APPENDIX A

- **INITIAL STUDY**
- **NOTICE OF PREPARATION**
- **SCOPING RESPONSES**

Revised Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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Project Title & No.Las Pilitas Quarry Conditional Use Permit and Reclamation Plan DRC2009-00025 ED09-258. REVISED INITIAL STUDY

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☒ Aesthetics	☒ Geology and Soils	☒ Recreation
☒ Agricultural Resources	☒ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☒ Noise	☒ Wastewater
☒ Biological Resources	☒ Population/Housing	☒ Water
☐ Cultural Resources	☒ Public Services/Utilities	☐ Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jeff Oliveira			7/1/10
Prepared by (Print)	Signature		Date
John Nall		Ellen Carroll, Environmental Coordinator	7/1/10
Reviewed by (Print)	Signature	(for)	Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Las Pilitas Resources LLC for a Conditional Use Permit/ Development Plan and Reclamation Plan to allow for an Aggregate Quarry, and Asphalt and Concrete Recycling facility. The applicant is requesting a 30-year timeframe for the mining operation and eventual reclamation of the site, with a maximum annual extraction of 500,000 tons. The project will result in the disturbance of approximately 60 acres on two parcels totaling approximately 203 acres in size (APN 070-141-070 = 66.5 acres, APN 070-141-071 = 137.3 acres). The proposed project is within the Rural Lands land use category and is located at 6660 Calf Canyon Way (north side of Highway 58), east of the Salinas River Bridge and approximately ¼ mile west of the Parkhill Road intersection, east of the community of Santa Margarita. The site is in the Las Pilitas planning area, within the Energy Extractive 1 Combining Designation Overlay.

The proposed project would be implemented in an initial and follow up stage and would include the following:

Initial Stage: Consists of installing a truck scale, portable office, access road construction and landscaping. The production of aggregate material would start with removing and stockpiling overburden for future reclamation use, and excavating, processing and stockpiling of decomposed granite (DG) and granite rock. This initial extraction would occur towards the center of the site, extending towards the north and northeast. Processing of ~~DG~~ excavated material will be done by portable crushing and screening equipment as needed. According to the applicant, this phase would yield up to 500,000 tons of ~~DG~~ material annually and last approximately 5 years. The annual rate establishes a yearly maximum for the life of the project.

Follow Up Stage: Consists of continued excavation, processing and stockpiling of DG and granitic rock at the same annual rate. In addition, this stage of operations would include the recycling of concrete and asphalt. Rock and recycled material would be processed by portable and/or fixed plant equipment. Reclamation would begin in this phase as the upper benches of the mine are excavated and established.

Operational Details: The proposed mining operation would commence with clearing of vegetation and topsoil overburden from the area of excavation for later use. The aggregate material will then be removed by a wheel loader, hydraulic excavator and/or bulldozer for sorting by size and stockpiled for sale. Material would be loaded by a front end loader for the smaller material while large rocks would be loaded with a hydraulic excavator. Trucks would proceed to a scale for weighing and ticketing

before leaving the site. In the even that the source material becomes too consolidated to be ripped by heavy equipment, the aggregate material will be loosened by blasting. This includes drilling into the source material and adding explosives into the holes for detonation. All blasting would be performed by a California Licensed blaster. The material will then be brought down from the mine for sizing, sorting and stockpiled for processing. A portion of the high quality material will be ~~washed and~~ sorted for use in the manufacturing of building materials and sold for specialty applications. The remainder of the material would be sold for commercial applications that do not require high quality specifications (e.g., road base).

Reclamation and Revegetation: Reclamation of the site would consist of slope preparation and revegetation. As the mining of designated areas is completed and operations have moved on from one bench to the next, the slope of the completed areas will be contoured as appropriate for continued future use as ranching and grazing land. Finished slopes will be no greater than 1.5:1 ratio (1.5 feet horizontal for every 1 foot of vertical drop) with a 25-foot wide bench every 50 vertical feet. Benches would be ~~slopped~~ sloped back into the hill with a ditch at the bottom of the slope to control any stormwater runoff or debris that may roll downslope. Stockpiled overburden soils ~~removed~~ excavated from the site would be applied to the finished slopes to be reclaimed. The slopes would then be replanted with native vegetation prior to the rainy season to prevent erosion.

Recycling: Asphalt and concrete debris from construction sites would be brought to the site for recycling. Material will be inspected and scaled, then dumped in appropriate stockpiles for processing. All materials for recycling will be required to be free of oil, plastics, steel pipe, wood, or any other waste. The material would be processed by the same portable crushing and screening equipment that is used in the processing of the mined materials. The recycled material would be stockpiled for public sale and reused.

It is important to note that the project does not include any provisions for asphalt production, nighttime activities or associated nighttime lighting. In addition, the project does not include the storage of fuel on-site. The proposed project is within the Rural Lands land use category and is located at 6660 Calf Canyon Way (north side of Highway 58), east of the Salinas River Bridge and approximately ¼ mile west of the Parkhill Road intersection, east of the community of Santa Margarita. The site is in the Las Pilitas planning area.

ASSESSOR PARCEL NUMBER(S): 070-141-070 & 071

Latitude: 35 degrees 24 ' 42.898 " N Longitude: 120 degrees 34' 4.929" W SUPERVISORIAL DISTRICT 5

B. EXISTING SETTING

PLANNING AREA: Las Pilitas, Rural

LAND USE CATEGORY: Rural Lands

COMBINING DESIGNATION(S): Flood Hazard , Energy Extractive Area 1

EXISTING USES: Single-family residence(s) agricultural uses

TOPOGRAPHY: Nearly level to steeply sloping

VEGETATION: Grasses , chaparral , oak woodland , riparian

PARCEL SIZE: 203 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Rural Lands; industrial uses	*East:* Rural Lands; residential
South: Rural Lands; residential	*West:* Rural Lands; industrial uses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). ~~Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.~~

COUNTY OF SAN LUIS OBISPO

INITIAL STUDY CHECKLIST

1.	**AESTHETICS** - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a)	***Create an aesthetically incompatible site open to public view?***	☒	☐	☐	☐
b)	***Introduce a use within a scenic view open to public view?***	☒	☐	☐	☐
c)	***Change the visual character of an area?***	☒	☐	☐	☐
d)	***Create glare or night lighting, which may affect surrounding areas?***	☒	☐	☐	☐
e)	***Impact unique geological or physical features?***	☐	☐	☐	☐
f)	***Other:_____***	☐	☐	☐	☐

Setting. This site comprises two parcels, totaling approximately 203 acres with the southern portion directly adjacent to California State Highway 58 (also known as Calf Canyon Highway). The total site acreage includes both the proposed construction quarry area as well as surrounding open space area primarily to the east of the quarry; open space also occurs west of the quarry. The site is located approximately 2.25 miles southeast of the town of Santa Margarita, and is less than one half mile east of the Salinas River in San Luis Obispo County, California. Moreno Creek is south of the site on the opposite side of Highway 58; Moreno Creek connects to the Salinas River southwest of the site. The site is largely surrounded by undeveloped open space, with the exception of the large Hanson Aggregate granite quarry located less than one half mile northwest of the site; there is also a residence and associated structures located immediately adjacent to the southwest corner of the proposed quarry area and one residence along Goldie Lane. Low density rural residential and ranch holdings are typical of the area. In general, moderately steep to steep terrain dominates the site with slopes ranging from 15 to 75%. Maximum elevation on the site approaches 1,500 feet in the northeast corner of the site, and lowest elevation occurs along Highway 58 at approximately 1000 feet.

Other than dirt roads surrounding and throughout the site, existing disturbance generally is limited to the areas along Highway 58 in association with residences and related structures, and other reported work (e.g., Caltrans road improvements, State Water Project work, pipeline relocation reported by the San Luis Obispo County Planning and Building Department). In addition, grading has occurred in the southern portion of the site near where the proposed entrance to the quarry exists.

The site is characterized by moderate to very steep terrain with one east-west trending canyon in the center. From the canyon bottom, the topography slopes steeply up to the northern site boundary that follows the top of the northern ridge. To the south from the canyon bottom, the topography slopes

steeply up to the top of the southern ridgeline. The southern portion of the site is relatively flat along Highway 58 before sloping up steeply to the ridge that comprises the southern ridge of the central valley. The site is located in the La Panza Range, with the Salinas River and the Santa Lucia Range to the west. The valley bottom at the southern end of the Site is formed from alluvium carried by Moreno Creek, which drains in a westerly direction to the southeast of the Site towards the Salinas River.

Impact. Structural development associated with the project includes two water tanks located towards the center of the site, and a truck scale and scale house located towards the south central portion of the site. Existing structures on the site include a barn, storage shed, shop/garage, a trailer and a residential structure all located towards the southern boundary of the site off of Highway 58. These structures will also support the proposed operation. Overall, structural development is considered minimal and compatible with surrounding rural development.

In addition to some structural development, the project includes the use of heavy equipment including excavators and bulldozers, crushing and sorting equipment, and areas of stockpiled material. At this time, the applicant has not proposed the use of nighttime lighting.

The majority of the site, its associated development, stockpiling and equipment use will be screened from public views along Highway 58 by intervening topography and vegetation. However, portions of the excavation slopes will be visible from Highway 58. In particular, the excavation of the upslope portions of the proposed extraction area would be visible to vehicle traffic along the portions of Highway 58 directly fronting the site. Although these views would only be seen momentarily by moving vehicles, impacts are considered potentially significant. In addition, if the applicant proposes nighttime activities and associated lighting, impacts would be considered potentially significant. These impacts will be analyzed in detail in an Environmental Impact Report (EIR) prepared for this project.

Mitigation/Conclusion. Although portions of the site would be shielded from view by intervening topography and vegetation, the project could result in a change to the visual character of the area by introducing a semi-industrial use into a rural area. The aesthetic and visual impacts potentially resulting from the proposed project shall be evaluated as part of the EIR. The analysis shall be conducted to determine if views of the project site from surrounding roadways and public access areas would be significantly impacted by the proposed project layout and activities. The analysis shall include establishing the existing visual character of the area, identification of key viewing areas from public view corridors, accurate and verifiable photosimulations, and an accompanying written analysis of impacts as they relate to relevant policies and standards. This analysis shall form the basis for any measures necessary to mitigate potentially significant impacts. Measures may include, but not be limited to, stockpile height limitations, location of stockpiles, landscaping, and lighting restrictions including shielding of night lighting away from sensitive light receptors should lighting be proposed.

2. AGRICULTURAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land to non-agricultural use?	☐	☐	☒	☐
b) Impair agricultural use of other property or result in conversion to other uses?	☐	☒	☐	☐
c) Conflict with existing zoning or Williamson Act program?	☐	☐	☒	☐

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Other: _____	☐	☐	☐	☐

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Rural Lands

State Classification: Not prime farmland, or Farmland of Statewide Importance

Historic/Existing Commercial Crops: None

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Cieneba-Andregg coarse sandy loams (30 -75 % slope).

Cieneba. This steeply to very steeply sloping, shallow coarse loamy soil is considered not well drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Andregg. This steeply to very steeply sloping, shallow coarse loamy soil is considered not well drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Metz loamy sand (0 - 5 % slope). This nearly level to gently sloping sandy bottom soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: flooding. The soil is considered Class IV without irrigation and Class III when irrigated.

Xerofluvents-Riverwash association. This variably sloping soil's drainage is not rated. The soil's erodibility and shrink-swell characteristics are not rated, as well as having potential septic system constraints due to: is not rated. The soil is considered Class VIII without irrigation and Class is not rated when irrigated.

Impact. The project will result in the disturbance of approximately 60 acres on two parcels totaling approximately 203 acres in size and would include a maximum annual yield of up to 500,000 tons of material per year, for a maximum total of approximately 13,068,000 tons over the proposed 30-year life of the project. The project site is located in the Rural Lands land use category and currently supports livestock grazing and ranching activity associated with the current property owners. The site is characterized by varying topography and does not support prime soils.

Although the use of the site for ranching is precluded by the proposed mining operation, the proposed reclamation of the site includes returning the property to ranching practices. This includes the recontouring of the excavated slopes and the replanting of the site with native species.

Mining operations have the potential to spread weeds through the off-site transport of seed resulting in adverse impacts to agriculture including reduced yields, increased pesticide use, increased wildfire threats, and increased erosion and / or flooding. The easiest and most effective control is preventing the spread of weed seed. In addition, the creation of dust associated with mining activities has the potential to impact nearby agricultural uses through the spread of vectors such as dust mites and by creating livestock health risks such as Valley Fever.

The EIR to be prepared for this project shall include an analysis of project impacts to both on-site agricultural uses and neighboring agricultural operations. The analysis shall be coordinated with the County Agricultural Commissioner's Office and shall incorporate any mitigation measures necessary to address these impacts including, but not limited to, dust control, invasive weed control.

Mitigation/Conclusion. The project, as proposed, would impact approximately 60-acres including sorting / stockpile areas (operations), roads, and setbacks. Impacts to existing agricultural uses, incompatibility conflicts between agricultural and non-agricultural land uses, ordinance and policy consistency, and cumulative agricultural resource impacts shall be evaluated in the project EIR. Consultation with the County Agriculture Department is required to assist in identifying any impacts from the revised project submittal and identifying any additional mitigation measures necessary.

3. AIR QUALITY - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☒	☐	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☒	☐	☐	☐
c) Create or subject individuals to objectionable odors?	☒	☐	☐	☐
d) Be inconsistent with the District's Clean Air Plan?	☒	☐	☐	☐
e) Other: Greenhouse Gas Emissions	☐	☐	☒	☐

Setting. The Air Pollution Control District (APCD) has developed the 2003 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Wind Erodibility: The project proposes to disturb soils that have been given a wind erodibility rating of unclassified, or 2 & 3 which is considered low.

Impact. As proposed, the project will result in the intermittent disturbance of an approximately 60-acre area. Materials extracted from this area will be stockpiled accordingly in the respective sorting / stockpile areas. This will result in the creation of operational dust, as well as short- and long-term vehicle emissions associated with the extraction and transportation activities.

Operating at maximum capacity (i.e. maximum quantities are extracted and all material is hauled off-site), the project would result in truck trips associated with employees and the hauling of materials. According to the traffic report prepared by the applicant (TPG Consulting, Inc., May 2009), the project would result in a total of 208 trips per day (daily trip ends, 1-directional). This includes 10 employee trips and 198 truck trips per day.

Vehicle trips associated with the delivery of mined material off the project site will continue throughout the year based on the demand for those materials. In addition, all heavy equipment associated with the proposed project will be subject to emission standards regulated by the required APCD permits.

To address projects with the potential to exceed emissions thresholds, the APCD works to assure compatibility of proposed projects with surrounding land uses (both within the development itself and land uses outside the development). In April 2005, the Air Resources Board (ARB) issued a guidance document titled "Air Quality and Land Use Handbook" (ARB Handbook). In this document, the development of sensitive land uses, such as homes, in close proximity to intensive land uses (i.e., rail yards, gasoline dispensing facilities and dry cleaners etc.) was highlighted as a health concern due to the increased exposure to air pollution and diesel exhaust. Or for the reverse application, the Handbook also highlighted health concerns when siting new intensive uses that emit toxic air pollution (such as diesel emissions) in close proximity (i.e., 1000 feet) to sensitive receptors such as residential units, schools or playgrounds. The proposed project is located sufficiently far from sensitive receptors (greater than 1000 feet from off-site residences).

Dust generation has been identified as a potential impact resulting from project implementation. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule.

The project site is not located in proximity to candidate areas for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB).

Existing and proposed development within the County of San Luis Obispo require materials such as DG and granitic rock to facilitate construction activities within the County. Existing patterns associated with the delivery of construction materials often require transport from outside the immediate area of the project sites. These truck trips often require longer transport distances and hence additional air quality impacts associated with on-going development activities within the County and surrounding areas. As such, impacts related to vehicle / equipment emissions and dust generation are considered potentially significant impacts.

Valley fever is a disease found primarily in the central valley with potential for occurrence in San Luis Obispo County. Valley fever occurs from the spoors of fungus that grow underground in virgin soils. The fungus releases is spoors into the atmosphere when it is dug up and can become airborne in high wind conditions. This issue will require analysis in the EIR.

Greenhouse Gas Emissions

This section describes effects on climate change/greenhouse gas that would be caused by implementation of the Proposed Project. The following discussion addresses existing environmental conditions in the affected area, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project construction and operation. In addition, existing laws and regulations relevant to climate change/greenhouse gas are described. In some cases, compliance with these existing laws and regulations would serve to reduce or avoid certain impacts that might otherwise occur without the implementation of the project.

The study area for climate change and the analysis of greenhouse gas (GHG) emissions is broad because climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by the CEQA Guidelines [Section 15064(d)], which directs lead agencies to consider an "indirect physical change" only if that change is a reasonably foreseeable impact which may be caused by the project. This analysis limits discussion to those physical changes to the environment that are not speculative and are reasonably foreseeable.

The baseline against which to compare potential impacts of the Proposed Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities that have grown more than 70 percent between 1970 and 2004 (IPCC, 2007). The State of California is leading the nation in managing GHG emissions.

Approach to Impact Assessment

Determining significance follows available guidelines from State or local air quality management agencies, where available. However, only recent developments in statewide or local guidance exists for setting climate change thresholds of significance for large projects, and there is no legally adopted threshold for what emission levels constitute a significant amount. Rules and policies being developed by the CARB and guidelines from the SLO County APCD are used in this analysis although they are evolving in response to the serious threat of climate change effects and subsequent legislation.
For operational emissions caused by the project, the SLO County APCD has not yet established significance thresholds for greenhouse gas emissions from project operations. Nonetheless, GHGs from all projects subject to CEQA must still be quantified and mitigated to the extent feasible. The California Office of Planning and Research has provided the following direction for the assessment and mitigation of GHG emissions (APCD, 2009):

- Lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO2 and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities;

- The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts with¬out careful evaluation. All available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts); and

- The lead agency must impose all mitigation measures that are necessary to reduce GHG emissions to a less than significant level. CEQA does not require mitigation measures that are infeasible for specific legal, economic, technological or other reasons. A lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is "less than significant."

In the absence of quantitative significance thresholds in CEQA guidance, this analysis turns to other programs. For example, the CARB Mandatory Reporting program requirements are triggered for sources of GHG emissions exceeding 2,500 metric tonnes per year. AB32 requires California agencies to take actions that will reduce GHG emissions by 2020 to the levels of 1990, and then substantially further reduce emissions by 2050.

Mine operations, processing and eventual reclamation would occur over a period of 30 years during which heavy equipment and other motor vehicle use would create GHG emissions. Use of fossil fuels for mining activities and vehicles serving the mine would result in GHG emissions at levels less than the level of 2,500 metric tonnes per year triggering CARB Mandatory Reporting. These emissions would be lower than those attributable to using aggregate material from a more distant source, which would cause substantially higher transportation fuel use. As a result, the GHG emissions caused by aggregate mine operation would be less than significant.

Mitigation/Conclusion. Based on the project's previously identified air quality impacts, there are a number of measures available to reduce air quality impacts. If these are incorporated into the project,

air quality impacts would be less than significant. Detailed impact analysis of project emissions, impacts to sensitive receptors, impacts related to GHG emissions and associated mitigation measures will be discussed in the EIR prepared for this project. The following provides a general description of the measures that will be considered:

Fugitive Dust (PM_{10}). To minimize nuisance dust impacts, the following measures would be applied to offset fugitive dust, including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Vehicle Emissions. To reduce vehicle emissions, including diesel particulate matter, the following measures would be applied to offset vehicle emissions, such as: use of green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible; use of clean engine technologies (e.g., alternative fuel, electrification) engines that are not subject to regulations; use of vanpool, shuttle, mini bus service (alternative fueled preferred); implementation of a "No Idling" program for heavy-duty diesel vehicles, which includes signage, citations, etc.; installation of electrical hookups at loading docks and the connection of trucks equipped with electrical hookups to eliminate the need to operate diesel-powered TRUs at the loading docks; if not required by other regulations (ARB's on-road or offroad diesel), restrict operation to trucks with 2007 model year engines or newer trucks; if not required by other regulations (ARB's on-road or offroad diesel), require or provide incentives to use diesel particulate filters for truck engines.

Due to the project's potential impacts to air quality and that San Luis Obispo County has been designated non-attainment for PM10 (fine particulate) and ozone precursors, the following additional efforts are needed:

1. Consultation with the SLO County Air Pollution Control District.

2. Discussion of federal and/or state nonattainment ambient air quality standard area for any criteria air pollutant. Discussion of County air quality policies relative to development, using thresholds of significance derived from the adopted Clean Air Plan.

3. As applicable, provide summary of the thresholds and air quality constraints for the proposed development.

4. Conduct air modeling utilizing latest software (e.g., URBEMIS, etc.) to generate emission impacts (e.g., PM10, ozone precursors, etc.). Greenhouse gas emission analysis (e.g., CO2, CH4, etc.), and shall apply APCD CEQA handbook methodologies.

5. Recommendation and discussion of adequate and feasible mitigation measures, as applicable, to address significant air quality impacts.

4. BIOLOGICAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species or their habitats?	☒	☐	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☒	☐	☐	☐
c) Impact wetland or riparian habitat?	☐	☒	☐	☐

4. BIOLOGICAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☒	☐	☐
e) Other:_____	☐	☐	☐	☐

Setting. The project site is characterized by moderate to very steep terrain with one east-west trending canyon in the center. From the canyon bottom, the topography slopes steeply up to the northern site boundary that follows the top of the northern ridge. To the south from the canyon bottom, the topography slopes steeply up to the top of the southern ridgeline. The southern portion of the Site is relatively flat along Highway 58 before sloping up steeply to the ridge that comprises the southern ridge of the central valley.

The site is located in the La Panza Range, with the Salinas River and the Santa Lucia Range to the west. The valley bottom at the southern end of the Site is formed from alluvium carried by Moreno Creek, which drains in a westerly direction to the southeast of the site towards the Salinas River.

In order to provide a comprehensive analysis of project site biological resources, a biological / botanical assessment was prepared (Sensitive species and habitat Survey for the Las Pilitas Rock Quarry, LFR, October 2009) which provides a detailed description of the site, the biological resources likely to be found in the project area, observations and surveys conducted to confirm the presence of any special status biological resources on the site, the possible impacts to these resources that could result from the proposed project and mitigation measures recommended to reduce impacts to less than significant levels.

The findings of the biological survey indicate that at least four sensitive plant communities and five sensitive species occur at the site. No state or federally listed threatened or endangered species were observed at the site during the 2009 surveys. The five sensitive plant species observed at the site include shining navarretia, La Panza mariposa lily, straightawned spineflower, Brewer's red maids, and trumpet-throated gilia. Coast live oaks, blue oaks, valley oaks, and gray pines are also at the site, and are considered locally important. One sensitive wildlife species was also observed, coast horned lizard. In addition to the coast horned lizard, the site provides suitable habitat for a number of other sensitive wildlife species including the American badger, which is associated with oak woodland and chaparral habitat. Numerous protected raptors and bird species also utilize the site for foraging and potentially nesting.

The biological survey also indicates that the site supports a mosaic of vegetation communities in both the upland communities and wetland communities. The upland communities include chaparral, coast live oak woodland, foothill woodland, diablan sage scrub and annual grassland. The site also supports wetland communities which includes Central Coast live oak riparian forest and seasonally-flooded vernal swale. Due to the presence of potentially jurisdictional wetlands, the following State and regulations would be triggered:

- *Section 1600-1607 of the Fish and Game Code.* The California Department of Fish and Game (CDFG) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the law requires any person, state or local government agency, or public utility proposing a project that may impact a river, stream, or

lake to notify the CDFG before beginning the project. If the CDFG determines that the proposed project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement is required. A Streambed Alteration Agreement lists the CDFG conditions of approval relative to the proposed project, and serves as an agreement between an applicant and the CDFG for a term of not more than five years for the performance of activities subject to this section.

Project activities proposed within or adjacent to streambeds, banks, channels or associated riparian resources, may fall under the jurisdiction of the CDFG; therefore, any impacts to jurisdictional areas will be regulated under Section 1600-1607 provisions.

- *Section 401 of the Clean Water Act.* Section 401 of the Clean Water Act (CWA) and its provisions ensure that federally permitted activities comply with the federal CWA and state water quality laws. Section 401 is implemented through a review process that is conducted by the Regional Water Quality Control Board (RWQCB) or the County, and is triggered by the Section 404 permitting process. The RWQCB or the County certifies, via the 401 process, that a proposed project complies with applicable effluent limitations, water quality standards, and other conditions of California law. Evaluating the effects of the proposed project on both water quality and quantity (runoff) falls under the jurisdiction of the RWQCB or the County.

In addition, the project proposes to disturb more than one acre. Therefore, prior to work beginning, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that has been approved by the Regional Water Quality Control Board or County. This Plan will include measures to reduce potential sedimentation, erosion and drainage impacts to existing downstream water sources.

The biological report prepared for this project provides a detailed discussion of all habitats/communities, listed (both State and Federal) species, species of special concern, botanical and wildlife species. This includes species with the potential to occur on the site and those observed during on-site surveys. The EIR should contain a detailed discussion of biological resources as they pertain to the subject site. All existing project reports will be reviewed and supplemented as necessary during the preparation of the EIR.

Impact. The project would disturb up to 60 acres of the site. As such, there is the potential that the project would result in significant impacts to the biological resources discussed above. In particular, the biological survey prepared for the project site indicates the potential to impact the following species:

Plants	**Wildlife**
Shining navarretia	California horned lizard
Straight-awned spine flower	Coast range newt
Trumpet-throated gilia	Prairie falcon
Hardham's suncups	Purple martin
Cambria morning glory	Southwestern pond turtle
Michael's rein orchid	Silvery legless lizard
La Panza mariposa lily	Golden eagle
Brewer's red maids	Cooper's hawk
Caper-leaved tropidocarpum	American badger
San Luis Obispo owl's-clover	California horned lizard
San Luis Obispo County lupine	Coast range newt
Paso Robles navarretia	

Impacts to sensitive communities, habitats, plants and wildlife are therefore considered potentially significant. As a part of the EIR, the above-reference biological report will be peer reviewed and field-verified by an independent, third-party, qualified biologist and supplemented with further industry

research as needed to provide a detailed biological impact assessment of the proposed project. The result of the review and field inspection could result in additional field surveys and revised mitigation as necessary.

Mitigation/Conclusion. Applicant proposed mitigation measures for the revised project include avoidance, revegetation and restoration. Project development would result in the direct loss and / or fragmentation of vegetation and habitats found on the project site, as well as indirectly impacting habitats surrounding the proposed project.

The biological report prepared for the project recommends avoidance as the primary measure to reduce impacts. The report also provides measures intended to reduce impacts such as the permanent protection of the areas off-site outside the quarry construction boundary, on-site habitat restoration, oak tree replacement, replanting, and the protection of seasonally-flooded vernal swales and coast live oak riparian resources.

In addition to these measures, the project also includes the restoration of mined areas in accordance with the requirement for a Reclamation Plan per the Surface Mining and Reclamation Act (SMARA). The applicant proposes the restoration of cut slopes and the replanting of native habitats upon completion of mining activities. The EIR will analyze the reclamation efforts proposed by the applicant, as well as the mitigation recommended in the biological report and will include performance standards for the purpose of ensuring the implementation and function of reclamation and required mitigation. These measures will be included as requirements in the EIR and will be supplemented as necessary.

5. CULTURAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb pre-historic resources?	☐	☐	☒	☐
b) Disturb historic resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Other:_____	☐	☐	☐	☐

Setting. The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

The Las Pilitas Rock Quarry project covers less than one hundred acres of undeveloped ranch land in a mountainous region with scrub vegetation and some oak forest. The area has been subject to forest fires in the past. A series of jeep roads traverse many of the ridges in the study area. The study area is part of the upper Salinas River Valley. It forms the north side of Calf Canyon.

The project is within 300 feet of a blue line creek(s) and the Salinas River. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources.

Impact. The project is located in an area that is considered culturally sensitive due to presence of physical features typically associated with prehistoric occupation (i.e., permanent water source). A Phase I (surface) survey was conducted (Conway; April 16, 2009). The result of the Phase I survey

indicated that there was no evidence of cultural materials on the property within the project activity areas.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒ [SMc1]	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?	☐	☐	☒	☐
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☒	☐	☐	☐
d) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
e) Include structures located on expansive soils?	☐	☐	☒	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☒	☐	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☒	☐
h*) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☒	☐	☐
i) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
j) Other:_____	☐	☐	☐	☐

Setting

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping to steeply sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to high

Liquefaction Potential: Low to moderate

Nearby potentially active faults?: Yes Distance? .89 miles to the SW

Rinconada-East Huasna Fault

The East Huasna Fault is located approximately .89 miles SW of the project. This fault extends north-northwest from Sisquoc in Santa Barbara County until it joins the Rinconada fault about 15 miles east of the city of San Luis Obispo. The East Huasna Fault is a nearly vertical or steeply dipping reverse fault that displaces Quaternary deposits. The northern extension of the East Huasna Fault joins the Rinconada Fault, which projects north-northwest, eventually following the western edge of the Salinas Valley up to Monterey Bay. Although the California Geological Survey classifies the Rinconada Fault as exhibiting Quaternary movement, recent studies for the Santa Ysabel Ranch in Paso Robles and the Chicago Grade Landfill in Templeton have shown features that suggest Holocene movement. No ground rupture has been mapped in Holocene time on the Rinconada fault, although there have been historical small to moderate earthquakes (<5.9 magnitude) that have been recorded in the vicinity of the fault. It is possible that the shock waves produced by these small earthquakes did not have enough energy to break the ground surface or cause any displacement within the surface materials. The Rinconada Fault is considered capable of generating a maximum Mw 7.3 earthquake.

Area known to contain serpentine or ultramafic rock or soils?: No

Due to the distance of any known fault (at least three miles away) or serpentine rock outcrop (at least three miles away), it is not expected that any naturally occurring asbestos would be encountered during any earthmoving activities.

Shrink/Swell potential of soil: Low

Other notable geologic features? None

Within the 100-year Flood Hazard designation? Yes, however, this designation occurs only in a portion of the southwest corner of the site and will not be disturbed as a part of this project.

Closest creek? Salinas River Distance? Approximately ¼ mile to the west

Soil drainage characteristics: Not well drained to moderately drained to well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: Low to moderate

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water

Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

In order to better characterize the geology of the project site, an engineering geology investigation was prepared (Geosolutions, Inc., July 14, 2009). According to this report, the site is located in the vicinity of the San Luis Range of the Coast Range Geomorphic Province of California. The Coast Ranges lie between the Pacific Ocean and the Sacramento-San Joaquin Valley and trend northwesterly along the coast for approximately 600 miles between Santa Maria and Oregon. Locally, the site is located within the Granitic Basement Rock units.

Impact. As proposed, the project will result in the disturbance of approximately 60 acres. Extraction will occur in phases with the first phase starting towards the center of the site and then working towards the north and northeast. Excavation of the mine would disturb the upper soil surface and expose the underlying weathered and unweathered granitic bedrock. The exposed bedrock would not be susceptible to erosion. Stockpiles of stripped topsoil, spoil, and smaller aggregate may be susceptible to erosion. The conceptual mine layout includes provisions to direct drainage to stormwater basins to collect runoff and sediment. The top soil stripped from the mine area would be stockpiled and reserved for mine reclamation.

Steep slope faces are likely to be created during the mining process, resulting in a potential for damage to mining equipment and injury or death to workers if the steep slopes along actively mined faces are unstable and fail. However, implementation of OSHA regulations related to mine safety, Title 8, Chapter 4 Division of Industrial Safety, Subchapter 17 Mine Safety Orders, which include regulation regarding ground control (Article 12) and safety of workers near the free face would minimize the potential that workers could be injured or killed by ground failures such as rock fall or landslides.

Project grading will create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. The primary erosive areas will likely be the material stockpile areas. Adherence to the County's LUO for sedimentation and erosion control [Sec. 22.52.090] will adequately address these impacts. Also, since ground disturbance involves more than one acre, the project will be subject to the NPDES program, which includes additional measures to reduce sedimentation and erosion.

While the area proposed for development is outside of the 100-year Flood Hazard designation, due to the size and amount of material and proximity to a tributary, a drainage plan (to be designed per County LUO Sec. 22.52.080) will be required, which will adequately address potential drainage issues to a less than significant level.

Mitigation/Conclusion. There is no evidence that measures above what will already be required by ordinance or codes are needed. According to the geologic report prepared for the site, the following measures are recommended to reduce impacts:

- Due to the presence of competent Granitic rock units in the subsurface, un-retained rock cuts with slopes steeper than 1.5-to-1 may be considered under the supervision of the Engineering geologist who verifies rock quality and performs a stability analysis;
- Surface drainage facilities (graded swales, gutters, positive grades, etc.) are recommended at the base of the cut slopes that allow surfacing water to be transferred away from the base of the slope;
- Surface drainage should be controlled to prevent concentrated water-flow on either natural or constructed slopes. Surface drainage gradients should be planned to prevent ponding and promote drainage of surface water away from natural or man-made slopes;
- Benches should be maintained periodically to remove collected debris;
- Any proposed sewage disposal system shall include percolation testing;
- All site grading plans shall be reviewed by an Engineering Geologist prior to construction; and

- Excavation, fill, and construction activities should be in accordance with appropriate codes and ordinances of the County of San Luis Obispo. In addition, unusual subsurface conditions encountered during grading such as springs or fill material should be brought to the attention of the Engineering Geologist.

In addition to the measures and regulations cited above, a 'Placement of stockpiles' mitigation measure should be required to ensure that the placement of fill or short-term stockpiling would be in an appropriate location as to minimize environmental impacts. Another measure should include provisions to protect water and biological resources regarding the location of short-term stockpiling or long-term placement of fill. In addition, inclusion of a measure to protect the soil from erosion and ensure that the top soil would be reserved for mine reclamation is recommended.

The applicant has included several drainage retention basins intended to retain stormwater runoff before it reaches any natural drainages. This will help avoid the sedimentation of the Salinas River and its tributaries. As a part of the EIR, the above-reference geologic report will be peer reviewed and field-verified by an independent, third-party, qualified geologist and supplemented with further industry research as needed to provide a detailed geologic impact assessment of the proposed project. The result of the review and field inspection could result in additional field surveys and revised mitigation as necessary.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☒	☐	☐	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☐	☒	☐
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	☐	☐	☒	☐
e) Create any other health hazard or potential hazard?	☐	☒	☐	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project is not located in an area of known hazardous material contamination. With regards to potential fire hazards, the subject project is within the Very High Fire Hazard Severity Zone(s). Based on the County's fire response time map, it will take approximately 5-10 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is not within the Airport Review area.

The project is within the Salinas "dam inundation" area. The boundary of the dam inundation area is intended to show the maximum water limit line should there be a catastrophic release/failure of the upstream dam.

Impact. Potential sources of pollution at the project site include sediment in runoff, discharge of fluids such as wash water, and leaks or spills of toxic materials such as petroleum products. ~~The project will also include the storage of fuels for use on operational equipment.~~ However, as discussed in Section 6 (Geology and Soils) above, under the federal Clean Water Act as amended in 1987, the project will be required to have a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is intended to facilitate the identification of pollution sources that could affect the quality of water discharged from the facility and to document the best management practices that an operation is committed to implement to minimize the pollutants that may be discharged.

In addition, the storage of fuels is regulated and inspected by the County Environmental Health Department and Cal Fire. As applicable, these agencies will recommend specific measures for safe storage of these materials, as well as recommended specific fire safety measures including sprinklers and on-site suppression equipment appropriate for the specific chemicals (e.g. foam). These measures will reduce the safety impacts to a level of insignificance.

Hazardous chemicals such as mineral and lubricating oils, cleaning detergents, welding gasses, and other various chemicals would be used and stored in relatively small amounts. The proposed aggregate mine would be required to comply with OSHA and CalOSHA requirements for personnel safety. In addition, the mine would be required to comply with SMARA, which would ensure safe and proper closure at the completion of mining activities.

The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan. However, because of the risk of equipment leaks and spills, impacts are considered significant unless mitigated.

Steep slope faces are likely to be created during the mining process, resulting in a potential for damage to mining equipment and injury or death to workers if the steep slopes along actively mined faces are unstable and fail. However, implementation of OSHA regulations related to mine safety, Title 8, Chapter 4 Division of Industrial Safety, Subchapter 17 Mine Safety Orders, which include regulation regarding ground control (Article 12) and safety of workers near the free face would minimize the potential that workers could be injured or killed by ground failures such as rock fall or landslides.

In addition to the above impacts, the project includes a blasting plan (Gasch & Associates, December, 2009) intended to facilitate aggregate extraction. The general blast plan 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. OSHA includes detailed safety requirements for each blasting event to insure worker safety. Current blasting techniques do not use large quantities of explosives, and cannot be heard ¼ mile away. Impacts related to blasting are considered significant but mitigable.

Mitigation/Conclusion. In addition to the implementation of all required local, state and federal policies and codes, the following measures will be required to reduce impacts to less than significant impacts:

- To reduce impacts from spillage of petroleum products, the operators shall inspect roads, equipment and trucks daily for leakage and take immediate corrective action to eliminate any discovered leakage.
- A log of facility, equipment and road inspections shall be kept at the site office and shall be available for inspection by County staff.

- On-site servicing and fueling of vehicles shall be accomplished with the use of the following best management practices:
    1. Servicing and fueling shall take place only in designated fueling areas outside of on-site drainages.
    2. When fueling, tanks shall not be "topped off."
    3. A secondary containment, such as a drain pan or drain cloth, shall be used when fueling to catch spills or leaks.
    4. Employees and subcontractors shall be trained in proper fueling, servicing, and clean-up procedures.
    5. All fluid spills shall be reported immediately to the facility log.
    6. Storage of hazardous materials shall be as far as practical from the on-site drainages.
    7. A contingency plan for possible leaks and spills of hazardous materials shall be developed and implemented.

In order to reduce impacts related to the proposed blasting, the applicant shall be required to implement the recommendations of the blasting contractor, including but not limited to:

- Controlled blasting techniques
- Blast site inspections
- Employee safety meetings
- loading of explosives only under direction of a blaster-in-charge
- limiting blasting hours to between 7:00am and 6:00pm weekdays (no blasting after sunset)
- established drilling operations
- post blast safety procedures
- pre-blast notification and survey
- Preparation of a conceptual blasting plan
- Blasting safety plan
- Blast site security
- safety requirements for ignition systems
- safe blasting site preparation
- blast warning signs/signals
- safe blasting procedures in accordance with regulatory agencies

These measures will be analyzed in detail in the EIR and will be supplemented as necessary.

8. NOISE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☒	☐	☐	☐
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☒	☐	☐
c) Expose people to severe noise or vibration?	☐	☒	☐	☐
d) Other: _____	☐	☐	☐	☐

Setting. There are presently two significant noise sources in the vicinity of the proposed Las Pilitas Quarry. The site fronts on Highway 58 and an existing quarry, the Hanson Quarry, is located to the north and west.

Initial site noise analysis was conducted on November 10, 2009 (Dubbink; 2010). The survey site locations ran from the base of the hill and followed the ridgeline that frames the project site. The lower portion of the site is presently exposed to the sound of occasional vehicles passing on Highway 58. When there are no vehicles in the vicinity of the project, the background sound is at a very low level, around 30 dB. But along the ridge line activities at the Hanson Quarry are audible whenever there is a direct line of site to the sources of the sound. These sounds are faint, at or just above the background levels. Audible activities include the backup warning beepers of loaders and occasional diesel engine runups by trucks hauling materials from the face of the quarrying to the lower levels where the processing takes place. The sounds of the rock crushing which takes place at lower elevations are mostly blocked by intervening topography.

The following are summaries of applicable regulations.

Federal

Under the Occupational Safety and Health Act of 1970 (OSHA) (29 U.S.C. §651 et seq.), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) adopted regulations (29 CFR §1910.95) designed to protect workers against the effects of occupational noise exposure. These regulations list limits on noise exposure levels as a function of the amount of time during which the worker is exposed, as shown in Table C.11-2. The regulations further specify requirements for a hearing conservation program (§1910.95(c)), a monitoring program (§1910.95(d)), an audiometric testing (i.e., test of hearing ability) program (§1910.95(g)), and hearing protection (§1910.95(i)). There are no federal laws governing community noise.

OSHA Permissible Noise Exposure Standards

Duration of Noise (hours/day)	A-Weighted Noise Level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.5	110
0.25 or less	115

State

California Government Code §65302 encourages each local government entity to implement a noise element as part of its general plan. In addition, the California Governor's Office of Planning and Research has developed guidelines for preparing noise elements, which include recommendations for evaluating the compatibility of various land uses as a function of community noise exposure.

Local – San Luis Obispo County

The Proposed Project would be located within an unincorporated area of San Luis Obispo County. Therefore, the Noise Element of the San Luis Obispo County General Plan (County, 1992) and the Noise Ordinance of the San Luis Obispo County Land Use Ordinance (County, 2008) apply to this project.

The Noise Element of the County of San Luis Obispo General Plan (1992) provides policy framework within which potential future noise impacts are minimized. Policy 3.3.3 limits noise created by new transportation noise sources, such as traffic on public roadways, within outdoor activity areas and interior spaces of existing noise-sensitive land uses. The limit for residential land uses near transportation noise sources is 60 dB Ldn or CNEL at the property line of the receiving land use. Policies 3.3.4 and 3.3.5 limit new development of noise-sensitive land uses where the noise level due to existing stationary noise sources will exceed the noise level standards.

County of San Luis Obispo Land Use Ordinance, Title 22 of the County Code. The noise standards specified in Section 22.10.120(B)(1) of the San Luis Obispo County Code – Title 22, Land

Use Ordinance limit exterior noise levels affecting noise-sensitive land uses to the same limits specified above in Table C.11-6 (County, 2008). Section 22.10.120(A) of this ordinance, however, exempts noise sources associated with construction, provided such activities do not take place before 7:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday. In addition, traffic on public roadways, railroad line operations, aircraft in flight, and any other activity to the extent regulation thereof has been preempted by State or federal law is also exempt.

The San Luis Obispo County Code – Title 22, Land Use Ordinance also provides vibration standards. Per Section 22.10.170(A), any land use conducted in or within one-half mile of an urban or village reserve line shall be operated to not produce detrimental earth-borne vibrations perceptible at or beyond the boundary of the industrial land use producing the vibration source. Exceptions to this standard include vibrations from construction, the demolition of structures, surface mining activities or geologic exploration between 7:00 a.m. and 9:00 p.m. and vibrations from moving sources such as trucks and railroads.

Impact. In order to provide an analysis of project-related noise impacts, a noise study was prepared (Noise Analysis Las Pilitas Rock Quarry, David Dubbink Associates, January 26, 2010).

As discussed in the noise study, based on the standards established by the County General Plan and Land Use Ordinance, different aspects of the project have different effects. The level of noise predicted for general operations is in excess of the 50 dB standard for daytime activity for several nearby residences. The closest residence to the project site is 1,699 feet away. Nearby residents are currently exposed to noise generated by Highway 58 traffic that exceeds the standard. The County's ordinance specifies that in cases where the ambient noise level is already above standards that the standard is to be adjusted to one decibel above ambient. The estimate of existing plus project noise level is in excess of this adjusted standard. The recommended mitigations will lessen the impact on residences west of the project site but the increase in noise level will still exceed 1 dB. The several residences that are further back from the road will experience an increase in ambient noise but not at levels in excess of the standard.

The sound from project blasting will be in excess of the County's standards for impulsive noise. The standard is 70 Lmax daytime and the predicted levels are in the range of 78 to 80 decibels at the nearest residences (not considering topographic shielding). The blasts will not be frequent and the events have a duration of a few seconds. The added truck traffic in Santa Margarita increases noise levels but the changes are not substantial, on the order of one to two decibels Leq/Ldn. This is not considered significant.

The project will bring about a permanent increase in ambient noise above existing levels. While the County does not have threshold standards regarding the significance of changes in noise level, the standards used by several state and federal agencies suggest the project has moderate or no impact. There will be a temporary increase in noise levels during the initial phase of construction and operation. Noise from construction activities is expected to take place between 7 AM and 9 PM weekdays and 8 AM to 6 PM on weekends. The construction noise is therefore, not considered significant. The blasting activity will produce "periodic" increases in noise that are substantial.

Mitigation/Conclusion. In order to reduce the impacts related to noise to less than significant levels, the following measures were recommended in the noise study.

Quarry activities

The Las Pilitas quarry project was designed to retain the natural ridgelines on either side of the quarry area. 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 production equipment such as crushers~~, asphalt production,~~ or recycling be sited as close as practical to the

southwest face of the quarry. Such positioning can substantially block the levels of noise experienced to the west of the site where the most noise impacted residences are located. Similarly, stored materials can serve as noise barriers around noise producing equipment. It is recommended that the project be required to include recommendations for the location of equipment and stored materials to reduce off site noise impacts. It is also recommended that noise production be considered in the selection of quarry equipment.

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.

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.

Blasting
While blasting produces levels of noise that may be experienced as “strongly perceptible to mildly unpleasant”, 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 also 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.

The recommendations for limitation of charge weight and the stemming depth requirements in the quarry’s General Blast Plan should be made conditions of approval. Electronic delay detonators should be used to eliminate the surface level explosions. Blasting is limited to the hours of 7 AM to 6 PM.

Trucks
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.

The EIR for this project should include a review of the noise study, its impact analysis and mitigation measures and will include supplemental analysis and mitigation if needed.

9. POPULATION/HOUSING - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Use substantial amount of fuel or energy?	☐	☒	☐	☐
e) Other: _____	☐	☐	☐	☐

Setting. In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

The County has recently adopted a revised Housing Element, which now includes adoption of an Inclusionary Housing Ordinance. This ordinance includes payment of a fee to support development of new affordable housing is required.

Impact. The project is not likely to result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Action Required. Given that the potential for significant impacts from increased population is not considered potentially significant, no additional analysis is necessary for this topic. With regards to energy use, additional analysis is needed as follows:

1. Review of CEQA Appendix F to help determine the project's energy consumption and what project measures are proposed relating to energy conservation, such as energy efficient buildings, the use of alternative modes of travel, and the incorporation of strong recycling efforts, as a few examples;
2. Review and discussion of existing regulation (e.g., Uniform Building Code, Title 21, County Conservation and Open Space Element, etc.) intended to reduce energy demands and to what extent these elements have been applied to the project;
3. Compare the project's energy consumption to the ability of the energy provider to be able to deliver that power;
4. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to reduce energy consumption and promote energy conservation to the extent feasible.

10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☐	☒	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☐	☒	☐
d) Roads?	☐	☒	☐	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☒	☐	☐
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: Templeton (Approximately 15 miles to the west)

Fire: Cal Fire (formerly CDF) Hazard Severity: Very High Response Time: 5-10 minutes

Location: Approximately .97 miles to the SE

School District: Atascadero Unified School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

The proposed project has the potential to result in direct and cumulative impacts to Highway 58 and County roads based on expected truck traffic. As such, the project will be subject to road fees in an amount to be determined by the County Public Works Department and CalTrans. This issue will be analyzed in the EIR, which will include a review of truck traffic impacts to roads, coordination with Public Works and CalTrans, and supplemental mitigation as necessary.

Mitigation/Conclusion. Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☒	☐	☐
c) Other _____	☐	☐	☐	☐

Setting. Based on the County Trails Map, the Salinas River Trail courses through the SW corner of the project site.

Impact. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources. The EIR prepared for this project should include a discussion of possible impacts related to the Salinas River Trail alignment in consultation with the County Parks Department. Although the portion of the site that intersects the identified trail alignment is not proposed for disturbance, it may be determined that impacts are significant but mitigable. It is important to note that the project is proposed for reclamation after the proposed 30-year mine lifespan, at which point the site would be returned to its existing condition.

Mitigation/Conclusion. In the event it is determined that the project significantly impacts the proposed trail alignment, mitigation, such as dedication of a recreational trail easement should be included in the EIR.

12. TRANSPORTATION/ CIRCULATION - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Increase vehicle trips to local or areawide circulation system?	☒	☐	☐	☐
b) Reduce existing "Levels of Service" on public roadway(s)?	☐	☒	☐	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Result in inadequate parking capacity?	☐	☐	☒	☐
f) Result in inadequate internal traffic circulation?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☐

Setting. According to the traffic study prepared by the applicant (Traffic Impact Study for the Las Pilitas Quarry, TPG Consulting, Inc.) the proposed project will produce approximately 495,000 tons per year (tpy) when operating at full capacity. The project will be located on the north side of State

Route (SR) 58/Calf Canyon Highway, east of the Salinas River, in San Luis Obispo County. The project site is currently unoccupied. The project will operate from 6:00 AM to 5:00 PM on weekdays.

Project Access
The project is proposing to construct a single access point to be used by trucks and employees. This access point will be located east of the Salinas River bridge and west of Park Hill Road. The driveway will be located between two existing residential homes and out-buildings currently located on the north side of Calf Canyon Highway. Due to the relatively low volume of project trips, low background traffic on Calf Canyon Highway, and acceptable levels of service, a separate left-turn lane is not necessary for acceptable operation of the project driveway. However, the project is proposing to construct an eastbound left-turn lane on Calf Canyon Highway at the project driveway. Based on the projected peak hour eastbound left-turn volumes at this location, the turn lane should provide sufficient storage to accommodate one truck and one passenger car.

Project Trip Generation
The project trip generation information was developed from the production and employee information provided by the applicant. Operating at maximum capacity (i.e. maximum quantities are extracted and all material is hauled off-site), the project would result in truck trips associated with employees and the hauling of materials. According to the traffic report, the project would result in a total of 208 trips per day (daily trip ends, 1-directional). This includes 10 employee trips and 198 truck trips per day.

Project Trip Distribution
Trip distribution for the project trips was based on applicant provided information. The majority of project trips (employees and trucks) are projected to travel between SR 101 and the project site. The project's market will primarily be south of Santa Margarita and SR 101 is the main north-south corridor in the area. Approximately 20% of project trips are shown traveling outside the projected route (north on El Camino Real, east on W Pozo Road, and north on Calf Canyon Highway). Using this trip distribution, all project trips travel through the study intersections.

Impact. As shown in the traffic report, the following locations are projected to operate below the appropriate adopted level of service standard:

• Estrada Avenue at El Camino Real
• Estrada Avenue at H Street

Peak Hour signal warrants were also prepared for all unsignalized study intersections. Based on the warrant, the following locations are projected to meet the Peak Hour signal warrant:

• Estrada Avenue at El Camino Real
• Estrada Avenue at H Street

Impacts are considered significant but mitigable with respect to level of service, road impacts and signal warrents. These impacts will be analyzed in detail in the EIR and will be supplemented as necessary.

Mitigation/Conclusion. To mitigate the intersections that are projected to operate below the appropriate adopted level of service standard and/or meet the Peak Hour signal warrant, the following improvements by scenario are recommended:

Estrada Avenue at El Camino Real
Signalize the intersection. The Estrada Avenue at El Camino Real intersection currently meets the Peak Hour signal warrant and is projected to continue to meet the warrant in all study scenarios.

Since the intersection is currently operating at acceptable levels of service and is projected to do so in the Existing Plus Project scenarios, the installation of the traffic signal is not recommended. However, the intersection operates below the level of service standard and continues to meet the Peak Hour signal warrant in the 2030 No Project and 2030 Project scenarios. Although the project does not cause the level of service failure or trigger the Peak Hour signal warrant, it will contribute to those impacts. The traffic study indicated that the project may be responsible for paying its fair-share for the proposed improvement. However, there is no existing fee mechanism in place ready to accept fair-share fees for improvements. As such, impacts are potentially significant. This will be analyzed in detail in the EIR and mitigation measures will be supplemented as necessary.

The proposed installation of a traffic signal for the Estrada Avenue at El Camino Real intersection does not include widening the existing paved sections to accommodate additional lanes/shoulder/etc. since the intersection is projected to operate acceptably with a permitted WB left-turn movement. However, the Salinas River Area Plan and the Santa Margarita Design Plan both call for additional improvements to this intersection. A channelized left-turn lane and installation of bike lanes and sidewalks are both proposed for El Camino Real at this intersection. A landscaped median may or may not be included in this improvement as well. Since these improvements are not currently funded, they are not included in the proposed mitigation.

Estrada Avenue at H Street
The Estrada Avenue at H Street intersection is projected to operate below the level of service standard and meet the Peak Hour signal warrant in the 2030 No Project and 2030 Project scenarios. The level of service impacts to the Estrada Avenue at H Street intersection occur during the AM peak hour and are due mostly to the SB left-turns and WB right-turns associated with the elementary school dropoff. The following unique criteria apply to this intersection:

- The majority of the school-associated AM peak hour traffic occurs in a 15-30 minute period. This tends to increase delay for the minor street movements for that short time period, but leaves the remainder of the peak hour with lower impacts.
- The level of delay experienced by the minor street movements is somewhat alleviated by a crossing guard located on the north side of the intersection. The crossing guard provides regular breaks in the major street traffic which provides gaps for some minor street movements that would normally not occur during this period.
- While the intersection meets the Peak Hour signal warrant, it is unknown whether or not it will meet other signal warrants, now or in the future. Additional warrants may not be met which are more paramount to the operation of the intersection than the Peak Hour warrant.

It is suggested that this intersection be monitored and at such time that the intersection level of service falls below the adopted thresholds and/or meets additional signal warrants, that a determination of the improvements be made. Although the Project does not cause the level of service failure or trigger the Peak Hour signal warrant, it will contribute to those impacts. The Project may be responsible for paying its fair-share for any improvements to this intersection.

As a part of the EIR, the above-reference traffic report will be peer reviewed and verified by an independent, third-party, qualified traffic engineer/consultant and supplemented with further analysis as needed to provide a detailed traffic impact assessment of the proposed project. The result of the review and field verification could result in additional analysis and revised mitigation as necessary.

13. **WASTEWATER** - ***Will the project:***	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☒	☐	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☒	☐	☐
c) Adversely affect community wastewater service provider?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances);
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

--***shallow depth to bedrock***, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface. In this case, should a new or expanded wastewater system be necessary, due to limited availability of information relating to the shallow depth to bedrock characteristic, the following additional information will be needed from the applicant: soil borings at leach line location(s) showing that there is adequate distance to bedrock. If adequate distance cannot be shown, a county-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required.

--***steep slopes***, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effuent. In this case, the proposed leach lines may be on or located within close proximity of steep slopes where some potential of effluent daylighting exists. Should a new or expanded wastewater system be necessary. a registered civil engineer familiar with wastewater systems, shall prepare an analysis that shows the location and depth of the leach lines will have no potential for daylighting of effluent.

--***slow percolation***, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch. In this case, should a new or expanded wastewater system be necessary, a soils report will be necessary to identify percolation rates for the soil where leach lines are proposed.

Impacts/Mitigation. Based on the following project conditions or design features, wastewater impacts are expected to be less than significant: However, should a new or expanded wastewater system be necessary, a soils investigation will need to be done that shows the following can be met:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ The soil's percolation rate is between 30 to 120 minutes per inch;
- ✓ There is adequate soil separation between the bottom of the leach line to bedrock or high groundwater;
- ✓ The soil's slope is less than 20%;
- ✓ The leach lines are outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. **WATER** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	☐	☒	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	☒	☐	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☒	☐	☐
d) Change the quantity or movement of available surface or ground water?	☐	☒	☐	☐
e) Adversely affect community water service provider?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project proposes to use an on-site well as its water source. This water will be used for dust control on stockpiles and access roads, as well as for day to day operations and for one employee restroom. The proposed project does not introduce any new water users other than the use of water for dust mitigation and day to day operations.

Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is gently sloping to steeply sloping The closest creek, Salinas River, is approximately 1/4 mile from the southwestern part of the proposed project site . As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

The proposed project includes a series of stormwater retention basins designed to detain runoff for percolation into the groundwater table prior to entering into a natural water channel (e.g. the Salinas River).

Impact. As discussed in Section 7, Hazardous Materials, potential sources of surface water pollution at the project site include sediment in runoff, discharge of fluids such as wash water, and leaks or spills of toxic materials such as petroleum products. As discussed in their respective sections, these impacts to surface waters are considered significant but mitigable.

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 60 acres.

Mitigation/Conclusion. Due to the projected use of water for dust mitigation and facility operations, additional analysis should be conducted to provide greater detail on proposed water use, as well as show that there will be a sustainable water source for the duration of operations, through reclamation.

This shall be prepared by a certified engineering geologist and shall include, but not be limited to, the following:

1. Consultation with the County Public Works Department and/or appropriate County Waterworks District, CSDs, and/or appropriate mutual, private, or public water companies.
2. Current and future projections of water demand for the project based on the various uses making up the proposed project's water demands.
3. Evaluation and discussion of water availability for on-site water demands.
4. Evaluation and discussion of the long-term capability of the ground water basin(s) to provide adequate quantities of water, and the potential for subsidence and.saltwater intrusion.
5. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to minimize potential impacts related to groundwater availability.

Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality. Water impacts and mitigation measures will be further analyzed in the EIR and supplemented as necessary.

15. LAND USE - ***Will the project:***	**Inconsistent**	**Potentially Inconsistent**	**Consistent**	**Not Applicable**
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other:_____	☐	☐	☐	☐

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). Based on responses received to date, the project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is located in the Extractive Resource Area 1 (EX1). As defined by the Land Use Ordinance, Section 22.14.050, the 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.

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☒	County Environmental Health Division	**In File****
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**In File****
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**In File****
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Game	**In File****
☒	CA Department of Forestry (Cal Fire)	**In File****
☒	CA Department of Transportation	**In File****
☐	Community Service District	**Not Applicable**
☐	Other _____	**Not Applicable**
☐	Other _____	**Not Applicable**

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☐ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☒ Energy Element
  - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☐ Real Property Division Ordinance
- ☐ Trails Plan
- ☐ Solid Waste Management Plan
- ☐ Area Plan and Update EIR
- ☐ Circulation Study

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other ____

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

- Las Pilitas Rock Quarry, San Luis Obispo County, California, APN: 070-141-070, -071, Sensitive Species and Habitat Survey. LFR, Inc.. October 2009
- Engineering Geology Investigation, Las Pilitas Rock Quarry, Highway 58, APN: 070-141-070, -071, Santa Margarita Area, San Luis Obispo County, California. GeoSolutions, Inc. July 14, 2009.
- Drainage Calculations for Las Pilitas Rock Quarry. Tartaglia Engineering. August 2009.
- Las Pilitas Rock Quarry Traffic Impact Study. TPG Consulting, Inc. May 2009.
- An Archaeological Surface Survey for the Las Pilitas Rock Quarry Project, Highway 58 Area, Northern San Luis Obispo County, California. Heritage Discoveries, Inc. April 16, 2009.
- Noise Analysis Las Pilitas Rock Quarry. David Dubbink Associates. January 26, 2010.
- General Blasting Plan for the Las Pilitas Rock Quarry, 6600 Calf Canyon Highway, Santa Margarita, San Luis Obispo County, California. Gasch & Associates. December, 2009.
- Sight Distance Evaluation. TPG Consulting, Inc. June 8, 2009.

AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

August 3, 2010

Jeff Oliveira
San Luis Obispo County
Department of Planning & Building
Government Center
976 Osos St., Room 300
San Luis Obispo CA 93408

SUBJECT: APCD Comments Regarding the Las Pilitas Quarry Notice of Preparation.

Dear Mr. Oliveira,

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 proposed project located at 6660 Calf Canyon Road in Santa Margarita. The applicant is proposing to operate an aggregate quarry and an asphalt and concrete recycling facility near Santa Margarita. This proposal will be implemented in stages.

Stage One will consist of installing a truck scale and portable office, construction of an access road and landscaping. Aggregate production will start with the removal and stockpiling of overburden for future use. Processing of granite will utilize portable crushing and screening equipment. This phase will yield up to 500,000 tons of material annually and last approximately 5 years. In the event that the material cannot be removed by heavy equipment, material will be loosened by blasting.

Stage Two will continue the yield maximum of 500,000 tons of material annually, and will include recycled concrete and asphalt that will be transported to the facility by truck. Rock and recycled material will be processed by portable and/or fixed plant equipment.

APCD Contact:

Gary Arcemont
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401
(805) 781-5912

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

1. Permit(s) or Approval(s) Authority:

   The "2009 CEQA Air Quality Handbook" (the Handbook) is to be used as guidance for assessing the air quality impacts for this project and defining mitigation measures. It can be accessed on the APCD web page www.slocleanair.org

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Permits for Equipment

Portable equipment that is rated 50 horsepower (hp) or greater will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Additionally, future developments may require APCD permits and/or applicants may need to apply for an Authority to Construct. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the APCD's 2009 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Internal combustion engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

Fuel Storage
The EIR should include a description of on site fuel storage and procedures related to fuel handling and spillage.

2. Environmental Information:

The potential air quality impacts should be assessed in the Environmental Impact Report (EIR). This analysis should address both short-term and long-term emissions impacts (including traditional air pollutants and greenhouse gas emissions) and include the following information:

a) A description of existing air quality and emissions in the impact area, including the attainment status of SLO County relative to State and Federal air quality standards and any existing regulatory restrictions to development. The most recent Clean Air Plan should be consulted for applicable information.

b) A complete emission analysis should be performed on all relevant emission sources (e.g. vehicles, equipment and fugitive dust), using emission factors from the EPA document AP-42 "Compilation of Air Pollutant Emission Factors", the latest approved version of URBEMIS, EMFAC, OFF-ROAD or other approved emission calculator tools. Documentation of emission factors and all assumptions (include number of vehicle trips for each type of vehicle, indicate whether estimated trips are one way or round trip, trip length for each type of trip, vehicle and equipment emission factors, etc.) must be provided in the EIR. The quantitative analysis should address criteria pollutants, greenhouse gases, toxics, diesel particulate matter and fugitive dust and be compared to APCD's CEQA thresholds.

c) A consistency analysis with the Clean Air Plan (CAP) will determine whether the emissions resulting from development under the project will be consistent with the emissions projected in the CAP. The qualitative analysis should be based upon criteria that include other proposed projects in the area and the cumulative impact on sensitive receptors in the area. The EIR author should contact the APCD if additional information and guidance is required. All assumptions used should be fully documented in the EIR.

d) Assembly Bill 32, the California Global Warming Solution Act of 2006 and California Governor Schwarzenegger Executive Order S-3-05 (June 1, 2005), both require reductions of greenhouse gases (GHG) in the State of California. The Governor has recognized mitigation efforts will be necessary to reduce greenhouse gas emissions. In order to address these issues, greenhouse gas emissions should be evaluated in the EIR, and appropriate mitigation identified.

e) A cumulative impact analysis should be performed to evaluate the combined air quality impacts of this project and impacts from existing and proposed future development in the area. This should encompass all planned emission producing activities within one mile of the project.

f) Mitigation measures to reduce or avoid significant air quality impacts should be recommended. The EIR should address any proposed off-site mitigation measures and describe feasible mitigation measures to reduce air quality impacts on-site. Offsite mitigation may be required in the event that emissions cannot be reduced below APCD specified thresholds.

3. Permit Stipulations/Conditions:

   See Section 1 for applicable permit requirements. It is recommended that you refer to the "2009 CEQA Air Quality Handbook" (the Handbook). The Handbook provides information on mitigating emissions from development. This information should be included in the EIR.

4. Alternatives:

   Any alternatives described in the EIR should involve the same level of air quality analysis as described in section 2. The EIR should include a range of alternatives that could effectively minimize air quality impacts. A consistency analysis should be performed for each of the proposed alternatives identified, as described above. A quantitative analysis of the air quality impacts should be generated for each of the proposed alternatives.

5. Reasonably Foreseeable Projects, Programs, or Plans:

   The 2009 version of the APCD's CEQA Air Quality Handbook provides guidance for preparing the EIR. The most appropriate standard for assessing the significance of potential air quality impacts for project EIRs is the preparation of a consistency analysis where the proposed project is evaluated against the land use goals, policies, and population projections contained in the CAP. The rationale for requiring the preparation of a consistency analysis is to ensure that the attainment projections developed by the APCD are met and maintained. Failure to comply with the CAP could result in long term air quality impacts. Inability to maintain compliance with the

state ozone standard could bear potential negative economic implications for the county's residents and business community.

6. Relevant Information:

   The 2009 version of the APCD's CEQA Air Quality Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

7. Further Comments:

Diesel/Toxics

Health Risk Assessment –Type A - New Toxic Source that Impacts Sensitive Receptors

This project will involve the use of numerous pieces of heavy-duty diesel equipment and trucks. Diesel particulate matter is listed as a toxic air contaminant by the California Air Resources Board with no identified threshold level below which there are no significant effects. This project has the potential to emit toxic or hazardous air pollutants in close proximity to sensitive receptors (such as diesel truck traffic near schools or residences). Sensitive receptor locations include schools, residential dwellings, parks, day care centers, nursing homes, and hospitals. Health impacts may be significant due to increased cancer risk for the affected population, even at a very low level of emissions. Such projects are required to prepare a health risk assessment to determine the potential level of risk associated with their operations.

In July 2009, the California Air Pollution Control officers Associations (CAPCOA) adopted a guidance document HEALTH RISK ASSESSMENTS FOR PROPOSED LAND USE PROJECTS to provide uniform direction on how to assess the health risk impacts from and to proposed land use projects. The CAPCOA guidance document focuses on how to identify and quantify the potential acute, chronic, and cancer impacts of sources under CEQA review. As defined in the CAPCOA guidance document there are basically two types of land use projects that have the potential to cause long-term public health risk impacts and are named Type A and Type B.

This project is considered a Type A project, a new proposed land use project that generate toxic air contaminants (such as the use of diesel trucks and equipment) that impact sensitive receptors. Air districts across California are uniform in their recommendation to use the significance thresholds that have been established under each district's "Hot Spots" and permitting programs. The APCD has defined the excess cancer risk significance threshold at **10 in a million** for Type A projects in San Luis Obispo County.

A screening level health risk assessment should be performed prior to project approval to determine potential health risks to residents of the development. If the screening assessment is above 10 in a million, a more comprehensive health risk analysis shall be required. See Section 2.1.1 of the APCD 2009 CEQA Handbook for guidance.

Idling Restrictions near Sensitive Receptors for Diesel Equipment

Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). **The location of the staging areas and diesel equipment operations near sensitive receptors needs to be identified in the EIR. The APCD recommends including a permit condition that restricts the siting of the staging areas at least 1000 feet away from sensitive receptors as defined in the conditions below:**

- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Use of alternative fueled equipment is recommended whenever possible; and,
- Signs that specify the no idling requirements must be posted and enforced.

Truck Routing
Proposed truck routes should be evaluated to define truck routing patterns that will have the least impact to residential communities and sensitive receptors, such as schools, daycare facilities, hospitals and senior centers. The project must utilize truck routes that have the least impact to sensitive receptors.

Fugitive dust

Private Unpaved Road and/or Driveway Mitigation:
If trucks will be driven on unpaved roads, fugitive dust impacts should be estimated and impacts compared with thresholds found in the 2009 CEQA Handbook. If the thresholds are exceeded, mitigation measures found in the CEQA Handbook must be implemented.
Implement and maintain design standards to ensure vehicles that use the private unpaved road and or driveway to the project location are physically limited to a posted speed limit of 15 mph or less.

If this measure does not adequately reduce the fugitive dust below the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule or if dust is emitted offsite, the project proponent shall work with the APCD to define additional mitigation measures that are necessary to minimize nuisance impacts.

In addition to the unpaved road/driveway mitigation, this project may be subject to the following standard operational phase air quality mitigation measures:

1. Pave the road to meet County Public Improvement Standards. Prior to issuance of conditions of approval for the project, the applicant shall work with County Roads Division to ensure:
    a. Their paving standards will be met; and
    b. The County is prepared to maintain the new paved section of road; or
    c. That the County is satisfied with an alternative maintenance mechanism that will meet County requirements.

    or,

2. For the life of the project, maintain the private unpaved road to the project location with a dust suppressant such that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions

from the site do not occur. A list of Approved Dust Control Suppressants can be obtained from the APCD.

The applicant may propose other measures of equal effectiveness as replacements by contacting the APCD Planning Division at 781-5912.

Naturally Occurring Asbestos
The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any excavation activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine whether NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact the APCD Enforcement Division at 781-5912.

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/AJM/arr

cc: Las Pilitas Resources LLC
Gary Willey, Engineering Division, APCD

Attachment: Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

h:\plan\ceqa\project_review\3000\3500\3577-3\3577-3.doc

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

3433 Roberto Court, San Luis Obispo, CA 93401
805-781-5912 – FAX: 805-781-1002

Naturally Occurring Asbestos Construction and Grading Project Form

Applicant Information/Property Owner		**Project Name**	
Address		**Project Address and/or Assessors Parcel Number**	
City, State, Zip		**City, State, Zip**	
Email		**Email**	
Phone Number	**Date Submitted**	**Agent**	**Phone Number**

Check Applicable	DESCRIPTION (attach applicable required information)	APCD REQUIREMENT 1	APCD REQUIREMENT 2
	Project is subject to NOA requirements but NOT disturbing NOA	Geological Evaluation	Exemption Request Form
	Project is subject to NOA requirements and project is disturbing NOA – more than one acre	Geological Evaluation	Dust Control Measure Plan
	Project is subject to NOA requirements and project is disturbing NOA – one acre or less	Geological Evaluation	Mini Dust Control Measure Plan

Please note that the applicant will be invoiced for any associated fees

REQUIRED APPLICANT SIGNATURE:

Legal Declaration/Authorized Signature

Date

APCD OFFICE USE ONLY				
Geological Evaluation	**Exemption Request Form**	**Dust Control Measure Plan**		**Monitoring, Health and Safety Plan**
Approved Yes ☐ No ☐	Approved: Yes ☐ No ☐	Approved: Yes ☐ No ☐		Approved: Yes ☐ No ☐
Comments:	Comments:	Comments:		
APCD Staff:	Intake Date:	Date Reviewed	OIS Site #	OIS Proj #
Invoice No.	Basic Fee	Additional Fees	Billable Hrs	Total Fees

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

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

AUG 09 2010

San Luis Obispo County
Department of Planning and Building
Attn: Jeff Oliveira
976 Osos Street, Room 300
San Luis Obispo, CA 93480

Government Code Section 66455.1 Review of 40-SLO-13, Notice of Scoping Meeting for Proposed Environmental Impact Report for Las Pilitas Quarry Mining Operation, Las Pilitas Resources, LLC, Near Coastal Aqueduct Milepost 61.71, San Joaquin Field Division, City of Santa Margarita, San Luis Obispo County

Dear Mr. Oliveira:

The County of San Luis Obispo (County) is conducting scoping meetings, prior to preparation of an Environmental Impact Report, for a rock quarry mining operation proposed by Las Pilitas Resources, LLC (Applicant). The proposed surface mining operation is located north of both State Route 58 and the Coastal Aqueduct (Aqueduct,) approximately 3 miles northeast from the town of Santa Margarita. Concurrent with our review of the environmental document preparation materials, the Applicant also applied to the Department of Water Resources (DWR) for an Encroachment Permit (EP-1527). EP-1527 is for a road, which crosses over the Aqueduct and will allow for access between State Route 58 and the proposed mining operation. At this time, there is insufficient detail to allow for a full review by DWR. Greater detail of the proposed mining operation is required to address any potential environmental impacts from the Applicant's project. We defer comment under Section 66455.1, until such time as a comprehensive environmental document has been prepared and circulated for review.

We request that the County direct copies of future environmental documents related to the project to DWR headquarters, as well as DWR field offices responsible for the operation and maintenance of the Aqueduct in this location. Please send future correspondence to the following:

Central Coast Water Authority
Attn: John Brady
255 Industrial Way
Buellton, CA 93427

DWR San Joaquin Field Division
Attn: Mohammed Mohammed
4201 Sabodan Street
Bakersfield, California 93313

Department of Water Resources
Attn: Leroy Ellinghouse
1416 9th Street, Room 641-2
Sacramento, California 95814

If you have any questions, please contact Scott Williams of my staff at (916) 653-5746.

Sincerely,

Leroy Ellinghouse, Chief
State Water Project Encroachment Section
Division of Operations and Maintenance

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • **FAX** 916 / 445-6066 • **TDD** 916 / 324-2555 • **WEB SITE** conservation.ca.gov

July 16, 2010

VIA EMAIL: joliveira@co.slo.ca.us
ORIGINAL SENT BY MAIL

Jeff Oliveira
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Dear Mr. Oliveira:

LAS PILITAS QUARRY RECLAMATION PLAN
SAN LUIS OBISPO PERMIT #DRC2009-00025

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the *Las Pilitas Quarry Draft Reclamation Plan* dated May 2010. The applicant, Las Pilitas Resources, is proposing to extract granitic rock for aggregate. The operation will yield up to 300,000 tons of material per year for the estimated 30-year life of the operation. The project consists of disturbing 45 acres within the 114 acre site located north of Highway 58, approximately 2.25 miles southeast of the town of Santa Margarita, and less than one half mile east of the Salinas River. The proposed end use for the mine will be a ranch for livestock and wildlife which is consistent with the site's current use.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. OMR made a site visit to discuss reclamation issues on July 6, 2010. The following comments prepared by Beth Hendrickson, Restoration Ecologist, and Fred Gius, Engineering Geologist, are offered to assist in your review of this project. OMR recommends that the reclamation plan be supplemented and/or revised to fully address these items.

Mining Operation and Closure

(Refer to SMARA sections 2770, 2772, 2773, CCR sections 3502, 3709, 3713)

1. SMARA section 2772(c)(3) requires that the reclamation plan include a specific termination date. There was no termination date proposed by the operator, only that

the mine will operate for a period of 25 to 55 years (30 years in the Reclamation Plan Application). OMR recommends that a termination date such as December 31, 2040 be clearly specified in the reclamation plan.

2. Pursuant to the Professional Engineers Act, Geologist and Geophysicist Act, and Professional Land Surveyors' Act (Business and Professions Code sections 6700 – 6799, 7800 – 7887, and 8700 – 8805, respectively), all applicable documents shall be prepared by a California-licensed professional, shall include his or her license number and name, and shall bear the signature and seal of the licensee. When reviewing documents submitted pursuant to SMARA section 2774, OMR must have confidence that the documents are complete and genuine, and have been prepared by or under the supervision of licensed professionals if and as required by law and regulation. Therefore, at least one copy of all documents which must, under applicable law, regulation, or code, be prepared by or under the supervision of licensed professionals bearing an original signature, stamp impression or seal, and date affixed by the author should be submitted to OMR prior to approval. For example, the site drawings prepared by Tartaglia Engineering should be signed and stamped by the responsible California-licensed professional. As a quasi-judicial body operating in the public trust, the County of San Luis Obispo should consider adopting a policy similar to that of the State Mining and Geology Board's *Internal Policy on Validating and Accepting Professionally Prepared Reports and Other Documents Submitted for Consideration*. The State Mining and Geology Board's policy can be found at:
http://www.conservation.ca.gov/smgb/staffreports2004/May/Documents/0513-3a.pdf.

End Land Use

(Refer to SMARA section 2772, CCR sections 3707, 3708)

3. The end land use is specified as ranching and wildlife habitat. OMR suggests that since ranching implies an agricultural end use that could trigger the need for a productivity rate success criterion under CCR section 3707(c), the operator may want to simply specify the end use will be open space. This would not change the way reclamation is carried out.

Geotechnical Requirements

(Refer to CCR sections 3502, 3704)

4. The slope stability analysis summarized in Section 7.0 of the July 14, 2009 Engineering Geology Investigation prepared by GeoSolutions, Inc. does not provide the detail necessary to ensure that the requirements of CCR sections 3502 and 3704 are met. For example, the limit-equilibrium analysis lacks the rationale on why a friction angle of 62.3 degrees, determined from laboratory analysis of the decomposed granite, was used for the "blue" granite. GeoSolutions, Inc. should ensure that the engineering properties of the material utilized in the slope stability analysis are representative of all material to be encountered on site and that the analysis considers the variety of discontinuities in these materials. As presented, the data appears to have been obtained from only one sample and does not represent

material observed during OMR's site visit or described in the Department of Water Resources September 2002 Final Construction Geology Report.

5. The slope stability evaluation does not describe whether a kinematic analysis was completed to evaluate the structural fabric of the rock mass to determine if the orientation of the discontinuities could result in instability of the final slopes. For example, the kinematic analysis can be accomplished by means of stereographic analysis of the structural discontinuities such as joints, foliations, and fractures. Discontinuities observed in the field and presented in the Department of Water Resources report justify the need for a kinematic analysis. The slope stability evaluation should be revised to address the structural fabric of the rock mass and its influence on stability and design of final slopes.

6. CCR section 3704(b) states that where backfilling is required for resource conservation purposes (e.g., agriculture, open space, and wildland conservation), fill material shall be backfilled to the standards required for the resource conservation use involved. The reclamation plan indicates that onsite, native material will be used to backfill a small portion of the site near the 0.5H:1V slopes. The slope stability evaluation did not analyze the stability of the 0.5H:1V slope and it is unclear whether the backfill will be used as a buttress for this slope. Since improperly placed backfill may result in erosion and instability, the reclamation plan should be revised to describe the methods of placement and compaction effort, if any, of the backfill materials that may be necessary for the proposed end use or stability of the 0.5H:1V slope. In addition, the grading plans should be revised, including the preparation of cross-sections, to clearly show the details of the backfill.

Hydrology and Water Quality

(Refer to SMARA sections 2772, 2773, CCR sections 3502, 3503, 3706, 3710, 3712)

7. CCR section 3706(d) requires erosion control methods such as detention basins to be designed to handle runoff from not less than the 20 year/1 hour intensity storm event. However, the Drainage Calculations prepared by Tartaglia Engineering indicates that the hydraulic analysis for the detention basins and associated drainages was based on a 50 year/24 hour storm event. Although the 50 year/24 hour storm event may be more conservative for designing basin storage capacities, the 20 year/1 hour event is more protective for designing drainages because the 20 year/1 hour event results in a greater volume of water flowing through the drainages over a short duration. The hydraulic analysis presented in the reclamation plan should be evaluated to ensure that the drainages are designed to convey the higher flows and that they meet the requirements of CCR section 3706(d).

8. According to SMARA section 2772(d): "An item of information or a document required pursuant to subdivision (c) that has already been prepared as part of a permit application for the surface mining operation, or as part of an environmental document prepared for the project pursuant to Division 13 (commencing with Section 21000), may be included in the reclamation plan by reference, if that item of information or that document is attached to the reclamation plan when the lead agency submits the reclamation plan to the director for review. To the extent that the information or

document referenced in the reclamation plan is used to meet the requirements of subdivision (c), the information or document shall become part of the reclamation plan and shall be subject to all other requirements of this article". Since the reclamation plan relies on the Storm Water Pollution Prevention Plan (SWPPP) to meet the water quality, and erosion and sediment control requirements of SMARA, the applicable elements of the SWPPP should be incorporated into the reclamation plan or a copy of the SWPPP should be included as an appendix to the reclamation plan.

Environmental Setting and Protection of Fish and Wildlife Habitat

(Refer to CCR sections 3502, 3503, 3703, 3704, 3705, 3710, 3713)

9. OMR understands that an Environmental Impact Report for the project is under preparation. Mitigation measures developed through that process may substantially affect the manner in which mining and reclamation of the site is carried out, and OMR recommends that the reclamation plan not be finalized until those measures can be taken into account.

Resoiling and Revegetation

(Refer to SMARA section 2773, CCR sections 3503, 3704, 3705, 3707, 3711)

10. Test plots are required under CCR section 3705(b); OMR suggests that the reclamation proposed in Phase 1B can serve as a test plot area to determine the success of the proposed revegetation measures. See attached information regarding test plots.

11. The plan should provide for decompaction of areas where the substrate has been compacted by equipment, vehicles, or other activities [CCR3705(c)]. This can be done by ripping to a depth of at least 12 inches.

12. The "separate, more detailed restoration plan" referred to on page 8 should be prepared prior to approval of the reclamation plan and included with it, since revegetation is an integral part of reclamation. The plan should include the details that are lacking in the current submittal, such as where and how much of each of the four habitat types is proposed to be recreated, maps showing the different habitat areas, the amount of each species to be included in the seed mixes (at least a basic seed mix for each, perhaps with optional additions according to the amount of seed collected), the amount and type of container stock (if any) that is proposed, and the baseline data used to come up with the performance standards (see attached information).

13. The text suggests that baseline data has not yet been collected, however the table on page 9 gives baseline numbers for species richness, cover and density, raising the question of how these numbers were obtained. OMR suggests that unless those numbers are supported by actual data, there is a danger that the standards may be unreachable. For example, it seems unlikely that there is actually an average of 20

different species per 100 square feet; moreover these figures do not refer to any specific habitat type and are likely to vary between the different types of habitats. The plan should include baseline data for each habitat type, and specific performance standards for each type.

14. SMARA does not require performance standards for height of vegetation (measured as "productivity" on page 10). If these standards are a requirement for some other reason, OMR recommends that the performance standards be revisited and adjusted according to advice from qualified local professionals. The performance standards shown on page 10 may be unrealistically high unless the plants are going to be irrigated on a regular basis.

15. The "Final Site Configuration" map legend shows most of the area as being revegetated with native species (no method given), but then a separate shaded area along the access road is shown as "Hydro-seed areas". The text refers to hydroseeding as the method used for revegetation throughout – this discrepancy should be corrected.

Administrative Requirements

(Refer to SMARA sections 2772, 2773, 2774, 2776, 2777, PRC section 21151.7)

Senate Bill 668, Chapter 869, Statutes of 2006 amended Public Resources Code section 2774 with respect to lead agency approvals of reclamation plans, plan amendments, and financial assurances. These requirements are applicable to this reclamation plan. Once OMR has provided comments on the reclamation plan, a proposed response to the comments must be submitted to the Department at least 30 days prior to lead agency approval. The proposed response must describe whether you propose to adopt the comments. If you do not propose to adopt the comments, the reason(s) for not doing so must be specified in detail. At least 30 days prior notice must be provided to the Department of the time, place, and date of the hearing at which the reclamation plan is scheduled to be approved. If no hearing is required, then at least 30 days notice must be given to the Department prior to its approval. Finally, within 30 days following approval of the reclamation plan, a final response to these comments must be sent to the Department. Please ensure that the County allows adequate time in the approval process to meet these SMARA requirements.

If you have any questions on the content of this letter or require any assistance with other mine reclamation issues, please contact me at (916) 323-5435.

Sincerely,

James S. Pompy, Manager
Reclamation Unit

Attachments

RECEIVED
JUL 1 9 2010
SLO CO PLAN & BLDG DEPT

REVEGETATION TEST PLOT GUIDELINES

The following are recommended guidelines for the creation and maintenance of revegetation test plots for surface mine reclamation plans. If there is a conflict between these guidelines and the specific conditions of approval of a reclamation plan, the conditions of approval must be followed or an application for a modification to the reclamation plan must be submitted to, and approved by, the County.

Why establish test plots?

The reason to establish test plots is to be able to determine in advance the most successful strategy for revegetation of a mine site. Although a reclamation plan establishes requirements for revegetation, it is not known at the time the reclamation plan is approved whether the approved revegetation will actually be successful.

Test plots help determine which plant species will actually grow on site, and what conditions of microclimate, soil, nutrients, etc. are necessary to achieve revegetation success. Test plots are typically required by reclamation plans.

Who is responsible for test plots?

The mine operator is responsible for establishment, maintenance and monitoring of the test plot. The work may be delegated to a consultant, contractor, employee, etc. However, the operator remains responsible.

Where should test plots be located?

Test plots should be located in an area or areas of the mine where they are unlikely to be disturbed during the rest of the time the mine is being operated. If this is not feasible, then locate test plots in an area that will not be disturbed for at least 4 or 5 years. If possible, the test plots should mimic the ultimate condition of the site. For example, test plots should be located in areas which are representative of the various significant microclimates which may exist on the mine site, such as slope (how steep the finished grade will be), aspect (the direction the slope faces), wet or dry conditions, etc. When possible, the soil or growth media that has been salvaged should be used in the test plots. More than one test plot area may be necessary to represent all conditions at the mine site.

What size should a test plot be?

A test plot should be large enough to:

1. Have adequate area to plant a representative sample of the plants proposed for revegetation and enough individuals of each of the plant species to be able to determine the survival and success of the plants to be used for revegetation.
2. Reduce the amount of blown-in seed and invasion of adjacent plants.

3. Have areas for different soil treatments, planting mixes, etc.

4. Have room for people to monitor the plot without trampling all the plants.

A recommended minimum size is approximately 32 feet by 32 feet or 10 meters by 10 meters.

How should a test plot be marked?

A recommended way of marking a test plot is to fence it with welded wire fencing, graduated hog wire or similar fencing, a minimum of 4 feet high, surrounding the plot. A gate and a cleared pathway to the plot are necessary for access. Fencing your test plot also discourages damage to the plants from browsing mammals. Deer and rodents will be attracted to the tender plants in your test plots and can ruin your data by destroying the plants. Test plot fencing in areas where deer are common should be 6 to 8 feet high. To prevent rodents from burrowing under the fencing, trench 6 to 8 inches beneath the soil surface, under the fence and install chicken wire at the base. Freeze-thaw cycles may damage the chicken wire by pushing it up and out of the soil, so you will need to watch for damage to the fence each spring.

What type of "soil" should be used?

Whatever is used for "soil" or growth medium for the test plots should be representative of what will be available and used at the time of reclamation. A test plot planted in native or "virgin" soil will not be helpful in determining how plants will grow in actual reclaimed mine conditions.

Where possible, soil should be replaced on the test plot in such a way so as to imitate and reconstruct the original soil on site and/or as specified in the reclamation plan. Where possible, coarse rock shall be placed down first, followed by finer rock, followed by subsoil and soil, and capped with topsoil. Soil compaction should not exceed 80 percent in areas to be revegetated.

Where soil is not available, the test plot should be established on whatever growth medium will be available and replaced in the same way it will be at the time of reclamation.

What about soil testing?

The soil or other growth medium used for reclamation should be tested to determine whether any nutrient amendment or other treatment is necessary. Many soil laboratories will conduct a basic soil analysis for approximately $30. The soil test will provide you with important information that can save you money in the long run. The soil analysis will determine what your soil pH is. Soil pH is a measurement of how acidic or how basic your soil is. Plants grow best in soil with a pH of 6.5, but will grow in soils with a pH of 5.5 to 7.5. Mining can alter soil pH by exposing your soils to overburden and tailings, which may

contain very acidic or basic minerals. The soil test will also determine if amendments are needed. The soil analyses are based on demands of agricultural crops, so you must extrapolate your results to native plants. Native plants are not adapted to nutrient rich soils. In addition, for many California native species, it may be helpful to inoculate the soil with mycorrhizae.

Fertilizer should be avoided, but if required, any fertilizer that you add should be a slow-release or encapsulated type and at a lower rate than recommended for agricultural crops. If your soil lacks organic matter, then you may need to increase the organic matter content of your soil by adding compost. Compost should be weed-free.

What plants should be planted in a test plot?

The plants used in the test plots should be the same as the species and density of plants approved in the reclamation plan. You may also consider native plants that are already coming in on the site.

What other conditions can I test in my test plots?

You can test the following conditions:

- Amended "soil" vs. non-amended "soil." Different trials can include: the use of compost, fertilizer, and soil additives such as lime to raise pH and sulfur to lower pH.
- Seeding methods, such as broadcast seeding, hydroseeding, and drill seeding can be tested.
- The need for plant protection can be tested outside of your fenced area. Try the different kinds of cages that are available from forestry suppliers.
- What species will work best and do they establish quicker as seeds or containerized plants.
- The need for weed control and what methods work best.
- The need for irrigation, or irrigation the first year to get the plants established.

What about irrigation?

Unless otherwise specified in the approved reclamation plan, permanent irrigation is not recommended. Plants should be planted during the optimum time of year for them to obtain the moisture they need. If possible, avoid irrigation entirely. If additional moisture is needed, periodic irrigation for the first year may be used, keeping in mind that similar irrigation will likely be necessary for the entire mine site at the time of reclamation.

How should test plots be monitored?

The goal is for the test plot to show that if the "soil" is replaced and the former mine is planted according to the standards and conditions of the reclamation plan, the revegetation will be successful as specified in the plan.

The test plot should be monitored once a year, after the majority of growth has ceased, usually in the late summer. Plots should be monitored the same time each year, and within 2 weeks of the previous year's monitoring. Photographs of the overall plot(s) and of the plants shown next to a measuring device such as a ruler or tape measure, and showing the date are recommended. Make sure that you keep a record of the success rates of the various plant species, conditions, etc. The record should also compare the actual plant success rates with the success criteria specified in the reclamation plan. A copy of this record should be submitted to the Planning Division and/or provided to the inspector during the annual inspection.

After two or more years, it may become apparent that the survival rate of certain species specified in the reclamation plan is low and/or otherwise does not meet the success criteria for revegetation specified in the reclamation plan. If so, then other soil constructions, nutrient amendments, irrigation, and/or plant species should be tried. In this case, the operator may apply for and obtain approval of a minor modification to the reclamation plan to change the species to be planted.

When should test plots be established?

A test plot should be established within one year of the beginning of mining operations. In many cases this will allow a number of years of testing prior to reclamation.

How long should test plots be maintained and monitored?

A test plot should be maintained for at least four or five years, and monitored for the life of the mining operation. It may be helpful to consider the standard for determining revegetation success:

> "The reclamation shall be monitored until the revegetation performance standards are met provided that, during the last two years, there has been no human intervention, including, for example, irrigation, fertilization, or weeding."

COLLECTING BASELINE DATA AND MONITORING MINE RECLAMATION

Baseline studies

Requirement for baseline studies

If natural vegetation is present on the site, a baseline vegetation study should be done prior to any soil disturbance. Baseline vegetation studies are required in order to establish the amount and type of cover, density of perennial plants, and species diversity in the undisturbed natural vegetation of the site. These data are used to establish success criteria for revegetation following mining.

If natural vegetation on the site is lacking or disturbed, and the end land use involves revegetation with native plants, baseline conditions may be established using data from a nearby undisturbed area that is similar in soils, slopes and elevation to the mining site.

If the end use does not involve revegetation (for example, end uses like agriculture, residential or commercial development, golf courses) baseline studies are not required.

Planning baseline studies

- If more than one vegetation type is present, a vegetation map of the site must be prepared, and the acreage of each vegetation type calculated.
- A sampling plan should be prepared such that each vegetation type in the area affected by mining is adequately sampled.
- Sampling is adequate when sufficient replicates are obtained to give a minimal 80% confidence level in the results. For most situations in native vegetation, this can be accomplished by sampling 14 transects or plots per vegetation type (Newton and Claassen, 2003)
- Studies should be conducted in a season when most of the perennial vegetation is identifiable (i.e. leaves or aboveground parts are present).
- Methods used for baseline studies are <u>not</u> sufficient or suitable for rare plant surveys; those surveys should follow California Dept. of Fish and Game guidelines (attached).

Sampling methods

There are many valid vegetation sampling methods described in the literature and any appropriate method can be used for conducting baseline studies. The methods described here have been found by OMR staff to be efficient and require a minimum of equipment. Vegetation sampling should always be carried

out by qualified botanists familiar with the flora of the area. Examples of line-intercept and density and species richness data sheets are attached.

Stratified random sampling
Different vegetation types on a site are sampled separately, so that the sample area for each is a relatively homogenous stand. Then, within each stand, the location of plots is randomized. This is what is meant by stratified sampling.

Sampling locations should be selected so as to reduce the possible effects of observer bias. This can be done prior to field work by randomly selecting GPS points within each stratified area. Each point serves as the starting point for a transect. The direction of the transect can be a randomly determined number between 1 and 360, representing the degree of angle from north.

In an alternative method, transects can be placed at given intervals, such as every five meters, starting from a randomly determined point.

Line intercept method for cover
Plant cover is defined as the vertical projection of the area of the ground covered by vegetation, in percent. There are several commonly used methods for determining plant cover. The line intercept method described here has the advantages of being relatively free of observer error, fast, and easy to master.

A 50 or 100 meter transect tape is located and laid out as described above. The observer notes where the canopy of each species begins and ends on the tape, for example: "55 to 103 cm-black sage". There can be overlap of different species where one is underneath the other, and total cover in areas with overlapping plants can be over 100%. In grasslands or areas of very high annual plant densities, documenting individual species can be too cumbersome; such areas may simply be lumped together as "annual grasses". In areas dominated by perennial plant species, annual plants may simply be ignored, as they will not form part of the success criteria.

In areas with tree cover, estimating the location of the intersection of the canopy with the tape can be facilitated by using a pole to mark the edge of the canopy down to the tape.

Plot method for density
Density is defined as the number of stems per unit area. Annual species are excluded from density measurements because counting them would be too cumbersome, and their numbers vary from year to year depending on rainfall, etc. Using the same transect as above and a meter stick, the observer walks the length of the transect tape on either one side or both sides of the tape, counting the perennial species rooted within one meter of the tape. The observer can thus quickly determine the number of stems in a plot that is 1 or 2 meters wide and 50 to 100 meters long.

Plot method for species richness
Species richness can be determined using the data obtained in the density measurements above, if the stems are tallied by species. Species richness is simply the number of different plant species in a given area.

Reporting data

- Include a species list, with scientific names for all species encountered on the site. Species that are noted but that did not occur in the transects should also be included.
- Describe sampling methods used.
- Report data on mean cover, density and species richness for each vegetation type on the site. Express results as a sample size, mean value, range of values, and a variance

Reclamation Monitoring

Establishment phase monitoring

Establishment phase monitoring is a qualitative assessment of the site, done in order to ensure that weeds, erosion, drought or other problems are detected and remediated before they compromise the success of the project. It is conducted as often as necessary, but usually frequently during the first year after revegetation.

- Post-installation monitoring is conducted to check for correct implementation of the plan.
- Monitoring should be done on a regular basis (the schedule will be determined by site conditions, weather, and the type of revegetation methods used).
- Qualitative monitoring includes observations of plant health, plant cover estimates, and evidence of pests, herbivory, drought, and excessive erosion.
- Interim success criteria or action levels for remediation should be clearly established, so that problems are dealt with at an early stage before compromising the success of the project.

Quantitative monitoring

Quantitative monitoring is done to determine whether or not the reclamation goals have been met, after the project has gone without irrigation or other maintenance for two years. This type of monitoring can also be used to evaluate test plots and compare treatments. Quantitative revegetation monitoring uses the same methods and sampling design as baseline monitoring.

Sources

Newton, G. A. and V. P. Claassen, 2003. Special Publication 123. Rehabilitation of Disturbed Lands in California: A Manual for Decision-Making. California Dept. of Conservation, California Geological Survey.

CAL FIRE
San Luis Obispo
County Fire Department

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Phone: 805.543.4244 • Fax: 805.543.4248
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Matt Jenkins, Fire Chief

COMMERCIAL FIRE PLAN REVIEW

July 9, 2010

Subject: DRC2009-00025 for surface mining/reclamation operation.

To: Jeff Oliveira
Planning and Building Department

I have reviewed the Notice of Preparation for the surface mine and reclamation plan to operate aggregate quarry, asphalt and concrete recycling/manufacturing. This operation is located on APN # 070-141-070 and 071, which is a 60 acre site, of 260 acres total located at 6660 Calf Canyon Highway in Santa Margarita.

The project is within a **high fire hazard severity zone** with a 5 minute response time from the nearest County Fire Station, Parkhill Station # 40.

The project and applicant shall comply with the 2007 California Fire Code (CFC), the 2007 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws.

Commercial Access Road:

- A commercial access road must be 20 feet wide.
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.
- Must be an all weather non-skid paved surface.
- All roads must be able to support a fire engine weighing 40,000 pounds..
- Vertical clearance of 13'6" is required.

Gates:

- Must be setback from the road 30 feet from the intersection.
- Must automatically open with no special knowledge.
- Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 543-4244.
- Gate shall have an approved means of emergency operation at all times. CFC 503.6
- Gate must be 2 feet wider than the road on each side.
- Gates must have a turnaround located at each gate.

Water Supply

A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Site Identification Addressing:

A site access road identification sign must be legible at the entrance on Highway 58. This sign/marker shall be on a contrasting background and a minimum of 10 inch lettering with ½" stroke. This sign/marker must be displayed in a prominent location. CFC 505.1 Streets and roads shall be identified with approved signs. CFC 505.2

Portable Fire Extinguishers:

California Fire Code section 906 requires a minimum 2A fire extinguisher shall be kept readily accessible on each piece of earth moving heavy equipment used at the surface mining site.

Fire Safety during Construction:

Prior and during construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant and is available online at http://cdfdata.fire.ca.gov/fire_er/fpp_engineering_view?guide_id=12

California Health and Safety Code Section 13001 - Causing Fire, Misdemeanor.

Every person is guilty of a misdemeanor who, through careless or negligent action, throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire.

California Public Resource Code Section 4427 - Clearing and Tools Required.

During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tar pots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

(a) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.

(b) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

California Public Resource Code Section 4442 - Using Equipment Without Spark Arrester.

(a) Except as otherwise provided in this section, no person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, as defined in subdivision (c), maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire pursuant to Section 4443.

(b) Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

(c) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

California Fire Code Section 2606 – Welding and Other Hot Work

A fire watch shall be provided during hot work activities and shall continue for a minimum of 30 minutes after the conclusion of the work.

If I can provide additional information or assistance on this mater, please don't hesitate to contact me at (805) 543-4244. Thank you!

Sincerely,

Tina Rose
Fire Inspector

cc: Las Pilitas Resources LLC
Ken Johnston

10. CONSTRUCTION AND SURFACE MINING

Construction and surface mining are treated together. Each has certain operations and equipment unique to itself. Likewise, they generally involve similar operations (e.g., earth moving, drilling, and blasting) and equipment (e.g., bulldozers, loaders, and air compressors). Construction includes building dams, highways, railroads, pipelines, powerlines, etc., as well as grading for real estate developments, realigning or widening highways, etc. Surface mining includes rock and stone quarries, sand and gravel pits, cement quarries as well as mines for specific ores such as iron, coal, borax, diatomaceous earth, etc.

The time of greatest fire danger in any of these activities occurs during the pioneering or right-of-way clearing phase. At this time, people and machines are working in and among vegetative fuels which are highly flammable during a major portion of the year.

Later, as earth is moved much of the operation takes place on bare mineral soil or rock. However, fire prevention activities and fire suppression readiness cannot be ignored. There is always a fringe or border zone where vegetation meets the working area, and there are always access routes. The latter are particularly important since a major portion of wildland fires associated with construction and mining start along such access routes from motor vehicles and/or their operators.

10.1 Earth Moving Equipment

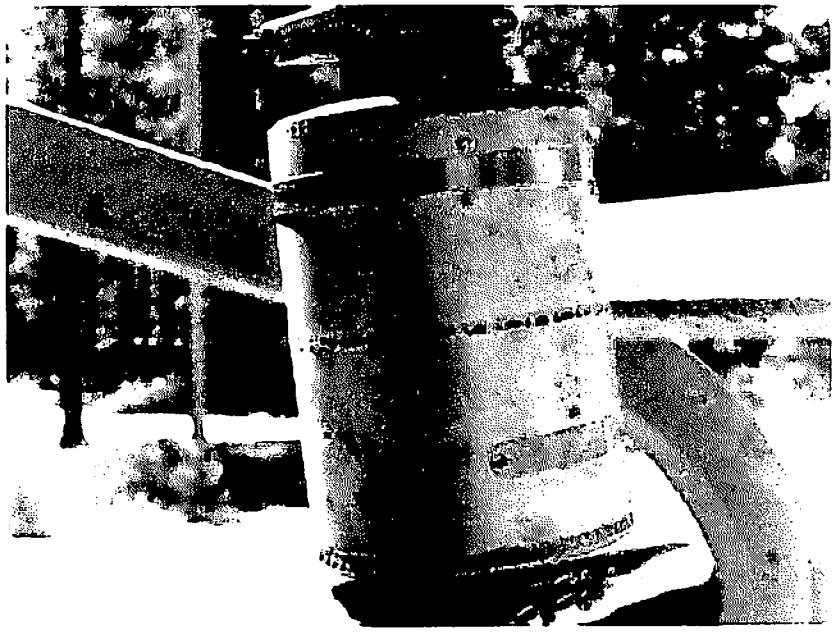
- ***PRC §4428 (Fire tools required)***
- ***PRC §4442 (Spark arresters required)***

Earth moving equipment (e.g., bulldozers, scrapers, end loaders, and trenchers) comprises the majority of construction and surface mining equipment. It is the bulk of the fire risk in these activities.

This section applies equally, however, to all other mobile equipment used in these industries (e.g., pavement spreaders and rollers, forklifts, sidebooms, and compactors). These types of equipment are powered by internal combustion engines and therefore required to be fitted with a properly functioning spark arrester when operating on forest, brush or grass-covered land.

"Operating on" has been interpreted as meaning either actually on and over these vegetative fuels or in proximity thereof. Nearly anywhere on a highway, powerline or pipeline right-of-way would be included, as would all areas within 50 to 100 feet inside the perimeter of open pit mines, quarries, dam site clearings, or anywhere outside such perimeters.

A "properly functioning spark arrester" normally includes a turbocharger, providing none of the exhaust gases are allowed to bypass the impeller blades. If the arrester is of the common retention type, it is "properly functioning" only if the carbon trap is empty enough to actually retain carbon particles. The frequency of cleaning the trap to meet this standard will vary with type and condition of engines, and type and amount of use. Generally, however, spark arrester traps should be emptied no less often than once a week. A well-tuned engine operating continuously at, or near, full power will usually produce the fewest exhaust carbon particles. An engine that is in poor condition, and is allowed to idle for an appreciable time will, when revved up, produces large quantities of carbon particles. Most equipment is operated and maintained somewhere between these two extremes.



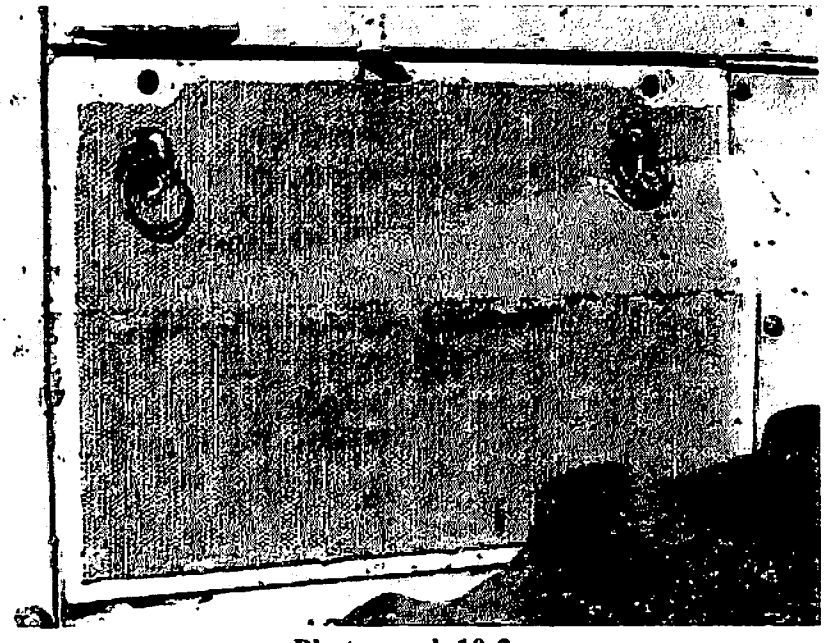
Photograph 10-1.
Spark Arrester on Bulldozer

The escape of carbon particles out the top of the stack is the most frequent source of wildland fire from the use of these machines. Other parts of the exhaust system can, and sometimes do, provide ignition sources. These primarily include leaks and accumulations of flammable debris. During any routine maintenance, the entire exhaust system, from manifold to end of stack, should be inspected for cracks, burned out holes, missing bolts, broken gaskets, etc., and for accumulations of debris. Appropriate corrections must be made. A leaking exhaust system is in violation of spark arrester laws and regulations.

Other sources of ignition from these machines include sparks from blades or tracks scraping against rocks, overheated brakes on wheeled equipment, friction from worn or unaligned belts and drive chains, and burned out bearings or bushings. The first of these is difficult to prevent. Operators should be aware that sparks can, and do, fly from rock/metal contact. They should be prepared and equipped to take immediate suppression action. The other hazards result primarily from inadequate maintenance. The prevention indicated is obvious.

A common fuel bed, which presents a fire hazard to both the machine and the surrounding vegetation, is accumulated debris in the belly pan. Such debris, which may include soil, is usually soaked with oil and therefore more flammable than in its natural state. It also restricts air flow around the crankcase and causes overheating of lubricating oil.

Two remedies are available: 1) screening the debris out of the engine compartment, and 2) washing or blowing the debris out during servicing and maintenance. This trash problem has been so serious in the logging industry that all major manufacturers now equip their new logging machines with screens or grates to completely enclose the engine compartment. In the interest of fire safety, all owners and operators in any type of service should have their machines similarly equipped.



Photograph 10-2.
Engine Compartment Screen

All such equipment has an electrical system, either for direct starting or for ignition on a gasoline starting motor. These electrical systems occasionally develop shorts and electric arcing which often ignites a fire. It has been suggested that all machines, both new and old, be equipped with a conveniently located master switch by which the operator can instantly open the circuit to stop any arcing. An alternative would be an automatic overload circuit breaker.

All construction equipment, whether tracked or wheeled, and whether for highway or non-highway use, should be equipped with a shovel and axe. Both should be mounted so as to be readily available to the operator in case of fire, not locked away in a compartment or trunk. The shovel should be long-handled and round-pointed. Some of the large and expensive machines may be equipped with manual/automatic fire suppression systems.

10.2 Stationary and Portable Equipment

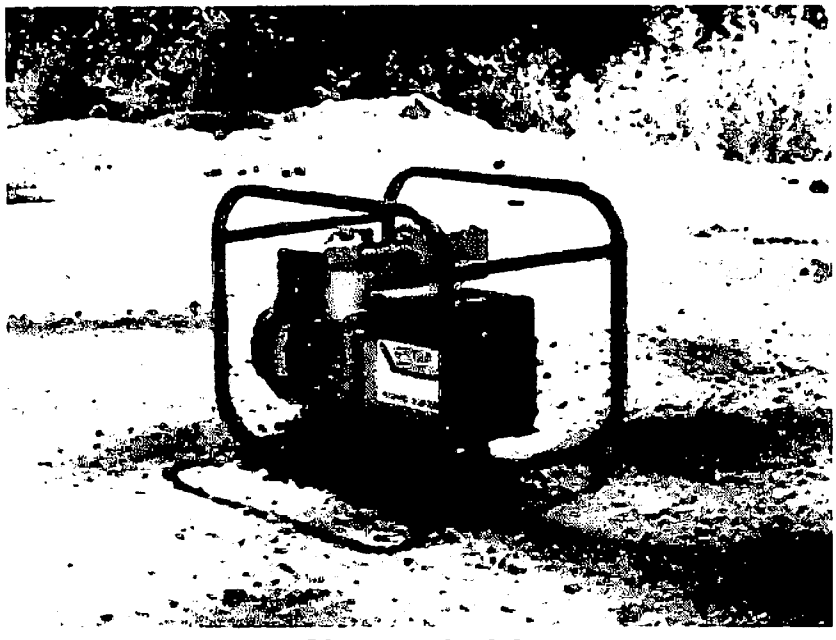
- ***PRC §4431 (Gasoline powersaw clearance and tools required)***
- ***PRC §4442 (Spark arresters required)***
- ***36CFR §261.52 (Spark arresters required on National Forest land)***

This section covers equipment which may be mounted on wheels, tracks or skids, is usually not self-propelled, and is normally operated in a given location for an appreciable time, from a few hours to several months. Such equipment can be highly varied but is typified by: air compressors, chippers, generators, derricks or cranes (other than electric), etc. This machinery would usually be in the way if placed directly in the operating area.

As with all internal combustion engine-powered equipment, the greatest fire danger comes from the exhaust system. The problems and their solutions for this type of equipment are different than for mobile equipment. This type of equipment is often governed to run at a steady speed, but not necessarily at a

steady load. Being in a fixed location, grass can grow up under and around it. Leaves and needles can blow against it even though it may have been placed on bare ground at the outset.

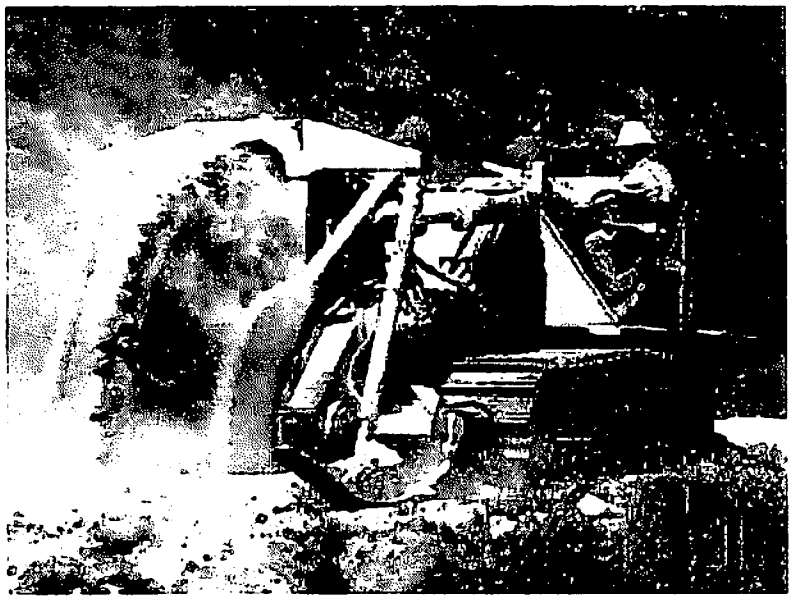
Over the years, various laws, ordinances, and regulations have been adopted regarding such equipment. They require the same type of exhaust spark arresters as for mobile equipment, a clearance of all flammable materials of at least 10 feet in all directions from the machine and the provision of a shovel and a backpack pump water fire extinguisher in the immediate area. It is good firesafe practice to inspect the exhaust system on these machines periodically for leaks as discussed in "Earth Moving Equipment."



Photograph 10-3.
Clearance Around a Stationary Engine

10.3 Trenching Equipment

A modern piece of equipment being used to trench through rock is a rock saw. This piece of equipment requires a 10-foot clearance like any other grinding equipment. Due to the terrain that this equipment is used in, a 10-foot clearance is often unattainable. In this case, a water tender of 2000 gallons may be required to be on site and saturate the area prior to operating.



Photograph 10-4.
Rock Saw

10.4 Small Multi-position Engines

- ***PRC §4431 (Gasoline powersaw clearances and tools required)***
- ***PRC §4442 (Spark arrester required)***
- ***36CFR §261.52 (Spark arrester required on National Forest land)***

These engines power all types of hand-held power equipment, including chain or rotary saws, posthole diggers, weed cutters, compactors, etc. They must be equipped with spark arresters like all other internal combustion engines used on forest, brush, or grass-covered land. The retention spark arresters and turbochargers commonly used on larger engines are too bulky and heavy for these hand-held engines. Therefore, they are commonly fitted with attrition screen-type spark arresters.

If the mesh is fine enough to meet legal standards (.023 in.), screen arresters work quite well when they and the engine are new. Worn engines produce more carbon than new ones; therefore, they tend to clog the screen rather rapidly. The wire used to make the screen, though usually high carbon steel, is necessarily so fine that it will burn out under continuous heavy use. Thus, in order to avoid either excessive back pressure or the escape of carbon particles, these screen arresters require frequent inspection and servicing. They should be inspected for holes at each refueling and cleaned daily.

Probably the most hazardous time in the use of these small engines is during refueling. They are built compactly and most use gasoline for fuel. The proximity of the gas tank filler opening to the exhaust outlet and other very hot engine parts makes it easy to spill gasoline in a place where it will burst into flame. Therefore, the same laws and rules are applicable to all these machines as to chain saws discussed under "Timber Harvesting."

Basically, these laws and rules include:

- having fire fighting equipment readily at hand,
- refueling only in an area cleared to mineral earth at least 10 feet in all directions,

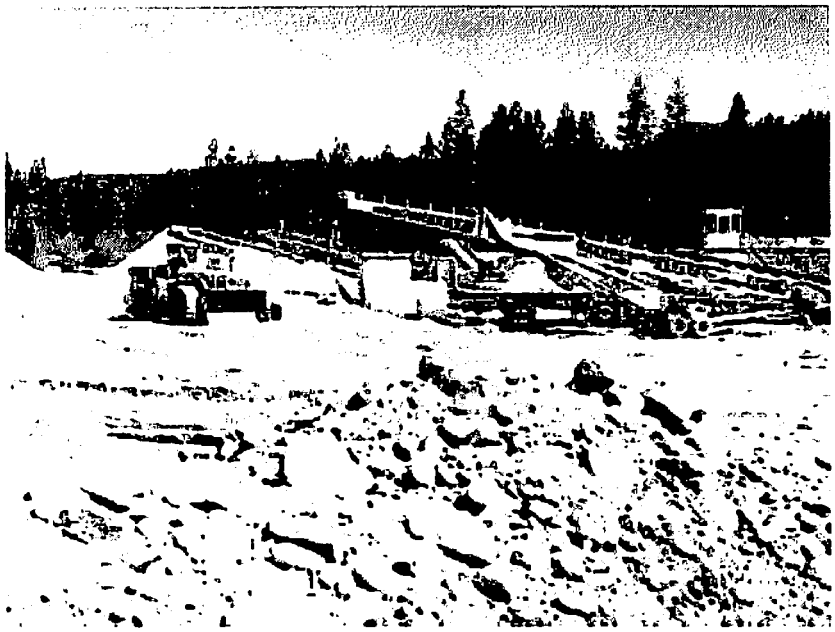
- when restarting engines, move the equipment away from any fumes, turning it so the exhaust points away from the refueling location.

Photograph 10-5.
Refueling a Chainsaw

Since July 1, 1978, all the Pacific Coast states have required new multi position small engines to be equipped with exhaust systems or spark arresters which meet SAE (Society of Automotive Engineers) Standard J335 (b). Some older equipment met this standard. All operators in wildland areas should make sure all their small engines meet this standard for surface and exhaust gas temperatures, debris accumulation, durability and serviceability.

Another source of fire from these machines is the cutting edge, or other rapidly moving metal part, striking a rock and causing a spark. This has been a frequent occurrence with rotary mowers used to clear dry grass and weeds. It can happen with any of the types of machines discussed here. Whether a fire starts from this cause, from exhaust sparks or from fuel spillage during refueling, it is imperative that the operator be prepared to immediately shut down the machine and commence fighting the fire. This is why California law, and that of several other states, requires that a long-handled, round-point shovel, or a fire extinguisher be kept within 25 feet at all times during operation and refueling.

10.5 Crushers and Pavement Plants



Photograph 10-6.
Rock Crushing Operation

These plants are usually erected on large areas of bare soil, sand or rock and are thus not, in themselves, wildland fire risks. The greatest source of fire danger around the plants is people and machines that work in and around them. The most frequent location of fire starts is along the access routes. People smoke and sometimes build lunch or warming fires. Motor vehicles and other mobile equipment emit exhaust sparks, have electric shorts, develop fuel leaks, etc. Thus, even though the plants themselves are not great fire risks, their mere existence creates an increased fire risk in the area. This warrants extra fire prevention effort.

10.6 Servicing and Maintenance of Equipment

For a more complete treatment of this subject, please refer to the chapter on "Maintenance, Repair and Servicing." The most important points to remember are:

- whenever possible, bring equipment to a service area which is free of flammables;
- if the machine cannot be moved, clear all flammables to mineral soil for at least 10 feet in all directions from it;
- in any case, always have firefighting equipment available nearby (i.e., within 25 feet); and
- have spark arresters on all internal combustion engines.

10.7 Training

Construction and mining employees are less likely to have had previous training and experience in fighting wildland fire than loggers. Therefore, for their own protection, as well as their employer's, it is important they be given training in wildland fire control.

6. EXPLOSIVES

- ***27 CFR §55.215 (Clearances around Magazines)***
- ***27 CFR §55.41 (Explosives, Licenses, and Permits, Classes of Explosive Materials, Types of Storage Facilities, Locations of Storage Facilities, Construction of Storage Facilities, Quantity and Storage Restrictions, and Required Distances from Exposures)***
- ***29 CFR §1926.900l (Disposal of Explosive Containers)***

Explosives are used by wildland industrial operations, particularly construction and mining. When their use is kept in the hands of experienced personnel, their fire starting potential has proven to be low. However, in the hands of untrained or illegal users, their potential for both fire and blast damage increases significantly.

There is a rather large body of both federal and state laws governing the manufacture, sale, transportation, storage and use of explosives. It is primarily aimed at protecting the public from blast damage as well as theft and terrorism. Such laws also address illegal possession and use.

These laws are administered by law enforcement rather than fire agencies. Unfortunately communication between law enforcement and fire agencies is not always as good as would be desirable in the interest of public safety. Consequently, fire agencies are often unaware of the existence of explosives within their area of jurisdiction. When they are aware of explosives within their jurisdiction they need to notify all fire prevention, detection, and suppression personnel within the unit. For this reason, some fire agencies may require blasting permits in addition to any other required explosive permits. The permitee may also be required to notify the local fire agency of the legal location in order to notify staffed fire lookouts.

In the realm of wildland fire protection, three main problems are related to explosives:

- One is use of fuses rather than electric detonation If properly placed, the explosives themselves will seldom ignite a fire. Cordite, primacord, or other burning fuses, however, will not only ignite any forest fuels they are laid across, but short pieces can be thrown considerable distances by the force of the explosion and cause multiple fires where they land. Therefore, all blasting in forest, range or watershed areas should be detonated electrically.
- Second is the heat of the explosive detonation itself. The rapid (instantaneous) oxidation of the explosive chemicals produces great heat in a small space and time. In contact with, or in close proximity to flammable materials, such heat will cause ignition resulting in fire. Appropriate clearance from forest fuels is mandatory.
- The third fire problem with regard to explosives is storage. This problem has two aspects. One is security. More explosives are stolen from temporary caches on construction and logging projects than from any other location. This is primarily a law enforcement problem; however, significant amounts of the stolen explosives end up being used in the wildland by untrained and inexperienced people and thus become a fire problem.

An explosive becoming exposed to wildfire is the other aspect of the storage problem. Magazines and caches are often deliberately camouflaged. Their locations are usually kept secret as protection against theft. This means that they are often in close contact with forest fuels. Unfortunately, firefighters seldom know where they are. In the interests of fire safety, all magazines and caches for explosives should have no less a clearance of flammable materials around them than that required for

structures in wildland areas (in California this is 30 feet). Several companies provide clearances up to 100 feet. If this cannot be reconciled with the security problem, some other means (e.g., insulation) should be employed to keep the radiated heat of a forest fire from detonating the explosives inside.

Regulations of the Federal Bureau of Alcohol, Tobacco and Firearms (27CFR55.41) provide for explosives licenses and permits, classes of explosive materials, types of storage facilities, location of storage facilities, construction of storage facilities, quantity and storage restrictions, and required distances from exposures. Included among these regulations is one (27CFR55.215) which states, "The area surrounding magazines, or trees (except live trees more than 10 feet tall), for not less than 25 feet in all directions." "Volatile materials are to be kept a distance of not less than 50 feet from outdoor magazines." "Living foliage which is used to stabilize the earthen covering of a magazine need not be removed". A special case of this problem which is related to use rather than storage is discussed under "Choker Setting", in the chapter on "Timber Harvesting."

With the best of control, a certain risk of fire is always associated with the use of explosives in wildland areas. Wildland fuels may be present in an unknown proximity; sparks may be struck by quartz or flint rocks, or some malfunction may occur. Therefore, it is always wise to keep a fire watchers in the area for at least one hour after detonation. Sleeper fires have been known to hang over and spring to life because of the wind, fuel moisture or some other weather change long after work crews have left an area.

6.1 Disposal of Explosive Containers

Federal Regulations 29 CFR 1962.900(l) require the disposal of explosive containers by burning. Burning Permit and approved site may be necessary for large construction projects.

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August 3, 2010

Mr. Jeff Oliviera
San Luis Obispo County
Dept. of Planning and Building
976 Osos. St., Room 300
San Luis Obispo, CA 93408

Subject: Notice of Preparation of a Draft Environmental Impact Report for Oster Living Trust (Las Pilitas Quarry)

Dear Mr. Oliviera,

Thank you for allowing CalRecycle staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

CalRecycle staff has reviewed the environmental document cited above and offers the following project description, analysis and our recommendations for the proposed project based on our understanding of the project. If the proposed Project Description below varies substantially from the project as understood by the Lead Agency; CalRecycle staff requests that any significant differences be clarified and included in the Draft Environmental Impact Report. 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 CEQA Section 15073.5.

Project Description

The project is for a Conditional Use Permit/Development Plan and Reclamation Plan to allow for an aggregate quarry and an asphalt and concrete recycling facility on 203 acres at 6660 Calf Canyon Road, Santa Margarita. The 30 year project will extract 500,000 tons per year. Asphalt and concrete debris will be brought in from demolition sites. The asphalt and concrete will be crushed with rock using on site mining equipment and screened and stockpiled for sale and reuse to the public.

Solid Waste Facilities Permit

CalRecycle has Local Enforcement authority in San Luis Obispo County. This includes issuing operating permits for solid waste handling and disposal activities according to California Code of Regulations Titles 14 and 27. The recycling of asphalt and concrete is included in regulation at http://www.calrecycle.ca.gov/Laws/Regulations/Title14/ch3a59a.htm .

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Staff have determined the project as described is not subject to the Construction and Demolition/Inert Debris regulatory requirements as it meets the definition of an Inert Debris Type A Recycling Center, if the storage-time limitations can be complied with in T14, CCR, § 17381.1(e).

If the storage times cannot be complied with, the project will be deemed to be an Inert Debris Type A Processing operation and subject to an EA Notification and quarterly inspections by the Enforcement Agency.

Conclusion

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

> If the project requires a discretionary approval from any state agency, the local lead agency shall also, within 5 working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse].

If the document is adopted during a public hearing, CalRecycle staff requests ten days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests ten days advance notification of the date of the adoption and project approval by the decision-making body.

CalRecycle staff is available for further consultation. If you have any questions regarding these comments please contact me via telephone at (916) 341-6405, or email Christine.Karl@calrecycle.ca.gov .

Sincerely,

Christine Karl
South Branch Permitting
Permitting and LEA Support Division
Waste Compliance and Mitigation Program
CalRecycle

Please note reply correspondence should be sent to 1001 I Street, P.O. Box 4025, Sacramento, CA 95812. Correspondence specifically for the attention of the Director of CalRecycle should be sent to the address in the letterhead

Cc: Randy Friedlander, CEED, CalRecycle
David Otsubo, Supervisor, PLEAS, CalRecycle

Jeff Oliveira, Environmental Resource Specialist
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, Ca. 93408

I am writing to make comments regarding the Oster Las Pilitas Quarry Conditional Use Permit (DRC2009-00025). Thank you for including my comments and concerns in the documentation that will scope the Environmental Impact Report for this project. I have concern that the process has gotten ahead of itself by allowing an applicant to develop detailed studies on their own before the project has been properly scoped for an EIR. Independent studies that are not directed by the applicant need to occur in order to sufficiently address the impacts this project will impose on the community and formulate sufficient mitigation.

Before addressing the scoping issues and some of the inadequacies that exist in the applicant's studies so far, I have a few concerns that I believe to be appropriate to address at this time.

1. The errors and inconsistencies in the project application that were transferred into the Initial Study Summary prepared by Planning and Building need to be corrected before moving into the next phase of this process. The project description is a moving target that continues to be revised in order to avoid adequate analysis of critical environmental issues rather than providing accurate, realistic operational details that could result in significant environmental impacts.

2. The asphalt/concrete recycling component of this project is not an allowed use on Rural Lands unless it is associated with a waste disposal facility and should be removed from the project application and description. The argument that it has been allowed at Hanson's facility is not applicable because the permit **D900032D of July 18, 1991** (not a new facility) stated approval based on existing asphalt batch plant. That permit (for asphalt manufacturing) was **cup U720217:1 dated: June 12, 1972.**

The following items (and probably many more that I've overlooked because I am a woodworker, not a lawyer) need and deserve to be included in the scoping for this EIR:

Aesthetic
The aesthetic and visual impacts associated with this proposed project need to be evaluated based on the potentially significant changes to the visual character and the topography of the area.

Hwy 58 from the Santa Margarita Urban Reserve Line to the
Kern County line is a candidate for a scenic corridor.
reference: SLO County Open Space Element Table VR-2:

The proposed project is adjacent and within the view corridor of the scenic Salinas River and the Historic 1914 Parker Trust Bridge.

Visual impacts from 101 need ot be adequately addressed. It appears that the project will be visible from the 101 protected visual corridor.

The rural character of Santa Margarita needs to be considered in any aesthetic evaluation. This project will create a significant change by creating the character of a truck depot due to insufficient staging and available parking for trucks at the project site. No feasible mitigations have been presented in the applicant provided studies.

Agricultural Resources
This project will impact agricultural use of other surrounding properties.

Blasting is known to be a disturbance to livestock and domestic animals.

Dust and air contaminants inhibit agricultural production. The potential impacts this project creates in addition to the already existing nearby quarry activities need to be accounted for cumulatively.

Air Quality
Greenhouse Gas Emissions is checked as an insignificant impact in the Initial Study. A site this large being stripped of surface vegetation presents sufficient reason to study this. Vegetation currently absorbs carbon dioxide. Greenhouse Gas Emissions is a reasonably foreseeable impact requiring study.

Monitoring processes (enforcement) and mitigation requirements need to be identified regarding Greenhouse Gas Emissions. Mitigation needs to be feasible and enforceable.

Quarrying is known to produce PM10, PM 2.5, and crystalline silica. The perimeter of the site will need to be monitored for the potentially significant impacts that the presence of particulate matters present. It is not unusual for a modern quarry to require constant monitoring samples. Particulate matters are known to cause respiratory illnesses, lung damage, and be particularly hard for those with asthma to tolerate. The residents surrounding this project deserve to have constant monitoring (feasible mitigation) as part of the requirements this project must meet. This project should be a "modern" quarry if it is allowed to exist.

Mining/Quarrying operations make lots of dust

Blasting rock creates respirable fractured crystalline silica that is not visible, but is caught in the lungs forever. Crystalline Silica is known to cause Silicosis and should be included in the monitoring requirements. Blasting poses more opportunity for potentially significant impacts to surface.

Valley Fever is known to occur in this area and a recent report states that cases are on the rise in the county. The increased risk due to disturbed soil needs to be addressed as the potentially significant impact it is.

The application states that portable crushing and screening will be used "as needed." Ambiguous terms such as this help create a moving target that is not feasible to enforce. Portable crushers are not usually enclosed. Dust needs to be contained, so portable crushers are unlikely to be appropriate for use in a modern operation.

Quarry processing equipment needs to be fully enclosed to minimize the potentially significant impacts of dust and fugitive dust.

It is a reasonably foreseeable event that the prevailing wind (blows straight up Parkhill Rd. where a concentration of residences exist) will raise the fugitive dust up to potentially significant levels. Quarry operations will need to cease at a predetermined wind speed to contain dust.

Mitigation measures need to be taken to contain dust during transportation. The monitoring and enforcement of these measures must be feasible. The cumulative effect of constant truck trips needs evaluation. The rail corridor (RR crossing) comes to mind as an example of public safety being compromised by the constant accumulation of quarry related material dropping from trucks.

The washing of aggregate is an example of the moving target continuing to be revised in an effort to avoid adequate analysis. For now, they say no washing. The removal of washing aggregate from the application presents dust control issues during crushing operations that are potentially significant.

Biological Resources

The proposed project will result in a potentially significant loss of unique and special status species .

The applicant's Initial Study states that avoidance will be a mitigation technique.

The project site is located on a parcel with Moreno Creek/ Salinas River frontage. A reasonably foreseeable event is that wetland and riparian habitat will be impacted by this project regardless of the recommended avoidance mitigation. Monitoring and enforcement of avoidance as mitigation is not feasible .

The study area must include reasonably foreseeable impacts from the project including any areas of disturbance such as road improvements (left turn lane), and other operations incidental to quarry operation.

The Biological Studies need to be conducted at the proper time of year and for appropriate duration to be meaningful. The Initial Study is not adequate based on it being conducted in 2009. 2009 was a year in which precipitation was 45% of normal for this area. It is known that many normally occurring plant species did not appear in 2009.

The Initial Study Summary has checked 7(e) Create any other health hazard or potential hazard? as impacts can and will be mitigated:

There is a high pressure gas line running through this area. The potential hazards presented by blasting and quarrying activities need to be considered as they relate to this line.

The State Water Project runs through the project site. It appears that trucks would have to cross over that line to enter into the quarry area. DWR needs to be consulted on what the potential impacts of this cumulative event might be?

As mentioned in air quality, PM's and crystalline silica are known to cause severe health hazards. Valley Fever is also at increased risk. The prevailing wind direction is almost straight up Parkhill Rd. from the quarry site. The residents that surround this project deserve consideration through honest study of these potentially significant impacts.

NOISE ANALYSIS

Effects of Noise on People

Noise in a community has often been cited as a health problem, not in terms of actual damage such as hearing impairment, but in terms of inhibiting general well being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities such as sleep, speech, recreation, and tasks demanding concentration or coordination. When community noise interferes with human activities or contributes to stress, public annoyance with the noise source increases, and the acceptability of the environment for people decreases. This decrease in acceptability and the threat to public well being are the basis for land-use planning policies designed to prevent exposure of communities to excessive levels of noise.

Changes in topography will change noise levels. Modeling needs to be required in order to identify what the future reasonable worst case might look like.

The noise generated by crushing equipment deserves proper study with modeling that accounts for topography changes. Crushing equipment creates potentially significant impacts.

Blasting is a very troubling aspect of this project. The sound of blasting is annoying and stressful not only to humans, but to livestock and wildlife as well. Modeling needs to be required for this noise component as well as all others. A static study of the present conditions is inadequate when topography changes are part of the ongoing equation. Residents deserve to know the true impacts of these events. In the study conducted by the applicant, no feasible mitigation is proposed for noise generated by blasting.

Truck traffic will create a significant increase in noise to surrounding residents. As the owners/residents of Residence 1 that was used in the noise analysis prepared by Dubbink and Associates, we were surprised to find our concerns systematically dismissed. **The data should have been generated from study rather than the study being generated from data.** Dubbink and Associates began their study by identifying the concerns that we had shared with one of the project applicants. These concerns were shared from our experience with existing truck traffic. The Noise Analysis does not adequately discuss noise impacts based on reasonably foreseeable vehicle speeds and conditions.

The following flawed assumptions were used to discredit any concerns from neighbors and concludes with no feasible mitigation.

1. The study was conducted utilizing a new (2010) vehicle owned, operated, and provided by one of the project applicants. Therefore, the study does not take into account the varying conditions of vehicles that will be used in actual practice. It is reasonably foreseeable that all haulers will not have new trucks. Trucks in various conditions will need to be averaged for the results to be realistic and useful.

2. The study vehicle was fully loaded. Empty in one direction is the case in actual practice. The empty trucks make more noise. This event is reasonably foreseeable and should have been accounted for in the study.

3. One truck was used for the study. No attempt was made to duplicate the impacts that having multiple trucks pass in succession will create. This event is reasonably foreseeable and should have been accounted for in the study.

3. The study vehicle was driven very carefully at speeds not requiring the use of the jake brake or excessive shifting. The use of the jake brake is a source of noise far in excess of a gently idling truck. The study does not mention jake brakes. They are the normal practice for trucks navigating grades. The use of jake brakes is reasonably foreseeable. Worn brakes = lost profit.

4. The sound reading equipment was set up and monitored at a position considerably lower than where the impacts are encountered at Residence 1 (our parcel). Being present during the study, I know that at no time was equipment placed at or near our residence, the location where impacts are greatest. The study states that a reading was taken on a berm between the road and our residence. It goes on to state that this berm has been erected to reduce noise exposure. The berm was created without engineering for sound mitigation. It's purpose is to create somewhat of a barrier between the road and the residence with a visual screen of vegetation. Vegetation does not decrease the noise impacts that heavy truck traffic presents. The berm would need to be several stories or more tall for any line of sight mitigation of sound.

5. The study focuses on one or two specific residences. There are many residences in the area that will be impacted. These surrounding properties need to be included for study as the impacts to them are potentially significant.

6. No weather conditions were stated in the study. It is well known that atmospheric conditions (i.e. inversion layers, wind direction, etc.) have affect on the impacts of noise.

7. Will the EIR include studies where the applicant is participating as was the case when this study occurred?

A study not under the direction of the applicant needs to occur in order for the noise analysis to have credibility. The purpose of these initial studies should have been to identify areas of concern, not to systematically discredit any concerns that would require mitigation. **We strongly suggest that the Biorn-Diani project EIR (April 2008) be referenced** as residences within the same distance vicinity from a project were involved. Extensive mitigation options were prescribed due to the complexity involved with the modeling, the magnitude, the location, the operating hours, and frequency of the numerous noise sources proposed.

The Initial Noise Study is inadequate. It is based on flawed assumptions and a flawed Initial Traffic Study (refer to section on traffic study). Proposed mitigation is not feasible or enforceable on a moving target.

Public Services/ Utilities
An operation this large that includes the use of explosives and heavy machinery will create a potentially significant fire danger.

A heightened fire danger creates a need for increased fire protection to surrounding residents. This is a reasonably foreseeable event.

Placing more than 200 trucks a day will ultimately have significant impact on the infrastructure of our existing road system.

The cost to the county from such things as road repairs, firefighting, enforcement activities, mitigation work, and loss of property values and property tax revenue should receive an honest assessment as measured against the "benefit to taxpayers" that an operation which creates 5 jobs *(reference Ken Johnston, July 8th scoping meeting)* generates. Could it be that the applicant's seemingly unfeasible business plan is an attempt to avoid adequate analysis?

Traffic
HWY 101 and EL CAMINO REAL

The Traffic Study begins on pg. 1 by explaining why
SR 101 and El Camino Real were omitted from study:
The SR 101 interchange at El Camino Real was not analyzed in this report. It is the applicant's opinion that the interchange will not likely experience a change in trips due to the operation of the proposed Project. The Project will operate in the same quarry, recycling, and asphalt market as the already operational Hansen Quarry located on El Camino Real, north of Santa Margarita. Hansen already operates trucks through Santa Margarita to the SR 101 interchange. The Project is contending that its own operations will likely remove Hansen trucks at the interchange while replacing those with Project trucks, resulting in a net balance of current "quarry-related" trips through the interchange.

1) The applicant's opinion is being presented as fact. A study, by definition is intended to be an unbiased analysis, or at least independent of an applicant's opinion.

2) If the situation is examined from the reasonably foreseeable perspective used to determine scoping for an EIR, then several very logical and predictable scenarios present themselves:

a) Trucks from the new project will be taking new and different routes from those being presently utilized (even if we accept that there will be a "net balance in quarry related traffic"). Trucks from Rocky Canyon typically enter and exit Hwy 101 from Santa Barbara Rd. in south Atascadero. Currently they generate very little, if any traffic through Santa Margarita and no traffic on Hwy. 58. Hanson generates truck trips both north and south on El Camino Real and no traffic on Hwy. 58.

b) "Removing" business from existing quarries will likely cause those operations to seek new markets in order to regain this lost market share. This is Business 101. That the net balance of quarry related traffic will be greater than zero is a reasonably foreseeable event.

New truck trips WILL BE generated by new quarry activity. New truck trips WILL BE a direct result of the project and are subject to cumulative evaluation in the project EIR for the potentially significant impacts they create.

3. It is predictable (reasonably foreseeable) to know that if additional business opportunities exist, they will not be overlooked by the applicant or their competitors because the impacts of such actions were not included and studied in the EIR. Therefore, the reasonable worst case needs to be studied.

4. This intersection (El Camino an Hwy 101) was identified as a Class 1 impact in the EIR prepared for the Santa Margarita Ranch Ag Cluster project. Large trucks create even more issues and will need to be considered cumulatively in addition to the impacts already being considered by the SMR project.

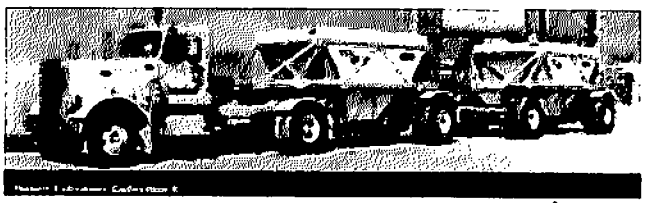
The SR 101 interchange at El Camino Real needs a complete and thorough analysis in both the north and south bound directions. There are potentially significant impacts that have already been defined previously (EIR for Santa Margarita Ranch Ag Cluster) but have been completely omitted from the study conducted for this project.

ESTRADA AND EL CAMINO REAL

The **Public Utilities Commission**, the state agency responsible for rail safety within California requires the safety of the rail corridor. The commission has exclusive jurisdiction of safety at all rail crossings within the state.

The proposed project will significantly impact the safety of the rail corridor by the generation of 200 truck and double trailer trips per day. Trucks with double trailers are anywhere from 60'-70' in length. *Project agent Ken Johnston used 72' at the scoping meeting*

The images below give an idea of the scale of vehicle that is being discussed here. This represents a fairly accurate mix of what we see being used at existing quarry operations.



Double bottom dump L = ≈ 66'

Double end dump

Equipment hauler

On August 22, 2006 during an onsite diagnostic meeting "large trucks were observed routinely fouling the tracks while queued for turns onto El Camino Real from westbound SR58/Estrada"
from PUC document stated above

The intersection of Estrada and El Camino as it exists has a collision rate at 3 times the state average. The SR58 corridor, between US101 and post mile 6.20 (east of the town of Santa Margarita) has a collision rate of nearly double the statewide average for equivalent roadway facilities.
reference: data provided by Caltrans for a 36 month period from Aug. 2002- July 2005.

Here is the sign at the RR crossing traveling west on Estrada as traffic approaches the crossing. Trucks will travel over this rail corridor each and every trip cycle produced by this project.

Estrada and El Camino Real presents a very dangerous and reasonably foreseeable situation. The length of a truck with double trailers exceeds the available length between the RR crossing and El Camino Real. The proposed increase in truck traffic can only compound this problem. It also will not take very many trucks backing up in succession to clog the school crossing.

The advisory pictured below is posted from both entrances onto Hwy 58 from El Camino Real. This warning gives us an idea of the unsuitability of Hwy 58 for an increase in truck/trailer traffic. Following a truck and trailer out Hwy 58 towards the project site, it becomes quite clear that it is not possible for trucks to stay within their own lane in places, even when traveling at speeds lower than the limit. There are no turnouts, as well as curves and dips that eliminate lines of sight to oncoming traffic in several areas.

Another **oversight** is the lack of any area to stage trucks waiting to enter and load at the project site. The project access point just east of the Salinas River bridge and just west of Parkhill Rd. is already a very dangerous stretch of SR58. It is reasonably foreseeable that the project generated trucks will cumulatively add to the traffic safety in this vicinity. A feasible solution needs to be presented that addresses this issue. The obvious options present unacceptable impacts. Staging in town presents significant impacts to those residents and scars the rural character of the town. Staging on Parkhill Rd presents significant impacts to those residents and commuters.

The public safety and well being of an entire community are being placed at risk by accepting the Initial Traffic Study prepared by the applicant. This is not acceptable.

The Initial Traffic Study is completely inadequate. **This study needs much more than a peer review!** It does not include cumulative impacts from previous and existing projects such as the Santa Margarita Ag Cluster development. A traffic study **MUST** (required by law) focus on safety issues.

Land Use

15 (ad) are all checked consistent in The Initial Study. This is inaccurate. The impacts that the Industrial nature of this project poses to the existing Residential Rural and Rural Land parcels warrants consideration.

The zoning of surrounding properties is incorrect in the project description application. Rural residential zoning exists to the South and East, not Rural Lands as stated.

Application states that Oster owns the adjoining parcel to the proposed quarry. This is misleading. Although she does own two parcels, they are both being used as part of the quarry operations. The current representation would lead the public to believe that this second parcel is a buffer, but it is in fact part of the operation.

The number of residences that will be affected has been misrepresented in the application and Initial Study Summary. Selective mapping (omitting Parkhill Rd. entirely) was presented at the scoping meeting of July 8th, 2010.

There are many residents surrounding this project and the impacts to them are significant.

It is unfair, unrealistic, unreasonable, and unlawful not to consider the interests of other property owners and community members as equal to the interests of the applicants.

Many adjacent and nearby property owners have spent a great deal of time and financial resources to create places that are healthy and pleasant to live in. Surrounding residents will experience a diminishing quality of life brought on by constant noise, dust, and blasting operations, an increase in health issues, and a decline in their property values as direct impacts from this project. It is safe to say these are potentially significant impacts.

Many adjacent and nearby property owners have granite deposits similar to what can be found on the Oster property. The existence of "high quality" granite is not a particularly special circumstance around here. Many of these properties are also located within the "extraction zone" that the applicant for this project would like neighbors to believe is a reason to exercise overriding considerations for what will certainly be many class 1 impacts if this project EIR is correctly scoped. From a planning perspective, we need to consider the future intent of what this area is going to be. If we take it in this Industrial direction, the floodgates will be opened. Many property owners will have no choice but to exploit whatever resources exist on their property when their properties become no longer fit for residential purposes (declining property values will leave many without many options). 200 truck trips a day will quickly multiply when it is decided that this is the highest and best use of this area. The rural character of Santa Margarita will decline into an industrial mining wasteland. This project presents a critical juncture in opening up properties to mining that formerly would not have considered the hurdles this area presents to be surmountable.

WATER

The Initial Study does not address water supply other than to say **"based on available information, the proposed water source is not known to have any significant availability or quality problems".** That would be such good news to many of us but unfortunately it is far from the reality that exists out here. The vicinity surrounding the project is known to have extreme water supply deficiencies (many residents are forced to truck water in during drought periods).

It is more than reasonably foreseeable (certain) that this project will have a potentially significant impact on the water supply of nearby residential parcels as well as significant impacts to Moreno Creek and the live stream portion of Salinas River that run through the project parcel. A thorough Water Supply Assessment (WSA) study is necessary. Please note the following;

When a city or county determines a proposed project is subject to CEQA, and it is also a "project" within the meaning of Water Code section 10912 (hereafter section 10912), subdivision (a), a WSA is required. (Water Code, § 10910 (hereafter § 10910), subd. (b).) The WSA is intended "to assist local governments in deciding whether to approve the projects. (See Water Code, §§ 10910-10915.)" (*O.W.L. Foundation v. City of Rohnert Park* (2008) 168 Cal.App.4th 568, 576.)
As is relevant here, section 10912 defines the term "project" as including a "proposed industrial, manufacturing, or *processing plant,* or industrial park planned to house more than 1,000 persons, *occupying more than 40 acres of land,* or having more than 650,000 square feet of floor area." (§ 10912, subd. (a)(5), italics added.)[8]

Further, section 10910 requires that when "a water supply for a proposed project includes groundwater," as here, the WSA must include additional information about the sufficiency of the groundwater supply. (§ 10910, subd. (f).) Without groundwater information, "the true impact of the Project on groundwater supplies cannot be adequately evaluated." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663.)
The WSA must be included in any CEQA document prepared for the project. (Water Code, § 10911, subd. (b).) In turn, a provision of CEQA requires compliance with these Water Code provisions. (Pub. Resources Code, § 21151.9.)
Please refer to: *Center for Biological Diversity v. County of San Bernardino* (2010) __ Cal.App.4th __, the court found that an EIR for a proposed open-air composting facility did not satisfy the informational purposes of an EIR in relation to air quality alternatives and water supply.
Under the plain language of section 10912, subdivision (a)(5), the proposed Hawes Project qualifies as a "project" because it is a "processing plant" conducted on more than 40 acres of land.[9] We reject Nursery Products's assertion that subdivision (a)(5) of section 10912 applies only to "large scale buildings located on large square footage or plots of land." The Water Code does not define the term "processing plant," but the term "plant" is commonly defined as including the *land,* as well as buildings, machinery and fixtures, used in carrying out a trade or industrial business. (Merriam-Webster's Collegiate Dict. (11th ed. 1996) p. 948, italics added; Webster's 3d New Internat. Dict. (1993) p. 1731.) "When attempting to ascertain the ordinary, usual meaning of a word, courts appropriately refer to the dictionary definition of that word." (*Wasatch Property Management v. Degrate* (2005) 35 Cal.4th 1111, 1121-1122.) Had the Legislature intended the statute to apply only to processing operations conducted in large buildings, we presume it would not have included acreage as a separate factor in addition to square footage of a physical structure. An open-air composting facility is a "project" within the meaning of subdivision (a)(5) of section 10912 if it meets the acreage threshold, even if the only structures on site are small ones.

The project description notes that "high quality" material will be stockpiled. High quality material comes from washed aggregate. The revised Initial Study has removed the word "washed" that prefaced "high quality materials sorted and stockpiled for specialty applications". This is a contradiction because washing is a necessary process to produce high quality material for specialty applications. The applicant does not seem to be able to figure out whether they want to wash aggregate or not. The reality is that the market will dictate whether aggregate gets washed or not. And the market for unwashed aggregate (pit sand and sub-base (dg class II) is minimal in relation to the other higher quality "specialty" products. Therefore, it is a reasonable worst case scenario that aggregate will be washed and that the consumption of water will exceed the 20,000 gallon per day estimate made in the original project application.

20,000-40,000 gallons a day is typical for similarly sized quarry operations to control dust. Washing aggregate is in addition to this figure. This is a potentially significant impact to the already limited water supply that exists in the project area.

The issue of dust control arises if aggregate is unwashed. Washing during crushing is a typical dust control mitigation technique used by "modern" quarries. Washing uses water. The applicant does not get to have it both ways on this issue. It is reasonable to presume that the applicant knows full well that enforcement of water thresholds is nearly impossible (unfeasible).

Environmental Justice

Geographic inequity describes a situation in which the burdens of undesirable land uses are concentrated in certain neighborhoods while their benefits are received elsewhere.

This community already is home to two mining/quarry facilities that have reserves far in excess of what the proposed life span of this project would be. So material sources already exist and two willing extractors already exist. A third quarry imposes completely unnecessary impacts to an already impacted community in order to provide a product the applicant claims their is no new need for. Something doesn't quite add up with this scenario.

Furthermore, each of these existing facilities is located (sited) in such a way that shields their impacts to the community far better than could ever be achieved with this project site.

The benefits of a project need to outweigh the impacts of a project in order for the project to be approved and placed within a community.

So far, this project has demonstrated that it presents nothing more than significant impacts to the community. The applicant's practice of continually revising the project description backs them into a bit of a corner. They cannot really demonstrate any of the benefits they hope for because that would trigger the need to subject the true impacts to analysis.

Groundwater Contamination

Groundwater contamination could cause potentially significant impacts to wells in the surrounding area.

Residue from explosives, spilled fuel, and other chemicals could seep into the ground water causing potentially significant impacts to area wells and nearby waterways.

Surface Water Contamination
In addition to carrying residue from explosives, spilled fuel, and other chemicals, runoff from the project site could cause potentially significant impacts to the Salinas River and other bodies of water.

In conclusion, if we look at this project as presented and apply the reasonable worst case scenario to it as required by CEQA, it presents many potentially significant impacts. The Initial Studies provided by the applicant do not adequaetely address the impacts that will be created. I would like to know that the public can trust the process to objectively and accurately evaluate the real impacts to the community. I would like to know that mission statement claims such as "Helping Build Great Communities", and "Promoting Wise Use of Land" are being taken very seriously and every effort to achieve those goals is being exercised. I ask that you, the county of SLO Dept. of Planning and Building uphold the process and scope the EIR for this project to the extent that the facts warrant, with the applicant appropriately placed outside of the process.

Thank you for this opportunity to take part in the process by making comment,
Charles Kleemann
6790 Calf Canyon Road
Santa Margarita, Ca.

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

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July 13, 2010

Mr. Jeff Oliveira
San Luis Obispo County
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

RE: SCH#2010071013 Oster Living Trust (Las Pilitas Quarry) Use Permit and Reclamation Plan; San Luis Obispo County.

Dear Mr. Oliveira:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,
Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Native American Contact List
San Luis Obispo County
July 13, 2010

Beverly Salazar Folkes
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(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Ferrnandeño

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
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(805) 474-4729 - Fax

Chumash

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(805) 686-9578 Fax

Chumash

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(805) 693-1768 FAX

Chumash

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Chumash

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Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

Lei Lynn Odom
1339 24th Street
Oceano , CA 93445
(805) 489-5390

Chumash

Coastal Band of the Chumash Nation
Vennise Miller, Chairperson
P.O. Box 4464
Santa Barbara CA 93140
805-964-3447

Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2010071013 Oster Living Trust (Las Pilitias Quarry) Condition Use Permit and Reclamation Plan; San Luis Obispo County.

Native American Contact List
San Luis Obispo County
July 13, 2010

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Chumash

Northern Chumash Tribal Council
Fred Collins, Spokesperson
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San Luis Obispo CA 93401
(805) 801-0347 (Cell)
Chumash

Matthew Darian Goldman
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805-748-6913
Chumash

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Chumash

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(805) 686-9578 Fax
Chumash

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408-966-8807 - cell
Salinan
Chumash

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Oster/ Las Pilitas Conditional Use Permit/ Reclamation Plan
Scoping Meeting July 8, 2010

Introduction – John Nall

- Purpose of scoping meeting – receive public comment and concern regarding physical impacts of proposed project
- Notice of preparation for other public agencies circulated for comments
- Comments deadline is August 3rd, 2010

Project Description/ Overview – Jeff Oliveira

- Sign in sheet announced
- Public comment deadline reiterated
- Brief CEQA overview, permitting, EIR process
- Presentation of project map area
- Project description and location
- Operational details: mining, reclamation, recycling
- Site Plans: buildings, water retention ponds, mining areas, reclamation area
- Site photos
- EIR scope: Example issues to be evaluated. Looking for input on potential impacts, possible mitigation measures, alternatives for EIR to look at
- Comment period reiterated and contact info given

Project Introduction/ Purpose – Ken Johnston

- Project overview and reason for project
- Introduction to the Oster Family
- Zoned for mining and good aggregate minerals on property (huge granite slab)
- Create local jobs
- Not a creation of a new market but there to create competition
- Already 2 quarries in area utilizing the slab of granite
- Hired consultants to conduct studies on project impacts and will be online with the County for public viewing, reclamation plan online as well
- Emphasized how project will improve roads and intersection by local school
- Offered to meet with people in groups to discuss nuts and bolts of project

Public Comments/ Questions – comments by some people have names while others are "unnamed."

1) William Miller

- Represents concerned citizens of Santa Margarita (SM)
- Wants to see cumulative/ other impacts quantified in EIR, especially with the development of the SM agriculture cluster development
- Concerned about facilities and trucking on adjacent land owned by Mike Cole (zoned residential/rural) and concerned activities on this land are not permitted (he's looking into

it). Also wants to know if Mike Cole will be contracted as the trucking company for the Oster project. Wants these truck trips on adjacent lands quantified as well.
- Concerned about one of the principal owners/investors in the project (didn't get the name) because he is associated with "unwarranted" activities on adjacent property

2) Harry Harlow
- Lives by proposed project site
- Other quarry is loud and has night time operations at 2 am, keeping him up (Noise)
- Worried about request to modify project in the future after operations begin. Wants some provision to prevent such modification
- Traffic issues: fatalities, nearby schools
- Visual impacts on ridge, problems with the mitigation measures adopted by the other quarries, says they didn't work

3) Unnamed Citizen
- Wants to know if recycling will continue after mining operations end in 30 years

4) Kathy Hustace
- Wants to know how long the trucks will be (54', 72')?
- Provision for merging lanes uphill and downhill, especially around Digger Pine Road
- Road curve around Parkhill Road a problem, wants signs and flashing lights
- Left hand lane going eastbound a problem
- Traffic problems, wants traffic study and areas around the school assessed

5) Unnamed Citizen
- Fire and water concerns: will water be used in blasting? Fire an issue in California
- Water quality and quantity concerns, area has limited water resources, concerned about competition for available water to keep dust down

6) Charlie Kleeman
- Lives by existing quarry
- Air Quality: public health from dust emissions
- Biological Resources: removal of vegetation, increased traffic means increased wildlife fatality. Worried about effects to bird migration corridor
- Cultural Resources: Salinas River nearby. Were Native Americans consulted?
- Fire: removal of vegetation does not mean decreased fire
- Hazardous Materials: how will they be dealt with?
- Noise: impacts from equipment, blasting, and loud trucks (especially drum effect from crossing the bridge nearby). Different trucks produce different sounds depending on condition…will there be a standard?
- Traffic: 200 trucks a day will increase accidents. Need to study effects in detail,
- Water: quantity a problem
- Land Use: number of residents in the area and how will they be affected
- Environmental Justice/ Cumulative Impacts: need to be considered. Is a third quarry really necessary?

7) Unnamed Citizen

- Wants studies to be unbiased. Concerned about how applicant plays a role with the client
- Wants public to come first

8) Unnamed Citizen

- Parkhill Road not included in project vicinity map, thinks the applicant is biased by and wants to keep it out of sight from the public
- Wants to know how water usage will affect downstream users
- States that recycling is not a permitted use on rural lands because material can't be brought in, reprocessed, and turned into another good.
- Wants to look at Land Use Ordinance for consistency

9) George

- Property owner concerned about traffic on Highway 58, says he's lost tenants because of it and doesn't want to endure greater economic loss from trucks
- Wants to know how much control locals have on the trucks driving on the road and not Caltrans because road is State maintained
- Thinks Caltrans should already rebuild roads from paid taxes

10) Robbie

- Air Quality: dust being kicked up, smell of asphalt from recycling (smells it from existing quarry.
- Cumulative impacts assessed, especially those that impact residents on Digger Pine Road
- Traffic problems with the park and ride along Highway 58

11) Unnamed Citizen

- Traffic: concerned about the 200 trips. Wants to know if recycling is included in those trips?
- Cultural Resources: were Native Americans consulted?
- Wants all 203 acres or greater to be surveyed, not just the 60 acres of the project

12) Unnamed Citizen

- Wants to know what a local owner means because other two quarries have local owners too.
- Traffic: only major quarry on a major highway. Traffic issues and the road is not wide enough

13) Unnamed Citizen

- Traffic: trucks should be required to travel slower on highway and in town (10 mph less). No U-turns.

14) Paula Antione

- Wants to know where trucks are going to park/ stage because other trucks already stage in front of her house. Worried about the wear and tear on roads

15) Elizabeth

- Traffic: damage to roads. Who pays for road repairs from wear and tear? Wants to know about operational personnel and their trips. Traffic lights?
- Wants to know how many people will be onsite during operation
- How much money is going to school and roads?

16) Paul Willinger

- Noise: Jake brakes on trucks, noise of 200 trucks and 400 trips. Noise affects animals and makes them "crazy". Noise (especially blasting) on livestock and their health which presents an economic loss to locals.
- Air Quality: worried about dust in the air and turning surrounding area white. Wants air quality monitoring to make sure the quarry is in compliance
- Traffic: cars going too fast down the hills leading to the quarry, worried some will hit trucks. Wants to propose an access road to adjacent land to avoid Highway 58
- Says surveying map is no good and wants the impacted residents to be included (especially Parkhill Road).
- Fiscal impacts and mitigation fees – feels County should tax truck trips for income
- Wants a requirement that if air and noise issues not in compliance then the quarry should be shut down

17) Unnamed Citizen

- Noise: concerned about noise from train traveling through the canyon along with trucks
- Where will trucks stage?

18) Unnamed Citizen

- Concerned about redress when the project has already been passed
- Feels legitimate concerns will not be heard by the County because they have deaf ears.
- Concerned about noise, traffic congestion, and pollution

19) Unnamed Citizen

- Worried about bicyclist being hit, calls area a bicycling "Mecca." Wants bicycle lane

20) Unnamed Citizen

- Traffic: concerned about the amount of room for trucks to turn into the quarry. Says there's not enough room for more than one truck

21) Unnamed Citizen

- Wants socio-economic concerns addressed in the EIR
- Concerned about people not wanting to buy houses and property in the area because of the traffic, noise, aesthetics etc.

22) Don Baxter

- Traffic: states that Highway 58 was not recommended for truck use. Concerned about truck crossing over the line around a U-pin turn near the entrance site. Not enough stopping room to slow down and turn into the quarry. Cars go too fast. Wants traffic

study done in the winter as well when the roads freeze over. Increased traffic a problem for animals who use it as a corridor
- Concerned about degradation of property values with aesthetics, noise, and traffic issues
- Wants the voice of the people to be heard

23) John Beckia
- Traffic: wants an easement to the adjacent property to use as a road for access instead of Highway 58. (Current?) traffic study not adequate for the curves in the road
- Cumulative impacts need to be assessed with the SM ranch project
- Feels that issues need to be scrutinized

24) Sue Harvey
- Water: says that a water assessment is needed for commercial/industrial uses that use 1.5 AFY or more
- Wants to know if there's a hazardous materials plan?
- What about evacuation routes for trucks and employees?
- Feels the asphalt recycling plant isn't necessary

Closing – Jeff and John thanked the people for coming and providing excellent comments and stated that they would be addressed in the EIR. Jeff also gave his contact information again if there were any more questions.

STATE OF CALIFORNIA

Arnold Schwarzenegger, *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

August 9, 2010

Jeff Oliveira
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, CA 993408-2040

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)
Oster Living Trust (Las Pilitas Quarry) CUP & Reclamation Plan-DRC 2009-00025
(ED09-258)

Dear Mr. Oliveira:

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 CPUC 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.

This project will have a significant impact to the Estrada Avenue/SR-58 at-grade railroad crossing (CPUC # 001E-231.80). The brief traffic analysis provided in the Transportation/Circulation section of the NOP/Initial Study mentions the signalization to the nearby intersection at El Camino Real and Estrada Avenue; however the study fails to mention the required preemption for the at-grade railroad crossing.

The DEIR Traffic Impact Study (T.I.S.) for the DEIR needs to address the following CPUC comments:

1.) The CPUC supports the signalization of El Camino Real/Estrada Avenue intersection. The current stop controlled configuration results in queuing onto the tracks from this intersection. The new traffic signals must 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.
2.) The CPUC recommends installation of raised concrete medians on both approaches to the railroad crossing to reduce gate drive around incidents.
3.) The CPUC recommends 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 CPUC recommends 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.

In addition to the potential impacts of the proposed project itself, the DEIR needs to consider cumulative rail safety-related impacts created by other projects.

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 pedestrian traffic in the vicinity.

Measures to reduce adverse impacts to rail safety need to be considered in the Traffic and Circulation section of the DEIR. 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.

Please provide the traffic impact study scope of services to ensure that the at-grade railroad crossing will be adequately analyzed with applicable mitigation measures to support the proposed DEIR.

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 on the traffic Impact Study/pre-emption study and to schedule the safety diagnostic, please contact Felix Ko, Utilities Engineer at (415) 703-3722 or email at FKO@cpuc.ca.gov.

If you have any other questions in this matter, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2939

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISIONER/SEALER FAX (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: **August 2, 2010**

TO: **Jeff Oliveira, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Oster Living Trust/Las Pilitas Resources Quarry Conditional Use Permit and Reclamation Plan Notice of Preparation of a Draft Environmental Impact Report (DEIR)**

Name of Contact Person: Lynda Auchinachie
2156 Sierra Way, Suite A
San Luis Obispo, CA 93401
781.5914 lauchinachie@co.slo.ca.us

Approval Authority: San Luis County Agriculture Element (AE)

Environmental Information: The initial study (IS) indicates that the proposed quarry project will convert existing grazing land to a non-agricultural use. The IS accurately identifies potential impacts to agricultural resources such as the spread of invasive weeds and impacts associated with dust. However, the DEIR also should include an analysis of the conversion of agricultural land based on the comments provided by the California Department of Conservation that suggests removing grazing as an end use once reclamation has occurred. Other agricultural resource issues that should be addressed within the DEIR include, but are not limited to: 1) proper identification of Metz loamy sand as Farmland of Statewide Importance, 2) discussion of agricultural setting along the proposed access route and potential impacts to agricultural resources due to required offsite roadway improvements, 3) consistency with AE goals and policies, particularly AGP11, and 4) a reasonable worst case scenario for water use that includes projections for water demand based on washing material to meet the high quality material standards, similar to existing quarries in the area and identified in the original project description.

Permit Conditions:	**The proposed project should avoid adverse impacts to agricultural resources including water resources. Project conditions should include, but not be limited to, continued access to agricultural operations during construction and operation of quarry; dust and invasive weed management; agricultural buffers; and mitigation for the conversion of agricultural resources.**
Alternatives:	**Consider alternatives that are located away from agricultural resources.**
Foreseeable Projects:	**The IS does not appear to include information associated with approved projects such as the Santa Margarita Ranch Agricultural Cluster.**
Relevant Information:	**Agriculture Element.**