

Terra Foundation
P.O. Box 528
San Luis Obispo, CA 93406
805-234-1769
www.terrafoundation.org

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

June 4, 2013

Hand Delivered

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

Subject: Las Pilitas Quarry CUP/Reclamation Plan Project DEIR

Dear Mr. Wilson:

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

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

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

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

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

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

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

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

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

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

Mr. Murry Wilson
June 4, 2013
Comments on Las Pilitas/Oster Quarry DEIR
Page 3 of 4

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

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

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

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

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

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

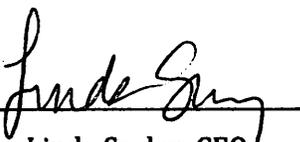
Mr. Murry Wilson
June 4, 2013
Comments on Las Pilitas/Oster Quarry DEIR
Page 4 of 4

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

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

Sincerely,

Terra Foundation

By 
Linda Seeley, CEO

cc: Board of Directors