California Native Plant Society

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REF: Las Pilitas Quarry DRC2009-00025

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

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

(1) Incomplete Discussion of Land Use Occupancy.

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

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

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

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

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

Eriastrum luteum (CNPS 1B.2)

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

Camissoniopsis hardhamiae (CNPS 1B.2)

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

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

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

Oak Woodland

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

(3) Cumulative Impacts Analysis

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

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

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

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

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

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

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

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

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

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

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

(5) Definition and discussion of work area buffers.

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

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

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