-American	136 (7.9%)	253,477 (3.9%)	53
White	1,443 (83.6%)	3,872,764 (60.2%)**	37

Ethnicity	2007 (n=4,334)	2007 Demographics (n=6,432,007)	Rate per 100,000
Hispanic	277 (6.4%)	1,798,222 (28.0%)	15
Not Hispanic	872 (20.1%)	4,633,785 (72.0%)	19
Unknown	3,185 (73.5%)	---	---

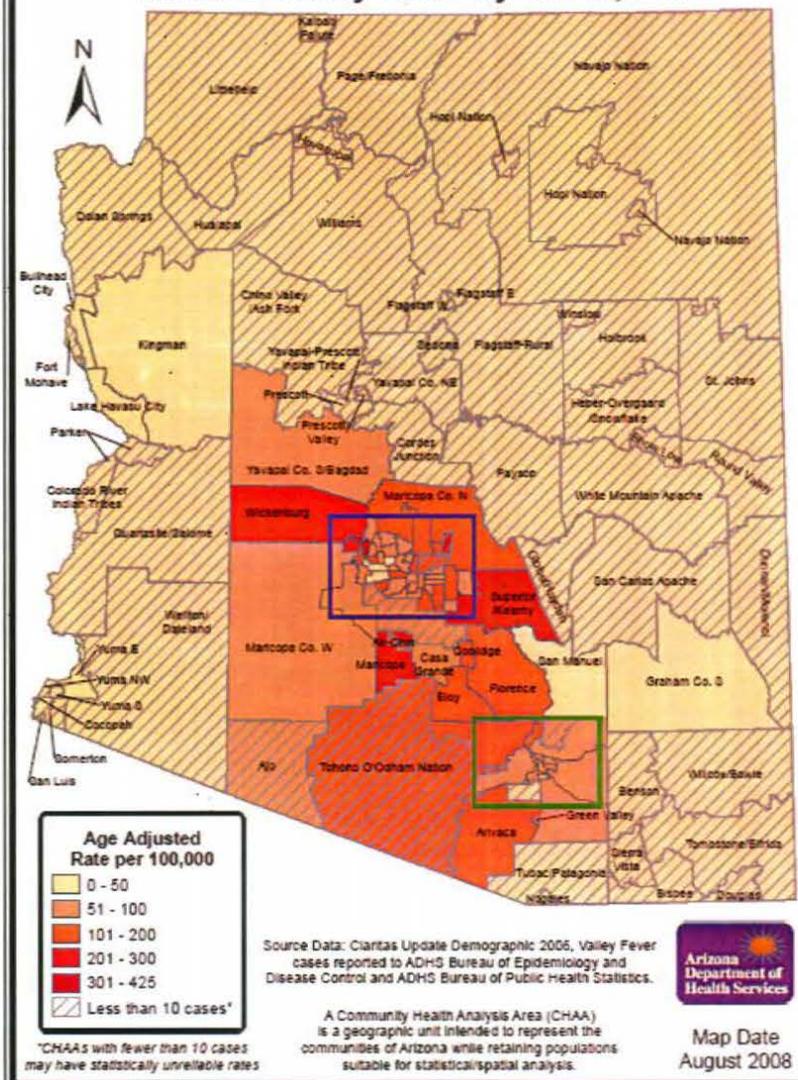
*Arizona Vital Statistics uses five categories for race/ethnicity: American Indian/Alaska Native, Asian/Pacific Islander, Black/African-American, White non-Hispanic and Hispanic/Latino ethnicity.

**For 2007 demographics for the state of Arizona, white means white non-Hispanic.

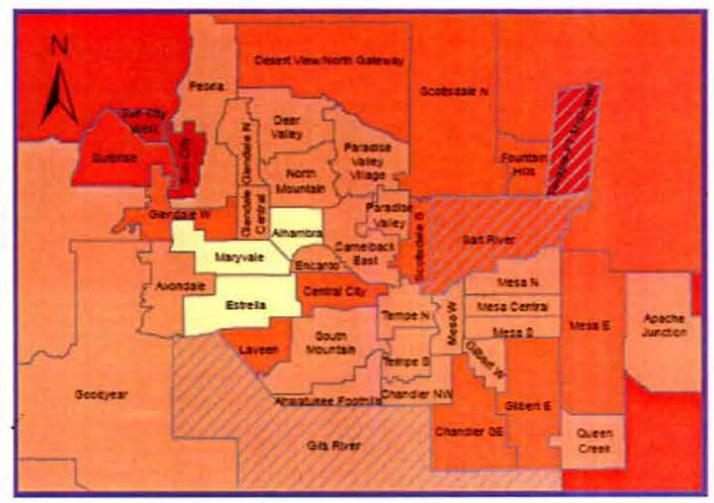
Appendix B. Valley Fever Cases by County, Arizona 2006 and 2007.

County	Year 2006		Year 2007	
	Cases per 100,000 Residents	Total cases	Cases per 100,000 Residents	Total cases
Maricopa	112	4,209	89	3,459
Pima	91	897	90	904
Pinal	83	225	87	256
La Paz	47	10	69	15
Graham	42	15	66	24
Gila	27	15	27	15
Mohave	25	49	25	50
Greenlee	24	2	24	2
Cochise	16	21	23	32
Yuma	14	27	6	13
Yavapai	14	29	12	26
Navajo	13	15	10	11
Santa Cruz	13	6	15	7
Coconino	8	11	10	13
Apache	5	4	7	5
Arizona	89	5,535	75	4,832

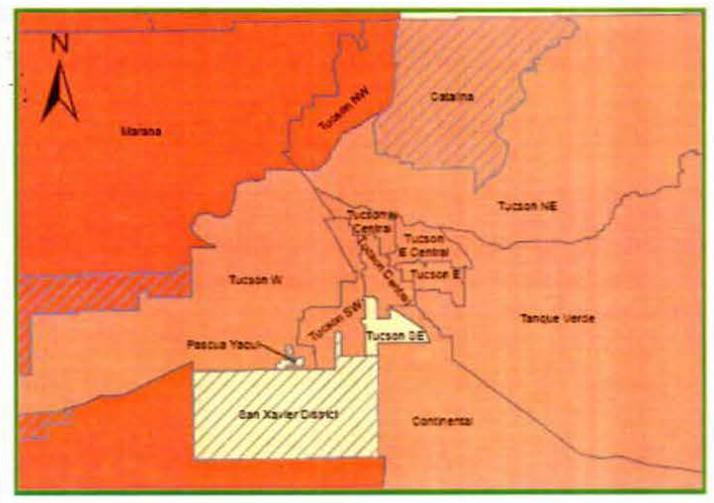
Age Adjusted Incidence Rate of Reported Cases of Valley Fever by CHAA, 2006



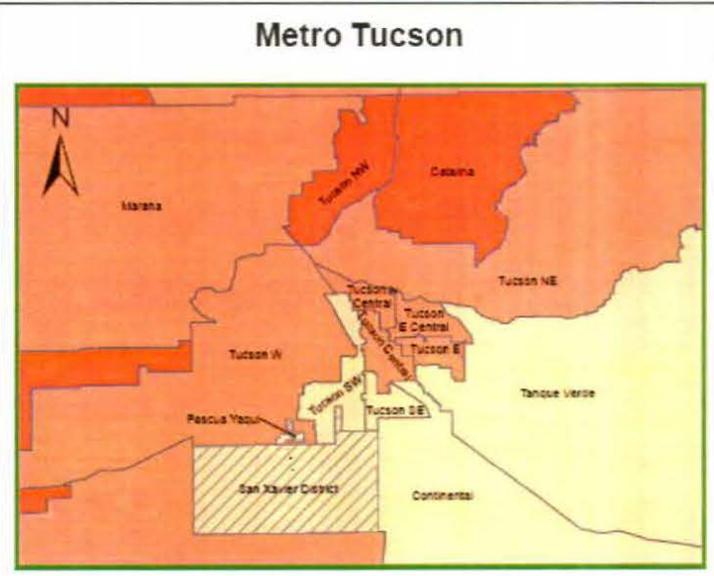
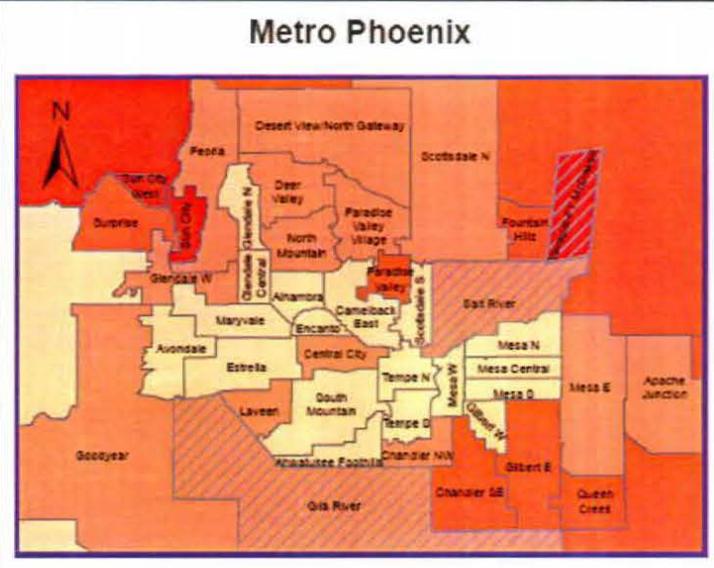
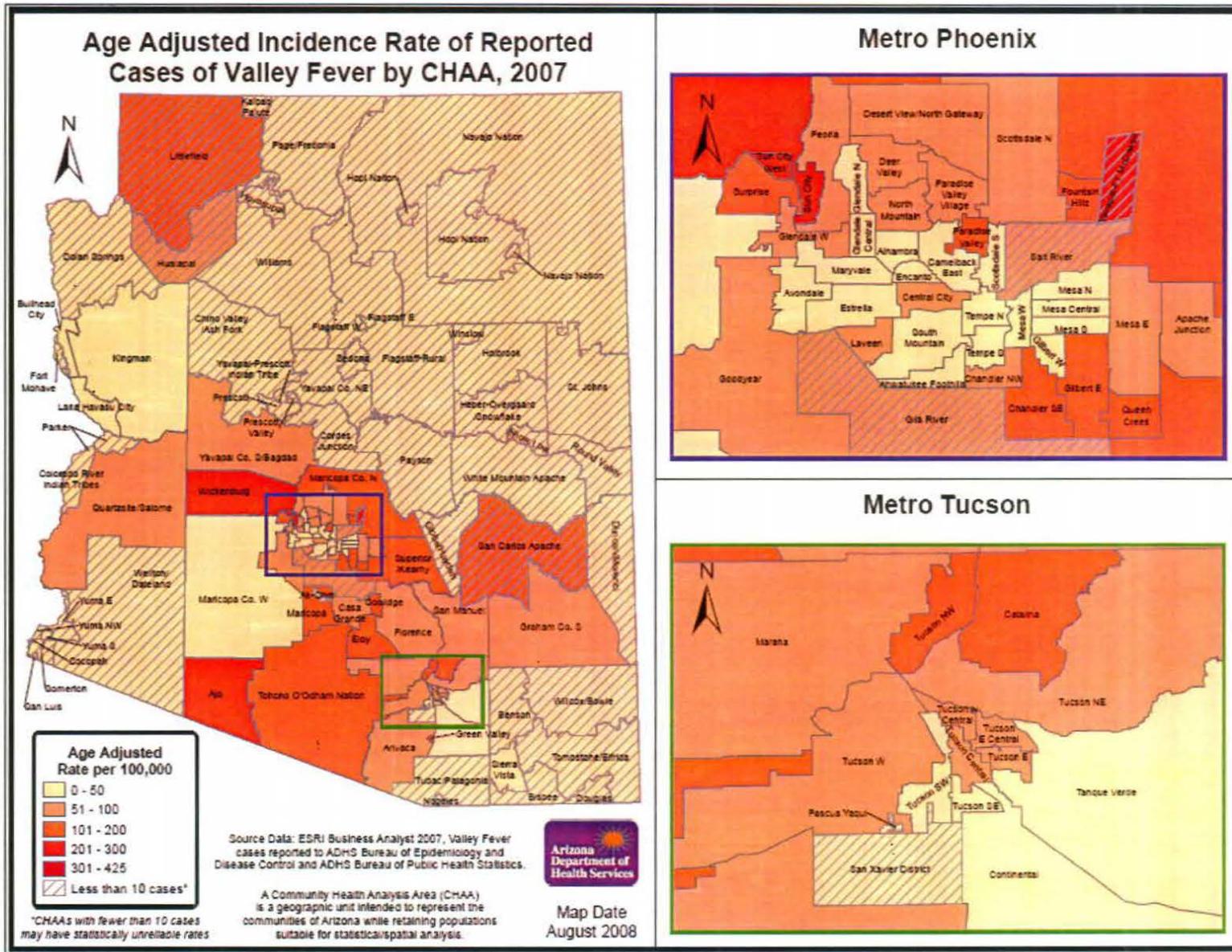
Metro Phoenix



Metro Tucson



Appendix C. Age-Adjusted Rates of Reported Coccidioidomycosis in Arizona, 2006.



Appendix E. Analysis of Mining and Coccidioidomycosis in the Phoenix Metropolitan Area.

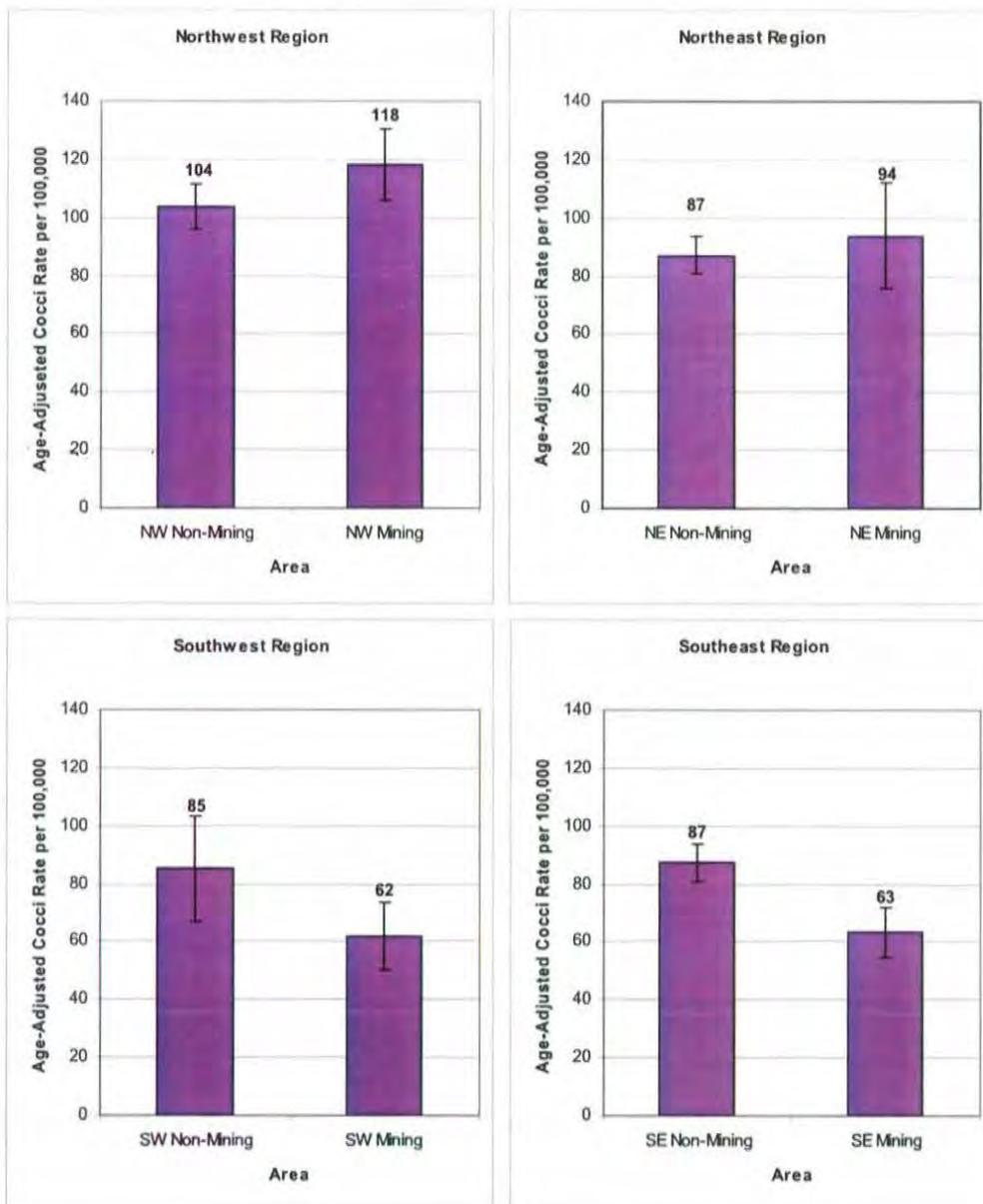
2006

Metropolitan Phoenix Area	Number of Cases	Age-Adjusted Cocci Rate	95% Confidence Interval
NE Non-Mining	722	87	(81, 93)
NE Mining	107	94	(76, 112)
NW Non-Mining	722	104	(96, 112)
NW Mining	421	118	(106, 130)
SE Non-Mining	771	87	(81, 93)
SE Mining	224	63	(55, 72)
SW Non-Mining	94	85	(67, 103)
SW Mining	115	62	(50, 74)

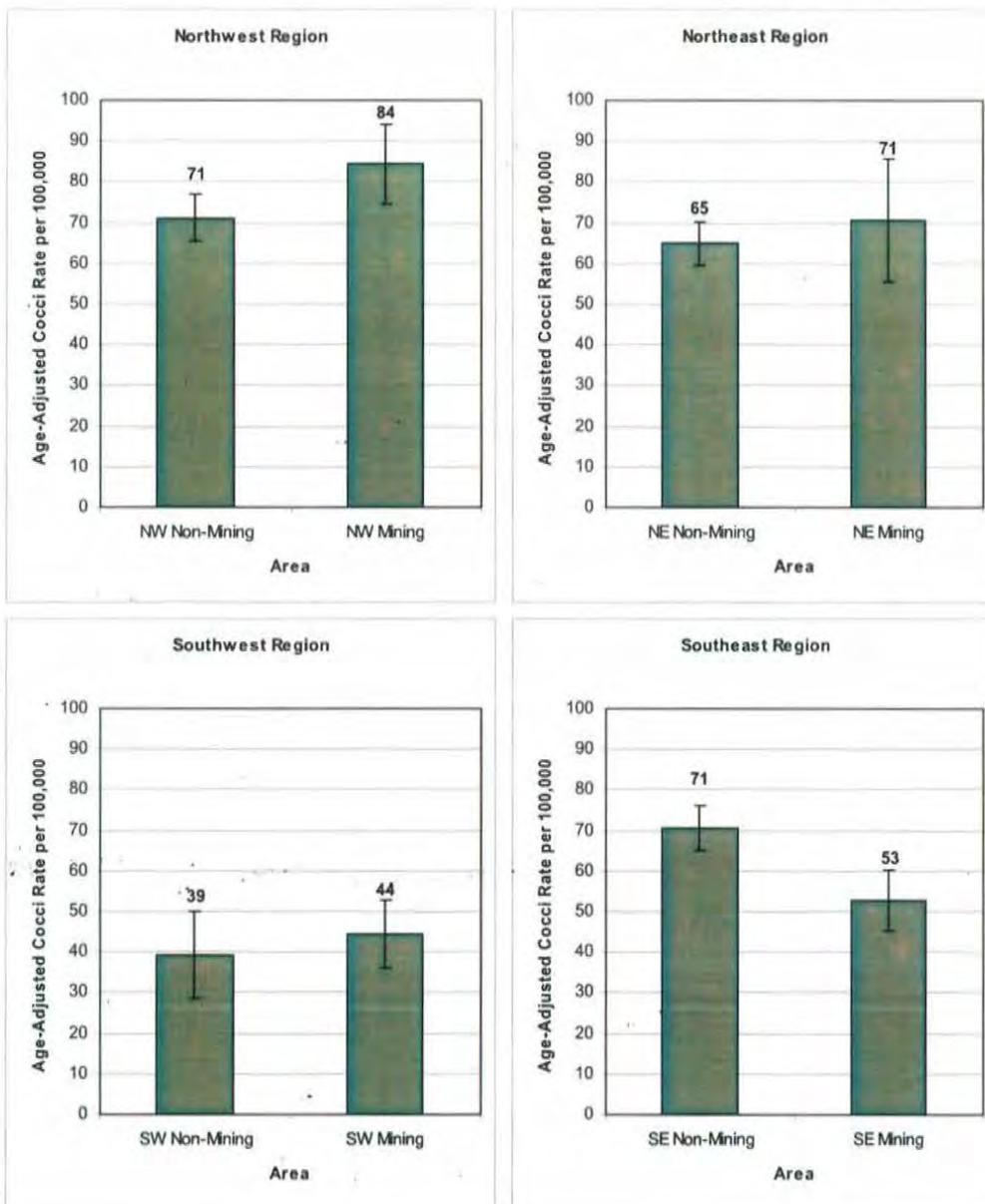
2007

Metropolitan Phoenix Area	Number of Cases	Age-Adjusted Cocci Rate	95% Confidence Interval
NE Non-Mining	572	65	(60, 70)
NE Mining	89	71	(56, 86)
NW Non-Mining	565	71	(65, 77)
NW Mining	336	84	(75, 94)
SE Non-Mining	657	71	(65, 76)
SE Mining	191	53	(45, 60)
SW Non-Mining	56	39	(29, 50)
SW Mining	114	44	(36, 53)

Appendix F. Analysis of Mining and Coccidioidomycosis in the Phoenix Metropolitan Area, 2006.



Appendix G. Analysis of Mining and Coccidioidomycosis in the Phoenix Metropolitan Area, 2007.



Appendix H. Location where Cases First Sought Treatment for Valley Fever.

Location	Count
Emergency room	111 (23.7%)
Primary care physician	274 (58.4%)
Urgent Care	56 (11.9%)
Other	28 (6.0%)

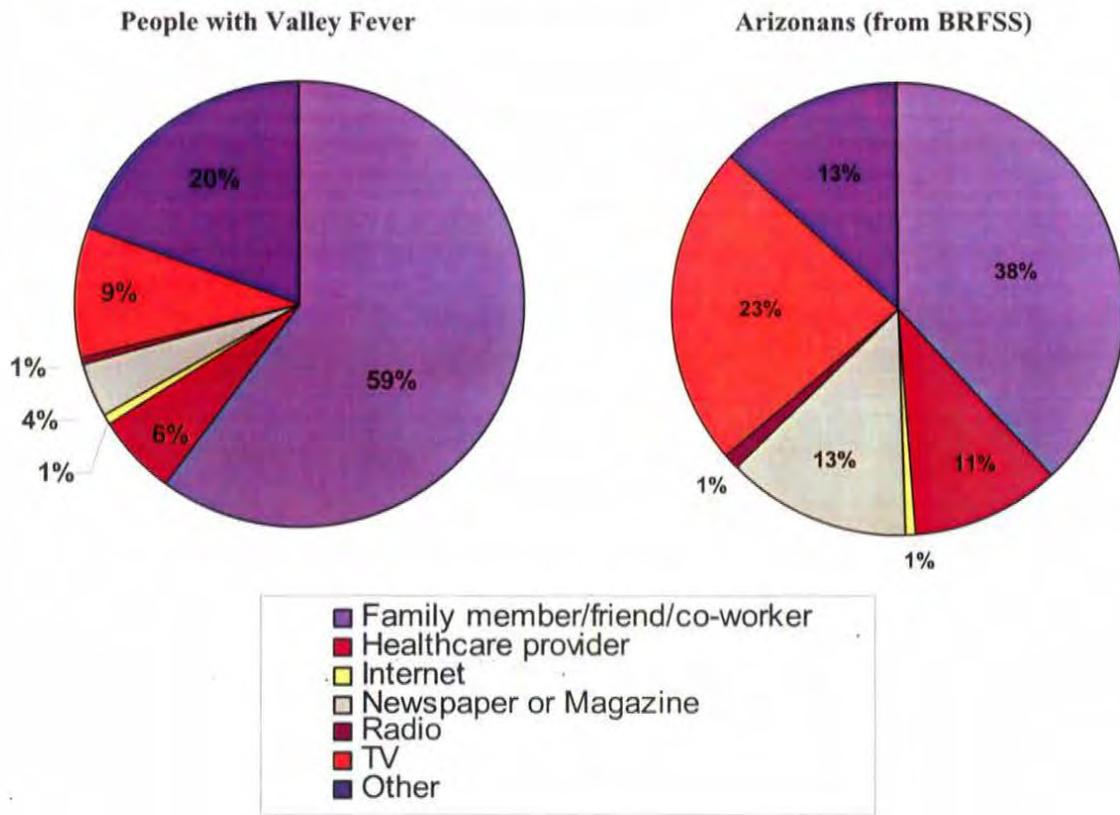
Appendix I. Emergency Room Visits and Hospitalizations.

Healthcare Visit (n=493)	Yes	No	Unknown
Visited the emergency room for illness	217 (46.1%)	251 (53.3%)	3 (0.6%)
Hospitalized overnight for illness	200 (41.8%)	276 (57.7%)	2 (0.4%)

Appendix J. Symptom Duration and Number of Days Lost for Valley Fever Cases.

Impact of Valley Fever	n	Mean	Median	Total (days)
Symptom duration (days)	420	193.2	108.5	81,144
Number of days missed from work	159	30.9	14.0	4,918
Number of days missed from school	35	16.6	9.0	582
Number of days missed from daily activities	352	95.8	47.0	33,716
Number of days before sought care for symptoms	411	43.6	11.0	17,938
Number of days between date sought care for symptoms and date of positive test result	422	156.1	23.0	65,864

Appendix K. Source of Where People First Heard About Valley Fever.



During the Fall of 2007, San Luis Obispo County Public Health Department investigated an outbreak of Valley Fever (*coccidioides immitis*) in construction workers in the North County region of the County. The California Department of Public Health participated in the investigation, and the following recommendations were issued to limit exposure to Valley Fever. Certain words were removed from the recommendations, to make the location of the outbreak more generic in order to protect confidentiality.

As you know, the California Department of Public Health has been conducting an epidemiological investigation of the outbreak of Valley Fever among a construction crew October 2007. Although this investigation is ongoing, we are writing to recommend interim measures to control worker exposure to species of *Coccidioides* (cocci), the fungal agent that causes Valley Fever. These recommendations are based on scientific information from the published literature.

Cocci is spread in the environment through dust that contains spores of the fungus. Geographic areas that are more likely to contain cocci spores in the soil (endemic areas) include the deserts of California, Nevada, Arizona, New Mexico, and Texas, as well as Mexico. The spores are small enough to be inhaled deep into the lung, where they can cause infection (*Coccidioidomycosis* or Valley Fever). Construction workers have been found to be at increased risk of Valley Fever compared to agricultural and other workers. In particular, pipeline, highway, and utility construction often involves work in remote areas where the soil has not been disturbed and where pockets of cocci may exist. When these pockets are disturbed, the dust raised can have a high concentration of spores. These pockets cannot be reliably predicted, but preventive measures, notably dust control, can be effective in reducing the rate of infection and the seriousness of epidemics.

Based on the most recent incident and on past incidents, we know that San Luis Obispo County is an endemic area for cocci. Workers exposed to dust may be considered at risk for developing Valley Fever. We recommend that you implement the following control measures to reduce the possibility of worker illness:

1. Reevaluate and update your Injury and Illness Prevention Program (IIPP, as required by Title 8, Section 3203), and ensure that safeguards to prevent Valley Fever are included.
2. Train all employees on the following issues:
 - The soil in San Luis Obispo County may contain cocci spores, especially in the North County region;
 - Inhaling cocci spores may cause Valley fever;
 - How to recognize symptoms of Valley Fever; these symptoms resemble common viral infections, and may include fatigue, cough, chest pain, fever, rash, headache, and body and joint ache;
 - Work with a medical professional with expertise in cocci as you develop this training. More information about cocci infection is available from the following websites

- <http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=845369>
- <http://www.vfce.arizona.edu/VFIH-home.htm>
- Workers must promptly report suspected symptoms of work-related Valley Fever to a supervisor;
- Workers are entitled to receive prompt medical care if they suspect symptoms of work-related Valley Fever; workers should inform the health care provider that they may have been exposed to cocci;
- To protect themselves, workers should use control measure as outlined in this document.

3. Control dust exposure:

- Consult with local Air Pollution Control District Compliance Assistance programs and with California Occupational Safety and Health Administration (Cal/OSHA) Compliance program regarding meeting the requirements of Dust Control Plans and for specific methods of dust control. These methods may include wetting the soil while ensuring that the wetting process does not raise dust or adversely affect the construction process;
- Provide HEP-filtered air-conditioned enclosed cabs on heavy equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment.
- Provide communication methods, such as 2-way radios, for use in enclosed cabs;
- Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers without a prior history of Valley Fever.
- Half-face respirators equipped with N-100 or P-100 filters should be used during digging. Employees should wear respirators when working near earth moving machinery.
- Employees should be medically evaluated, fit-tested, and properly trained on the use of the respirators, and a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144) should be in place;
- Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities;
- Avoid outdoor construction operations during unusually windy conditions;
- Consider limiting outdoor construction during the Fall to essential jobs only, as the risk of cocci infection is higher during this season.

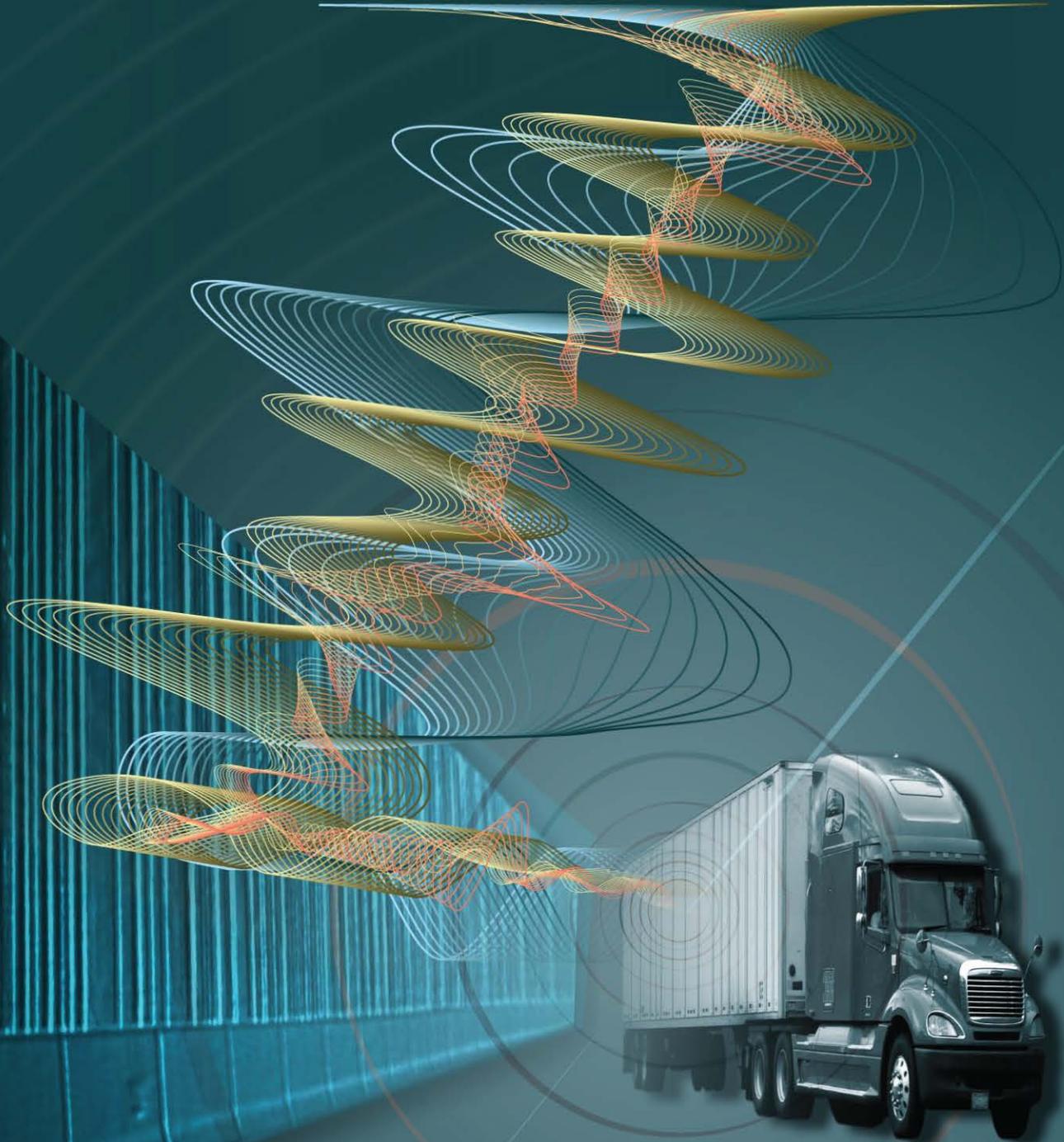
4. Prevent transport of cocci outside endemic areas:

- Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations;
- Provide workers with coveralls daily, lockers (or other system for keeping work and street clothing and shoes separate), daily changing and showering facilities.
- Clothing should be changed after work everyday, preferably at the work site;
- Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing stations;

- Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
5. Improve medical surveillance for employees:
- Employees should have prompt access to medical care, including suspected work-related illnesses and injuries;
 - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever;
 - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in San Luis Obispo County, and especially the North County region. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care;
 - Respirator Clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing;
 - Please note that skin testing is not recommended for evaluation of Valley Fever;
 - If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

Traffic Noise Analysis Protocol

For New Highway Construction,
Reconstruction, and Retrofit Barrier Projects



May 2011

California Department of Transportation
Division of Environmental Analysis



Traffic Noise Analysis Protocol
**For New Highway Construction,
Reconstruction, and Retrofit Barrier
Projects**

**California Department of Transportation
Division of Environmental Analysis**

May 2011



Caltrans

California Department of Transportation Division of Environmental
Analysis. 2011. Traffic Noise Analysis Protocol for New Highway
Construction, Reconstruction Projects, and Retrofit Barrier Projects. May.

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Acronyms and Abbreviations

Caltrans	California Department of Transportation
CE	Categorical Exclusion
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNEL	community noise equivalent level
CPI	Construction Price Index
dB	decibel
dba	A-weighted decibel
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
HOT	high-occupancy toll
HOV	high-occupancy vehicle
L_{dn}	day-night level
$L_{eq}[h]$	1-hour equivalent sound level
NAC	noise abatement criteria
NADR	Noise Abatement Decision Report
NEPA	National Environmental Policy Act
NSR	Noise Study Report
	notice of preparation (NOP)
Protocol	Traffic Noise Analysis Protocol
	Record of Decision (ROD)
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
SER	Caltrans Standard Environmental Reference

TeNS Technical Noise Supplement
TNM® Traffic Noise Model

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Section 1

Introduction

Title 23, Part 772 of the Code of Federal Regulations (23CFR772), “Procedures for Abatement of Highway Traffic Noise and Construction Noise,” outlines procedures for noise studies that are required for approval of Federal-aid highway projects. FHWA published a final rule revising 23CFR772 on July 13, 2010 (Appendix A). The Federal Highway Administration (FHWA) requires that State highway agencies prepare updated state-specific policies and procedures for applying the revised regulation in their state.

The purpose of this *Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects* (Protocol) is to present California Department of Transportation (Caltrans) policies and procedures for applying 23CFR772 in California. 23CFR772 applies to all Federal or Federal-aid Highway Projects authorized under title 23, United States Code. Therefore, this regulation applies to any highway project or multimodal project that: (1) requires FHWA approval regardless of funding sources, or (2) is funded with Federal-aid highway funds.

Definitions of key terms used in the Protocol are provided in the glossary provided in Appendix B. Terms defined in the glossary are shown as bold italicized text on first use in the Protocol.

A noise study conducted according to this Protocol must contain the analysis required for completion of environmental documentation under the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). Refer to the Caltrans Standard Environmental Reference (SER) for guidance on procedures for implementing NEPA and CEQA (California Department of Transportation 2006). Additional general discussion of CEQA and NEPA is provided in Section 7.

In addition, Caltrans has prepared a document titled *Technical Noise Supplement* (TeNS) (California Department of Transportation 2009) to assist noise analysts with the technical aspects of noise impact analysis. The TeNS supplements this Protocol and contains Caltrans noise analysis procedures, practices, and other useful technical background information related to the analysis of highway noise impacts and abatement. Refer to

the TeNS for definitions of technical terms used in the Protocol (<http://www.dot.ca.gov/hq/env/noise>).

If necessary, the noise study also must contain analysis required under Section 216 of the California Streets and Highway Code. This code relates to how traffic noise from a proposed freeway project affects noise levels in school classrooms. Figure 1 outlines the relationship between the State and Federal regulations and laws, the Protocol, Caltrans guidance, noise study documentation, environmental documentation, and project design.

This Protocol addresses the following main topics.

- Type I: new construction or reconstruction projects.
- Type II: retrofit *noise abatement* projects.
- Noise documentation.
- Liaison with local agencies.
- CEQA and NEPA considerations.

This Protocol is a revision of and supersedes the previous *Traffic Noise Analysis Protocol* (California Department of Transportation 2006).

Projects that do not have a completed noise study signed and approved by Caltrans (or FHWA for non-delegated projects) by July 13, 2011, will be required to comply with this updated Protocol and the updated regulation. If a project is modified such that a NEPA reevaluation and new noise study are required, the Protocol and regulation in place at that time must be used.

This Protocol was developed by a team from several areas of Caltrans and FHWA. The contributions of the following individuals are greatly appreciated.

Caltrans

Jim Andrews, Bruce Rymer, Jayne Dowda, Glenn Kinoshita, Tony Louka, Ben Tam, Femi Odufalu, Reza Aurasteh, Ken Romero, Kelly Dunlap, Gina Moran, Dale Jones, Bob Pavlik, John Chisholm

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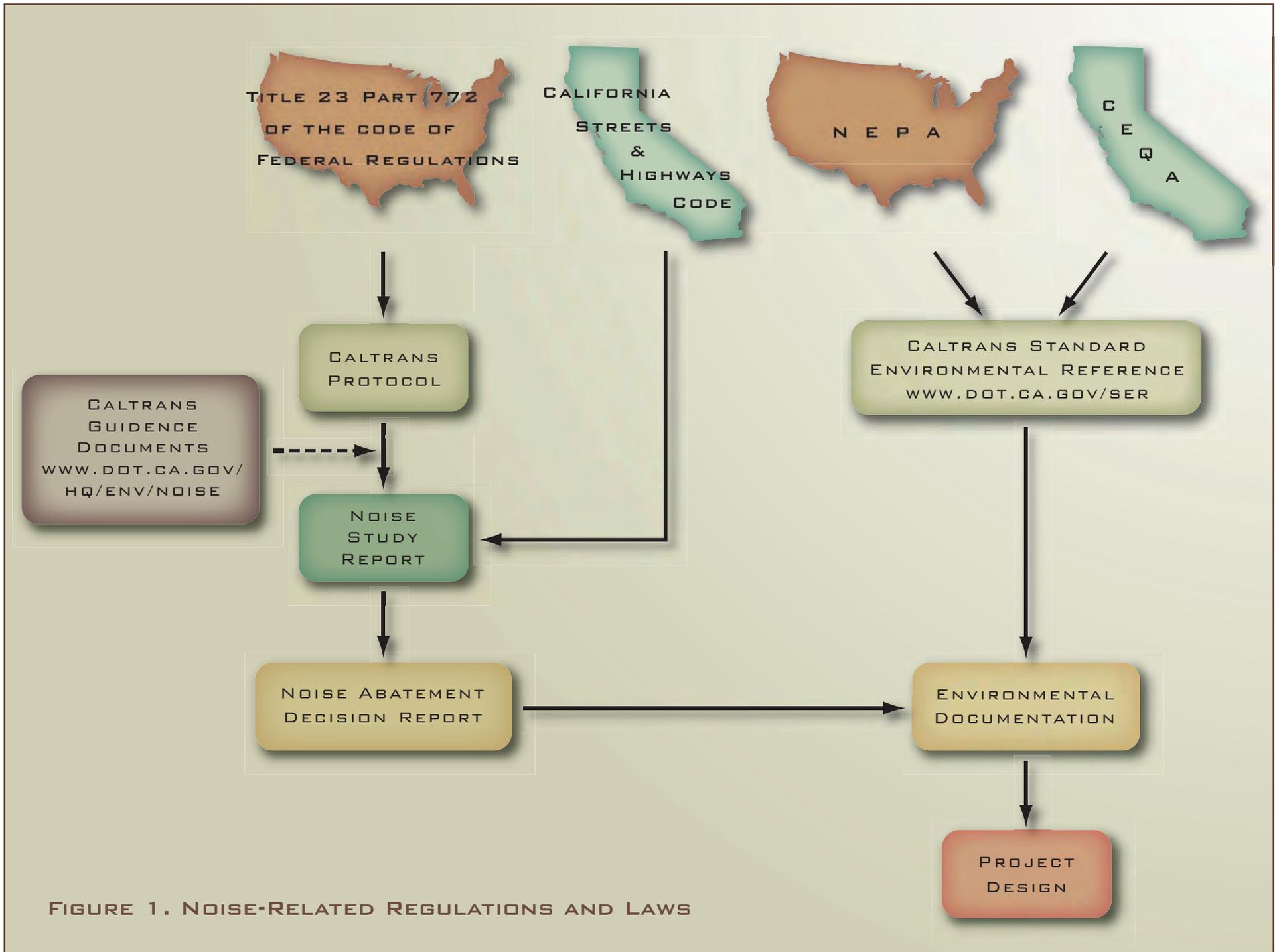


FIGURE 1. NOISE-RELATED REGULATIONS AND LAWS

Section 2

Title 23, Part 772, Code of Federal Regulations

The purpose of 23CFR772 is to provide procedures for conducting noise studies and evaluating noise abatement measures to help protect the public's health, welfare, and livability; to supply noise abatement criteria; and to establish requirements for information to be given to local officials for use in the planning and design of highways approved pursuant to title 23 United States Code. As such, 23CFR772 provides procedures for preparing operational and construction noise studies and evaluating noise abatement considered for Federal and Federal-aid highway projects. According to 23CFR772.3, all highway projects that are developed in conformance with this regulation are deemed to be in accordance with the FHWA noise standards. This Protocol provides California policies and procedures for compliance with 23CFR772. The text of 23CFR772 is contained in Appendix A.

Under 23CFR772.7, projects are categorized as *Type I*, *Type II*, or *Type III projects*. FHWA defines a Type I project as a proposed Federal or Federal-aid highway project for the construction of a highway on a new location, the physical alteration of an existing highway where there is either a substantial horizontal or substantial vertical alteration, or other activities discussed in Section 3 below in the definition of a Type I project. A Type II project involves construction of noise abatement on an existing highway with no changes to highway capacity or alignment. A Type III project is a project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

Under 23CFR772.13, noise abatement must be considered and evaluated for feasibility and reasonableness for Type I projects if the project is predicted to result in a *traffic noise impact*. In such cases, 23CFR772 requires that the project sponsor "consider" noise abatement before adoption of the NEPA Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or Record of Decision (ROD). This process involves identification of noise abatement measures that are feasible, reasonable, and likely to be incorporated into the project, and noise impacts for which no noise abatement measures are feasible and reasonable. Figure 2 summarizes the highway noise analysis process.

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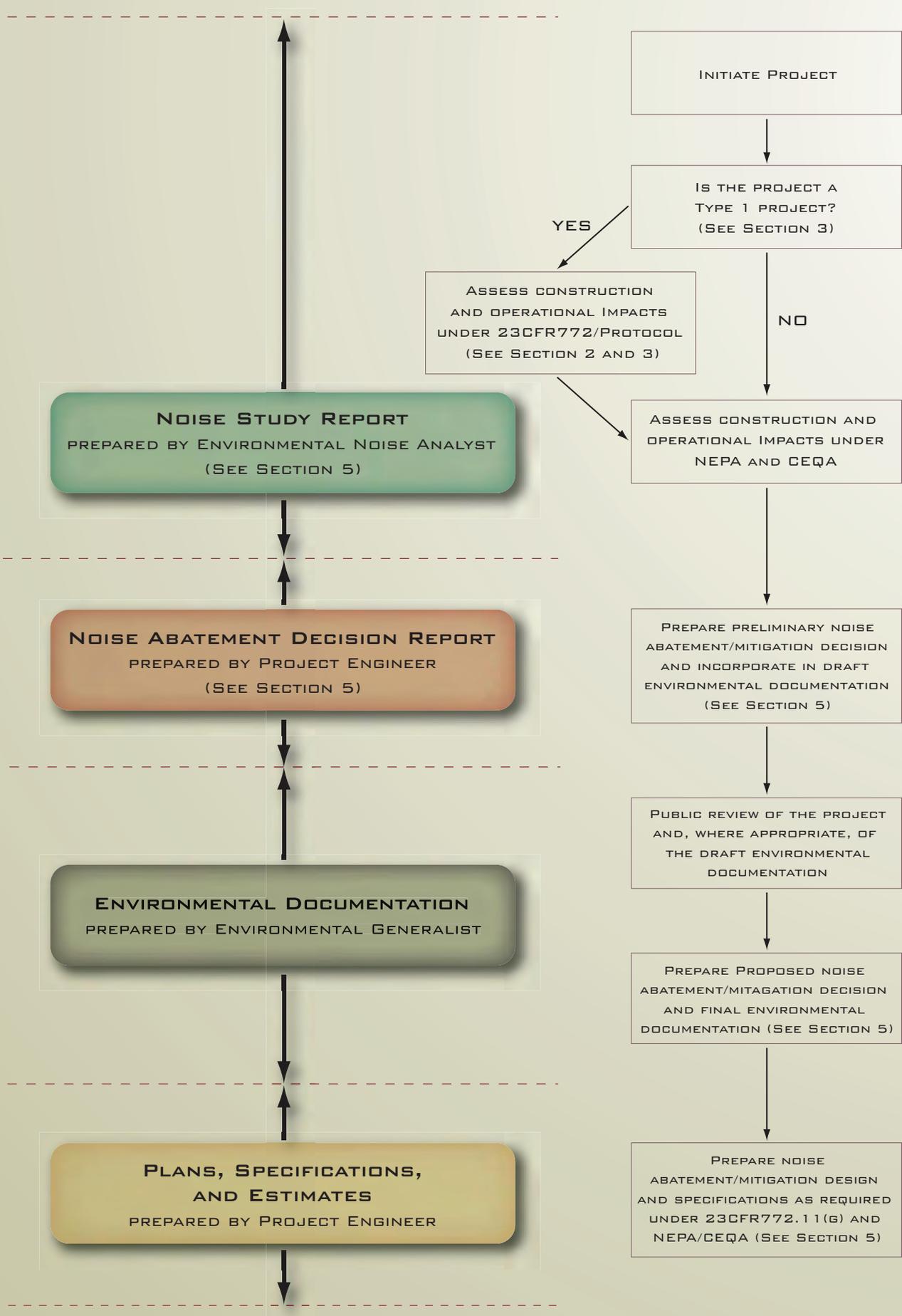


FIGURE 2. HIGHWAY NOISE ASSESSMENT FLOW CHART

Type I: New Construction or Reconstruction Projects

23CFR772 defines a *Type I project* as a project that involves:

1. The construction of a highway on a new location or
2. The physical alteration of an existing highway where there is either:
 - A. Substantial horizontal alteration. A project that halves the distance between the traffic noise source and the closest *receptor* between the existing condition to the future build condition, or
 - B. Substantial vertical alteration. A project that removes shielding thereby exposing the line-of-sight between the receptor and the traffic noise source. This is done by altering either the vertical alignment of the highway or the topography between the highway traffic noise source and the receptor; or
3. The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a high-occupancy vehicle (HOV) lane, high-occupancy toll (HOT) lane, bus lane, or truck climbing lane; or
4. The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or
5. The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or
6. Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or
7. The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot, or toll plaza.

If a project is determined to be a Type I project under this definition, the entire project area as defined in the environmental document is a Type I project.

Traffic Noise Impacts

Traffic noise impacts as defined in 23CFR772.5 occur when the *predicted noise level* in the *design year* approaches or exceeds the Noise Abatement Criteria (NAC) specified in 23CFR772, or a predicted noise level substantially exceeds the *existing noise level* (a “substantial” noise increase). Noise levels are expressed in terms the *A-weighted decibel (dBA)* and the *one-hour equivalent sound level ($L_{eq}[h]$)*.

Table 1 summarizes NAC corresponding to various land use activity categories. Activity categories and related traffic noise impacts are determined based on the actual or permitted land use in a given area.

In California a noise level is considered to approach the NAC for a given activity category if it is within 1 dBA of the NAC. In California a substantial noise increase is considered to occur when the project’s predicted worst-hour design-year noise level exceeds the existing worst-hour noise level by 12 dBA or more. The use of 12 dB was established in California many years ago and is based on the concept that a 10 dB increase generally is perceived as a doubling of loudness. A collective decision by Caltrans staff, which was approved by FHWA, was made to use 12 dB.

Table 1. Activity Categories and Noise Abatement Criteria (23CFR772)

Activity Category	Activity $L_{eq}[h]$ ¹	Evaluation Location	Description of Activities
A	57	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B ²	67	Exterior	Residential.
C ²	67	Exterior	Active sport areas, amphitheatres, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D	52	Interior	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E	72	Exterior	Hotels, motels, offices, restaurants/bars, and other developed lands, properties, or activities not included in A–D or F.
F			Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing.
G			Undeveloped lands that are not permitted.

¹ The $L_{eq}(h)$ activity criteria values are for impact determination only and are not design standards for noise abatement measures. All values are A-weighted decibels (dBA).

² Includes undeveloped lands permitted for this activity category.

Predicted exterior traffic noise levels at land uses in Activity Categories A, B, C, and E are evaluated to determine whether traffic noise impacts are predicted to occur. In determining traffic noise impacts for these Activity Categories, primary consideration is given to exterior areas where *frequent human use* occurs that would benefit from a lowered noise level. In general, an area of frequent human use is an area where people are exposed to traffic noise for an extended period of time on a regular basis.

As an example, a parking lot of a place of worship is not considered to be an area of frequent human use that would benefit from a lowered noise

level because people only spend a few minutes there getting in and out of their cars and there would be no benefit to a lowered noise level. However, if outdoor worship services are held at this location, this would be an area where people are exposed to noise for an extended period of time and where the ability to hear is important. This then would be considered an area of frequent human use that would benefit from a lowered noise level.

Other examples are outdoor seating areas at restaurants or outdoor use areas at hotels, if those are areas where people spend an extended period of time on a regular basis. One practical test for determining frequent human use is the presence of existing facilities that invite human use such as benches, barbeque facilities, covered group picnic areas, and uncovered picnic tables.

Activity Category A Land Uses

Activity Category A lands are those areas where serenity and quiet are of extraordinary significance. These lands serve an important public need where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.

If a property within the project limits has potential to be an Activity Category A use, consultation with FHWA is required on a case-by-case basis to make the final determination.

Activity Category B Land Uses

Following are general guidelines that can be used to evaluate Activity Category B land uses.

Each residential single-family or multi-family dwelling unit must be counted as one receptor. For modeling purposes, the receptor should be placed at the primary outdoor use area of the dwelling unit. This is typically the backyard of single family dwelling or patio/balcony of a dwelling unit in a multi-family building.

Multi-family and residential community common areas may include pools, ball courts, or other formalized outdoor activity areas. Each of these outdoor activity areas must be counted as one receptor.

Activity Category C Land Uses

The following are general guidelines that can be used to evaluate Activity Category C land uses.

Parks and Recreation Areas—Parks range in size and amenities and can include small neighborhood parks, linear green belts, and large regional parks and natural preserves. Recreation areas also may encompass multiple activity areas within a large parcel of land.

Receptors must be located within the park or recreation area boundary for each area with a discrete outdoor activity as discussed below. If the park or recreational area has no discernible formal activity areas (trails, camping facilities, picnic areas, ball fields, etc.), a minimum of one generalized receptor must be placed within the park or recreation area no closer than 100 feet from the edge of the outside traffic lane in the area that best represents the highest expected traffic noise level.

Picnic Areas and Fire Pits—One receptor must be counted for each area of clustered tables and/or fire pits that are oriented or situated as a single functional area.

Campgrounds—One receptor must be counted for each group of 10 formal campsites or camping cabins capable of human occupation. Ten or fewer campsites are counted as one receptor. Informal campsite areas located within formalized campgrounds should be counted as one collective receptor per separated area.

Pavilions—One receptor must be counted for each complex of tables, outdoor cooking facilities, covered pavilions, gazebos, etc., that are oriented or situated to provide a single use area.

Sporting fields—One receptor must be counted for each formalized sporting field, including associated seating, access, pathways, and/or stadium complex. Less formalized activity areas such as grassy areas of a park or recreation area, which are commonly used for informal sporting activity, must be counted as one receptor per area.

Golf Courses—One receptor must be placed for each hole of the golf course in an area (tee box, fairway, or green) that best represents the highest expected traffic noise level for that hole. If other outdoor activity areas exist within the course, such as practice areas, picnic facilities, restaurant outdoor area, etc., each formalized activity area must be evaluated with a separate receptor.

Trails—One receptor must be counted for each formal trail regardless of the pathway orientation. The receptor should be placed no closer than 100 feet from the edge of the outside traffic lane at a location on the trail that best represents the highest expected traffic noise level.

Cemetery—One receptor must be counted for each area of a formalized memorial gathering facility. Individual grave sites, access ways, and informal activity areas are not considered individually sensitive receptors; however, each section of the cemetery that may have informal gathering areas must be assigned a receptor. If there are no formalized or operator-defined informal gathering areas, a generalized receptor must be placed in the property no closer than 100 feet from the edge of the outside traffic lane in an area that best represents the highest expected traffic noise level.

When no noise analysis is necessary for a site because there is no exterior area with frequent human use, this finding must be documented in the project noise study report.

Activity Category D Land Uses

Each building in an Activity Category D area must be counted as one receptor.

In situations where no exterior activities are to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, Activity Category D is used as the basis of determining noise impacts. Indoor analysis is conducted at Category D land uses only after all outdoor analysis options have been exhausted and after a determination has been made that exterior abatement measures will not be feasible and reasonable.

If a determination has been made that interior noise levels for Activity Category D land uses will be evaluated, a visual inspection of the building construction is conducted and an estimate of the noise reduction provided by the building structure is made based on guidance in Table 7 of the FHWA *Highway Traffic Noise: Analysis and Abatement Guidance* document and other standard acoustical reference data. It is assumed that windows normally will be closed at facilities with air conditioning.

The estimated noise reduction is subtracted from the predicted *design-year* noise level at the building façade to determine whether the interior noise level is likely to approach or exceed the interior NAC. Where interior traffic noise impacts are identified, noise abatement in the form of noise barriers will be considered first. In cases where a barrier clearly is not

feasible because of driveway access or other issues, improvement of building shell acoustical insulation is then considered. In order for a building to be considered a benefited receptor the proposed noise abatement must be predicted to provide a least 5 dB of noise reduction.

Interior noise level measurements typically are not conducted and building shell acoustical insulation typically is not evaluated in detail during the environmental review phase. However, there may be special circumstances where this is necessary. Interior noise-level measurements typically will be conducted during final design to confirm the presence of an interior traffic noise impact and to develop final design-level treatments to be implemented.

Activity Category E Land Uses

Receptors must be located within the property boundary for each area with a discrete outdoor activity. This would include common use areas such as pools, ball courts, or other formalized outdoor activity areas. Each of these outdoor activity areas must be counted as one receptor.

If the area has no discernible formal activity areas, a minimum of one generalized receptor must be placed within the property no closer than 100 feet from the edge of the outside traffic lane in the area that best represents the highest expected traffic noise level.

Activity Category F Land Uses

There are no impact criteria for Activity Category F land uses. However, for reporting purposes, one generalized receptor must be placed within the area no closer than 100 feet from the edge of the outside traffic lane that best represents the highest expected traffic noise level.

Activity Category G Land Uses

There are no impact criteria for Activity Category G land uses. However, for reporting purposes, one generalized receptor must be placed within the area no closer than 100 feet from the edge of the outside traffic lane that best represents the highest expected traffic noise level.

With regard to undeveloped lands (Activity Category G), it first must be determined whether the undeveloped land is permitted for development. Development proposed on undeveloped land is considered permitted on

the date of issuance of a building permit by the local jurisdiction or by the appropriate governing entity.

If development proposed on undeveloped land is determined to be permitted (*permitted development*), the land is assigned to the appropriate activity category, and the land is analyzed in the same manner as developed lands in that activity category.

If undeveloped land is not permitted for development by the *date of public knowledge*, noise level results are documented in the project's environmental clearance documents and noise analysis documents. The date of public knowledge is the date of approval of the CE, FONSI, or the ROD. Federal participation in noise abatement measures will not be considered for lands that are not permitted by the date of public knowledge.

Impact Analysis

When performing a noise impact analysis, the first step is to determine whether traffic noise impacts under 23CFR772 are predicted. Under 23CFR772, a traffic noise impact analysis must be conducted for each project alternative considered in the environmental document. Under the requirements of NEPA, the no-build or no-action alternative also must be evaluated. The steps of the analysis to comply with 23CFR772 are summarized below.

1. Identify existing developed land uses and land that is permitted for development adjacent to the project that may be affected by the project.
2. Determine worst-hour existing noise levels at adjacent land uses.
3. Predict traffic noise levels using traffic characteristics that will yield the worst hourly traffic noise impact for the design year using traffic noise prediction methodology that is consistent with officially approved Caltrans noise prediction models. The current approved methodology at the publishing date of this Protocol is the FHWA Traffic Noise Model[®] (TNM[®]).
4. The current highway traffic noise prediction model TNM has been validated at distances within 500 feet of the highway. Receptors that are located beyond 500 feet from the project area do not need to be considered for analysis unless there is a reasonable expectation that noise impacts would extend beyond that boundary. This may require engineering judgment and supplemental noise measurements to determine impacts.

5. Determine whether traffic noise impacts are predicted at adjacent land by comparing predicted worst-hour noise levels in the design year to existing noise levels and the NAC.

The results of this analysis must be provided to local agencies pursuant to 23CFR772.17, which requires Caltrans to inform local officials about estimated future noise levels and to provide information that will allow local communities to avoid noise-incompatible future land development.

Construction Noise Impacts

23CFR772 requires that construction noise be evaluated for all Type I and Type II projects. To perform an assessment of construction noise, land uses or activities that may be affected by noise from construction of the project must be identified. 23CFR772 does not specify specific methods or abatement criteria for evaluating construction noise. However, a reasonable analysis method such as FHWA Roadway Construction Noise Model (Federal Highway Administration 2006) must be used to determine whether construction would result in adverse construction noise impacts on land uses or activities in the project area.

Section 14-8.02, Noise Control, of Caltrans standard specifications provides information that can be considered in determining whether construction would result in adverse noise impacts. The specification states:

- Do not exceed 86 dBA at 50 feet from the job site activities from 9 p.m. to 6 a.m.
- Equip an internal combustion engine with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

If adverse construction noise impacts are anticipated, project plans and specifications must identify abatement measures that would minimize or eliminate adverse construction noise impacts on the community. When construction noise abatement is identified, Caltrans will consider the benefits achieved and the overall adverse social, economic, and environmental effects and costs of the construction noise abatement measures.

If noise barriers are planned as part of the project, Caltrans will consider constructing the barriers before beginning project construction, so that the barriers can reduce construction noise transmission to adjacent land uses. Barriers can be constructed before project construction through a separate

contract, or as a first phase of work under the project construction contract.

Noise Abatement

Abatement Alternatives in 23CFR772

If traffic noise impacts are predicted, noise abatement measures must be considered. Noise abatement is considered only where frequent human use occurs and where a lowered noise level would be of benefit. For noise abatement to be considered acoustically feasible, it must be predicted to provide at least a 5-decibel (dB) minimum reduction at an *impacted receptor*. This reduction represents a “readily perceptible change” in the noise level as described in the TeNS.

Noise abatement measures that are determined feasible and reasonable and likely to be incorporated into the project must be identified before adoption of the CE, FONSI, or ROD.

According to 23CFR772(13)(c), Federal funding may be used for the following abatement measures.

1. Construction of noise barriers, including acquisition of property rights, either within or outside the highway right-of-way. Landscaping is not a viable noise abatement measure.
2. Traffic management measures including, but not limited to, traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations.
3. Alteration of horizontal and vertical alignments.
4. Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise. This measure may be included in Type I projects only.
5. Noise insulation of Activity Category D land use facilities listed in Table 1. Post-installation maintenance and operational costs for noise insulation are not eligible for Federal-aid funding.

Design objectives and criteria for noise abatement measures are discussed in detail in Chapter 1100, “Noise Abatement,” of the *Highway Design Manual*. Section 1101 contains general requirements, and Section 1102 discusses design criteria. The Caltrans Project Manager is responsible for

ensuring that the guidance and requirements in the most current version of the *Highway Design Manual* are implemented in the final design.

In addition, 23CFR772 now requires an acoustical design goal for noise abatement. The Caltrans acoustical design goal is that noise abatement must be predicted to provide at least 7 dB of noise reduction at one or more *benefited receptors*. The NAC in Table 1 are not design goals for noise abatement, but rather are thresholds at which noise impacts are considered to occur.

Noise abatement measures that provide noise reduction of more than 5 dB are encouraged as long as they meet the reasonableness guidelines discussed under Reasonableness below. When a noise barrier is designed, its end locations should be determined by the impacted receptor only, not by any potentially benefited receptors that flank the barrier.

Feasibility

The feasibility of a noise abatement measure is an engineering consideration. Noise abatement must be predicted to reduce noise by at least 5 dB at an impacted receptor to be considered feasible from an acoustical perspective. As stated above, noise abatement measures that provide noise reduction of more than 5 dB are encouraged as long as they meet the reasonableness guidelines covered below.

Feasibility may be restricted by various factors, including topography, access requirements for driveways, presence of local cross streets, underground utilities, other noise sources in the area, and safety considerations. For safety reasons the Caltrans *Highway Design Manual* states that noise barriers should not exceed 14 feet in height (measured from the pavement surface at the face of the safety-shape barrier) when located 15 feet or less from the edge of the traveled way.

Reasonableness

The determination of the reasonableness of noise abatement is more subjective than the determination of its feasibility. As defined in Section 772.5 of the regulation, reasonableness is the combination of social, economic, and environmental factors considered in the evaluation of a noise abatement measure.

The overall reasonableness of noise abatement is determined by the following three factors.

- The noise reduction design goal.
- The cost of noise abatement.
- The viewpoints of benefited receptors (including property owners and residents of the benefited receptors).

23CFR772 lists optional reasonableness factors that may be considered. However, Caltrans is not implementing any optional reasonableness factors in this Protocol. The reasonableness of noise abatement therefore is based only on the three required factors listed above. The Project Development Team will make the proposed noise abatement decisions that will be incorporated into the final environmental documentation. Any proposed changes to the noise abatement decision subsequent to adoption of the final environmental document must be reviewed with the District noise specialists to ensure adequate acoustic performance.

Noise Reduction Design Goal

23CFR722 requires that an acoustical design goal be applied to all noise abatement. Caltrans' acoustical design goal is that a barrier must be predicted to provide at least 7 dB of noise reduction at one or more benefited receptors. For a wall to be considered reasonable, the 7-dB design goal must be achieved at one or more benefited receptors. This design goal applies to any receptor and is not limited to impacted receptors.

Cost Considerations

Cost considerations for determining noise abatement reasonableness are evaluated by comparing reasonableness allowances and projected abatement costs. The following discussion provides detailed guidance for calculating reasonableness allowances for projected abatement.

Cost considerations in the reasonableness determination of noise abatement are based on a 2011 allowance per *benefited receptor* of \$55,000. A benefited receptor is a dwelling unit that is predicted to receive a noise reduction of at least 5 dBA from the proposed noise abatement measure. A receptor can be a benefited receptor even if it is not subject to a traffic noise impact.

The 2011 allowance of \$55,000 is based on the published Caltrans annual Construction Price Index (CPI). In the future, the base allowance will be adjusted based on the most recent annual CPI found on the Caltrans web site.

If the engineer's cost estimate for a given proposed noise abatement measure is less than the total reasonableness allowance for all benefited receptors, the noise abatement measure is considered to be reasonable from a cost perspective. The total reasonableness allowance for a given barrier is the reasonableness allowance per receptor multiplied by the number of benefited receptors for that barrier.

The cost calculations of the noise abatement measure must include all items appropriate and necessary for the construction of the noise abatement measure. Examples of cost items that should be included in estimating the construction cost of a noise abatement measure are traffic control, drainage modification, retaining walls, landscaping for graffiti abatement, and right-of-way costs. Only those costs directly related to the construction of the noise abatement should be included in the noise abatement construction estimate.

If visual mitigation requirements include the use of a transparent noise barrier or visual aesthetic treatments, the additional cost shall not be included in the abatement construction cost estimate for the purpose of determining reasonableness. If a retaining wall is a project feature for reasons other than constructing a noise barrier, the cost of the retaining wall is not included in the abatement construction cost estimate. If site conditions require a retaining wall or modification of a planned retaining wall for the proposed noise barrier foundation, the cost of the retaining wall or related modifications is included in the construction cost estimate.

To determine whether a cost is attributable to a noise abatement measure, it must be determined whether the cost would be necessary if no noise abatement measures were constructed. For example, only the portion of the traffic control, landscape, or retaining wall cost that is added because a noise abatement measure is being constructed should be attributed to the cost of the abatement.

The cost of implementing an absorptive surface on a noise barrier that is triggered by either of the conditions described below under Reflected Noise shall not be included in the cost of the abatement.

The reasonableness allowance discussed in this section is calculated independently from the estimated construction cost of the noise abatement measure. The reasonableness allowance is the maximum amount that reasonably should be spent on noise abatement and should be used for comparative purposes only. It should not be construed as a spending goal. If the estimated cost of the noise abatement measure is determined to be less than the reasonableness allowance and the noise abatement goals will be met, it is not necessary to increase spending for noise abatement to the maximum of the reasonableness allowance. However, an effort should be

made to achieve the greatest noise reduction possible within the calculated abatement allowance.

Normally, when abatement in the form of barriers is considered, barriers ranging in height from 6 to 16 feet are evaluated in 2-foot increments. A range of construction costs then can be calculated and compared to the allowance. Barriers more than 16 feet high must be considered if necessary to achieve acoustical feasibility (i.e., at least 5 dB of noise reduction) or reasonableness (i.e., to achieve the 7 dB design goal). Coordination with the project design team is needed to support the final height.

Viewpoints of Benefited Receptors

To evaluate the viewpoints of benefited receptors, letters are sent by registered mail to all property owners and non-owner occupants of benefited receptors asking them to provide a position either in favor of or in opposition to the proposed noise abatement by a specified deadline.

If more than 50% of the votes from responding benefited receptors oppose the abatement, the abatement will not be considered reasonable. Votes from property owners and non-owner occupants of benefited receptors will be surveyed. For owner-occupied dwelling units, the property owner gets one vote. For non-owner-occupied dwelling units, the renter gets 10% of one vote and the owner gets 90% of one vote.

For noise abatement to be located on private property, 100% of owners of property upon which the abatement is to be placed must support the proposed abatement. In the case of proposed noise abatement on private property, no response from a property owner, after a reasonable number of attempts, is considered a *no* vote.

Polling of benefited receptors should be completed prior to circulation of the draft environmental document. The results of the polling and the final reasonableness determination must be included in the CE, FONSI, or ROD.

Special Considerations

Following are special circumstances related to noise abatement.

Outside the Right-of-Way

Noise abatement measures normally are constructed within the State right-of-way. However, under certain topographical and geometric configurations, it may be more effective to construct noise abatement measures outside the right-of-way on private property. If it is determined that noise abatement should be considered for properties adjacent to the freeway and abatement in the State right-of-way is not feasible, construction outside the State right-of-way may be implemented under the conditions described below.

For a proposed abatement location outside the State right-of-way, a permanent easement must be secured for all affected properties to construct and maintain the noise abatement measure. The acquisition of this permanent easement is part of the abatement cost for the purposes of assessing reasonableness. If the noise abatement is determined not to be reasonable, the property owner may donate the permanent easement by signing a waiver of just compensation. Because noise abatement is a consideration, not a requirement, requesting donation of a permanent easement from the property owner when noise abatement is determined not to be reasonable is not a violation of the Uniform Relocation Assistance Act.

On a Federally funded project, FHWA (Caltrans as assigned) will hold Caltrans responsible for structural maintenance of the noise abatement measures. In most cases, right-of-way agreements require the property owner to perform routine maintenance on walls.

Additionally, all owners of property where barriers will be placed must support the proposed noise abatement measure, location, and materials to be used for construction. Each property owner must enter into a contract with Caltrans that specifies that they agree:

- To allow Caltrans personnel, representatives, and contractors to enter their property for purposes of constructing the noise abatement measure and all other related work.
- To allow Caltrans personnel and representatives to enter their property with appropriate prior notification for the purpose of periodic inspection or structural repair of the noise abatement measure.
- To accept aesthetic maintenance responsibility of their respective portion of the noise abatement measure upon its completion and to perpetuate the noise abatement measure's initial aesthetic qualities.
- Not to remove the noise abatement measure without full consent of all other affected property owners and Caltrans.

- That the contract provisions will be a permanent burden on the property involved. Caltrans District Right-of-Way will determine specific wording that, at a minimum, must include the following provision: “The term of this contract shall be a burden that runs with the land, and shall inure and be binding upon the successors, assignees, or transferees of the property owner.”

Reflected Noise

In certain configurations, noise reflecting off reflective noise barriers (i.e., noise barriers constructed of noise-reflective materials) or structures can degrade the noise barriers’ performance or cause noise increases in areas not protected by the barriers. To avoid this effect, Caltrans’ standard practice is that walls be provided with an acoustically absorptive surface with a noise reduction coefficient of 0.80 or greater under either of the following conditions.

- The ratio of the spacing between new parallel barriers or retaining walls and the average height of the barriers or walls is 15:1 or less.
- Receptors on one side of the highway have a direct line of sight from an area of frequent human use that would benefit from a lowered noise level to a new barrier or new retaining wall on the opposite side of the highway.

For comparison with the reasonable allowance, the cost of implementing an absorptive surface that is triggered by either of the conditions described above shall not be included in the cost of the abatement.

Quiet Pavement

Quieter pavement currently is not listed in 23CFR772 as a noise abatement measure for which Federal funding may be used. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. Information about the ongoing pavement research can be found on the Caltrans web site at:

<http://www.dot.ca.gov/hq/esc/Translab/ope/QuieterPavements.html>

In some special circumstances, Caltrans may consider using State-only funds to pay for quieter pavement to reduce traffic noise.

Acoustical Analyst Qualifications

Any lead acoustical analyst or staff member responsible for the assessment of traffic noise impacts, traffic noise abatement, or review and approval of final noise reports shall at a minimum have a BS or BA degree in a related field and 5 years of demonstrated experience.

In lieu of 5 years of experience, equivalent qualifications as determined by the Caltrans Environmental Analysis Division or successful completion of all of the following will be allowed:

- INCE Fundamentals examination;
- FHWA course, The Fundamentals and Abatement of Highway Traffic Noise; and
- NHI Course 142051 Highway Traffic Noise.

Noise Analysis Process Summary

Figure 1 contains a flow chart of the highway noise analysis process. The following discussion describes the process.

If the project is exempt from analysis under 23CFR772 (i.e., it is a Type III project, but it is not a Type I project or Type II project), or if no traffic noise impacts are predicted under 23CFR772, no evaluation of abatement is necessary. The project sponsor must report in the applicable draft environmental documentation that the project is exempt from 23CFR772, or that no traffic noise impacts under 23CFR772 are predicted and no noise abatement is required.

If traffic noise impacts are predicted, however, noise abatement must be considered. Information on the acoustic feasibility of noise abatement and noise abatement allowances for a range of noise barrier heights is reported in the noise study report. A specific recommended noise barrier height and information on construction costs are not presented in the noise study report.

The noise abatement recommendation is made after the abatement noise reductions, reasonableness allowances, and construction costs have been calculated and after the viewpoints of benefited receptors have been surveyed. There are two possible outcomes, as described below.

- **Outcome 1:** If the proposed abatement is predicted to provide at least 5 dB of noise reduction, has an estimated cost of construction less than the calculated reasonableness allowance, is acceptable to property

owners/residents, and meets the design goal, the noise abatement is determined to be feasible and reasonable and therefore is recommended. The recommendation is reported in the Noise Abatement Decision Report (NADR) and applicable draft environmental documentation. The following statement of likelihood shall be included in both the NADR and the NEPA portions of the draft and final environmental documentation:

Based on the studies so far accomplished, Caltrans intends to incorporate noise abatement measures in the form of (a) barrier(s) at **[location]**, with respective lengths and average heights of **[total length and average height measurement]**. Calculations based on preliminary design data indicate that the barrier(s) will reduce noise levels by 5 to **[number]** dBA. If during final design the project has substantially changed, noise barriers might not be provided. The final decision regarding the construction of noise barriers will be made after completion of the public involvement process during the final project design process.

Similar language must be provided for other non-barrier abatement.

- **Outcome 2:** If traffic noise impacts are predicted and the proposed noise abatement is not feasible or reasonable, noise abatement is not recommended. This conclusion is reported in the NADR and applicable draft environmental documentation. The project sponsor states in the NADR and applicable draft environmental documentation that traffic noise impacts exist for which no noise abatement measures are feasible and reasonable. The reasons for this conclusion are also provided.

The final reasonableness determination is included in the CE, FONSI, or ROD.

Type II: Retrofit Noise Abatement Projects

This section addresses retrofit noise abatement on existing transportation facilities for projects proposed within the State right-of-way or projects proposed by any agency using Type II Federal-aid funds under 23 CFR 772. Under current State law, regional transportation planning agencies (RTPAs), rather than Caltrans, are responsible for sponsoring retrofit noise abatement projects. However, abatement proposed for construction within the State right-of-way must be approved by Caltrans and therefore must meet certain minimum requirements as described in this section. In addition, 23 CFR 772 requires that each state that chooses to participate in a Type II program develop a priority system for Type II barriers based on a variety of factors, to rank the projects in the program. Although Caltrans does not directly control funds used by RTPAs for Type II projects, FHWA requires that each state highway agency develop and oversee the priority system used. Retrofit noise abatement discussed in this section applies to all activity categories in Table 1. In identifying areas for retrofit noise abatement, primary consideration must be given to exterior areas. Noise abatement is considered only where frequent human use occurs and a lowered noise level would be beneficial.

Eligibility and Funding

The development and implementation of retrofit noise abatement is an optional program under 23CFR772. Information in this section applies only to retrofit abatement projects proposed within the State right-of-way or projects proposed by any agency using Type II Federal-aid funds. Retrofit noise abatement projects can be eligible for Federal participation if projects are classified as Type II as defined in 23CFR772.5. All Type II projects require approval from FHWA (Caltrans, as assigned). A CE (non-programmatic) is the lowest level of NEPA document allowed for Type II projects.

When Type II projects are proposed for Federal-aid highway participation, the applicable provisions in 23CFR772.15 apply. RTPAs using Federal funds for retrofit noise abatement must follow the requirements of 23CFR772 and either the provisions of this chapter or those of a Federally approved noise abatement policy. Approval of a Type II policy that is

different from the policy described herein is granted by FHWA on a case-by-case basis, with recommendation by and through Caltrans.

23CFR772.15 identifies the following restrictions for Type II projects.

1. No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers, as defined by this regulation, if such noise barriers were not part of a project approved by the FHWA before November 28, 1995.
2. Federal funds are available for Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.
3. FHWA (Caltrans, as assigned) will not approve noise abatement measures for locations where such measures were previously determined not to be feasible and reasonable for a Type I project.

Qualification Criteria

Caltrans has established the following criteria for retrofit noise abatement proposed within the State right-of-way.

- Activity areas must have been developed before construction of the highway or before any expansion or alteration of the highway that would result in increased traffic noise at the residential areas.
- Existing worst-hour noise level at activity areas must exceed the applicable noise abatement criterion in Table 1.
- Any other FHWA-approved criteria established and implemented by sponsoring RTPAs responsible for retrofit noise abatement program must be met.

Type II Project Priority

As discussed above, FHWA requires that each state highway agency develop and oversee a system to prioritize Type II projects. Caltrans will develop a priority system in coordination with RTPAs in the state and will then submit the proposed system to FHWA for approval. Proposed Type II projects that do not have approved funding and environmental clearance before July 13, 2011, will not be allowed to use Federal-aid funds in the program until the priority system has been approved by FHWA. Caltrans will reanalyze the priority system on a regular interval, not to exceed 5 years.

Impact Analysis

All noise measurements and analysis must be performed in accordance with guidance in the TeNS. All analysis and modeling must be conducted with Caltrans-approved models.

Noise Abatement

Feasibility

For the proposed noise abatement measure to be considered feasible, the noise abatement must be designed to provide a minimum of 5 dBA of noise reduction at impacted receptors. The feasibility criterion is not necessarily a *noise abatement design* goal; larger noise reductions are encouraged if they can be achieved within the noise abatement allowance.

Reasonableness

In addition to meeting the feasibility criteria, the proposed noise abatement must be reasonable. A reasonable cost allowance calculation procedure must be established and updated by the sponsoring RTPAs for each responsible region. The reasonable cost allowance calculation procedure must be consistent with the allowance calculation procedure used by Caltrans and must be approved by Caltrans.

The noise abatement recommendation is subject to revision after public and environmental review of the project. As part of this, the viewpoints of benefited receptors must be evaluated and documented. To do this, letters are sent via registered mail to all property owners and non-owner occupants of benefited receptors asking them to provide a position either in favor of or in opposition to the proposed noise abatement by a specified deadline.

If more than 50% of the votes from responding benefited receptors oppose the abatement, the abatement will not be considered reasonable. Votes from property owners and non-owner occupants of benefited receptors will be surveyed. For owner-occupied dwelling units, the property owner gets one vote. For non-owner-occupied dwelling units, the renter gets 10% of one vote and the owner gets 90% of one vote.

For noise abatement to be located on private property, 100% of owners of property upon which the abatement is to be placed must support the

proposed abatement. In the case of proposed noise abatement on private property, no response from a property owner, after a reasonable number of attempts, is considered a *no* vote.

The results of the polling and the final reasonableness determination must be included in the CE.

Design Criteria

The design of noise abatement must be consistent with the guidance and requirements in the Caltrans *Highway Design Manual*. Guidance also can be found in the *Project Development Procedures Manual* (Chapter 30). In addition, 23CFR722 now requires that an acoustical design goal be applied to all noise abatement. Caltrans' acoustical design goal is that a barrier must provide at least 7 dB of noise reduction at one or more benefited receptors. This design goal applies to any receptor and is not limited to impacted receptors.

Other Abatement Considerations

As discussed above under Reflected Noise, certain configurations may exist where noise reflecting off reflective noise barriers (i.e., noise barriers constructed of noise-reflective materials) or structures can degrade the noise barriers' performance or cause noise increases in areas not protected by the barriers. To avoid this effect on Type II projects, Caltrans' standard practice is that walls be provided with an acoustically absorptive surface with a noise reduction coefficient of 0.80 or greater under either of the following conditions.

- The ratio of the spacing between new parallel barriers or retaining walls and the average height of the barriers or walls is 15:1 or less.
- Receptors on one side of the highway have a direct line of sight to a new barrier or new retaining wall on the opposite side of the highway.

When evaluating reasonableness from a cost perspective the cost of implementing an absorptive surface that is triggered by either of the conditions described above shall not be included in the cost of the abatement.

Noise Study Report

The noise study report format and contents, presentation of methods and results of the traffic noise analysis, and presentation of data supporting the conclusions must be in accordance with noise study report guidance in the TeNS.

Noise Abatement Decision

The decision on retrofit noise abatement measures is made by the project proponent, considering the results of the reasonableness determination and information collected during the public input process. The viewpoints of benefited receptors are considered in reaching a final decision on the noise abatement measures to be provided. For noise abatement to be located on private property, 100% of owners of property upon which the abatement is to be placed must support the proposed abatement.

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Section 5

Noise Documentation

This section discusses the various reports that are prepared to document the noise analysis process.

- Noise Study Report
- Noise Abatement Decision Report
- Draft Environmental Documentation
- Final Environmental Documentation

Noise Study Report

Before adoption of the CE, FONSI, or ROD, 23CFR772 requires the identification of noise abatement that is feasible and reasonable and likely to be incorporated into the project. The noise study report is a technical document that identifies traffic noise impacts, acoustically feasible abatement, and reasonable cost allowances for noise abatement. The noise study report shall include a discussion of each of the following items.

- Existing land uses in the vicinity of project alternatives.
- Existing undeveloped land uses for which development is permitted in the vicinity of project alternatives.
- Existing and predicted design-year traffic noise levels at all existing and permitted land uses in the project area under each project alternative, including the No-Build Alternative.
- Traffic noise impacts predicted to occur for each project alternative.
- Noise abatement evaluated, including proposed abatement locations and a discussion of acoustical feasibility and reasonableness allowances.
- Construction noise and measures to minimize or eliminate adverse construction noise impacts.

The non-acoustical feasibility of the noise abatement considered is addressed by the project engineer in the NADR (see Noise Abatement Decision Report below). Non-acoustical feasibility is determined based on

issues such as geometric standards, property access, safety, maintenance, and security. The TeNS provides detailed guidance on noise study report preparation. An annotated outline for noise study reports is provided on the Caltrans website at: <http://www.dot.ca.gov/ser/forms.htm>

Noise Abatement Decision Report

The NADR is a design responsibility and is prepared to compile information from the noise study report, other relevant environmental studies, and design considerations into a single, comprehensive document before public review of the project. The NADR is prepared by the project engineer after completion of the noise study report and prior to publication of the draft environmental document. The NADR shall include noise abatement construction cost estimates that have been prepared and signed by the project engineer based on site-specific conditions. Chapter 30 of the *Design Development Procedures Manual* describes the reporting requirements for the NADR:

http://www.dot.ca.gov/hq/oppd/pdpm/chap_pdf/chapt30.pdf

The following data are to be included in the NADR.

- Noise abatement reasonableness allowances presented in the noise study report.
- Acoustical feasibility of noise abatement presented in the noise study report.
- Locations and dimensions of noise barriers evaluated.
- Approved cost estimates of acoustically feasible noise abatement.
- Non-acoustical feasibility issues of proposed noise abatement based on the best available design information available.
- Effects of abatement, including effects on cultural resources, scenic views, hazardous materials, biological resources, and other known social, economic, legal, and technical factors.

The NADR shall include a table that summarizes key information related to the proposed noise abatement.

The discussion of secondary effects in the NADR will likely be preliminary because a more detailed analysis of these effects will be contained in the draft environmental document as appropriate. The purpose of presenting the information in the NADR is to highlight the fact that these secondary effects may occur.

The NADR presents the noise abatement recommendation based on acoustical and non-acoustical feasibility factors, noise abatement allowances, and the project engineer's noise abatement construction cost estimate. The NADR does not present the final decision regarding noise abatement. Rather, it presents key information on abatement to be considered in the environmental review process that is based on the best information available at the time the project is subject to public review.

The noise abatement recommendation identified in the NADR will become the proposed noise abatement decision unless compelling information received during the public review or the final design process indicates that it should be changed. The proposed noise abatement decision is included in the final environmental document for approval by Caltrans and FHWA (Caltrans, as assigned). A template for the NADR is available at: <http://www.dot.ca.gov/hq/env/noise/>.

Draft Environmental Documentation

The draft environmental document and responses to comments on the document through the NEPA or CEQA review process are the primary means of conveying information on noise impacts and abatement to the public. The information in the draft environmental documentation is used to obtain formal input from the adjacent landowners, local community, and general public on the proposed abatement measures.

The noise study report and the NADR shall be completed before the draft environmental document is made available for public review. For the purpose of completing the draft environmental document, the noise study report must include predicted noise levels in the design year for all alternatives, including the No-Build Alternative. If impacts on other resources would result from the proposed noise abatement, these impacts must be summarized in the draft environmental documentation. The noise study report and NADR should be made available for public inspection during the public comment period.

Final Environmental Documentation

Before adoption of a CE, FONSI, or ROD, 23CFR772 requires the identification of noise abatement measures that are reasonable, feasible, and likely to be incorporated into the project. In addition environmental documentation must also identify noise impacts for which no noise abatement measures are feasible and reasonable. Input received from benefited receptors (including property owners and non-owner occupants)

and through the environmental review process is considered in the noise abatement decision. The noise abatement decision must be reported in the final environmental documentation, along with a statement that the noise abatement might change or might not be provided if the project changes substantially during final design.

Categorical Exclusions

There is no formal public review process for Categorical Exclusions. In cases in which Caltrans proposes noise abatement, Caltrans endeavors to engage the public in the noise abatement decision process. The information in the noise study report and the NADR is used to obtain input from the adjacent property owners, local community, and general public on the proposed abatement measures.

Final Design Considerations

A noise impact analysis typically is based on a preliminary design. The project design may change between the start of the environmental review process and the final design. Changes in the design that could affect noise impacts from a preliminary design or the effectiveness of noise abatement from that design must be evaluated. Because the noise analyst might not be contacted regarding these design changes, it is good practice for the noise analyst to contact the project engineer periodically during plan, specification, and estimate development to keep informed of significant design changes. If the project is changed in a way that would affect the acoustical performance of a barrier, the barrier design must be modified if practical to achieve the noise reduction goals of the original design.

The final step in the noise abatement process is to prepare the final noise abatement/mitigation design and specifications in accordance with the requirements of 23CFR772, NEPA, and CEQA. Barrier data shall be included in the 100% Plans, Specifications, and Estimates as part of the Districts' Ready-to-List data.

23CFR772.13 requires that Caltrans maintain an inventory of all constructed noise abatement measures. The following information must be provided to Caltrans Headquarters once the final design for each barrier is complete.

- cost (overall cost, unit cost per/sq. ft.)
- average height, length, area

- location (state, county, city, route)
- year of construction
- average insertion loss/noise reduction as reported by the model in the noise analysis
- NAC category(s) protected
- material(s) used
- features (absorptive, reflective, surface texture)
- foundation (ground mounted, on structure)
- project type (Type I, Type II)

If noise impacts or noise abatement measures change after approval of the final environmental documentation, FHWA (Caltrans, as assigned) must be consulted to determine whether a written reevaluation or other document is required.

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Section 6

Liaison with Local Agencies

In order to minimize future traffic noise impacts on currently undeveloped lands adjacent to Type I projects, Caltrans is required under 23CFR772.17 to provide information on noise to local officials within whose jurisdiction the highway project is located. This includes information on noise-compatible planning concepts and a best estimate of the future design-year noise levels at various distances from the edge of the nearest travel lane of the highway improvement where the future noise levels “approach” (i.e., are within 1 dB of) the applicable NAC for undeveloped lands or properties within the project limits. At a minimum, Caltrans will identify the distance to each exterior NAC listed in Table 1. This approach may be appropriate in situations where potential future land use types have not yet been identified.

Caltrans also is required to inform local officials regarding eligibility requirements for Type II projects identified in 23CFR772.15(b).

Typically, local agencies place conditions on new subdivisions that require the developer to provide *noise mitigation* where noise exceeds or is predicted to exceed noise-compatibility standards adopted by the agency. Noise studies prepared for local agency projects often are evaluated in terms of 24-hour metrics such as the day-night level (L_{dn}) or the community noise equivalent level (CNEL). For the purposes of complying with 23CFR772 and this Protocol, noise levels must be expressed in terms of worst-hour equivalent sound level ($L_{eq}[h]$).

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Section 7

CEQA and NEPA Considerations

As discussed in Chapter 1, the purpose of the Protocol is to present Caltrans policies and procedures for applying 23CFR772 in California. As part of the environmental review process, noise impacts under CEQA and NEPA must be evaluated. The following discussion is an overview of how noise impacts should be addressed under CEQA and NEPA for projects involving Caltrans.

CEQA

Approach to Assessing CEQA Noise Impacts

Under CEQA, a determination must be made as to whether the proposed project will result in significant adverse environmental effects (i.e., significant environmental impacts). A significant environmental effect under CEQA generally is defined as a substantial or potentially substantial adverse change in the physical environment.

The increase in traffic noise caused by a project is the primary factor considered by Caltrans in assessing the significance of noise impacts under CEQA. The other key factor is the modeled absolute future noise level.

A CEQA analysis must include a description of the physical environmental conditions in the vicinity of the project that existed on the date that the notice of preparation (NOP) was published, or if no NOP is published, the date that the environmental analysis was begun. Section 15125 of the State CEQA Guidelines states that this environmental setting normally will constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. Because CEQA focuses on comparisons to the existing conditions baseline, Caltrans determines the significance of noise impacts under CEQA based on a comparison of design-year with-project conditions to the existing conditions baseline.

The significance of noise impacts under CEQA is determined by the Project Development Team based on the project-related increase in noise

and other project-specific conditions. No single numerical threshold is used on all projects. In the past, Caltrans definition for a *substantial* increase in noise (defined in the Protocol as a 12 dB increase between existing and design-year with-project conditions) has been used. This 12 dB increase should not necessarily be used for all projects. There could be cases where an increase less than 12 dB would approach significance (such as a quiet rural environment) or where a 12 dB increase would not necessarily be deemed significant (noisy urban environment.) It is important to note as well that a 3 dBA difference is generally the point at which the human ear will perceive a difference in noise level.

The absolute future noise level predicted is also a key factor in determining significance. If two people are speaking, 67 dBA is the approximate noise level at which human speech is interfered with. Therefore, if the absolute future noise level is less than 67 dBA, that may be a factor in determining that the noise impact is less than significant. Lastly, in determining significance under CEQA, it is important to take into account the setting of the impact. According to State CEQA Guidelines, Section 15064(b),

an ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

The determination of CEQA significance therefore is left to the Project Development Team for each project because the team is the most knowledgeable about the specifics of the project area and is in the best position to make the significance determination. The CEQA significance determination is disclosed in the environmental document, not in the noise technical report or the NADR.

It is important that the Project Development Team makes this CEQA significance determination in a well-documented and substantiated manner. Under CEQA, if the determination is made that a noise impact is significant, mitigation that is determined to be feasible must be incorporated into the project. If at a later date that mitigation is dropped from the project, the CEQA environmental document must be recirculated for public review and comment. This is a distinct difference between CEQA and 23CFR772/NEPA.

Documentation of CEQA Noise Impacts

For projects with Federal funding, the Noise Study Report that is prepared for environmental documentation should address 23CFR772 only and

should present the data needed to address CEQA impacts without making the determination of CEQA significance. In this case, the significance of CEQA noise impacts is addressed only in the environmental document. An exception to this occurs when there is no Federal funding on a project and Caltrans is still involved. This could occur on a project that is locally funded but is located on a State highway. In this case, the Noise Study Report does not address 23CFR772 and should address CEQA noise impacts using only the approach described above. This information then is reported in the environmental document as well.

In some cases Caltrans delegates its CEQA lead agency authority to a local agency. Because the lead agency is acting as Caltrans' representative, the Caltrans approach to determining the significance of noise impacts described above still should be used. There may be situations where the local agency may want to address CEQA noise impacts in the environmental document using local noise metrics and methods. This approach may be taken if there is mutual agreement between Caltrans and the local agency.

NEPA

Approach to Assessing NEPA Noise Impacts

A primary difference between NEPA and CEQA is that under NEPA the significance of impacts is not identified on a resource-by-resource basis. Rather, the environmental effects of the project on all resources are considered in determining whether the project as a whole will result in a significant impact. This determination is used primarily to determine the type of NEPA document to be prepared. If project impacts can be mitigated, typically an environmental assessment (EA) will be prepared. If mitigation is not feasible, an environmental impact statement (EIS) is prepared.

Unlike CEQA, NEPA typically focuses on the No-Action or No-Build Alternative rather than existing conditions for the purposes of assessing the potential consequences of project-related changes. In the case of noise, the effect of the project is determined by comparing noise under design-year with-project conditions to noise under design-year no-build conditions. There are no specific thresholds for assessing this incremental project-related increase in noise under NEPA. Rather, the technical information simply is reported and then considered along with the project-related effects on other resources and the context and intensity of noise effects to determine whether the impact of the project as a whole is

significant. When discussing noise impacts under NEPA, no qualifiers such as *significant*, *adverse*, or *moderate* are used.

In general NEPA noise mitigation above and beyond abatement required under 23CFR772 rarely would be considered or required.

Documentation of NEPA Noise Impacts

Noise impacts under NEPA are not specifically discussed in the Noise Study Report. The Noise Study Report should, however, evaluate noise under design-year no-build conditions (the No-Build Alternative). From this and noise levels predicted for design-year with-project conditions, NEPA noise impact conclusions can be made.

Title 23, Part 772, Code of Federal Regulations

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to local officials for use in the planning and design of highways approved pursuant to title 23 U.S.C.

§ 772.3 Noise standards.

The highway traffic noise prediction requirements, noise analyses, noise abatement criteria, and requirements for informing local officials in this regulation constitute the noise standards mandated by 23 U.S.C. 109(1). All highway projects which are developed in conformance with this regulation shall be deemed to be in accordance with the FHWA noise standards.

§ 772.5 Definitions.

Benefited Receptor. The recipient of an abatement measure that receives a noise reduction at or above the minimum threshold of 5 dB(A), but not to exceed the highway agency's reasonableness design goal.

Common Noise Environment. A group of receptors within the same Activity Category in Table 1 that are exposed to similar noise sources and levels; traffic volumes, traffic mix, and speed; and topographic features. Generally, common noise environments occur between two secondary noise sources, such as interchanges, intersections, cross-roads.

Date of Public Knowledge. The date of approval of the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), or the Record of Decision (ROD), as defined in 23 CFR part 771.

Design Year. The future year used to estimate the probable traffic volume for which a highway is designed.

Existing Noise Levels. The worst noise hour resulting from the combination of natural and mechanical sources and human activity usually present in a particular area.

Feasibility. The combination of acoustical and engineering factors considered in the evaluation of a noise abatement measure.

Impacted Receptor. The recipient that has a traffic noise impact.

L10. The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration, with L10(h) being the hourly value of L10.

Leq. The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period, with Leq(h) being the hourly value of Leq.

Multifamily Dwelling. A residential structure containing more than one residence. Each residence in a multifamily dwelling shall be counted as one receptor when determining impacted and benefited receptors.

PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

Sec.

772.1 Purpose.

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772.19 Construction noise.

Table 1 to Part 772—Noise Abatement Criteria

Authority: 23 U.S.C. 109(h) and (i); 42 U.S.C. 4331, 4332; sec. 339(b), Pub. L. 104–59, 109 Stat. 568, 605; 49 CFR 1.48(b).

§ 772.1 Purpose.

To provide procedures for noise studies and noise abatement measures to help protect the public's health, welfare and livability, to supply noise abatement criteria, and to establish requirements for information to be given

Noise Barrier. A physical obstruction that is constructed between the highway noise source and the noise sensitive receptor(s) that lowers the noise level, including stand alone noise walls, noise berms (earth or other material), and combination berm/wall systems.

Noise Reduction Design Goal. The optimum desired dB(A) noise reduction determined from calculating the difference between future build noise levels with abatement, to future build noise levels without abatement. The noise reduction design goal shall be at least 7 dB(A), but not more than 10 dB(A).

Permitted. A definite commitment to develop land with an approved specific design of land use activities as evidenced by the issuance of a building permit.

Property Owner. An individual or group of individuals that holds a title, deed, or other legal documentation of ownership of a property or a residence.

Reasonableness. The combination of social, economic, and environmental factors considered in the evaluation of a noise abatement measure.

Receptor. A discrete or representative location of a noise sensitive area(s), for any of the land uses listed in Table 1.

Residence. A dwelling unit. Either a single family residence or each dwelling unit in a multifamily dwelling.

Statement of Likelihood. A statement provided in the environmental clearance document based on the feasibility and reasonableness analysis completed at the time the environmental document is being approved.

Substantial Construction. The granting of a building permit, prior to right-of-way acquisition or construction approval for the highway.

Substantial noise increase. One of two types of highway traffic noise impacts. For a Type I project, an increase in noise levels of 5 to 15 dB(A) in the design year over the existing noise level.

Traffic Noise Impacts. Design year build condition noise levels that approach or exceed the NAC listed in Table 1 for the future build condition; or design year build condition noise levels that create a substantial noise increase over existing noise levels.

Type I Project. (1) The construction of a highway on new location; or,

(2) The physical alteration of an existing highway where there is either:

(i) Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition; or,

(ii) Substantial Vertical Alteration. A project that removes shielding therefore exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or,

(3) The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a HOV lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or,

(4) The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or,

(5) The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or,

(6) Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or,

(7) The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza.

(8) If a project is determined to be a Type I project under this definition then the entire project area as defined in the environmental document is a Type I project.

Type II Project. A Federal or Federal-aid highway project for noise abatement on an existing highway. For a Type II project to be eligible for Federal-aid funding, the highway agency must develop and implement a Type II program in accordance with section 772.7(e).

Type III Project. A Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

§ 772.7 Applicability.

(a) This regulation applies to all Federal or Federal-aid Highway Projects authorized under title 23, United States Code. Therefore, this regulation applies to any highway project or multimodal project that:

(1) Requires FHWA approval regardless of funding sources, or

(2) Is funded with Federal-aid highway funds.

(b) In order to obtain FHWA approval, the highway agency shall develop noise policies in conformance with this regulation and shall apply these policies uniformly and consistently statewide.

(c) This regulation applies to all Type I projects unless the regulation specifically indicates that a section only applies to Type II or Type III projects.

(d) The development and implementation of Type II projects are

not mandatory requirements of section 109(i) of title 23, United States Code.

(e) If a highway agency chooses to participate in a Type II program, the highway agency shall develop a priority system, based on a variety of factors, to rank the projects in the program. This priority system shall be submitted to and approved by FHWA before the highway agency is allowed to use Federal-aid funds for a project in the program. The highway agency shall re-analyze the priority system on a regular interval, not to exceed 5 years.

(f) For a Type III project, a highway agency is not required to complete a noise analysis or consider abatement measures.

§ 772.9 Traffic noise prediction.

(a) Any analysis required by this subpart must use the FHWA Traffic Noise Model (TNM), which is described in "FHWA Traffic Noise Model" Report No. FHWA-PD-96-010, including Revision No. 1, dated April 14, 2004, or any other model determined by the FHWA to be consistent with the methodology of the FHWA TNM. These publications are incorporated by reference in accordance with section 552(a) of title 5, U.S.C. and part 51 of title 1, CFR, and are on file at the National Archives and Record Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These documents are available for copying and inspection at the Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, as provided in part 7 of title 49, CFR. These documents are also available on the FHWA's Traffic Noise Model Web site at the following URL: <http://www.fhwa.dot.gov/environment/noise/index.htm>.

(b) Average pavement type shall be used in the FHWA TNM for future noise level prediction unless a highway agency substantiates the use of a different pavement type for approval by the FHWA.

(c) Noise contour lines may be used for project alternative screening or for land use planning to comply with § 772.17 of this part, but shall not be used for determining highway traffic noise impacts.

(d) In predicting noise levels and assessing noise impacts, traffic characteristics that would yield the worst traffic noise impact for the design year shall be used.

§ 772.11 Analysis of traffic noise impacts.

(a) The highway agency shall determine and analyze expected traffic noise impacts.

(1) For projects on new alignments, determine traffic noise impacts by field measurements.

(2) For projects on existing alignments, predict existing and design year traffic noise impacts.

(b) In determining traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs.

(c) A traffic noise analysis shall be completed for:

(1) Each alternative under detailed study;

(2) Each Activity Category of the NAC listed in Table 1 that is present in the study area;

(i) *Activity Category A*. This activity category includes the exterior impact criteria for lands on which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Highway agencies shall submit justifications to the FHWA on a case-by-case basis for approval of an Activity Category A designation.

(ii) *Activity Category B*. This activity category includes the exterior impact criteria for single-family and multifamily residences.

(iii) *Activity Category C*. This activity category includes the exterior impact criteria for a variety of land use facilities. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.

(iv) *Activity Category D*. This activity category includes the interior impact criteria for certain land use facilities listed in Activity Category C that may have interior uses. A highway agency shall conduct an indoor analysis after a determination is made that exterior abatement measures will not be feasible and reasonable. An indoor analysis shall only be done after exhausting all outdoor analysis options. In situations where no exterior activities are to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, the highway agency shall use Activity Category D as the basis of determining noise impacts. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.

(v) *Activity Category E*. This activity category includes the exterior impact criteria for developed lands that are less sensitive to highway noise. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.

(vi) *Activity Category F*. This activity category includes developed lands that are not sensitive to highway traffic noise. There is no impact criteria for the land use facilities in this activity category and no analysis of noise impacts is required.

(vii) *Activity Category G*. This activity category includes undeveloped lands.

(A) A highway agency shall determine if undeveloped land is permitted for development. The milestone and its associated date for acknowledging when undeveloped land is considered permitted shall be the date of issuance of a building permit by the local jurisdiction or by the appropriate governing entity.

(B) If undeveloped land is determined to be permitted, then the highway agency shall assign the land to the appropriate Activity Category and analyze it in the same manner as developed lands in that Activity Category.

(C) If undeveloped land is not permitted for development by the date of public knowledge, the highway agency shall determine noise levels in accordance with 772.17(a) and document the results in the project's environmental clearance documents and noise analysis documents. Federal participation in noise abatement measures will not be considered for lands that are not permitted by the date of public knowledge.

(d) The analysis of traffic noise impacts shall include:

(1) Identification of existing activities, developed lands, and undeveloped lands, which may be affected by noise from the highway;

(2) For projects on new or existing alignments, validate predicted noise level through comparison between measured and predicted levels;

(3) Measurement of noise levels. Use an ANSI Type I or Type II integrating sound level meter;

(4) Identification of project limits to determine all traffic noise impacts for the design year for the build alternative. For Type II projects, traffic noise impacts shall be determined from current year conditions;

(e) Highway agencies shall establish an approach level to be used when determining a traffic noise impact. The approach level shall be at least 1 dB(A) less than the Noise Abatement Criteria

for Activity Categories A to E listed in Table 1 to part 772;

(f) Highway agencies shall define substantial noise increase between 5 dB(A) to 15 dB(A) over existing noise levels. The substantial noise increase criterion is independent of the absolute noise level.

(g) A highway agency proposing to use Federal-aid highway funds for a Type II project shall perform a noise analysis in accordance with § 772.11 of this part in order to provide information needed to make the determination required by § 772.13(a) of this part.

§ 772.13 Analysis of noise abatement.

(a) When traffic noise impacts are identified, noise abatement shall be considered and evaluated for feasibility and reasonableness. The highway agency shall determine and analyze alternative noise abatement measures to abate identified impacts by giving weight to the benefits and costs of abatement and the overall social, economic, and environmental effects by using feasible and reasonable noise abatement measures for decision-making.

(b) In abating traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs.

(c) If a noise impact is identified, a highway agency shall consider abatement measures. The abatement measures listed in § 772.15(c) of this part are eligible for Federal funding.

(1) At a minimum, the highway agency shall consider noise abatement in the form of a noise barrier.

(2) If a highway agency chooses to use absorptive treatments as a functional enhancement, the highway agency shall adopt a standard practice for using absorptive treatment that is consistent and uniformly applied statewide.

(d) Examination and evaluation of feasible and reasonable noise abatement measures for reducing the traffic noise impacts. Each highway agency, with FHWA approval, shall develop feasibility and reasonableness factors.

(1) Feasibility:

(i) Achievement of at least a 5 dB(A) highway traffic noise reduction at impacted receptors. The highway agency shall define, and receive FHWA approval for, the number of receptors that must achieve this reduction for the noise abatement measure to be acoustically feasible and explain the basis for this determination; and

(ii) Determination that it is possible to design and construct the noise abatement measure. Factors to consider are safety, barrier height, topography, drainage, utilities, and maintenance of

the abatement measure, maintenance access to adjacent properties, and access to adjacent properties (*i.e.* arterial widening projects).

(2) Reasonableness:

(i) Consideration of the viewpoints of the property owners and residents of the benefited receptors. The highway agency shall solicit the viewpoints of all of the benefited receptors and obtain enough responses to document a decision on either desiring or not desiring the noise abatement measure. The highway agency shall define, and receive FHWA approval for, the number of receptors that are needed to constitute a decision and explain the basis for this determination.

(ii) Cost effectiveness of the highway traffic noise abatement measures. Each highway agency shall determine, and receive FHWA approval for, the allowable cost of abatement by determining a baseline cost reasonableness value. This determination may include the actual construction cost of noise abatement, cost per square foot of abatement, the maximum square footage of abatement/benefited receptor and either the cost/benefited receptor or cost/benefited receptor/dB(A) reduction. The highway agency shall re-analyze the allowable cost for abatement on a regular interval, not to exceed 5 years. A highway agency has the option of justifying, for FHWA approval, different cost allowances for a particular geographic area(s) within the State, however, the highway agency must use the same cost reasonableness/construction cost ratio statewide.

(iii) Noise reduction design goals for highway traffic noise abatement measures. When noise abatement measure(s) are being considered, a highway agency shall achieve a noise reduction design goal. The highway agency shall define, and receive FHWA approval for, the design goal of at least 7 dB(A) but not more than 10 dB(A), and shall define the number of benefited receptors that must achieve this design goal and explain the basis for this determination.

(iv) The reasonableness factors listed in § 772.13(d)(5)(i), (ii) and (iii), must collectively be achieved in order for a noise abatement measure to be deemed reasonable. Failure to achieve § 772.13(d)(5)(i), (ii) or (iii), will result in the noise abatement measure being deemed not reasonable.

(v) In addition to the required reasonableness factors listed in § 772.13(d)(5)(i), (ii), and (iii), a highway agency has the option to also include the following reasonableness factors: Date of development, length of time receivers have been exposed to highway

traffic noise impacts, exposure to higher absolute highway traffic noise levels, changes between existing and future build conditions, percentage of mixed zoning development, and use of noise compatible planning concepts by the local government. No single optional reasonableness factor can be used to determine reasonableness.

(e) Assessment of Benefited Receptors. Each highway agency shall define the threshold for the noise reduction which determines a benefited receptor as at or above the 5 dB(A), but not to exceed the highway agency's reasonableness design goal.

(f) Abatement Measure Reporting: Each highway agency shall maintain an inventory of all constructed noise abatement measures. The inventory shall include the following parameters: type of abatement; cost (overall cost, unit cost per/sq. ft.); average height; length; area; location (State, county, city, route); year of construction; average insertion loss/noise reduction as reported by the model in the noise analysis; NAC category(s) protected; material(s) used (precast concrete, berm, block, cast in place concrete, brick, metal, wood, fiberglass, combination, plastic (transparent, opaque, other); features (absorptive, reflective, surface texture); foundation (ground mounted, on structure); project type (Type I, Type II, and optional project types such as State funded, county funded, tollway/turnpike funded, other, unknown). The FHWA will collect this information, in accordance with OMB's Information Collection requirements.

(g) Before adoption of a CE, FONSI, or ROD, the highway agency shall identify:

(1) Noise abatement measures which are feasible and reasonable, and which are likely to be incorporated in the project; and

(2) Noise impacts for which no noise abatement measures are feasible and reasonable.

(3) Documentation of highway traffic noise abatement: The environmental document shall identify locations where noise impacts are predicted to occur, where noise abatement is feasible and reasonable, and locations with impacts that have no feasible or reasonable noise abatement alternative. For environmental clearance, this analysis shall be completed to the extent that design information on the alternative(s) under study in the environmental document is available at the time the environmental clearance document is completed. A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design

after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes.

(h) The FHWA will not approve project plans and specifications unless feasible and reasonable noise abatement measures are incorporated into the plans and specifications to reduce the noise impact on existing activities, developed lands, or undeveloped lands for which development is permitted.

(i) For design-build projects, the preliminary technical noise study shall document all considered and proposed noise abatement measures for inclusion in the NEPA document. Final design of design-build noise abatement measures shall be based on the preliminary noise abatement design developed in the technical noise analysis. Noise abatement measures shall be considered, developed, and constructed in accordance with this standard and in conformance with the provisions of 40 CFR 1506.5(c) and 23 CFR 636.109.

(j) Third party funding is not allowed on a Federal or Federal-aid Type I or Type II project if the noise abatement measure would require the additional funding from the third party to be considered feasible and/or reasonable. Third party funding is acceptable on a Federal or Federal-aid highway Type I or Type II project to make functional enhancements, such as absorptive treatment and access doors or aesthetic enhancements, to a noise abatement measure already determined feasible and reasonable.

(k) On a Type I or Type II projects, a highway agency has the option to cost average noise abatement among benefited receptors within common noise environments if no single common noise environment exceeds two times the highway agency's cost reasonableness criteria and collectively all common noise environments being averaged do not exceed the highway agency's cost reasonableness criteria.

§ 772.15 Federal participation.

(a) *Type I and Type II projects.*

Federal funds may be used for noise abatement measures when:

(1) Traffic noise impacts have been identified; and

(2) Abatement measures have been determined to be feasible and

reasonable pursuant to § 772.13(d) of this chapter.

(b) *For Type II projects.* (1) No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers, as defined by this regulation, if such noise barriers were not part of a project approved by the FHWA before the November 28, 1995.

(2) Federal funds are available for Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.

(3) FHWA will not approve noise abatement measures for locations where such measures were previously determined not to be feasible and reasonable for a Type I project.

(c) *Noise Abatement Measures.* The following noise abatement measures may be considered for incorporation into a Type I or Type II project to reduce traffic noise impacts. The costs of such measures may be included in Federal-aid participating project costs with the Federal share being the same as that for the system on which the project is located.

(1) Construction of noise barriers, including acquisition of property rights, either within or outside the highway right-of-way. Landscaping is not a viable noise abatement measure.

(2) Traffic management measures including, but not limited to, traffic

control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations.

(3) Alteration of horizontal and vertical alignments.

(4) Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise. This measure may be included in Type I projects only.

(5) Noise insulation of Activity Category D land use facilities listed in Table 1. Post-installation maintenance and operational costs for noise insulation are not eligible for Federal-aid funding.

§ 772.17 Information for local officials.

(a) To minimize future traffic noise impacts on currently undeveloped lands of Type I projects, a highway agency shall inform local officials within whose jurisdiction the highway project is located of:

(1) Noise compatible planning concepts;

(2) The best estimation of the future design year noise levels at various distances from the edge of the nearest travel lane of the highway improvement where the future noise levels meet the highway agency's definition of "approach" for undeveloped lands or properties within the project limits. At

a minimum, identify the distance to the exterior noise abatement criteria in Table 1;

(3) Non-eligibility for Federal-aid participation for a Type II project as described in § 772.15(b).

(b) If a highway agency chooses to participate in a Type II noise program or to use the date of development as one of the factors in determining the reasonableness of a Type I noise abatement measure, the highway agency shall have a statewide outreach program to inform local officials and the public of the items in § 772.17(a)(1) through (3).

§ 772.19 Construction noise.

For all Type I and II projects, a highway agency shall:

(a) Identify land uses or activities that may be affected by noise from construction of the project. The identification is to be performed during the project development studies.

(b) Determine the measures that are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the benefits achieved and the overall adverse social, economic, and environmental effects and costs of the abatement measures.

(c) Incorporate the needed abatement measures in the plans and specifications.

TABLE 1 TO PART 772—NOISE ABATEMENT CRITERIA

[Hourly A-Weighted Sound Level_decibels (dB(A))¹]

Activity category	Activity Leq(h)	Criteria ² L10(h)	Evaluation location	Activity description
A	57	60	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B ³	67	70	Exterior	Residential.
C ³	67	70	Exterior	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D	52	55	Interior	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E ³	72	75	Exterior	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A–D or F.
F	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing.
G	Undeveloped lands that are not permitted.

¹ Either Leq(h) or L10(h) (but not both) may be used on a project.

² The Leq(h) and L10(h) Activity Criteria values are for impact determination only, and are not design standards for noise abatement measures.

³ Includes undeveloped lands permitted for this activity category.

Appendix B

Glossary

Terms provided in this glossary are indicated with bold italicized text on their first use in this document.

A-Weighted Decibel (dBA). Unit of sound pressure level in decibels on the “A-weighted” scale.

Benefited receptor. The recipient of an abatement measure that receives a noise reduction at or above the minimum threshold of 5 dB(A).

Date of public knowledge. The date of approval of the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), or the Record of Decision (ROD), as defined in 23 CFR part 771. In cases where there is no Federal involvement, it is the date the California Environmental Quality Act Negative Declaration or Environmental Impact Report is certified.

Design year. The future year used to estimate the probable traffic volume for which a highway is designed.

Existing noise level. The worst noise hour resulting from the combination of natural and mechanical sources and human activity usually present in a particular area.

Frequent human use. In general, an area where people are exposed to traffic noise for an extended period of time on a regular basis.

Impacted receptor. Receptors that are predicted to be exposed to a traffic noise impact as defined in 23CFR772.

Noise abatement. Noise attenuation measures for traffic or construction noise impacts defined in 23CFR772.

Noise abatement design. The acoustic design of a noise abatement measure based on all California Department of Transportation–approved noise prediction models or methods and proposed physical features that affect the acoustical performance based on the best available input information at the time of the design.

Noise mitigation. Noise attenuation measures provided for adverse environmental effects identified under the National Environmental Policy Act or significant adverse environmental effects identified under the California Environmental Quality Act.

One-hour equivalent sound level, $L_{eq}(h)$. L_{eq} is the equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period. $L_{eq}(h)$ is the hourly value of L_{eq} .

Permitted development. A definite commitment to develop land with an approved specific design of land use activities as evidenced by the issuance of a building permit.

Predicted noise level. A future noise level, based on modeling, resulting from natural and mechanical sources and human activity that is considered usually present in a particular area. A predicted noise level may be for build or no-build conditions.

Receptor. A discrete or representative location of a noise-sensitive area(s), for any of the land uses listed in Table 1.

Traffic noise impact. A traffic noise impact occurs when design-year build condition noise levels approach or exceed the noise abatement criteria (NAC) listed in Table 1 for the future build condition; or design-year build condition noise levels that create a substantial noise increase over existing noise levels. In California a noise level is considered to approach the NAC for a given activity category if it is within 1 dBA of the NAC. A substantial noise increase occurs when the project's predicted worst-hour design-year noise level exceeds the existing worst-hour noise level by 12 dBA or more.

Type I project. Proposed Federal or Federal-aid highway project for the construction of a highway on a new location or the physical alteration of an existing highway where there is either a substantial horizontal or substantial vertical alteration. Refer to Section 3 above and 23CFR772.5 for details on the types of projects that qualify as Type I.

Type II project. A proposed Federal or Federal-aid highway project for noise abatement on an existing highway.

Type III project. A proposed Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

Appendix C References Cited

California Department of Transportation. 2006. *Traffic Noise Analysis Protocol for New Highway Construction and Highway Reconstruction Projects*. August. Sacramento, CA.

———. 2009. *Technical Noise Supplement*. October. Sacramento, CA: Environmental Program, Noise, Air Quality, and Hazardous Waste Management Office. Available: <<http://www.dot.ca.gov/hq/env/noise/pub/Technical0NoiseSupplement.pdf>>. Date accessed: April 8, 2011.

———. 2006. Caltrans Standard Environmental Reference. Last revised: April 28, 2006. Available: <<http://www.dot.ca.gov/ser/>>. Date accessed: April 8, 2011.

Federal Highway Administration. 2006. Roadway Construction Noise Model . February, 15, 2006. Available: <http://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/rcnm.cfm >. Date accessed: April 8, 2011.

Federal Transit Administration. 2006. *Transit Noise and Vibration Impact Assessment*. Office of Planning. April. Washington, DC.

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Las Pilitas Resources LLC

September 20, 2010

Dear Mr. Oliveira,

In response to your request, this letter sets forth the basis for the inapplicability of the County's recycling ordinance to the Las Pilitas Quarry project, and requests that the County formally determine that a waiver or modification of that standard is appropriate pursuant to County Code § 22.30.020(D).

The proposed Las Pilitas Quarry project is on a site zoned Rural Lands (RL) with an extractive overlay, meaning it is zoned for mining. The area has also been designated as MRZ-2, meaning it contains known mineral resources, by the State pursuant to Public Resources Code § 2761. The proposed project includes a concrete and asphalt recycling component, which would utilize the same equipment as the quarrying operation. The recycling operation would accept discarded concrete and asphalt from off-site projects and would process the material into recycled aggregate for sale to their consumer market.

County Code § 22.30.380, "Recycling and Scrap," states that recycling facilities are allowable in the RL category only when in conjunction with an approved waste disposal site, i.e. a landfill or dump. This standard is not applicable to the Las Pilitas Quarry recycling operation for the following reasons.

Recycled asphalt and concrete is more aptly termed "recycled aggregate." According to the State of California, recycled aggregate "is produced by crushing concrete, and sometimes asphalt, to reclaim the aggregate. Recycled aggregate can be used for many purposes. The primary market is road base." (See www.calrecycle.ca.gov/condemo/aggregate/default.htm) Locating recycled aggregate facilities on quarry sites consolidates and reduces truck trips when compared to the alternative of a standalone recycling operation on commercial or industrial lands, thereby reducing vehicle miles traveled (VMT), greenhouse gas emissions, and fossil fuel consumption, the goals of AB 32. For instance, when a quarry and an aggregate recycling facility are located on the same site, one truck could deliver a load of asphalt concrete or Portland cement concrete for recycling, and leave with a load of replacement road base aggregate (either recycled or new).

Recycled aggregate consists primarily of many of the materials that would be extracted anyway as part of the quarrying operation, and once crushed and recycled, would be sold to

the same market of purchasers for many of the same uses. The equipment used to process and crush the recyclables would be the same as the equipment used to process the rock extracted on-site.

County Code § 22.30.380 envisions only certain types of recycling facilities, and at the time of its drafting, specialized recycling of concrete and asphalt into aggregate likely was not contemplated. While it makes sense to exclude a general recycling/scrap operation from rural lands unless associated with a waste disposal site, the same rationale does not apply to a recycled aggregate operation which would be associated with aggregate extraction and sales in an area zoned for such activities (EX or EX-1 and MRZ-2). This exact point was observed by the County Board of Supervisors in their findings for a nearby recycled aggregate facility in 1991 (CUP D900038D, granted July 11, 1991 via Resolution 91-60.)¹

Further support for this notion can be ascertained by looking at the definitions of “Recycling and Scrap” and “Recycling Facility” in the County Code. County Code § 22.80.030.S(12) states “Recycling and Scrap (land use) means establishments primarily engaged in assembling, breaking up, sorting temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap.” (Emphasis added.) The Las Pilitas Quarry would not be primarily engaged in recycling activities. A “Recycling Facility” is defined as an area greater than three hundred square feet, used for outdoor storage, sorting handling, processing, dismantling, wrecking, keeping or sale of inoperative, discarded, wrecked, or abandoned appliances, vehicles, boats, building materials, machinery, equipment, or parts thereof, including but not limited to scrap materials, wood, lumber, plastic, fiber, or other tangible materials that cannot, without

¹ Specifically, the Board found:

“The proposed project or use is consistent with the San Luis Obispo County General Plan because a recycle operation is allowed within the rural lands category with development plan approval and with a modification of the standard requiring location of the recycle operation next to a waste disposal site, which is required by the Land Use Ordinance Section 22.08.097(a) – Recycling and Scrap.” (Finding A.)

“The establishment of the proposed recycle plant in the Rural Lands category, on a site that is not in conjunction with an approved waste disposal site, is justified because the adjacent land uses are under the same ownership and will not be negatively affected by the recycle plant, said uses being ranchland, a rock quarry, and an asphalt batch plant, and because the recycled materials will be taken by buyers who will remove the materials off site. In addition, the requirement for the waste disposal site assumed that the recycling involved material more likely to go into a sanitary landfill such as old appliances, debris, and scrap. This project involves mostly old concrete and asphalt.” (Finding G.)

further reconditioning, be used for their original purposes. Includes both wrecking yards for vehicles and recycling centers handling materials such as glass, paper and aluminum.” (County Code § 22.80.030.S(13).) Recycled aggregate is not mentioned, and the examples listed indicate that a quarry involved in recycling materials that were formed *from* aggregate *back into* aggregate, for sale alongside the newly extracted materials, was not envisioned by this definition.

For all of these reasons, the standard set forth in County Code § 22.30.380 is unnecessary, ineffective, or inapplicable to the proposed Las Pilitas Quarry, and a waiver or modification is supported under County Code § 22.30.020(D).

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Johnston', with a stylized flourish at the end.

Ken Johnston

Project Manager

Las Pilitas Resources LLC.

P.O. Box 875

Santa Margarita, CA 93453

PH: 805-610-7186

Ken@laspilitasresources.com

OVERVIEW OF MINERAL LANDS IDENTIFICATION PROCESS

I. Overview of State Law

Governed by the Surface Mining & Reclamation Act (SMARA), Public Resources Code § 2710 *et seq.*

Two-Step Process:

1. Classification

- Done by the State Geologist, part of the California Geological Survey (CGS)
- Supposed to be updated every 10 years or so
- Lands can be classified as either:
 - MRZ-1: Few mineral deposits present, not of significance
 - MRZ-2: Known or very likely to contain deposits of significance
 - MRZ-3: Significance of deposits unknown
- Classification is done solely on the basis of geologic factors. No consideration is given to existing land use or ownership. (SMARA §2761(b))
- Classification Maps are transmitted to the lead agencies (cities and counties), who must incorporate the information into their zoning and create a Mineral Resources Management Plan (MRMP) to emphasize the conservation and development of the identified mineral resources. (SMARA §2762)
- Before permitting a use in an MRZ-2 area which would *threaten the potential to extract minerals in that area*, the lead agency must prepare a statement of reasons for allowing that use, forward it to the State Geologist, and circulate it for public comment/public hearing. (SMARA §2762(d).)
- Before permitting a use in an MRZ-3 area which would *threaten the potential to extract minerals in that area*, the lead agency must first require the significance of the minerals to be evaluated. The report must be forwarded to the State Geologist. (SMARA §2762(e).)
- The SMGB has a regulation defining what it believes are uses that are incompatible with mineral extraction. These are high-density, high-value private developments, intensive commercial/industrial uses, or public facilities, because the economic value of those facilities is likely to outweigh the value of the rock underneath. (14 Cal. Code Regs. § 3675.)

2. Designation

- Done by the State Mining & Geology Board (SMGB). It is not a required step, but is done at their election. (SMARA §2790)

- The designation process was suspended for most of 1990-2008 or so, because it was unclear whether designation triggered CEQA. It has since been determined that it doesn't trigger CEQA.
- Applies only to MRZ-2 classified lands, and is intended to add greater protection and oversight to significant mineral deposits so that they don't get covered up and become unavailable.
- MRZ-2 classified lands can be designated as either of regional or statewide significance. Statewide significance is rare, but is likely to become more common as demand increases and availability decreases.
- There is no difference in the statutory protections given to regional-significance deposits versus statewide-significance deposits. (SMARA §2763(a)-(b).)
- Once land is designated, before permitting a use that would *threaten the potential to extract minerals in that area*, the lead agency must prepare a statement giving its reasons and circulate it per SMARA § 2762(d). The lead agency must balance the mineral values against the alternative land use, and consider the importance to the region or state as a whole, and not just the local community. (SMARA § 2763.) That latter consideration of regional or statewide importance is essentially the extra step required by designation that is not required by classification.
- Designation can't prevent activities under a vested permit. (SMARA §2792.)

II. San Luis Obispo County

- Classification was first done in 1989, with CGS Special Report 152.
- It appears the County properly incorporated the classification maps into its zoning, because the current extractive overlay zones match the CGS maps from 1989.
- The designation step was never done at that time, due to the uncertainty at the time about whether designation triggered CEQA.
- The CGS updated its classification report in 2011, with Special Report 215. The maps are largely the same as in 1989, with a few new areas added as MRZ-2 (Huer Huelo Creek out in Creston, for example).
- Special Report 215 was transmitted to the County, but no zoning update has been commenced.
- The County does not currently have a Mineral Resources Management Plan (MRMP). The minerals section in the COSE puts restrictions on mining operations; it does not plan for their conservation and development as required by SMARA, so that does not count as an MRMP.
- The County has two extractive overlay zones (EX and EX1) that were apparently put in place in 1986 and amended periodically throughout the 1990s.

EX1 (County Code 22.14.050): This applies to MRZ-2 Classified lands. It simply requires that prior to approving a non-mining use, the County must find that the use “will not adversely affect the *continuing operation or expansion* of a mineral resource extraction use.” This is slightly less than what is required under state law. (See SMARA §2762(d)-(e).)

EX (County Code 22.14.040): This applies to designated lands. It requires a Minor Use Permit for all non-mining uses, and requires the application to include a mineral resource report prepared by a geologist or mining engineer. This is slightly more than what is required by state law.

- SMARA does not require discretionary permitting for all non-mining uses, only those that would *threaten the potential to extract minerals*. (It does not expressly require discretionary permitting for those uses, but in order to make the required findings, a non-ministerial permit is needed). See SMARA Regulation 3675 for the types of uses that would likely threaten the potential to extract minerals—high density development, public facilities, etc.
- SMARA also does not require a mineral resource report prior to permitting except for uses in an MRZ-3 (unknown) zone, and that is part of classification, not designation. For designated lands, it is presumed the minerals were adequately identified when they were mapped MRZ-2 and designated. That said, a mineral resource report may be helpful to the County in making its findings that the proposed use outweighs the value of the minerals.

The EX overlay also requires that approval of a non-mining use may be granted only when “the finding is made that the proposed use will not adversely affect the *continuing operation or expansion* of the energy or extraction use.” This is slightly less than what is required by state law, since SMARA requires that for designated lands, the proposed use not threaten the *potential* to extract minerals in the area, not just the *continued* extraction (which implies an existing operation).

III. Summary

State law (SMARA) already requires discretionary permitting for any use that would *threaten the potential to extract minerals* on MRZ-2 Classified *or* Designated Lands, because the County must make certain findings to approve such uses. So nothing will change with respect to the state law permitting requirements with the upcoming designation of Sector C (the MRZ-2 sector outside Santa Margarita), except that designation adds an extra step to the findings that are already required (i.e. considering the needs of the region or state as a whole, and not just the local area).

State law does not require discretionary (i.e. minor or conditional use) permitting of uses that would not threaten mineral resource extraction—single family homes, agriculture, etc.,

basically all the stuff that is currently allowed on Rural and Ag lands by the County with a ministerial permit.

State law does require a mineral resource report *if* (1) the use is proposed on MRZ-3 classified lands (significance of the resource unknown); and (2) the use would threaten the potential to extract minerals in the area. These requirements are already in place under state law and would not change with the upcoming designation. These requirements do not apply to Sector C, because Sector C is classified as MRZ-2 (significance of the resource already identified).

The County EX1 ordinance currently applies in Sector C. EX will kick in after the state designation is complete.



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VIA EMAIL AND HAND DELIVERY

Ms. Sue Luft, Chair
Water Resources Advisory Committee (WRAC)
c/o Public Works Department
County Government Center, Room 207
San Luis Obispo, CA 93408

May 1, 2013

Re: Response to Suggested Water Resource Comments on the Draft Environmental Impact Report (DEIR) for the Oster/Las Pilitas Quarry

Dear Chairman Luft:

The Las Pilitas Resources team has reviewed the WRAC subcommittee’s comments of April 22, 2013 regarding the above-referenced permit application, and respectfully offers the following responses for the WRAC’s consideration and elucidation.

Response to Comment 1. This comment observed apparent inconsistencies between the application materials and the DEIR regarding the washing of aggregate. It is important to note that the application was submitted approximately 3 years ago, and that during the application review process, the project description is a dynamic document subject to continual refinement and revision, particularly once the CEQA review begins. Although the original application materials made reference to washing aggregate, that is no longer part of the project description. The governing project description is the Project Description in Chapter 2 of the DEIR—at this point the application materials should be considered to be somewhat outdated.

To be clear, *Las Pilitas Resources is not proposing to wash aggregate.* (See DEIR, Section 2.3.5, pg. 2-9.) Some of the confusion on this point may be due to the fact that the DEIR, which was not written by the applicant, occasionally makes reference to “concrete-grade aggregate” or “Portland Cement Concrete (PCC) grade aggregate.” However, because the material will not be washed, this project will be producing *non-grade* aggregate, not concrete or PCC-grade. (Please see the Response to Comment 3, below, for a list of products that will be produced from the Project.) We intend to submit a comment on the DEIR making this



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clarification and requesting that these statements be changed in the Final EIR. Of the total forecasted aggregate demand over the next 50 years in this area, approximately 60% will be for PCC-grade materials, and approximately 40% will be for non-grade materials such as those produced by this project.

1

Response to Comment 2. This comment is based on the incorrect statements in the DEIR that the project would be producing PCC-grade material, which is generally washed. Please see the Response to Comment 1, above. We are not aware of any potential customers in this County or elsewhere who would be buying our product and washing it. To the extent that someone did want to purchase the product and wash it, such activities would have to be part of their permitting review process.

2

Response to Comment 3. We intend to produce the following products: Decomposed granite (DG) for residential, commercial and landscaping (trail pathways, etc.) applications, road base, rip rap, drain rock, landscape wall rock, decorative rock, and non-expansive fill. There is the potential for this material to be used, unwashed, as an ingredient in asphalt, but this scenario is unlikely as all of the local asphalt producers have their own supply of rock.

3

Response to Comment 4. The estimate of 4,000 gallons per day for dust control is based on the following considerations: The largest potential source of dust is the stockpiling and loading area. The active mine face is not a large source of dust given the natural state of the material to be mined (relatively little topsoil, etc.), nor is the active reclamation/revegetation area a large source of dust. These assumptions are generally consistent with the assumptions in the EIR (See page 4.3-26 and Table 4.3-7.) The access road will be paved, requiring relatively little dust control. Accordingly, although the mine footprint based on the phasing maps in the EIR appears large, the acreage requiring active dust control is not as large. The stockpiling and loading area will be located in the bottom of the mine basin, which will help to limit wind disturbance and dust migration in the first instance and, as discussed below, the use of soil binders and other best management practices will also serve to reduce the need for watering. The maximum area subject to water application will vary depending on the mining phase and the size of the stockpiles on hand, and thus is not easily quantified; however, the bulk of the water for dust control will be applied in the stockpiling and loading area, which will only be a few acres in size. We feel that the estimate of 4,000 gallons per day is reasonable to service the project's dust control needs given these factors, and the EIR did not

4



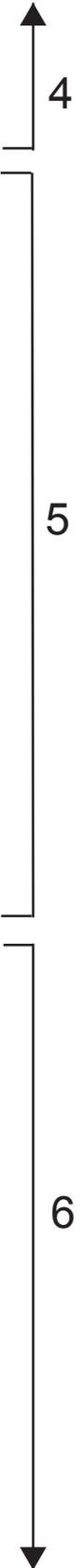
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identify that more than 4,000 gallons per day would be needed to comply with the required dust control mitigation measures.

Response to Comment 5. The best management practices for water as dust control involve both reducing the amount of water that needs to be applied in the first instance, and maximizing the effectiveness of the water that is applied. In order to reduce the amount of water that will be applied, we will be taking the following steps: paving the access road, contouring the mine face so as to minimize wind disturbance, using the minimum number of vehicles/equipment necessary to harvest and transport the material in order to keep down internal road dust, stockpiling the material in a manner that will reduce wind disturbance and erosion, and applying environmentally-friendly soil binders in a strategic manner. In order to maximize the effectiveness of the water that is applied, we will be cognizant of the time of day and the temperature when the water is applied, as well as when a given stockpile or area is slated for disturbance next. With this type of material, a topical application of water will form a “crust” on the stockpile, which will remain in place until that crust is disturbed. Accordingly, it is not necessary to water stockpiles every day unless they are being disturbed every day, and even then, the entire stockpile does not need to be re-watered. Water applied to roadways will be done in conjunction with a palliative (soil binder) as needed. We will also utilize water from the storm water settling ponds for dust suppression wherever possible instead of fresh water.

Response to Comment 6. EIRs do not typically include MSDS sheets for a variety of reasons, and CEQA case law has recognized that such a level of detail is not required for a sufficient EIR, and in fact could be counter-productive. The primary reason for not including an MSDS sheet in an EIR (or, indeed, prior to project operation) is that it would commit the applicant to a particular brand that might be unavailable by the time the project actually commences, or which might have proved not to be the best product for the job at hand during the time between EIR publication and project commencement. Changing products once an MSDS sheet has been published in an EIR could, theoretically, require re-opening of the CEQA process. Instead, Las Pilitas Resources intends to suggest the following condition of approval to the County regarding the use of soil binders: “All soil binders used shall be ‘environmentally friendly,’ meaning that they have been approved by either the United States Environmental Protection Agency (EPA) under the Environmental Technology Verification program, or by the United States Department of Agriculture (USDA)





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BioPreferred program, and have been approved by the California Department of Fish & Wildlife (CDFW) for use in and adjacent to stream and lake habitats.”

6

Response to Comment 7. This comment included two subparts that are addressed in turn:

(a) The objective criterion for measuring fugitive dust at levels *below* APCD Rules 401 (Visible Emissions) and 403 (Particulate Matter Emission Standards)—both of which the project will be subject to—is visibility. Per the standard rule governing visible dust, Las Pilitas Resources will not allow any visible dust plumes to leave the project site. Although the general requirement is that visible plumes not cross the property line, we will ensure that visible plumes do not leave the mining area. If it is visible, it will need to be suppressed. This will be accomplished by the use of the BMPs described above, and will be aided by the natural topography of the mine site, in which the largest potential dust sources will be located at the bottom of the mining area and protected by ridgelines.

7

(b) Because of the considerations above, we believe that the estimated 4,000 gallons per day will be more than sufficient to accomplish this mitigation measure. In other words, suppressing visible dust plumes and exercising extra diligence on days when wind exceeds 15 mph will not require additional water use beyond what is currently estimated, as our estimate takes these conditions into account. On non-windy days, for instance, we expect our water usage to be less than the estimated 4,000 gallons.

8

Response to Comment 8. Las Pilitas Resources does not anticipate covering stockpiles, which can present logistical hazards, and instead expects to spray and/or treat the stockpiles to comply with this requirement. In this context, “spraying” connotes wetting the stockpile with water to form the “crust” referred to above, and “treating” means adding a soil binder or other palliative to accomplish the same result. Spraying the stockpiles and immediately surrounding areas will account for a large portion of the estimated 4,000 gallons per day, and we do not anticipate any water quantity or quality implications that were not discussed in the EIR. Any palliative would need to be “environmentally friendly” and comply with the condition of approval discussed in Response to Comment 6, above; thus, there would be no anticipated water quality implications from the use of such products.

9

Response to Comment 9: There were no comments on the domestic water usage discussed in the EIR, and thus no response is necessary.

Response to Additional/Public Comments Received:

Las Pilitas Resources offers the following brief responses to the correspondence submitted by the public on this item:

1. Letter from Mr. Roy Reeves to CalRecycle, March 16, 2012: Las Pilitas Resources intends to fully comply with all CalRecycle regulations, standards and permit conditions for its recycling operations. The effects of these operations were studied in the EIR and were not found to be significant.

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2. Letter from Mr. Roy Reeves to the Central Coast RWQCB, July 6, 2012: The issues raised in this letter are somewhat out-of-date. This letter was drafted before the Draft EIR was completed. As noted above, Las Pilitas Resources no longer intends to wash material as part of this project. A Water Supply Assessment was completed as part of the EIR, and found that the impacts on supply in the Salinas River would be less than significant. Finally, the EIR also found that any water quality impacts from the proposed operation, including recycling, could be mitigated.

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3. Letter from Margarita Proud to the WRAC, November 27, 2012: Again, this letter was drafted prior to completion of the Draft EIR. We do not intend to wash aggregate, nor does the project include an asphalt or ready mix plant, so the comparisons to water use by other mines that have one or both of these components is inapt. The project's concrete and asphalt recycling component was studied in the EIR and no significant impacts on water quality were identified.

12

4. Letter from Margarita Proud to the WRAC, April 14, 2013, with Attachments: We would refer the WRAC to our above responses regarding the washing of aggregate. Statements made by applicant representatives early on in the process, before the project description was refined and finalized, are simply irrelevant. We can only legally do what was described and studied in the EIR, so that is the relevant project description. Each of the other mines identified by Margarita Proud involve washed aggregate, and are much larger and topographically different than the Las Pilitas Quarry. It may also be that those operations, each owned or proposed by large corporations, are not properly incentivized to conserve water. In any case, these comparisons are not apt. With regard to the recycling "waiver," it is important to note that the Hanson operation currently has this same waiver,

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which has been in place for several decades, and no adverse consequences have been reported. (Keep in mind that the Hanson operation is subject to annual inspections by the County as well as other regulatory agencies.) Las Pilitas Resources is not proposing an asphalt manufacturing plant, and we can only do what was studied in the EIR, so this is not a component that could be added later. Finally, the EIR includes a chapter on land use compatibility, and the water resources chapter of the EIR took into account the limited groundwater along Parkhill Road, and concluded this project would have no effect on that situation. At the recent EIR workshop hosted by the County, the EIR Consultant stated he was “confident” that this project would not affect groundwater supply nor the flows in the Salinas River. These conclusions are borne out by the Water Supply Assessment in Appendix F of the EIR.

13

Conclusion

Las Pilitas Resources appreciates this opportunity to address the WRAC’s comments. Las Pilitas Resources is hopeful that, given the above clarifications, your Committee will agree with the conclusions reached in the EIR regarding the water impacts of the projects, as well as the analysis, methodology, and veracity of the Water Supply Assessment in particular. The Water Supply Assessment, which forms the basis for the water section in the EIR, found that there was a more-than-adequate supply of water on the property, via both appropriative and riparian rights, to service the requested needs of the project. Given the purpose for which the WRAC was formed and its expertise, we would ask that this be the Committee’s primary focus. We hope that you will find both the EIR and the Water Supply Assessment adequate, and encourage you to send this feedback to the County.

14

Respectfully,

Ken Johnston
Project Manager
Las Pilitas Resources, LLC



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/5/2013

Name*: Lori Treder

Affiliation (if any):* _____

Address*: 14655 Chispa Road

City, State, Zip Code*: Atascadero, CA 93422

Telephone Number*: 805-464-0852

Email*: lori@treder.us

Comment:

I want to address my biggest concern, which is the traffic impact from this potential project. My family has been in Santa Margarita for five generations, and we have witnessed the changes over the years. It concerns me that decisions are made solely on State Highway, County Public Works Department and Caltrans data and guidelines. When it comes to traffic increase and pedestrian safety you can't just go by statistics. Times have changed over the years. As the traffic has increased, and the increase in aggressive inconsiderate drivers (cars and trucks) traveling through our town, we as citizens have made changes to keep ourselves and families safe. When I was growing up and going to school at Santa Margarita Elementary School, I walked to and from school, living on the corner of El Camino Real and Pinal. I crossed El Camino Real at Encina Ave. There was plenty of traffic then, but people stopped to allow you to cross, and drove the speed limit. I now have grandchildren going to Santa Margarita Elementary School, and they are not allowed to walk home from school or cross El Camino Real. There are many families in Santa Margarita who do not allow their children to cross El Camino Real because it is so dangerous. If it is not safe now, it will not be safe with the increase of 273 more trucks. Spend some time watching the traffic going through Santa Margarita. The majority of vehicles do not travel within the speed limit, and most do not stop for pedestrians at Encina Ave. We need to look further into what this increased traffic is going to do to the community of Santa Margarita as a whole. Are there other alternatives? Can Las Pilitas Resource, LLC get easements to develop roads to route traffic away from downtown Santa Margarita? As a citizen who witnesses traffic on a regular basis, again, I worry about using the State Highway, County Public Works Department and Caltrans data and guidelines solely to approve the project and/or decide on what improvements will be needed to reduce a "potential significant impact" to a "less than significant impact." As a long time resident of Santa Margarita and property owner, I fear what the true traffic and safety impact is going to do to the town and citizens of Santa Margarita.

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Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/5/13
 Name*: Tim & Shari Bone
 Affiliation (if any)*: _____
 Address*: 2314 & 2350 I Str.
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: 805-438-4651
 Email*: Timsbone@gmail.com

1

Comment: We are totally against this project. What is this project going to do for us, who live in the town of Santa Margarita more dust, more traffic. Cannot think of one reason why this would benefit residents of this wonderful town.

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: JUNE 5, 2013

Name*: STEPHEN GONZALES

Affiliation (if any)*: _____

Address*: 9390 HUER HUERO RD.

City, State, Zip Code*: CRESTON CA 93432

Telephone Number*: 805 438 3012

Email*: RATHJEN GONZO @ GMAIL . COM

Comment: I AM OPPOSED TO THIS PROJECT, SEE SECTION 6.5 PROJECT ALTERNATIVE.

I THINK FURTHER TRAFFIC STUDY IS REQUIRED IN ORDER TO DETERMINE THE IMPACT OF TRUCK TRAFFIC ON BICYCLISTS AND FOOT TRAFFIC, ESPECIALLY CHILDREN.

THERE ARE STILL CONCERNS ABOUT THE PROJECTED WATER USAGE AND THE EFFECT ON THE SALINAS WATERSHED DURING PROTRACTED PERIODS OF DROUGHT. THIS STILL WARRANTS FURTHER STUDY.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

I.04

Date: 6/5/13
Name*: John Eddie Cosko
Affiliation (if any):* _____
Address*: 2788 ORVILLE AVE
City, State, Zip Code*: CAYUCOS CA 93430
Telephone Number*: 805-550-5951
Email*: EddieCosko@hotmail.com

Comment: The Las Pilitas Quarry Project is way too massive and out of character for the community and rural quality of the area.

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/5/2013

Name*: JEANNIE MACDOUGALL

Affiliation (if any):*

Address*: 9155 HARVEST WAY

City, State, Zip Code*: ATASCADERO CA 93422

Telephone Number*: 805 550 6617

Email*: jandgmacd@gmail.com

Comment: I am in complete agreement with my husband,
Greg MacDougall in my opposition to the
opening of the quarry.

The scale of the operation is too large & the
traffic on SB cannot ^{take} the number of trips
proposed.

Even the existing quarry that has the entrance
on El Camino Real is problematic at times
and it's entrance is on a straight stretch of
road. I have experienced/witnessed several
traffic near mishaps as the large trucks
slowly pull out in front of more quickly
moving vehicles.

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/5/2013

Name*: GREG MACDOUGALL

Affiliation (if any):* _____

Address*: 9155 HARVEST WAY

City, State, Zip Code*: ATASCADERO CA 93422

Telephone Number*: 805 801 3574

Email*: JANDG-MACD@GMAIL.COM

Comment: I AM OPPOSED TO THE QUARRY PROJECT ON
HWY 58 DUE TO THE IMPACTS OF EXTREMELY
BUSY TRUCK TRAFFIC ON EL CAMINO REAL,
ESPECIALLY THROUGH THE VILLAGES OF
SANTA MARGARITA. I DON'T THINK THESE IMPACTS
COULD BE MITIGATED UNLESS THE QUARRY
OWNERS DEVELOPED AN ALTERNATIVE ROAD
SYSTEM THAT BY-PASSES THE COMMUNITY ON
THEIR WAY NORTH ON E.C.R. OR TO JOIN HWY 101.

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

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Draft EIR Comment Form
Proposed Las Pilitas Quarry Project

I.07

Date: 6/5/13
Name*: David + Tina Ballantyne
Affiliation (if any)*: Margarita Proud
Address*: 6135 Parkhill Road
City, State, Zip Code*: Santa Margarita, CA 93453
Telephone Number*: 805 438-4989, 805 754-6128
Email*: 2ballantynes@gmail.com

Comment: Commenting on Agricultural Resources - Dust Generation 4.2-11
"Due to the use of watering trucks and the nature of extracted material, dust from the mining operation will be limited, and should not carry far beyond the property" Also stated:
"Since there are no agricultural operations in the immediate vicinity there would not be direct impacts from the quarry."

Comment:

Please note that we are an agricultural operation. We own and reside on a 10-acre family farm approximately one (1) mile downwind from the proposed site. We grow and consume fruits and vegetables as well as harvest eggs and meat from our chickens, turkeys, and ducks. We harvest fiber from our alpacas and produce all of our dairy products from a herd of Nubian goats.

Comment: Can you specifically explain "should not carry far beyond the property" in scientific terms. Does that also include

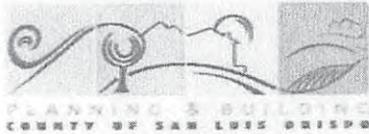
*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

ROG, NOX, and PM 10 emissions?

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Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Draft EIR Comment Form
Proposed Las Pilitas Quarry Project

1.08

Date: June 3, '13

Name*: Polly Coogor

Affiliation (if any):*

Address*: 16550 Oracle Oak Way

City, State, Zip Code*: Santa Margarita, Ca. 93453

Telephone Number*: (805) 438-4452

Email*: slosg@slonet.org

Comment: I agree with the comments made by Kenneth Haggard.

I am particularly concerned about the proposed truck traffic through town and so close to the elementary school.

Also the water use (likely to be much greater than the applicant claims) will be a strain on the already heavily used supply.

I support project alternative 6.5.

Thank you.

Polly Coogor

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: JUNE 5, 2013

Name*: JON P. TREDER

Affiliation (if any)*: _____

Address*: 14655 CHISPA ROAD

City, State, Zip Code*: ATASCADERO CA 93422

Telephone Number*: 805 464 0952

Email*: JONP@TREDER.US

Comment: _____

As an owner of Real Property located on El Camino Real with in the potential significant impact traffic area I am extremely concerned about the increased traffic and noise of 273 more trucks further impacting the noise pollution and safety of pedestrians and local community residents. I am not opposed to the development of the project, but are opposed to the negative impact it will cause on the quality of down town Santa Margarita. The current traffic is not properly policed or controlled, which as been over looked for decades and continues to grow more dangerous for the Citizens who travel El Camino Real.

Ideally the proposed truck traffic for the Las Pilitas LLC development should not pass through the town of Santa Margarita period. The developers should develop along with the project a traffic route to accomplish that. However, that being unlikely, adding more traffic without first implementing major traffic control changes to address the speed vehicles travel and provide safe crossing for pedestrians, particularly our resident children, would be a crime of total disregard for safety. Speed and pedestrian safety has been a concern for years yet Cal Trans and the County of San Luis Obispo have failed at addressing the problem in spite of the deaths of citizens I am aware of over the 37 years I have been a community citizen. The County of San Luis Obispo, Cal Trans and the developers of the Las Pilitas LLC project (if the project is to move forward) have an obligation NOW once and for all to address and deal with this terrible safety issue.

The negative impact of the added traffic and NOISE of 273 MORE trucks through the downtown district of Santa Margarita MUST be prevented. Acquire an easement or construct a tunnel to bypass the downtown area of Santa Margarita.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/5/13
 Name*: Brenda McAdams
 Affiliation (if any)*: _____
 Address*: 22178 El Camino Real (P.O. Box 59)
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: 805-710-3061
 Email*: brendamcclams@ymail.com

Comment: _____

I want to address my biggest concern I have, which is the traffic impact from this potential project. My family has been in Santa Margarita for five generations, and we have witnessed the changes over the years. It concerns me that decisions are made solely on State Highway and Caltrans guidelines. When it comes to traffic increase and pedestrian safety you can't just go by statistics. Times have changed over the years. As the traffic has increased, and the increase in aggressive inconsiderate drivers (cars and trucks) traveling through our town, we as citizens have made changes to keep ourselves and families safe. When I was growing up and going to school at Santa Margarita Elementary School, I walked to and from school. I lived on the corner of El Camino Real and Pinal. I crossed El Camino Real at Encina Ave. There was plenty of traffic then, but people stopped to allow you to cross, and drove the speed limit. I now have grandchildren going to Santa Margarita Elementary School, and they are not allowed to walk home from school, or cross El Camino Real. There are many families in Santa Margarita who do not allow their children to cross El Camino Real because it is so dangerous. If it is not safe now, it will not be safe with the increase of 273 more trucks. Spend some time watching the traffic going through Santa Margarita. The majority of vehicles do not travel within the speed limit, and most do not stop for pedestrians at Encina Ave. We need to look further into what this increased traffic is going to do to the community of Santa Margarita as a whole. Are there other alternatives? Can Las Palitis Resource get easements to develop roads to route traffic away from downtown Santa Margarita? As a citizen who has witnessed traffic on a regular basis, again, I worry about using the State Highway and Caltrans guidelines solely to approve the project and/or decide on what improvements will be needed to reduce a "potential significant impact" to a "less than significant impact." As a long time resident of Santa Margarita and property owner, I fear what the true traffic and safety impact is going to do to the town and citizens of Santa Margarita.

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/5/13

Name*: Kenneth Lloyd Haggard

Affiliation (if any):* _____

Address*: 16550 Oracle Oak

City, State, Zip Code*: Santa Margarita Ca 93543

Telephone Number*: 805 438-4452

Email*: slog@slonet.org

There are many aspects that make this an undesirable project:

1. It introduces an intense mining and industrial operation right next to the Salinas River at the top of the Salinas watershed therefore having the capacity to affect most of the entire river basin in case of an industrial accident.
2. It disrupts and degrades the visual character of a scenic part of north County that is advertised to tourists as "the gateway to the Carrizo Plain National Monument"
3. It unnecessarily repeats an existing quarry operation nearby that in on a larger, more insulated and more accessible site.
4. It further encourages the use of virgin fill material diluting the promising efforts to provide similar material through existing concrete recycling operations in South County.

These are 4 strong reason to oppose this project but the strongest one in my opinion is that the project violates one of the most fundamental tenants of good planning which is that land use planning and transportation planning are interrelated and must be compatible. This is defiantly not the case here. Highway 58 is a 2 lane rural windy road through rugged and not very stable terrain. It was never intended for industrial transportation. For example this road has been severely affected both operationally and physically by the truck traffic involved in the construction of the solar power plants in the Carrizo which is a very small percentage of the daily load over a limited time of 3 years that the Pilitas quarry project would generate daily (273 day) for over 58 years.

Adding to this dismal violation to the integral relation between land use and transportation infrastructure is the fact that much of this heavy industrial truck traffic will weave through the eastern residential section of Santa Margarita complete with a school and down the main street of this classically laid out 19th century small town. The passenger car equivalency of this travel is like adding 819 car trips /cay to this situation. This is an unacceptable burden to add to highway 58 and Santa Margarita to provide material that is more easily obtained and shipped elsewhere in the county.

For these reasons I support project alternative 6.5.

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/5/13

Name*: David and Rochelle Wagner

Affiliation (if any):* _____

Address*: 6352 Parkhill Road

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: _____

Email*: _____

Comment: Figure 4.8-1 "Residences in Project Vicinity" is deceptive in that it only highlights 5 residences. There are at least an additional 12 residences visible in that photograph as well as 4 others just to the east of photo.

• We are very concerned about traffic hazards created by the increased truck traffic with respect to blocking lanes on HWY 58 when trucks enter and exit the quarry property. The lack of a dedicated left turn lane or an acceleration lane when leaving the property headed west will create a dangerous traffic condition.

• Increased truck traffic between the park and elementary school will destroy the tranquility of the area and is incompatible with the current use.

• Applicant states they will sell an "unwashed" aggregate product, which is ~~not~~ the industry standard. We are concerned they will increase the stated water volume usage if project is approved.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/5/13
 Name*: Brenda McAdams
 Affiliation (if any)*: _____
 Address*: 22128 El Camino Real (P.O. Box 59)
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: 805-710-3061
 Email*: brendamcclams@ymail.com

The biggest concern I have is the traffic impact this will have on our community. I happen to live at 22128 El Camino Real which is on the corner of Pinal and El Camino Real. My Mom was raised in this home, I was raised in this home and I am now raising my daughter in this home. When I attended Santa Margarita Elementary School which was in the 1970's I walked to school and road my bike daily across El Camino Real without fear of being hit by a car or truck. Unfortunately my daughter has never walked to school alone nor has she been allowed to ride her bike to school due to the danger of being hit by a vehicle. This is very unfortunate and many times I have questioned my decision about living in this small town, as quaint as it is I am very disappointed that the traffic is not being dealt with. When I found out about this project I was very saddened to think that there was a chance this type of project could get approved due to the traffic impact. When I grew up in this town there was traffic but driver's would stop and allow you to cross and they would drive the speed limit. Now we have aggressive driver's who don't even stop when people are crossing the cross walk and there actually have been pedestrians hit while crossing downtown. Trucks go by at tremendous speeds without any concern for the pedestrians. I witness this daily because I live on El Camino and it happens all day long. This is such a huge issue with our family. We have been very desperate at times and have had to call the Highway Patrol, sometimes weekly to complain. I have seen more police presence but it is not stopping/improving the problem. This project if approved would not improve these issues, it would definitely make them tremendously worse. Are there alternatives? Can Las Palitas Resource get an easement to develop roads to route the traffic away from downtown Santa Margarita? Using the State Highway and Caltrans guidelines solely to approve this project and/or decide on what improvements will be needed to "reduce potential significant impact" to a "less than significant impact" does not make since for our town. The highway runs straight through our small town and we already need to reduce traffic to make it safe for our children. I am very fearful of the true traffic and safety impact this is going to have on our town and the citizens of Santa Margarita.

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Comments will be released to interested parties if requested.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-4-2013

Name*: Thomas Becker

Affiliation (if any):* _____

Address*: P.O. Box 158

City, State, Zip Code*: Santa Margarita, CA. 93453

Telephone Number*: 805 438-5211

Email*: _____

Comment: The proposed quarry is a bad idea at this time. Hwy 58 is a very narrow winding road with no shoulders and limited sight distances. I have enclosed pictures taken June 4 2013 that shows how vehicles cannot stay on the narrow road and drive off the edge causing damage and making the road even narrower. I think the road needs to be improved with wide shoulders before allowing hundreds of trucks to travel over it each day. There have been many accidents and deaths on this section of road. Please don't make this dangerous situation worse by allowing an increase in truck traffic.

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

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Murry Wilson – Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-4-2013

Name*: NANCY VENDEL + JAMES VENDEL

Affiliation (if any):* _____

Address*: 22536 I ST

City, State, Zip Code*: SANTA MARGARITA CA 93453

Telephone Number*: 805 438 3815

Email*: 0

Comment: I AM QUITE CONCERNED ABOUT LAS PILITAS QUARRY - I ST IS A VERY BUSY STREET DUE TO IT FLOWS TO POZO ROAD. OTHER THAN HWY 58, IT IS THE ONLY TRU-WAY TO POZO RD. THE INCREASE IN TRAFFIC WILL BE VERY DANGEROUS TO EXIT OUR DRIVEWAYS. I ALSO OWN THE POSTOFFICE - LIQUOR STORE + BOUTIQUE + PARKING BEHIND! HEAVY TRAFFIC WILL IMPEDY ACCESS TO PARKING AT OUR PROPERTY WE HAVE OWNED THE PROPERTY SINCE 1982. WE ARE ALREADY CONCERNED ABOUT SIFTY ON 58 WE HAVE HAD SEVERAL PEDESTRIANS HURT + ONE FATALITY IN THE ONLY CROSSWALK IN TOWN! OUR ONE CROSSWALK IS THE ONLY CROSSWALK UNTIL YOU REACH ATASCADERO! OUR CITIZENS DESERVE A SAFE COMMUNITY + SAFE DOWNTOWN! PLEASE SHOW DEEP CONCERN FOR OUR RESIDENTS

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

Nancy L. Vendel 6-4-2013

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Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

2013 JUN -5 PM 3: 14
S L U C N T Y
P L A N N I N G / B U I L D I N G
D E P T



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/4/13
 Name*: Karen Becker
 Affiliation (if any)*: Santa Margarita Town Resident
 Address*: 22110 "F" St.
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: (805) 438-5211
 Email*: Kath93453@aol.com

Comment: #1) Concerns regarding school crossing.
 The increased traffic from the truck hauling from Quarry and the safety of the children crossing HWY 58 / ENTRADA @ Santa Margarita Elementary School.

There is a difficulty with crossing that street already, due to the rise in the road when looking South, and hard to hear the cars coming from that direction.

Maybe the QUARRY could pay for a pedestrian bridge, to insure elementary students can cross safely.

#2) Increased burden of traffic @ ECR + HWY 58 intersection, and increased traffic noise. Trucks are loud stopping and going.

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested. #3) Maybe QUARRY could use HANSEN access to ECR.

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#4) Increased truck traffic through town and the increased traffic noise.



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/4/13
 Name*: Jim & Eileen Robinson
 Affiliation (if any):* _____
 Address*: 9400 Huer Huero Road
 City, State, Zip Code*: Creston CA 93432
 Telephone Number*: (805) 438-4217
 Email*: SLOER7@AOL.COM

Comment: Although I strongly believe in the rights of a property owner, in this instance it is based on the EIR, I am very much opposed to allowing the quarry project to go forward. The highway is not designed or structured to support the large tractor trailers to safely utilize this path in and out of the area. We have lived here over 24 years. Historically, there was a sign telling large trucks to not use the road. They have to cross the center divider many times between park hill & El Camino. It is not safe for the public. The traffic past the elementary school would

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

I.18

Date: 6-4-13
Name*: Janet Carnegie
Affiliation (if any)*: _____
Address*: 385 Orton St.
City, State, Zip Code*: Morro Bay, Ca 93442
Telephone Number*: 805-712-5723
Email*: jcarnegi@gmail.com

Comment: _____
_____ The Quarry Project is not in harmony] 1
_____ with the neighbors or the enviroment.

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 4 June 2013

Name*: Barbara Ahern

Affiliation (if any)*: formerly taught Environmental Science at University of Maryland

Address*: P.O. Box 932

City, State, Zip Code*: Santa Margarita, CA 93453-0932

Telephone Number*: 756-5030

Email*: NA

2013 JUN -5 AM 10:34
PLANNING/BUILDING
DEPT
SLO COUNTY

Comment: The following impacts of the above proposed project should be addressed more critically, as a deterrent to this presentation.

Biological Resources: Both a) and b) are not mitigated in the EIR. Are they to be simply dismissed?? c) Impact wetland or riparian habitat: why was this assessment conducted during a non-wet period? All three of these are significantly a potential impact in a negative way.

1

Air Quality: a) through d) factors, or impacts, are listed as potentially significant and should be addressed as negative to the project. Air quality should be definitely examined, due to the increases of cases in this area of Coccidioid-mycosis (Valley Fever), due to the disturbance of the soil at the Topaz Solar Farm in 2013, as cited in The Tribune. The disturbance to the soils will be even greater, if this project is approved, which could affect the nearby Santa Margarita residents and Elementary School. Also another effect would be increased exposure to microscopic particles of Crystalline Silica, which can cause Silicosis. (Ref.: AMA Encyclopedia of Medicine.) And further, with an average projected number of 200 trucks per day, the air quality will be further degraded. ...continued...

2

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

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Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 4 June 2013

Name*: Barbara Ahern

Affiliation (if any)*: formerly taught Environmental Science at University of Maryland

Address*: P.O. Box 932

City, State, Zip Code*: Santa Margarita, CA 93453-0932

Telephone Number*: 756-5030

Email*: NA

Comment: Noise: Derived from explosions and noise from trucks transporting gravel.

It is not just the decibel level, which is important to consider, but also the prolonged exposure to noise at certain levels. A diesel truck, with 90dba, heard for 8 continual hours will cause hearing damage (Environmental Protection Agency, 1971). In addition to affects of noise are the affects of stress on the body. Continued exposure to stress causes mental and physical symptoms. (AMA Encyclopedia of Medicine.) Also known: a person never gets accustomed to noise. (G. Tyler Miller, Jr. - Living in the Environment.)

Suggestions:

The Las Pilitas Quarry should have to find a parking lot for its trucks on its own property, not park them in the town itself.

The access road for the truck should be moved to the same place as the nearby quarry, which does not exit on Route 58, hence alleviating many concerns. The county should declare eminent domain for the road but require the applicant to pay for the access fees and road maintenance. This would be significantly better in many regards to the impacts cited as problems.

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

WOULD YOU WANT HEAR 200 TRUCKS PER DAY?

FOR YEARS?

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6-5-13
 Name*: DALE + Janice CARR *6 pages included*
 Affiliation (if any)*: NONE
 Address*: 22575 I Street
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: 805-709-8598
 Email*: jlcar@charter.net

Comment: _____

Our Background

We have lived in Santa Margarita since 1986. We live on I Street near the corner of Yerba Buena Street. I Street is the only alternative route connecting Hwy 58 and Hwy 101.

After several readings of the Draft EIR for the proposed Las Pilitas Quarry project, we have the following concerns and questions.

Draft EIR 4.03 Air Quality and Dust Control

The EIR indicates in Impact AQ-1a ROG + NO_x and Impact AQ-1b Emissions of PM₁₀ Fugitive Dust that these emissions will have a significant impact and deemed not mitigable, yet the draft lists "mitigation measures." This appears inconsistent. Further, the "mitigation measures" listed sound less than adequate given the seriousness of these emissions on humans and wildlife.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-5-13
Name*: DALE + Janice CARR
Affiliation (if any)*: NONE
Address*: 22575 I Street
City, State, Zip Code*: Santa Margarita, CA 93453
Telephone Number*: 805-709-8598
Email*: jl Carr@charter.net
Comment: _____

Could you please explain how an impact deemed not mitigable can have mitigation measures? 2

In addition, Impact AQ-2a Emissions of DPM, although deemed significant but mitigable, has a huge potential to put the community at risk of cancer. The Draft indicates that "...DPM accounts for about 70% of cancer risk in urban areas." Given Santa Margarita is a rural area and a very small community where the trucks will be moving directly through the residential areas and the downtown, how can there be any reasonable way to mitigate this potential impact? 3

How has the potential for increased exposure to Valley Fever been addressed? 4

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-5-13
Name*: DALE + Janice CARR
Affiliation (if any)*: NONE
Address*: 22575 I Street
City, State, Zip Code*: Santa Margarita, CA 93453
Telephone Number*: 805-709-8598
Email*: jlcar@charter.net
Comment: _____

Draft EIR 4.08 Noise

The EIR indicates in Impact Noise-1 Truck Traffic Noise and Impact-5 Cumulative Traffic Noise that there will be a significant impact and deemed not mitigable, yet the draft lists "mitigation measures." This appears inconsistent. Further, the "mitigation measures" listed sound less than adequate ("The applicant/quarry operator shall *advise* (italics added) all truck drivers exiting the facility regarding the noise sensitive residential uses along the truck route through Santa Margarita, and shall prohibit the use of compression brakes except under emergency conditions"). These trucks will pass through residential neighborhoods and pass right next to an elementary school and a community park where the route must stop for railway traffic and for a stop sign. *Advising* all truck drivers will hardly allow them to reduce the noise emitting from large, heavy trucks. They will be moving over a narrow stretch of Hwy 58 when next to the school and park and they will be idling, possibly for long periods of time waiting for trains and at the stop sign.

Could you please explain how it will be possible to reduce the noise from these trucks (estimated to be over 200 per day) and how an impact deemed not mitigable can be mitigated by these inadequate measures?



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-5-13
Name*: DALE + Janice CARR
Affiliation (if any)*: NONE
Address*: 22575 I Street
City, State, Zip Code*: Santa Margarita, CA 93453
Telephone Number*: 805-709-8598
Email*: jl Carr@charter.net
Comment: _____

Draft EIR 4.11 Transportation and Circulation

Impact Traffic-4 Cumulative Effect to 2030 Traffic Volumes indicates in the Residual Impact that "...cumulative traffic impacts would remain significant and unavoidable."

There is much in the studies and analyses performed for this section of the Draft EIR that ignores the human and small community elements involved with moving hundreds of large, heavy trucks through a residential community with many children. There are no sidewalks in the community which would make walking more dangerous when this type of truck traffic is allowed.

Further, we did not see any discussion of the likelihood of an increase in traffic on I Street (and possibly H Street) when cars and trucks want to avoid waiting on Estrada for trains and the stop sign (or light if one is put in in the future) due to the increased truck traffic. In the past, before a stop sign was placed at Yerba Buena Street and I Street, traffic was

6

7



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6-5-13

Name*: DALE + Janice CARR

Affiliation (if any)*: NONE

Address*: 22575 I Street

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: 805-709-8598

Email*: jl Carr@charter.net

Comment:

extremely hazardous on this route. With the incentive to avoid congestion at Estrada and El Camino Real intersection, more vehicles will use I Street. How does the county plan to address this potential consequence?

We also did not see any discussion regarding the increased deterioration of Hwy 58, Estrada and downtown portion of El Camino Real that will result from the high level of truck usage. How will this consequence be addressed?

Overall Quality of the Santa Margarita Community

We could go on with our comments, but we realize that many other submitted comments need to be read. So, in summary, we wish to express our deep concern that the proposed Las Pilitas Quarry project will have an adverse effect on the entire community. While it will provide the property owners and business owners a livelihood, it will be at the expense of the rest of this community of 1250 residents in so many ways. We haven't even expressed our concerns about the water use from the project, the noise from blasting and the effects of traffic on current businesses and future businesses in the downtown area who have outdoor patios.

7

8

9



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6-5-13
Name*: DALE & Janice CARR
Affiliation (if any)*: NONE
Address*: 22575 I STREET
City, State, Zip Code*: Santa Margarita, CA 93453
Telephone Number*: 805-709-8598
Email*: jl carr@charter.net

Comment: _____

Santa Margarita is one of the smallest towns in San Luis Obispo County and basically a residential community. Given Hwy 58, as well as the other roads that the trucks will use in the community, are only two lane roads that are not good candidates for expansion, this proposed project seems to be inappropriate. Who will the residents turn to, what agency(ies) will promptly and effectively address the problems that will arise once the project is fully operational. What agency(ies) will be responsible for monitoring all the "mitigating measures" that are required and supposed to be followed?

Finally, although many of the impacts are deemed less than or not significant, the overall cumulative effect of all of these impacts will be harmful to our community.

↑
9

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page 6 of 6



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: _____

Name*: _____

Affiliation (if any)*: _____

Address*: _____

City, State, Zip Code*: _____

Telephone Number*: _____

Email*: _____

Comment: Personal Profits seem to always override the Rights or Concerns of an entire Community or Country. They focus exclusively on their own lives and profit with no concern for the Common Good.

Please let a small town stay peaceful & quiet. Please keep out all the problems that will occur - Traffic - Roads & Bridge deteriorate faster from heavy trucks - Noise from Blasting and Trucks - Public Health Problems Air Pollution Valley Fever. Home close to mine Damage to their homes from blasting and Property Values may go down.

This is not one company, its many individual ones. Sub-Contractors or Orphans so its not clear who is financially responsible when Problems occur. Loop holes to keep them from being Responsible.

Peace, Quiet, Serenity, Nature we moved here for these reasons! Why do the few seem to always win & The Majority lose

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

Please let the Common Good Triumph over money

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 06/05/2013

Name*: Robert D. Meek

Affiliation (if any):* None

Address:* 6250 Park Hill Road

City, State, Zip Code:* Santa Margarita, CA 93453

Telephone Number:* 805 438-4410

Email:* Bobmeek@mail.com

Comment: The draft EIR briefly mentions bicycle traffic on Hwy 58 and that there are some places that will not accomodate truck and bicycle traffic. In

truth, from the proposed project site to El Camino Real there is nowhere that

a truck and bicycle can occupy the highway. There is a considerable amount

of bicycle traffic on Hwy 58 daily and the EIR has not addressed this. There

was no survey done of bicycle traffic and EIR should include one and the means

of accomodating both truck and bicycle traffic. There are 2 consequences

of this condition not being mitigated. 1) Trucks encountering bicyclists will have

to travel at the speed of the bicyclist because they cannot legally pass and

all traffic behind the truck will travel at the slower speed of the truck and

bicyclist. 2) The truck upon encountering the bicyclist traveling at a slower

speed will illegally cross the double yellow line to pass the bicyclist.

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1



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 06/15/2013

Name*: Robert D. Meek

Affiliation (if any)*: None

Address*: 6250 Park Hill Road

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: 805 438-4410

Email*: Bobmeek@mail.com

Comment: The removal of approximately 50 native, historical, 100+ year old, oak trees and replanting with a different species is not acceptable and does not mitigate the activity. These trees are part of the heritage of Santa Margarita. Once they are destroyed they are gone forever.

2

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 06/05/2013

Name*: Robert D. Meek

Affiliation (if any)*: None

Address*: 6250 Park Hill Road

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: 805 438-4410

Email*: Bobmeek@mail.com

Comment: Presently when traffic on Hwy 58, approaching the intersection of El Camino Real and
Hwy 58 is backed up past H Street passenger vehicles, and some heavy trucks turn left on to
I Street to get out of the congestion and reach Hwy 101 more quickly. Stop signs were erected at
various intersections on I Street to discourage through traffic. The stop signs have not been
effective. Additional truck traffic on Hwy 58 near the H Street school crossing will create
increased through traffic on I Street heading west. The EIR did not do a traffic survey of
I Street, but for the above reasons one should have been done. A traffic survey of I Street
should be required including the number of vehicles entering I Street at Hwy 58 and exiting
at Whitemena Street.

3

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 06/05/2013

Name*: Robert D. Meek

Affiliation (if any)*: None

Address*: 6250 Park Hill Road

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: 805 438-4410

Email*: Bobmeek@mail.com

Comment: The stated purpose of the project is to 1) provide an additional source of aggregate material in the local production-consumption region and 2) locate a concrete grade

aggregate quarry as near as practicable to use areas in the San Luis Obispo-Santa Barbara production consumption region. The aggregate plants in the area are not at capacity and it is unlikely they will be in the near future. The Hanson Quarry on El Camino Real provides all the products proposed by the applicant and is closer than the proposed project with better access to Hwy 58 and Hwy 101. The applicant has not provided a sound basis for the project in view of the significant impacts on the area.

4

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 06/05/2013

Name*: Robert D. Meek

Affiliation (if any)*: None

Address*: 6250 Park Hill Road

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: 805 438-4410

Email*: Bobmeek@mail.com

Comment: Table ES-2 of the EIR outlines significant impacts that cannot be mitigated.

These impacts combined should be cause for denial of a permit.

5

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-3-2013

Name*: PETER KINKADE

Affiliation (if any)*: 27 YEAR SANTA MARGARITA TOWN RESIDENT + 6 YEARS IN SANTA MARGARITA AREA

Address*: 9580 MURPHY (P.O. Box 225)

City, State, Zip Code*: SANTA MARGARITA, CA. 93453

Telephone Number*: 805-438-5821

Email*: PETER.KINKADE@GMAIL.COM (ALL LOWER CASE)

Comment: I BELIEVE THIS QUARRY IS BEING PROPOSED FOR THE SOLE BENEFIT OF THE APPLICANTS, AND CAN ONLY BE DETRIMENTAL TO THE AREA & TOWN OF SANTA MARGARITA. INCREASED TRUCK TRAFFIC MUST BE LOOKED AT, NOT WITH THE IMPACTS OF THE QUARRY ALONE, BUT TOGETHER WITH THE IMMEDIATE DEVELOPMENT OF THE S.M. RANCH AND THE EXISTING NAWSON QUARRY TRAFFIC. THE ROAD FROM THE PROPOSED QUARRY IS USEFULLY INADEQUATE FOR LARGE TRUCKS - NARROW WITH BLIND CURVES & HILLS, A 20 MPH 90° CURVE AT TOWN'S EDGE, AND THE NECESSITY OF 200+ TRIPS PAST THE ONLY GRADE SCHOOL CROSSING. AND WHY YOU DON'T CONSIDER ROUTING TRUCKS UP "I" STREET. WE ALREADY HAVE 2 QUARRIES SUPPLYING THE SAME MATERIAL & IN BETTER SITED AREAS. AND, DUE TO A LACK OF WATER, THIS PROPOSED QUARRY IS EVER LIMITED IN THE RANGE OF MATERIALS IT CAN SUPPLY. SANTA MARGARITA HAS LIMITED WATER RESOURCES & CAN NOT AFFORD TO SPARE ANY. WE DO NOT WANT OR NEED THIS QUARRY. *Peter Kinkade*

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

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San Luis Obispo, CA 93408
976 Osos Street, Room 300

Department of Planning and Building

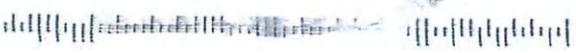
Murry Wilson - Environmental Resource Specialist

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: June 3, 2013
 Name*: Peggy Lipe
 Affiliation (if any)*: _____
 Address*: 10725 Little Quail Lane
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: 438-3095
 Email*: _____

Comment: Placing the quarry entry on Highway 8 will cause multiple problems, serious problems, with road deterioration, accidents, and traffic slow downs.

The zoning for this quarry has outlived its practicality. The neighborhood has grown up around ~~the~~ this piece of property, without the quarry in place, it is not as if they were moving next door, they complaining about the noise, dust, traffic, property values and deterioration of the road.

The road, the traffic and decreasing property values are the reasons I am against approving this quarry project.

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/3/13

Name*: Marla Lipshin

Affiliation (if any)*: —

Address*: P.O. Box 66 (22320 J St.)

City, State, Zip Code*: Sta Santa Margarita, CA 93453

Telephone Number*: (805) 438-3806

Email*: mlipshin@gmail.com

Comment: I have lived in Santa Margarita for 23 years & raised my family here. I am deeply concerned about the impact that the ~~very~~ increased truck traffic would cause to our town. In particular, the area where Hwy 58 turns off El Camino Real & past the elementary school crosswalk & through the residential neighborhood concerns me. This stretch of road ~~was~~ is not intended for the kind of increased traffic the quarry project would generate. School children would be put at risk. I am also concerned about bike traffic on Hwy 58, where my husband often rides. This project is incompatible with our community & its impact would be felt community-wide.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/3/13Name*: Joe A. LIPEAffiliation (if any)*: —Address*: 10725 LITTLE QUAIL LANECity, State, Zip Code*: SANTA MARGARITA, CA 93453Telephone Number*: 438-3095Email*: —

Comment: I do not feel another quarry is needed in this area, so close to established homes. I feel it would bring down property values. This is not a case of people moving in next to an existing quarry, then bitching about it.

1 What concerns me most is the traffic situation. The small part of 58 that I travel has already seen much wear and tear and accidents since the increased traffic due to the solar plants. The road is too narrow and not constructed for the amount of heavy traffic anticipated.

I say NO to this quarry!

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

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→ Murray 1.27



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

2013 JUN -4 AM 11:28
SLO COUNTY
PLANNING/BUILDING
DEPT

Date: 6-3-13
Name*: James Millenaar
Affiliation (if any)*: None
Address*: 1444 Morro Street
City, State, Zip Code*: San Luis Obispo, CA 93401-4030
Telephone Number*: (805) 546-0672
Email*: jim.millenaar@gmail.com

1
Comment: As a very frequent bicycle rider (1-2 times/wk) on SB-Parkhill-Pozo Roads I'd like to know what mitigation will be for spilled aggregate & sand on the already non-existent shoulders of the road for us? Frequency? How long till Class 2 or 3 bike lanes are built? Visibility of us on the S.M. Cemetery hill portion of the road for West bound traffic is very bad 2x/yr late Feb - early April and again late Sept through early Nov. I think, when the sun is low in the sky & directly in your eyes as a motorist. I'm not fond of breathing dust (especially valley fever or asbestos) or diesel exhaust while riding! Bridge between Pozo Rd. & Cemetery is inadequate width.
2
This project will create a very visible & ugly scar in the viewshed. Rather see existing quarries enlarged.
I believe this project when compared to other quarries in CA of similar size will use ~~as~~ far more water than they claim in the EIR to process aggregate and do dust control. In the face of global warming, how stable is our water supply if long term droughts become the norm?

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Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-3-13

Name*: JAMES L. DICK

Affiliation (if any)*: NONE

Address*: 4635 LAS PILITAS RD.

City, State, Zip Code*: SANTA MARGARITA, CA 93453-0599

Telephone Number*: 438-4463

Email*: NONE

Comment: HIGHWAY 58 IS NOT WIDE ENOUGH FOR HEAVY TRUCK TRAFFIC FROM POZO RD INTO SANTA MARGARITA AND WILL ~~BE~~ REQUIRE A LOT OF REPAIRS - IT WILL ALSO BE A HAZARD TO THE BIKERS. HIGHWAY 58 PASSES THROUGH THE SCHOOL CROSSING - A LOT OF CHILDREN USE THAT.

ALL THE WILDLIFE WILL BE ENDANGERED, AS WELL AS THE ENVIRONMENT

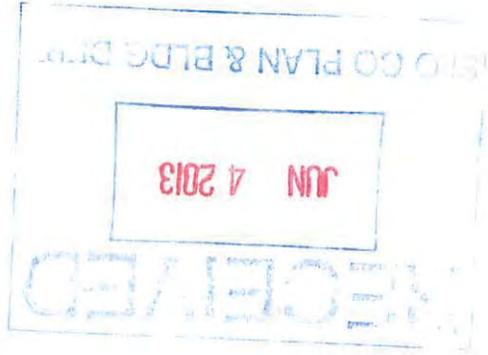
THERE ARE MANY OTHER OBJECTIONS - SUCH AS POLLUTANTS OF THE AIR - NOISE - AND SPOILING THE ENVIRONMENT WHICH IS MAINLY THE REASON WE CHOSE THE AREA FOR OUR HOME.

James L. Dick

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

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Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408





Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/3/13

Name*: JAMES AHERN

Affiliation (if any)*: PHD Economist

Address*: Box 932

City, State, Zip Code*: SANTA MARGARITA, CA 93453

Telephone Number*: (805) 756-5030

Email*: .

SLO COUNTY
 PLANNING/BUILDING
 DEPT
 2013 JUN -5 AM 10:35

Comment: TRAFFIC - DUST - ROAD DEBRIS
The project should only be approved if the applicant provides road and access through the existing neighboring quarry. I believe the county should provide access by eminent domain but require the applicant to pay the cost and reasonable access fees as well as additional road maintenance for such a road through the existing neighboring quarry. Then much of the traffic, debris, and dust externalities will be paid, covered. Excessive commercial traffic through the residential east Margarita area across the lone school access is a terrible idea. Threatening ~~area~~ an area and the people in this way is or would be terribly poor planning.

James Ahern

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MURTY WILSON - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/3/13

Name*: David E. Martini

Affiliation (if any):* _____

Address*: P.O. Box 145

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: _____

Email*: _____

Comment: This would be a total disaster to the area of Santa Margarita. Hazardous to people, animals, the land in and out of Santa Margarita. Doesn't take a rocket scientist to figure this one out. Keep Santa Margarita's land natural. It is one of the last places in this County that has stayed true to the environment. Why ruin it for the Corporations that want to take the quality of life away from its people.

1

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

Please either deposit this sheet at the sign-in table before you leave **today**, or **fold, stamp, and mail**. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

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Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-2-13
 Name*: ROY CINOWALT
 Affiliation (if any)*: HOMEOWNER
 Address*: 3965 EAST Highway 41
 City, State, Zip Code*: TEMPLETON CA
 Telephone Number*: 805 952-5119 or 466-3502
 Email*: RCINOWALT

Comment: MR. WILSON: I HAVE READ
THE SUMMARY DRAFT - E.I.R. AND
PARTS OF THE ACTUAL E.I.R.

IT IS MY CONCLUSION THAT
EVERY POSSIBLE PRE PLANNING
CARE AND CONCERN HAS BEEN
THOROUGHLY EXAMINED.

ENORMOUS EFFORTS ARE
PROPOSED TO COMPLY WITH ALL ENVIRONMENTAL
IMPACTS AND TO ASSIMILATE THE
VITAL WORK INTO SANTA MARGUERITA.

I BELIEVE OVERALL ENERGY
WILL BE SAVED IF THIS RESOURCE
RECOVERY IS DEVELOPED. IT IS
THE VERY ESSENCE OF BUY LOCAL.

ROY CINOWALT

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Mr Roy Cinowalt
 3965 E Highway 41
 Templeton, CA 93465

SANTA BARBARA
 CA 931 2 T
 04 JUN 2013 PM



Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
 976 Osos Street, Room 300
 San Luis Obispo, CA 93408





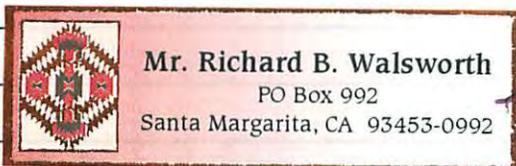
Draft EIR Comment Form Proposed Las Pilitas Quarry Project

2013 JUN -4 PM 1:53
SLO COUNTY
PLANNING/BUILDING
DEPT

Date: 6/2/13
 Name*: Richard B. Walsworth
 Affiliation (if any)*: Retired
 Address*: 22561 - d, Street, ~~Santa~~
 City, State, Zip Code*: SANTA MARGARITA, CA ~~93453~~
 Telephone Number*: 1-805 438 4110
 Email*: None

Comment: The Las Pilitas Quarry Project
will be good for everyone near by.
My voice is positive for the
Las Pilitas Quarry Project.

Richard B Walsworth



← mail to me

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Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 06-02-13

Name*: PAUL V. BOE

Affiliation (if any)*: None

Address*: MAIL - PO BOX 154 Street - 2021 H

City, State, Zip Code*: SANTA MARGARITA, CA 93453-0154

Telephone Number*: 805 438 5828

Email*: boe4fun@charter.net

Comment: I have the following concerns regarding the Highway 58 quarry:

Increase in truck traffic through town will have safety issues, especially during school hours. Perhaps realigning the exit onto EL CAMINO REAL to bypass the town and provide access onto Hwy 101 via SANTA BARBARA ROAD would ease this problem.

Impact on the water table if the estimated 20,000 gallons of water is used for dust control - or even more if the aggregate is washed.

Noise and respirable dust pollution from explosive blasting including possible exposure to SAN JOAQUIN VALLEY FEVER.

1

2

3

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6/2/13

Name*: Kevin Christian

Affiliation (if any):* _____

Address*: 610 Al-Hil Drive

City, State, Zip Code*: San Luis Obispo, CA 93405

Telephone Number*: 805-783-0942

Email*: kchristian@charter.net

1
 Comment: I support the installation of Class II bicycle lanes from Santa Margarita to the quarry site as a mitigation measure for operation of the quarry. Additionally, I believe that all the truck drivers should be required to attend yearly training on operating vehicles around bicyclists. The League of American Bicyclists (<http://www.bikeleague.org>) has a course specifically targeted for motorists. The City of San Luis Obispo requires (and provides) similar yearly training of this type for their bus operators. The focus of these courses is safe vehicle operation around bicyclists, whether the bicyclists are operating legally or not. The course also provides details on what legal operation of a bicycle includes according the the CA Vehicle Code. With no change in the roadway design, there are currently only .4 miles (approx.) in each direction striped for legal passing between Santa Margarita and the quarry site. At no place are the lane widths wider than 14' and most are narrower. This is not a sharable lane width (safe operation of both the bike and truck within the lane) and the CA Vehicle Code 21202 (a) (3) allows bicyclists full use of a lane in this condition.

Without roadway improvements the quarry project should not go forward.

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SLO CNTY
PLANNING/BUILDING
DEPT

2013 JUN -3 PM 2:07

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Here

Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-2-2013

Name*: Eric Booker

Affiliation (if any):* _____

Address*: 6025 Parkhill Rd

City, State, Zip Code*: Santa Margarita Ca. 93453

Telephone Number*: 805-438-4087

Email*: ebookerfish@aol.com

Comment: _____

In referencer to the draft EIR 4.11-3 traffic

It says there is a two to four foot shoulder along the road. If you care to come out and drive the road from town to the proposed driveway you would see that most of the shoulder is 6 inch or less. Please drive the route and imagine you are riding a bike, driving a car or driving a double trailer truck. The majority of the road has a double yellow line down the center. To pass a bike you would have to cross over the double yellow line.

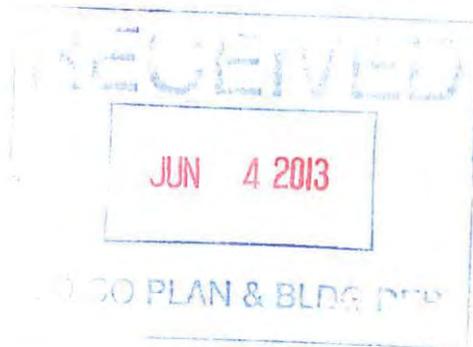
If you were driving a truck back hauling concrete to the sight and had to stop to turn in because of on coming traffic, how long would it take for you to start up, make the up hill turn and clear the road. The sight distance is very limited because of the S turns and hill.

In Santa Margarita at the intersection of Hwy 58 and El Camino Real you have 75 feet from the White stop line to the rail road tracks. Only one truck with a perfect stop would fit between the stop and the tracks. Thus a truck must stop before the tracks and not proceed till there is no cars ahead of him before proceeding across the track to the stop. Then wait till there is no traffic coming either way to proceed across the intersection.

The applicant stated the all the truck drivers are Professional. That is great but when you mix them with parents trying to turn left and drop off there kids at school and get to work on time it is a recipe for disaster. Don't be part of this disaster. This project is both dangerous and not needed and is only good for the pocket books of the applicants.

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Eric Booker
6025 Parkhill Rd
Santa Margarita, CA 93453



Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408





Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6-2-2013

Name*: Carol Whitaker

Affiliation (if any):*

Address*: 9602 Encina St.

City, State, Zip Code*: Santa Margarita, Ca. 93453

Telephone Number*: 805 438 5595

Email:*

Comment: I believe the many trucks to come
over Hwy. 58 will be Terrible Misuse
of the Hwy. It is a narrow Rd,
disturbing residents and endangering
School children in the town of S. Margarita
It is enough that we have Cal's Trucking
now. And with heavy Rocks, it will
greatly tear up the road. I do believe
they should make their own road
into the Quarry. It will also be
unsafe as they travel through
Santa Margarita town, which already
has a lot of traffic. Please do not allow this

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Carol Whitaker -

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5-30-13

Name*: Liliane Ganster

Affiliation (if any)*: _____

Address*: 2680 Parkhill Rd

City, State, Zip Code*: Santa Maria CA 93453

Telephone Number*: 438 3978

Email*: _____

Comment: I worry about the increase of traffic I also about the increase of use of water - plus the risk of valley fever and other health problems

1

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5/30/13

Name*: ALFREDO SANCHEZ

Affiliation (if any):* _____

Address*: 22882 EL CAMINO REAL PO BOX 88

City, State, Zip Code*: SANTA MARGARITA, CA. 93453

Telephone Number*: 805 550 6026

Email*: _____

Comment: MR. WILSON

It is very important to consider the opinion of the public and mine, and not to pass this very important issue that will affect this beautiful community FOREVER. The visitors will not come to a city that will be highly contaminated. The trucks, dust and the noise that is already present. My studio is on EL CAMINO REAL and the noise is bad. I lived in TEXAS for several years, in San Antonio there is a Quarry close to SIX FLAGS and the pollution was alarming.

Alfredo Sanchez

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

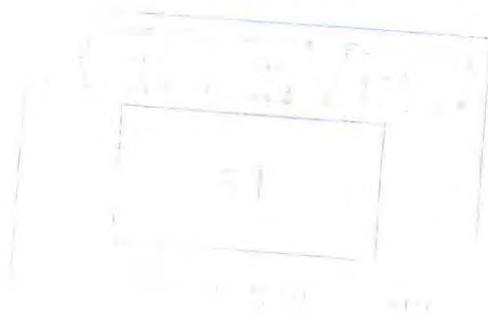
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Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408





Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: May 30, 2013

Name*: BONNIE J. REEVES

Affiliation (if any):*

Address*: 6070 PARKHILL Rd.

City, State, Zip Code*: SANTA MARGARITA, CA. 93453

Telephone Number*: 805 - 438 - 3482

Email*: REEVES BR@AOL.COM

Comment: I LIVE ON PARKHILL ROAD. DESPITE THE DEIR
STATING THAT THE WATER USE AT THE QUARRY WOULD BE
MINIMAL I AM CONCERNED THAT THAT MIGHT NOT BE THE
CASE. WHO WILL MONITOR THEIR WATER USAGE? SOME OF
MY NEIGHBORS HAVE BEEN HAVING TROUBLE WITH THEIR
WATER SUPPLY ALREADY THIS YEAR. WOULD IT BE
POSSIBLE TO MAKE SURE THEY WERE COMPLYING WITH
THEIR WATER USAGE STATEMENT? HOW ABOUT WATER
METERS ON THEIR WELLS?

1

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: May 30, 2013
 Name*: BONNIE J. REEVES
 Affiliation (if any)*: _____
 Address*: 6070 PARKHILL Rd.
 City, State, Zip Code*: SANTA MARGARITA, CA 93453
 Telephone Number*: 805 438 - 3482
 Email*: REEVES BR@AOL.COM

Comment: _____

My main concern is the truck traffic. I would like to know which county agency will be responsible for keeping track of the daily truck traffic and who will be making sure that the quarry is complying with county and state regulations.

I am aware that one applicant has unlawfully run a truck business from his residential rural property for more than fifteen years. The county was notified many times of this activity and finally told the applicant to remove the trucks from his property. It took over a year for him to actually make that move.

I am concerned that he might treat the quarry with the same type of disregard for the laws as he has treated the county laws in the past.

Several members of my family have to travel from Parkhill Road on Highway 58 to 101 and back five days a week. I am very concerned for their safety.

2

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: MAY 30, 2013

Name*: BONNIE J. REEVES

Affiliation (if any)*: _____

Address*: 6070 PARKHILL Rd.

City, State, Zip Code*: SANTA MARGARITA, CA 93453

Telephone Number*: 805-438-3482

Email*: REEVESBR@AOL.COM

Comment: WHY ARE PROPERTY VALUES OF NO INTEREST IN THE DEIR? FOR MANY OF US WHO LIVE IN THE SURROUNDING NEIGHBORHOOD THAT IS A VERY GREAT CONCERN. I DON'T THINK IT IS POSSIBLE FOR PROPERTY VALUES TO INCREASE BECAUSE A QUARRY IS LOCATING IN A NEIGHBORHOOD WE LIVE IN A RESIDENTIAL RURAL COMMUNITY. # WHY ISN'T A NEIGHBORHOOD AN ENVIRONMENT? THIS NO PLACE FOR A QUARRY.

3

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 6-1-13Name*: Sally SpeersAffiliation (if any)*: resident of S. MargaritaAddress*: 22900 I St.City, State, Zip Code*: Santa Margarita CA 93453Telephone Number*: (805) 438-5138Email*: Sally@macservices.net

Comment: I bought my home in Margarita 16 years ago because it's a quiet, beautiful, rural town. It's hard for me to understand how another quarry could possibly be allowed be established considering the environmental impacts and the problems it would cause in town and the surrounding homes and ranches: traffic problems on Hwy 58. (As far as I know there was only 1 traffic study of that area, for one day only in April of 2009) The roads are not recommended for trucks. A sign states that where traffic leaves town to continue on Hwy 58. The trucks will be passing our elementary school and our Community Park. We have no sidewalks here and many residents (children on bicycles - people walking their dogs) are walking on the streets. Even now there are double gravel →

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See back

(forgot to mention: 170 to 400 double gravel trucks coming through downtown Margarita all day - emitting exhaust fumes. Mr. Oster has NO regard for his neighbors.)

Continued

MURRY WILSON - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

JUN 4 2013

Loitering on my street, and I'm pretty sure there will be many more if the quarry is approved - even if it IS illegal to do so. I have met 3 people

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1 who recently bought homes in Margarita and it was not disclosed to them that a quarry was proposed for this area. I'm certain that property values even in town will drop. I've heard that there are many homes near the quarry site and those residents are very concerned about noise and air quality - especially the possibility of valley fever spores released by blasting. Water usage too is a major concern - This is already a drought area.

I know that if I wanted to do something on my property that would negatively affect my neighbors it would not be allowed - even barking dogs or trash or multiple cars roudy college students. Why would one person (Mr. Dan Oster) be allowed to build a quarry that will affect an entire town plus surrounding homes, ranches, water, traffic, noise, air quality elementary school and the quality of this residential town. Would it be allowed in SLO? No.

I question (and doubt) the credibility of the DIER.
(see above note) Sally A. Speers



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/3/13
 Name*: Ted Mathiesen
 Affiliation (if any)*: None
 Address*: PO Box 403
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: 805 801-1637
 Email*: st_math@yahoo.com

Comment: Please accept the following comments on the proposed Oster Las Pilitas Quarry project.

2013 JUN -3 AM 9:51
 SLO COUNTY
 PLANNING/BUILDING
 DEPT

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

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Draft EIR Comments Oster/Las Pilitas Quarry
Ted Mathiesen
6/3/13

My name is Ted Mathiesen and I have lived in Santa Margarita permanently since 1983. My wife and I have raised five children who all attended Santa Margarita Elementary school. My grandson will begin kindergarten this fall at Santa Margarita Elementary. My comments pertain specifically to increased traffic flow of quarry trucks on Highway 58 adjacent to the elementary school and through the business district of Santa Margarita.

4.11.3 in regard to the school crosswalk the EIR states that school hours for Kindergarten dismissal are 1:40 when actually it is 11:20, so increased school traffic will be present at mid day not just early and late as they state. They propose to limit traffic before and after school but not during this time period.

In reading the May 2009 traffic study by TPG consultants which is cited and used as a traffic and pedestrian count in the EIR, the sample for the Estrada at H street (crosswalk), and Estrada at El Camino was only a one day, 4/7/09 (appendix Table A-1) sample, not nearly enough to conclude what actually happens at these intersections. Any statistics professor would grade this sample as "F". Additionally from personal observation of my five children attending Santa Margarita Elementary, rain or other inclement weather dramatically increases vehicle traffic to and from the school as parents tend to drive their children rather than let them walk or bicycle to school, this fact was not mentioned. Weather could also impact the truck traffic to and from the quarry as well as on site with loading and unloading, causing additional traffic congestion along Hwy 58 and through the school area and business district, not mentioned as an impact.

Both the TPG study P-11, and the EIR 4.11-10 states that there is only one RTA bus stop in Santa Margarita at El Camino and Encina, not accurate as there is another one near the Ancient Peaks winery at Maria St. on El Camino/Hwy 58, which makes for a total of four stops, two north bound and two south bound, bus routes through Santa Margarita are M-F 6AM-6PM. From personal observation and occasional use of RTA busses, the use of this bus route has dramatically increased which increases potential conflicts between RTA busses and quarry trucks.

The EIR states 4.11.21 that a crest in the roadway tends to obscure drivers vision of the cross walk when entering town on Hwy 58 from the east toward SM school, this is a true statement, however they state the quarry trucks can see the crosswalk from 350ft away due to the higher position of the vehicle. I believe this statement to be purely opinion and highly questionable.

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All the assumptions about traffic through town are based entirely on quarry owned/operated trucks, what about private trucks that just show up at the quarry wanting a load and are unaware of any proposed traffic flow restrictions?

My personal observation of the downtown business district turn lane which separates North and South bound traffic is that present Hansen quarry trucks are increasingly using this lane as a temporary stopping/parking lane for a variety of reasons mostly to shop at the grocery store or the small café during lunch time.

There are many reasons that the quarry/strip mine should not be allowed to proceed that other individuals are addressing. My concerns lie with the safety of our children and pedestrian and vehicle traffic in the community of Santa Margarita.

Thank you


/s/ Ted Mathiesen

PO Box 403
Santa Margarita, CA 93453

4

5



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 05-27-13

Name*: WILLIAM R. YORK

Affiliation (if any)*: N/A

Address*: 6316 PARKHILL RD

City, State, Zip Code*: SANTA MARGARITA CA 93453

Telephone Number*: 805-438-3808

Email*: WYORK@RAYTHEON.COM

Comment: PLEASE DO NOT APPROVE THE HIGHWAY 58 QUARRY PROJECT FOR THE FOLLOWING REASONS. I RELISH WHERE I LIVE AND MY SURROUNDINGS. THIS PROJECT WILL SERIOUSLY IMPACT MY ENVIRONMENT IN A VERY NEGATIVE WAY. WOULD YOU BE ABLE TO LIVE WITH GREATER THAN ONE HUNDRED AND FIFTY TRUCKS A DAY LOADED WITH DUSTY CRUSHED GRANITE TRAVENSING ON YOUR STREET DAILY? I LIVE OFF THE WATER FROM MY WELL. HOW WOULD THIS 58 QUARRY PROJECT IMPACT MY ABILITY TO LIVE WITH REDUCED OR NO WATER AVAILABILITY? MY GRANDCHILDREN WILL BE GOING TO SANTA MARGARITA ELEMENTARY SCHOOL. HOW ARE YOU GOING TO CONTINUE TO PROVIDE THEM WITH A SAFE AND HEALTHY ENVIRONMENT FOR THEM TO GROW AND ACADEMICALLY PROPER IN? PLEASE REMEMBER AND THINK OF THE PEOPLE YOU REPRESENT AND THE NEGATIVE IMPACTS THAT YOU WOULD BE IMPOSING ON THEM IF YOU APPROVE THE HIGHWAY 58 QUARRY PROJECT.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5-25-~~2013~~ 2013

Name*: FRITZ CARROLL

Affiliation (if any)*: NONE

Address*: 3737 PARK HILL ROAD

City, State, Zip Code*: SANTA MARGARITA CA.

Telephone Number*: 805-438-3764

Email*: NONE

Comment: THAT PORTION OF HW'Y 58 AND BIG RIES
ARE NOT COMBATABLE WITH THE MOVEMENT OF EMERGENCY
VEHICLES. IT DOES NOT TAKE AN EXPERT TO AGREE
WITH THAT. I'M SURE THAT THE DRIVERS OF THESE
BIG RIES WOULD DO EVERY-THING REASONABLE TO GIVE
THE RIGHT-OF-WAY TO THOSE EMERGENCY VEHICLES
HEADED-OUT TO AN EMERGENCY. BUT THAT ROAD-WAY
WITH ITS SHORT RADIUS AND THEREFORE BLIND CURVES
WOULD ALLOW THOSE TRUCK DRIVERS ONLY SO MUCH ROOM
TO GET "SAFELEY" OUT OF THE WAY. THAT WOULD USE UP
"PRECIOUS TIME" OF THE EMERGENCY HELP. ITS THAT TIME
THAT MIGHT SAVE A LIFE. HOW MUCH IS A LIFE WORTH??
THERE ARE SEVERAL MORE ARGUABLE POINTS BUT I KNOW
THAT THE MOVEMENT OF EMERGENCY VEHICLES IS THE
MOST IMPORTANT. HW'Y 58 DOES NOT ALLOW FOR THAT.
I AM QUITE SURE THAT MOST EVERY ONE WILL AGREE.

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SANTA CLARITA CA 913

25 MAY 2013 PM 4 L



C
Dee & Fritz Carroll
3737 Parkhill Rd.
Santa Margarita, CA 93453-9678

Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

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MAY 28
SLO CO PLAN & BLDG DEPT

93408





Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5/20/2013

Name*: Todd Beights

Affiliation (if any):* _____

Address*: 9221 Huer Huero Rd.

City, State, Zip Code*: Creston, CA 93432

Telephone Number*: (805) 438-3595

Email*: bigtodd1@sbcglobal.net

Comment: Highway 58 and Calf Canyon Road are already inherently dangerous roads for vehicles as well as cyclists. The concept of increasing large-truck traffic without taking the appropriate steps to increase safety as well is blatantly irresponsible by all parties involved. The "traffic study" provided by the applicant includes absolutely nothing relative to the potential increased danger created by the heavily loaded double trailers traveling these narrow rural roads. I understand that the traffic study performed was not intended to specifically identify this increase in danger, but as stewards of this project, both County Staff and the project proponent will bare this responsibility in the court of public opinion if tragedy should occur.

1

If this project does happen to receive County approval, at a bare minimum it should be conditioned to include routing ALL proposed truck traffic, by whatever means, westward to El Camino Real thus eliminating the overwhelming impacts and hazards to the community. I do not believe that enough effort was invested in this alternative by the proponent and although it would require a significant investment of time and money, it would certainly reduce the majority of the hazardous truck traffic exposure to the community for many decades and generations to come.

2

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5.2.13

Name*: Pat Zimmerman

Affiliation (if any)*: 0

Address*: 10200 Digger Pine Rd.

City, State, Zip Code*: Santa Margarita, CA. 93453

Telephone Number*: 805-438-4038

Email*: pzimmerman7@gmail.com

Comment: Worried about a few issues:
* Too much heavy truck traffic...

(1.) How will * emergency (ie. fire; ambulance; rescue vehicles) negotiate through the maze of Highway 58 traffic? We are in a very high fire danger area!!

* Time is of the essence in emergencies!

(2.) The intersection of Estrada St. & El Camino Real, crossing the RR tracks, has a very poorly designed camber - Hard & dangerous for cars to cross - How will truck & trailers (one after the other) - manage crossing safely?

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5-18-13

Name*: Janet Bettencourt

Affiliation (if any)*: _____

Address*: 2220 G St.

City, State, Zip Code*: Santa Margarita, Ca 93453

Telephone Number*: 805-503-8302

Email*: rb2432@yaho.com

Comment: The addition of up to 273 trips of rock truck would be in addition to the 100 to 200 we currently have traveling in front of our house daily. This would mean an average of one truck every minute for 8 hours a day. The traffic impact, noise and pollution would be unbearable. The westbound traffic lane of El Camino is 36' from my front door.

The existing rock truck traffic traveling thru El Camino already runs day and night. Not only are the truck loud (opening windows facing the street is no longer an option). The weight of the trucks on the road bounce and shake our home with every load. This last year I was forced at large expense to reinforce my front porch that was being shaken off its foundation

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Handwritten text at the top of the page, possibly a title or header, which is mostly illegible due to fading.

Small handwritten text or mark on the right side of the page.

Small handwritten mark or signature in the center of the page.

RECEIVED
NOV 24
CLO CO PLAN & ENG



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5-18-13

Name*: Richard Bettencourt

Affiliation (if any)*: _____

Address*: 2220 G Street

City, State, Zip Code*: Santa Margarita Ca. 93453

Telephone Number*: 805-550-6768

Email*: rb2432@yahoo.com

Comment: Mr. Souza says his trucks will not haul at night. I have been in construction for 40 years and know most large aggregate (highway) work is done at night in warm weather. We had rock truck trucks traveling in front of our house all last summer. In order to sleep at night we had to close all windows and run our a.c. at night last summer.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5-18-13

Name*: Richard Bettencourt

Affiliation (if any):* _____

Address*: 2220 G St

City, State, Zip Code*: Santa Margarita, Ca 93453

Telephone Number*: 805-550-6768

Email*: rb2432@yahoo.com

Comment: The addition of 273 trips by rock trucks (in addition to the 200 cars currently going thru town) on El Camino would have a huge financial damage to all property owners. There are approx 50 residential homes on El Camino. 480 trips of rock hauling per day would make all residential properties unlivable as well as unsellable.

As for people who bought property on El Camino knowing that it was a highway. Additional car traffic could have made our land more valuable as retail traffic would increase. However making El Camino a haul road of trucks would repel retail traffic. So we would not be able to live in our homes or get any retail advantage.

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Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5-10-13

Name*: PETER CANVEL

Affiliation (if any)*: _____

Address*: 22465 H. STREET

City, State, Zip Code*: SANTA MARGARITA CA 93453

Telephone Number*: _____

Email*: facetedglory45@att.net

Comment: CONCERNS:

- ① TRAFFIC CONGESTION HIGHWAY 58
- ② TRAFFIC SAFETY ISSUES HIGHWAY 58 & ELEMENTARY SCHOOL
- ③ NOISE POLLUTION
- ④ DIRT & DUST POLLUTION.
- ⑤ POSSIBLE WATER ISSUES NOBODY REALLY KNOWS UNTIL IT'S TOO LATE.
- ⑥ HIGHWAY 58 COST OF MAINTENANCE TO STATE

TWO GUYS WANT TO MAKE MONEY AT TOWN & COMMUNITY'S EXPENSE!

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 4-28-13

Name*: Michael C. Blant

Affiliation (if any)*: None

Address*: P.O. Box 66

City, State, Zip Code*: Santa Margarita, Ca 93455

Telephone Number*: 805-438-3806

Email*: _____

Comment: How can you mitigate 240 Truck Trips
past the school? I am very concerned about
the safety of the children & families going to
school.

1

2

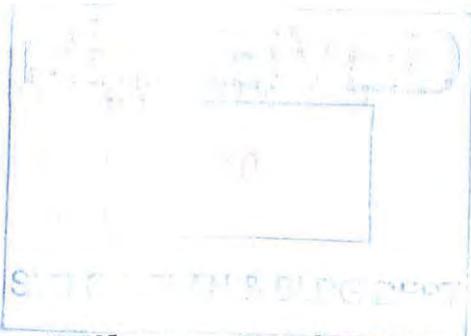
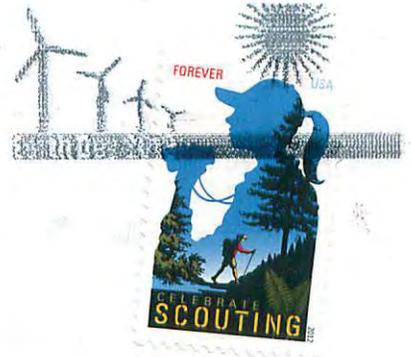
How is the county going to stop the traffic
from going down the street?

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SANTA BARBARA CA 931

29 APR 2013 PM 1 T



**Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408**



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 4-25-13
 Name*: Ron McDonald
 Affiliation (if any)*: None
 Address*: 5970 Park Hill RD ~~St Maria~~
 City, State, Zip Code*: Santa Margarita CA 93403
 Telephone Number*: 805 438-3719
 Email*: rmcdonaldsv@gmail.com

Comment: What ABOUT the school and children
with this mass of truck of which can
not stop in a short distance.
The solar plant @ Calif valley has
created many HAZARDOUS traffic problems
and bad road conditions in LA Valley
How would the effects of these trucks
have on Hwy 58? Pot Holes
and entrance/exit to quarry to a blind
curve and grade?
if it this goes through access
should only ONLY be via El Cameno
Real.
The other day we encountered 3
trucks on the road (58) prior east of Pozo RD
and it was a nightmare now 270 trucks a day

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested. ^{THIS IS UNCORRECTED} _{ble}

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SAN LUIS OBISPO COUNTY
PLANNING/BUILDING
DEPT

2013 JUN -5 PM 4:00

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San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 4/25/13
 Name*: KELLEY SUTHERLAND
 Affiliation (if any)*: _____
 Address*: 234 Poggio Dr
 City, State, Zip Code*: At CA 93428
 Telephone Number*: 805-489-1657
 Email*: Kelley.sutherland@sbcglobal.net

Comment: Cost of granite at Santa Margarita,
about \$7.00/ton
Cost of shipping from the next mine
to the north into SLO County if we
don't have local resource is about
\$10.00/aton. Production 500,000 tons
per year = \$5,000,000 savings
per year & that savings will be
passed on to consumers, added jobs
at company, tax revenues to county,
spending in local economy.

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San Luis Obispo, CA 93408



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 4-25-13
 Name*: Jeannette Watson
 Affiliation (if any)*: Concerned citizen
 Address*: 106 Moore Lane
 City, State, Zip Code*: AG 93420
 Telephone Number*: 474-8881
 Email*: janella7@gmail.com

Comment: I propose that the Las Pilitas Resources, LLC be approved under the Conditional Use permit for the following reasons:

- 0 It will reduce overall green house gas emissions
- 1. It will provide many over all jobs
- 2, There is enough granite for our Counties needs for 30 years at minimal expence
- 3. This is a great opportunity for the county to take care of its own needs
 - a. road Building material
 - b. Construction material for sidewalks foundations etc. plus counter tops
 - c. Proximity will reduce transportation costs
- 4. It will tremendously cut transportation costs, while reducing green house emissions
- 5. It is an overall positive for the community and the county

because of its proximity.

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San Luis Obispo, CA 93408



Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: Apr 25, 2013
 Name*: Gail Vanderlinde
 Affiliation (if any)*: none
 Address*: _____
 City, State, Zip Code*: _____
 Telephone Number*: 805-466-4221
 Email*: _____

Comment: I will hope that CalTrans will widen parts of the roads on Hwy 58, to keep the Hwy safe for us road biking cyclists, who cannot ride or commute on bike trails. We use the roads, asphalt roads to commute, I am wondering if CalTrans will make roads safe on curves, sharp turns as is the sharp turn on Hwy 58, where "J" Street ends on Hwy 58.

So far, not much traffic, so when I am on my bike, a truck is able to "move over", crossing center line to get around me, but, if there is more traffic, the trucks will not be able to "move over" for cyclists. I think CalTrans should widen the roads, especially certain parts where trucks cannot easily clear the edges of curves.

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San Luis Obispo, CA 93408



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 4/25/13
 Name*: Bill Longel
 Affiliation (if any)*: Citizen
 Address*: 896 James Flac, Nipome, CA
 City, State, Zip Code*: 9
 Telephone Number*: 929-6288
 Email*: _____

Comment: See attached E-mail comments
Starting at "Crushed granite ..."

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976 Osos Street, Room 300
San Luis Obispo, CA 93408

Kelley Sutherland

From: William Kengel <wgktbh@yahoo.com>
Sent: Tuesday, April 23, 2013 2:57 PM
To: Kelley Sutherland
Subject: Re: SLOCCATS- Quarry Development in North County; LasPilitas Planning Dept Workshop this Thursday 4/25 @ 6:30 pm

Kelley,
My computer is partly operational and refuses to send the following comment to Las Pilitas Resources or each member of our Board of Supervisors. I would particularly like Board members to read it. Will attempt other means, but here it is if you can help:

Crushed granite is a legal necessity for making certified Class II Base for paving underlayment on any public street or highway. There are only two local locations where granite occurs, one being Sisquoc, the other Las Pilitas Canyon. Other local quarries are not mining granite. Hauling rock by truck is very expensive. The two gentlemen proposing this third quarry in Las Pilitas Canyon are well-qualified, one owning a general engineering construction firm, the other a trucking company. The other two quarries are owned by Hanson and Cal-Portland, in turn owned by a giant German company and a giant Japanese company, much like Rabobank now owning Mid-State Bank. We are VERY FORTUNATE to have a local company willing to go the distance to get this new quarry operational. Start-up of mining operations is very expensive. Endless listening to un-informed complainers just adds to the bill, both private and public. There is no reasonable excuse for holding this project up. If complainers would prefer we haul granite from the Sierras or pump oil in the Caribbean (remember Huasna Valley?) let them pay the bill. WE DO NOT HAVE THE ECONOMIC OPTION of talking proposals like this to death. Board of Supervisors should have taken charge and permitted this thing two years ago based on the facts. Bill Kengel, 896 Tanis Pl., Nipomo, Ca. 93444 805-929-6288 wgktbh@yahoo.com.

From: Kelley Sutherland <kelley@kelleyred.com>
To: Kelley Sutherland <kelley@kelleyred.com>
Sent: Sunday, April 21, 2013 1:23 PM
Subject: SLOCCATS- Quarry Development in North County; LasPilitas Planning Dept Workshop this Thursday 4/25 @ 6:30 pm

! Please note that there is an s on resources: www.laspilitasresources.com

2) The web site below has the detailed info re the agenda item: "Approval of Regulatory Language for Designation of Mineral Lands within the San Luis Obispo-Santa Barbara Production-Consumption Region, California - EXECUTIVE OFFICER'S REPORT"

www.conservation.ca.gov/smgb/
Home page...click Agenda and Notices
Click 2013
Click April 11, 2013



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 4-30-13
 Name*: Steve and Elena Sager
 Affiliation (if any)*: —
 Address*: 6210 Parkhill Rd.
 City, State, Zip Code*: Santa Margarita, CA, 93453
 Telephone Number*: 805-438-9352
 Email*: peache@cildblue.net

Comment: Dear Sirs and Mesdames,
I implore you to reject the proposal
to build a quarry on Hwy 58 just
south of Parkhill Rd.
When we moved into this neighborhood,
we were aware of the effects of
the Hanson Quarry on our lives. We
have dust, noise, blasting, and a
small amount of truck traffic from
that quarry. We had no idea that
our piece of land, that we sacrificed
and saved to purchase would be
invaded by another quarry so close
to our home. The value of our land,
quality of life, and our peaceful
neighborhood will be severely compromised.

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 4-30-13

Name*: Steve and Elena Sager

Affiliation (if any)*: -

Address*: 6210 Parkhill Rd.

City, State, Zip Code*: Santa Margarita, CA. 93453

Telephone Number*: 805-438-3852

Email*: peaches@wildblue.net

Comment: The Las Pilitas Quarry Project has predicted that their operation would have a minimum of 200 truck trips per day on Highway 58 and through Santa Margarita. It is also reported that this could at times increase to 800 truck trips per day. This would be comparable to the most congested freeways in downtown Los Angeles. We feel that Highway 58 cannot support this huge increase in traffic. The staging area alone would cause enormous traffic delays. Turning from Hwy 58, across the railroad tracks into El Camino Real would cause back-ups of trucks to unbelievable proportions.

2

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 4-30-13
 Name*: Steve and Gena Sager
 Affiliation (if any)*: -
 Address*: 6210 Parkhill Rd.
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: 805-438-3352
 Email*: peaches@wildblue.net

Comment: I have a question concerning the construction of the Las Pilitas Quarry Project. If the water taken downstream in the Salinas River should deplete the water from our well upstream on Parkhill Rd., who will be responsible for the loss of water? What guarantee do we have from the county that this will not cause our well to go dry? Will the owner of the well be responsible?

Our water resource will not support 20,000 gallons of use per day for dust control at the quarry. Most wells in our area are producing a minimal amount of water at the present time, one to 10 gallons/minute.

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3



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: _____

Name*: _____

Affiliation (if any)*: _____

Address*: _____

City, State, Zip Code*: _____

Telephone Number*: _____

Email*: _____

Comment: WATER BEING USED FROM THE SALINAS RIVER - UNACCEPTABLE
 THAT MANY TRUCKS IN & OUT OF TWISTED 55 MPH MOUNTAIN ROAD - "
 MORE BLASTING THAN WHAT WE ALREADY HAVE FROM HANSON - "
 QUARRY NOT RESPONSABLE FOR PITCHING OF WINDSHIELDS -
 EMISSIONS - TRAFFIC CONGESTION - LOW WATER TABLES UNACCEPTABLE
 WHY DON'T WE TAKE A QUITE TOWN LIKE SANTA MARGARITA
 AND TURN IT INTO A MAJOR NOISY - TRUCK INFESTED
 CONSTRUCTION SIGHT ! JUST WHAT THIS COMMUNITY NEEDS
 EVERYTHING ABOUT THIS PROJECT STINKS ALONG WITH
 OFFSETTING RESPONSIBILITIES TO 3RD PARTY CONTRACTORS
 ON A TEMPORARY SITE THAN CAN LAST 58 YEARS
 REALLY !!

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Draft EIR Comment Form

Proposed Las Pilitas Quarry Project

Date: 5-28-13

Name*: MARGARET GRAVES

Affiliation (if any):* _____

Address*: PO Box 39

City, State, Zip Code*: SANTA MARGARITA, CA 93453

Telephone Number*: 805 438-5567

Email*: MICKEYGRAVES@YMAIL.COM

Comment: REGARDING THE QUARRY PROPOSED ON HWY 58, MY CONCERNS ARE AS FOLLOWS:

1. HAS THE HIGHWAY PATROL BEEN CONSULTED ON THE TRAFFIC AND SAFETY ISSUES ON HWY 58? IF SO, WHAT WAS THEIR RESPONSE? IF NOT, WHY NOT?

2. HAS CAL FIRE BEEN CONSULTED ON THE TRAFFIC & SAFETY ISSUES? IF SO, WHAT WAS THEIR RESPONSE? IF NOT, WHY NOT?

3. THE SOLAR PLANT IN CALIFORNIA VALLEY HAS BUSES & PRIVATE CARS, BUSES & TRUCKS & TRAILERS TRAVELING HWY 58 5X WEEK MON-FRI. HAS THIS BEEN FACTORED INTO THE EIR? THE SOLAR PLANT WILL NOT BE COMPLETED FOR SEVERAL YEARS. THIS TRAFFIC WOULD BE IN ADDITION TO THE 200+ TRUCKS OUT OF THE QUARRY

4. THE SLO HEALTH DEPT HAS NOTED THE INCREASE IN VALLEY FEVER CASES IN THE COUNTY, WITH THE DUST CREATED BY THIS GRAVEL OPERATION THE NUMBER OF VALLEY FEVER CASES ARE LIKELY TO GREATLY INCREASE, NOT TO MENTION THE CRISTALLINE SILICA PARTICLES THAT WOULD BE RELEASED BY THE BLASTING.

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

Continued Page 2

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 5-28-13

Name*: MARGARET GRAVES

Affiliation (if any):* _____

Address*: PO Box 39

City, State, Zip Code*: SANTA MARGARITA, CA 93453

Telephone Number*: 805 438-5567

Email*: MICKEYGRAVES@YMAIL.COM

Comment: 5. OTHER ISSUES ARE THE PROPERTY VALUES IN THE AREA AROUND THE QUARRY. WE HOME OWNERS BOUGHT OUR PROPERTIES BECAUSE OF THE CLEAN, QUIET ENVIRONMENT & WILD LIFE. WE WERE HERE FOR YEARS. THE QUARRY WOULD RUIN ALLOF THIS

6. THE COUNTY SURELY IS AWARE OF THE WATER ISSUES ESPECIALLY IN NORTH COUNTY. THE AMOUNT OF WATER TO SUPPORT THE GRAVEL OPERATION IS TOO MUCH. WATER IS TOO PRECIOUS TO WASTE WASHING GRAVEL

7. I WOULD STRONGLY REQUEST THAT EACH MEMBER OF THE PLANNING COMMISSION AND BOARD OF SUPERVISORS EACH DRIVE THEIR OWN CAR OUT HIGHWAY 58 TO AT LEAST PARKHILL RD & THEN DRIVE BACK BY THE PROPOSED SITE. TAKE A GOOD LOOK AT THE WIDTH & SHOULDERS OF THE ROADWAY AS WELL AS THE BLIND CURVES. THE TURN INTO THE QUARRY WOULD BE A LEFT TURN ACROSS THE HWY. WITH NO ROOM FOR A TURN LANE

LOOKING ONLY AT A MAP CANNOT GIVE YOU A COMPLETE PICTURE

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5

6

7

Attn: Murray Wilson

1.59



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

2013 MAY 20 AM 9:18
SLO COUNTY
PLANNING/BUILDING
DEPT

Date: 5/20/13

Name*: Marie F. Tomasini

Affiliation (if any):*

Address*: 6030 Parkhill Rd.

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: (805) 438-5108

Email:*

Comment: attached are 2 maps showing the proximity of the proposed quarry site to residential/rural zoning, and the number of residences on Parkhill Rd, and Digger Pine area. There are 25 residences on Park Hill Rd within 1 mile of the quarry entrance + the Cal-Fire station! (map A) Beyond the C.F. station, 1.6 mi. past, there are 28 more! Totaling 53 residences within 2.6 mi of the proposed quarry.

I live 1.6 mi. from the proposed site entrance. I hear the Hanson quarry operating, sometimes trains going thru S. Margarita, and a dull roar of freeway traffic on 101. This illustrates prevailing winds (air currents) moving west to east.

Allowing this project will diminish my property value as well as the enjoyment of it.

M.F. Tomasini

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copies - 5 Supervisors

T Marie Tomasini
6030 Parkhill Rd
Santa Margar, CA 93453 A



yellow dots - residences
SOURCE: SLD Co ASSESSOR

red dot - Cal Fire Station
distance from station to quarry entrance = 1 mi



T
Marie Tomasini
6030 Parkhill Rd
Santa Margar, CA 93453

Att:

To: Murry Wilson
Environmental Resource Specialist
Dept. of Planning & Building
976 Osos St, Rm 300
San Luis Obispo, CA

From: Celeste Wilson
3232 Las Pilitas Rd.
Santa Margarita, CA

PH: 805-438-5992 93453

Page 2 of 2



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 5-30-13
 Name*: Celeste Wilson
 Affiliation (if any)*: _____
 Address*: 3232 Las Pilitas Road
 City, State, Zip Code*: Santa Margarita, CA 93453
 Telephone Number*: 805-438-5992
 Email*: cfwilson@laspilitas.com

Comment:

We are concerned about:

1. increased particulate air pollution in the area and ^{this} affecting the health of nearby residents. Who will pay for these increased health problems?

2. Increased road usage by large trucks resulting in increased road maintenance. Who will pay for this?

3. This project site is very close to the Hiway 58 / Parkhill Road intersection, and on a curvy, narrow two-lane road (Hiway 58) and will result in increased traffic accidents, with increased ambulance, police, and fire dept. services. Who will pay for this?

We believe this project, the Las Pilitas Quarry, will cause the negative impacts ^{listed} above, and we do not believe the positive impacts of the project will outweigh their negative impacts.

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.



Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: June 4, 2013

Name*: Kelso Vidal

Affiliation (if any)*: n/a

Address*: P.O. Box 397

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: (805) 704-3674

Email*: kjvidali@gmail.com

Comment:

HELLO,

I AM NOT FOR THE PROPOSED PROJECT, BUT I AM NOT NECESSARILY AGAINST IT. I ONLY HOPE THAT AS THE COUNTY MOVES FORWARD WITH THE PROJECT, THAT THE COUNTY WILL TAKE THE RESPONSIBLE APPROACH AND CONTINUE TO FIND CREATIVE-ALTERNATIVE WAYS TO REDUCE THE ENVIRONMENTAL IMPACTS AS MUCH AS POSSIBLE.

-I HAVE DRAFTED ADDITIONAL COMMENTS THAT ARE WRITTEN ON A SEPERATE / ATTACHED PAGE. PLEASE REVIEW AND ADDRESS

THANK YOU,

Kj Vidal

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

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Las Pilitas Quarry Project Environmental Document Comments

4.01 Aesthetics

It appears for the viewshed identified in Figure 4.1-1, could have additional perspectives for analysis and have additional photo simulations. Please provide additional perspectives. Can this be viewed anywhere from Highway 101?

Since impacts to visual are significant and not mitigated, commitment to revegetate areas and remove roads should be graded to look natural with random undulations and gently rounded transitions.

The preliminary landscaping plan would be beneficial to see in the EIR so we can visualize how the off-site landscaping may look, and how it off-sets the visual impacts. Please add some kind of simulation or rendering of this in the EIR.

The project should include additional landscaping off-site that can distract a viewer's perspective of the quarry. Please add various native trees and of different sizes throughout project vicinity.

Another mitigation measure to off-set the dumping of twice as many trucks compared to existing truck volumes is to provide some aesthetics in the small town that will detour/distract the appearance of an industrial-mining looking town. Add features such as described in the Santa Margarita plan.

4.03 Air

The EIR should have more than 8 air quality receptors analyzed. The additional amount of trucks (2x existing truck volumes) will add twice the amount of carbon monoxide and other particulate matter from truck exhaust as they pass nearby residences and storefronts. The EIR should analyze the entire stretch of SR58 through the small town of Santa Margarita to highway 101.

4.05 Biological

The appropriate and responsible thing to do is mitigate the loss of 44 oak trees by replacing them in the conservation easement, with a 3 year plant establishment period.

The EIR must have a map depicting the trees to be removed, and their sizes, so people can get a sense of the age of these trees.

Did the EIR analyze impacts to wildlife from noise? If so, what is the conclusion?

4.0 8 Noise

The noise section should mention how there are anticipated 273 trucks that may travel the roadway each day, but it fails to lack that this is more than twice the amount of existing trucks that currently use roadway. This must be mentioned to the public.

In subsection 4.5.5 of the EIR, a reference to Policy 3.3.3 of the County Noise Element states "if-existing exterior noise levels already exceed this value, then higher levels may be allowed". Please

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indicate where this is stated in the County Noise Element, for when I look Policy 3.3.3, I do not see that stated. However, what I do see in Policy 3.3.3 of the Noise Element is that noise created by new transportation noise sources, shall be mitigated so as not to exceed the levels of 60 dBA. Thus, the EIR should provide adequate mitigation for additional traffic the project will produce.

The Noise Element Policy 3.3.1 states "New development should minimize noise exposure and noise generation". With that stated, the EIR should attempt to produce realistic, effective traffic noise measures other than what is suggested in Section 4.8.16 "No compression brakes, except under emergency conditions". It is ridiculous to suggest mufflers as a proposed minimization measure proposed for noise impacts since they are standard on all vehicles. Since the project proposes to dump an additional 273 truck trips (2x of existing) through the small town of Santa Margarita, the project should at least attempt to find additional mitigation measures to reduce traffic noise impacts. Measures that would seem appropriate for the environment/ community:

- The project should implement installation of a rubberized roadbed.
- The project should maintain or assist with repairs of the roadway on a regular basis within Santa Margarita to Highway 101. I would assume that transportation of 500,000 tons per year will have an impact on the life expectancy of the roadway. A deteriorated roadway could potentially be a safety issue; as well as potentially increase noise levels.
- The project should look at alternative routes to utilize or construct so that trucks can avoid traveling through town.
- Landscape, tree vegetation installed through town to act as a barrier to assist in reduction of noise, pollution, and visual impacts.

Any noise that approaches or exceeds noise by 1dba should consider adequate noise abatement measures. The EIR suggest an increase of "approximately 2 dBA" for a minimum of two residences, but I would anticipate that if readings were taken from adequate locations throughout town, there may be more than 2 residences impacted by higher dBA.

The EIR needs to include a map of all the noise receptors in section 4.8. This mapping should also indicate where noise readings were taking from and at the time recorded. The noise contours (project vicinity) should extend through the small town of Santa Margarita to Highway 101. There are many homes along the west end of the town that reside within 50-feet of the edge of travel way, the dBA is not provided for these homes on page 4.8-4. The assumption of 45 MPH speed through this segment may increase noise levels and should be identified. We must preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses such as truck noise (County Goal 3.1.3). Also, the neighborhood park needs to be addressed for noise impacts.

Revise the Noise Report to analyze the noise readings from 50 from the edge of travel way for all noise receptors, NOT the center of the roadway and provide data in a revised EIR. This reading is more logical since truck tires are also located closer to edge of travel way, not just the center of the roadway.

The mentioning of the train does not seem appropriate. This project is bringing NEW noise. The train is an existing noise that is quick and only occurs at certain moments of the day. This project could potentially bring in new constant noise heard throughout the day.



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Based on the significance level for noise and issues that still should be addressed, a request is made to have the EIR recirculated, and to have flyers be sent to all residences along SR58, so they are notified of a public meeting and EIR circulation.

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4.11

The ADT may be 7200 vehicles, but the project would add more than double the amount of truck traffic volumes to the small community. There are many safety concern for the kids who ride bikes or walk to school. Additional mitigation measures should be implemented to guarantee the highest safety for the community's children.

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The project should include adequate shoulders and/ or provide sidewalks though the small town for child safety. The project must implement the landscaped median that is part of the Santa Margarita Design Plan. This median would provide safety for kids that ride bikes or walk to school, for it should regulate the speeds of large trucks that do not always abide by the speed limit though town.

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Will the truck backup/waiting, or queuing of trucks that will leave the facility and travel onto SR 58 have any adverse impact on the kids health, or exacerbate symptoms of kids with asthma, or other health issues? Did the EIR address this in the health risk assessment?

18

7.1.1 Population/ Economic

The EIR should let the Public know how much money will be reinvested into the community? How much anticipated to be invested in Santa Margarita specifically? How much to the County?

19

7.1.2 Growth

Growth should also analyze how this project may influence the growth of other quarries, industrial companies in the small rural town of Santa Margarita.

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/4/13Name*: Simone SmithAffiliation (if any)*: Resident & Business owner in Santa MargaritaAddress*: 22606 El Camino Real / P.O. Box 1013City, State, Zip Code*: Santa Margarita, CA 93453Telephone Number*: (805) 438-5109Email*: lplantfriend@att.net

Comment: As a resident & business owner here in Santa Margarita for over 20 years, I recommend a denial to the proposed Las Pilitas Quarry project.

If you aren't a resident, Santa Margarita may easily be discounted or overlooked as a mere slow down along hwy 58, I see things differently. I care deeply about the health, safety, quality of life & "Old Western" character of our town. This project will have a serious, long term, negative impact on our lives. Aside from the obvious destruction & loss of landscape & habitat, we as residents will be impacted by the negative & harmful effects from blasting & daily traffic increase on our air quality (especially since this is a small valley). We will be breathing in more pollutants from truck emissions & will be subject to increased risk of valley fever & silicosis.

The truck increase is ^{also} a serious safety issue for children, bicyclists,

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.* (cont.)

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

Continued Comments on Draft EIR for
Proposed Las Pilitas Quarry Project by Simone Smith
6/4/13

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... residents & visitors to our community. Existing trucks have caused problems by speeding through town and night time projects have seriously disrupted our sleep. I am very concerned about the safety of children who cross daily at 58 & H St ~~to~~ & from school & have been personal witness to multiple near misses at the intersection of El Camino Real & Encina. (As I write this trucks are rocketing by shaking my house, how do you control the speed?)

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Another concern is the use of water for the operation of quarry activities, for dust control & aggregate washing. Water is very limited & is our most precious resource.

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My final concerns are for the potential loss of business & property values due to the loss of town character & quality of life we have worked so hard to achieve.

Thank you for your consideration.



DEIR Comments DRC 2009-00025

Josh, SLO Co. BAC to: mwilson@co.slo.ca.us

Please respond to "Josh, SLO Co. BAC"

06/05/2013 01:21 PM

Murry Wilson , Environmental Resource Specialist
Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93406-2040

Dear Mr. Wilson,

I have studied the Draft Environmental Impact Report (DEIR)
for the proposed Oster/Las Palistas quarry and I have the following comments:

Highway 58 east of the town of Santa Margarita California according to my understanding of Cal Trans Highway Design Standards does not meet current policy. If Highway 58 was to be built at today's standards the road way would be designed with 4 to 8 foot shoulders. Because the DEIR is permitting up to 800 tandem tractor trailer trips per day these upgrades should be made before the proposed Oster/Las Palistas quarry is permitted.

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Thank you,

J. Olejczak, M.I.T.S.
Oarsman, SLO Rowing Club
Santa Margarita Lake, Ca.

PO Box 4355
San Luis Obispo, Ca
93403



Las Pilitas Draft EIR
Kevin Gotchal to: mwilson

04/26/2013 07:32 AM

Dear Mr. Wilson,

I wanted to let you know that I thought you did a fantastic job conducting last night's meeting regarding the Las Pilitas Quarry project. You kept the focus on what point in the process the project is and answered each question with honesty and integrity.

Allow me to give my opinion. I think the draft EIR is comprehensive and addresses the issues. The suggested mitigation efforts are reasonable.

I hear and understand the traffic concerns that were expressed by the residents of Santa Margarita. However, it's a state highway and therefore the state of California needs to address that issue.

I support this project for two reasons:

- 1. It will help meet the need for aggregate material and because of supply and demand help lower the cost of building.
- 2. I believe in property rights. This area is zoned for exactly this purpose and they should be allowed to use it for such. Allow me to elaborate briefly. When a property owner spends thousands of dollars on a project, goes through this arduous process for approval, to then be denied at the end; who mitigates the impact on the property owner's finances? The right to own property and use it is a fundamental right of American's. It is governments job to assist property owners in their "pursuit of happiness".

I know the applicants and how they conduct business. They will give back to the community far more than they take. The added revenue to the county through sales tax is a plus as well.

I urge Planning to recommend to the Board of Supervisors that the Las Pilitas Quarry project be approved.

Thank you,

Kevin Gotchal
(I'm the guy who picked up the extension cord)

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APR 22 2013

PLANNING & BUILDING

Mr. Murry Wilson
County Dept. of Planning and Building
976 Osos St. Rm 300
San Luis Obispo, CA 93408-2040

Re: Proposed quarry in the Santa Margarita area

April 18, 2013

Dear Mr. Wilson:

The proponents of this proposed quarry would have you believe that they just want to be effective stewards of this property, in that they are long term residents of Santa Margarita and would only allocate a portion of the property to the actual quarry operation.

On a very superficial level, this sounds credible. However, the first red flag to me was that I did not see any endorsements from long time Santa Margarita residents. The second red flag was my understanding that they did not circulate their flier about this proposed project to any of the actual residents of Santa Margarita.

I have resided in the North County for over fifty years and was originally attracted to this area because of its natural beauty with its many wonderful beaches, lakes, and most of all, hundreds of acres unspoiled natural terrain.

Needless to say, if a quarry was to be located in this area, the resultant truck traffic on Highway 58 would present a monumental safety and congestion problem for local travelers as well as everyone else.

I fail to understand how anyone could reasonably suggest that environmental issues of traffic safety, noise levels, air quality and water use would not be adversely effected.

Perhaps equally upsetting would be that any non rural use of the pristine land would be an intrusion and assault to both local residents and anyone, like myself who greatly value the unspoiled natural of this country side.

Please, for the sake not only of current residents, but also future citizens, do not allow this intrusive and environmentally unsound project to proceed.

Thank you for your consideration.

Sincerely,



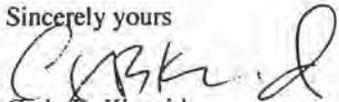
Dan Rich

April 17, 2013

Murray Wilson
SLO County Planning and Building
976 Osos St. Room 300
San Luis Obispo, CA 93401

I am adamantly opposed to the Las Pilitas Resources LLC granite quarry near Santa Margarita. I often travel east of Santa Margarita on Highway 58 and enjoy the scenic beauty and serenity of the area. I believe the impact on Highway 58 would be devastating to say nothing about negative impact on the residents in the area. Please vote to deny the permit for such a quarry and any other similar activity.

Sincerely yours



Craig B. Kincaid
1318 Oceanaire Dr
San Luis Obispo, CA 93405

24
S. J. CO PLAN & BLENDING



Fw: Comment on Proposed Hwy 58 Quarry
 County of SLO Planning Dept. to: Murry Wilson
 Sent by: Patricia Warren

06/07/2013 09:11 AM

----- Forwarded by Patricia Warren/Planning/COSLO on 06/07/2013 09:11 AM -----

From: Kristin Nibbe <kknibbe@hotmail.com>
 To: "planning@co.slo.ca.us" <planning@co.slo.ca.us>
 Date: 06/04/2013 05:56 PM
 Subject: Comment on Proposed Hwy 58 Quarry

I wish to comment on the proposed operation of an aggregate quarry and asphalt and concrete recycling facility on the Oster property.

I have traveled Hwy 58 for the past twelve years. In my opinion, the addition of 200 gravel truck trip would cause issues with the flow of traffic and cause stress to a narrow road which was not designed to deal with that type of traffic load. I have personally almost been run into by big rigs crossing the double yellow, when they were unable to handle the curves. I have also seen an 18 wheeler try to turn around, and finally back down the Hwy after getting halfway up the hill. Hwy 58 is a narrow, twisty road. In the winter, there is black ice, especially on the bridge South of Parkhill Rd.

The well where I live had to be deepened a few years ago. I would have additional concerns about the planned use of 20,000 gallons of water per day proposed by the quarry. This is an area known for water scarcity.

The additional traffic is also being routed past the school crossing. I have seen near misses with the current traffic level. Thankfully a slow moving car can usually stop, not so a fully loaded gravel truck.

Thank you for your time
 Kristin Nibbe

June 5, 2013

Murry Wilson
Environmental Resource Specialist
San Luis Obispo County Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: DRC2009-00025 DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
COMMENTS
Oster/Las Pilitas/Hwy. 58 Quarry Conditional Use Permit and
Reclamation Plan

I reside in rural Santa Margarita on a 12 acre parcel (APN 070-154-032) within the Residential Rural land use category. My home is located at 6790 Calf Canyon Road (Hwy. 58), identified as Air Quality Receptor AQ-R6, Noise Receptor 1 (Figure 12 Appendix E), and Resident 1 (Figure 4.8-1, Residences in the Project Vicinity).

As part of the subcommittee assembled by a resident group to review the DEIR, I adjoin with the comments submitted by Margarita Proud.

Perhaps Section 2.3.3, Trip Generation and Truck Traffic, has been commented on by others, but please consider the following: What are the specific projects referred to that could generate up to 800 truck trips per day? Is it possible to fit that many trips into the proposed operating hours? Could nighttime operations become part of operations? What is the procedure for extending operating hours for "specific" projects?

Development of more comprehensive mapping of surrounding land uses that clearly identifies the currently understated impact receptors is definitely needed. Industrial operations, particularly transportation based industrial operations, need to be very carefully examined in relationship to their surroundings.

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Thank you for the opportunity to comment and participate in this process.

Charles Kleemann

**Proposed Las Palitas Quarry Project**

Scott Dubrul to: mwilson

06/05/2013 08:01 AM

To Whom it may concern:

My name is Scott Dubrul. I live in Santa Margarita on Highway 58 which is the main road through our town. This proposed project would bring an average of 200 truck trips through our small town where there are kids and pets. As it is already, cars speed along 58 in front of our house and through town. The fact is, Santa Margarita is not equipped to handle that much traffic and it would create disturbances. Finally, it is dangerous and is likely to result in injury or death in the future. I ask, as a resident that you deny this proposal. I have 2 small children ages 8 and 3, along with 2 dogs and 2 cats.

Sincerely,

Scott A. Dubrul
22928 Highway 58
PO BOX 685
Santa Margarita, CA 93453
(805)438-3206

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Murry Wilson
 Environmental Resource Specialist
 Department of Planning and Building
 967 Osos St., Room 300
 San Luis Obispo, CA 93408

June 5, 2013
 hand delivered

Dear Mr. Wilson,

I am writing with my concern for the proposed Las Pilitas Quarry Project.

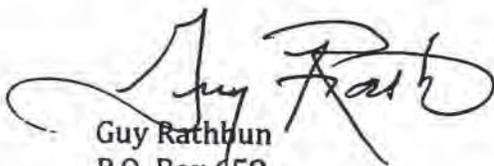
Although I understand the County of San Luis Obispo will benefit from tax dollars, the continued erosion of air quality through vastly increased diesel truck traffic in Santa Margarita will greatly diminish the quality of life in the area.

I call your attention to a San Luis Obispo Tribune article dated April 26, 2013, in which the American Lung Association ranks San Luis Obispo County among the lowest quality air in the country (25th) not far behind Pittsburgh.

Unfortunately the ranking as seen as "misleading." According to Aeron Arlin-Genet, with the Air Pollution Control District, "While we appreciate the Lung Association report, it seems to misrepresent the air quality the vast majority of people who live, work and play in the county actually have." Apparently indicating that north county residents are of no consequence. Please keep in mind the decisions by county officials have a direct impact on all residence in the county.

I fully appreciate that most of the pollution is "transported from the Central Valley, Los Angeles and the San Francisco Bay Area." The question is should our county elevate an existing problem?

Thank You for Your Time,



Guy Rathbun
 P.O. Box 658
 22685 J Street
 Santa Margarita, CA 93453
 (805) 438-3484
 g.rathbun@sbcglobal.net



Oster/Las Pilitas Quarry Project

David Edwards to: mwilson

06/05/2013 10:44 AM

I just wanted to let my feelings known that I do not agree with the proposed quarry. This land has been and should continue to be an agricultural and residential area. This would have an overwhelming adverse effect on the area (land) and the residents that have made this area home.

As detailed in the Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025), I strongly support Project Alternative 6.5 (No Project). This alternative allows for continued agricultural use of the project site and creates no other environmental impacts. Project Alternative 6.5 is highly compatible with Residential Rural zoning immediately adjacent to the proposed project site, appropriate for the publically-funded infrastructure within the region, and maintains the rural character of Santa Margarita, CA.

Thank you for listening,

David Edwards
dedw6818@aol.com

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Proposed Las Pilitas Quarry Project Comment
Roy Reeves to: mwilson

06/05/2013 12:27 PM

I have mailed comments but have one further comment to make. I am finding it very hard to believe that three "neighbors" are willing to ruin our neighborhood and community just for money. The project isn't needed or necessary. It would have such a negative impact on our way of life.

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Bonnie Reeves
6070 Parkhill Rd.
Santa Margarita, CA 93453
805 438 3482
reevesbr@aol.com

Murry Wilson
 Environmental Resource Specialist
 Department of Planning and Building
 967 Osos St., Room 300
 San Luis Obispo, CA 93408

June 5, 2013
 hand delivered

Re: The Los Pilitas Quarry Project

Dear Mr. Wilson,

I attended the recent meeting at the school in Santa Margarita, at which time I heard several concerns regarding the proposed quarry, some of which are:

- *Air Pollution
- *Noise
- *Children and other pedestrian safety
- *A high volume of quarry truck trips per day
- *Residential street having increased traffic due to drivers avoiding the quarry trucks.

These were just some of the concerns raised.

While studies of accidents rates along Highway 58 where looked at, I do not feel they accurately portray potential hazards, given the fact that there will be a heavy volume of quarry trucks traveling a route used by motor homes, travel trailers, and trucks pulling boats, not to mention passenger vehicles may attempt to pass all of the above.

Even though the areas land use shows zoning for quarries, I do not think that this project should be approved given the number of concerns, especially since it's duration is a lengthy one.

As our state has become more aware of environmental impacts, quality of life issues, etc. land and water uses have changed.

Please keep our county the exceptional place that it is. If we can make an issue of something such as no smoking in restaurants, why is it unreasonable to rethink a project of this size.

Sincerely,

Annette Rathbun

Annette Rathbun
 P.O. Box 658
 22685 J Street
 Santa Margarita, CA 93453
 (805) 438-3484
 g.rathbun@sbcglobal.net

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Santa Margarita Hwy 58 traffic concern
Julie Dubrul to: mwilson

06/05/2013 04:23 PM

To Whom it may concern:

I live in Santa Margarita on Highway 58 which is the main road through our town. This proposed project would bring an average of 200 truck trips through our small town where there are kids and pets. As it is already, cars speed along 58 in front of our house and through town. The fact is, Santa Margarita is not equipped to handle that much traffic and it would create disturbances. Finally, it is dangerous and is likely to result in injury or death in the future. I ask, as a resident that you deny this proposal. I have 2 small children ages 8 and 3, along with 2 dogs and 2 cats.

Should you need to speak to me further about this, please feel free to call me at your earliest convenience at 805-704-8866.

Yours in Health,

Julie Dubrul
Powersource Chiropractic
www.powersourcechiro.com



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Resident Comments Regarding DEIR for Las Pilitas Quarry Proposal

Swanson, Tor to: mwilson@co.slo.ca.us

06/05/2013 04:32 PM

I have the following concerns regarding the Las Pilitas Quarry proposal:

- **Air Quality:** The assumptions made regarding the expected impact to the air quality are not clear and thus raise concerns about the actual impact vs. the theoretical impact. Additionally, the provisions that would allow the increase of activity to go from operations supporting the average 250+ trips a day to 800 trips per day further raise speculation that sufficient investigation and estimation was performed. This is on top of the existing concerns regarding the inability to meet the daily standards of the SLOAPCD, the fact that not all mitigation strategies have been worked out, and that the mitigation strategies currently defined rely almost solely on good intentions. In addition, while estimates of particular matter (PM10) are documented, nothing is documented for the more dangerous PM2.5. Given the location of the quarry near an elementary school and the fact that children are in a category at highest risk of the short and longer term affects of exposure to PM and other air pollutants, I think additional work is needed to understand and mitigate these risks.
- **Traffic, Noise, Lights, etc.:** While individually these may be acceptable, I believe the combined affects will greatly impact the quality of life and real estate values for residence of Santa Margarita. If it goes in, there should at least be some provision for improving the community (sidewalks, community swimming pool., etc.) to offset the change.
- **Mitigation strategies:** There was nothing in the DEIR that proposed a mitigation strategy of further limiting the daily operations so to meet all local, state, and federal regulations and lessen the impact of the quarry on the community.

Please add these concerns to the comments for review.

Tor Swanson
22740 Madison Drive
Santa Margarita, CA 93453
805-365-7035





Quarry
Thaddeus Chapman to: mwilson@co.slo.ca.us

06/05/2013 02:51 AM

Dear Murry,
I moved to SLO County because it takes care of its people and its natural resources. This proposed quarry expansion will not only rape the land, it will force many to consider relocation. If nothing else, consider the long term economic impact. This land has much to offer us all, do not destroy it. The power is in your hands. Please remember your role and listen to the people.

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Sent from my iPhone



Proposed Las Pilitas Quarry Project DRC 2009-0025
dannebaum@juno.com to: mwilson

06/05/2013 06:55 AM

Mr. Wilson,

There are so many good reasons to choose Project Alternative 6.5 listed in the Draft EIR. One of the biggest concerns I note in this Draft is on page 4: Particulate Matter (PM10 and PM25.) I personally know Parkhill neighbors who suffer from Valley Fever. Releasing Valley Fever spores into the air through mining activities will expose more neighbors to this disease. The only way I can conceive the project owners could control the release of these spores is by using more of our water supply to control particulate matter. I know several Parkhill neighbors who have to have water trucked in during years of low rainfall. Would the project owners truck in water to control all this particulate matter, or plunder the water supply of the Parkhill community?

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Then there are obvious safety concerns created by using Highway 58 for the hundreds of truck trips contemplated by the project owners. The point of entry from the project site onto Highway 58 would create dangerous traffic conditions because this highway is just two lanes divided by solid yellow lines, and very curvy. How many cyclists, motorcyclists, and auto passengers must be injured or die coming in contact with a tractor trailer too big to stay in its own lane of travel before the County -- and State -- take notice of this hazard? This project is just too dangerous for the Parkhill community.

Leslie Donahue
6321 Parkhill Road
Santa Margarita, CA 93453

BlackBerry® 10
Get the latest details on the new BlackBerry 10 smartphone.
BlackBerry.com



DEIR Comments DRC 2009-00025
Baxter Trautman to: mwilson

06/02/2013 04:53 PM

Dear Mr. Wilson:

I used to work for URS as a Senior Biologist and respect the work they did on the EIR. As far as resources go I have little issue with the project. My greatest concern is with the "Significant and proposed truck traffic.

I live off Parkhill and commute through Santa Margarita from Parkhill to the 101 on-ramp everyday. Since the Topaz Solar Farm traffic started last year from Santa Margarita to Carrizo, I have been run off the road three times by their traffic - twice during the morning commute and once during the evening commute. The solar farm traffic is only heavy twice a day and it is bad enough. Increasing traffic on Highway 58, with it's blind corners and speeding commuters is going to increase the number of accidents on that road, and they won't all be as innocuous as merely being forced onto the shoulder.

My second concern with the increased truck traffic is for the economy in Santa Margarita. With the addition of a variety of eateries, bars, and businesses, the town is establishing itself as a viable destination for locals as well as a tourists. Trucks grinding through past shoppers and outdoor eating/drinking areas would be injurious to the charm and ambiance the community is trying to create.

I urge you to either limit truck traffic by at least half, which I did not see as an alternative in the EIR, and if the project must go through, I would recommend the Narrow Cut Alternative to minimize impact to quarry neighbors, and cannot urge you strongly enough to choose the ACCESS ROUTE to SR 58 VIA HANSON QUARRY alternative. While it would not limit the truck traffic thru town it would at least ease it in the most dangerous spots, i.e. school crossings and SR 58.

(As El Camino Road is already a designated truck route, no matter how the trucks get to El Camino would it be possible alternative to route all the quarry traffic north to the Santa Barbara exit? That would at least eliminate their impact through town...)

While I would rather the project not go through at all I appreciate the proponent's have a right to make a living on their land, but not at the expense of the community's safety and well-being. Thank you for all your hard work and attention to this very complicated issue.

Sincerely,

Baxter Trautman
4160 Parkhill Road
Santa Margarita, CA 93453
baxtertrautman@thegrid.net

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: June 1-13

Name*: Sharon Drake

Affiliation (if any)*: _____

Address*: 22308 I ST, PO Box 454

City, State, Zip Code*: Santa Margarita, CA 93453

Telephone Number*: _____

Email*: _____

Comment: I am very concerned about the heavy truck traffic the quarry will add to Highway 58 especially as it may affect the school crossings and the merge on to El Camino Real. This corner has been the scene of many accidents and yet attempts to ~~realign~~ mitigate or realign this area could adversely affect the property in the area.

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**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.



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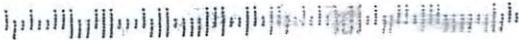
JUN 03 2013 PM 11

Sharon Drake
P.O. Box 454
Santa Margarita, CA 93453
805-438-5581

Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

JUN 3 2013

93408





Proposed Highway 58 Quarry

Don Lampson to: fmecham, bgibson, ahill, pteixeira, darnold,
mwilson

06/05/2013 01:30 PM

The proposed quarry on Highway 58 will create a nightmare for all who live in the area. It is a dangerous location to have an entrance, 300 yards downhill from a blind corner. It is not a suitable entrance, and exit, for heavy truck traffic.

Highway 58 is not built or located for the kind of operation the project requires. Having 200+ double trailer trucks per day on a two-lane country road with no shoulder is simply an accident waiting to happen! The route is used extensively by bicyclists, which was never considered in the EIR? How could Cal Trans ever approve such a monstrosity?

An operation which requires the amount of traffic, dust, and creates an aesthetic eyesore from a beautiful setting, exceeds whatever the community will gain, for having another quarry, next door to another quarry. Why should an entire community have to endure a project when only a few people profit from it? I believe the hopeful operators of Las Pilitas Quarry ask far too much from the community, for their commercial interests, while offering nothing but hardship, and inconvenience in return!

I implore the county to deny a use permit for this project!

Don Lampson
5250 Calf Canyon
Santa Margarita
438-3912



Oster Quarry Project
halwilson to: mwilson
Please respond to halwilson

06/05/2013 02:05 PM

Hello,
One of my concerns has not been sufficiently explained.

Water.

It seems only logical to assume that water drawn from an aquifer deeper than the one above it will have an effect on both. Similar to water sucked up from the bottom of a glass through a straw. Even though it is pulled from the bottom of the glass, the level at the top of the glass changes. It has been argued that the rock separating the aquifers is impermeable. So is my roof. Unless there is a leak.

I urge that this project be denied.

Hal Wilson
Santa Margarita, CA

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} 2



Oster/Las Pilitas Quarry Project

Pat Edwards to: mwilson

06/05/2013 11:04 AM

I do not want to see this land changed for anything. I enjoy the beauty of the area as it is now. It is rural area and the people that live there chose the area to be as close to nature as possible. By changing this zoning, might as well be living back in the city. This change, if granted, will be forever and our area will never be the same. I enjoy the area for the peace and quite and the nature.

Santa Margarita is a wonderful place to call home !

As detailed in the Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025), I strongly support Project Alternative 6.5 (No Project). This alternative allows for continued agricultural use of the project site and creates no other environmental impacts. Project Alternative 6.5 is highly compatible with Residential Rural zoning immediately adjacent to the proposed project site, appropriate for the publically-funded infrastructure within the region, and maintains the rural character of Santa Margarita, CA.

Thank you,

W. Patrick Edwards



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Oster/Las Pilitas Quarry
GREGG L ROLFSMEYER to: mwilson

06/05/2013 08:07 AM

Murray Wilson,
Environmental Resource Specialist
Department of Planning and Building
County of San Luis Obispo

Dear Mr. Murray:

As frequent visitors to the Santa Margarita area, we are very concerned about the proposed addition of another quarry. As detailed in the Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025), we strongly support Project Alternative 6.5 (No Project). This alternative allows for continued agricultural use of the project site and creates no other environmental impacts. Project Alternative 6.5 is highly compatible with Residential Rural zoning immediately adjacent to the proposed project site, appropriate for the publically-funded infrastructure within the region, and maintains the rural character of Santa Margarita, CA.

Thank you for your consideration of community comments.

Gregg and Candice Rolfsmeyer
789 E. Solana Circle
Solana Beach, CA 92075

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**Oster/Las Pilitas Quarry Draft Environmental Impact Report
(DRC2009-00025)**

Karen Lisi to: mwilson

06/05/2013 08:08 AM

Dear Mr. Wilson,

I am a frequent visitor to Santa Margarita, coming to stay with friends that live one mile from the proposed quarry site. In addition to supporting local business during my visits, I come for the quiet rural life style, diverse bird populations, and star gazing without the presence of city lights (or quarry lights). The area is a treasure to be preserved.

As detailed in the Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025), I strongly support Project Alternative 6.5 (No Project). This alternative allows for continued agricultural use of the project site and creates no other environmental impacts. Project Alternative 6.5 is highly compatible with Residential Rural zoning immediately adjacent to the proposed project site , appropriate for the publically-funded infrastructure within the region, and maintains the rural character of Santa Margarita, CA.

Thank you,
Karen Lisi

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Oster/Las Pilitas Quarry DEIR Comments

Mark Elliott to: mwilson

06/05/2013 12:58 PM

Impact: Increased truck traffic.

-Average listed as 275 trips/day with a maximum of 800 trips/day during a large project. Were all environmental impacts evaluated for this maximum number of trips? Why or why not?

] 1

-Increased truck trips may cause other traffic to detour around the trucks through interior streets in Santa Margarita thus causing greater traffic in neighborhoods. Was this evaluated in the DEIR? Why or why not?

] 2

-Increased truck trips will be a hazard for bicyclists from the edge of town to the entry of the project, since there are no paved shoulder for the bicyclists on the state highway in this section. This is especially true just east of town on both sides of the hill between the cemetery and town and the winding grade leading to the high point above the Salinas River. A good mitigation would be to pay into a fund to create a shoulder or simply pay to have it all done. Was an analysis performed of this hazard?

] 3

-Was the health risk evaluated for key areas where trucks will be accelerating and decelerating near homes in Santa Margarita and the railroad crossing next to Santa Margarita Park?

] 4

Impact: Air Quality

-It wasn't clear to me how often crushing and screening would be taking place and how that might effect daily maximum emissions. Is this explained in the DEIR? If not perhaps it is not an accurate estimation of maximum daily emissions.

] 5

- It was not clear to me what processes would be electrified to reduce emissions from diesel equipment. Can you point out where this is explained in the DEIR? This is an important mitigation that could be used for crushing and screening operations.

] 6

Project Description:

I have heard rumors that a rail loading spur could be part of the project, but it is not in the DEIR as far as I know. Can you clarify if that is included in this project?

] 7

Sincerely,
Mark Elliott
P.O. Box 488
Santa Margarita, CA 93453

Draft EIR Comment
Proposed Las Pilitas Quarry Project

Date: June 1, 2013

Name: Teresa Harback

Affiliation: None

Address: P.O. Box 346

City, State, Zip: Santa Margarita, CA 93453

Telephone Number: 805-550-0099

Email: tess1062@gmail.com

Comments:

My name is Teresa Harback and I am a Santa Margarita resident. I have the following concerns regarding the proposed Las Pilitas Quarry Project.

1) The Draft EIR states that the proposed quarry will result in an average of 200 truck trips per day through the rural community of Santa Margarita. My perspective is that this additional traffic will pose safety issues for residents, primarily school age children, crossing Hwy. 58 to access Santa Margarita School. In addition, the truck traffic will add an industrial character to a community that has small restaurants/pubs, a garden center, feed store, and tourist attractions (zip line tours, wine tasting, antique shop). The preservation of a rural character in the Santa Margarita area will continue to benefit the economies of Santa Margarita and San Luis Obispo county.

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2) In addition to traffic impacts, I am concerned about environmental impacts on noise, air, and water.

a) Additional traffic through the town of Santa Margarita and blasting from the proposed mining activities will add an undetermined amount of noise pollution to a rural community. How will this noise impact residents and the local elementary school?

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b) How will the county address the risk of respiratory ailments to residents, particularly children and the elderly, as a result of blasting, and thus fracturing, crystalline silica (which is commonly associated with Silicosis)? Has a risk assessment on air quality issues been conducted?

3

c) How has the potential water quality impact, due to the proposed mining activities, been specifically addressed? Aggregate washing and dust control for the quarry will require large quantities of water, with an estimate of 20,000 gallons per day just for dust control. How will this water use impact groundwater supplies which support local residents and businesses?

4

This proposed industrial quarry project does not have a short term life span. The impacts of the quarry on human health, safety, and the rural character of our community could be serious and far reaching. Thank you for considering my comments with regard to the proposed Las Pilitas Quarry Project.

5



Las Pilatas Quarry
hwilson to: mwilson
Please respond to hwilson

06/05/2013 02:17 PM

Oster/ Las Pilatas Quarry Project

On the topic of Traffic: Over 200 trucks a day!

This will have a huge impact on our community.

We don't want our town to become a "reverse dump site".

It is hard not to picture a myriad of problems:

We put our kids at risk when they are crossing the street to and from school. Let's face it, one mistake on the part of a driver or a child could result in the worst day some poor family ever had.

There will be problems with the cars going to and from the school too.

Bicyclists along Hwy 58 will be in jeopardy. No way around that one.

And what about those Impatient drivers swerving around the trucks? We have enough of that already. Not everyone is as responsible as they claim to be. (Yes, that includes every driver I have ever known).

We don't want this project approved.

Hal and Cindy Wilson
Santa Margarita

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Draft EIR Comment /proposed Las Pilitas Quarry Project
Mary Harlow to: mwilson

06/05/2013 04:43 PM

Mr. Wilson: My husband and I have two main concerns re: the proposed Las Pilitas Quarry Project:

The first concern is in regards to the inability to mitigate the increased noise that the proposed quarry will create. This noise will come from blasting and the heavy hauling trucks used for quarry operations.

] 1

Our second concern is in regards to increased traffic on Hwy 58 by the hauling trucks. The inability to negotiate the 90 degree turn at J Street and the lack of shoulders on Hwy 58 are of greatest concern. The EIR mentions that there are 2-4 ft. shoulders along the highway. These are not paved shoulders, so bicyclists use the paved road not the shoulders. This highway is used heavily by bicyclists and they are in danger from passing heavy trucks. In addition 2-4ft. is not enough room for trucks to pull off the road should they develop a problem.

] 2

My husband and I have lived on Digger Pine Rd. off Hwy 58 since 1976. We are well acquainted with the noise and traffic issues generated by the Hanson quarry which we can see from our property. We do not look forward to another quarry in our neighborhood.

] 3

Thank you for your attention to our concerns.

Mary & Harry Harlow
10287 Digger Pine Rd
Santa Margarita, Ca 93453
805 438-5308

Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: June 5, 2013

Name: Marjorie Burkhardt, R.N.

Address: P.O. Box 332, 6112 Park Hill Rd,

City, State, Zip code: Santa Margarita, Ca. 93453

Telephone Number: (805) 438-4197

Email: mlb60etc@aol.com

Comment: Being a registered nurse and having lived on Park Hill Rd since 1974, I am especially concerned about the public health issues involved with this proposed project. The prevailing winds go from the proposed project site up Park Hill Rd and would carry with it any dust and particulates from diesel engines up the road. The dust and particulates will adversely affect the respiratory health of many families and livestock living up Park Hill for some distance. Especially vulnerable to dust and particulates are the very young, the elderly, and those with preexisting conditions such as asthma or COPD (chronic obstructive pulmonary disease). In addition, the spores of coccidioidomycosis (Valley Fever) exist in the soil in San Luis Obispo County. The disturbance of soil caused by this project would result in a high probability of an increased incidence of Valley Fever. This illness is especially dangerous for the young and the elderly, but can have serious consequences for healthier people particularly persons of color.

I am additionally concerned about the impact of the use of surfactants (for dust reduction) to the ground water supply. There may be health related concerns for those drinking water from wells located down stream from this proposed project.

There may also be health related consequences from the noise pollution resulting from blasting, heavy equipment and gravel trucks.

Thank you for giving consideration to these concerns.

Marjorie Burkhardt, R.N.

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Draft EIR Comment , Proposed Las Pilitas Quarry Project
sullysprings to: mwilson
Cc: sullysprings

06/05/2013 09:57 AM

June 5, 2013

San Luis Obispo County Department of Planning and Building
Environmental Resource Specialist
Attn: Murry Wilson
976 Osos Street, Room 200
San Luis Obispo, Ca. 93408

Re: Public Comment, Proposed Las Pilitas Quarry Project

Ladies and Gentlemen,

With the understanding that impacts are not limited to the project site, what are the cumulative consequences of a no project determination as it may affect but not limited to the following:

- 1. Will there be greater trucking costs and associated environmental impacts in-order to meet the demands of the public.
- 2. Will the existing, adjacent to stream, quarries be forced into a difficult balance between demand and habitat.
- 3. Will the County of San Luis Obispo have greater exposure to legal expense?

I provide affordable housing adjacent to State Highway 58 and the nearby railroad track system located within the Town of Santa Margarita. It has always been my understanding that these two State-Wide Transportation facilities are not relocating and in-part, the genesis of our downtown commerce.

Respectfully Submitted,

George Sullivan

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Santa Margarita, Ca.



DEIR comment
BikeVetter to: mwilson

06/05/2013 02:03 PM

Hello,

As a member of a group, San Luis Obispo Bicycle Club, that uses the road in question Route 58 near Santa Margarita, I feel it must be stated that we are concerned for our safety. This is regarding the new truck access to Route 58. We will probably continue to ride Route 58 to get to Creston or to climb up Parkhill Road as is our right but the change in the amount of large truck traffic is a concern. It is my hope that our use and safety during such use is not diminished.

Thank you for the opportunity to state my concerns regarding this project.

Sincerely,

Louis Vetter

Paso Robles, CA

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Michelle Edwards
6450 Parkhill Road
Santa Margarita, CA 93453

June 4, 2013

Dear San Luis Obispo County Department of Planning and Building:

I am a resident that lives less than a half a mile of the proposed Las Pilitas Quarry. I am greatly concerned about the traffic and the implications of it that could affect the roads that my neighbors, friends, family, tourists and I travel on every day.

The biggest problem that I see is the fact that these country roads were never constructed to handle the large trucks and their extreme loads and the daily number of trucks that are possible with this project. There are several curves on these roadways in which a large truck has difficulty not "offtracking" or driving over the double yellow lines. I have observed this action numerous occasions with the Topaz Solar Plant construction project trucks driving through the same roads that Las Pilitas trucks would travel. This would only be multiplied if the Las Pilitas Quarry was in operation.

Even IF our roads were constructed for this activity, there is the upkeep of the roadways that is worrisome. I understand that the owners of the quarry would be required to pay a certain percentage to pay for road repairs. Unfortunately there is no guarantee that the money would be allotted for our roadways. If the roads are not kept in good repair for such a rigorous use from the quarry trucks, then we all suffer the consequences.

Then there is the issue of "sharing the road" with the public. In section, 4.11-11, the draft EIR states that shoulder widths vary along SR 58 and cannot always accommodate bicyclists. The fact is that a bicycle is a legal mode of transportation on these roads. The cyclists just as much a right to drive on these roads as does the people in their automobiles. I cannot see how these cycling enthusiasts can ride the roads without having their lives threatened.

Along the same lines of "sharing the road" when there is an emergency vehicle traveling, there is little or no room for a vehicle to pull off of the road to allow the emergency vehicle to pass. I can see this as being a significant problem. Both types of vehicles cannot "stop on a dime" or accelerate quickly if needed. Time is of the essence for the 1st responders to an emergency.

I conclude my letter by quoting the Draft EIR Oster/Las Pilitas Quarry: "Impact Traffic-4: Cumulative Contribution to 2030 Traffic Volumes. Residual Impact: Although the proposed mitigation would reduce impacts to the extent possible, due to the uncertainty regarding Caltrans approval of improvements within their jurisdiction, and uncertainty regarding right-of-way acquisition, it cannot be assured that all improvements would be feasibly constructed prior to the time when they are needed. As a result, cumulative traffic impacts would remain significant and unavoidable." So with this in mind, I recommend and plead that the San Luis Obispo County Department of Planning and Building adopt the project alternative #6.5, no project.

I thank you for allowing me the opportunity to share my opinion with you and the San Luis Obispo County Department of Planning and Building.

Sincerely,


Michelle Edwards

Proposed Las Pilitas Quarry Project

June 4, 2013

Larry and Mary Dubrul
Margarita Residents and Property Owners
22954 El Camino Real
PO Box 685
Santa Margarita, CA 93453
ldubrul@hotmail.com

We own 2 houses and six apartments on El Camino Real (Hwy 58) and we have been and still are concerned with the ever increasing amount of truck traffic that rolls past our properties every day.

Our principal residence is directly across the street from Cole Farms so not only do we have truck traffic passing in front of our house but we also have big rigs parking in front of our house, idling while the drivers run across the street to conduct business with Cole. Needless to say, the noise, the dust and the obstruction of our view as we exit our driveway are unacceptable.

Both of our boys and their families and their children live next door to us and they are subjected to the same truck problems that we are. Any form of traffic is a concern when you have children and animals.

We knew when we bought these properties that we would have the normal problems that come with living on a main street and we love where we live. Increasing the traffic with more trucks is taking away the beauty of living in a small rural community.

We, our sons and our renters are all very water saving conscious and as I understand it, the new quarry will use over 20,000 gallons daily. This area does not have the water resources to support that kind of usage for any length of time.

I am definitely opposed to any waiver that will override existing ordinances that were written to protect our town and our environment. Explosives are definitely anti environmental and unhealthy to humans, animals and vegetation.

The only alternative to help alleviate the traffic problem through Margarita would be to route the truck traffic north to Santa Barbara Road where they could enter or exit Hwy 101. This is not a solution only a suggestion on one option that would keep the truck traffic out of the town of Margarita.

We are opposed to the Las Pilitas Quarry Project.

We want to keep Santa Margarita a pleasant, quiet and safe place to live and raise our families.

L Dubrul
Mary L Dubrul

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Murry Wilson
Environmental Resource Specialist
976 Osos St. Room 300
San Luis Obispo Ca. 93408-2040

June 1st, 2013

Dear Mr. Wilson,

I'm very concerned about the proposed quarry project near Santa Margarita. I have lived in Santa Margarita over 25 years, and my house is located about 200 yards from highway 58. This highway valley leading into town seems to funnel the traffic noise into my neighborhood, and I have already installed special noise dampening windows which still do not stop motorcycle and truck noise from penetrating. Large trucks often use Jake brakes coming down the incline on highway 58 into town which causes a very loud sound for an extended period of time. I'm very concerned that an additional 200+ heavy trucks driving to and from the proposed quarry each day will greatly increase the noise to my residential neighborhood. We already must cope with the noise pollution from train horns in the middle of the night and vineyard propane cannons blasting during harvest season, and additional heavy truck noise would greatly exacerbate this issue and leave us with few moments of peace and quiet.

Since I live directly across the street from the Santa Margarita Elementary school, I see everyday how highway 58 and H street get backed up when parents attempt to drop off or pick-up their children. Each school bus is required to stop at the railroad tracks which prolongs the congestion. Additional heavy truck traffic will only add to the congestion at the corner of highway 58 and H street. During funerals or events near town, I have seen traffic back up on highway 58 for a long way. The applicant claims they will only run trucks at certain times of the day to mitigate traffic issues, but what legal mandate will require them to run trucks at certain times? Who will monitor for compliance and what will be the penalties if they don't schedule trucks to mitigate traffic congestion?

Lastly I do not think that the proposed site is appropriate for a second quarry in Santa Margarita. This is an area of several residential homes, and many people have bought property and built houses here in order to enjoy a quiet country lifestyle. If a large industrial operation is opened it will not only cause their properties to lose value, but will also threaten our community's unique way of life and many of the things we value most about living in this close-knit town.

Sincerely,

Brent R. Sheffler
2011 H St.
Santa Margarita Ca.
email Sheffler@charter.net Ph. 805 438-3216



Quarry Project Alternative
Maritza Almquist to: mwilson

06/04/2013 10:11 PM

Hello,

As detailed in the Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025), I strongly support Project Alternative 6.5 (No Project). This alternative allows for continued agricultural use of the project site and creates no other environmental impacts. Project Alternative 6.5 is highly compatible with Residential Rural zoning immediately adjacent to the proposed project site, appropriate for the publically-funded infrastructure within the region, and maintains the rural character of Santa Margarita, CA.

Thank you for your time,
Maritza

--

<http://www.fastmail.fm> - Same, same, but different...

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Quarry on Highway 58 Concern
Nancy Greene to: mwilson

06/04/2013 05:41 PM

Mr. Murry Wilson
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

RE: QUARRY ON HIGHWAY 58 -- COMMENTS

Dear Mr. Wilson:

The significant permanent damage done to our community of Santa Margarita and to the scenic nature of Highway 58 by this quarry cannot be overemphasized. This proposed quarry will bring about the destruction of a village that has enjoyed a long and bucolic history - a history that deserves to be preserved, and families that deserve to continue with their lives in the place they call home. If permitted we know a few things for sure: there will be blasting, habitat and wildlife destruction, exhaust, truck noise, and horrendous traffic every day of the week. I know you are tasked with the planning and protection of our community and I ask you to see this quarry as a careless overreach by the Las Pilitas permit applicants.

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Our ranch lies on the other side of the quarry from Santa Margarita, and so we will need to pass the quarry every single time we head to town, or to the 101, or to San Luis Obispo. Now, instead of rolling hills and fresh country air, we will be driving behind noisy, filthy, huge, gravel trucks spewing exhaust and dirt. It will seriously damage our property value and undermine what we love about Santa Margarita.

I know the California Environmental Protection Agency, Air Resources Board, has an emission regulation system in place for heavy diesel trucks.

"Diesel trucks with a GVWR more than 14,000 lbs. that are owned by private or federal fleets must reduce exhaust emissions by meeting particulate matter filter requirements and upgrading to 2010 model year or newer engines." (www.arb.ca.gov/msprog/ordiesel/documents)

2

I was wondering who would be monitoring the Las Pilitas trucks to ascertain whether they are complying with the emission requirements. With this vast number of trucks rumbling and idling throughout our small community and exposing us all to their fumes and dirt, will they be contractually obligated to monitor these emissions in order to acquire the permit they're requesting? Can an organization who obviously doesn't value our lifestyle or our community be trusted to monitor themselves in any way?

An approval of this quarry can only happen if the severe impact of it on the health, safety, and the devaluation of our properties, is completely ignored. I implore you not to permit this quarry and I'll look forward to a response to my questions. You may email me back here or send a notice to Post Office Box 233, Creston, CA

3

Sincerely,

Nancy Greene
Owner - 4350 Highway 58
Creston, CA 93432



Quarry
John C to: mwilson@co.slo.ca.us
Please respond to John C

06/04/2013 10:44 PM

As detailed in the Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025), I strongly support Project Alternative 6.5 (No Project). This alternative allows for continued agricultural use of the project site and creates no other environmental impacts. Project Alternative 6.5 is highly compatible with Residential Rural zoning immediately adjacent to the proposed project site, appropriate for the publically-funded infrastructure within the region, and maintains the rural character of Santa Margarita, CA.

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John Capela



Proposed Las Pilitas Quarry Project

popsargano to: mwilson

Cc: boardofsups, brobeson, elcarroll, jgiffin, rhedges, dcampbell

06/04/2013 01:41 PM

Mr. Wilson,

I am a concerned citizen of Santa Margarita residing on Highway 58. Although I live far enough from the proposed project site that I may not be impacted by the noise pollution from blasting and noisy semi-trucks, I am concerned about the increased traffic circulation as well as the air pollution due to the stirred up dust by blasting and heavy truck traffic. This area is very close to the Margarita Elementary School and with wind blowing in that direction it could create a health hazard to students and resident of the area. This is known Valley Fever hazard area. To enumerate my concerns;

Who is going to pay for the increased wear and subsequent damage to the highway due to increased truck traffic?

How are they going to prevent the town of Santa Margarita from becoming a truck stop similar to those on Interstate 5?

How are they going to prevent the lack of tourism and visitation from bicyclists, motorcyclists and new visitors to the area due to the dangers of too much semi traffic on a highway that was designed for smaller vehicles?

What precautions are they going to take to keep bicyclists safe on the regularly travelled highway?

How are they going to prevent surrounding property values from declining due to the reluctance of people to travel over highway 58 due to the truck traffic?

What precautions are they going to take to prevent the intake of dust particulates to the children of Margarita School?

In closing, I would like to say that I am the owner of two trucks, a motorcycle and a bicycle which I use on a daily basis along Highway 58. Due to the increased truck traffic, I will no longer feel safe in any of my vehicles when traveling that section of the road.

I adamantly oppose this project due to the negative impact it will have to the quaint little town of Santa Margarita and the health hazards that the people near the project will be exposed to.

Sincerely,

Ralph Argano

390 Carissa Highway

Santa Margarita, CA



**Las Pilitas Quarry Project Comments****Rebekah Hathorn** to: mwilson@co.slo.ca.us

Please respond to Rebekah Hathorn

06/04/2013 09:12 PM

Hello,

My name is Rebekah Ray. My husband and our two children live on J st. in Santa Margarita, with the cross st being highway 58. I am writing these comments in response to the proposed quarry project on Highway 58 in Santa Margarita. As I have come to understand, a group of people have collaborated and want to open another quarry out off this road. There is already a quarry that has many years left to mine. I don't think that it is right or fair to approve this project for the following reasons. It would highly increase traffic with large trucks backing up the 58 going past the elementary school and onto El Camino Real through town. This would further increase the air pollution as well. These factors would in turn decrease the value of our homes. It is not right to create these kinds of negative conditions with absolutely no benefit for the families and people who live in the community. I support the utilization of our countries natural resources, but not in this particular situation when it would impact the community in such a manner. I strongly feel that this project should be denied. Thank you

Sincerely

Rebekah Ray

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las pilitas quarry eir
kathleen douglass to: mwilson

06/04/2013 09:24 PM

I have several concerns that I believe are unmitigatable. I don't see where emergency response to other areas west of the quarry by CALFire #40 is addressed. Station 40 responds to South Atas, Tasajara, incidents on the 101. When they are responding, there is currently no room to get out of their way. How is it possible that the anticipated truck traffic wouldn't impede and delay their response?

1

The DEIR states that a truck and transfer can remain in their lane on 58s curves and the turn at Estrada. In order to do this, the drivers would have to maintain significantly lower speeds than are posted. The speed limit on both approaches to the quarry entrance is 55. From both directions, visibility is reduced and, were trucks waiting to turn into the quarry, the approaching vehicles from either direction would have to make an abrupt stop. If a car were to hit a truck or transfer, it is highly unlikely the driver of the truck would be hurt unlike the passenger car occupants.

2

Currently when the bicyclists are riding on the straight away by the cemetery, I note that cars regularly pass them in the other lane even when the passing car does not have the broken yellow line. Truck traffic will undoubtedly bring traffic to a snails pace.

I know that an EIR doesnt consider diminution of the value of the land, which , contrary to quality of life, is measurable. Why isnt the value of my home, as well as my neighbors, a consideration in an environmental impact report. This project stinks and it is amazing to me that the scientific measurements are the only ones that count.

3



Las Pilitas Quarry Draft EIR Questions

Robert Zeszotarski to: mwilson
Cc: brobeson, elcarroll, jgiffin, darnold

06/04/2013 09:28 PM

This letter is intended for the San Luis Obispo planning department and District 5 Supervisor Arnold:

There are several issues related to the proposed Las Pilitas Quarry and the recent draft EIR that I am seeking to comment on and obtain more information regarding.

I would like to know the estimated direct impact that will occur for resident/commuter traffic along the proposed transit route for the Las Pilitas quarry project. Specifically, how often (e.g. every how many minutes) are trucks estimated to be departing from the quarry exit onto Highway 58? Has anyone looked at how these trucks will slow other vehicles (which can accelerate to the speeds typical for Highway 58 into Santa Margarita much more rapidly than the types of trucks proposed to be hauling aggregate from the proposed quarry)? Has anyone enumerated the number of vehicles currently using this route during the hours of the quarry’s proposed operation? If so, how would this typical traffic pattern be expected to change? For example, if it typically takes a person approximately 10-15 minutes to drive from the quarry site on Highway 58 to the intersection of Hwy 58 and El Camino Real, how long would someone expect this same trip to take if adding the expected and type of quarry traffic being proposed?

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Keep in mind that in the morning, when the quarry opens, there will be numerous trucks being filled and at the end of the day (i.e. 5-6pm) there will be trucks trying to get their last load in. Why am I asking for this information as opposed to the EIR providing it? Have the EIR consultants also added in the increased traffic to local area campsites (RVs) to reports of these impacts?

2

Why are we looking to open a new quarry when Hanson’s has applied for an expansion that could more than meet the area’s aggregate needs without causing any of the Highway 58 traffic problems?

3

Thank you for considering these points. I look forward to your response.

Rob Zeszotarski

Robzesz@gmail.com



Oster/Las Pilitas Rock Quarry EIR, Conditional Use Permit DRC2009-00025

Anne & Don Wheeler to mwilson
Cc: fmecham

05/01/2013 02:53 PM

Dear Mr Wilson

The proposed route from the Oster/Las Pilitas Rock Quarry along Highway 58 to El Camino Real in Santa Margarita is a heavily traveled bicycle route and there is little or no shoulder for any of the distance from Parkhill Road until the town of Santa Margarita. Where would bicycles ride if there is a gravel truck on that road every few minutes? It seems like there would be carnage!

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Thank you

Anne and Don Wheeler
1645 Sandalwood Lane
Templeton, CA 93465



EIR Comments for Las Palitas Quarry Project

AI to: mwilson

06/04/2013 10:57 PM

I am resident in the impacted area of concern and I would like more clarification on the project thus far.
How is the traffic generated going to be addressed ?

Is the road in its current condition going to be able to sustain the demands of all the new trucks with the normal vehicles?

How do we know if the digging will not add Valley Fever to an already inundated area?

Water usage from ground water tables are a huge concern in this area and it would cripple us if we go dry due to uncertainty of rain in times of drought.

I hope that we can find solutions to a fragile situation for all in this community.

Sincerely,

AI Martinez

Resident/owner

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} 3



EIR Comment for Las Pilitas Quarry Project

to: mwilson

06/04/2013 10:22 PM

June 4, 2013
 Barbara Cully
 Resident of Santa Margarita
 9440 Estrada Ave.
 Santa Margarita, CA 93453
 805-423-3987
Barcul@aol.com

Comments:

I am in favor of the creation of the Las Pilitas Quarry. From all that I have read about the project I think that this type of business will be good for our community.

A lot of the opponents of the project are concerned about the additional traffic that will be created by the trucks going to and from the quarry. Estrada Avenue is the street used by most of the traffic going east, and I expect that it will be the route used by the trucks. I live at the corner of Hwy 58 (Estrada Ave) and El Camino Real (G Street/Main Street). My driveway enters Estrada Avenue at the RR tracks, so I will be directly affected by any additional traffic. With the elementary school next door to me I contend with school buses twice a day, plus traffic from parents delivering and picking up their children. I don't find this to be a problem. There are also busses going to and from the Solar Farm in California Valley five days a week. This hasn't been a problem either. The addition of trucks going to and from the quarry will add some traffic, but I don't expect this to be a problem.

I see the quarry as a non invasive type of enterprise that will provide jobs and add to the tax base for our county. Most of the activity of the quarry will be out of sight and not cause any pollution to the environment. If the EIR finds that there will be significant pollution to the environment I might change my mind, but so far I haven't heard anything that would make be against the Las Pilitas Quarry Project. Please feel free to contact me if you would like further in-put.

Barbara Cully

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Draft EIR Comments - Las Pilitas Resources , LLC

Steve Williams to: mwilson, brobeson, elcarroll, jgiffin, darnold, slocog, sdevencenzi, rmurphy

06/04/2013 11:45 AM

Cc: Steve Williams

I am submitting the following comments / questions on the Draft EIR to:
The County of San Luis Obispo Planning Department.
Debbie Arnold - District 5 Supervisor

I am including representatives from CalTrans, as the majority of these concerns involve Highway 58.

The Transportation Section of the DEIR contains a lot of metrics around traffic counts and delays but does not address holistically the following concerns:

- 1. How can Highway 58 possible handle the addition of an average of 273 truck trips and ensure the safety of pedestrians, cyclists and other motorists?
- 2. With no paved shoulders, how and where are these large trucks going to pull over to let emergency vehicles to pass?
- 3. At the junction where 58 turns and goes over the railway crossing. There is very little room between the railway tracks and the stop sign at the intersection. How can this crossing be safe with the addition of 273 truck trips? Is it even safe right now?
- 4. How will the safety of the teachers, students and families be maintained with the addition of 273 truck trips through an already clogged narrow intersection?
- 5. The proposed entrance into the Quarry has limited visibility when you are approaching it from either direction. How will travelers of Highway 58, ensure their safety as 273 trucks turn in and out of the quarry? What type of delays can be expected at the entrance of the quarry as travelers wait while trucks block the roadway waiting to enter into the Quarry? There is currently no shoulder or turning lane. Is there going to be a turning lane? Is there going to be a shoulder created along this stretch of 58?
- 6. Could the creation of a turning lane as well as a paved shoulder be considered as a mitigation?
- 7. With the winding nature of highway 58 there are many blind spots. How can the safety of travelers be maintained?
- 8. Why does the transportation section not even mention the many cyclists and their safety in the DIER? This is a serious oversight.
- 9. How can we be assured that CalTrans and the County Planning department will work together to address issues that overlap in terms of responsibility? The current Matrix view of the project with no input from CalTrans seems to omit a number of important safety considerations. It also leaves many safety issues unaddressed. Why does the Draft EIR not contain comments, recommendations and even proposed mitigations from CalTrans?

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I look forward to hearing back from both the County Planning Department and CalTrans with answers that address the above issues.

Thanks

Steve Williams
Santa Margarita CA



Las Piltas Quarry Project
Brian Wilkinson to: mwilson@co.slo.ca.us
Please respond to Brian Wilkinson

06/03/2013 04:20 PM

&nb sp; June 3 2013

Mr. Wilson,

I am a 17 year resident of Santa Margarita. My home is located at 22103 J st Santa Margarita and I have a clear view of highway 58 through my house window where I can see approximately a one mile stretch of 58. Since the opening of the the solar panel plant out in the valley I have noticed a definite increase of traffic on highway 58. I have also noticed on several occasions in the past year that traffic can back up more than a mile on highway 58 when there is a concert at pozo saloon. The noise and congestion on highway 58 does affect the quality of life for the residences of Santa Margarita, the quality of the roads are deteriorating quicker and the safety hazards by adding 300 more trucks a day on 58 going through a school zone leaves me completely opposed to the approval of this project. Please feel free to pass my feedback onto any one you feel might need this information. Thank You for your time.
Brian Wilkinson 805 441 6923

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**Santa Margarita Quarry****breezy martin** to: mwilson@co.slo.ca.us

06/04/2013 08:33 AM

Hello my name is Breezy Martin. My family and I live @ 1918 J street in santa margarita. I tried to fill out the official form but didnt have any luck so i decided to send you an email . I just wanted to share my feelings about the Quarry . I think its horrible and i would be very dissapointed to see it go through . I have 3 small girls our house is right off the highway which means all the trucks will be creeping right outside our window . The Quarry is a horrible horrible idea and this santa margarita proud resident STRONGLY opposes it . Thank you for you time, Breezy.

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Proposed Highway 58 Quarry
Peg Grady to: mwilson

06/03/2013 09:15 AM

I would like to address the proposed quarry on Highway 58, outside of the town of Santa Margarita

The impact of 200+ truck trips a day on the town of Santa Margarita will be horrible. There are many small businesses in town, from a nursery to a dressmaker to family owned restaurants, to a feed store, winery, art studios, and lumber yard. More businesses are in the planning stage. The ranch is used for many private events, as well as public events such as Savor the Central Coast. With those trucks roaring past, customers, both locals and tourists, will disappear. It will be difficult to drive into town, park your car, pull out of your parking space. The noise will be distracting. The air pollution foul. No longer will Margarita feel like the small town it is, but it will feel like a strip mall on the side of a freeway.

Travel on Highway 58 will also be negatively impacted. Highway 58 is a two lane highway, with sharp (sometimes blind) curves, no shoulder in many places, no bicycle lane. As the trucks pull into the highway off El Camino, there is not enough room to clear the railroad tracks for trucks over 50' long. Immediately after crossing the tracks are our public park and the crosswalk which kids use to go to the elementary school.

Traffic, along with the impact the proposed quarry would have on the air, water and the beauty of the countryside, are factors that cannot be ignored or mitigated and, I believe, reasons to deny the creation of this quarry.

Thank you for your time and attention.

Sincerely,

Peg Grady
5250 Calf Canyon Hwy.
Santa Margarita, CA 93453
(805)438-3912

Kevin Dowling
P.O. Box 233
Creston, CA 93432
805-438-4593

June 3, 2013

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: PROPOSED LAS PILITAS QUARRY – AIR QUALITY

Dear Mr. Wilson:

I am vehemently opposed to the Las Pilitas Quarry. My wife and I own property on 58 not far from the old bridge. At present, I have the following health concerns I would like addressed:

How are air particulates going to be controlled so that residents do not have to worry about Valley Fever?

The silicosis issue has not been addressed in the DEIR, why not?

Are the quarry owners planning on using water to mitigate the proliferation of the air particulates, and if so how will that affect the already dangerously low water table? Can I expect my well to run dry?

Will the quarry be required to cease operations on windy days when they cannot possibly control the dispersion of particulates?

Who will monitor the quarry to ascertain whether they are complying with these important air quality issues?

I'll look forward to your response.

Regards,

Kevin Dowling
Creston, CA
805-438-4593

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From: "Paul and Shelley Boe" <boe4fun@charter.net>
To: "Paul and Shelley Boe" <boe4fun@charter.net>
Date: 06/02/2013 05:58:04 EDT
Subject: FW: Highway 58 Quarry

Dear Sirs/Madame,

I have lived in the immediate area since 1955 (Pozo) and in 1960 moved into the town of Santa Margarita with my first wife. I currently live across the street from the grade school on H Street with my second wife Marie. Most weekday mornings I, along with my wife, will count the cars coming up H Street to the Elementary School. The average number of cars coming up our road is 82. We both have deep concerns regarding the proposed quarry by the Las Pilitas Resources company. They are as follows:

The increase in truck traffic through our town (estimated at 200 trucks per day) will have a negative impact. Most importantly, this increased traffic through town will create severe safety issues, especially during school hours. Perhaps a realignment of the road from the quarry so that the entrance/exit comes out on El Camino Real (near the other quarry) would be better. This would allow the trucks to have access to Highway 101 via Santa Barbara Road and greatly ease traffic through town.

Another concern is the impact on our water table. If the estimated 20,000 gallons of water per day is needed for dust control, not to mention the additional water that may be used to wash the aggregate, our areas water table will be severely impacted. Water has been an important issue here since we moved into Santa Margarita, especially more recently with the addition of the grape vineyards at the Santa Margarita Ranch.

Noise and respirable dust pollution from blasting with explosives may have the potential to increase possible exposure to Valley Fever.

These are our main concerns, if you have any questions you may contact us at: 805-438-5412.

Thank you for considering our concerns. Al and Marie Lerno

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Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6/1/13
 Name*: Jon Minnick
 Affiliation (if any)*: _____
 Address*: 5960 Parkhill Rd
 City, State, Zip Code*: Santa Margarita, CA. 93453
 Telephone Number*: _____
 Email*: _____

Comment: Las Pilitas Resources LLC, builds a bridge across the Salinas River and uses the Hanson Quarry Rd to El Camino.

PERIOD

Traffic Impediment and Health Hazards
Water Shortages, too.

The People does not deserve this Burden from any Special Interest. Who will have to pay for the Damages to our infrastructure, the public roadways, bridges, etc? Caused by this private project.

Compensation to all residence for the Traffic thru Santa Margarita on El Camino.

*Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

The property at 6550 Hwy 58 will have a Very Heavy Burden

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

RECEIVED
JUN 4 2013
CO PLAN & BLDG DEPT

SANTA BARBARA CA
JUN 3
PM
2013



Murry Wilson - Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408





Draft EIR Comment Form Proposed Las Pilitas Quarry Project

Date: 6-1-13
 Name*: GREGG + MICHELLE JENKINS
 Affiliation (if any)*: _____
 Address*: 575 LION RIDGE ROAD / P.O. BOX 655
 City, State, Zip Code*: SANTA MARGARITA CA 93453
 Telephone Number*: 805 550-5043
 Email*: JENKINS@TCSN.NET

As neighbors within three miles of the proposed quarry, we stand 100% opposed to this project for the following (among many other) reasons:

- o The traffic from quarry trucks will impact us significantly, and our teen drivers. The volume and size of the trucks will create an industrial thoroughfare bisecting our tiny town, and will pose a real danger to pedestrians, cyclists and other drivers. We already contend with Hanson Quarry trucks on our trips into Atascadero; now our commute will also be adversely affected along Highway 58.

We believe the impact of this project on other drivers and bicyclists was severely understated in the DEIR. On Saturdays, in particular, there is a huge number of cyclists on the roadways.

- o We will be directly and negatively impacted by the dust and emissions generated by operations and trucking – not just at our home, but during our trips to town.
- o It is clear to us that the DEIR consultant was merely guessing when it comes to the effects of pulling more than 20,000 gallons of water each day from the Salinas River during operating days. What kind of guarantee can be made to the property owners that their wells/water supplies will not be adversely affected?
- o Would could not find reference in the DEIR to the number of “acceptable fatalities” resulting from this project. What number does the applicant and county believe is an acceptable number of fatalities as a result of site construction and operations?
- o One paragraph could not possibly suffice to describe the (non-existent?) cultural resources on this property. Please elaborate.

We find it stunning that the applicants are even contemplating such a project – a project so many of their neighbors and friends find so wholly disagreeable. This project will produce gravel WE don't need for a company that needs to find a product to haul. Our community deserves better than this.

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

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**NO Quarry in MARGARITA**

Tamra to: mwilson@co.slo.ca.us

06/01/2013 04:07 PM

6/1/13

Tamra Harvey

I live in Santa Margarita

9545 Encina Avenue

Santa Margarita Ca 93453

(805)400-8768

Tamrahrv237@gmail.com

I do not want another Quarry in Margarita the dust and chemicals are not good for such a little old town there are alot of children in Margarita.This Quarry would not be good for them nor the elderly that live in Santa Margarita. What if there's an emergency and an ambulance needs to get in it can't because of all the trucks coming and going this town is just to small for all the traffic that would be going through it.Everyone that lives in Margarita moved here because its such a quiet little town we would all like to keep it that way. I DO NOT WANT THIS NEW QUARRY TO BE BUILT

Sent from my iPhone



Las Pilitas Quarry

Gustavo Prieto to: mwilson@co.slo.ca.us
Please respond to Gustavo Prieto

05/05/2013 05:04 PM

Mr. Murry Wilson
Department of Planning and Building
San Luis Obispo Co.

Dear Mr. Wilson,

Regarding Las Pilitas Quarry, in the last meeting held in Santa Margarita on April 25, 2013, another impact with the increase in trucks traffic on highway 58 that wasn't mentioned is the already increase in traffic from the solar projects in the Carrizo Plain. There is already a large number of vehicles passing through Santa Margarita and 58 at basically the same times that the projected traffic from the quarry would be.

Another concern, is that as a cyclist using highway 58 with those narrow lanes and no shoulders with the size of those trucks will make almost impossible (dangerous) to ride on that portion of 58.

Sincerely,

Gustavo Prieto
Santa Margarita

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DEBORAH SERRA
4350 Calf Canyon Road
Creston, CA 93432

May 31, 2013

Murry Wilson
San Luis Obispo Planning and Building

Dear Mr. Wilson,

I am a resident of property on Highway 58. Like my neighbors and other family members, I am requesting the Department of Planning and Building deny the permit for the Las Pilitas Quarry. It is hard to believe this company has any idea what they are proposing. They obviously have no regard for the residents or for the community itself. The health and safety risks from the trucks weaving all over Highway 58, and pumping exhaust, and particulates into our shared space, belie common sense. I understand the Mining Permit Review Procedure requires that the Planning Commission must demonstrate no harm to the public on health and safety – that cannot be genuinely claimed by those applying for this permit.

A California traffic advisory sign already stands prominently on Highway 58 “not advisable for trucks with trailers”. By that they mean not advisable for a truck – I can confidently say that would include “not advisable” for 200 - 800 trucks per day. It is not advisable because a truck cannot physically stay in its lane. Please consider what hundreds of trucks a day swinging into oncoming traffic means for the safety of our neighbors who travel this road not only in town but also down to Santa Margarita from the other side of the proposed quarry. It is simply impossible for someone like me who must travel this road, as the only option to get from my property on Highway 58 to Santa Margarita, where I go to the market, and catch the 101 for SLO. Those of us who live on the other side of the quarry from Santa Margarita will be virtually trapped. Even if there were fewer trucks that doesn't change the unsafe path of this road. Any truck, every time, will have to swing into oncoming lanes. This is not safe. There will be accidents as residents maneuvering the road from the other direction veer off the road and into the hillside, or into the truck itself when there is nowhere to go.

I have been on Highway 58 when trucks have ignored the advisory sign. I have seen them bounce along with the arrogant power they feel being the largest vehicle on the road and so not at risk. I have had to stop short, and to veer off. Thankfully this has been a rare occurrence these last twenty years, with the permitting of this project that will change forever. We will have two choices: be trapped, or proceed at tremendous risk every single time we leave.

There is nothing that a study will tell you about the danger and physical impossibility of running these trucks that a short drive won't tell you. This is common sense. No matter how this route is characterized in materials sent by the company applying for the permit, or reports that hedge about its safety, it is necessarily incorrect if it finds Highway 58 safe for truck traffic. Take a drive. See for yourself. Then, promote “the wise use of land” while recognizing there is no way a claim can be made for “no harm to public health and safety”. Thank you for your time on this matter of such great importance to the community!



JUN 3 2013

PLAN & BLDG DEPT

**Las Pilitas Quarry**

Natalie Birkhahn to: elcarroll, jgiffin, brobeson, mwilson

04/29/2013 12:38 PM

Dear San Luis Obispo County Department of Planning,

I am writing to you all to express my genuine concerns about the presented Las Pilitas Quarry that has brought the community of Santa Margarita together to weigh the effects of the quarry on our community

As a lifetime resident of San Luis County, with the last 6 years of it residing off of Parkhill Road East of Santa Margarita, I can say whole heartedly that there is something very unique about this area of SLO County. The creeks run crystal clear, the wildlife is abundant, the air is fresh and filled with nothing but the sounds of song birds. It is a sanctuary away from the noises and contamination that can be so taxing on the human body, and it's time to stand up for the special areas in SLO county that still offer these natural pleasures.

The resources are abundant in this area, and I believe that they need to be used sustainably and responsibly with the rights and concerns of the entire community taken into consideration. This is our home; we take pride in its uniqueness and want to be able to share it with generations to come.

We need to consider the motivation of Mike Cole and Steve Souza, is it for the good for the residents of the Santa Margarita area and surrounding communities? Or is it for their personal gain at the expense of our community (water, peacefulness, and safety)?

During the 6 years that I have lived out here I have encountered dozens of car accidents after people have gone off the road around curves, it is hard to imagine how this will be affected by 200 truck and trailer trips per day on the roads.

I invite you to visit our community sometime soon, to take a Sunday drive with your family down HWY 58, have dinner in Creston at the Loading Chute, or at the historic Pozo Saloon and pull over to look at the stars once night falls and put yourself in the shoes of the people who have called this place home for many years. It is like nowhere else in the world here, please help us to advocate for its protection and growth in more sustainable and community inspired ways.

Thank you for your time and consideration,

Natalie Birkhahn

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Dear Mr. Wilson,

I write this letter in fervent opposition to the proposed Oster/Las Pilitas Quarry. My family owns property off of SR 58. I fear that this project, if approved, will severely and irreversibly detrimentally impact both my family's quality of life and the quality of life of the vicinity's residents (both in Santa Margarita and in Creston).

There are myriad questions and concerns that have yet to be addressed to the satisfaction of any reasonably concerned resident. The most serious of these concerns for my family and me is the exponential increase in particulate matter emitted from both the operations at the quarry and the average of 237 trucks travelling the 58 on a daily basis. According to the DEIR, the proposed quarry location is also home to 25% of the county's population and has, historically, experienced the highest ozone and particulate levels in the county. One quarter of the residents of the Upper Salinas River Valley are already at risk for the maladies that result from living in the most polluted part of the county.

How can we ensure that Santa Margarita, Creston, and the Upper Salinas River Valley will not become the next "cancer alley" (a famed stretch of the 710 freeway by Los Angeles with some of the highest asthma and cancer rates in the country)? How will the Las Pilitas Quarry mitigate the extensive increase in particulate matter and other pollutants? What monitoring will be put in place to ensure that our air and water quality will remain breathable and potable? Who will pay for this monitoring? How can we ensure that this monitoring is unbiased and in the best interests of the community without burdening the community itself with the costs? What technology will be employed to protect the residents from the environmental stress inflicted by this sizeable quarry project?

These concerns are very real and have very real consequences for the residents of our community. If they cannot be addressed in a way that eliminates safety concerns, we beg the board to refuse the request for permits.

Please respond via email: 4jeffg@gmail.com.

Thank you,

Jeffrey Goldenhersh
4350 Calf Canyon Highway
Creston, CA 93432

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DEIR Comments DRC2009-00025
Vance Ray to: mwilson

05/28/2013 08:13 AM

Dear Mr. Wilson,

I am writing to you regarding the proposal to build a new quarry near Margarita on Highway 58.

As a resident in the neighborhood, I am against this proposal and think it is a very bad idea. I frequent by bicycle the same roads where 100's of the quarry trucks will pass every day, it is very unsafe. There is no shoulder on these roads and me and my fellow cyclists will be extremely exposed on the twisty road. It can't be safe!

The beauty that is Santa Margarita back-roads will be ruined by having gravel trucks running constantly to and from the quarry.

Thank you for your time,

Vance L. Ray
11450 Monte Verde Drive
Atascadero, CA 93422
805-462-8850





Proposed Pilitas Quarry Project
Carolyn Le-Fort to: mwilson@co.slo.ca.us
Please respond to Carolyn Le-Fort

05/27/2013 05:02 PM

Dear Mr. Wilson:

I am writing to you to express my strong opposition to the Pilitas/58 Quarry project.

I oppose this project for the following reasons:

- As a resident of Huer Huero Rd. and a long-time commuter to my teaching job in Oceano, the traffic created by this project will make my drive even longer and more dangerous.
- As a small business owner in Santa Margarita, who is trying to attract more tourism to our lovely town, an increase in this type of noisy, dust creating traffic will have a very negative affect on the efforts of many of us to create an appealing tourist destination.
- More local employment opportunities will be created by an increase in local tourism rather than this ill-conceived plan that will benefit relatively few people and potentially harm many citizens.

-These heavy trucks will put pedestrians along El Camino at more risk. Please represent the best interest of this community, and our long term goals for responsible growth by voting against this project.

Thank you,
Carolyn Le-Fort
9211 Huer Huero Rd.
Creston, Ca
(805) 550-6026

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Not in favor of: Proposed Quarry on 58 at Parkhill Road, Santa Margarita

Gary Havas to: darnold, pteixeira, ahill, bgibson, fmecham,
mwilson

05/02/2013 04:18 PM

Cc: Robert Fuller Davis

Greetings Honorable Supervisors and Mr. Wilson!

Please add my voice to those opposing the project, impacts and proposed (or not) mitigations of the Quarry Project. Too cool are the rural roads, too inviting to motorists, motorcyclists, and bicyclists alike. I have heard arguments pointing out that the noise, dust, and visual impacts will be significant and not really in keeping with the rural nature of the area. Poor souls in Santa Margarita might get to look forward to heavy truck traffic through their town and neighborhoods. As a cyclist and chairperson for the San Luis Obispo Bicycle Club's annual Wildflower Century ride, I see the impacts to the roadways as detrimental to rider safety and comfort all year round and especially for our annual event each April. The SLOBC Wildflower Century Ride allows our club to contribute significantly to the communities we ride through and we want to keep this event and the community support happening and growing. This project threatens that. Certainly the EIR as drafted seems to dismiss the interests of the many cyclists using this route, as I understand.

Cycling is growing in our community and growing community. Please consider carefully where cycling might be in 57 years. Look first to deny this project.

Cheers!

Gary Havas
2013 SLOBC Wildflower Ride Chair
805-458-0755

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Proposed Las Pilitas Quarry
Sally Speers to: mwilson

05/14/2013 12:49 PM

To Murry Wilson, Environmental Resource Specialist

I have lived in Santa Margarita for 16 years, and love this town, I'm very concerned about the proposed Las Pilitas Quarry which, if it is approved, will destroy the character of our residential community. (I'm sure San Luis would never allow anything like this to happen there.) The double gravel trucks will be continuously rumbling through town, passing the elementary school and the park -- possibly on residential streets, sometimes stopped, idling and spewing exhaust. Although illegal, it's happening even now. I'm concerned about noise, and the air quality from the exhaust fumes, and also the possibility of valley fever spores from blasting. Santa Margarita will become an industrial gravel truck and service corridor.

At the east end of town, just as the trucks turn on to Highway 58 there is a yellow sign that says, "Not advisable for trucks with trailers use." This will negatively affect the road condition of Highway 58, and it will seriously affect the surrounding home and ranch owners on Highway 58, Parkhill Road, Pozo Road and Las Pilitas Road, causing traffic problems and many environmental concerns due to blasting and water usage. A current proposal by Las Pilitas Resources LLC seeks to permit a large scale industrial hard rock quarry and an asphalt and concrete crushing facility just east of town on property fronting the Salinas River. The Draft Environmental Impact Report (DEIR) is currently available for public review and comment with the deadline for comments being June 5. This proposal sets the stage for Santa Margarita to define the things we value. If YOU lived here, how would you feel about it? I doubt that we NEED a THIRD quarry, and I cannot see from the information I have read that it will significantly provide many jobs either.

I'm hoping you will consider the welfare of the residents in and around Santa Margarita,

Sincerely, Sally Speers

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Oster/Las Pilitas Rock Quarry Proposal
Sharon Sutliff to: mwilson
Cc: Robert Fuller Davis

05/01/2013 05:19 PM

Dear Mr. Wilson,

I have serious concerns about the Oster/Las Pilitas Rock Quarry proposal. I have traveled by bicycle on Highway 58 many times over the years and the prospect of sharing this road with an almost continuous parade of rock haulers is chilling. There is no way the current width of this highway can safely accommodate both bicyclists and these big trucks. I understand that this issue was not addressed in the EIR. The county needs to require that six-foot paved shoulders be installed along the route. Anything less than this and the permit should be denied. Safety first.

Thank you,

Sharon Sutliff

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Las Pilitas Hwy 58 Rock Quarry Proposal
P.J. Wild at Heart Farmgirl\ to: mwilson

05/01/2013 07:59 PM

Hello... My name is P.J. (Paula) Robertson and I have lived at in Garden Farms for over 30 years. I am extremely concerned about the current Las Pilitas rock quarry proposal.

It is absurd to think either El Camino Real between Atascadero and the Hwy. 58 turnoff... OR El Camino Real from the Santa Margarita off/on ramp and driving through the little town of Santa Margarita would handle an additional projected 200 a day truck traffic! May I suggest you drive that route yourself and imagine and additional 200 trucks per day driving through:

1. The tiny town of Santa Margarita...
2. Crossing over the railroad tracks and having to stop and wait on El Camino Real when trains are crossing. Then immediately approaching the.....
3. Santa Margarita Elementary School crosswalk where small children, bikes, children and cars are in route to and from the ELEMENTARY school.
4. Imagine being a bicycle rider (I am one of them).... and approaching the already VERY DANGEROUS and VERY NARROW BLIND..... I said "BLIND" HILL with NO shoulder as you approach the Santa Margarita cemetery. It's very close to suicide actually.
5. Imagine being a firefighter from the Parkhill Cal Fire Fire Station trying to get to a call with the impact those trucks will have on clustered around the school, railroad, blind hill and town of Santa Margarita.
6. Trying to get into Atascadero on El Camino Real with an additional load of 200 trucks per day.

In the past 33 years traffic has tremendously increased simply because of the growth of the area. Garden Farms has a rock quarry across the street which, quite frankly, provides way more noise and traffic than is suitable for our tiny community and El Camino Real. An additional impact of this magnitude is absolutely unreasonable.

Please please encourage your colleges to visit this area and travel these roads themselves imagining what it would be like in the event this proposal was approved. Please vote NO rejecting the proposal.

Thank you for your consideration.

Kirk and P.J. Robertson
16750 Walnut Avenue
Atascadero, CA 93422



DEIR Comments DRC2009-00025

Lisa Langere to: mwilson

05/13/2013 02:45 PM

From: Lisa Langere <lisa@moonfiremountain.com>
To: mwilson@co.slo.ca.us

Dear Sir,

I am writing to voice my concerns over the Quarry Project on HWY 58. I live on Parkhill Rd. I know I am not suppose to get emotional in this letter... that of course is hard not to do. So, I'll express my concern in a certain few areas.

1.) The replanting concept of the Quarry.. I seriously don't see how this can be done. Once they have stripped the land as far as they intend to, I don't see how anything will ever truly grow there. It's like when the Santa Margarita Cluster project said it would replant the oaks... 400 yr old oaks! It just isn't going to happen.. It would take hundreds of years even if the baby oaks were to survive.

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2.) The truck traffic on HWY 58. I realize this is a public HWY... but to many of us this is our "street". We are currently dealing with the Topaz traffic every day which makes the road look like LA... and soon we will have so much more traffic once the cluster is built. We should not have to accommodate to hundreds more double trucks maneuvering the same roads. These are quiet, scenic highways and should be kept that way at all costs.

2

3.) The damage from loose rock coming off the trucks. My car has been hit many times by loose rock coming off trucks. There is never time to get the license plate numbers and the company names are not on the back of the trucks. This I see as a big issue!

3

4.) The impact on the Salina's River. You can't possibly say there will be no impact especially when we live in a drought area. Many animals depend on the Salina's River... and when there is a fire the helicopters may need to resort to water from the river. Don't drain our only source of water to accommodate some project that the community does not need.

4

5.) Visual... need I say more. We moved here for the quiet and the beauty... We gave up water and basic utilities to live here... we don't need to stare at a huge blemish along with everything else!

6.) You say it will not impact much of the wildlife.. BUT, the wildlife lives EVERYWHERE... and if you truly think it won't impact their daily movement then you are dead wrong.. Not only that but the blasting sounds will impact the wildlife.

5

7.) This is a project that does not need to be done. I know Daniel and I know these applicants have convinced him he will be rich by giving up his land. The truth is that he will not and he will be leaving a tarnished legacy for his family. He grew up there... He should want to be remembered as helping to preserve what so many of us have worked hard to also do.

8.) And lastly... the emotional part...as I said in the meeting... look around, see what's happening to the planet... how much money do they really need to leave it alone? We all remember D.W Griffith for Griffith Park... But no one remembers who built the Apt complex in Atascadero!

Sincerely
Lisa Langere



Las Pilitas Quarry ill -advised
peter canvel to: mwilson

05/31/2013 02:17 PM

Peter Canvel
May 31th 2013
22465 H Street Santa Margarita 93453 Property owner.

fadedglory45@att.net

1

The Las Pilitas Quarry project is ill advised . This is my opinion.

1. Traffic congestion on Highway 58
2. Traffic safety issues both on the road and by the elementary school.
3. Noise pollution
4. Dirt and dust pollution
5. Possible negative water issues that nobody really knows until it is too late .
6. Highway 58 maintenance issues that the community or county may have to pay for .
7. Property values will go down in Santa Margarita, all along highway 58, and all along El Camino Real past Gardena truck traffic.
- 8.I was told that the Hanson Quarry has a restriction on truck traffic . How then could you make new quotas adding
- 9.I was told that the Las Pilitas Quarry people did not recognize or indicate ANY of the nearby homes close to the p degraded or possible worthless . Who would choose to live out there.
10. Property tax impact when homes all around the surrounding are will be negatively impacted .

TWO GUYS WANT MONEY SO THEY PROPOSE TO HURT THIS SMALL COMMUNITY .
I DON'T THINK SO.

Las Pilitas Quarry Draft Environmental Impact Report

Comments/Concerns by James Patterson

June 5, 2013

Project Description Inconsistencies

The project description in the revised CUP application and the DEIR regarding the product to be produced needs clarification as it relates directly to the amount of water required and other operations both on and off site.

1

Traffic and Circulation

Inadequate measures to address increased degradation of SR 58 and county roads due to increased truck traffic from the proposed quarry.

2

Adequacy of SR 58 to safely accommodate bicyclists, motorists and quarry related haul-truck traffic.

3

Failure of the DEIR to consider the cumulative traffic impact of additional development of the Santa Margarita Ranch Residential Ag Cluster and other potential development near the quarry and along the haul route.

4

Failure of the DEIR to adequately address the safety of bicyclists and pedestrians on SR 58, H St. and I St. in the community of Santa Margarita from increased quarry related haul-truck traffic.

5

Measures to enforce proposed mitigation measures and consequences for failing to implement and/or follow required mitigation measures are not identified.

6

Air Quality

Potential air quality degradation from haul-truck traffic that may be staging/idling in Santa Margarita and by the school is not adequately addressed.

7

Dust control from onsite operations is regulated through the application of water and/or dust control chemicals though specifics as to the quantity of water required and the types of chemical products used is lacking.

8

Measures to enforce proposed mitigation measures and consequences for failing to implement and/or follow required mitigation measures are not identified.

9

Biological Impacts

Should quarry operations be approved, restoration of vegetation should be consistent with pre-quarry conditions and not include the addition of non-native species.

10

Even though a portion of the site will be left in open space, there will a significant loss of habitat from quarry operations throughout the life of the quarry and should be noted as a significant and unavoidable impact that is not mitigated.

11

The Salinas River is an impaired water body due to excessive sediment loads. Any run-off from the site that carries sediment or other foreign materials will exacerbate this condition and is a detriment to the aquatic environment. Measures to protect the river should be absolute.

12

Measures to enforce proposed mitigation measures and consequences for failing to implement and/or follow required mitigation measures are not identified.

13

Increased Risk of Wildfire

Quarry operations including blasting and the use of heavy equipment increase the risk of wildfire in a very high wildfire designated area. Additional water storage and agreeing to not store fuel on site are minimal and insufficient measures to reduce the risk of igniting a wildfire. The location of the quarry in a very high wildfire area, the long response time for emergency services, and the nature and condition of the rural roads subjects local residents, motorists and quarry employees to an unacceptable safety risk and should be noted as such.

14

Comments from Advisory Committees

I support the comments and concerns submitted by the Water Resources Advisory Committee, the Santa Margarita Area Advisory Committee and the CSA 23 Advisory Committee.

15



Fw: Fwd Quarry 6
Ellen Carroll to: Murry Wilson

05/20/2013 09:23 AM

This should be assumed to be a comment on the EIR. Thanks

Ellen L. Carroll
 Environmental Coordinator
 976 Osos Street Room 200
 San Luis Obispo, CA 93408
 805-781-5028
 e-mail: elcarroll@co.slo.ca.us
www.sloplanning.org

----- Forwarded by Ellen Carroll/Planning/COSLO on 05/20/2013 09:22 AM -----

From: dee <lostpeacock@tcsn.net>
 To: boardofsups@co.slo.ca.us, rhedges@co.slo.ca.us, dcambell@co.slo.ca.us, jcaffee@co.slo.ca.us,
brobesson@co.slo.ca.us, elcarroll@co.slo.ca.us
 Date: 05/18/2013 11:13 AM
 Subject: Fwd: Fwd: Fwd: Fwd: Fwd Quarry 6
 Sent by: Dee Carroll <dee@wilson-creek.net>

----- Original Message -----

Subject: Fwd: Fwd: Fwd: Fwd Quarry 6

Date: Sat, 18 May 2013 11:03:36 -0700

From: dee <lostpeacock@tcsn.net>

To: fmecham@co.slo.ca.us, bgibson@c.slo.ca.us, ahill@colslo.calus, pteixeira@co.slo.ca.us, darnold@co.slo.ca.us

----- Original Message -----

Subject: Fwd: Fwd: Fwd Quarry 6

Date: Sat, 18 May 2013 10:53:24 -0700

From: dee <lostpeacock@tcsn.net>

To: fmecham@co.slo.ca.us, dee <lostpeacock@tcsn.net>

----- Original Message -----

Subject: Fwd: Fwd Quarry 6

Date: Sat, 18 May 2013 08:39:32 -0700

From: dee <lostpeacock@tcsn.net>

To: dee <lostpeacock@tcsn.net>

----- Original Message -----

Subject: Fwd Quarry4

Date: Fri, 17 May 2013 15:36:03 -0700

From: dee <lostpeacock@tcsn.net>

To: dee <lostpeacock@tcsn.net>

----- Original Message -----

Subject: uarry

Date: Fri, 17 May 2013 13:35:45 -0700

From: dee <lostpeacock@tcsn.net>

To: dee <lostpeacock@tcsn.net>

May 17 2013

To Whom It May Concern:

There is NO Reason to have Las Pilitas Resources Quarry on highway 58, except to make a lot of money for Mr. Souza (owner of property) and Mr.Cole,who has a trucking business of large Semi trucks and will run the business! There will be an average 273 trips a day of large trucks going in and out of the Quarry! The Quarry will use up to 20,000 gal. of water a day maybe for 30. yrs. What will that do to the water table, which is getting lower in most in most of Northern San Luis Obispo! Water use is a big concern for everyone!!

How much damage will it do to the air, the land, the wild life and the Salinas River which it is next to!
At this time , one of my biggest concerns is the danger of all these trucks traveling on Hi way 58 which is a narrow road in that area with many blind dips and curves!The trucks will be a hazard in the town of Santa Margarita, going right by the school is, the Park and the rail road tracks?
How much room is there for emergency vehicles such as Ca. Fire and Ambulances? How is it going to impact Santa Margarita on El Camino Real that already has such truck traffic from a Quarry that is close to town?
I could go on with many other reasons the Quarry should not be allowed such safety of pediatricians, cars, cycles Wildlife Etc. that use this area a lot! This Quarry should not be allowed to open in that area! Please, please do not allow this Quarry to be built!! WE live on Park Hill rd. and use this part of 58 a lot and know dangerous it will be for anyone traveling on it!

Thank You,

Dee Carroll
3737 Park Hill Rd
Santa Margarita, Ca. 93453
805 438-3764
lostpeacock@tcsn.net

PS I am 70yrs. old and my husband is 87 years old. I am typing this on the computer because my hand writing isn't very good any more! I am sending this letter to several people and Depts!

My review of the draft EIR is limited to the following sections:

- 4.4 Greenhouse Gas Emissions
- 4.11 Transportation and Circulation
- 4.13 Water Quality and Supply
- 6.0 Project Alternatives

In support of these reviews (particularly section 4.11), a benchmarking analysis was conducted using the EIR and Conditional Use Permit for the SunPower – California Valley Solar Ranch (DRC2008-0097). The results of the benchmarking comparison are summarized in the tables below:

Assumptions used in EIR and Derived Data

	Sunpower-CVSR	Las Pilitas Quarry
Peak Daily Truck Trips [From EIR]	56	273
% Increase in Peak Daily Truck Trips due to Project [Calculated from EIR data]	25%	450%
Peak Hourly Truck Trips (AM) [From EIR]	11	38
% Increase in Peak Hourly Truck Trips (AM) due to Project [Calculated from EIR data]	45%	475%
Peak Hourly Truck Trips (PM) [From EIR]	6	30
% Increase in Peak Hourly Truck Trips (PM) due to Project [Calculated from EIR data]	42%	1200%
Duration of Project [From EIR]	30 to 36 months	28 to 56 years
Total Truck Trips for Duration of Project [Calculated from EIR data]	43,680	2.4 Million to 4.8 Million

The key “take-away” from the above table is that the increase in daily truck traffic associated with the Las Pilitas Quarry **will be on the order of 1.5 to 2 magnitudes (500% to 1000%) higher** than that associated with the construction of the Sunpower - California Valley Solar Ranch.

Additionally, the Traffic Management Plan required as a condition of approval of DRC2008-0097 stipulates that all site access from “non-oversized trucks that exceed the 30-foot KPRA Advisory for SR 58” (The class of truck which the Las Pilitas Quarry will use) shall be via SR 58 east of the project.

Put another way, a condition of approval for the SunPower – California Valley Solar Ranch project was that it would create NO increase in traffic in Santa Margarita of the types of trucks to be used for the Las Pilitas Quarry.

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The Conditions of Approval implemented for DRC2008-0097 and the Conditions of Approval proposed in the Las Pilitas Quarry EIR are summarized in the table below:

	Sunpower-CVSR	Las Pilitas Quarry
Trucks may use exhaust ("jake") brakes only in emergencies	MM NS-1.49(c)	No Requirement
Implement Traffic Control Plan	MM TR-1.1	No Requirement
Implement site access routes to limit traffic impacts on associated roads	MM TR-1.1(a)	No Requirement
Implement warning signs, barricades and flaggers as necessary to control traffic	MM TR-1.1(c)	No Requirement
Implement signage to warn of project traffic on roadways	MM TR-1.1(d)	No Requirement
Implement signage along Highway 58 to notifying drivers of school entrance and school traffic	MM TR-1.1(f)	No Requirement
Prohibit construction on the day of the Wildflower Ride	MM TR-1.1(g)	No Requirement
Place steel rumble plates at mine and project entrance to recuse gravel, dirt and debris from entering Hwy 58	MM TR-1.1(i)	No Requirement
Construction deliveries via Hwy 41/46 shall be during off peak hours	MM TR-1.1(j)	No Requirement
No Truck deliveries on weekends	MM TR-1.1(j)	No Requirement
Applicant funds 2 additional CHP units on weekdays	MM TR-1.1(o)	No Requirement
Project truck drivers are informed as to project transportation restrictions	MM TR-1.1(o)	No Requirement
Restore roadway from damage due to project-related traffic	MM TR-1.2	No Requirement
Implement school bus traffic plan	MM TR-2.1	No Requirement
Signalize SR 58/EI Camino Real intersection	No Requirement	MM TRAFFIC-1a
Construct pedestrian refuge on EI Camino Real	No Requirement	MM TRAFFIC-2b
Obtain encroachment permit from Caltrans for project entrance	No Requirement	MM TRAFFIC-3a
Control off-site parking of trucks	No Requirement	MM TRAFFIC-3b

The contrast in mitigations between the two projects is stark.

Numerous substantial mitigations were implemented for the smaller impact, shorter duration, SunPower – California Valley Solar Ranch project, while only a handful of small mitigations are proposed for the Las Pilitas Quarry.

Suggested Action: The mitigations implemented for the SunPower – California Valley Solar Ranch project should be individually reviewed for applicability to the Las Pilitas Quarry in order to provide more comprehensive mitigation of its traffic impacts.

3

Suggested Action: Based on the contrast in quality of mitigations between the two projects, an internal benchmarking review of the EIR preparation process should be conducted to identify practices used in the preparation of DRC2008-0097 which could be used to improve the EIR for the Las Pilitas Quarry.

3

The remainder of my comments are referenced to the applicable section of the Draft EIR for the proposed Las Pilitas Quarry Project:

Comments concerning Section 4.4 (Greenhouse Gas Emissions)

Table 4.4-1, Policy AQ.1.7: The discussion and preliminary determination do not address the potential impacts of increased traffic on bicycle and pedestrian travel. The preliminary determination of "Potentially Consistent" is not supported.

4

Suggested Action: Revise preliminary determination for Policy AQ.1.7

Comments concerning Section 4.11 (Transportation and Circulation)

Section 4.11: The conclusions of the Transportation and Circulation portion of the EIR are based on Transportation Impact Analyses performed in 2006, 2009 and 2012. None of these analyses attempted to model project traffic impacts on I and H streets within Santa Margarita (i.e. "cut-through" traffic).

5

Suggested Action: Perform revised Transportation Impact Analysis incorporating methodology to measure traffic impacts on I and H streets within Santa Margarita

Similarly, none of the analyses evaluated bicycles. The studies are deficient because both the Syncro 7.0 traffic modeling software used and the referenced Highway Capacity Manual include provisions for incorporating both bicycle and pedestrians into the analysis process. Inclusion of bicycles in the analysis is warranted since the Hwy 58 is a designated Bicycle Route within the study area.

Supplemental bicycle and pedestrian counts were conducted in 2011, however the counts were not conducted when maximum recreational bicycle traffic would be expected (i.e. weekend day), nor was analysis of the results conducted.

6

The Federal Highway Administration "Bicycle Compatibility Index" methodology should also be implemented within the project traffic analyses to more fully assess potential project impact. Currently the EIR is deficient as it merely notes that SR 58 is a designated Bike Route but no attempt is made to assess the impact from the project.

Suggested Action(s): Perform bicycle and pedestrian counts as necessary to find peak weekly loads. Perform additional traffic modeling using Syncro 7.0 software or superior substitute and incorporate the additional bicycle and pedestrian counts. Report the effect of the project on bicycle traffic using Federal Highway Administration guidelines or similar criteria.

Page 4.11-3 discusses the Caltrans truck advisory for SR 58. The discussion states "Caltrans lists SR 58 from J Street eastward as a 30-foot KPRA advisory route". This statement is consistent with Caltrans publications.

Subsequently in the para it is stated, "This listing means that trucks with a longer KPRA length may not be able to remain within their travel lane." This statement is not correct, as the available Caltrans documents indicate that the actual advisory is for SR 58 is "KPRA for the route is less than 30 feet, but is posted as 30 feet".

7

Therefore it is the official Caltrans assessment that trucks with a KPRA of less than 30 feet may have difficulty lawfully using the road.

Still later in the paragraph, it is stated: "Besides the 90-degree curve on SR 58 at J Street where the advisory begins, there are two other segments of steep curves along that highway that are subject to this listing." This statement is not correct, as all available Caltrans documents indicate that entire length of SR 58 from J Street in Santa Margarita to the Kern County line is subject to the advisory.

Suggested Action: Revise page 4.11-3 as necessary to be consistent with available Caltrans requirements.

Suggested Action: Applicant to either provide technical justification of existing SR 58 conditions or fund SR 58 improvements to permit Caltrans to remove the truck advisory on SR 58 to the project site.

Pages 4.11-7 & 8 discuss the intersection of El Camino Real and Estrada. The EIR states "...the minimum distance between the center of the nearest railroad track and the stop line should be 140 feet. On Estrada Avenue, this distance is about (emphasis added) 78 feet: more than enough to accommodate a large truck...".

The actual distance between the stop line at El Camino Real and the stop line for the railroad crossing barrier (as measured from aerial photographs) is only 60 feet.

Caltrans regulations indicate trucks associated with this project could be up to 75 feet in length. Therefore, at least some trucks will not physically fit between the stop line and the adjoining railroad tracks, creating an unacceptable safety hazard.

Suggested Action: Applicant to limit truck size as necessary to avoid interference with railroad tracks during normal traffic conditions.

Suggested Action: Applicant to modify El Camino Real/Estrada intersection to increase space available between stop line and adjoining railroad tracks.

The EIR correctly states "El Camino Real makes a sweeping bank curve as it enters the eastern portion of Santa Margarita..." but no assessment of the impact of this configuration on traffic is made. Observation of the adjoining intersection between El Camino Real and Estrada clearly shows that for this curve, the adjacent heavy vegetation impairs the line of sight from westbound El Camino Real to Estrada and vice versa. Most project traffic will consist of slow moving trucks turning from El Camino onto Estrada and vice versa.

Suggested Action: Applicant to fund a left-turn pocket on El Camino Real at the El Camino Real/Estrada intersection.

Section 4.11.6 states: "The remaining items from the Initial Study (g, dealing with plans for alternative transportation...were identified as not involving a significant impact". As has been discussed elsewhere in these comments, no basis exists for this conclusion.

Suggested Action: Provide analysis of potential impacts on item g, Alternative Transportation, in the EIR.

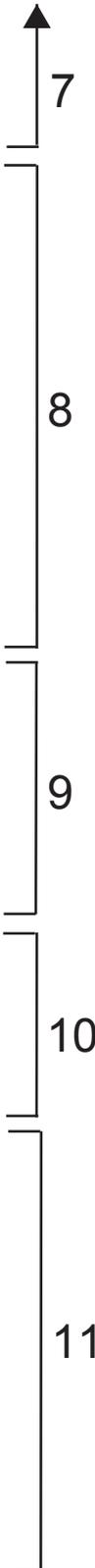
Section 4.11.5 states that the project will have a significant impact if it will "create unsafe conditions on public roadways (e.g, limited access, design features, sight distance, slow vehicles).

However page 4.11-22 states that "Truck traffic is generally slower than the passenger vehicles from residential uses". This statement indicates that a significant impact will be created, though the EIR attempts to use the statement to argue the opposite.

Additionally, the traffic modeling performed in support of the EIR does not appear to incorporate the slower truck speeds credited above into the model.

Suggested Action: Correct EIR to be consistent and in conformance with County of San Luis Obispo CEQA Guidelines.

Suggested Action: Re-perform Traffic Analysis, incorporating lower truck speeds into traffic analysis computer model.



On page 4.11-22, The EIR states that in order to negotiate the SR 58 curve at J Street, “The radius of curvature for the roadway at this location is adequate to accommodate large trucks within the travelled lane, with possible use of the paved shoulder by some trucks, without “offtracking” outside of the travelled lane (see Figure 4.11-5).

Analysis of Figure 4.11-5 combined with measurements at the SR 58 curve found:

- Trucks inbound to Santa Margarita will travel laterally outside the travel lane by at least 6 feet. This will place them beyond the edge of the highway.
- Trucks outbound from Santa Margarita will travel laterally outside the travel lane by at least 9 feet. This movement may place them beyond the edge of the highway.
- Trucks inbound to Santa Margarita will travel outside the travel lane for a distance of at least 325 feet.
- Trucks outbound from Santa Margarita will travel outside the travel lane for a distance of at least 550 feet.
- Both inbound and outbound trucks will track off the paved roadway surface at some points in the curve.
- Any modification of the tracks for either inbound or outbound trucks to reduce travel outside the lane into the shoulder area and the adjacent unpaved surface results in movement of the track into the opposing lane for a portion of the curve (i.e, there is no margin in the track)
- The length of the trucks shown in Figure 4.11-5 is 69 feet, however Caltrans regulations indicate the maximum truck size could be as long as 75 feet. This discrepancy results in Figure 4.11-5 showing non-conservative results.

Additionally, the following points are pertinent:

- Figure 4.11-5 does not include any tolerances for variation in truck turning. The figure represents a “best case” assessment. Under normal conditions, it is unreasonable to expect all trucks will follow the track shown in Figure 4.11-5. Some trucks will track further onto the shoulder and adjacent unpaved surface, while others will track into the oncoming traffic lane.
- Travel outside the CVC defined highway, as will be necessary for trucks inbound to Santa Margarita and may occur for trucks outbound from Santa Margarita, is a citable traffic offence.
- The EIR does not attempt to calculate how often opposing traffic will encounter a truck traveling in the opposite direction through the J Street curve. Using EIR data and assuming that average traffic velocity along SR 58 east of Santa Margarita is 50 MPH, it is readily determined that 8% of vehicles traveling on SR 58 during the hours of quarry operation will encounter a truck attempting to maneuver through the corner. Put another way, on a daily basis it should be expected that there will be at least 75 instances of a truck maneuvering through the J Street corner at the same time opposing traffic is in the corner. At least 21 of the vehicles in the opposing lane will be other quarry trucks.

Suggested Action: Revise Figure 4.11-5 using correct maximum length for trucks. Revise associated sections of EIR as necessary based on revised Figure.

Suggested Action: Applicant to modify SR 58 at J Street corner as necessary to assure lawful operation of project traffic is possible.

Suggested Action: Revise page 4.11-22 as necessary to correctly address expected impact from project traffic at J Street corner.

Page 4.11-23 determines that no improvements to SR 58 at the quarry entrance are necessary for traffic present during normal quarry operations. Page 4.11-24 assesses the effect of instances when larger numbers of trucks are operating, but no assessment of the adequacy of SR 58 at the quarry entrance is performed for this scenario.

Suggested Action: Revise page 4.11-24 as necessary to assess adequacy of SR 58 at the quarry site entrance under peak usage conditions.

Page 4.11-25 states “the overall percentage of heavy truck traffic on SR 58 and the area roadways is expected to remain in the existing 3 percent range”.

The data presented in the EIR indicates the existing daily truck traffic on SR 58 east of Santa Margarita is approximately 28 vehicles.

The Project traffic analysis assumes 273 peak daily truck trips. Adding this value to the existing truck traffic results in a determination that trucks would represent over 32% of total traffic. Therefore the EIR statement that “truck traffic on SR 58 ...is expected to remain in the existing 3 percent range” is not correct.

Suggested Action: Revise page 4.11-25 as necessary to correctly account for expected project traffic.

The Cumulative Effects assessment does not incorporate methodology to measure the proportionate impact of large trucks on pavement deterioration. The consensus among engineering studies is the travel of a single large truck is equivalent to that of at least 1900 cars. Based on the traffic data presented in the EIR, it is readily determined that traffic associated with the quarry will be responsible for over 90% of the traffic-induced damage to SR 58 east of Santa Margarita.

Suggested Action: Revise Cumulative Effects analysis to address expected pavement damage from project.

Suggested Action: Project to perform baseline study of SR 58 pavement condition and perform remediation work on appropriate schedule as necessary to repair pavement damage due to project and restore condition of SR 58 to pre-project state.

Page 4.11-28 states “On the right angle turn of SR 58 at J Street, although future traffic from the Santa Margarita Ranch Agricultural Residential Cluster Subdivision may cause a significant impact due to its contribution towards unsafe conditions at this location, the proposed quarry traffic will involve slower moving trucks. The project may not improve the situation at this turn, but is should not exacerbate it”.

The contention that a “slower moving truck” will not contribute to unsafe conditions at a sharp, difficult to navigate corner is, frankly, ludicrous and fails under the most cursory evaluation.

Suggested Action: Revise Cumulative Effects analysis to properly address expected safety impact from Project at the J Street corner.

Page 4.11-29 states the project would be responsible for 8.1% of the funding for possible intersection improvements based on estimated 2030 traffic volume.

This assessment is non-conservative because it does not account for the disproportionate impact of large, ungainly trucks on local traffic.

Suggested Action: Revise Cumulative Effects analysis to properly address expected traffic funding contribution from project based on realistically weighted effect on traffic conditions.

Table 4.11-7 summarizes County circulation policies and reaches preliminary determinations of the effect of the project on these policies.

The proposed project is inconsistent with Principle 5, Policy Statement 4 since the extremely large traffic volumes strongly discourage use of alternative transportation along SR 58.

The proposed project is inconsistent with Chapter 5, Element C Item 2 since it will produce an unmitigatable traffic impact due to growth at an inappropriate location.

The proposed project is inconsistent with Chapter 5, Element C Item 7 since the project will create unsafe conditions at the J Street curve and elsewhere along the project access route due to the extremely large traffic volumes associated with the project.

The proposed project is inconsistent with Chapter 5, Element C Item 9 since the extremely large traffic volumes associated with the project substantially detract from the suggested scenic corridor along SR 58.

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Suggested Action: Revise Table 4.11-7 as necessary to properly address project impacts and revise Preliminary Determinations accordingly.

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Comments concerning Section 4.13 (Water Quality and Supply)

Pages 4.13-4 and 4.13-5 describe the permit requirements applicable to Santa Margarita Reservoir for maintenance of surface stream flow in the Salinas River downstream of the reservoir, but no assessment is performed to examine if the project would require additional releases from Santa Margarita Reservoir in order to maintain permitted conditions.

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Suggested Action: Revise Section 4.13 as necessary to assess potential impact of the project on necessary downstream releases from Santa Margarita Reservoir.

Comments concerning Section 6.0 (Project Alternatives)

Section 6.8 addresses alternative access routes to the Project, but the evaluated alternatives are limited to road access.

Implementation of conveyer systems and remote loading facilities either in conjunction with or in proximity to the Hanson operations should be evaluated as an alternative. Conveyers could offer all the advantages of the already evaluated alternative access routes with decreased environmental and traffic impacts.

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Suggested Action: Revise Section 6.8 as necessary to evaluate integration of conveyer systems into alternative quarry access schemes.

Robert & Janita Baker
 10650 Little Quail Lane • Santa Margarita, CA 93453
 (805) 438-5569 • email: dulcimers@bluelioninstruments.com

May 29, 2013

Murry Wilson, Environmental Resource Specialist
 Department of Planning and Building
 976 Osos Street, Room 300
 San Luis Obispo, Ca. 93408-2040

RE: Las Pilitas Quarry Project Draft EIR

Dear Mr. Wilson,

We have been following the progress of the Oster Quarry proposal and have several concerns about the project and its impact on our community. It is our understanding that this large scale quarry project would have significant impacts on the community of Santa Margarita and its residents. While we greatly respect private property owners' rights, we feel that this project cannot possibly avoid infringing on the property rights and the quality of life for surrounding neighbors.

With that in mind, we would like to ask the following questions to determine if the EIR, currently under consideration in draft form has effectively addressed the following issues and if the county is prepared to elicit answers and acceptable solutions from the quarry owners regarding:

1. Traffic

Traffic generated by the quarry, consisting of large trucks hauling materials to and from the plant, and traffic incidental to quarry operations and employees. Highway 58 is a narrow two lane rural road with long stretches of road with no shoulders. In many of the curves, it is not feasible for a large semi truck and trailer(s) to execute the curve without crossing over the median line or driving on the shoulder of the road.

--Heavy truck traffic on a road not designed for such loads will cause significant deterioration of the road and incur maintenance costs for the state of California. Having seen what the California Vally Solar Project's heavy truck traffic has done to the surface condition of Highway 58 and the constant repairs that are being effected in order to maintain the pavement is an excellent prototype for what quarry traffic will do to the road. We have friends who are long term residents of California Valley who are now experiencing significant deterioration to their vehicles (suspension problems, rattles, excessive wear on tires, motors, wheel alignment,etc.) due to having to drive over the damaged road surface.

QUESTION: Is there any suggestion that the quarry owners will have to assume any sort of responsibility for road maintenance of Highway 58, or will this expense be the sole responsibility of the taxpayers?

--The trucks will be driving through three blocks of residential homesites and past an elementary school and the main school crosswalk.

--The trucks must cross the railroad prior to entering the main highway running through the town of Santa Margarita.

QUESTIONS: Is there room for a gravel truck with two trailers to safely wait at the stop sign without the second trailer resting on the railroad tracks?

How will the traffic affect the quality of the residential neighborhood through which it will travel, and how will the children attending Santa Margarita Elementary School be protected from the additional traffic and deterioration of air quality due to vehicle emissions of the trucks?

SUGGESTION: An alternate route be constructed for the quarry traffic that does NOT use Highway 58.

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2. Noise

The noise from 200 truck trips a day as well as quarry operations must be dealt with. The area in question is located in a canyon and noise (and dust and fumes) will definitely impact residents on Park Hill Road as well as those on Highway 58.

QUESTION: Do the quarry owners have a plan to ameliorate the noise of quarrying with explosives as well as that of the 200+ daily truck traffic so as to lessen the impact on those neighbors who live next door to the project?

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3. Air Pollution

The dust from quarrying operations, the vehicle emissions from the materials transport trucks, and possible air contaminants from material being brought in to recycle, and trucked out after processing must be addressed. It is a known fact that blasting creates particulate matter that can be harmful when inhaled. Given that there are already two other quarries operating in this area, we are concerned about the air quality and pollution from quarry blasting.

QUESTIONS: Will quarrying operations increase the risk of exposure to Valley Fever, known to exist in this area and dispersed due to soil disturbance? It seems evident, based on the recent outbreak in California Valley at the construction site of the Solar plant, that this is a very real concern.

Who and what will monitor the air quality issues that arise from a mining operation and how often?

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4. Water

Residents in this area are already dealing with a severely limited water supply; residential water wells often produce less than a gallon per minute due to limited supplies in the aquifer.

QUESTIONS: How much water will the quarrying and recycling operations need and what is the source of the water?

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(4. Water, cont.)

Will the operation draw on the aquifer(s) the area residents rely upon and diminish their supply even further? If the operation causes residential wells to dry up, will there be any recourse to those of us who no longer have water?

What steps will be taken to avoid contamination of the two nearby water courses; the Salinas River (which eventually empties out into the Monterey Bay Marine Sanctuary) and the creek which parallels Park Hill road for many miles.

SUGGESTION: Instead of drawing on the aquifer and the Salinas River, require that the quarry truck in water for the quarry operation to be stored on site or else monitor and maintain the current aquifer level through recycling of water or other means.. We are well aware of the costs involved in importing water and that this is a far-fetched solution; however, we respectfully request that the county recognize the extraordinary cost to every resident in the area who would have to drill additional wells or deepen their existing well in hopes of once again having an adequate water supply.

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5. Land use code

There are several homes situated very close to the proposed quarry site; one is approximately 200 feet away from the site. If the quarry is approved, we are concerned not only about the detrimental effect on the property owners in the immediate vicinity of the operation but the fact that their property values will certainly plummet. After all, who would want to live a few hundred yards from a blast site?

QUESTION: Will there be any sort of monetary compensation for the loss in value of the proximal properties and if so, where will that money come from?

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6. Restoration and reclamation

No mining operation can fully restore an area to its former landscape. All too often projects which have a set time line seem to get extensions and amendments to the original permitted use, and since the operation is already in place and has been operating for years, previously prohibited activities become possible "efficient" uses.

QUESTION: Will requirements be in place to prevent the quarry from being left "as is" and/or expanding operations or turning the mine into a new landfill operation, etc.? In other words, what will be done to protect the area in 30 years or at whatever time the quarrying operations cease?

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7. Habitat and wildlife impact

The quarry is sited next to two water courses which are natural migration corridors for a great deal of wildlife and habitat for birds. Considering not only the physical operation of material mining, but the effect of increased noise, traffic and pollution from the operation and the vehicles there will be an impact on the wildlife.

QUESTION: What wildlife, flora and fauna both, will be impacted by the quarry and how will that be mitigated?

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8. Geographic Equity

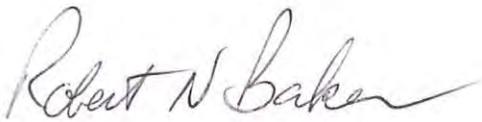
There are two other quarries in close proximity to the proposed Oster Quarry. Both are situated in locations which have far less of an impact on the surrounding communities and both have reserves sufficient to meet the need for quarry product well beyond the 30 year proposed life span of the Oster quarry.

QUESTION: Is it economically sensible to add a third quarry to this area, and are there sufficient benefits in doing so to outweigh the serious negative impact the Oster quarry project will have on this area? What are those benefits?

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We appreciate the opportunity to express our concerns and appreciate your consideration. Thank you for your time.

Sincerely,



Robert and Janita Baker
10650 Little Quail Lane
Santa Margarita, CA 93453
805 438-5569

cc: Debbie Arnold, 5th District Supervisor

EMDS 2-18-11

To the planning commission:

I would like to express my deep concern for the welfare of the people of Santa Marganta, concerning the Quarry and wanting to use Hwy 58 for their many trucks taking the rocks out. We already have Mike Coles, which is enough. I do believe they should find another road into the Quarry up for question now. 200 more trucks a day!!! is crazy for a Hwy. I can not believe the EIR report could approve such a hindrance to the neighbors, + school to pass by + huge maintenance on the Road itself. Then if the Marganta parcels get sold, will have all of their traffic. Please do not OK this project.

Mrs Carol Whitaker
9602 Encina

issue #2 -

I have written my Congressman
about the huge amount of
vineyards in our County (+ State)
which are taking our precious
water supply — and they have
greatly reduced the water table.
Please please put a Moratorium
on any more to be planted.
We do have plenty for
revenue. We need also to grow
food plants.

Thank You for listening to me

Carol Whitaker
805-438-5525

RECEIVED

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Comments on Bicycling Safety & the DEIR for the Proposed Oster /Las Palitas Quarry

Andy Mutziger to: mwilson@co.slo.ca.us
Cc: Red Davis, Dan Rivoire, "Josh SLO Co. BAC ("

06/02/2013 02:07 PM

2 attachments



SMRanchAgCluster-FEIR Section 4.12 Transportation and Circulation.pdf OLP-DEIR-4-Traffic&Circulation.pdf

Andrew Mutziger
PO Box 912
22110 J. St.
Santa Margarita, CA 93453

2 June 2013

Murry Wilson , Environmental Resource Specialist
Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93406-2040

Dear Mr. Wilson,

I am a cyclist and live at the corner of Highway 58 and J. Street, the house on the right just before the first 90° turn heading out of Santa Margarita toward Pozo. I reviewed the Draft Environmental Impact Report (DEIR) for the proposed Oster/Las Palistas quarry and I have the following comments:

Existing Conditions

As a cyclist who rides the stretch of Hwy 58 between the proposed quarry's entrance and Santa Margarita, I attest to the fact that the paved space to the right of the white line on both directions is minimal which makes for challenging riding conditions. Further, the east bound lane has spots where the paved space to the right of the white has eroded away into the travel lane forcing cyclists into the lane and there are also significant drop offs at the road edge along this stretch. These are dangerous existing road conditions for cyclists and they create challenges in the interactions between cyclists and existing vehicular traffic.

Project's Proposed Truck Activity

As proposed, this project would add between 273 and 800 heavy-duty truck trips per day during the 10 hour sales period of 7am to 5pm. This equates to an average of between 0.5 to 1.3 trucks every minute. It is unclear from the DEIR whether average rates are worst case or if peak periods where the truck per minute rate is much higher than the average truck rate is a true worst case. The EIR needs to define the peak truck per minute rate and use this to evaluate the worst case impacts to cyclists.

THE Connector



The truck rate is an important point because this stretch of Hwy 58 is THE connector for cyclists to access and return from many north county rides that include roads such as: Pozo Road, Las Palitas Road, Park Hill Road, Black Mountain Road, High Mountain Road, Rinconada Trail, High Mountain Lookout Road, Huer Huero Road, Hwy 229, O'Donovan Road, La Panza Road, Shell Creek Road, and Bitterwater Road. Groups and individual cyclists use this stretch of Hwy 58 between the proposed quarry's entrance and Santa Margarita every day of the year.

DEIR Deficiencies & Needed Corrections Relative to Bicycling

Leaving this stretch unchanged and adding substantial heavy-duty truck traffic as the project's DEIR proposes would 1) be a different impact to cyclists than that from existing or future light-duty traffic (impacts evaluated & mitigated in the Santa Margarita Ag Cluster FEIR *-see note below for specifics), 2) exacerbate the already dangerous existing conditions for cyclists, and 3) eliminate for the life of this proposed project existing, historic cycling routes as viable ride options for all but the bravest (or fool hearty) cyclists. I'm not an expert of the specific incompatibilities between heavy-duty trucks and cyclists on two lane roads without adequate shoulders, but from my experience on this stretch of Hwy 58 I can tell you that being passed by one of these trucks is a substantially more uncomfortable experience than being passed by a personal vehicle.

The Traffic and Circulation section of the DEIR includes only four sentences on Bicycle Facilities and states that "shoulder widths vary along SR 58 and cannot always accommodate bicyclists (Page 4.11-11: See Attached Oster/Las Palitas DEIR Traffic and Circulation Section). Beyond that, the DEIR does not properly formalize the impacts that the proposed added heavy-duty truck traffic would have on the experience and safety of cyclists and the historic cycling routes that use this key connector nor does it define appropriate mitigation measures to bring these impacts to a level of insignificance.

Currently, the two relatively short duration (3 years or so) solar construction projects in the California Valley use this same stretch of Hwy 58 to hauling aggregate to their locations. using the same kind of heavy-duty trucks as are proposed by the long-term Oster/Las Palitas Quarry. On 19 March 2012, the construction liaison and assistant project manager for the First Solar/Topaz solar farm project, spoke to concerned Santa Margarita area residents about the effect of their project adding about 100 truck trips per month through Santa Margarita and Hwy 58. The solar farm representative stated that it's probably a good idea to avoid riding bikes on Highway 58 during weekdays until construction is over (see: www.newtimeslo.com/news/7504/first-solar-talks-trucks/). By this statement, it is clear that even with lower solar project heavy-duty truck traffic, at least one of the solar projects recognizes the incompatibility for cyclists that adding trucks to Hwy 58 presents.

Project Must Contribute its Fair Share to Mitigating Truck Trip Impacts to the Cycling the Project Effects San Luis Obispo County is simply an amazing place to ride bicycles. Our area has beautiful scenery and destinations that cyclists enjoy. It's relatively light traffic (compared to major urban areas) and its terrain creates a variety of safe and challenging riding opportunities which have made it attractive to many daily as well as annual organized rides that draws cyclists from all over. For these reasons and due to the support of our local cities and businesses, our area has been one of the mainstays in the professional Tour of California. The draw for cycling throughout SLO County is not by accident, but by design through the efforts of County and City Bicycle Advisory Committees, the SLO County Bicycle Coalition, local cycling clubs and advocates, and from local decision making bodies (planning commissions, city councils, the board of supervisors, and SLOCOG) who implement improvements to infrastructure and safe connectivity that are identified in adopted bicycle plans. The Oster/Las Palitas

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EIR must adequately address and mitigate its impacts to cycling because otherwise the project would undermine progress that has been made by decades of good effort.

I don't know what the numbers are, but there is an economic importance that cycling brings to our area not only through the many benefits of cycling tourists but also because it's filled with bicyclists who live here in part because of the varied riding opportunities and the cycling culture that SLO County offers. How else could so many bicycle shops thrive together in a relatively small rural county?

I have heard/read and support the cycling related concerns about this project that have come from organizations like the SLO County Bicycle Advisory Committee, SLO County Bicycle Club, the SLO County Bicycle Coalition, and my cycling friends. Should this project move forward, the FEIR must properly formalize the impacts that the proposed added heavy-duty truck traffic would have on the experience and safety of cyclists and the historic cycling routes that use this key connector and define appropriate mitigation measures to bring these impacts to a level of insignificance. Since the Santa Margarita Ranch Agricultural Cluster project is required to mitigate its impacts to cyclists (see Note below), the Oster/Las Palitas Quarry must be held to the same standard. The Ag Cluster project is required to improve cycling safety from the Santa Margarita cemetery to Santa Margarita. The quarry must do its fair share by improving the cycling safety from its entrance to the corresponding improvements made by the Ag Cluster. The Ag Cluster FEIR found that its fair share for cycling mitigation was feasible so the quarry's fair share must also be found to be feasible in the Oster/Las Palitas FEIR.

Please let me know if you have any questions and I look forward to receiving your response my comments and reviewing your response to the other cycling advocacy groups/individuals that provide comments on the Oster/Las Palitas DEIR.

* Note: The text in the Santa Margarita Agricultural Cluster FEIR dated June 2008 properly defined conflicts between automobiles and bicycles from the increased traffic of the cluster development to be significant but mitigable. This document defined adequate mitigation (T-1(a): see attached Santa Margarita Ag Cluster Traffic and Circulation Section) for these conflicts to be: 1) Widen both sides of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision eastern site access) to provide four foot shoulders and/or bike lanes in accordance with County standards and 2) Install radar feedback signs and advisory speeds on each approach to the 90-degree on SR 58 near J Street. On 28 December 2008 the Board of Supervisors changed mitigation measure T-1(a) by removing the four foot shoulder/bike lanes requirement for this stretch of Hwy 58. As an alternative to that stricken measure, the Board added standard 2k to the Conditions of Approval for Tract 2586 – Exhibit D page 12 (see: http://slocounty.granicus.com/MetaViewer.php?view_id=2&clip_id=608&meta_id=122755 & http://slocounty.granicus.com/MinutesViewer.php?view_id=2&clip_id=608). This added standard states that Prior to Phase 1 map recordation State Route 58 shall be widened along both sides of the cemetery frontage or a Class 1 bike path from the cemetery to J Street shall be installed as approved by Caltrans, Public Works and the Department of Planning and Building.

Sincerely,
Andrew Mutziger

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DEIR Comments & Win-Win Solution for Truck Issues Associated with the Proposed Oster /Las Palitas Quarry

Andy Mutziger to: mwilson@co.slo.ca.us

06/03/2013 10:53 AM

"bcuddy@thetribunenews.com", "kleemann@slonet.org",
Cc: "babaknaficy@sbcglobal.net" , "info@laspilatasresources.com"
 , "boardofsups@co.slo.ca.us"

2 attachments



2011TrafficCountsOn58_cr.jpg 2011TruckPercentagesOn58.jpg

Andrew Mutziger
PO Box 912
22110 J. St.
Santa Margarita, CA 93453

3 June 2013

Murry Wilson , Environmental Resource Specialist
Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93406-2040

Dear Mr. Wilson,

I live at the corner of Highway 58 and J. Street, the house on the right just before the first 90° turn heading out of Santa Margarita toward Pozo . I reviewed the Draft Environmental Impact Report (DEIR) for the proposed Oster/Las Palistas quarry and I have the following comments and a win-win superior alternative that needs to be considered . I offer this in the spirit of helping the EIR provide full disclosure and finding a workable solution for everyone.

Project's Proposed Truck Activity

As proposed, this project would add between 273 and 800 heavy-duty truck trips per day during the 10 hour sales period of 7am to 5pm. This equates to an average of between 0.5 to 1.3 trucks every minute. It is unclear from the DEIR whether average rates are worst case or if peak periods where the truck per minute rate is much higher than the average truck rate is a true worst case . The EIR needs to define the peak truck per minute rate and use this to evaluate the worst case impacts for traffic and air quality.

90° Curve at 58 and J. St.

It may be technically feasible for tandem gravel trucks to not over track at 90° corner of 58 at the end of my property, but the reality I see is that over tracking is common. This reality and adding the proposed project's 273 to 800 new truck trips per day on this corner seems to be a recipe for accidents. From my personal observation, the EIR understates this risk and it must do a much more thorough evaluation and define proper mitigation to bring this risk to a level of insignificance (see the No-truck alternative



discussion below).

Truck Counts

Page 4.3-7 of the Oster/Las Palitas DEIR's Air Quality Section says:

SR 58 currently carries average daily traffic volumes that range from 7,200 in the vicinity of US Highway 101 to 1,850 adjacent to the project site. About 3 percent of this traffic volume is heavy trucks, which is typical for highways that do not carry a high proportion of inter-regional truck traffic (such as SR 46, the next major east-west route north of SR 58).

The following is a quality check of this statement :

Ahead Annual Average Daily Trips (AADT) usually represents traffic north or east of a traffic count location

Back Annual Average Daily Trips represents traffic south or west of a traffic count location

2011 Traffic counts for Hwy 58 can be found on page 84 of the following document:

<http://traffic-counts.dot.ca.gov/2011TrafficVolumesAug2012.pdf> found on page:

<http://traffic-counts.dot.ca.gov/>

or see attached file for a screen shot of this information : 2011TrafficCountsOn58_cr.jpg

2011 Truck traffic counts for Hwy 58 can be found on rows 3211 to 3217 in the following spreadsheet: <http://traffic-counts.dot.ca.gov/2011Truck.xlsx> found on page:

<http://traffic-counts.dot.ca.gov/>

or see attached file for a screen shot of this information : 2011TruckPercentagesOn58.jpg

Based on the 2011 Caltrans Data, the total existing traffic volumes are as follows:

- 58 also known as El Camino Real in Santa Margarita has an AADT of 6900
- 58/J St. has an AADT of 2800
- 58/Pozo Rd. the traffic going back and forth on 58 in front of the proposed quarry's entrance has an AADT of 1800
- 58/Parkhill Rd. the traffic going back and forth on 58 at a point just NE of Parkhill Rd. has an AADT of 880
- 58/229 the traffic going back and forth on 58 at a point just NE of 229 has an AADT of 790

Based on the limited 2011 Caltrans truck count data, the existing truck traffic volumes and percentages are as follows:

- 58 also known as El Camino Real in Santa Margarita has an AADT of 6900 & a Truck AADT of 428 or 6.2% of the total existing trips
- 58/229 Back AADT of 880 (matches up with traffic volumes measured on 58 at a point just NE of Parkhill Rd.) has a Truck AADT of 48 or 5.4% of the total existing trips
- 58/229 Ahead AADT of 790 (matches up with traffic volumes measured on 58 at a point just NE of 229) has a Truck AADT of 111 or 14% of the total existing trips.

Therefore, based on the most current Caltrans data, the DEIR's existing truck count statement

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underestimates the actual numbers by about half; a value of 6% better estimates the existing truck traffic on Hwy 58 between the project's entrance and Hwy 58/J Street:

- At 58/J. St.: Total current AADT is 2800 with about 168 of those trips being trucks (6%)
- At proposed quarry entrance: Total current AADT is 1800 with about 108 of those trips being trucks (6%).

Adding the proposed project's average daily truck trips of 273 (1 new truck every two minutes) results in the following new truck percentages:

- At 58/J. St: Total AADT would increase to 3073 with 441 of those trips being trucks for the new truck percentage being over 14%; a 2.6 multiplier increase in trucks from the existing number.
- At proposed quarry entrance: Total AADT would increase to 2073 with 381 of those trips being trucks for the new truck percentage being over 18%; a 3.5 multiplier increase in trucks from the existing number.

Adding the proposed project's maximum daily truck trips of 800 (1.3 new trucks every minute) results in the following new truck percentages:

- At 58/J. St: Total AADT would increase to 3600 with 968 of those trips being trucks for the new truck percentage being over 26.5%; a 5.8 multiplier increase in trucks from the existing number.
- At proposed quarry entrance: Total AADT would increase to 2600 with 908 of those trips being trucks for the new truck percentage being almost 35%; an 8.4 multiplier increase in trucks from the existing number.

Should this quarry project move forward as proposed, it will negatively change the relatively peaceful rural Hwy 58 route that residents like myself have enjoyed living on by increasing the number of existing noisy, sometimes stinky, and rumbling truck traffic by the factors identified above. The project's DEIR needs to address the toll that this substantial increase in truck traffic would have (in perpetuity) to the quality of life of our community and particularly to the businesses and folks who live on this proposed route who will take the brunt of the loss of peace that would come with the added trucks. Our community members live here in part because of the peaceful quality of life that this area has historically provided. If this project moves forward with the proposed truck traffic, some of that quality of life shall be taken. The DEIR needs to show how this impact is going to be mitigated.

A No-truck option for getting processed and materials to be recycled back and forth from the proposed project location to an export staging area

The truck traffic for this proposed project is a major issue for the community, safety, the residents along the route, traffic, cyclists, air quality, etc. Being that there are so many issues with the truck traffic, the DEIR needs to evaluate an unexplored superior alternative for moving processed and materials to be recycled back and forth from the proposed project location. This alternative is a conveyor from the proposed site to an area that could be purchased/leased where loading of trucks and or rail cars can be facilitated with trucks gaining access to El Camino Real with an agreement between the applicant and the Hanson quarry. The applicant has noted that they looked at running a road through to the Hanson property, but found that building a bridge to cross the Salinas River would be unfeasible. That may be true, but running a conveyor over the river should be much easier technically.

County Planning understands the challenges of approving this proposed quarry with its proposed significant increase in truck traffic and they understand the challenges of the applicant securing an allowance from the Hanson quarry to use their railroad crossing. For the superior alternative of using a



conveyor to move the project's materials to be realized would require the County to work closely with the applicant, Hanson, the Santa Margarita Ranch, the Ag. Commission, etc. to create agreements, necessary zoning changes, etc. This solution would mean that the applicant would not be on the hook for bicycle lanes to connect to those required of the Santa Margarita Ranch * (for specifics about the need for this requirement for the Oster/Las Pilitas quarry, see my 2 Jun 2013 2:07 pm Email to you with the following subject: Comments on Bicycling Safety & the DEIR for the Proposed Oster/Las Palitas Quarry). Further, the air quality impacts from the trucks that are identified in the DEIR would be reduced as would the needed mitigation by the applicant to reduce those impacts to a level of insignificance. Further, if rail can be integrated in to the material export, the project could take credit for further reductions in truck emissions. These project savings can be used to help fund the superior conveyor alternative. This creative, out of the box solution provides win-wins that can be supported by most. Clearly, every alternative has their own challenges but a conveyor option seems like it may be the least challenging.

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* Note: The text in the Santa Margarita Agricultural Cluster FEIR dated June 2008 properly defined conflicts between automobiles and bicycles from the increased traffic of the cluster development to be significant but mitigable. This document defined adequate mitigation (T-1(a): see attached Santa Margarita Ag Cluster Traffic and Circulation Section) for these conflicts to be: 1) Widen both sides of SR 58 (from El Camino Real to the Agricultural Residential Cluster Subdivision eastern site access) to provide four foot shoulders and/or bike lanes in accordance with County standards and 2) Install radar feedback signs and advisory speeds on each approach to the 90-degree on SR 58 near J Street. On 28 December 2008 the Board of Supervisors changed mitigation measure T-1(a) by removing the four foot shoulder/bike lanes requirement for this stretch of Hwy 58. As an alternative to that stricken measure, the Board added standard 2k to the Conditions of Approval for Tract 2586 – Exhibit D page 12 (see: http://slocounty.granicus.com/MetaViewer.php?view_id=2&clip_id=608&meta_id=122755 & http://slocounty.granicus.com/MinutesViewer.php?view_id=2&clip_id=608). This added standard states that Prior to Phase 1 map recordation State Route 58 shall be widened along both sides of the cemetery frontage or a Class 1 bike path from the cemetery to J Street shall be installed as approved by Caltrans, Public Works and the Department of Planning and Building.

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Please let me know if you have any questions and I look forward to receiving your response to my comments and reviewing the responses to other groups/individuals that provide comments on the Oster/Las Palitas DEIR.

Sincerely,
Andrew Mutziger

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RE: Las Pilitas Quarry - Draft Environmental Impact Report (DEIR) Comments & Questions

Chip Greene to: mwilson

06/05/2013 10:14 AM

Murry Wilson, Environmental Resource Specialist
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: Las Pilitas Quarry – Draft Environmental Impact Report (DEIR) Comments & Questions

Dear Mr. Wilson,

I am a property owner along highway 58 in Creston, near Santa Margarita and I am forwarding to you my comments and questions after reviewing the DEIR for the proposed Las Pilitas Quarry (LPQ).

Along with many other property owners that will be negatively impacted by the LPQ, I wanted to let you know of my strong opposition to this project for two primary reasons:

1. Safety

This project, as proposed, will endanger the safety, of the many people, who live, work, shop, and travel through this area.

2. Quality of Life

The decision to allow another industrial use in this small community continues a pattern of change to the character of Santa Margarita from that of a quaint, historical village to an ever expanding industrial region, stripping away the area's current quality of life in an unbalanced way.

Safety

Let me begin by saying that I am a strong proponent of people's rights to use their properties in any manner they choose, be it for personal or commercial use, so long as it does not violate laws or codes, and most importantly does not impact the safety of others.

SR 58 was never intended for the type of truck traffic that it will have to support if LPQ is approved. Although, the Hansen Quarry has a road that connects to SR 58, it uses its access point on El Camino Real for all its truck traffic. Having traveled SR 58 many, many times, over more than 30 years, in different sized vehicles, sometimes towing a small trailer, I can assure you that it takes extreme caution and 100% attention to the road and current conditions, to drive this route safely. The route is narrow, with many off camber turns, blind turns, steep sections, and small soft shoulder areas. Often the roadway will be wet from fog and mist, and sections of the road that sit at the bottom of natural drainage areas, will fill with mud and debris, causing further danger. I also use SR 58 for recreation on my bicycle and my motorcycle, along with many others. This route is appropriate for this type of use, given the light footprint that bicycles and motorcycles make on the road. They fit easily within the narrow lane, in each direction, and they

do not damage the asphalt.

I believe that the trucks that will be allowed to operate on SR 58, if LPQ is approved, will not be able to stay in their lane 100% of the time, and the resulting “off-tracking” which would cause portions of the rig to go off onto the soft shoulder or cross the center line of the highway, will be the cause of accidents, injuries and even deaths to occur. This “off-tracking” onto the soft shoulder will force rock, dirt and debris onto the roadway. In addition, I believe that these trucks will drop dirt, rock and debris, from their loads and from their tires, in route to and from this dirty, rocky quarry or dirty, rocky construction sites. These two situations will cause a dangerous condition for bicyclists and motorcyclists as even small amounts of dirt or rock on the roadway can cause an accident, even at slow speeds, especially when cornering. The rock and debris will also be picked up in the tires of other passing vehicles and shot backward at following traffic, causing vehicle damage and possible injury. When you add in the occasional moisture from the atmosphere and water run-off from the hills, onto this roadway, you multiply the potential for accidents to occur. And finally, I suggest that you factor in that these truck drivers have schedules to meet. Time is money to them and their employers. They will occasionally get behind on deliveries, or be distracted by talking or texting on their cell phones, or become impatient with slow country drivers on the SR 58, or experience mechanical failures with their trucks, or have to slam on their brakes for a darting animal in their path. This scenic, rural, windy country road leaves almost no margin for error. Allowing an average of 200 trips per day, by these long, double tractor trailer gravel trucks, presents the county with many opportunities for a terrible accident, if LPQ is approved.

Questions

- Does the DEIR measure the need for increased law enforcement on the SR 58 and how much will it cost?
- Does the DEIR sufficiently study the additional need for roadway repairs needed to repair damage from these heavy trucks traveling this route, especially when the asphalt is hot and soft in the warmest months, and the breakdown of the edge of the roadway resulting from “off-tracking” of these trucks and how much will the increased wear and tear on the road cost?
- Does the DEIR sufficiently study the need for increased monitoring and maintenance to keep the SR 58 free of dangerous dirt, rock and debris from the “off-tracking of these trucks and water and mud slides from the surrounding hills and how much will these activities cost?
- Does the DEIR sufficiently study what modifications and improvements need to be made to the SR 58 to safely allow this new truck traffic to exist and who will pay for those improvements?
- Does the DEIR study whether it may become necessary to purchase private land, in order to widen the SR 58 to allow these trucks to drive safely on this route and how will that acquisition of private land be handled?
- Does the DEIR study how the trucks will handle the situation when they encounter bicyclists or much slower traffic such as vehicles towing horse trailers, or the occasional slow moving farm equipment that uses the roadway? Will they attempt to pass or just sit patiently behind these other users of the roadway until they have cleared? Will passing



this type of slower traffic on a daily basis, be safe for oncoming traffic? Will it be realistic to expect these truck drivers to wait, causing them delays in their routes, until such other traffic clears?

- Does the DEIR study the issue of the county’s shared responsibility with LPQ for injuries or deaths that may occur, involving an LPQ vehicle, on a route that has been deemed “Not advisable for Trucks with Trailers”?
- Does the DEIR merge the overall impact of the combined traffic resulting from the Santa Margarita Ranch Residential Ag Cluster and LPQ and any Hansen Quarry expansion or extentions?
- Does the DEIR adequately address the type and quantity of trucks that will be allowed/required to bring in the raw material for recycling at this quarry?
- Does the DEIR give realistic solutions to address where the truck staging will take place for trucks waiting to turn into the property at peak operating times and how will it affect other traffic attempting to pass by the entrance to the LPQ quarry?
- Because of the adjacency of the Hansen Quarry to the proposed LPQ, it would be conceivable for the LPQ trucks to drive through the Hansen Quarry and use their ingress/egress point on El Camino Real, thus avoiding the heavy impact on SR 58. Even though, it would require the owners of the LPQ to contract with the owners of the Hansen Quarry for that access, it could be accomplished and would simply be a cost of doing business in this area. Does the DEIR consider the feasibility of this alternative arrangement?

Quality of Life

Our family acquired our first property beautiful piece of property in Creston over 30 years ago as a second home. We selected it after viewing many properties in towns stretching from the northwest corner of San Luis Obispo County all the way down to the southwest corner of San Diego County. We looked at towns like Cayucos, Paso Robles, Santa Ynez, Ojai, and all the way down to Fallbrook and Julien. But the place that offered the beautiful landscape and small town charm that we were seeking was found in the area surrounding Creston and Santa Margarita. We have seen changes over those past 30 years, but the area still retains the charm, the beauty and the reputation that it held when we first bought here. But now, we are concerned that all of it is being threatened. This area is at a crossroads and we felt it was time to weigh in on that which is more difficult to measure; the quality of life. As Santa Margarita evolves, we want to see it do so in a way that promotes tourism, responsible but limited home development, support for its ranching roots and preservation of the beauty of the land, the availability of usable water, the cleanliness of the air and the peaceful enjoyment that we receive from our property today. What we don’t want to happen is for a gradual shift away from those qualities and toward that of a town that is “Open for Business” for dirty, noisy and disruptive uses, such as rock quarries and trucking operations, blasting rock, consuming large quantities of our limited water supply, causing traffic delays and potential dangerous driving conditions, displacing nearby residents, and irreversibly changing the reputation of the town. This LPQ project is poorly sited and adds nothing to the quality of life in this area, but will do plenty to take away from it.

This project may also be a thorn in the county’s side for years to come, due to litigation,



monitoring and enforcement of the conditions that will be required for LPQ to operate within the guidelines of its approval. Many government agencies incur significant, unanticipated costs due to the operation of facilities similar to LPQ. In Washington and Oregon, employees of Glacier Northwest (formerly Lone Star) have pled guilty of pollution violations for the unauthorized dumping of pollutants into Lake Union. In another incident, the company was fined \$250,000 for dumping contaminated waste water into a lagoon in Oregon City. In still other incidents the company was fined for blasting rock into water channels and into neighboring properties. In Marin County there is a long-running legal dispute over a century-old rock quarry in San Rafael, with neighbors, Marin County and the state all filing lawsuits to protect the community from excessive dust and debris. The lawsuits accuse the San Rafael Rock Quarry of digging deeper, mining more rock, causing more dust and sending more rock-laden trucks on the roadways than its own stated plans and state and county regulations permit. They are also being accused of putting up several buildings without permits. In 2011, a citizens group opposed to the Roblar Road rock quarry, sued the County of Sonoma and the quarry owner. They claim that operations at the planned 70 acre quarry would harm water and air quality in the area and impact traffic, wildlife and nearby county-protected open space and that the issues and the safeguards needed to address them, were not sufficiently studied and spelled out in the county's environmental review of the quarry. In 2012, the city of Temecula, California filed a lawsuit against Riverside County claiming the county didn't comply with CEQA when approving Granite Construction's EIR for supporting the Liberty Quarry. The suit claims that the county was negligible in providing information to the public. At the time, the city had already spent \$1.4 million in taxpayer money on legal fees, studies and consultants. In Rutherford County, TN, the County Commission has been in litigation since 2008 with the Rogers Group, who operate the Murfreesboro-Rutherford County Quarry, over issues relating to the requirements that the quarry be set back at least 1,500 feet from surrounding homes. The city of Shelbyville, TN and its Board of Zoning Appeals (BZA) has been embroiled in a \$10 million lawsuit for years over a proposed quarry. The applicant, Wright Pavement Company and Custom Stone LLC just this week, filed a new state lawsuit against the city. In Westerly, RI, Copar Quarries and Westerly Granite Company are suing their town, for \$10 million, claiming that they are the victims of a conspiracy against them and that their constitutional rights have been violated. It appears that litigation follows these quarries around, no matter where they go. I urge the applicants of the LPQ to consider a business plan that doesn't rely so much on the concessions and sacrifices of its neighbors.

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Questions

- Does the DEIR adequately weigh or balance the value and the need for extracting mineral resources by the LPQ project against the value of open space, the recreational and agricultural qualities and the quiet enjoyment of surrounding properties by current residents?
- Does the DEIR consider allowing existing quarry operators in this area, including Hansen Quarry and Rocky Canyon Quarry, to expand adequately to meet any increase in demand for its product so as to avoid the need to allow for the approval of a new quarry that has yet to prove it can operate safely?
- This use appears to be incompatible with the surrounding properties along SR 58, as they are mostly residential. The noise, traffic, dust, etc, will cause some nearby residents to feel the need to move to regain the quality of life they enjoyed prior to the location of this quarry near their properties. The residents would also most likely be impacted by

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experiencing a lower property value due to the impacts of the quarry. Does the DEIR evaluate these impacts to the neighbors near the LPQ and is it considered fair and reasonable for them to bear the burden of this development?

- Does the DEIR factor in the possible costs of litigation during this approval process and litigation that may result from the monitoring, and potential enforcement of conditions set on the quarry, as is the case with many quarries located across the country? A simple search of the internet turns up scores of past and current litigation between quarry operators and the municipalities in which they operate or propose to operate. Who will bear this seemingly inevitable cost?

Thank you for incorporating my comments and questions into your review of the DEIR for the Las Pilitas Quarry.

Warmest regards,

Chip Greene

4350 Calf Canyon Highway

Creston, Ca 93432

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Re: Comment Form - Proposed Las Pilitas Quarry Project - correction

Jill Gallagher to: mwilson

06/05/2013 08:39 AM

Cc: Gallagher Jill

Correction: Should be "Hwy 46 from Kern County to Paso Robles" not Hwy 41,
thank you,
Jill

On Jun 5, 2013, at 8:18 AM, Jill Gallagher wrote:

Date: 6/5/13

Name: Jill Gallagher

Address: 9177 Huer Huero Road
Creston, CA 93432

Mailing Address: PO Box 20
Santa Margarita, CA 93453

Phone: (805) 438-3101

email: Jill@imprintd.com

Comment:

I do NOT want the Quarry Project to happen because of the increased traffic of trucks on the Hwy 58, a county highway, and in turn making Hwy 58 become a dangerous road. I have reasons to support my statement.

1. Hwy 58 was not made for the type of truck traffic that is proposed by the owners of the Quarry. There are no turning lanes to get on or off of Hwy 58 and there is no areas on the side of the road for cars to pull off to the side to get around those trucks that will be turning into the Quarry or getting back onto Hwy 58. In the mornings this will be extra hard as people are hurrying to get to work or get their children to school. People will take risks to get around the trucks and this will be very dangerous to all.

2. Their is no place for the trucks to pull off the road when they are waiting to enter the Quarry when more trucks are called for when there is a big push. I have seen this happen with the Hansen Quarry, when a lot of trucks are needed, they are lined up along the side of the road on El Camino Real waiting to get into that Quarry. Hwy 58 does not have a "side of the road" that can hold those trucks let alone one truck. Again, cars will try to get around them or bottle neck the road, which causes frustration and this causes people to make costly/deadly mistakes.

3. There is no turn around for a truck that should pass the Quarry, if they missed the entrance. There is no place were they can just drive up the road and turn around to come back to the missed turn into the Quarry. This would put large trucks going up Hwy 58 trying to turn around at the corner of Parkhill Road and Hwy 58, which would make a dangerous situation as people come down the Hwy 58 curves (west bound) to a truck in the middle of the road trying to turn around.

4. And lastly of why I don't want this Quarry, as trucks are entering and exiting the Quarry, with no passing lanes, those members of the public that travel on Hwy 58 to and

from work daily will try to pass the trucks in "not safe" areas - putting every ones lives at risk. This happened on Hwy 41 until the new lane was added and does happen on Hwy 166 with large trucks and passing cars. And has happened when large trucks try to pass other trucks as well. People die. Then the road is deemed a "Dangerous Road".

I don't want our beautiful scenic Hwy 58 to become a Dangerous Road because of the increase of trucks which makes more traffic then our day to day traffic for those living along this Hwy 58. I do NOT want this Quarry Project to happen.

Jill Gallagher

Jill Gallagher

PO Box 20

Santa Margarita, 93453

805-235-2129 cell

805-438-3101 home



William Arkfeld, PE
9135 Santa Margarita Rd
Atascadero, CA 93422

May 5, 2013

Comments – Las Pilitas Quarry

General Comment: The proposed project is substantially in conflict with the nature of the area where it is proposed. This project includes unmitigated impacts to traffic, noise, air quality, etc and is not an essential resource considering the neighboring Hanson Quarry. The project as proposed is unacceptable and should be denied. Therefore the “No Project” alternative is clearly the most appropriate choice for this project.

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However, the remaining comments are focused on mitigation measures that would make this project acceptable IF all are implemented. My comments will focus on Tables ES-1.

Table ES-1 – Lists potentially significant environmental impacts that can be fully mitigated to a level below significance. I disagree with the following conclusions made in this table.

1. AES-3: Nighttime Glare: The night sky in the project area is not significantly polluted by light currently. Astronomers (including the local astronomy group) and residents place a very high value on the night sky. Compliance with a County ordinance to prevent light pollution is not adequate. The standard for this project should be no light pollution permitted.
2. AG-2: Introduction of Invasive Species: Invasive species can have impacts well beyond the stated impacts to agriculture. Because the project is near a river and a highway, the potential for spreading invasives along these two features is substantial. To prevent spreading of invasives, this project should be required to do the following: A) Remove all invasive species from the quarry property before the quarry operation begins, B) Survey the Salinas River and Highway 58 for invasive species. C) Implement a long term monitoring plan to monitor the Quarry, Highway 58 and the quarry site for invasive species, D) Establish an invasive species remediation fund to ensure adequate funding of this mitigation measure throughout the life of the project.

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3. AG-3: Dust Generation: Dust will be a bigger impact than the EIR indicates. A visit to other quarries and construction sites can easily demonstrate that dust is a much bigger problem than this EIR indicates. To mitigate dust, the roads throughout the quarry and haul route should either be paved or treated properly with a dust palative. Dust control within the quarry operation is likely to be nearly impossible to fully control, so a substantial amount of water will be needed (i.e., far more water than project by the EIR). The size of the active quarry operation should be decreased to also minimize dust. Dust monitoring equipment should be installed around the quarry to protect the local residents.
4. AQ-2b: Naturally Occurring Asbestos: The soils throughout the quarry should be tested and evaluated by a registered geologist to determine whether NOA is present. If NOA is present, the quarry should not become operational because it will be impossible to completely control NOA emissions from the quarry.
5. Bio-1, Bio-2, Bio-3, Bio-4, Bio-5, Bio-6, Bio-7, Bio-8, Bio-9 and Bio-10: Biological Impacts. All the listed impacts to biological resources are significant. This project warrants a fulltime environmental monitor who is not the employee for the quarry to monitor and protect biological resources. The Monitor needs to have the power to shut down the quarry operation when necessary to protect biological resources.
6. Bio-10: Effects on Wetland or Riparian Habitat: We should already know whether the “Seasonally Flooded Vernal Swale“ is a wetland or riparian habitat. Why don’t we? If it is a wetland, than it should be protected. If it can not be protected, then a mitigation wetland should be constructed. Retention basins are not adequate to function as wetland or riparian impact mitigation. Also, the Regional Water Quality Controlled Board should be consulted regarding wetland and riparian impacts.
7. Geo – 3: Soil Erosion and Loss of Topsoil: All top soil removed from the quarry site must be maintained to preserve the soil’s biological characteristics until it is needed for reclamation. Protecting the soil from wind and rain is critical preserve this resource. Simply stockpiling topsoil will not preserve this resource adequately.
8. Geo-4: Changes in Surface Runoff and Drainage Patterns: Although I agree that retention basins are needed for this project, the project needs to be carefully evaluated for changes in water and sediment runoff that could affect downstream waterways. When the retention basins overflow, the water leaving these basins could cause significant erosion as its discharged (i.e., this water could be “hungry” because it is relatively clean). Changes in the fluvial geomorphology of the creek and the Salinas River downstream need to be investigated.
9. Haz-2: Release of Hazardous Materials or Waste: This section of the EIR is missing a list of regulatory requirements.
10. LU-2: Compatibility with Land Uses in the Santa Margarita Community: This project is not compatible with the community as proposed. Specifically, the project impacts: bicycling on Highway 58, increases truck traffic to an unacceptable level, endangers children going to and from school, diverts traffic into residential areas, increase noise and



air pollution. These impacts are not adequately mitigated. One solution would be to route the quarry trucks through the Hanson quarry. Another solution would be to construct a new road east of the Elementary School, if possible.

11. WQ-1: Alteration of Runoff Water: From my experience at other quarries and similar type projects, the impacts to water quality are more significant than discussed in this EIR. Over time, the quarry operators will cut corners to save money and time. To mitigate this deficiency, a water quality monitor should be hired to inspect the operation at least weekly to ensure no impacts to surface and groundwater occur. This WQ monitor should not be the employee of the Quarry and should have the power to shut down the operation if warranted.

12. WQ-2: Alteration of Groundwater: In addition to septic discharges threatening groundwater, the retention basins do as well. Unless the retention basins are lined, any contaminates that flows into these basins could migrate to groundwater. The water in the retention basins should be monitored at least monthly.

Traffic Study: I attempted to review the Traffic Study included with the EIR, but I could not. The primary reason is that it contains variables that are not defined. The Traffic study needs to be rewritten so lay people can understand it. The traffic study appears to substantially be downplaying the impacts of the proposed truck traffic.

Conclusion: Again I find that the only acceptable alternative is the “No Project” alternative. If this project were to be significantly decreased in size (land area, production and maximum truck traffic) and ALL the mitigation measures I proposed above were implemented, it may be appropriate to re-propose this project.

Thank you for the opportunity comment.

William Arkfeld, PE



Mr. Murry Wilson

SLO County Planning and Building

Sent Via Email

June 4, 2013 Re: Comments on Las Pilitas Quarry DEIR

Dear Murry,

I am a land owner since 1969 of a family property adjacent to The Santa Margarita Ranch along Trout Creek in the Upper Salinas Watershed. I have experienced firsthand the gradual piece mealing and degradation of 1000's of acres of beautiful untouched oak woodlands and fertile valleys there lined with pristine perennial streams. Over development of water resources and continued drought are depleting this delicate watershed and these streams are dying along with the fish and wildlife that depend on them. The Ostar Quarry will compound these problems.

The Upper Salinas River and its Tributaries are of the highest ecological value and importance not only to threatened fish and wildlife recovery in California, but also to the Community of Santa Margarita and generations of small local family farms and ranches who rely on clean perennial water too. This watershed is critical to the recovery of SC steelhead that STILL spawn there having traveled all the way from Monterey County. Just 15 years ago Trout Creek was a perennial stream clear and cold all summer long. We still had an occasional steelhead run up our creek in high flow years. That has all changed now, with large scale agriculture already depleting local watersheds and a housing development proposal adding 800 miles of looping water lines, many wells, 3 large reservoirs and over 1200 acres of vineyards just downstream.

The Proposed Quarry will further degredate the Salinas River. It is important to preserve what is left of these life supporting bodies of water in California. The Salinas River and its tributaries are CRITICAL HABITAT for a multitude of rare plants, endangered species and a wide variety of wildlife. Clean running rivers and streams are critical habitat too for future generations of local ranchers and families to come. This Quarry project is not suitable for this area and its many impacts are simply not mitigable. Please consider the NO PROJECT alternative.

Sincerely,

Miranda Joseph-

Po Box 1038

Santa Margarita, CA 93453

Comments to follow:

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Comments:

- 1. Cal Recycle –
Has Cal Recycle been part of the DEIR process? Are they working closely with the county to figure out all the details and mitigations for what seems to be a large scale broken concrete and asphalt crushing plant?
Who will oversee this and the mitigations?
- 2. Cal Trans –
Has Cal Trans weighed in on the DEIR? The Santa Margarita Ranch Ag Cluster Subdivision required the applicants (Santa Margarita Ranch) to fix the dangerous S curve on J st.?-The Ranch has not done this. When will they be required to?
Will this be addressed and fixed before allowing HUNDREDS MORE trucks through that dangerous narrow, winding road, through town, and RIGHT past the Elementary School?
- 3. There is mention of SOME of the cumulative impacts associated with the SMR AG CLUSTER Development BUT WHAT ARE THEY ALL AND WHAT ARE THE SPECIFIC MITIGATIONS TO ADDRESS THEM? Will ALL impacts be updated to reflect major truck and construction traffic increases for BOTH projects being developed concurrently and both impacting a small two lane rural road without truck turn around shoulders?
- 4. Will impacts from the recently expanded Agricultural operations on the Margarita Ranch and their pending Ag. Cluster Subdivision project be quantified WITH the quarry impacts? These cumulative increases in traffic, water use, air and water pollution, and runoff coupled with over 112 new septic tanks AND an additional 200 YAF of ground water that will be needed; all will have **major** class 1 impacts on our community and on sensitive habitats and fragile local watersheds. (Endangered fish and wildlife) . Will ALL of this be quantified and mitigated?
- 5. How will these cumulative impacts for BOTH projects be assessed and mitigated? What are the projected cumulative impacts of increased water withdrawals on dwindling local groundwater reserves? Will the waste water runoff from the Quarry AND the vineyards and Ag Cluster construction be quantified together? What will these impacts be on sensitive habitats and water quality in the Salinas River?
- 6. The addition of 112 septic tanks on the hillsides above one of CSA 23's primary drinking water wells which sit along a flood plain below, will surely impact the community water supply? Then consider the additional sedimentation and concrete dust blowing down wind, the increased general construction and operating pollution loads flowing into tributaries and finally into the Salinas River? Can this be prevented and how? How can this prevention be evaluated for success?(mitigated) Will there be a qualified objective monitor to evaluate such mitigations? Is it worth it for One

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Quarry Owner to benefit so much while so many members of the community and the environment will bear the brunt of these impacts?

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The **NO PROJECT alternative** is clearly the only way to avoid compounding these various non mitigable impacts and to preserve our precious natural resources. Hansen Quarry provides ample supply for our area.

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7. Who calculated the water use estimates for the Quarry? Other comparable quarries use significantly MORE water than what is projected for Ostar Quarry.

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8. Who provided the assumption data for water supply sources at the site?

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9. Who provided the assumption data for the historic water use? Is there hard long-term objectively gathered data to verify accuracy? (Over a complete hydrologic cycle of ten years)? Please provide this.

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10. What time of year was the **4 HOUR** well test performed? Does ANYONE really believe that a 4 hour test gives an adequate or accurate picture of water supply, GPM, or a complete reflection of water reliability? Will they do a REAL water analysis so the neighbors don't suffer the consequences of dwindling well levels from incomplete/faulty water data?

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11. Is there some financial guarantee in writing that will be put in place if this project disrupts well levels water supply that other users depend on?

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12. Who will pay for necessary improvements to the actual entrance just past the bridge onto Highway 58? Is that all going to be widened as required? Will the project applicants pay for the necessary modifications? (And not the taxpayers?)

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13. Who pays for all the wear and tear on the roads?? (Hopefully not the taxpayers?)

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14. Is there going to be an alternative hauling route?

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15. Shouldn't they be required to have access out the back way, and to put their own bridge over the river, exiting onto El Camino, and NOT ROUTING ALL TRUCKS TO GO PAST THE SCHOOL AND RIGHT THROUGH Santa Margarita both ways?

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16. Why should the safety and character of the community be compromised solely for the benefit of a project applicant?

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17. Saying that proper mitigations "are not feasible" is not acceptable and is all relative – The applicants are banking on LARGE profits, consequently they need to be held to account for doing mitigations properly as well. This requires a substantial investment by both the Santa Margarita Ranch Project and Oster Quarry Applicants to carry out their mitigation obligations for their developments in such a small Community with limited resources, full of sensitive habitats for endangered plants and animals. (oak woodlands)

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- CPUC - have they weighed in on the safety of the Rail road Crossing? If not, when will that happen in the process?

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- How will there be mitigation at the school crossing and the pedestrian bridge over 58 (if the currently proposed haul route is going to be used)?

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- Why are the hundreds of scoping comments on the website not factored in? To say only 24 people provided comments at the July, 2010 meeting is only a partial read or portion of the concerned residents who have or want to participate in the process. Who decided to count and include just those comments? Was it because only those 24 parties were allowed to speak out and be counted at that meeting?

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- Will there be more/ better than 5 pictures/ renderings of what all the different views will look like? How can the community weigh in on something which we cannot envision? Are community members allowed to tally all the trucks, noise, air and water pollution into the visual and esthetic impacts? Does industrial destruction of pristine river lands and blasting sensitive fish and wildlife habitat comply with the Endangered Species Act for South Central Steelhead?

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- Does this blasting qualify as helping to maintain the rural character of our community that we all cherish and claim we to want and need to preserve?

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- ES-2 says a hot plant for mixing asphaltic concrete is not being included? Is this fact?

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- Where will the hot mixing occur?

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- ES-2 claims there will be recycled PCC and AC pavement but is unclear on how large a scale this would be done? What portion of the total production is being proposed?

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- **Traffic** : The number of truck trips could change greatly by how the recycling is calculated. How will the data be changed in all the other areas of the EIR when the actual REAL number is arrived at?

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- The project will have significant not mitigable noise impacts. Will all the neighbors already existing nearby be compensated to make noise barriers to protect their properties? What about all the homes along the haul route that will be affected? Are they required to mitigate impacts the quarry will be creating there?

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- As for the blasting: Will the applicant have some type of guarantee for all the residents surrounding the plant that were already there first? People were given permits to build houses and wells for quite awhile now. Should they have to compromise quality of life and their investments for the benefit of ONE quarry owner?

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The Traffic Management Plan cannot and should not be run by the applicant. There **MUST** be someone without a direct financial interest to the project to monitor and enforce all the traffic and other mitigation conditions.

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Updating Water Use and Agricultural Impacts on Sensitive Habitats- California Environmental Quality Act-ESA Issues for Fish and Wildlife

WATER QUALITY AND SUPPLY 4.13

Some Important Beneficial Uses of Water: (DEIR)

- Wildlife habitat
- Cold Fresh Water Fish Habitat=Steelhead
- Spawning, reproduction and early habitat preservation for fish
- Rare, threatened and Endangered Species
- Municipal Domestic Supply

1. The California Department of Fish and Game (review and agreement for possible streambed alteration) appears to be the only agency noticed or commenting on impacts and mitigations related to the streambed alterations only- The Salinas River is designated critical habitat for ESA species. (South Central Steelhead) Why have CDFG not addressed steelhead impacts?

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“Water quality standards and management programs are based on maintaining water quality necessary to support ‘beneficial uses’ of SURFACE AND GROUND water within planning units. ”

The stated beneficial uses for water are already being threatened in the Upper Salinas Watershed and are NOT being accurately protected or assessed to reflect the recently expanded levels of water withdrawals. (No current objective, accurate water data exists for total water use on SMR since the expansion of the vineyards last year.

Also there has been no measure of the related increased agricultural pollution discharges through irrigation runoff -herbicide, pesticide and *Sulfuric acid used in irrigation water over approximately 1,500 acres of grapes)

*(added to irrigation water systems to prevent clogging.) This all ends up in the Salinas River. These issues compounded with the polluted runoff, siltation, and water use from the proposed Oster Quarry together make for significant cumulative impacts on endangered cold water fish.

2. Have these existing impacts in and around Trout Creek, Yerba Buena Creek and Rinconada Creek) been factored into total pollution load run off that is contributing to Pollutant levels in the Salinas River already?

3. Will these existing impacts be evaluated before allowing additional water quality issues to impact the same water shed from the Quarry operations? (Concrete recycling, blasting) These impacts will compound existing water quality problems in The Salinas River and its tributaries.

ALL Current and planned future development impacts should be quantified and added to the Quarry impacts. **Will you be requesting more ACCURATE AND CURRENT water use and Data before allowing further permitting for development of sensitive resources?** The Existing and proposed water uses for the nearby agricultural activities are largely unknown (incomplete) and unmonitored which can lead to a water shortage and pollution scenario with FAR GREATER impacts than anything Stated herein.

Municipal Domestic Supply-CSA 23-Wells can and will likely be affected by expanded summer pumping on Santa Margarita Ranch along with an additional 200 acre feet of ground water withdrawals needed for the Ag Cluster subdivision.

5. How will you mitigate all the cumulative impacts of quarry water use and pollution combined with increased water demands and pollution on Santa Margarita Ranch concurrent with drought and extensive agricultural pressure down River?

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36

The Salinas River is considered an impaired water body. Won't these additional impacts compound the cleanup efforts now ongoing in the Salinas River?

The only sensible course then is the NO PROJECT ALTERNATIVE.

37

Ground Water Recharge- Long term expanded summer pumping appears to have created signs of overdraft in Trout Creek in several areas where wells are pumping stream underflow all summer. The stream is no longer perennial and is UNABLE TO RECHARGE. There is also a well documented cone of depression along Pozo Road near well development there. This exemplifies how important it is for an objective OUTSIDE entity to manage ALL Conditions of approval, monitoring and mitigations throughout the process of development and during ongoing operations.

38

Often Water Quality Standards and Water Quality Management programs in local watersheds fall short of their objectives and fail to adequately protect or enforce the objectives of a management plan. **How do you plan to enforce/monitor water use and mitigations on the Quarry? How will their success or failure be measured?**

6 . Will there be an objective party on site daily to monitor all conditions of approval and mitigations? (to enforce water management program conditions-CSWRCB?)

39

The Salinas River is listed as an impaired water body and should not be suffering further degradation- compounding water quality issues and endangered species habitat loss.

40

Steelhead

1. Why has the CDFG left out impacts to the South Central Steelhead who are threatened or endangered in the Salinas River and tributaries, especially in the Upper Salinas watershed? A streambed alteration permit will likely impact federally protected steelhead and critical habitat for the NMFS/NOAA Steelhead recovery program. The impacts from cumulative water use, polluted waste water, runoff, siltation, blasting, habitat destruction and invasive plant control will likely be significant. Why are there no mention or mitigations for these impacts included for the endangered species (steelhead) as required by the ESA.? (CEQA analysis)?

41

2. Why hasn't the NMFS/NOAA weighed in with respect to the Endangered South Central Steelhead that are struggling to recover in the Salinas River and its tributaries? The Salinas River is designated an ESU (Evolutionary Significant Unit) and CRITICAL HABITAT to the ongoing recovery of the threatened and endangered South Central Steel head in California. The Salinas River remains an important part of NOAA/NMFS's 50 year steelhead recovery program for the State -

42

3. Was this agency given advance notification of the comment period for the DEIR and were they contacted regarding this project's potential to create significant non-mitigible impacts to South Central Steelhead? It is required by Law that NMFS/NOAA be given ample time to assess the project impacts related to water quality, spawning and critical habitat degradation for South Central Steelhead as part of their ongoing 50 year recovery Program in CA.

43

4. Who will oversee the required "best practices" related to construction and daily operational procedures and impacts effecting air and water quality?

44

5. Will there be an on-site mitigation monitor to see that CUP requirements are being met? Will there be a qualified Agency enforcement representative present daily?

45

6. How will CSWRCB handle the release of waste water and sedimentation? Will there be a representative present to work with NMFS to assure these impacts are mitigated properly for cold water fish?

46

7. How will further depletion of surface flows impacting critical habitat for Endangered Species be prevented? What measures can be taken and how can these be enforced for non-compliance? Will there be a CSWRCB or NMFS or CDFG representative present to monitor daily operations and to assure that "best practices" are being adhered to?

47

8. Have water and pollution levels been tested in the last 5 years SINCE the adjacent vineyard has increased in size by nearly a third?

48

9. Monitoring and regulation of waste water releases often falls short in practice. How will this be achieved without a specific plan?

49

10. Will Cumulative impacts on water consumption and invasive plant prevention mitigations also reflect the increased herbicide and pesticide use needed? Will this be factored in as creating additional pollutant impacts to water quality, fish and wildlife in the Upper Salinas watershed?

50

Why is there no mention of existing Agricultural polluters or point source pollution emissions already in neighboring lands (petroleum clean-up site adjacent to El Camino Real) and resulting run off into waterways? This is an existing point source Pollution

51

hazard currently under clean-up status by the CSWRCB which adds to cumulative impacts to water quality, fish and wildlife.

Cumulative impacts will increase significantly when ALL area project impacts are assessed –

Thank You for considering my comments and addressing ALL cumulative impacts on land uses for the Community, and for sensitive habitats for rare and endangered fish and wildlife in the Upper Salinas.

Thank You,

Miranda Joseph



Oster/Las Pilitas quarry proposal
Ryan Alaniz to: mwilson

06/05/2013 05:00 PM

Dear Mr. Wilson,

My name is Dr. Ryan Alaniz and I am writing you about the Oster/Las Pilitas quarry proposal. Last January I was able to purchase a home on Parkhill road, less than five miles from the proposed site of the quarry exit. After reading the quarry proposal, land use statements, traffic audits, etc. I am very concerned that the benefits of the expansion of the business will not outweigh the drawbacks, except for the owners of the company.

Indeed, I chose to move here from SLO for the pristine nature, open land, wonderful cycling opportunities and to create a sustainable life. However, I only now realize that a large company can take away some of what drew me here. I am concerned about the air quality and micro-particles being blasted into the air for my children and family. I am concerned about roaring gravel-filled trucks running me off the road. And I am concerned that this project has only negative consequences for the people who live here with no clear tangible benefits.

I urge you to stop this project from moving forward on behalf of the people who plan to live in this beautiful area the rest of their lives.

Thank you for your time.

Sincerely,

Ryan Alaniz, PhD

Assistant Professor, Sociology

Cal Poly State University, San Luis Obispo

4605 Parkhill Road

Santa Margarita, California 93453

--

Ph.D., Sociology

Personal Website: www.cla.calpoly.edu/~ralaniz

Assistant Professor, California Polytechnic State University, San Luis Obispo

"The greatest challenge of the day is: how to bring about a revolution of the heart, a revolution which has to start with each one of us?" --Dorothy Day



Draft EIR Las Pilatas Quarry Project
Thomas Smith to: mwilson

06/05/2013 04:01 PM

Department of Planning & Building Co. of SLO,

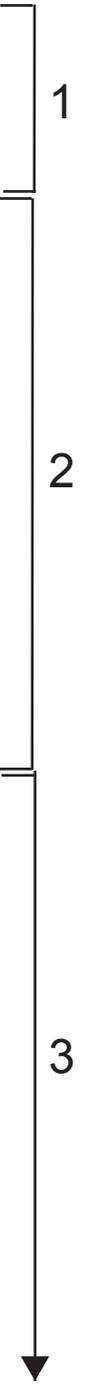
The following letter is a response to the Draft EIR of the proposed Las Pilatas Quarry Project. I do have strong opinions and will get them out of the way so I can present some overlooked and misguided information in the EIR about bicycling, traffic, and the effect on downtown businesses..

As far as my opinion goes I believe this to be a horrid proposal. To destroy the aesthetic, humane, rural, and overall livable character of the town of Santa Margarita for the benefit of a very limited few is crazy. Sure it can be said that the actual rock and gravel go to projects that help everyone, but that same material is already available locally with no new impacts to anyone.

As for the EIR.

Bicycling: At the town meeting when the EIR was presented to interested parties someone asked if they studied the impact on bicycling the representative speaking for the county said and I quote, "We found bicycles to be irrelevant." Well when the traffic study is done on a single day is the middle of the hottest month of course you will find bicyclers irrelevant, because there will be none to be found. Go out there any pleasant day in spring, fall even summer and winter and you will encounter bicyclers. I do assure you that Highway 58 is a well used route for many riders. As a matter of fact I use it daily to commute from Santa Margarita to Creston to and from my work. My commute has been greatly impacted by the current amount of traffic using the road to get to the solar projects. I now ride daily to Atascadero and up Rocky Canyon to Creston. I accepted this new route as temporary because of a three year build out of the solar plants and was looking forward to resuming my old route when they were complete. To allow the Las Pilatas Quarry would kill all future hopes of commuting by bike to Creston. That to me is not irrelevant. My solution to this issue deny the project or require the applicant to construct and maintain a class 1 bike path (think Bob Jones Trail) from Park Hill Rd. to the town of Santa Margarita.

Traffic: (1) To include the traffic from houses that don't even exist like the future Margarita Ranch developments into the study leads to false percentages. The overall number of trucks has less of a percent increase when the number of car trips is falsely inflated. Thus appearing to cause less of an impact. (2) Right now when buses in route to the solar plant turn east onto Highway 58 at El Camino many cars will go right at Encina and race though the residential district to beat the bus. This problem will be impounded and become a permanent issue when the trucks from the Las Pilatas Quarry are running. Nowhere in the EIR did I see this issue addressed. (3) Trucks heading south from Atascadero and turning left on to Highway 58 will also be a problem that must be accounted for. They must stop and wait for through traffic and people turning right from the opposite direction. While they wait cars following them will be using the bike lane to pass them on the right. Sit and watch and you will see this is happening right now even without the added truck traffic. This happens to be a blind curve and will put pedestrians and bikers at further risk. (4) The note that they may run up to 800 trucks a day during special permitted use concerns me. The rep at the meeting said it is for issues like disaster relief such as a major road wash out due to a flood or damage from an earthquake. As a long term resident, 25 years, of Santa Margarita I do know when Hanson's is pulling special permits and running all night, and it



was not because of major flood or earthquake damage. Two recent examples are the repaving of Highway 101 from Templeton to Santa Margarita and the airport extension in SLO. What is to stop the Las Pilitas owners from claiming special permit for similar reasons? The best mitigation for these traffic issues is to deny the permit altogether. Other solutions include requiring the projects owners to pay for a full time traffic officer, assigned solely to Santa Margarita, and employed by the county to patrol and enforce traffic laws. Have penalties in place that revoke specific individual truckers, who break traffic laws, from running through town. And have the quarry shut down for a certain numbers of days for each traffic violation. A final solution would be to require the owners to create an alternative route that by- passes 58 and the town altogether.

3

To say the truck traffic will have no impact on local business is incorrect. It will have an impact. Currently on a daily basses trucks pull up in the center turn lane in front of the downtown businesses and idle while the driver runs into the store to purchase lunch or whatnot. Sometimes preparing their sandwich takes 20 minutes or more. With 273 trucks running daily this practice will only increase to the point where residents will demand enforcement of current laws that forbid it. The end result will be that the trucks will pull in front of The Educated Gardener, Dunbar's, Budweiser, The Antique Barn and other local businesses, discouraging and preventing patrons from gaining easy access. The end result being a decline in sales for those businesses

4

Finely, it was noted in the EIR that there is only one bus stop in the town of Santa Margarita. This is not true there are four bus stops. Two, one for each direction, located at the corner of Encina and El Camino, and two up by Ancient Peaks. The two at Encina will be greatly impacted by an increase in truck traffic trough town. Especially when enforcement of no stopping in the trun lane begins. Trucks then will park at the bus stops so the drivers can run in and get their lunch. Causing buses to miss unseen passengers or even worse double park to load and unload people. Again the best solution is to deny the project.

5

In conclusion: The current EIR needs to be amended to consider all of the overlooked impacts of the quarry project. In the end it will be clear that these impacts far outweigh any benefits and that the project must not be allowed to go forward.

6

Thank you for your considerations,
Thomas Smith
Resident Santa Margarita Ca.
PO Box 1013
Santa Margarita Ca. 93453
438-5109



Draft EIR of Proposed Las Pilitas Quarry Project .
edward goshorn to: mwilson@co.slo.ca.us
Please respond to edward goshorn

06/05/2013 04:31 PM

Murry Wilson,

As I am well aware of many detailed responses to the Draft EIR of the Quarry project, I will send my input in the form of questions that remain to be answered in the process designed to see that such a development is well considered in an impartial and informed manner as it relates to bicyclists.

1. Why was the Draft EIR so deficient in both its scope and depth regarding the project's impact upon bicyclists?

1a. What was John Larson's (URS Corp EIR Project manager) role in producing a Draft EIR that was neither complete or unbiased?

2. Why did it not consider the condition of the Hwy 58 roadway in its current condition as it would impact cyclists?

3. Why did it not consider the deterioration of the existing Hwy 58 roadway as part of the environmental cost of this project?

4. What would be the costs of providing a safe roadway, designed to CalTrans standards, with proper shoulders and striping?

5. Why is not the cost of such roadway improvements not a part of the EIR to allow the use of this public right-of-way for 270+ trips a day for double hopper gravel trucks?

6. In order to provide for the continued use of this roadway by bicyclists (and autos, for that matter) will CalTrans, SLO County, Las Pilitas resources fund the improvements and maintenance of this roadway?

7. Will the highway be rebuild/redesigned to safely carry the truck traffic along with the existing bicycle traffic? (Remember: the increase in truck traffic will have one truck passing a cyclists about every two minutes on this narrow highway.)

8. Considering the cost of building a highway to carry such truck traffic, is there an alternative route that can be implemented across the nearby Hanson Property? (If the State/County feel that this resource is so valuable, they should be able to work something out. Paying Hanson for the right to cross their property or for establishing a right of way along the boundary might be preferable to the cost of rebuilding Hwy 58.)

9. What gives Las Pilitas Resources the right to use the Hwy 58 public right of way to the detriment of the many other citizens adversely affected, whose tax moneys have established that roadway?



10. What is considered appropriate 'mitigation' for 'environmental damages' resulting from this project?

10a. Is the proposal to provide gravel to other bikeway projects elsewhere in the county going to effectively mitigate for the loss of a major recreational thoroughfare to the roads and hills beyond Santa Margarita as cyclists choose not to dodge double hopper gravel trucks traveling in both directions, sometimes passing side by side next to cyclists?

10b. What will be the cost of a highway that provides adequate road width and a safe shoulder?

10c. Can an alternative designated bike path be built where highway conditions do not allow an adequate shoulder?

5

11. Has the impact on the tourist industry, which includes thousands of bicyclists a year coming to ride through the Santa Margarita/Pozo/Creston hills and valleys, been considered?

6

12. Has the impact of the reduction of air quality along the Hwy 58 route been evaluated? Will there be adequate enforcement of duct control measures for the foreseeable 25+ years of this project?

7

Thank you for your consideration,
Ed Goshorn
10050 San Marcos Rd, Atascadero

Comments on
Draft EIR Las Pilitas Quarry CUP and Reclamation Plan SCH# 2010071013
DRC 2009-00025

6/5/13

Jean Boenish
3415 Parkhill Road
Santa Margarita, CA 93453-9646

The headwaters of the Salinas River watershed unite in a basin skirted by the Los Padres National Forest and the Pozo and Parkhill road boundaries of Santa Margarita in San Luis Obispo County. This rural area holds particular value as one of the remaining readily accessible vista loop roads that still has notably dark night skies, co-existing mixed-use traffic, ecological study and enjoyment areas, natural wildlife habitats, and sensitivity of residents toward good land stewardship with well coordinated land management plans.

The quality of this northern gateway area to the Los Padres National Forest is threatened by overdevelopment from planning proposals. Such rural areas are highly prized for recreational opportunities and refreshing offerings of natural serenity yet are also more vulnerable to overdevelopment due to rationalized pressures for overuse or incompatible encroachment from surrounding areas. Air, light, and sound pollution, discharge of groundwater basins, and destruction of benign uses are all current threats.

Summary of Points of Concern

With regard to consistency of application of county regulations, the proposal is clearly an **incompatible** use as suggested and sited; it is **destructive** of currently co-existing uses and not to be confused with or favorably compared to existing quarry use north of the plan area. Scoping comments regarding adverse impacts on regular and popular daily recreational bicycling and property values were ignored; all bicycling related activities and enterprises on this vista loop road would be completely jeopardized, property values would be diminished, and public access to views of the entire northern edge of the Los Padres National Forest would be impeded.

The proposal **misrepresents needs** for its product, implies advantages that do not exist, and diminishes **hazards** to integrating it with the community and natural surroundings. The quarry proposal is a private profit enterprise and of no public necessity or advantage. There is no existing production shortage of the resource in this area; still the plan suggests mass wasting and environmental alterations destructive of others' residential enjoyment and with effects that are permanent in terms of lifetimes. The plan includes 273 double-trailer gravel truck trips daily on the winding gateway roads to the National Forest with **significant unmitigable impact**. This quarry production would compromise safety for residents, endanger



water resources upon which residents depend, and lower both regional air quality and serenity from blasting and transportation noise.

2

This new quarry plan would be to the **detriment** of the area’s current trade and commerce that have naturally developed around maintenance of the qualities of the region’s rural character. Reversal of naturally developing trends toward benign use forms is contrary to logical development. There is insufficient reason for changing rural residential, recreational, and natural habitat uses of the areas that would be affected when taking the resource is unnecessary, poorly integrated production plans are wasteful of resources, and there is insufficient effort to minimize adverse impacts.

3

Particular Points of Concern

Unjustified proposed takings significantly and unreasonably **diminish**:

Residents’ enjoyment of existing residential atmosphere and quality and value of properties, including quality of wildlife habitat; and

Residents’ and frequent visitors’ abilities to transit the area in reasonable security, including elimination of bicyclists’ ability to safely use the vista loop roadway.

4

Unjustified proposed reduction of others’ quality of life **adversely increases**:

Noise and air pollution;

Compromised security of quantity and quality of well water.

An arbitrarily chosen commercial truck smaller than the proposed size was observed in a single trip – just from the bridge to the “Highway 58 Curve” – crossing the lane markings 11 times, two of those completely over the center line into oncoming traffic.

5

Existing bicycle traffic and volumes and potential impacts thereon were ignored in the Draft EIR even though bicycling was highlighted in the scoping comments.

6

Improperly designated mitigation areas are nothing more than potential buffer zones; true mitigation areas would be set aside conservation easements not in close proximity to the proposed activity site.

7

There is no discussion of condemnation of abutting and nearby residences or of the better common alternative of waiting out the lifespan of the existing residents before taking over properties and changing area uses.

8

Noise threshold figures should be significantly lower in rural areas where natural ambient noise is low and punctuating sound, even at low levels, is much more noticeable and disturbing to both humans and wildlife under normal conditions. For example, the train

9

whistle in Santa Margarita can be heard by residents at the top of the grade of Park Hill Road just before Huer Huero Road.





Draft EIR Comment Form Proposed Las Pilitas Quarry Project
alison Bryson to: mwilson

06/05/2013 08:46 PM

To Whom it May Concern,

I am sending this letter in regards to the proposed HWY 58/Las Pilitas Quarry Project located in Santa Margarita. My family and I currently live within one mile of the entrance to the proposed quarry, and we have numerous concerns we'd like to share with the County.

My husband and I purchased our "dream home" on Parkhill Road last year, charmed by the rural environment, biodiversity, quietness and overall tranquil and unique feel of the area. At the time, we had 3 children, and just last week, we welcomed our 4th. Our home backs up to oak woodland, and I often go outside with my younger children to view the deer, quail, fox, plethora of birds and uncountable other wildlife we never had the opportunity to view and experience while living in other, more urban, parts of the County. We love it here, for the first time, we believe we are truly home.

When we found out about the quarry, we were completely taken aback. We had no idea of the proposal, and immediately, I had strong opposition. I've worked on construction projects as a sub-contractor for the last 5 years, and know first hand many of the dangers - both to workers, the public and environment. Within a few minutes, I had my impact list complete. It worries me greatly, to say the least.

1) Blasting - our home is built on a slope. Any damage from blasting (which can easily register as a small earthquake) is not covered by insurance. Who is going to check (and pay for) foundation checks to make sure our home is stable and safe?

2) Noise - Between the blasting and continuous construction from 7 am to 6pm, what will happen to our tranquil, peaceful environment? My oldest daughter has a sensory issue with loud noises. Will she be terrified all of the time? Will she not want to go outside? Can I get my two younger children to nap during the day? What of all of our wildlife? Will the birds be frightened away?

3) Dust - I've worked for the last 5 years in a dusty construction environment. I use dust and particulate masks often, and I know that fine dust can travel miles. I do not want to use a dust mask at my own home, nor do I want to see my children playing outside with them on. The dust will settle on our plants, our garden, our children's toys. It will cover everything, and there is nothing that we can do about it. I also think of my kids breathing in that dust, and it scares me - tremendously.

4) Traffic - The EIR and other reports list there could be nearly 300 gravel hauling vehicles a day on HWY 58. The road section on 58 they would be traveling on is full of turns, blind spots and dips. It has to be navigated carefully in a passenger vehicle, and I can't even imagine doing so in a double load truck. Fully loaded, these trucks are considerably unstable, and have the tendency to tip. If the driver doesn't pay careful attention at every turn and dip, there could be horrible recourse. Add in bicyclists, children walking to and from the bus stop, and other road traffic, and it is a fatal accident waiting to happen. Times that by 300 trips a day, and it is a matter of time before someone is seriously injured or killed. I travel that road with 4 children, including a newborn, daily. When will it be our turn?

5) Water Safety - The EIR does not list the MSDS forms nor the chemical names for the cleaning solution to be used on the gravel, but I can almost guarantee they will be petroleum based and



most likely carcinogenic. There is a chance they will breach the water table, which will impact EVERY person living in the area. Since every family out here lives off of personal wells, who will test our water to make sure it is safe? Will the Las Pilitas Corporation pay for our testing? I make baby bottles, cook, clean, take showers in, and water my plants with my well water. If it becomes contaminated, what will my family do? How am I ever supposed to hand a bottle of water to my two year old and not fear I'm giving her something that could cause cancer in the future?

6) Impact to Environment and Wildlife - Our favorite thing about living in this wonderful area is the wildlife and associated native environment. Every morning I have a cup of coffee and stare out my windows to watch the jays, quails, squirrels, hawks, deer, fox, and other animals safely and peacefully traverse my property. There is no noise, other than their own, and it really is something beautiful. I know they will not stay if this quarry is approved. There will be nothing left to marvel at, and the thought is heartbreaking.

7) Property Values - I fear if this quarry is approved, our "dream home" will become nothing more than a nightmare. If we decided we need to move, which we desperately don't want to do, who in there right mind would take our place? Property values for a 10 mile radius will take a nose dive, and all of our hard work and investment into our home will be for naught. I would be surprised if I could sell this beautiful home and land for 50% of what we paid for it if there is a quarry built less than a mile away. I know for a fact, my neighbors all feel the same.

To be blunt about it, if this quarry is approved, it will negatively effect thousands of people. It is dangerous, destructive, hazardous, and above all, totally and completely unnecessary. The only people who will benefit from this quarry will be the two owners, who will happily rake in the money while living in their safe, quite, healthy homes. The rest of us will just suffer.

Thank you for your consideration,

Ryan Deveraux and Alison Bryson Deveraux



June 5, 2013

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos, St., Rm. 300
San Luis Obispo, CA 93408-2040

RE: Las Pilitas Quarry Draft Environmental Impact Report

Dear Mr. Wilson,

Thank you for the opportunity to submit comments on the Las Pilitas Quarry Conditional Use Permit And Reclamation Plan Draft Environmental Impact Report (DEIR).

The EIR is used to disclose to decision makers and the public the environmental effects of proposed activities. Decision makers will be making an important decision on whether to approve, conditionally approve or disapprove the issuance of a permit and reclamation plan for this proposed surface mining operation.

A complete, accurate and full disclosure document is necessary and important to all stakeholders.

COMMENTS

EXECUTIVE SUMMARY

Pg. ES-1. The DEIR lists the Responsible Agencies under CEQA.

How were these agencies contacted during preparation of the DEIR? Were there any other agencies that asked to be notified of the availability of the DEIR? How were these agencies notified?

Pg. ES-2. On July 8, 2010, the County staff conducted a public Scoping Meeting. Twenty-four persons provided comments and suggestions on the physical impacts to be discussed in the forthcoming Draft EIR.

It is not mentioned that the County received close to 200 EIR scoping comment letters with concerns regarding the proposed project. The attendees in the packed meeting room at the Santa Margarita Community Center were informed they could make verbal comment, but it was best to submit written comment. These scoping comment letters can be viewed on the County website under Scoping Meeting Documents.

<http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices/oster.htm>

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4.1 AESTHETICS AND VISUAL RESOURCES

Pg. 4.1-2 As identified in the DEIR, this project if approved will have a significant and unmitigable visual impact to the vicinity and SR58 scenic corridor.

The visual simulations in the DEIR showing phases with revegetation are somewhat muted and do not adequately depict the unnatural contrast to the ridgelines that will actually be created and remain forever.

An additional visual impact not addressed in the DEIR is the large gravel trucks that will be parked and lined up throughout the haul route on SR58 from Santa Margarita to the project entrance. The applicant previously stated that there is not an adequate truck staging area and would need to radio trucks to let them know when the quarry could accommodate them. The DEIR is now identifying the steep quarry entrance road as the staging area. It is not adequate and trucks will be staging along the haul route.

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4.8 NOISE

The DEIR does not adequately evaluate the noise impacts to adjacent and nearby residential uses.

The noise analysis report prepared by David Dubbink Associates (March, 2010) for the project applicant does not adequately describe details pertinent to the conduction of the noise analysis for the nearby residential uses and makes inaccurate assumptions.

Dubbink report:

The properties closest to the quarry site are within the same extractive area overlay. The county's policies recognize the economic benefits of resource extraction and call for a balanced assessment of compatibility concerns.

The County's noise standards do not apply to "agricultural land uses" listed in Section 22.06.030 of the Land Use code. Table 2-2 of this section includes "mines and quarries" among the allowable uses for Agriculture, Rural Lands and Rural Residential lands.

Comments:

My residence is on the adjacent parcel to the west of the proposed project parcels and was identified as a receptor. My parcel is not within an extractive area overlay.

Quarry operations are not an agricultural use. This proposed quarry/ asphalt and concrete recycling operation is without a doubt an industrial use and is subject to noise level standards.

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The following is cited from the San Luis Obispo County Noise Element:

For new proposed resource extraction, manufacturing or processing noise sources or modifications to those sources which increase noise levels: where such noise sources will expose existing noise-sensitive land uses (which are listed in the Land Use Element as allowable uses within their land use categories) to noise levels which exceed the standards in Table 3-2, best available control technologies shall be used to minimize noise levels. The noise levels shall in no case exceed the noise level standards in Table 3-2.

The DEIR did not adequately peer review the Dubbink Associates, March, 2010 study commissioned by the applicant. The report makes many assumptions.

The report states that residence 1 has a berm that has been erected to reduce noise exposure. In actuality, this berm does not function as a noise barrier to the residence and is only about 2.5 feet high at the point closest to the residence facing the road in the direction of the project driveway.

What type and age of truck and at what speed was the truck driven that was used to measure noise levels at residence 1? Were compression brakes used? At what height was the reading taken from the truck?

It is not clear in the report what areas of the proposed project site were included in the evaluation.

Site details have changed since the Dubbink noise report was submitted. Was the newly defined truck staging on the steep quarry entrance road included. What other project details have changed since the report was submitted?

4.15 EFFECTS THAT ARE LESS THAN SIGNIFCANT

4.15-3 Scenic Vistas/Salinas River Trail (Impact AES-2)

Pg. 4.15-2 The reasons stated why the effects were not found significant are weak. "Although the project will create graded slopes into natural hillsides in the general vicinity of the proposed Salinas River trail corridor, those views will be blocked by existing vegetation and intervening topography."

The area along the Salinas River in the project vicinity which includes the historic 1914 bridge is a highly scenic area. The vegetation is not dense and most of it is deciduous and provides little screening from areas at higher elevations such as the proposed project site.

Sincerely,

Tamara Kleemann
P.O. Box 60
Santa Margarita, CA 93453

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We are 100% Against the Oster Quarry . Comments

Blair Shurtleff to: mwilson@co.slo.ca.us

06/04/2013 11:07 PM

> Comments on the EIR and overall Oster Quarry Plan.
 > From; Shurtleff Family Trust, Shane Hayward, Blair Shurtleff
 >
 > We could write volumes about why this is such a horrible project and we are vehemently opposed for several hundred reasons.
 > Most are covered in the overwhelming opposition letters and Margarita Proud.
 > We own property a very short distance away for over 35 years and have had to live with the Kaiser/Hanson quarry.
 >
 > I have had 3 broken windshields, ruined paint jobs from the quarry trucks (even with covered loads) and nobody to reimburse us for the damage. The blasting has gone on for years but is less ear shattering since the Hanson quarry is so deep now.
 >
 > The Oster Quarry will be elevated and the blasts will ruin the peace in our valley. Just because there has been one mine DOES NOT mean we have to live with another one for 30 more years.
 > We have "paid our dues" and we are not NIMBYs, since we have been subjected to a quarry for my 35 years in the area.
 >
 > I was on the Margarita Advisory and Planning Commission for many years. The number one complaint was quarry mine traffic speeding through our area and town. No matter how many times we requested, ordered or begged the Kaiser quarry to be good neighbors they were not.
 > Truckers are paid by the hour. Does one really think they will drive slow?
 >
 > Margarita has developed into a quaint, western town. We even have the number one voted restaurant in the County, (The Range) and Santa Margarita continues to change with new and existing vibrant businesses. Does one really believe these quarry truck and trailer loads of granite and aggregate flying through Margarita will help our beautiful community as they roar through town kicking up dust, parking in the center turn lanes, parked on any area possible, waiting for the quarry to open at 6:00 a.m.? The quarry adds nothing to our town.
 > Do you think Templeton, which is similar, would want these massive quarry trucks?
 >
 > Highway 58, Calf Canyon and Pozo Road will all be affected by the 100-300 oversize rock trucks a day. The roads mentioned, have in the past decade become famous for bicyclists and written up in many national magazines. Motorcycle clubs, car clubs all come out regularly to enjoy our peaceful and very scenic roads. Does one really believe this quarry will be compatible with these uses? What about shoulders on the roads. What about rock debris?
 >
 > For those that have not actually driven to the proposed site -do it! It is crazy and naive to think that these truck and trailers will not cause accidents or deaths. No shoulders and no pull outs, tight and many narrow curves.
 >
 > Who will pay to fix and sweep our roads? Bicyclists complain loudly now about the chip seal job on Highway 46 to the Cambria Coast. Bad chip seal will seem nice after what our roads will look like if this is approved.
 >
 > The corner of Calf Canyon and W.Pozo Road is dangerous now as many drivers do not stop at the stop sign on Calf Canyon/58. Drivers on W. Pozo Road



constantly slam on their breaks to avoid the cars and trucks that do this.
> The loaded quarry trucks will not have the speed to make it up the grade on Highway 58 (cemetary) unless they roll through the stop sign as many do now.

> I was the first person on an accident some years back due to this existing problem and the car traveling on Pozo road towards Margarita swerved and crashed. Both occupants in the car died.
> The car that pulled out (from Calf Canyon) continued on their way probably not even knowing they killed 2 people.
>
> Jake brakes. The quarry trucks will have to use jake brakes often. You can hear jake brakes a mile or more away. This will be continuous no matter what anyone claims.
> On many days and nights the train sounds like it is 100' away due to the wind direction and moisture/fog. I find trains to be soothing but not blasting, not crushing, not the sounds of continuous trucks at 5:30 am until sunset and not jake breaks which are nerve wracking.
>
> Valley Fever is out of control now. I just recovered, after 7 months sick and in hospitals due to Valley Fever. I lost 15% of my lungs. Although I can't prove I got it from our land (I travel frequently),the doctors said it was likely. Many workers further out Highway 58, at the new Solar farms, thousands in Arizona, California, Texas and Mexico have gotten Valley Fever. Google it and see if this is something you would want to have and see how it is spreading. Will the quarry pay the medical bills, for accidents caused and stress this will cause? Of course not.
>
> If the Santa Margarita Ranch proceeds with their plans to build, I doubt anyone would want to purchase a spectacular, expensive home as many of these homes will face towards the quarry on the hills. The trucking noise as well as blasting will destroy the peace and quiet (as sound travels up).
>
> Sunset Magazine, amongst others, have written about the wildflower season viewing and Santa Margarita, on these exact roads. Will the tourists bringing money to our County want to contend with the oversize trucks or look at the countryside? Is this something compatible with Savor the Central Coast at the Santa Margarita Ranch?

> The prevailing winds will blow the silicate, cancer causing dust towards the homes on Calf Canyon, up Parkhill, down the San Jose Valley (the valley land along W. Pozo Road) as well as the noise for 30 or more years.
>
> Visit any winery and most have signs saying DUST KILLS. This is meant to prevent visitors from driving too fast on their D.G. roads and killing their vines. There are hundreds of acres of vines that will be affected on the Santa Margarita Ranch. Dust will blow from the quarry, the trucks and off the roads. Why allow this industry the right to damage our number one industries, agriculture and tourism ? How many jobs will it provide for our community? Less than 6.
>
> Their is talk of more major agriculture along W. Pozo Road that will be hindered by this use.
> Several beautiful, new, homes under construction now and several more in the planning stages that will be greatly impacted, including our new family home near to our old home. Will the quarry pay the land owners money to mitigate all that they impose on us?
>
> I have heard the argument made that it will be "locally owned". Hardly a reason to approve this quarry because it can be sold at any time. US Americans and U.S. companies own mines and quarries all over the world. Businesses change hands every day. This is hardly a "nationalistic issue".



>
> Mike Cole is a great guy but this project is selfish. It destroys more than it builds. There is no mitigation for people that die in accidents. Why should we be stuck behind rock spewing, slow trucks for the rest of our lives? Why sacrifice quality of life for many for the good of a few?
>
> Elementary school, train crossings, quiet tree lined neighborhoods, beautiful town, agriculture and tourism, should all come first. There is no possible argument that can be made to override what the majority want, which is no new quarry. Hopefully, our elected officials, the Planning Dept. will choose the right thing to do.



Murry Wilson, Environmental Resource Specialist
Department of Planning & Building
976 Osos Street #300
San Luis Obispo, CA 93408

June 4, 2013

RE: Concerns about the DEIR for Oster/Las Pilitas Rock Quarry

Dear Mr. Wilson,

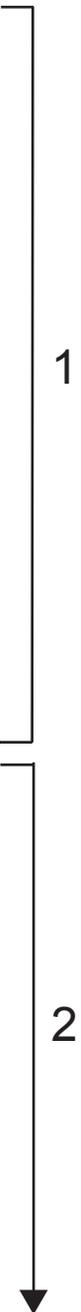
I live in Creston, work in San Luis and drive O'Donovan Road or Hwy 229 to Hwy 58 almost everyday. Believe me, I have seen it all.

More truck traffic on Hwy 58 from the Salinas Bridge into Santa Margarita would be disastrous for anything that lives-animal or human.

After being exposed to the Topaz Solar construction I know that, even with the best intensions, big trucks clip corners. Add to that a car giving a little extra room to a bicycle rider and this is the making of a head on crash with big, heavy semi truck. The car and bicyclist will not be OK. Do not underestimate that Santa Margarita to Hwy 58 east is a favorite bicycle route.

I've watched trucks blow through the blinking light at the school crosswalk. Big trucks have almost hit me if I stop for pedestrians at the crosswalk on El Camino Real.

It is impossible that a one day of traffic study in April of 2009 could possibly be a complete, true study. There are so many errors in this DEIR from the number of crosswalks (4 not 1) and the school hours that a new traffic study must be completed. I recommend that the EIR include a study that lasts 2-4 weeks / 7 days a week / 24 hours a day. Be at the crosswalks when school lets out. Stand at the Encina crosswalk with a pedestrian and watch the trucks that don't stop. Drive out to the quarry site in the dark of the winter morning. Stand at the crosswalk with the crossing guard when the kids are let out of school. Sit outside at the Porch for a lunch and realize that the noise, dust, diesel pollution from idling trucks makes it an unhealthy and unpleasant experience.



There is no way to mitigate this traffic especially when the DEIR is not accurate.

↑
2

Sincerely

M K ROE

Malcolm Roe
6815 Gray Squirrel Lane
Creston, CA 93432
malcolmroe@wildblue.net

RECEIVED

JUN 5 2013

JOELIAN & BLDG

2013-06-05

JOELIAN & BLDG
1000 10th St NW
Washington, DC 20004

DAVID SCHWARTZBART
dbarbancgra@yahoo.com
(805) 438-3876

June 4, 2013

Mr. Murry Wilson, Environmental Resource Specialist
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
mwilson@co.slo.ca.us
(Submitted by email.)

URS Corporation March 2013 "Draft Environmental Impact Report, Las Pilitas Quarry, Conditional Use Permit and Reclamation Plan" (DEIR)

Dear Mr. Wilson:

Thank you for the opportunity to submit the following comments on the proposed Las Pilitas Quarry DEIR for consideration and appropriate response, pursuant to the California Environmental Quality Act (CEQA) and other applicable laws. As a California Professional Geologist and Certified Hydrogeologist, I am particularly familiar with some issues raised below. References herein are to the DEIR unless indicated otherwise.

ASPHALT AND CONCRETE DEBRIS RECYCLING

- Procedures for determining if imported asphalt/concrete debris is inert are not specified by the DEIR. Section 2.3.1, page 2-6 states asphalt and concrete debris is prohibited unless it is inert, and inert is partly defined as not containing soluble pollutants in excess of water quality objectives.

Asphalt and concrete debris potentially contains a wide variety of pollutants generated during its many years of service, in addition to pollutants originating from the material itself. For example, asphalt debris from former roads might contain fuels, pesticides, solvents, metals and other pollutants released from trucks. Those pollutants are potentially soluble, and their solubility is potentially increased by crushing.

Pollutant concentrations comprising water quality objectives are generally low, and soluble fractions of pollutants in crushed asphalt/concrete debris potentially exceed those objectives. Testing procedures, methods, frequencies and locations to determine compliance with the inert classification should be specified by the DEIR.

- Environmental impacts of rejecting loads of imported asphalt/concrete debris because they do not qualify as inert, or for other reasons, are not addressed by the DEIR. For example, this might result in additional transport miles to haul the debris to another location.
- Asphalt debris is reportedly prohibited from recycling at the site if it contains oil (Section 2.3.1, page 2-6 and elsewhere), yet virgin asphalt is comprised partly of petroleum hydrocarbons. This apparent discrepancy is not addressed by the DEIR.

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- Potential groundwater impacts from soluble pollutants percolating from imported asphalt/concrete debris are not addressed by the DEIR. For example, such soluble pollutants might be present in, and released from, onsite debris because inadequate sampling procedures failed to detect them.
- Regarding asphalt/concrete debris recycling, compliance with laws other than the DEIR referenced California Code of Regulations Title 14 (CCR 14) is not thoroughly addressed. For example, the California Water Code and CCR 27 are potentially applicable to storage, handling and treatment of imported asphalt/concrete debris, particularly if the debris does not qualify as inert.
- The potential for onsite asphalt/concrete debris to contain pollutants at concentrations qualifying it as CCR 22 Hazardous Waste is not addressed. This might result from inadequate profiling.



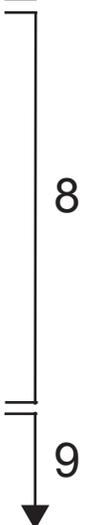
WATER SUPPLY (Sections 2.3.5 and 4.13, and Appendix F)

- Adequacy of the proposed water supply is not demonstrated, and potential environmental impacts from its use for the project are not thoroughly evaluated.
- Section 2.3.5, page 2-10 and elsewhere state project water needs (dust control, irrigation and potable use) will be supplied by Well A. Well A is reportedly about 80 feet from the Salinas River, is reportedly shallow, and reportedly pumps from Salinas River underflow, however, no data verifying these statements are presented. For example, no well logs or other data verifying or even stating actual well depth, screen interval, rock type at the screen interval, or other specifics, are presented.



Therefore it is not possible to determine whether Well A actually pumps from Salinas River underflow, from underlying fractured granite, or from both. Partly because the source of water produced by Well A is not demonstrated, environmental impacts of Well A pumping cannot be fully evaluated. For example, if Well A produces from fractured granite, potential impacts to nearby domestic wells also producing from potentially hydraulically interconnected fractured granite should be addressed.

- Page F-8 states a four hour pump test of Well A produced 25 gallons per minute (gpm) with one foot drawdown, however no further information on the pump test is provided. The statements alone do not provide assurance that Well A can sustain 25 gpm production. For example, the most rudimentary information such as pump test date is lacking. If Well A produces from Salinas River underflow, and the pump test was conducted during the rain season when Salinas River flow was high, the pump test results likely do not apply to summer months when Salinas River flow is low or possibly lacking. Also, pump rate/drawdown/time curves are not provided, which might indicate 25 gpm production is not sustainable, might indicate a single well four hour pump test is insufficient to confidently determine sustainable production rates, and other. It is not possible to draw confident conclusions regarding Well A sustainable production rates from the very limited information provided.
- The last paragraph of page F-6 states no water shortages are known for the project vicinity. That is not accurate, as the very limited production capability from subject



fractured granite is known throughout the industry, and is essentially common knowledge among local residents and other lay people.

- Assuming Well A produces from Salinas River underflow, annual average river flow rates are provided by the DEIR. However, daily flow rates, which are possibly more important, are not presented. Annual river flow might appear adequate for the project, but if much of the annual flow is during rain season months, with little or no flow during dry months when dust suppression water is most needed, the water supply will likely be insufficient. Detailed Salinas Dam release records on a daily basis are not presented or summarized, and they potentially document low or no water release during particularly dry periods.

AIR QUALITY

- Section 4.3 and Appendix D do not address environmental impacts from potentially increased radon generation during proposed mining. Radon is a radioactive, carcinogenic gas sometime associated with granitic rocks and soils. It can potentially be mobilized to the surface and to human receptors by mining or other activities that increase gas permeability of the rock. Subject granite potentially generates radon, and mining activities could increase that radon generation. Environmental impacts from potentially increased radon generation should be addressed by the DEIR.

WATER QUALITY (Section 4.13)

- Many water quality standards not listed in Table 4.13-1 also apply to surface water and groundwater potentially impacted by the project.
- The DEIR only minimally addresses potential groundwater quality impacts, focusing on impacts from the proposed septic system. The DEIR focuses on impacts to surface water by suspended particulate pollutants, but neglects dissolved pollutants such as oils and others potentially released from asphalt debris. Dissolved pollutants generally have greater potential to migrate through the unsaturated zone to groundwater than do suspended particulate pollutants. Such potential groundwater impact should be addressed by the DEIR.
- The possibility of Salinas River sediment pollution at the site by mercury and other metals from the upstream Rinconada Mine is not addressed. Potential environmental impacts of producing water from such potentially polluted sediments are not addressed.

The Rinconada Mine is an inactive mercury mine roughly 10 or 15 miles upstream of the site. It was founded roughly 100 years ago or more and was worked for decades thereafter. The Rinconada Mine drains to so-called Mine Creek, which flows to a Rinconada Creek tributary, which flows to Rinconada Creek, which flows to the Salinas River. Inspections and sampling over the last 20 years revealed mine waste rock up to possibly 6 feet thick forming primary surface receiving water channel up to possibly 1 mile or more downstream of the mine. Samples of the Rinconada Creek tributary bank contained excessive mercury and other metals.

There is a reasonable potential for such polluted sediments to have been transported downstream to the proposed Las Pilitas Quarry section of the Salinas River by natural



river flow over the many decades of sediment residence in the riparian system. This potential environmental impact should be addressed by the DEIR.

13

GEOLOGY (Section 4.6)

- The potential for significant clay content within more weathered portions of the granite resource is not addressed by the DEIR. The presence of appreciable clay could impact economic viability of the resource, and could contribute to surface water pollution by suspended fine clay particles that might not be retained by typical stormwater filtering devices.
- The potential for site blasting creating instability and motion along potential discontinuities within site granite is not addressed by the DEIR. Site granite is expected to be fractured to varying extents. The potentially active Rinconada Fault is in the site vicinity, and unmapped small subsidiary faults potentially extend onto the site. Such discontinuities could contribute to slope failure and other ground motion potentially triggered by site blasting.

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CONCLUSION

The above issues indicate the DEIR does not thoroughly evaluate all potential environmental impacts of the proposed Las Pilitas Quarry.

Please contact me at the letterhead address for additional information and with responses to these issues.

Sincerely,



David Schwartzbart



EIR Comment

Jim Gunter to: mwilson

06/04/2013 02:33 PM

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, Ca. 93408-2040

To Mr. Wilson,

Please allow me to introduce myself.

My name is Jim Gunter.

I live on Parkhill Rd. near Santa Margarita, as I have for over 51 years.

I want to address the county decisions concerning the asphalt recycling plant and quarry proposed on Hwy. 58 East of the very small town of Santa Margarita.

In 1962 when we first came to this area, my family went down to the town of Morro Bay, where my parents witnessed the dynamiting of Morro Rock for the purpose of obtaining road base for San Luis Obispo south county projects.

As a reference, approximately 200 - 400 semi-trucks (the same amount as estimated for our community) were coming across the breakwater, past the PG&E plant, past what is now the Great American Fish Company and up to the highway from there.

Looking back, we all know that this desecration of one of California's natural wonders was insane, but well intentioned people were doing it never the less.

When the folks of Morro Bay along with supporters like my parents got disgusted enough, they brought the project to a halt, or so we thought.

Within two to three years, Kaiser Co. proposed a quarry to be placed in Garden Farms.

Funny, when the project was moved to our neighborhood the protests from Morro Bay subsided.

Because Santa Margarita was a small community without a loud commanding presence, we got stuck.

That was in the 1960's and we're still paying the price with extra traffic, noise and dust through the downtown area.

And if by chance you're crossing El Camino Real as all of the children on the West side of town must in order to get to school, then you need to be extra careful because the truck drivers are notorious for exceeding the 35 M.P.H. speed limit through town.

Then, at a later time, a second quarry was added out on Santa Barbara Rd. in South Atascadero.

That road was completely inadequate for the truck traffic that they've been sending over it for years and has only been upgraded in part with the Dove Creek project.

And now you want me to accept a THIRD quarry that will account for much more traffic and impact, and my question has to be, Are you kidding me??!!??

I have a better idea.

Go back to blowing up Morro Rock.

Or, re-open the old quarry at Bishop's Peak. That way you can send 400 trucks down Foothill Blvd. through Cal Poly, up Grand Ave., turn right on Monterey and right past the courthouse, so our leaders can actually see what that many trucks per day for the next thirty years looks like.

How about High Mtn. Rd. in Arroyo Grande?

Send 200 - 400 trucks down through the Village of Arroyo Grande, after all it's basically the same two lane street that we have going through Santa Margarita.

I'm sure that the folks from the quarry will assure you that there is no seismic danger to the dam at Lake Lopez, as they've reassured us about the possible damage to the Salinas River watershed.

Why would they say anything different?

By the way, the Kaiser people assured the Board back in the 60's that "blasting would Not be heard outside of the quarry property."

I live 9 miles from Santa Margarita and I can hear the train go through town.



We already have two quarries in close proximity to us while no one else will even accept one.
Now they want us to swallow another one.
That's not fair.
And you know that it isn't.

In the over half a century that I've been on this road, two things are evident.
1. There's a LOT more people than you would guess. This is basically a residential community with BIG yards.
2. There is virtually NO Heavy Industry other than some farming operations.

The night of the info gathering at the Santa Margarita School, you were asked if bicyclists had been considered.

The one word answer was "No"

The next day, (a future work day with 300 trucks) over 1400 bikes used that same stretch of road.
This simply has not been thought through properly and I urge you to reconsider your position on this project.

In conclusion, all that I ask from you is fairness, reason, and representation.

Respectfully
Jim Gunter
4725 Parkhill Road
Santa Margarita
805-438-5657





Public Comment on Las Pilitas Quarry Project DEIR
Henry A J Ramos to: mwilson

06/03/2013 08:40 PM

Mr. Murray Wilson
Environmental Resource Specialist
San Luis Obispo County Department of Planning and Resources

Thank you for the opportunity to provide comments on the Las Pilitas Quarry Project that is proposed to be sited in my community.

The main purpose of this correspondence is to express my strong opposition to the project. Like many concerned members of the community who have followed the application process, I am not persuaded the project can be implemented without undue costs and risks to the surrounding area, which in its nature is a non-industrial, agricultural locale.

Over time, with the continuation of recent additional sources of new traffic pressure from the extant Hansen Quarry’s extractive activities and the east-bound construction of new solar facilities on and around Highway 58, I fear this project’s added burdens on the area’s pristine nature and historical use for agriculture, outdoor recreation and light tourism will irreversibly damage our local quality of life. In this connection, I see many aspects of the proposed project that cause me concern – the addition of more heavy trucking activity and congestion, allied transportation safety issues, and related waste and use management challenges all come to mind.

Of greatest concern to me in this context is the absence of clarification throughout the process to date concerning the scope of and responsibility for supporting the long term additional costs of road wear and tear on Highway 58 and select connected traffic corridors (such as I Street in Santa Margarita) that are sure to be intensified if the proposed conditional use permit is approved. It does not appear to me that any aspect of the Draft Environmental Impact Report materials prepared as part of the Quarry review considers these cost issues.

The concerns stated herein are especially germane to the review process at hand since Highway 58 was never intended to serve as an industrial traffic route. Indeed, this relatively small and very winding state highway was only recently exempted from prior official safety warnings to re-route heavy commercial trucks



with multiple beds to alternative east bound routes, like Highways 41E and 46E—this owing to the concentrated activities of multiple new solar energy and utility plant developments in the region.

In fact, Highway 58 is manifestly ill-suited to support sustained industrial traffic, as has been made clear over the past two years by the notable increase in roadside trash and debris and systematic unsafe traffic lane encroachments by trucking vehicles that area residents have well documented. To impose additional traffic inspired burdens onto Highway 58 and its surrounding neighborhoods threatens to compromise the enduring rural character of our community by turning the Santa Margarita corridor into a more industrial, rather than an agricultural area. Such changes in turn would risk additional safety hazards to the community that are ultimately undesirable and unnecessary.

As a matter of fairness, it would be inappropriate for the project to be approved in such a way that passes along an undue share of the applicants' transportation impact costs to surrounding residents. I feel strongly, as I am sure others in the community do, that it is essential for local taxpayers in the areas prospectively affected by this project to be assured we will not be required to subsidize its owners' private gains by being made to cover the applicants' external costs to repair our local transportation routes as damage is incurred through their added use of our area's limited (and already very burdened) traffic thoroughfares.

It also would be inappropriate for the wider community to absorb additional safety hazards on our roads that would be created by approval of the petition in question should the applicants not be required (even if approved to proceed with the project) to absorb proportional costs required to maintain the multiple traffic corridors they will necessarily use in order to advance their business aims.

I urge the Planning Department and Commission reviewing this application, as well as the County Board of Supervisors who will ultimately vote on its fate to require the incorporation of cost recovery calculations and policies for the proposed project's immediate and long term impacts on road safety, maintenance and repair across the various phases of development that are envisioned. Once these costs are fully calculated, I urge the decision makers in this process to assign those costs and responsibilities to the applicant's required fee assessments to advance the work they propose to do.

Absent such arrangements, and related efforts by the applicants to ensure the



continued natural integrity and safety of our region, I am afraid I will be compelled to urge the relevant decision makers in this process to oppose the applicants' request for permission to develop the proposed Las Pilitas Quarry.

As a state official serving as a gubernatorial appointee on the California Community Colleges Board of Governors, and as a leader of other public and nonprofit community boards here in the region and across the nation, I am well aware of the complexity of review decisions like those now in your hands and those of your colleagues. I know these decisions are typically complex and rarely easy to reach. However, as a public official myself, I always err on the side of doing no permanent harm and always putting the interests of the broader community above those of purely privately-interested individuals. In a democracy like the one we live in, it seems to me this is the best way to ensure that immediate profit opportunities, however appealing, do not preclude future generations from enjoying the same opportunities our predecessors and we have enjoyed during our turns at the wheel. I fear that allowing this limited use permit absent a more watchful eye to contain its long term negative impacts on community economy, safety and the environment would pose a grave and irreversible mistake for all concerned.

Thank you again for this opportunity to express my views and concerns on the issues,

Henry A. J. Ramos
Principal
Mauer Kunst Consulting
9750 Random Canyon Way
Creston, CA 93432
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c: 646-295-6813
mauerkunst.principal@gmail.com

June 2, 2013

Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Attention: Murry Wilson, Environmental Resource Specialist

Subject: Las Pilitas Quarry Conditional Use Permit and Reclamation Plan
("Excerpts" from the draft EIR)

I am writing today to voice my opposition and questions regarding the Draft EIR Oster/Las Pilitas Quarry on Hwy 58. (To be known as proposed project)

These comments and questions are from the "excerpts" from the draft EIR.

Section 2.0, PROJECT DESCRIPTION

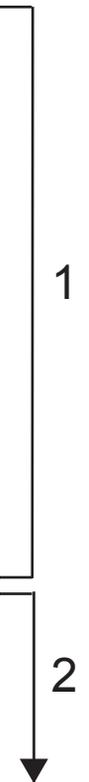
Section 2.1 Location and Boundaries

Reading this section is very factual as to apn, gps, water pipeline location and so forth. Although this all well and good, the average person has no clue as to the actual location and it may sound as though the project is further out on Hwy 58 than it actually is.

The proposed project is approximately 4 miles from the town of Santa Margarita on Hwy 58(Calf Canyon) cross street Pozo Road. State Hwy 58, is a two lane, double stripped, narrow, and curving road. The proposed entrance to this project is approximately 400 to 500 feet from North end of the Salinas River Bridge.

This proposed project will be located **right behind** the Hansen Quarry on El Camino Real. The Hanson Quarry is fully visible from Hwy 58, especially at night if the quarry is mining. So San Luis Obispo County will have two quarries **back to back** if this proposal is approved! Do we need another quarry in this area?

The report states the applicant's property (D. Oster, et al) has two residences, a barn and storage shed on the property. But the report does not mention the immediate resident/neighbor to the south which also includes a house and barn (this property borders the applicants property). This report



also does not mention the other residents/neighbors living across from the proposed quarry. In fact, with in 1 mile of this proposed quarry there are approximately 25 residences (how many actual people?).

QUESTION: Why was this dropped from the “excerpt” portion of the draft EIR? I didn’t read anything about neighbors in the “excerpt”. I feel this is very important since many people are not going to read the complete draft EIR.

Section 2.2 Project Objectives through 2.3.2 Equipment Inventory

These sections deal with project objectives, project characteristics, major stages and phasing, operational details, reclamation and revegetation, recycling and equipment inventory.

Applicant is requesting a 25-50 year mining operation. Remember this is **RIGHT** behind the Hanson Quarry, what is their mining operating time schedule? And I believe they have just applied for the next phase of their operation.

The Operation Portion section details the removing/clearing of vegetation from hill/hills, using heavy equipment to “rip” consolidated source material from the hills, and blasting if the material can’t be “ripped”. Applicant states they will warn neighbors when blasting is to take place. PLEASE NOTE: The word NEIGHBORS is now being used. JUST HOW CLOSE ARE THEIR NEIGHBORS? So now we are into air quality. (EPA)

Also under the Operations Portion, it states the use of diesel-powered portable heavy equipment will be brought on to site for processing (crushing/grinding) of mined rock material 4 weeks per quarter, up to 100 days/yr. The use of the term “portable”, does this mean they will be transporting this “heavy equipment” in and out the quarry on an “as needed” basis? But the proposed use, and time table seems to be on a regular time basis. So will they just keep it there? Don’t know when you may need to use it. AND operating time of the quarry is stated to be from 6:00 AM to 5:00 PM Monday-Friday (**11 hours/day**) or approximately 250 days per year. So if am I reading this right, they have blasting (only when necessary), they have heavy equipment “ripping” up the hills, they have some heavy crushing of rock (noise level?), they have diesel trucks and equipment running (EPA), and THEY won’t do all of this too early in the AM so as not to disturb the next door neighbors, the neighbors across the road, and up the hill! Remember there are approximately 25 houses within 1 mile. Question: Does this sound like a lot of noise and pollution to you?

The section of Reclamation and Revegetation is interesting. How are they going to “replace” a hillside? This is a mining operation, taking out granite



and materials, which **is the hill**? This is a 25-50 year project. Looking at Hansen's quarry from Hwy 58, I find it very difficult to see a replaced hill.

In conclusion I strongly believe and feel this is a bad project for this area. I believe and feel the applicants are only thinking of the money they could possibly make and not about the environment, traffic and safety, water, and noise this project will make.

Do not let this project continue.

Thank you,

Rayleen Wight
6025 Parkhill Rd.
Santa Margarita, CA 93453
805-438-4087
Email: grammiewight@aol.com

cc
District 5 Supervisor Debbie Arnold
District 1 Supervisor Frank Mecham
District 2 Supervisor Bruce Gibson
District 3 Supervisor Adam Hill
District 4 Supervisor Paul Teixeira



RECEIVED

JUN 4 2013

DEAN'S OFFICE

CHERI

Cherl L. Roe

PO Box 165 ~ Santa Margarita, CA 93453

Phone 805-227-4931

email- cherlroe@cwildblue.net

**Murry Wilson, Environmental Resource Specialist
Department of Planning & Building
976 Osos Street #300
San Luis Obispo, CA 93408**

May 31, 2013

RE: Concerns about the DEIR for Oster/Las Pilitas Rock Quarry

Dear Mr. Wilson,

I have lived in Santa Margarita Town since 1977. My husband and I moved to Creston in 2008 but we still own our house on 'F' Street near Encina. This house is our main investment and the value of that investment is relevant to the quality of life in a small town. We believe that the traffic, noise and air pollution will adversely affect the quality of life and the value of our investment.

I have watched Santa Margarita claw its way back from being a lower income, scruffy, isolated bedroom community into a desirable and vibrant village. We enjoy bicyclists, joggers, dog walkers, parents with babies in strollers, and children walking to school. Customers sit curbside having coffee at the coffee shop and street side on the patio at our expensive restaurant. We have potlucks, birthdays, weddings, memorials, picnics and music in the park, which borders State Hwy 58. All this has been possible because the streets have been relatively quiet and mostly safe to navigate. Diesel truck traffic backed up at the railroad tracks at El Camino Real would make our pretty little park a smelly, noisy, unattractive and dangerous venue.

The traffic that this project will cause can never be mitigated. As a community, we have had first hand experience with heavy volume, heavy truck traffic when Hanson gets permits for extra loads, whether for nighttime work or special work such as the Cuesta Grade improvements. This new quarry project will make that temporary, unbearable situation the new normal.

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(Cheri Roe comment page 2)

Living on 'F' and using the only crosswalk across El Camino Real, I know that big trucks do not stop for **anyone** in the crosswalk. I know that the trucks speed through town. I know that diesel trucks sit idling in the center lane while drivers get sandwiches and drinks. I also know from experience that there is no one to call when there is a problem with drivers who do not respect traffic laws. We have been told to call Hanson with complaints but calling doesn't cause a change in driver's behavior because there is no consequence. Hanson is not able to self-police independent drivers once they leave their facility. This quarry project promises a 'dedicated toll free line will be available', but when that proves ineffective, no recourse or relief is offered. The Highway Patrol either cannot or will not effectively police the small corridor through town. A 'sting operation' would be effective only for the first stop or two before the drivers would alert each other. The Sherriff's Office does not (nor should not) concern itself with traffic problems.

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Also, I have seen traffic divert itself down "I" Street during times of heavy traffic such as concerts at Pozo and bicycle rides. I believe if too much truck traffic clogs El Camino Real, other highway traffic heading east on Hwy 58 will naturally divert to residential streets.

The only solution to this problem would be that the quarry pays the County for a dedicated traffic officer who reports to the County, not the quarry. The penalties should be onerous such as shutting the quarry down for a few days, real fines for the drivers and the loss of driver's privileges to haul to and from both quarries. This should not be a problem for the quarry since they assure us that no laws will be broken by their drivers.

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Most importantly, I challenge that one day in April of 2009 is not enough of a sample to draw any true conclusions about traffic circulation. Please have anyone come stand with me at either crosswalk when school is dismissed or Pozo is having a concert or Topaz workers hit town after work, or an old car/ motorcycle/ bicycle ride cruises through town without stopping and I will show you that Santa Margarita can not tolerate more traffic especially heavy trucks trying to make a deadline.

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Sincerely,

Cheri Roe

RECEIVED

JUN 5 2013

SO PLAN & BLDG DEPT

E. M. Serra
P.O. Box 233
4350 Highway 58
Creston, CA 93432

May 28, 2013

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: OSTER/LAS PILITAS QUARRY, DRC2009-00025 DEIR COMMENTS

Dear Mr. Wilson:

I own property along Highway 58 and a short distance from the proposed new quarry. I have been driving Highway 58 between our property and Santa Margarita for over thirty years. It is a winding, narrow, country road with hairpin turns and blind curves. In a few specific spots it can be treacherous if two mid-sized cars approach the same turn from opposite directions. We appreciate the rural nature of this road and all of us, as neighbors, have taken its deficiencies to heart as we drive it. Regardless of what the quarry applicants might state, there is simply no scenario under which hundreds of gravel trucks every day, traveling up and down this road, will not pose a significant danger to those of us who traverse it. When driving this road one truck is a cause for alarm. According to the project description (pg2-9) "the project estimates an average of 273 daily truck trips." This is unconscionable. The road cannot handle this safely. The turns are too sharp, too continuous and the road too narrow. This is a recipe for disaster. It is important to put everyone on notice that this is a clear and obvious danger and that any future injury was easily foreseeable by anyone asked to review and consider.

It is also clearly evident that in a number of locations along the roadway it is physically impossible for the trucks to stay fully in their lane and must swing into oncoming lanes while they drive through residential neighborhoods and pass an elementary school.

The Level of Service analysis used in the Traffic Impact Study does not address the main area of concern of this letter, and of the numerous concerned communications from the community at large, which is that the *level of truck traffic on this rural road is fundamentally and foreseeably unsafe.*

Could you please address this pressing safety concern? Is Las Pilitas Quarry planning on reconstructing Highway 58 from the railroad tracks to the entrance? Will they be attempting to purchase homes in their way in order to widen, straighten, or build an overpass to avoid turns they cannot perform? Are they intending to put in Class 1 Bicycle lanes, turnouts, and shoulders



for the inevitable breakdowns which would then cut off access to town for residents and emergency vehicles? I understand the current Truck Management Plan assumes *voluntary* compliance from the applicant, which is frankly laughable, since we know they are already engaged in intentional violations with a history of non-compliance. Compliance requires monitoring by a third party for the entire length of the project.

I am anxious for a response to this pressing safety concerns. I'll look forward to hearing from you. Thanks very much for focusing on this during your review of the DEIR.

Sincerely,

A handwritten signature in black ink that reads "E M Serra". The letters are cursive and somewhat stylized.

Eileen M. Serra

**Attachment to Draft EIR Comment Form
Proposed Las Pilitas Quarry Project**

Name: Scottie and Karen Lewis

Date: June 2, 2013

Affiliation: None

Address: 10055 La Entrada, Santa Margarita, Ca. 93453

Phone: (805) 438-4730

Email: gpalewis@live.com ; jyllsgma@live.com

Comments opposing the quarry

I am greatly concerned with the lack of overall observation on the part of those responsible for the Environmental Impact Report. The report did not address some key concerns regarding the use of Hwy 58 as a main entrance and exit point for the quarry.

The first concern is for the many bicyclists that use Hwy 58 as part of their training routes. There can at times be many dozens or even a hundred cyclists on the road. They will typically be in groups of 5 or more along Hwy 58, and onto Park Hill Road. These cyclists usually ride single file, but just like automobile drivers, they will pass slower riders. The scenario of a cyclist passing another, with a car approaching from one direction and a transfer trailer truck, full of gravel, approaching from the other, is just plain dangerous. Yet this scenario will likely be repeated several times a day. I don't care how careful they drivers CLAIM to be, it is not uncommon for them to swerve into the oncoming lane to avoid the cyclist, putting them in head on situations with other vehicles. Even if the truck does not, often times the autos will, out of fear of making contact with the cyclist. This hardly seems to support the "Share the Road" signs all along Hwy 58, placed there by the state or county.

Residents of Park Hill Road, of which I am one, will be forced to follow behind extremely slow trucks exiting the quarry. They will be loaded heavy and climbing a steep hill immediately after exiting the quarry driveway. There is not ample space for a safe approach from the east, for west bound travelers. With a speed limit of 55 mph in that area, auto drivers will be forced to break hard to avoid the sudden appearance of a transfer truck entering Hwy 58.

Yes, Hwy 58 is a state highway, but it is not a typical highway either. There are signs warning that long trucks are not recommended on Hwy 58, and for good reason, it is too windy and twisty for safe travel of long trucks. That section from Pozo Rd, has been applied to receive a "scenic" status from the state, and it deserves to be such. I have no doubts the only reason it has not been done already, is it is being held up to allow this quarry to open, in which case it will never receive the scenic status, because the quarry will destroy that look.

We already have a quarry in that area, and they have an entrance off El Camino Real, north of Hwy 58. With the load the high number of quarry trucks will put on the highway, plus the trucks from the in progress construction of the solar project, and the



additional auto traffic as well, the damage to Hwy 58 will be unprecedented. Costs to the state and county will be very high.

If the county chooses to ignore the concerns of the citizens of Santa Margarita, and the surrounding areas, then they MUST insist they use the existing entrance/exit along El Camino Real. In truth, there really is NO GOOD PLACE for this many trucks daily to travel along Hwy 58 or even El Camino Real.

The EIR also does not address the already approved, 100+ homes to be built on Santa Margarita Ranch, that will also use the same route. This will add even more congestion to what will soon become an over crowded route. I know there have been numerous complaints and concerns regarding the children going to and from Santa Margarita Elementary School, and the quarry proponents have stated they will alter their schedules, but that will only last a short while. If they start increasing the number of trucks, which they will, then their schedule will no doubt change. This will create an unbelievable, and unnecessary, gridlock at that crossing.

There is only one reason this quarry is being proposed and pushed so hard upon the citizens of this community, and that is money. There will only be about 10 full time jobs created from this quarry. Those 10 jobs in no way offset the cost and inconvenience this will cost this community. Nor does the EIR address what the loss of revenue will be to the town of Santa Margarita. The town has become a tourist stop from Hwy 58 and many of the shops and restaurants are thriving from it. Santa Margarita Ranch also operates zip line rides and ranch tours that originate from the center of town, where they are taken to the ranch in vans. The added traffic will slow them considerably, and I think will frustrate tourists to the point that they will not return. Santa Margarita's appeal is that it's a sleepy little town, but that appeal will be ruined forever with 100+ transfer trucks rumbling through it in an 8 hr period. It's hard sometimes to see children and even adult pedestrians crossing Hwy 58 inside town, and this will make for a very dangerous situation with drivers being frustrated behind so many slow trucks, they will easily look past the pedestrians, or worse, they may actually hit a child or adult crossing the road.

My wife has a tendency towards bronchitis and pneumonia and I have constant allergy issues that I medicate daily for. The added dust in the air will only worsen this. In addition, the increase of cases of Valley Fever that have occurred from the construction at the Topaz, and other, solar projects will likely be small compared to the increases from the additional blasting from a new quarry.

This quarry cannot be allowed to open.

Scottie & Karen Lewis
10055 La Entrada
Santa Margarita, Ca 93453





Las Pilitas Quarry Project comments

Sherry to: mwilson, fmecham, bgibson, ahill, pteixeira, darnold

06/05/2013 12:22 AM

EIR COMMENTS ON LAS PILITAS QUARRY PROJECT

June 4, 2013

Sherry Martinez
5975 Parkhill Rd.
Santa Margarita, CA 93453
805-471-9538

sherryscorner@aol.com

To all involved in matters regarding the Las Pilitas Quarry Project,

Other than the obvious traffic problems this quarry will cause, my main concern is Valley Fever-We live in a known and proven endemic area. Only 30 miles away, 28 people have been diagnosed with VF in the last few months. Those are only the workers at the Solar Plant. Not to mention the only ones that have been properly diagnosed. Valley Fever often goes misdiagnosed, the numbers are staggering. I am not convinced that there has been a sufficient amount of attention and talk on this topic. I can only hope and pray that you will contact the San Luis Obispo County of Disease Control and get their latest statistics and numbers of people affected by this life long incurable, deadly and debilitating disease. One spore is all it takes to breathe in, the fungal spores have been known to travel in the wind up to many miles. The recent epidemic numbers of Valley Fever in our county have risen in the past 5 years.

There are maps available at the SLO County Disease Control.

At the "Town meeting" held on May 30, by the Las Pilitas Quarry people. Little to nothing was known about this horrid disease. This is not a matter that should be brushed under the carpet as saying "well, the Hansen Quarry is right there and there seems to be no problem". No problem?? I would like someone to prove that. In November of 2011 I was diagnosed with Valley Fever, actually I am one of the more unlucky Valley Fever suffers, because the cocci, disseminated-(spread) throughout my body and is in my central nervous system. What this means is I will have to be on drug therapy for life, the drugs they use to control the fungus is similar to chemotherapy. I have to have my liver tested every three months due to the drug causes liver failure, hair loss, fatigue, head aches, muscle aches and dry skin so severe I have to lather a 40.00 cream on myself daily. Not to mention the cost of the drug therapy is in range of \$1000.00 to \$3000.00 per month, that is if you are fortunate enough to not have to get injections straight into your brain. I run the risk of needing these injections into my brain if I am consistently exposed to these fungal spores being kicked up in the air that surrounds my home.

I live only 1 and a half miles from the proposed quarry. If I end up getting cocci-meningitis because of over exposure to the fungus my treatments will be very long painful and expensive. Not to mention I would have to go to Bakersfield for the treatment

In closing, I would like to say, this quarry is not a matter of money, jobs or property rights, it is a matter of character. If I was doing something on my property that was perfectly legal, although it could cause my neighbors to get a life long illness without a cure, not to mention possibly death. I COULD NOT LIVE WITH MYSELF.

Side note: what if it is their family members who get sick or die? Just in the name of \$\$\$\$

I know the soil testers want to say that there is only a small area that the spores can grow in. All it takes is one and they are smaller than the head of a pin. You will never know until it is too late. What are the lives of the local community worth? Dirt?

Very sincerely and sadly submitted by,
Sherry Martinez

Lawrence E. Goldenhersh

4292 Calf Canyon Road
Creston, CA 93432

June 3, 2013

VIA EMAIL (pdf) and US MAIL

Mr. Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: Oster/Las Pilitas Quarry, DRC2009-00025 DEIR COMMENTS

Dear Mr. Wilson:

I am writing to you both as a property owner nearby the proposed quarry who has driven Highway 58 for 30 years and as someone with over 20 years of experience in the environmental arena.

I founded and operate an environmental technology company whose software is used by the largest companies in California and some of the largest companies in the United States to improve the quality of their compliance with air, water and waste regulations and to reduce the cost of compliance. As a company, we have over 300 years of experience in managing environmental compliance, and are experts in using our deep understanding of the business process of environmental compliance to configure our software to automate that process. Our software platform is deployed in 49 countries around the world and we process billions of compliance data points per month for our customers. Prior to founding my company, I practiced law for 15 years.

I have reviewed the DEIR through the prism of my own experience, which includes a deep understanding of environmental impacts and the processes required to allow industry to conduct its important business while, at the same time, avoiding the devastation that can occur in the absence of good planning and responsible regulation.

Based on my review of the DEIR, I firmly oppose the permitting of this project and believe that the unmitigatable adverse impacts will have a devastating effect on the local environment and the health, safety and welfare of the community.

I have very specific questions I ask that you address regarding the air and water issues. My questions are as follows:

- **Air Issues.** The DEIR states that “Emission of criteria air pollutants...are considered significant and unmitigable.” I would ask that the Department of Planning and Building (DPB) answer the following questions:

- **Particulate Matter**

- In the preparation of the DEIR, was there an evaluation of the type and amount of particulate matter exposure to which the community will be subject due to project operations as presently scoped?
 - If so, what was the estimated number of truck trips per day used in the calculation and what was used to arrive at the estimated number of trips?
 - If so, what assumptions about facility operation conditions were made in the calculations (type of aggregate, etc)?
- In the preparation of DEIR was there an evaluation of the type and amount of particulate matter exposure to which the community will be subject due to idling of trucks on Route 58?
 - If the evaluation of particulate matter exposure has been done for truck idling, please provide the assumptions used to make the calculation.
- What are the health impacts associated with the estimated particulate emissions from operations, excluding truck idle time?
- What are the health impacts associated with the estimated particulate emissions from truck idling?
 - If the project generates 400 truck trips per day, would that have an impact on the magnitude of the adverse health impact and, if so, please quantify the difference.
 - If the project generates 600 truck trips per day, would that have an impact on the magnitude of the adverse health impact and, if so, please quantify the difference.
 - If the project generates 800 truck trips per day, would that have an impact on the magnitude of the adverse health impact and, if so, please quantify the difference.
 - In terms of evaluating health impact from truck idling emissions, does the weather, including air temperature and weather, impact the health effects from particulate matter?
 - If so, did the DEIR consider the different impacts in different seasons?
 - If impact is affected by season, has consideration been given to mitigating impact by adjusting allowable trips in seasons where



the health risk is most substantial.

- Could the particulate impact of truck trips be mitigated by imposition of limitations on truck operating conditions, including monitored restrictions on idling time?
 - Real time fleet monitoring systems have been commercially available for some time and have the ability to track a variety of vehicle operating conditions, including idling. In the preparation of the DEIR was consideration given to the availability of third party systems for monitoring idling real time and enforcing idling limits?
 - What kind of modifications to 58 could be made to reduce the idling time for the trucks?
 - Does the law impose any special limitations on particulate emissions near schools, and was this considered in the DEIR?
 - If so, has the DEIR evaluated the potential for increased emissions near schools and whether such increases exceed local, state and/or federal limitations
- **Other truck emissions increased due to Idling:** particulates are but one hazardous emission source that will be increased due to truck idling and facility operations generally. In preparation of the DEIR, was there an evaluation of the impact on the environment and community health and safety from other emissions that will be increased, including:
- effect of increase in carbon monoxide
 - effect of increase in nitrous oxide
 - effect of increase in Greenhouse Gas
 - Is a consideration of the potential in increase of greenhouse gas emissions part of the DEIR analysis? What are the estimates for increase in greenhouse gas due to:
 - Mining operations at the quarry
 - Truck traffic
 - Truck idling
- **Silicosis:** what analysis has been done to determine the potential for this project to increase the community's risk to Silicosis? In addition, please provide responses to the following:
- Has there been any consideration given to the analysis of the Silicosis risk contained in any other projects in the county or with respect to quarry operations anywhere in the U.S.?

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- If the analysis of the Silicosis risk contained in other EIRs has been considered, please describe how the mitigation options presented in the other EIRs or DEIRs were used in the preparation of the present DEIR and which conclusions from other EIRs or DEIRs, if any, were used in this DEIR.
 - In the preparation of the DEIR, was there an estimate prepared of the projected increase in risk of exposure to Silicosis due to the proposed project?
 - If so, please explain how the estimates were used to prepare the DEIR.
 - If an analysis of this issue was received from others, please explain how the estimates contained in the materials received were used for preparation of the present DEIR.
 - Are there any mitigation measures that can be implemented to reduce any increased risk of exposure to Silicosis?
 - If mitigation measures exist, please list them and provide a rough estimate of the cost of implementation, if available?
 - Would third party air monitoring have the potential to reduce the risk of increased exposure to Silicosis?
 - If third party air monitoring could reduce the Silicosis risk, please describe air monitoring systems that have been used or considered for other projects to reduce this risk?
 - Please describe the emissions limits you consider necessary to protect the community from adverse impact from Silicosis and any other air emissions anticipated from this project.
 - Could third party wind speed monitoring and wind speed shut down limits provide mitigation for the Silicosis risk?
 - If so, please explain how this mitigation could reduce the risk and please include this measure.
 - Has the wind monitoring/wind speed shut down mitigation measure been considered or implemented for any other quarries and, if so, were the studies associated with such mitigation efforts reviewed in connection with the preparation of the present DEIR?
- **Valley Fever:** what analysis has been done to determine the potential for this proposed project to subject the community to an increased risk of Valley Fever and the mitigation steps that could be taken to reduce this risk? In addition, please provide responses to the following:
- Has any analysis of the Valley Fever issue prepared in connection with any other projects, including the EIRs or DEIRs for the two solar projects



on the Carrizo, been considered in connection with the preparation of the present DEIR?

- If the analysis of the Valley Fever risk contained in other EIRs or DEIRs has been considered, please indicate whether discussion of mitigation measures was considered in preparation of this DEIR.
 - In connection with the preparation of the present DEIR was an estimate of the projected increase in risk of exposure to Valley Fever due to the proposed project prepared?
 - Are there any mitigation measures that can be implemented to reduce any increased risk of exposure to Valley Fever?
 - If mitigation measures exist, please list them and provide a rough estimate of the cost of implementation, if available?
 - Would third party air monitoring have the potential to reduce the risk of increased exposure to Valley Fever?
 - If third party air monitoring could reduce the Valley Fever risk, please describe air monitoring systems that have been used or considered for other projects to reduce this risk?
 - Could third party wind speed monitoring and wind speed shut down limits provide mitigation for the Valley Fever risk?
 - Has there been any consideration of the wind monitoring/wind speed shut down mitigation measure considered or implemented for any other quarries and, if so, have any of the studies associated with such mitigation efforts been reviewed in connection with the preparation of the present DEIR?
 - Would the implementation of the mitigation measures studied and/or implemented in other projects reduce the impacts anticipated for this project?
-
- **Water Issues:** Page 3-1 of the Las Pilitas Area Plan highlights an important water scarcity issue our community faces, stating that the area is “mostly without water-bearing geologic formations, and water availability will be a problem for future development”. The fact that many Parkhill residents are already trucking water into their parcels shows that the water scarcity issue has become very real. Because the proposed project could have a dramatic, adverse impact on water availability, I ask that you address the following questions:
 - In the preparation of the DEIR, was there an estimation prepared for water usage in connection with each facet of the proposed operation?
 - If so, please provide the estimates used.
 - In the preparation of the DEIR was there an evaluation of whether an increase in water consumption by the project beyond the estimates contained in the DEIR would adversely affect the community’s access to water?



- Has water consumption impact been evaluated at the source level, differentiating between water usage from Moreno Creek and usage of well water coming from the Salinas?
 - Has any study been made of the water levels in the wells located in the project vicinity?
 - Has any study been made of the water shortages in these wells over the last 10 years?
 - Has any analysis been performed to determine the impact the proposed operation will have on well water levels in the wells in the project vicinity?
 - Has this analysis been performed with respect to the estimated water consumption associated with the production of Portland Cement Concrete (PCC)?
 - Has this analysis been performed with respect to the estimated water consumption associated with the production of Construction Grade Concrete (CGC)?
 - If the analysis for either PCC or CGC reveals that the wells in the vicinity surrounding the project will be adversely impacted, is it possible to install well monitors in the wells outside the project but within the vicinity to protect these wells from impact by forcing the shutdown of operations when the well water level falls beneath a certain level?
 - If the analysis for either PCC or CGC reveals that the wells in the vicinity surrounding the project will be adversely impacted, is it possible to install well monitors in the wells on the project to enforce a limit on water consumption rates determined by this process to be necessary to protect the water levels in wells in the vicinity of the project?
 - If the trucking of water will be required to replace the water loss from the wells in the vicinity of the project, have these extra truck trips been included in the air analysis, referred to in the air section of this letter?
- If the project intends to truck in water as one component of mitigation, has the increase in truck traffic associated with the water hauling been calculated into the impacts assessments for air pollution, including particulate matter from idling?
- Does the type of quarry operation affect the amount of water consumption?
- Is more water required for the production of Portland Cement Concrete aggregate than for construction grade concrete, and what are the water consumption estimates for each type of operation?
 - If it is concluded that water consumption required for a Portland Cement Concrete operation exceeds the water consumption limits that must be in place to protect the community, can this risk be mitigated by including in any permit a prohibition against use of the site for a Portland Cement Concrete operation?

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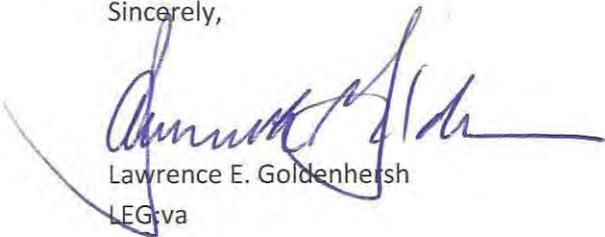
17

- If the washing process required for PCC is going to be conducted at a site different from the site in the permit, shouldn't the impact of the washing operations be the subject of this DEIR?
- Are the water consumption estimates contained in the DEIR consistent with industry estimated water consumption for the type of quarry operation anticipated? If so, please identify the industry studies that substantiate that the water consumption estimates in the DEIR falls within the range estimated for the quarry activity anticipated.
- Can third party monitors be installed at the site to measure precise water consumption and prevent excess use and, if so, are these mitigation measures being considered?
- Is water recycling being considered as a possible way to reduce water consumption at the site?
 - If so, is the need for third party monitoring of water consumption being considered as a way to enforce water cycling requirements
- **Waste Water:** Is the waste water runoff from the washing and other quarry-related operations being considered for potential impact to the surrounding environment?

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Thank you, in advance, for your consideration of the issues I have raised in this letter

Sincerely,



Lawrence E. Goldenhersh
LEG:va



Las Pilitas Quarry
Anna Goldenhersh to: mwilson

05/31/2013 11:19 PM

Murry Wilson, Environmental Resource Specialist

Department of Planning and Building

976 Osos Street, Room 300

San Luis Obispo, CA 93408-2040

May 31, 2013

Dear Mr. Wilson:

Regarding the requested permit for the Las Pilitas Quarry I wanted to add my voice to those in vigorous opposition to scale and health issues endemic in this project.

Trucks will arrive in the morning to pick up their loads. They will line up along the road, and in town. They will be idling spewing exhaust into the air, in some cases, yards from kids walking to and arriving at the Santa Margarita elementary school. Five times a year I drive across our country and I see these hauling trucks on the road every day. They are not maintained to air quality standards and prefer to run until they are fined, then fix a little, and run again. The exhaust spewing out of them can be black. Hundreds of these trucks, lining the road through Santa Margarita and up Highway 58, is a serious health concern for citizens who live along that route and will be exposed to it day-after-day. When the weather is hot for many months through the summer air does not move in this area – it sits – the exhaust will sit.

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There are California Air Quality rules for how long a truck may idle. I would like to know who is going to be walking up and down this massive line of trucks clocking how long they have been idling? How has the applicant guaranteed a healthy environment for the businesses, the residents, and the school along this route?

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Please consider all of the negative health issues with this over-reaching, unhealthful, destructive proposed quarry.

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Thank you,

Anna Serra Goldenhersh

4350 Highway 58

Creston, CA

93432



Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025

Pat Witman to: mwilson@co.slo.ca.us

06/05/2013 04:55 PM

As detailed in the Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025), I strongly support Project Alternative 6.5 (No Project). This alternative allows for continued agricultural use of the project site and creates no other environmental impacts. Project Alternative 6.5 is highly compatible with Residential Rural zoning immediately adjacent to the proposed project site, appropriate for the publically-funded infrastructure within the region, and maintains the rural character of Santa Margarita, CA.

Sincerely,
Pat Witman

Sent from my iPad

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6070 Parkhill Road
Santa Margarita, CA 93453
June 1, 2013

Mr. Murry Wilson
Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: Draft EIR Comments concerning: Las Pilitas Resources, LLC letter to Ms. Sue Luft, Chair of the Water Resources Advisory Committee (WRAC) of May 1, 2013, concerning the Response to Suggested Water Resource Comments on the Draft Environmental Impact Report (DEIR) for the Oster/Las Pilitas Quarry

Dear Murry:

I would like to submit the referenced letter, distributed at the May 1, 2013 WRAC meeting, as a Draft EIR Comment on the proposed Las Pilitas Quarry Project. The Draft EIR has a real problem with defining just what this quarry is going to produce and it does in many places refer to PCC-grade aggregate or other similar misleading terms in references to the actual product of this quarry.

Las Pilitas Resources does, in the last sentence on page 1 of the letter, indicate they will submit a comment on the DEIR to make clarification and request these statements be changed in the Final EIR. However, in case the Applicant fails to respond officially on the subject problem, I would like this letter entered into the comments on the DEIR.

Sincerely,

Roy Reeves

Affiliation: Margarita Proud
805-438-3482
reevesbr@aol.com

enc.

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Las Pilitas Resources, LLC

VIA EMAIL AND HAND DELIVERY

Ms. Sue Luft, Chair

Water Resources Advisory Committee (WRAC)

c/o Public Works Department

County Government Center, Room 207

San Luis Obispo, CA 93408

May 1, 2013

Re: Response to Suggested Water Resource Comments on the Draft Environmental Impact Report (DEIR) for the Oster/Las Pilitas Quarry

Dear Chairman Luft:

The Las Pilitas Resources team has reviewed the WRAC subcommittee's comments of April 22, 2013 regarding the above-referenced permit application, and respectfully offers the following responses for the WRAC's consideration and elucidation.

Response to Comment 1. This comment observed apparent inconsistencies between the application materials and the DEIR regarding the washing of aggregate. It is important to note that the application was submitted approximately 3 years ago, and that during the application review process, the project description is a dynamic document subject to continual refinement and revision, particularly once the CEQA review begins. Although the original application materials made reference to washing aggregate, that is no longer part of the project description. The governing project description is the "Project Description in Chapter 2 of the DEIR—at this point the application materials should be considered to be somewhat outdated.

To be clear, Las Pilitas Resources is not proposing to wash aggregate (See DEIR, Section 2.3.5, pg. 2-9.) Some of the confusion on this point may be due to the fact that the DEIR, which was not written by the applicant, occasionally makes reference to "concrete-grade aggregate" or "Portland Cement Concrete (PCC) grade aggregate." However, because the material will not be washed, this project will be producing non-grade aggregate, not concrete or PCC-grade. (Please see the Response to Comment 3, below, for a list of products that will be produced from the Project.) We intend to submit a comment on the DEIR making this



Las Pilitas Resources, LLC

clarification and requesting that these statements be changed in the Final EIR. Of the total forecasted aggregate demand over the next 50 years in this area, approximately 60% will be for PCC-grade materials, and approximately 40% will be for non-grade materials such as those produced by this project.

Response to Comment 2. This comment is based on the incorrect statements in the DEIR that the project would be producing PCC-grade material, which is generally washed. Please see the Response to Comment 1, above. We are not aware of any potential customers in this County or elsewhere who would be buying our product and washing it. To the extent that someone did want to purchase the product and wash it, such activities would have to be part of their permitting review process.

Response to Comment 3. We intend to produce the following products: Decomposed granite (DG) for residential, commercial and landscaping (trail pathways, etc.) applications, road base, rip rap, drain rock, landscape wall rock, decorative rock, and non-expansive fill. There is the potential for this material to be used, unwashed, as an ingredient in asphalt, but this scenario is unlikely as all of the local asphalt producers have their own supply of rock.

Response to Comment 4. The estimate of 4,000 gallons per day for dust control is based on the following considerations: The largest potential source of dust is the stockpiling and loading area. The active mine face is not a large source of dust given the natural state of the material to be mined (relatively little topsoil, etc.), nor is the active reclamation/revegetation area a large source of dust. These assumptions are generally consistent with the assumptions in the EIR (See page 4.3-26 and Table 4.3-7.) The access road will be paved, requiring relatively little dust control. Accordingly, although the mine footprint based on the phasing maps in the EIR appears large, the acreage requiring active dust control is not as large. The stockpiling and loading area will be located in the bottom of the mine basin, which will help to limit wind disturbance and dust migration in the first instance and, as discussed below, the use of soil binders and other best management practices will also serve to reduce the need for watering. The maximum area subject to water application will vary depending on the mining phase and the size of the stockpiles on hand, and thus is not easily quantified; however, the bulk of the water for dust control will be applied in the stockpiling and loading area, which will only be a few acres in size. We feel that the estimate of 4,000 gallons per day is reasonable to service the project's dust control needs given these factors, and the EIR did not



Las Pilitas Resources, LLC

identify that more than 4,000 gallons per day would be needed to comply with the required dust control mitigation measures.

Response to Comment 5. The best management practices for water as dust control involve both reducing the amount of water that needs to be applied in the first instance, and maximizing the effectiveness of the water that is applied. In order to reduce the amount of water that will be applied, we will be taking the following steps: paving the access road, contouring the mine face so as to minimize wind disturbance, using the minimum number of vehicles/equipment necessary to harvest and transport the material in order to keep down internal road dust, stockpiling the material in a manner that will reduce wind disturbance and erosion, and applying environmentally-friendly soil binders in a strategic manner. In order to maximize the effectiveness of the water that is applied, we will be cognizant of the time of day and the temperature when the water is applied, as well as when a given stockpile or area is slated for disturbance next. With this type of material, a topical application of water will form a "crust" on the stockpile, which will remain in place until that crust is disturbed. Accordingly, it is not necessary to water stockpiles every day unless they are being disturbed every day, and even then, the entire stockpile does not need to be re-watered. Water applied to roadways will be done in conjunction with a palliative (soil binder) as needed. We will also utilize water from the storm water settling ponds for dust suppression wherever possible instead of fresh water.

Response to Comment 6. EIRs do not typically include MSDS sheets for a variety of reasons, and CEQA case law has recognized that such a level of detail is not required for a sufficient EIR, and in fact could be counter-productive. The primary reason for not including an MSDS sheet in an EIR (or, indeed, prior to project operation) is that it would commit the applicant to a particular brand that might be unavailable by the time the project actually commences, or which might have proved not to be the best product for the job at hand during the time between EIR publication and project commencement. Changing products once an MSDS sheet has been published in an EIR could, theoretically, require re-opening of the CEQA process. Instead, Las Pilitas Resources intends to suggest the following condition of approval to the County regarding the use of soil binders: "All soil binders used shall be 'environmentally friendly,' meaning that they have been approved by either the United States Environmental Protection Agency (EPA) under the Environmental Technology Verification program, or by the United States Department of Agriculture (USDA)



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BioPreferred program, and have been approved by the California Department of Fish & Wildlife (CDFW) for use in and adjacent to stream and lake habitats.”

Response to Comment 7. This comment included two subparts that are addressed in turn:

(a) The objective criterion for measuring fugitive dust at levels *below* APCD Rules 401 (Visible Emissions) and 403 (Particulate Matter Emission Standards)—both of which the project will be subject to—is visibility. Per the standard rule governing visible dust, Las Pilitas Resources will not allow any visible dust plumes to leave the project site. Although the general requirement is that visible plumes not cross the property line, we will ensure that visible plumes do not leave the mining area. If it is visible, it will need to be suppressed. This will be accomplished by the use of the BMPs described above, and will be aided by the natural topography of the mine site, in which the largest potential dust sources will be located at the bottom of the mining area and protected by ridgelines.

(b) Because of the considerations above, we believe that the estimated 4,000 gallons per day will be more than sufficient to accomplish this mitigation measure. In other words, suppressing visible dust plumes and exercising extra diligence on days when wind exceeds 15 mph will not require additional water use beyond what is currently estimated, as our estimate takes these conditions into account. On non-windy days, for instance, we expect our water usage to be less than the estimated 4,000 gallons.

Response to Comment 8. Las Pilitas Resources does not anticipate covering stockpiles, which can present logistical hazards, and instead expects to spray and/or treat the stockpiles to comply with this requirement. In this context, “spraying” connotes wetting the stockpile with water to form the “crust” referred to above, and “treating” means adding a soil binder or other palliative to accomplish the same result. Spraying the stockpiles and immediately surrounding areas will account for a large portion of the estimated 4,000 gallons per day, and we do not anticipate any water quantity or quality implications that were not discussed in the EIR. Any palliative would need to be “environmentally friendly” and comply with the condition of approval discussed in Response to Comment 6, above; thus, there would be no anticipated water quality implications from the use of such products.

Response to Comment 9: There were no comments on the domestic water usage discussed in the EIR, and thus no response is necessary.



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Response to Additional/Public Comments Received:

Las Pilitas Resources offers the following brief responses to the correspondence submitted by the public on this item:

1. Letter from Mr. Roy Reeves to CalRecycle, March 16, 2012: Las Pilitas Resources intends to fully comply with all CalRecycle regulations, standards and permit conditions for its recycling operations. The effects of these operations were studied in the EIR and were not found to be significant.

2. Letter from Mr. Roy Reeves to the Central Coast RWQCB, July 6, 2012: The issues raised in this letter are somewhat out-of-date. This letter was drafted before the Draft EIR was completed. As noted above, Las Pilitas Resources no longer intends to wash material as part of this project. A Water Supply Assessment was completed as part of the EIR, and found that the impacts on supply in the Salinas River would be less than significant. Finally, the EIR also found that any water quality impacts from the proposed operation, including recycling, could be mitigated.

3. Letter from Margarita Proud to the WRAC, November 27, 2012: Again, this letter was drafted prior to completion of the Draft EIR. We do not intend to wash aggregate, nor does the project include an asphalt or ready mix plant, so the comparisons to water use by other mines that have one or both of these components is inapt. The project's concrete and asphalt recycling component was studied in the EIR and no significant impacts on water quality were identified.

4. Letter from Margarita Proud to the WRAC, April 14, 2013, with Attachments: We would refer the WRAC to our above responses regarding the washing of aggregate. Statements made by applicant representatives early on in the process, before the project description was refined and finalized, are simply irrelevant. We can only legally do what was described and studied in the EIR, so that is the relevant project description. Each of the other mines identified by Margarita Proud involve washed aggregate, and are much larger and topographically different than the Las Pilitas Quarry. It may also be that those operations, each owned or proposed by large corporations, are not properly incentivized to conserve water. In any case, these comparisons are not apt. With regard to the recycling "waiver," it is important to note that the Hanson operation currently has this same waiver,



Las Pilitas Resources, LLC

which has been in place for several decades, and no adverse consequences have been reported. (Keep in mind that the Hanson operation is subject to annual inspections by the County as well as other regulatory agencies.) Las Pilitas Resources is not proposing an asphalt manufacturing plant, and we can only do what was studied in the EIR, so this is not a component that could be added later. Finally, the EIR includes a chapter on land use compatibility, and the water resources chapter of the EIR took into account the limited groundwater along Parkhill Road, and concluded this project would have no effect on that situation. At the recent EIR workshop hosted by the County, the EIR Consultant stated he was "confident" that this project would not affect groundwater supply nor the flows in the Salinas River. These conclusions are borne out by the Water Supply Assessment in Appendix F of the EIR.

Conclusion

Las Pilitas Resources appreciates this opportunity to address the WRAC's comments. Las Pilitas Resources is hopeful that, given the above clarifications, your Committee will agree with the conclusions reached in the EIR regarding the water impacts of the projects, as well as the analysis, methodology, and veracity of the Water Supply Assessment in particular. The Water Supply Assessment, which forms the basis for the water section in the EIR, found that there was a more-than-adequate supply of water on the property, via both appropriative and riparian rights, to service the requested needs of the project. Given the purpose for which the WRAC was formed and its expertise, we would ask that this be the Committee's primary focus. We hope that you will find both the EIR and the Water Supply Assessment adequate, and encourage you to send this feedback to the County.

Respectfully,

Ken Johnston
Project Manager
Las Pilitas Resources, LLC

RECEIVED

JUN 4 2013

CLIO CO PLAN & BLDG DEPT



Oster/Las Pilitas Quarry
eileen serra to: mwilson

06/01/2013 12:24 PM

Eileen Serra

4292 Calf Canyon Road

Highway 58

Creston, CA 93432

May 28, 2013

Murry Wilson, Environmental Resource Specialist

Department of Planning and Building

976 Osos Street, Room 300

San Luis Obispo, CA 93408-2040

RE: OSTER/LAS PILITAS QUARRY, DRC2009-00025 DEIR COMMENTS

Dear Mr. Wilson:

Our family home is located at 4292 Calf Canyon Road (Hwy 58). The market in Santa Margarita is where I get my groceries, Tina's is where I get my breakfast, and I have been attending the Santa Margarita Catholic Church for nearly thirty-five years. I appreciate the lovely couple of

mile drive from my home to the village. I travel quite a bit and so I know there is nothing like Santa Margarita anywhere. Santa Margarita is an intact example of an historic early California rural village. It is virtually unchanged since 1889. It is listed in weekend antiquing guides, it serves as a brief way station for thirsty cyclists, it is one of the few remainders of a calmer, unindustrialized way of life. In Santa Margarita life is quiet but history is loud. It was one of the original stops on Father Serra's missions as he moved north.

There are so many sincere and valid concerns about this proposed quarry project I barely know where to begin. I know it is your duty to consider comments from the community, and I would ask you to please focus on what would be lost in the way of established character and livability if this quarry were allowed to proceed as planned.

Please ask the planning board to consider the less obvious, non-monetary, but deeply important character and compatibility aspects of industrial activity overwhelming this tiny community for the next fifty years. Putting Santa Margarita in the middle of the hauling of heavy gravel trucks all day long will without a doubt kill this community. The village will be turned into one big trucker pit stop. I'm not being hyperbolic – it will destroy everything that Santa Margarita is and everything it has ever been. Please take a drive over here and have a coffee at The Porch and you will see the enormity of the change that is being proposed to the character and nature of this town, and you will appreciate what will happen when it is overtaken by hundreds of gravel trucks with their noise, emissions, dust, and lack of connection to the community.

Please take a moment to explain to me how the destruction of the character of Santa Margarita might be mitigated? I cannot see how that is possible. Please let me know what Las Pilitas intends to do to stop their truckers from lingering around on the main street, idling their engines, polluting our air, creating noise, as well as a hazard for our school children? What seems clear is that our little charming village is about to become an industrial truck stop.

I'll look forward to hearing from you. Send mail to: 7 Cheshire Court, Newport Beach, CA 92660

Best,

Eileen Serra



Oster/Las Piltas Quarry
Gerald Serra to: mwilson

05/31/2013 04:51 AM

Gerald F. Serra
P.O. Box 223
Creston, CA 93432

May 29, 2013

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: OSTER/LAS PILITAS QUARRY, DRC2009-00025 DEIR COMMENTS

Dear Mr. Wilson:

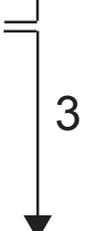
Since 1980 I have owned over one hundred and fifty acres on Highway 58 a couple of miles from the Las Piltas proposed quarry site. It has been my main family home and extended family gathering place. I cannot adequately convey the familial connection we have to Santa Margarita. We travel Highway 58 between our home and Santa Margarita every day, To residents of this special community it is clear that the proposed gravel quarry being discussed is not compatible with the surrounding area and will do long-term unmitigable damage. By its very nature, surface mining is the definition of destruction. The project to produce 500,000 tons of aggregate from 41 acres is out of scale. Among the many concerns for safety and industrial mining noise the basic necessary infrastructure does not exist to support a project of this scale.



One area of intractable concern is the use of Highway 58 by double-hopper gravel travels, which when loaded to capacity will weight 80,000 lbs. Highway 58 is a snaking country roadway never intended to serve as a heavy equipment transit artery. The wear and tear on the road itself will require a constant flow of money for repairs. Is the applicant expecting the taxpayers to subsidize this? Have they offered to set up a fund to keep the road in good repair, and if so who will be monitoring and administering that fund? Since the repairs will be an ongoing situation will the road be shut down over and over to make those repairs? Will residents be asked to deal with constant roadwork along with the other concerning aspects of the quarry? If repairs are needed on a sudden basis will trucks then be staging all the way down Highway 58?



According to the Project Description (pg 2-9) the applicant estimates an average of 273 trucks daily, but also states that for some projects the truck traffic could reach 800 trucks per day. Are the road, traffic, and safety impacts being calculated based on the reasonable worst case of 800, or are they using the average of 273 as their assumption? This is an unacceptably large discrepancy and the truck estimate needs to be addressed with accuracy so we know exactly what



we're looking at. I would very much like to know what the actual truck traffic will be?

This leads me to the irremediable and acutely disturbing safety issue for all of us, for our wives, for our children, for our grandkids, all of whom must drive Highway 58. We should not let the term "highway" confuse us. This is not a highway. This is a treacherous, winding, rural road. There are turn angles along this road in excess of ninety degrees and small cars struggle to stay within the roadway limit lines. There are no shoulders, no turnouts, and no place to pullover. Accidents and total road closures will be unavoidable. How is the applicant addressing this dangerous situation? Are they considering altering the size of their trucks so they can navigate this road safely? And most importantly for those who live on Highway 58 how will emergency vehicles: police, fire, and paramedics get to us when we are in need, if hundreds of trucks are blocking the road and there is no room to drive around them?

I'll look forward to hearing from you. You may respond via email here, or via mail at the post office box above.

Best regards,

Gerald F. Serra



To: Murray Wilson, mwilson@co.slo.ca.us
 Environmental Resource Specialist
 Department of Planning and Building
 County of San Luis Obispo

Subject: Oster/Las Pilitas Quarry Draft Environmental Impact Report (DRC2009-00025)

Date: 05-Jun-2013

From: Mark S. Edwards, Ph.D., edwardsms.slo@gmail.com
 6450 Parkhill Road
 Santa Margarita, CA 93453-8625

cc: Debbie Arnold, darnold@co.slo.ca.us
 Ellen Carroll, elcarroll@co.slo.ca.us
 Holly Phipps, hhipps@co.slo.ca.us

Please include the following comments in response to Draft Environmental Impact Report (DEIR) for Project DRC2009-00025 (ED09-258), Oster Living Trust (Las Pilitas Quarry) Condition Use Permit and Reclamation Plan.

Peer Review

Objective peer review of the DEIR prepared by the contractor on behalf of the County of San Luis Obispo is essential to ensure the interests of the residents and governments of San Luis Obispo Country are considered. The peers and peer-review process employed are intended to provide an unbiased assessment of the rigor and validity reflected in the report. For this important role, peers should not only be selected based upon their unique and specific subject knowledge, but also on their objectivity and lack of potential gain, be it financial, influential or otherwise, from Conditional Use Permit approval. Additionally, this unbiased assessment should never be based on the review of only one peer for a specific topic, but multiple peers to minimize the potential for individual bias. Peer-review of this project by agencies, such as CalTrans, or individuals that stand to benefit directly from Conditional Use Permit approval is inconsistent with an impartial project assessment and brings into question the accuracy of any information presented. Additionally, the DEIR is noticeably vague in several areas, and inaccurate in many others (see below). These obvious oversights could have been mitigated, had this document been subjected to appropriate, independent peer-review.

The DEIR is noticeably lacking a full disclosure of the peer-review process employed in its production. In the interests of transparency, not only should this process be fully disclosed, but also an Appendix listing the names and affiliations of all

peers should be published as part of the DEIR, such that the contributions of these peers is a matter of public record.

Section 4.1 Aesthetics and Visual Resources

The DEIR fails to specifically address **the cumulative aesthetic and visual impacts of increased truck traffic on the rural character of the region**. The proposed project will significantly increase traffic of trucks and related equipment throughout the region (3 mile radius) fundamentally changing the landscape for residents in the immediate area, as well as persons utilizing the area for recreation and tourism. The cumulative aesthetic and visual impacts of increased truck and project related equipment traffic must objectively assessed and proposed measures for impact mitigation, if possible, should be fully defined.

Additionally, the DEIR fails to specifically address **cumulative aesthetic and visual impacts of vehicular traffic utilizing alternative routes through residential regions of Santa Margarita** to avoid truck traffic, due to queuing at El Camino Real/SR58 and Estrada Avenue or otherwise. The proposed project will significantly increase vehicular traffic on secondary roads in and around Santa Margarita residential streets, including, but not limited to: "F" Street, "I" Street, "J" Street, Encina Avenue will be saturated with (higher speed) through traffic when drivers attempt to by-pass the increased traffic congestion. These project changes will fundamentally change the quiet residential landscape for tax-payers in the Santa Margarita area, as well as persons utilizing the area for recreation and tourisms. The cumulative aesthetic and visual impacts of vehicular traffic through residential regions of Santa Margarita must objectively assessed and proposed measures for impact mitigation, if possible, should be fully defined.

Section 4.3 Air Quality

The DEIR **grossly under-represents the number of air quality receptors (AQR) (i.e., residences) within 0.25 mile of the proposed project site and outside the property boundary (Figure 4.5-1)**. The number of family residences is at least twice the number reported, and those numbers increase significantly beyond the 0.25 mile "boundary." This analysis, and the related impacts, should be revised so that **decision makers will clearly understand the numbers of families whose personal health will be compromised** by this proposed project.

In the event of project approval, prior to issuance of Notice to Proceed the applicant should, for the life of the project, fund an independent contractor, all necessary monitoring equipment and routine testing conducted under the supervision SLOAPCD to objective and continuously monitor the significant and not mitigable residual air quality impacts, including but not limited to, ROG+NO_x and PM₁₀ Fugitive Dust in the



residential areas surrounding the project site. Routine reports (e.g., quarterly) should be distributed by SLOAPCD to residents surrounding the project site so they can be aware of significant and not mitigable residual air quality impacts to which they are being exposed. In the event that monitored levels of these pollutants exceed safety levels established by SLOAPCD and other regulatory agencies, all project operations should be suspended until levels of pollutants fall below target levels. These guidelines should be in effect for the operator, even if cumulative impacts may result from other regional sources.



Additionally, the DEIR fails to specifically address **cumulative air quality impacts of vehicular traffic utilizing alternative routes through residential regions of Santa Margarita** to avoid truck traffic, due to queuing at El Camino Real/SR58 and Estrada Avenue or otherwise. The cumulative air quality impacts of vehicular traffic through residential regions of Santa Margarita must objectively assessed and proposed measures for impact mitigation, if possible, should be fully defined.



Section 4.5 Biological Resources

It is **inappropriate for the DEIR to include applicant sponsored and directed studies** associated with these impacts conducted prior to the 08-Jul-2010 scoping meeting held by the San Luis Obispo County Planning & Building Department. Additionally, the timing, duration and scope (e.g., encounters) of subsequent surveys (May, 2011 and July, 2011) is not adequate to assess seasonally present biological resources.



The DEIR describes potential impacts to listed species of federal significance but fails to include a comprehensive list of both plant and animal species, of federal, state, county **and** local significance. This must include all migratory species that could possibly utilize the proposed project site, for which suitable habitat exists as stated in the DEIR. The DEIR fails to objective describe any mitigation measures in response to indirect impacts to these organisms related to project implementation.



Although habitat for certain species may not occur directly within the boundaries of the proposed project site, the DEIR fails to recognize that cumulative outputs (e.g., ROG+NO_x, PM₁₀ Fugitive Dust, Noise, Changes in surface water patters) of mining operations have potentially significant impacts on wetland or riparian habitat and species within those habitats. The DEIR states that the nearby Salinas River, which actually forms the western boundary of one parcel in question, is potential habitat for steelhead trout (*Oncorhynchus mykiss irideus*). Seasonal and other influences that increase the flow of water through the Salinas River may influence the presence of other species in this watershed, including the California red-legged frog (*Rana aurora draytonii*) and California tiger salamander (*Ambystoma californiense*). Measurable



impacts, such as disturbance to an ephemeral drainage, on these sensitive habitats that border the proposed project site must be quantified. Proposed measures for impact mitigation, if possible, should be fully defined.

9

Section 4.7 Hazards and Hazardous Materials

The DEIR provides limited language regarding the potential for exposure to Valley Fever related to proposed project activities (IMPACT HAZ-7). Although mitigation measures are proposed, they are nonspecific, unsupported by reference to peer-reviewed sources demonstrating their efficacy, and generally related to site workers, not the residential population immediately adjacent to the proposed project site.

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The significant health risks associated with inhalation of fungal spores of *Coccidioides immitis* resulting in Coccidiomycosis (Valley Fever) from project related activities must objectively assessed and clearly defined, demonstrably effective measures for impact mitigation, if possible, should be specified.

In the event of project approval, prior to issuance of Notice to Proceed the applicant should, for the life of the project, fund an account to financially support the following: routine (e.g., quarterly) notification by an independent contractor to residents surrounding the project site regarding the significant health risks associated with inhalation of fungal spores of *Coccidioides immitis* resulting in Coccidiomycosis (Valley Fever); all costs associate with routine annual banking and testing of human and animal serum under the supervision SLO County Health Department and Department of Agriculture, respectively, to determine titers to *Coccidioides immitis* as an indication of exposure to the organism; all costs associated with treatment of infected persons and animals; and financial compensation for animal losses, either by death or reduced productivity resulting from Coccidiomycosis infections.

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The DEIR fails to address other cumulative impacts of hazards and hazardous materials beyond the boundaries of the project site, but directly associated with project operations. For example, there is no discussion of the bioaccumulation of the heavy metal barium (Ba) in plant materials along SR58 associated with the exponential increase in truck traffic. A **significant relationship between this environmental contaminant (barium) and diesel exhaust has been clearly demonstrated** (Monaci and Bargagli, 1997). Barium is extremely toxic when absorbed (NRC, 1980). Animals, including dogs, cattle and horses, consuming this contaminated plant material demonstrate depressed weight gain, reduced productivity and death. The impacts of hazards and hazardous materials beyond the boundaries of the project site, along SR58 and through residential regions of Santa Margarita must objectively assessed and proposed measures for impact mitigation, if possible, should be fully defined.

12

In the event of project approval, prior to issuance of Notice to Proceed the applicant should, for the life of the project, fund an account to financially support the following: all costs associate with routine testing of animal serum under the Department of Agriculture, respectively, to determine exposure to barium; all costs associated with treatment of exposed animals; and financial compensation for animal losses, either by death or reduced productivity resulting from barium exposure.

12

Additionally, the DEIR fails to specifically address **cumulative hazards and hazardous materials impacts of vehicular traffic utilizing alternative routes through residential regions of Santa Margarita** to avoid truck traffic, due to queuing at El Camino Real/SR58 and Estrada Avenue or otherwise. There is a higher density of pedestrian, bicycle and horse/animal traffic within these residential regions. The increase potential for human/animal and vehicle conflicts through residential regions of Santa Margarita should be objectively assessed and proposed measures for impact mitigation, if possible, should be fully defined.

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Section 4.8 Noise

Impacts of noise associated with the proposed project are based on faulty, incomplete or misrepresented data. The DEIR **grossly under-represents the number of residences within the vicinity of the proposed project site**, as well as making several misstatements regarding characteristics of the residences themselves. The source of many of these inaccuracies is a “noise analysis” report prepared by Dublink and Associates (2010) under direction of the applicant before the EIR process was initiated.

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All references and any data collected, collated, analyzed or presented wholly or in part as a result of the report prepared by Dublink and Associates (2010) working under the direction of the project applicant should be considered biased and removed from this DIER. URS Corporation should conduct their own, independent, objective assessment of data necessary to determine the noise impacts of this project.

The DEIR subjectively states “there are several residences within one mile of the proposed project site.” Information presented in Figure 4.8-1 **suggests only five (5) residences within a one mile radius of the proposed project site, when in reality there is at least twice that number.**

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A recent (27-May-2013) review of demographics within a three mile radius of the proposed project site clearly shows a current population of 1728 individuals living among 701 households, with a projected 4.6% and 4.4% increase in population and households over the next five years, respectively (Table 1).

The DEIR incorrectly states “None of the residences are located immediately adjacent to SR 58”, when in fact at least four (4) residences are both immediately adjacent to the proposed project site and SR 58: APN 070-154-032, APN 070-154-099, APN 070-142-016, APN 070-142-032. As such, these residences are subject existing noise levels (e.g., SR 58, Hanson Quarry), along with the cumulative impacts of the proposed mining and quarry operations and the additional associated truck traffic.

Table 1. Selected demographics within a three mile radius of the proposed project site. (Source: Applied Geographic Solutions, Thousand Oaks, CA).

	2013	2018
Population	1728	1807
Households	701	732
Families	451	471
Total Dwellings	718	732

Additionally, the DEIR fails to specifically address **cumulative noise impacts of vehicular traffic utilizing alternative routes through residential regions of Santa Margarita** to avoid truck traffic, due to queuing at El Camino Real/SR58 and Estrada Avenue or otherwise. The cumulative noise impacts of increased vehicular traffic through residential regions of Santa Margarita must be objectively assessed, citing peer-reviewed methodologies employed, including certification of calibrated equipment. Measures proposed for impact mitigation, if possible, should be fully defined.

Section 4.11 Transportation and Circulation

The DEIR fails to specifically address **cumulative traffic impacts of vehicular traffic utilizing alternative routes through residential regions of Santa Margarita** to avoid truck traffic, due to queuing at El Camino Real/SR58 and Estrada Avenue or otherwise. The proposed project will significantly increase vehicular traffic on secondary roads in and around Santa Margarita. Residential streets, including, but not limited to: “F” Street, “I” Street, “J” Street, Encina Avenue will be saturated with (higher speed) through traffic as drivers attempt to by-pass the increased traffic congestion. These project changes will fundamentally change the quiet residential landscape for residents in the Santa Margarita area, as well as persons utilizing the area for recreation and tourisms. The cumulative traffic impacts of vehicular traffic must objectively assessed and proposed measures for impact mitigation, if possible, should be fully defined.

Draft EIR fails to address any traffic impacts related to increased truck traffic on SR58 between Santa Margarita and proposed quarry entrance, specifically:

- cumulative impacts of proposed residential development and increased truck traffic along the route



- delays created for left turn on to SR58 at West Pozo Road
- unsafe (2) turns immediately east of West Pozo Road intersection
- lack of space on side of road for bicycle traffic
- lack of space on side of road for trucks to move over and allow emergency vehicles (CalFire) to safely pass on two lane road
- trucks queuing for entry into site on SR58 Salinas River bridge

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Section 4.14 Land Use

The DEIR should clearly indicate that designation of a region as EX-1 (or MRZ-2) by the California State Geological Survey is nothing more than an acknowledgement of a potential resource in that area, and does not supersede land uses in those areas. The DEIR should at least reference the fact that there are several criteria, both economical and social, that exclude an area designated as MRZ-2 from being suitable as an Aggregate Resource Area (ARA).

The DEIR fails to recognize that **the proposed project site meets more than one incompatible land use identified to exclude areas classified as MRZ-2 by the California State Geological Survey from use as aggregate resource areas (ARAs),** specifically:

18

- **Residential areas, and areas committed to residential development,** both of which have been actively promoted by San Luis Obispo County through the subdivision of Residential Rural parcels and issuance of building permits, increasing the population density immediately adjacent to the proposed project site
- **Major public or private engineering projects,** including major the two major pipelines (Coastal Branch of the California Aqueduct, Phillips 66 petroleum pipeline) that transect the proposed project site

Project Alternatives

Project Alternative 6.5 (No Project) should be unquestionably supported. The DEIR fails to fully describe the merits of this alternative. Implementation of the No Project Alternative

- strategically conserves APN 070-141-070 (78 acres), APN 070-141-071 (151 acres) to create an adequate buffer zone between the existing Santa Margarita Quarry (Hanson) and incompatible land uses immediately surrounding the proposed project site creating the opportunity to increase and expand the approved, existing Santa Margarita Quarry (Hanson) (subject to appropriate County approvals)

19

- responsibly fulfills the specific project objective related to producing 500,00 tons per year of aggregate material for use in the local development and road construction and maintenance sector through a measured and monitored increased utilization of the approved, existing Santa Margarita Quarry (Hanson) (subject to appropriate County approvals)
- proactively balances the regional production-consumption gap through thoughtful and purposefully increased utilization of the existing Santa Margarita Quarry (Hanson)
- conscientiously allows for continued agricultural use of the project site and creates no other environmental impacts.
- is highly compatible with Residential Rural zoning immediately adjacent to the proposed project site
- appropriate for the publically-funded infrastructure within the region specifically SR58
- avoids all significant impacts which can or cannot be mitigated to a level below significance
- maintains the rural character of Santa Margarita

References

Monaci F, Bargagli R. 1997. Barium and other trace metals as indicators of vehicle emissions. *Water, Air, and Soil Pollution* 100: 89–98, 1997.

CDC (Centers for Disease Control and Prevention). 2010. Coccidiomycosis. <http://www.cdc.gov/nczved/divisions/dfbmd/diseases/coccidiomycosis>; accessed 25-Jul-2010.

CSMR (California Surface Mining and Reclamation). Guidelines for Classification and Designation of Mineral Lands. <http://www.conservation.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf>; accessed 02-Jun-2013.

NRC (National Research Council). 1980. Mineral Tolerance of Domestic Animals. National Academy Press. Washington DC.

Shubitz LF. 2007. Comparative aspects of Coccidioidomycosis in animals and humans. *Annals of the New York Academy of Sciences* 1111:395-403.

Terio KA, Stalis IH, Allen JL, Stott JL, Worley MB. 2003. Coccidioidomycosis in Przewalski's horses (*Equus przewalskii*). *J Zoo and Wildlife Medicine* 34:339-345.



Draft EIR Comment Form Proposed Las Pilitas Quarry Project [1 of 3]

Cathy Burkhardt to: mwilson@co.slo.ca.us

06/05/2013 11:48 PM

Cc: "letters@newtimeslo.com"

Please respond to Cathy Burkhardt

Date: 6/5/2013

Name: Catherine Burkhardt

Affiliation (if any): none

Address: 6112 Parkhill Rd.

City, State, Zip code: Santa Margarita, CA 93453

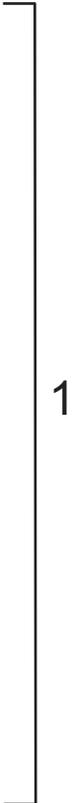
Telephone Number: N/A

Email: wargblargensnarg@yahoo.com

Comment: I cannot, in any way shape or form, support the 58 Quarry's construction as an intelligent course of action for these reasons:

1. Location-

The site of the proposed quarry is not only in a country residential area, it is also located on the scenic drive out to Shell Creek Road for wildflower viewing. The site is currently a gorgeous landscape. With the quarry there, it will turn into a highly visible aesthetically disturbing scar on the hills by the river. Highway 58 is a popular bike route, and the road has no shoulders. Bicyclists will be put at a greater risk with large quantities of quarry trucks attempting to pass them on this narrow, twisting country road. Trucks stuck behind bicyclists will cause traffic build-ups for smaller cars stuck behind them, as well. 58 also goes past Santa Margarita Elementary School, and the children will be negatively impacted by the increased truck traffic as they travel to and from school. The intersection of 58 and El Camino Real is only a block from the school, and is already the busiest intersection in Santa Margarita. That T intersection is on a blind corner where all east-bound must flow. And it's right by the rail road tracks. There is barely enough space for a truck to fit on 58 between El Camino Real and the rail road tracks. When traffic is heavy on El Camino Real (like during rush hour or school starting/getting out), that intersection already turns into a bottleneck from people turning left on a blind corner. With the addition of large trucks, traffic would become a daily frustration in a small town where everything is extremely noticeable. The quality of life in Santa Margarita would change in a manner that its citizens have clearly indicated would make them uncomfortable, as well as 58's and Parkhill Road's citizens. These communities definitely feel that the quarry will negatively impact everyone's quality of life with its location.



2. Environment-

The quarry will not positively affect its environment, quite the opposite. It will consume too much water for a drought stricken area. It will add dust and noise pollution that will be blown by the prevailing offshore winds directly up the Parkhill Valley, which is more densely populated than 58. People who live on Parkhill and have lung problems or are veterans expect to be very negatively impacted by the quarry's dust and noise



pollution. The acoustics of Parkhill Valley (also known as the Golden Valley) are such that trains passing in Santa Margarita are audible, especially when the wind is coming from the west. The countryside is quiet enough that the blasting noises coming from the quarry will most likely be audible for a five mile radius, affecting hundred(s?) of people. The dust will smudge the beautiful view of the mountains for residents of the area, who live here for the loveliness of the natural settings. Animals who live in the area will also be disturbed by the blastings. The kit fox lives in this area and is an endangered species. Since the blastings will be right next to the biggest watering hole in the area (the Salinas River), it is a surety that wild life will suffer from being frightened by the noise so close to an area they require for existence. Water is hard to find here, and some animals will most likely die of thirst if the quarry goes in. Plus, when the quarry is done and to be returned to a wild state, the whole ecology of the area will be difficult, if not impossible, to restore to its present condition. Micro organisms in the soil will have to be reintroduced with native vegetation in an area where native animals have been frightened away. It is likely that non-native, invasive weeds will take root in the disturbed area. The air quality will also be negatively impacted by the pollution generated by having over 200 truck trips a day. The added exhaust from the trucks will lower the air quality for all residents of Santa Margarita, 58, and Parkhill Rd. With the conditions of global warming in effect, this community wishes to protect our already endangered air. It's very important to be able to breathe.

2

3. Ethics-

It violated the principles of intelligence to destroy that which you require for your survival. Good land stewardship does not include destroying said land. Revelations 7:3, "Hurt not the Earth, neither the sea nor the trees." Nature is not a commodity that can be bought; wild land cannot be produced in a factory. Once it's gone, it's gone. It is irreplaceable. We have a moral obligation to our children and the future generations to preserve and protect what little wilderness is left. Life doesn't give you a second chance. Once you're dead, you're dead (99.9999% of the time). The karmic toll of destroying now is that there is less for the future generations. We imperil the survival of our future offspring, which is not seen as a sign of intelligence in a species that wishes to continue to exist. So obviously preserving what we have now with loving thoughtfulness for our children would be the most intelligent course for survival. It is clearly unethical to let one man's greed for the double illusion of money (inedible) to negatively impact thousands of lives over hundreds of years. We only have one planet; that's why we have to take care of it. We don't need yet another quarry in this county. We do need fresh air and clean water. Most of the community objects to this quarry; please listen. The health of the community is more important than one man getting rich.

3



DEIR Comments DRC 2009-00025
Kevin Christian to: mwilson

06/02/2013 12:42 PM

To: Murry Wilson

Sb: Proposed Las Pilitas Quarry, traffic impact

I support the installation of Class II bicycle lanes from Santa Margarita to the quarry site as a mitigation measure for operation of the quarry. Additionally, I believe that all the truck drivers should be required to attend yearly training on operating vehicles around bicyclists. The League of American Bicyclists (<http://www.bikeleague.org>) has a course specifically targeted for motorists. The City of San Luis Obispo requires (and provides) similar yearly training of this type for their bus operators. The focus of these courses is safe vehicle operation around bicyclists, whether the bicyclists are operating legally or not. The course also provides details on what legal operation of a bicycle includes according to the CA Vehicle Code.

With no change in the roadway design, there are currently only .4 miles (approx.) in each direction striped for legal passing between Santa Margarita and the quarry site. At no place are the lane widths wider than 14' and most are narrower. This is not a sharable lane width (safe operation of both the bike and truck within the lane) and the CA Vehicle Code 21202 (a) (3) allows bicyclists full use of a lane in this condition. While I am concerned about trucks attempting to pass bicyclists too close or when they don't have good sight lines, I'm even more concerned about poor decisions made by motorists that queue behind a truck, not knowing that the bicyclists is in front of the truck.

Given the current volume of traffic (motorists and bicyclists) and the proposed increase of truck traffic, this project should not go forward without roadway improvements focused on both bicycle and truck use at the same time.

Thank you for your attention on this matter,

Kevin Christian
610 Al-Hil Drive
San Luis Obispo, CA 93405
(805) 783-0942

1



Draft EIR Comment Form
Proposed Las Pilitas Quarry Project

SLO CNTY
PLANNING & BUILDING
DEPT
2013 JUN -6 AM 11:38

Date: 6-5-13, 6-6-13
Name*: PAUL DILBER
Affiliation (if any)*: PARKHILL RESIDENT
Address*: 5745 PARKHILL ROAD
City, State, Zip Code*: SANTA MARGARITA, CA 93453
Telephone Number*: 805 438-3156
Email*: PAULDEAN08@HOTMAIL.COM

Comment: I AM SORRY THAT MY E-MAIL SENT JUNE 5 FAILED
TO CARRY THE ATTACHMENTS HERE IN ENCLOSED.
THANK YOU FOR YOUR CONSIDERATION.
SINCERELY, PAUL

SLO CNTY
PLANNING & BUILDING
DEPT
2013 JUN -6 AM 11:38

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by June 5, 2013. Comments may also be faxed to (805) 788-2413 or emailed to mwilson@co.slo.ca.us.

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Los Pilitas Resources - Suggestions



mwilson@co.slo.ca.us (mwilson@co.sl [Actions](#))

To: Paul Dilger

1 attachment (7.9 KB)

[Outlook Active View](#)



[View slide show \(1\)](#) [Download as zip](#)

Mr. Digger,

No attachments were included in this email.

Murry Wilson
Environmental Resource Specialist
Department of Planning and Building
Phone - (805) 788-2352
Fax - (805) 788-2413

(Embedded image moved to file:
pic26489.jpg)

ü Please consider the environment before
printing this email.

Paul C



[Already or](#)

[Already or](#)

Las Pilitas Resources, LLC – Planning Dept.

Where Lives and Safety Come First?



(A) First Curve (B) 2nd Curve (C) Cole's Home (D) Bridge (E) Oster's House

This information shown below should in know way be interpreted that I am against the quarry!

Preface: There are three parts to this document:

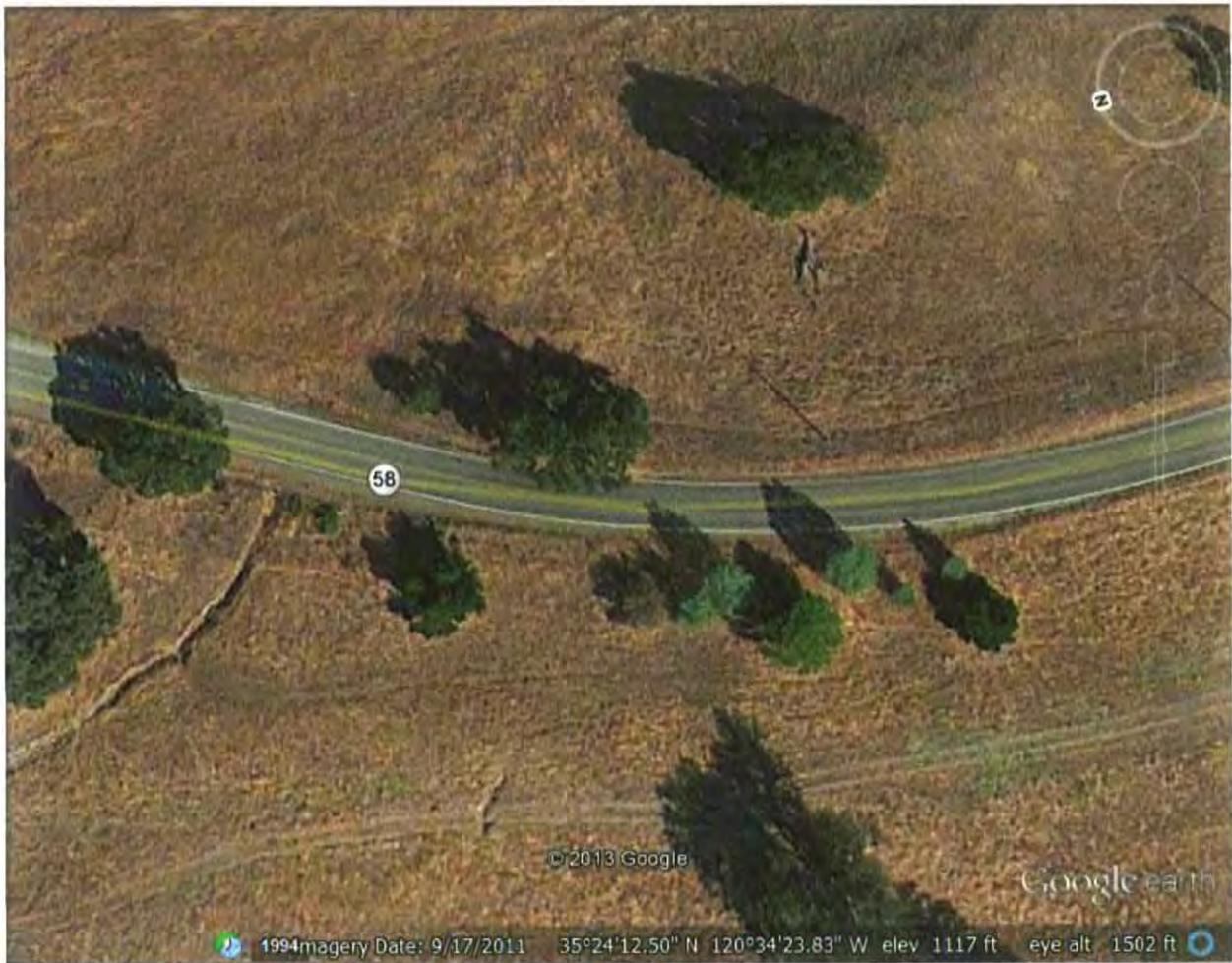
1. Curve at Point A is to the west of Cole's Home/Ranch about $\frac{1}{2}$ mile east of the bridge at point D highway 58, 4 miles east out of Santa Margarita.
2. Curve at Point B is to the east of Cole's Home/Ranch about $\frac{1}{4}$ miles east of the bridge at point D highway 58, 4 east miles out of Santa Margarita.
3. Quarry alternate exit proposal east of Salinas Bridge D on highway 58, 4 miles out of Santa Margarita.

My first two concerns on highway 58, curves A and B will not be of any concern to the project if an alternate route is adopted.

We can work together to keep our state highway as safe as possible. There are a considerable number of accidents that occur on this segment between the Salinas River Bridge and the Pozo Road junction.

When the curve "A" is look at from an aerial view (see below), the curve looks smooth and easy to transverse. Possibly this is what your highway consultant observed. Whereas the speed limit is 55 mph, it's a real eye opener to all drivers especially in commuter traffic morning and evenings. In about 50 feet of where

the road turns, drivers will start the turn, then jerk the steering wheel to stay in their lane. It's a sleeper and wake up call almost every time you drive here.



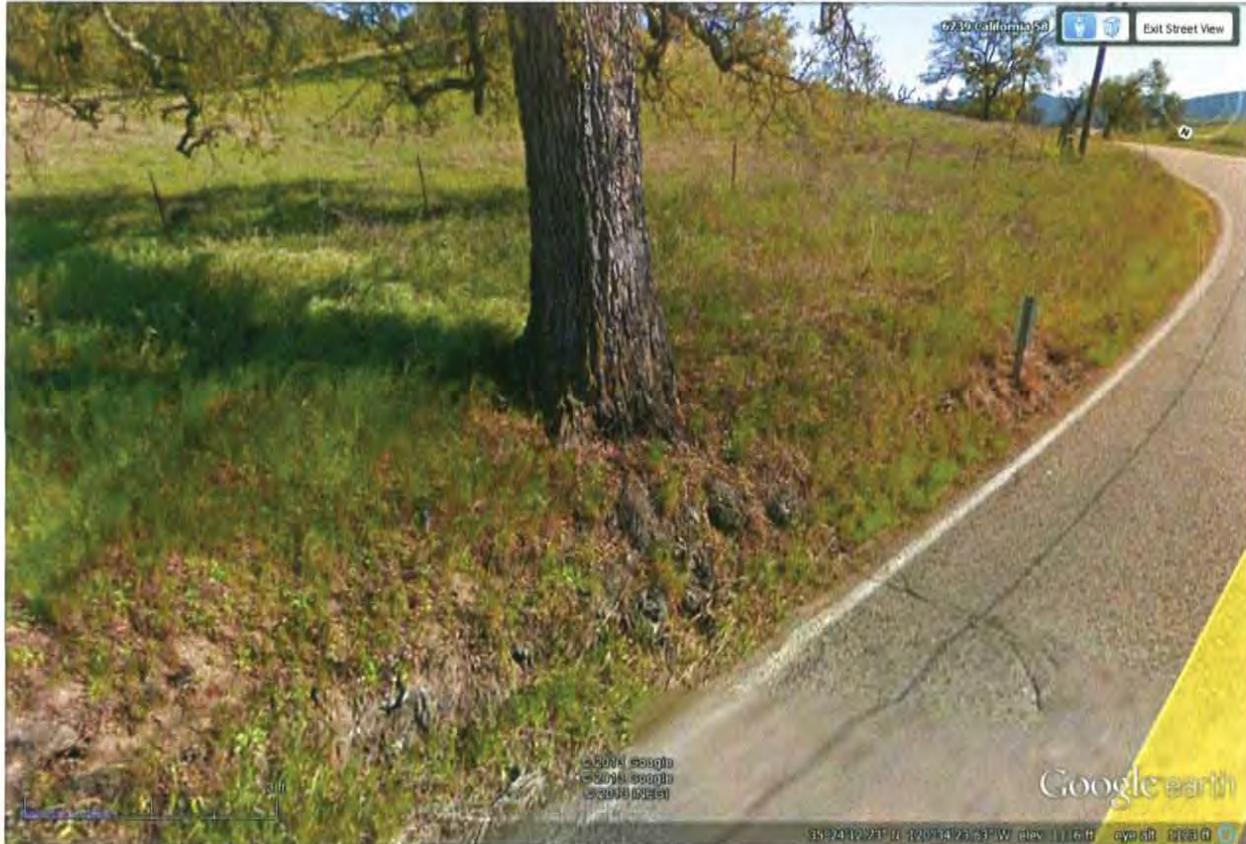
1

Case #1 in point; looks at the yellow line made by the Goggle vehicle in the above picture. We can see where the driver jerked the wheel. Follow from left to right, the Goggle camera in the curve until the second tree shadow. Here the camera left the lane and continued straight into the oncoming lane. His surprise was so startling he remained out of the correct lane for at least 100 feet further down the road. They were lucky no one was coming from the opposite direction. Many have not been that lucky.

Case #2 in point; let's say a line haul truck/tractor is pulling a set of doubles from west to east on this curve.

When the driver of the truck/tractor heading west with a set of doubles hugs the inside edge of the yellow center line, the shoulder of the trailer will cross the double line by possibly several feet against east ward traffic, thus leaving insufficient room for east word traffic.

Drivers know that on sharp curves the rear axle tires on the rear trailer do not follow the foot print of the truck. The sharper the turn, the further the rear axle will leave the front roadtrack. As wrong as it sounds, many times a driver must cross the line to insure the following axles will not plow into things like the tree on this curve "A" or slower cars and bicycles.



Note there is no shoulder for pedestrians or bicyclists on this inside curve. The following picture startled me when it was developed I did not see the person on the bicycle when I took the picture. My digital camera has about a 2 sec. delay time from when you press the button. When I lowered the camera from my eye I was instantly frightened from the preview window of the camera. Many of our community bicyclists use this Pozo/Parkhill/Highway58 loop for both enjoyment and competition. As you know there are hundreds of non-event bicyclists on this stretch weekly. When we add hundreds of sets of doubles per day, we can only speculate what and when will be the first collision.



Besides the real danger of the radius of this curve, is the lack of visibility of both slow moving individuals ahead of them and trucks coming the other way.



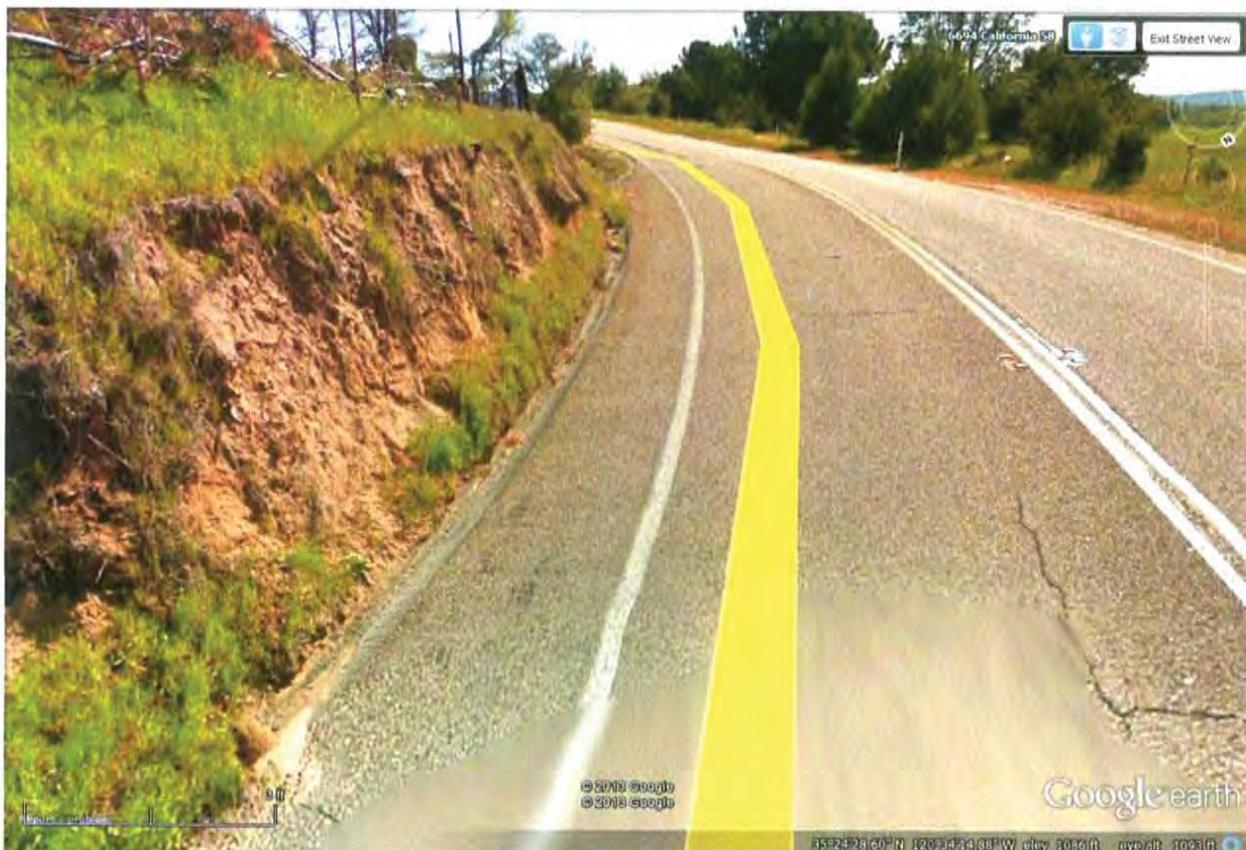
Here's another major problem with curve "A".

The above picture shows how the height of the bank prevents west bound traffic to see a truck or traffic out of lane until it too late.

If a westbound truck's left front wheel is even close to the yellow line on the curve, the rear trailer's rear left-wheel will more then pass over the double line, causing oncoming traffic to pull into the bank as necessary to avoid a collision.

Highway 58 is an old road put in maybe over 70 years ago when all vehicles were slower, smaller and lighter, including trucks. Over the years this curve has been ignored and probably has not been brought to attention for adjustment. If this quarry is approved with the purposed entry, I strongly suggest you put pressure on Cal Trans to remove the tree and straighten out the curve before more lives are lost.

The picture below is curve "B" down slope toward the Salinas River Bridge.

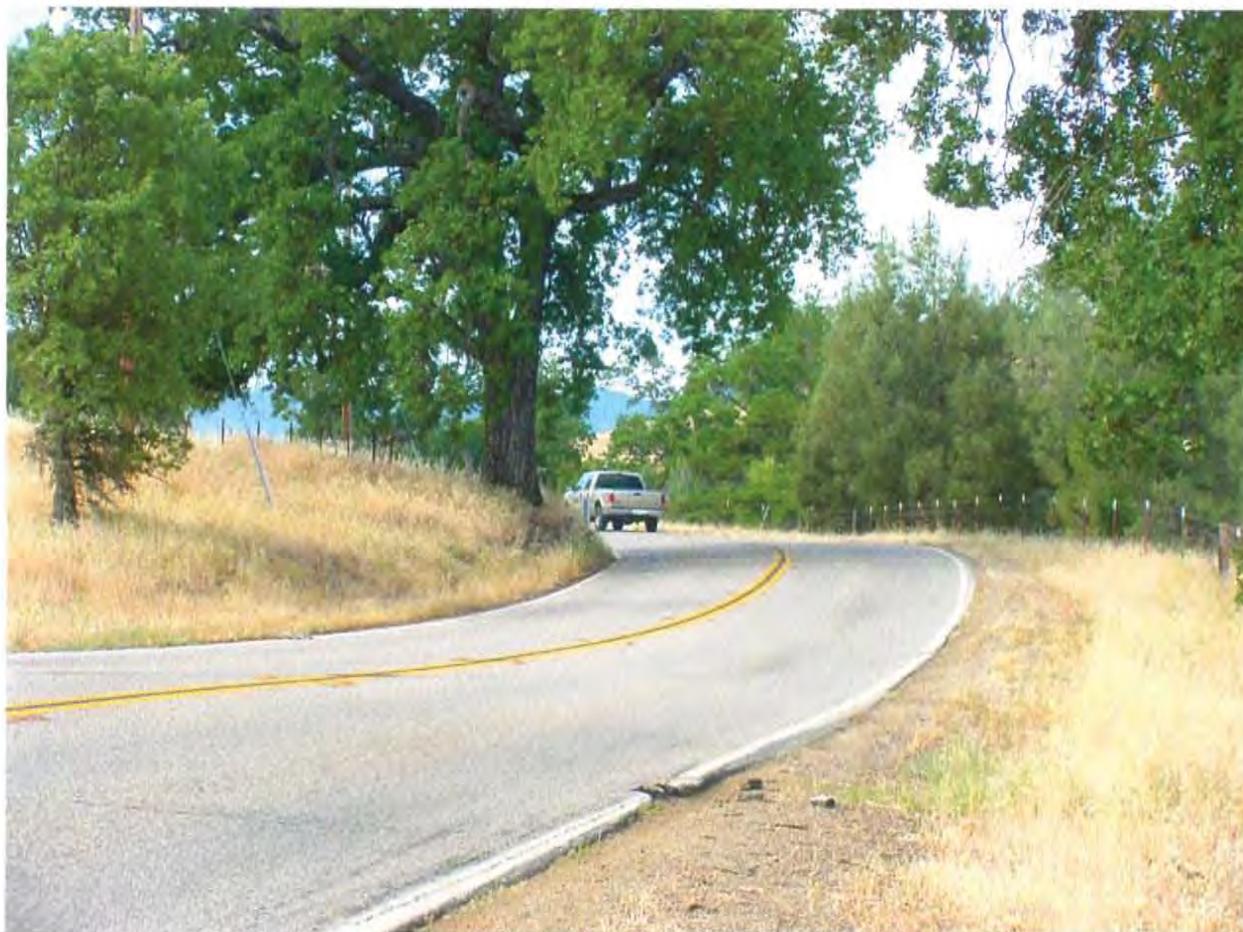


The yellow line again illustrates how the car mounted Goggle Camera got jerked a minimum of 3 times. AS I drive this several times a week I slow to 45 mph because I know there may be a problem ahead. Commute traffic normally exceeds 55 mph as 55 is the speed limit. Here there is a shoulder buffer safety zone.

1

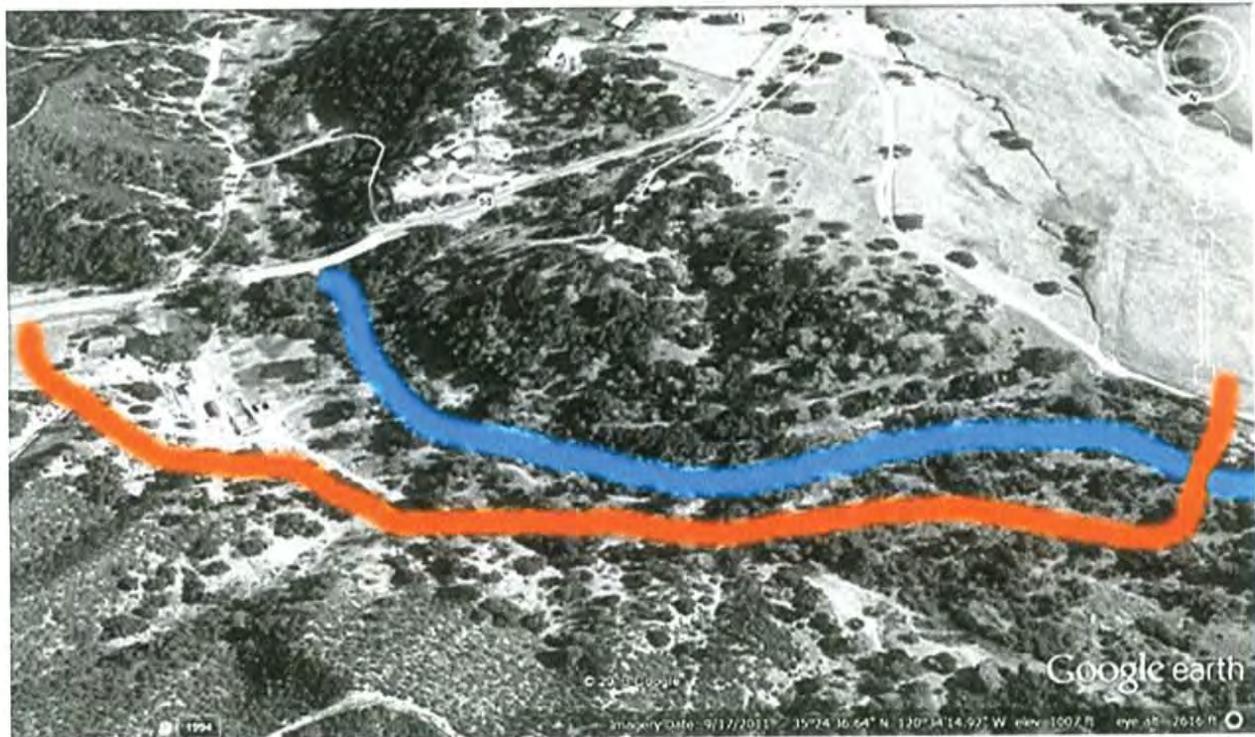
2

If a driver is jerking around this down this curve with a sudden slope, the problem is compounded with excessive speed increasing the stopping distance. Here's the problem with excessive speed for speeding drivers. First the road will appear to be curving faster than expected when driving fast so keeping the vehicle on the road is the primary issue so a few jerks on the steering wheel is initiated right before the driver sees a doe walking across the road. When the brakes are suddenly slammed, steering difficulty becomes intense, reducing some control is normally what it takes to catch the right front wheel of the vehicle on shoulder. (Ask a highway patrolman) Shoulders tend to deteriorate with heavy traffic with heavy loads. See picture below of road heading around curve "A". This is a common occurrence on country roads after heavy rains. This type of situation causes many vehicles to roll down the road. How will this excessive wear be handled.



As these two curves have seen many accidents over the years with inattentive or and unaware drivers, you would think some good graphic warning signs and reduce speeds would have come into play. Without bringing these issues to someone's attention, those responsible for correcting at Cal Trans will never find out, therefore I will give Cal Trans a copy of this document. I am not bringing up these point in judgment of the past, but only to see if public/community safety has had due dilligence.

In suggesting an alternative route other than Highway 58, these curves will no longer be an issue for public safety. Carefully looking at Oster's land and facilities it looks very feasible to develop a entrance/exit access by circumventing a newer private road around Oster's homestead. The top picture shows the Salinas River drainage and the Salinas Bridge, with Oster's homestead to middle left.



3



The blue line indicates the Salinas River and the orange line shows the general area around Oster's homestead and around to Hanson's road along the Salinas River. The orange line is freehand and not a surveyed route.

Thoughts to improve the feasibility for this project and put down public outcry:

- a. The proposed orange road to be surveyed and developed would bypass the bridge that was not designed to safely support more than one truck at a time with two trailer load. Cal Trans. engineers can verify this. Better check.
- b. Truck/trailers of a potential of about 300 trips a day would not present any safety problem to the public/community on a State highway 58.
- c. Truck traffic safety problems to the Santa Margarita community, would no longer be an issue, especially at the elementary school and merging traffic onto El Camino Real across the railroad.
- d. California Highway patrol would not be burdened with having to increase their staff to serve private interest.
- e. A by-pass road on Oster's property would be less expensive to develop than an enter/exit apron onto and off of highway 58.
- f. Less air and noise pollution would be created on the by-pass.
- g. A Salinas River crossing would need to be developed to cross over to Hanson's road. The quarry has the equipment to build a crossing like the one going to Rockie Canyon quarry. The quarry with their equipment can easily cut and grade a new road. They will have large boulders to stabilize a crossing. They will have plenty of base, gravel and recycled asphalt for a dust free environment. Likewise, they have the equipment to maintain a private by-pass road.
- h. Hanson might cooperate if a nominal fee is paid for each commercial crossing. The argument is simple, "If you accept fees per load at not cost to you and a new profit emerges. If you say no, you will lose business. Which one will make you the greatest profit?"
- i. Public Safety will come first under this plan if the county will cooperate.

Respectfull:

Paul Dilger, rancher on Parkhill
805 438-3156

Murry Wilson, Environmental Resource Specialist

Department of Planning and Building

976 Osos St., Rm. 300

San Luis Obispo, CA 93408-2040

Proposed Las Pilitas Quarry Project: EIR Comments

Please address the following concerns I have regarding the proposed EIR for the Las Pilitas Quarry Project.

IMPACT Dust Generation. "Dust will be generated during the quarry development and use which could adversely affect agricultural resources."

What is the number of ppm in the air quality will be present? How does this compare to the air quality south of the Oceano Dunes?

What are the prevailing winds and which populations will be affected?

Will bicyclist riding along HW 58 be subjected to dust in the air or accumulated dust on the shoulder of the road as it migrates off the truck trailers?

How many cases of Valley Fever are projected due to this project?

1
2
3

IMPACT: Recreation

The EIR summarizes by referring to the "non-residential nature of this quarry".

The number of trucks traveling along HW 58 will greatly impact bicycle traffic along this portion of HW 58. San Luis Obispo County is considered a destination for tourist coming to ride on our country roads. How will truck traffic impact the safety of bicyclists on HW 58?

4

IMPACT: Public Services and Utilities. "This project, along with others in the area, will have a cumulative effect on road facilities as well as police and fire protection, and will not affect schools."

How will the large number of truck trips each day "not affect Santa Margarita Elementary School children."?

5

Holly Naylor

P.O. Box 128

Santa Margarita, CA 93453



Recall: Comment Form - Proposed Las Pilitas Quarry Project
Brenda.L.Mcadams to: mwilson

06/05/2013 01:50 PM

McAdams, Brenda L would like to recall the message, "Comment Form - Proposed Las Pilitas Quarry Project".

] 1