



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

San Luis Obispo **COASTKEEPER**[®]

June 5, 2013

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

VIA FACSIMILE: 805-781-1242

Subject: Las Pilitas Quarry Draft EIR: Comment

Dear Mr. Wilson,

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

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

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



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

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

Sincerely,



Gordon R. Hensley
San Luis Obispo Coastkeeper

