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Mr. Murry Wilson
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA

Dear Mr. Wilson,

Las Pilitas Resources, LLC, submits these comments on the Draft Environmental Impact Report (DEIR) for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan (DRC2009-00025), per the California Environmental Quality Act (CEQA) and the County's Notice of Availability. Comments are organized according to section. Where appropriate, the relevant page number or section is noted at the start of the comment. Specific textual revisions are suggested in "red line" where practicable.

ES EXECUTIVE SUMMARY

ES-1: The initial paragraph notes that the proposed quarry and related improvements would occupy 48 acres. This is inconsistent with the project sized described throughout the rest of the DEIR, which lists the size at 41 acres. (See Pages 1-1, 2-1, 2-2.) Please revise for consistency.

ES-2: Please revise the first sentence of the last paragraph as follows: "*The project will produce up to 500,000 tons per year of construction aggregate materials ~~for use in Portland cement concrete (PCC) and asphaltic concrete (AC)~~.*" As discussed below in the changes to the Project Description, in order to be used in PCC or AC, aggregate must generally be washed, and the project does not intend to wash material.

ES-20: Table ES-2: IMPACT TRAFFIC-2a: Elementary School Crossing: Both the Description of Impact and associated mitigation note that any potential impacts to the elementary school crossing are less than significant. Table ES-2 is intended to list only impacts which cannot be mitigated to a level below significance (Class I). Please remove Impact Traffic-2a from Table ES-2 and place it into Table ES-3, which lists impacts which have been found to be less than significant.

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1.0 INTRODUCTION

1-1: Please revise the first sentence of the last paragraph to read as follows: "*Construction ~~Concrete~~ grade aggregate~~, consisting of crushed granitic rock used in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC) pavement,~~ is particularly important for road building and maintenance and other construction.*" Both of the cited reports in this paragraph recognize the importance of construction aggregate generally, not just PCC and AC.

1-2: Objective C: Please strike the words "*concrete-grade*" from this Objective.

1-3: Objective F: Please strike the words "*concrete-grade*" from this Objective.

1-5: Please add the following sentence to the first bullet at the top of this page: "*Approximately 60% (137 million tons) of this demand will be for concrete-grade aggregate, and approximately 40% (126 million tons) will be for other construction aggregate.*" The citation for this sentence is the same as the 2011 data in Table 1-1, and is also found in the Executive Summary of Special Report 215 (DEIR Appendix D).

1-5: Please revise the end of the first full paragraph as follows:

Other aggregate suppliers exist in the larger production-consumption region, but are not as conveniently located to serve the San Luis Obispo County and nearby market areas. (Additional information regarding the locations of other aggregate mines in the region and the economics of aggregate mining and transport is provided in Appendix D as part of the background information related to air quality.) The Las Pilitas Quarry is proposed in part to help improve the overall regional balance between projected supply and demand for aggregate material, and in part to provide an independent source of material to support local business, public works departments, and other local customers. ~~Additional information regarding the locations of other aggregate mines in the region and the economics of aggregate mining and transport is provided in Appendix D as part of the background information related to air quality.~~ Although the project is located in a deposit that has been classified by the State Geologist as containing the highest quality granite (MRZ-2 PCC),

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suitable for use in Portland cement concrete (PCC), material generally must be washed before it is actually used as an ingredient in concrete. The project does not propose to wash material, and it is expected that the aggregate produced from this mine will be used for other construction-related applications. For a general list of products to be produced, please see Section 2.3.1 of this EIR.

2.0 PROJECT DESCRIPTION

2-1: Please revise the bottom paragraph as follows: "*The Coastal Branch of the California Aqueduct was constructed across the southern portion of the property north of SR 58 in the late 1990s. This 54-inch buried water pipeline delivers water from the California State Water Project to communities in San Luis Obispo and Santa Barbara Counties. Construction of the pipeline within the property included two reinforced crossings that would allow heavy trucks to drive over the buried pipeline, in recognition of the currently proposed aggregate mining use of the property.*" This addition is consistent with the information provided on Page 1-2 of the DEIR.

2-2: Objective C: Please strike the words "*concrete-grade*" from this Objective.

2-3: Objective F: Please strike the words "*concrete-grade*" from this Objective.

2-5: Please revise the end of the penultimate paragraph as follows: "*Products produced will include road base, decomposed granite for construction, recreation, and landscaping applications, rip rap, drain rock, landscape wall rock, decorative rock, and non-expansive fill ~~and crushed rock of various sizes~~. ~~A portion of the high quality material will be sorted for use in the manufacturing of building materials and sold for specialty applications, including aggregate for AC pavement. The remainder of the material would be sold for commercial applications that do not require high quality specifications.~~*"

As discussed above, the Applicant does not intend to wash material prior to sale, and thus would be selling only the unwashed products that are listed. It is generally accepted that product must be washed before being used to make Portland cement concrete. Although very high quality, pure material could be used as an ingredient in asphalt without being

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washed, and the material harvested from the project is expected to be very high quality and pure, that is unlikely to be the end use of aggregate harvested from this project. The reason is that both of the current producers of concrete and asphalt in this local market (Hanson Aggregates and CalPortland) have their own quarries in this same deposit and thus have their own sources of rock for concrete and asphalt; they are therefore unlikely to buy aggregate from the Las Pilitas Quarry for this purpose. In the unlikely event that a concrete or asphalt producer were to purchase rock from the Las Pilitas Quarry, any washing would need to occur as part of the purchaser's permitted activities at the manufacturing location.

2-8: Trip Generation and Truck Traffic: The Applicant believes that the truck traffic estimated in this section is overstated for the following reasons:

Truck Traffic Associated With Sales of Aggregate

With regard to truck traffic for aggregate sales, it is true that the maximum annual extraction limit of 500,000 tons, when spread over 250 working days and assuming an average truck load of 20.2 tons, yields an average of 99 truckloads or 198 truck trips per day. However, it is important to remember that 500,000 tons is the *maximum* allowed annual extraction; industry statistics show that most quarries statewide hit their maximum extraction limit once every 10 years, on average, even in markets that are considered severely underpermitted by the State Department of Conservation, as most P-C Regions are.

While it *might* be appropriate for the EIR to assume that the Las Pilitas Quarry would always operate at its maximum capacity as part of forecasting the reasonably-foreseeable worst case scenario for environmental impacts, it is not reasonable for the EIR to also assume that 100% of the truck traffic generated by the project will be "additional." Because of their close proximity, the Las Pilitas Quarry will be directly competing with the Hanson quarry in the unwashed aggregate products market. If all 500,000 tons of the Las Pilitas Quarry's product could be attributed to new demand, it would be reasonable to assume that Hanson Aggregates would already be operating at its maximum permitted limits. Instead, a reasonable assumption for the FEIR to make is that a substantial portion of the truck trips associated with this project would be on the road and traveling through Santa Margarita to

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the Hanson Quarry in any event, and will simply divert to the Las Pilitas Quarry if this project is permitted.

Given these market realities, it is not reasonable for the EIR to assume *both* that the Las Pilitas Quarry will operate at maximum capacity all the time, *and* that all of its customers and therefore all of its truck traffic will be additional. In order to accurately present the environmental impacts to the public, the EIR should disclose the reasonably-foreseeable worst case scenario (i.e. occasional years at maximum operating capacity), but also disclose what operations will be under normal market conditions and/or make allowances for trucks that will simply be diverted from existing quarries. As currently worded, the description on page 2-8 of the EIR leads the public to believe that it will experience anywhere from 273 to 800 additional truck trips per day, 250 days per year, for the life of the project. That is simply not realistic. A reasonable, but still conservative, estimate for purposes of the EIR would be that the project will average 70% of maximum permitted production, most of the time. Alternatively, the EIR could reasonably assume that one-third, or roughly 30% of the project's market share and truck traffic will be diverted from other, nearby quarries. In either case, this drops the daily truck trips associated with production to approximately 139.

It is important to understand that the above analysis does not mean that there is no demand for the current project, or that the demand numbers forecasted by the State in Special Report 215 are inaccurate. Special Report 215 projects the total demand in the P-C Region for aggregate over a 50 year period. The Report estimates that the currently-permitted reserves of 75 million tons will carry the P-C Region, as a whole, until the year 2026. At that point, if no new reserves have been opened up, the aggregate market will hit the equivalent of a "fiscal cliff," and prices will rise to stratospheric levels as material is imported from outside of the region (it is worth noting that nearly every P-C Region in California is underpermitted, so importing material will only serve to exacerbate the problem throughout the State. See Exhibit B to these Comments: Aggregate Sustainability in California-- Map Sheet 52 (2012).) Because aggregate is a major building block, both figuratively and literally, of a healthy economy, it is critical that supply and demand be kept on a relatively even keel, and not allowed to approach a substantial shortage. The projected critical shortage in this P-C

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Region is only 13 years out—perhaps even sooner at the local level, given that Hanson Aggregates recently applied to the County to expand its reserves. It can often take 7 years or more to permit an aggregate quarry from start to finish, taking into account the CEQA process, neighborhood opposition, and potential litigation. Accordingly, it is imperative that local governments not lose sight of the long-range picture, and constantly look several decades out on a rolling basis when considering available aggregate supply and new permit applications. The Las Pilitas Quarry will supply around 12.5 million tons of aggregate to the local market over its lifespan, but this alone will not be enough to satisfy the 50-year market demand, no more than the Hanson expansion alone could satisfy it. The most responsible thing a local government can do to safeguard its local economy is ensure that it will be self-sustaining for aggregate supplies for the next 50 years in accordance with the numbers projected by the State. If new permits are shelved until all existing quarries are operating at maximum permitted capacity, the supply-demand equilibrium will have already been thrown out of balance. The goal should be to have a well-balanced market where demand eats away at supply at a steady, consistent rate, avoiding sharp peaks and valleys.

Truck Trips for Emergency Projects

As part of disclosing the reasonably-foreseeable worst case scenario, the EIR should also clarify the statement on page 2-9 that up to 800 truck trips per day could be anticipated for a large project. While it is theoretically conceivable that the quarry could load that many trucks (400) in single day, it is important that the EIR put that statement in context. If the project does load 400 trucks in one day, such as to respond to an emergency repair project, for instance, this would mean that the project would have sold over 8,000 tons of material that day out of its 500,000 annual allotment. Therefore, in order for the project to stay within its annual permitted limit, there would need to be a proportional number of days when there were no trucks trips, or fewer than average truck trips. Accordingly, the FEIR should add a sentence to the effect that, while the precise number of daily truck trips may fluctuate, the annual maximum allowable yield will ensure that the daily truck trips experienced by the community will stay at or under the appropriate average (as stated below, the average of 273 utilized in the DEIR is unrealistically high).

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Truck Trips Associated With Recycled Aggregate

Finally, it is not reasonable for the EIR to assume 75 daily truck trips attributable to recycled material drop-off. That number appears to be based on the project's daily recycled material limit of 1,500 tons, set by the CalRecycle permit. However, if this project were to accept 1,500 tons per day of recycled material, 250 days per year, it would be recycling 375,000 tons of aggregate annually. According to Special Report 215, only 250,000 tons of aggregate was recycled *in the entire P-C Region* (Santa Barbara and San Luis Obispo County combined) in 2009. (See DEIR Appendix D, Special Report 215, pg. 23) Assuming that San Luis Obispo County accounted for roughly half of that amount, a conservative estimate given that San Luis Obispo County has a much smaller population, that means that the entire County recycled 125,000 tons of aggregate in 2009. There are currently 7 facilities in the County that are permitted to accept recycled aggregate— if spread out evenly among those facilities, this means that each facility processed roughly 17,857 tons of recycled aggregate in 2009. Clearly, it is not reasonable for the EIR to assume that the Las Pilitas Quarry alone would process 375,000 tons per year of recycled material—***3 times the County total***—in one year. It is doubtful that the quarry, as designed, even has the room to stockpile that amount of material.

Moreover, it is not reasonable to assume a high recycling rate without decreasing the raw materials sales and associated truck trips correspondingly. Recycled material must be sold within a relatively short period of time (see DEIR Page 2-6), and any recycled material sold by the project must fit within the project's 500,000 ton annual limit. Therefore, if the project *were* to process and sell 375,000 tons of recycled material in one year, it could then only sell 125,000 tons of raw material, which would reduce *those* truck trips accordingly. Simply put, it will be impossible for the project to ever average 273 truck trips (198 attributable to raw material, and 75 attributable to recycled material).

A more reasonable assumption would be that the project will accept a proportionate share of the total recycled aggregate in the County. As stated in Special Report 215, Santa Barbara County and San Luis Obispo County combined recycled a total of 250,000 tons of aggregate in 2009. Although Special Report 215 estimated that this is not likely to significantly

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increase over the next 50 years (it concluded that recycled aggregate would not supplant the demand for raw aggregate), given the increased local incentives and requirements to recycle, it might be reasonable to expect this number to rise to 350,000 tons over the life of the project. Assuming that San Luis Obispo County accounts for half of that amount (again, a very conservative estimate, given that Santa Barbara County has a much larger population), that would mean that the entire County could be expected to recycle 175,000 tons per year. The Las Pilitas Quarry would be the 8th permitted recycling station in the County, and thus could reasonably be expected to handle one-eighth of that market, or 21,875 tons per year. Operating 250 days per year, the project might accept 87.5 tons per day. At 20.2 tons per truck, this amounts to 4.33 trucks per day, or 8.66 trips per day attributed to recycled aggregate. Assuming a 50% backhaul rate under normal industry conditions (see Page 2-8 of the DEIR) again reduces this number to 4.33 truck trips per day, on average. This number could reasonably be rounded up to 5 trips per day to account for the fact that, when being trucked in from the field, a bit less than 20.2 tons of material might fit in a truck, due to the presence of large chunks and pieces.

Summary of Revised Truck Traffic

Given the foregoing analysis, the number of truck trips in the FEIR should be revised to a daily average of 144—139 attributable to material sales, and 5 attributable to drop-offs of recycled material. The FEIR should still disclose that under the reasonably foreseeable worst case scenario (i.e. operating at maximum permitted capacity), there could be an annual average as high as 208 daily tips (198 for material sales and 10 for recycled material—the latter number assumes no backhauling of material, consistent with a reasonably foreseeable worst case scenario). The FEIR can use that scenario for calculating worst-case traffic and air impacts as well. But for purposes of the Project Description, and disclosing to the public what the likely impacts of the project will be on an average, day-to-day basis, it is important that the upcoming FEIR clarify that daily truck trips from this project would be expected to average around 144 trips per day, ***not*** 273 trips. The analysis under the Air, Noise, and Traffic sections in the FEIR should be revised to reflect a reasonably-foreseeable worst case scenario of 208 average daily trips as discussed in those sections.

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3.0 ENVIRONMENTAL SETTING

3-2: Some clarifications should be added to the description of the environmental setting under Section 3.2, Geography and Scenic Resources. First, it is pure speculation for the EIR to state that views of the steep, chaparral-covered slopes in the vicinity of the project "*are part of the scenic environment associated with SR 58 leading to its inclusion in the COSE*" as a "Suggested Scenic Corridor." Neither the COSE nor its Appendices provide any information describing how or why the road segments in Table VR-2 were chosen, and the COSE is equally clear that before any scenic roads are designated, corridor studies will have to be conducted on the candidate roads to identify the important scenic features of each road and their boundaries. (COSE, pg. 9.12) In other words, the features of SR 58 that might make it a scenic corridor and the boundaries of the actual corridor *have yet to be determined.* There simply is no substantial evidence to support the EIR's statement that the views in the vicinity of the project are what led to SR 58's nomination, as opposed to other scenic values along the 70-mile stretch. It would be equally if not more reasonable to presume that SR 58 was nominated because of the grasslands and wildflower views associated with springtime in the Carrizo Plain, and that the scrub-covered hillsides in the vicinity of the project are *not* important features that should be protected. Simply put, in the absence of more information, it is improper for the EIR to speculate about why SR 58 was nominated as a "Suggested Scenic Corridor" for further study in the COSE. Instead, the EIR should correctly observe that, to date, it has not been designated as a scenic corridor, and no County-specific scenic corridor standards exist for its evaluation. (The interim guidelines listed in COSE Appendix 9 apply only to County and State road and highway development projects.)

Furthermore, the environmental setting *must* disclose and be frank about the visibility of the existing Hanson Quarry along this stretch of 58, and its overall impact on the viewshed. Please see the more detailed comments to Section 4.0, Aesthetics and Visual Resources, below.

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4.0 AESTHETICS AND VISUAL RESOURCES

Section 4.1.1: The current description of existing conditions in the Aesthetics and Visual Resources chapter is incomplete and misleading. Although the "surrounding land uses" section makes mention of the nearby Hanson Aggregates Quarry, it does not disclose the impact that this operation has on the existing viewshed. The description in the DEIR simply implies that is a nearby, but not necessarily visible, use. (DEIR, pg. 4.1-1.) In actuality, the "cut" caused by the century-old and still active Hanson Quarry is the dominant feature of the landscape in this area.

The Hanson Quarry's mountainside cut is large, imposing, and contrasting, and will likely serve to (1) distract any viewers from focusing on the Las Pilitas Quarry site, and (2) diminish viewer expectations of an intact and unaltered landscape in this area. Inexplicably, this feature is left out of all of the photo-simulations and key viewpoints provided in the DEIR, despite the fact that it would be clearly visible to drivers as they came upon the project site. Additional photographs should be provided in the FEIR that show the Hanson Quarry in relation to the project, in order to give readers an accurate depiction of the existing panoramic viewshed in the area.

4.1-1 to 2: The description at the bottom of page 4.1-1 and the top of 4.2-2 states that there would be "several" residences with views into the proposed quarry site. Please clarify how many "several" is, and from what vantage points they would be able to see the quarry and during which operational phases. The FEIR should also clarify whether these same residences currently have a view of the existing Hanson Quarry.

4.1-2 to 3: Scenic Highways and Corridors: Please see the earlier comment regarding the Environmental Setting Chapter and scenic corridors. It is unclear how the policies and standards listed in COSE Appendix 9, which apply only to road construction projects, should relate to this project or the Assessment Methodology and Significance Criteria used in the DEIR. The County has not adopted any specific development standards for non-road construction projects in the area of the quarry, or any interim guidance that would govern such projects. It is not necessarily reasonable to presume that the decision-makers who

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adopted the COSE intended the road development standards in Appendix 9 to apply to non-road projects, when they did not take action to make that happen.

Furthermore, it is unclear how the DEIR determined that "*the steep hills covered with chaparral vegetation in the project site are a scenic resource even if they are not 'spectacular.'*" (DEIR, pg. 4.1-2.) Scenic resources are typically defined as those landscape patterns and features that are visually or aesthetically pleasing and which interact to produce a net visual benefit upon individuals or communities. There is simply no objective, substantial evidence in the DEIR to support the conclusion that the relatively common and indistinct scrub-covered hillsides in the vicinity of the project are a "scenic resource" under this definition. And as discussed above, there is no evidence to support the inference that it was these resources that led to the nomination of SR 58 as a Suggested Scenic Corridor warranting further study in the COSE.

Finally, as discussed above, viewer sensitivity along this stretch of SR 58 is likely to be relatively low, given the negative impact on the viewshed conferred by the existing Hanson Quarry. Accordingly, there is no support for the statement regarding view sensitivity at the top of page 4.1-3.

4.1-6: Assessment Methodology: The DEIR states that: "*For the purpose of this EIR analysis, a scenic vista is an officially designated or recognized public view from a given location or corridor as identified in land use documents. The suggested corridor of SR 58, as described in Section 4.1.1 above is one such visual resource.*" There is no officially designated or recognized public view from this section of SR 58. Given the non-uniqueness of the features in the project area and the already degraded viewshed, it is unlikely that this particular section of SR 58 would meet the County's criteria for ultimate listing as a scenic corridor, if and when the County finally sets such criteria. Scenic vistas are typically defined for purposes of CEQA as viewpoints that provide expansive views of a highly valued landscape for the benefit of the general public. There is no specific or regularly utilized viewing point along the road in this area, and no indication that the steep, chaparral-covered hillsides in the vicinity of the project are highly valued by the public. The fact that the COSE suggested the entire 70-mile stretch of SR 58 for study and evaluation does not transmute these

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features into a scenic vista. Even the COSE itself states that before a candidate road is designated as scenic, a corridor study should be completed to (a) specify the features that need to be protected through a site-specific analysis of each viewshed; (b) state why it is important to protect those features; [and] (c) where applicable, establish specific mapped boundaries that define the minimum area necessary to protect the identified features. (COSE, pg. 9.12) The DEIR does not even go that far. If the FEIR is going to classify the views from this stretch of SR 58 as a scenic vista, it should provide some substantial evidence to support that conclusion, other than the fact that the entire highway was suggested as a candidate for study as a scenic corridor.

4.1-7: Third Paragraph: See above comment to page 3-2. There is no indication in the COSE that the steep hillsides and chaparral vegetation in the area contributed to SR 58 being listed as a candidate corridor for further study.

4.1-8: Visual Simulations: Please see above comment to Section 4.1.1. Additional photographs should be provided in the FEIR that include the Hanson Quarry in relation to the project, in order to give readers an accurate portrayal of the existing panoramic viewshed in the area.

4.1-9 to 4.1-10: Significance Criteria: The noted significance criteria are new and have not yet been used on any other project, have not been formally adopted by the County, and differ substantially from those provided in CEQA Guidelines Appendix G. Per CEQA Guidelines § 15064.7(b), "Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence." Until the County publicly adopts these thresholds for general use, it should utilize the generally-accepted thresholds in Appendix G of the CEQA Guidelines.

Furthermore, it should be noted that the purpose of CEQA thresholds is to identify potentially significant effects on the environment so that they can be mitigated. In order to qualify as a significant effect on the environment, the change must be both substantial and adverse. (CEQA Guidelines § 15382) As currently written, these thresholds of significance

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do not distinguish between a substantial, adverse change, and *any* change to the environmental status quo. Accordingly, it is doubtful that the selected thresholds are proper for identifying significant impacts under CEQA.

4.1-10 to 11: Impact AES-1: Effects on Scenic Vistas: As noted above, there is no substantial evidence that the impacted area qualifies as a scenic vista under CEQA. Furthermore, this impact analysis fails to take into account the existing impacts on the viewshed caused by the Hanson Quarry, which has already substantially altered the natural character of the area, and serves to diminish viewer sensitivity and expectations. Per Appendix 9 of the COSE, an assessment of visual resources should take into account the intactness and unity, or harmony, of the landscape, as well as the visual sensitivity of the area and the viewers. The DEIR fails to follow any of these steps.

As indicated above, under CEQA, it is not enough that the project will introduce a "change." To be a significant impact, the change must also be substantial and adverse. Although the project will result in a change to the vegetation and ridgelines in the area, it is not clear why this change, which is largely temporary pending site reclamation, would be both *substantial* and *adverse*. This is particularly true given the history of ridgeline disturbance and vegetation clearing in the area, both from the Hanson Quarry and the establishment and maintenance of fire breaks and other property grading. The analysis behind Impact AES-1 should be revised in the FEIR to take these factors into account.

4.1-11: MM AES-1d: This mitigation measure requires that the Applicant visually screen its water tank, for the life of the project, from public views along SR 58. A water tank is generally recognized to be a necessary accessory structure that is consistent with both agricultural and residential uses in rural areas. Were this an agricultural or residential project, such mitigation would not be required. It is unclear how the presence of a water tank will create a significant, adverse visual impact requiring full mitigation. A more realistic mitigation measure might be to require revegetation of any areas disturbed by grading the pad for the water tank, and to require that the water tank is itself a dark color that will not stand out from the surrounding vegetation.

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4.3 AIR QUALITY

Global: This section should be revised in general to account for the reduced truck traffic under the reasonably foreseeable worst case scenario of 208 average daily trips, as described in the comments to the Project Description, above. In addition, the section in general should acknowledge the project's potential to reduce criteria pollutants on a regional level, since less material will need to be imported over the next 50 years if the project is approved. Additional data relevant to this point can be found in Appendix D of the DEIR.

Impacts AQ-1a and 1b: The Applicant has contacted APCD Staff for the purpose of meeting in the near future to formulate additional mitigation measures that should address these impacts. Once this has been accomplished, the Applicant will submit them to the County as applicant proposed mitigation measures for inclusion in the FEIR.

4.4 GREENHOUSE GAS EMISSIONS

4.4-3 to 4.4-4: Table 4.4-1: Policy AQ 1.7: Please see the comments below in Recreation regarding the dedication of a trail easement.

4.5 BIOLOGICAL RESOURCES

Section 4.5.3: Regulatory Setting: Please add a section to the text or the tables in this section explaining the regulatory role of the California Native Plant Society (CPNS), their listing protocols and criteria, and the significance of a CPNS listing. As presently written, it is difficult for the general public to understand the difference between a plant listing by the CPNS, versus under the Federal or California Endangered Species Acts.

4.6 GEOLOGY

Sections 4.6.1, 4.6.2, and 4.6.3: Please insert a brief discussion into these sections regarding the State Geologist's mineral lands classification system under SMARA, the County's EX-1 overlay, and the County's SMARA ordinance, as these comprise important elements of the existing conditions and regulatory setting pertaining to the protection of the geological resources at the site.

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4.6-7: Policy Consistency and Effects on Future Mining: This section, as well as Table 4.6, should note the project's consistency with the COSE Policies governing mineral resources. (COSE Chapter 6) Moreover, as noted in the list of significance criteria, one important consideration is whether a project would preclude the future extraction of valuable mineral resources. It should be noted that, to the contrary, this project will facilitate the extraction of valuable mineral resources, and therefore is consistent with all of the state laws and policies (including CEQA Guidelines Appendix G) that seek to protect such geological resources from careless encroachment by incompatible land uses.

4.7 HAZARDS AND HAZARDOUS MATERIALS

4.7-1: Section 4.7.1: Existing Conditions: See comment to Page 2-2, above, and please note the presence of the existing reinforced aqueduct crossings on the property.

4.7-9: Section 4.7.6: Risk of Explosion or Release of Explosive Material: Please correct the first sentence under this section to say that blasting would occur up to twenty times per year (or roughly two times per month), not two times per week. This correction is consistent with the Project Description on Page 2-5 of the EIR.

4.7-14 to 4.7-15: Valley Fever: This section should note the low likelihood for the presence of *Coccidioidomycosis* spores on the property, due to the lack of significant topsoil throughout the site. The life cycle of the spores is such that they need anaerobic, moist soil conditions in which to grow during the rainy season, before the soil typically dries out in the summer and is disturbed, spreading the spores. Rich agricultural soils that have remained fallow for periods of time are the most hospitable to *Cocci* spores. These types of soils are generally not present in the area slated for disturbance. The nature of the granitic deposit is such that it sits right at the surface, and is not conducive to holding moisture and fostering the anaerobic conditions required by *Cocci* spores. In general, mining sites have a much lower incidence of Valley Fever than other soil-disturbing activities, even in hyper-endemic areas. (See Exhibit B to these comments – Arizona Department of Health Services, Valley Fever Annual Report (2007), pgs. 8-9, 26-28) It is also notable that the Hanson Quarry has

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been operating nearby and mining this same deposit for nearly a century, opening up new ground as it goes, without any known or reported Valley Fever incidents.

4.7-15: MM HAZ-7b: The FEIR should include the attached detailed list of the Public Health Department's recommended Valley Fever mitigation measures as an appendix, so that the public can see the type of mitigation measures that the Applicant will be implementing to protect against Valley Fever at the site. (See Exhibit C to these comments – San Luis Obispo County Department of Public Health, Recommendations for Workers to Prevent Infection by Valley Fever)

4.8 NOISE

Modeling Parameters Used to Measure Traffic Noise

The DEIR Noise Chapter uses Ldn as the metric for assessing traffic noise impacts from the project. As the DEIR describes on page 4.8-1, Leq is the Equivalent Noise Level over a defined time period—typically an hour, but shorter or longer time periods can also be specified. The Traffic Noise Model (TNM) developed by the Federal Highway Administration does computations in terms of hourly Leq. Leq was the metric used by D. Dubbink & Associates in the noise study included in Appendix E of the EIR. Ldn, by contrast, is a weighted value that attempts to represent ambient noise over a 24-hour period; it is an average of both day and nighttime noise levels. It is calculated by inserting a value representing the equivalent noise level during the daytime (7:00 am to 10:00 pm) as well as a value for the equivalent noise level at night (10:00 pm to 7:00 am), and also includes a "penalty" multiplier to the nighttime noise value, to account for the added nuisance of noise during that period. The EIR analysis used this approach, using the TNM to compute a Leq for a single daytime and nighttime hour and expanding this by the number of day and night hours to create the Ldn estimates. While the TNM can be used to estimate noise levels at differing distances from the road, the EIR estimates were made for a 50 foot distance. The numbers appearing in Table 4.8-7 as estimates for individual residences were interpolated from the 50 foot estimates. The distance attenuation factor that was used (Table 4.8-1) is not from the TNM but the distance factors resemble the attenuation rates assigned to hard, reflective surfaces. If one of the more appropriate TNM surface conditions had been assigned

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to these computations, all of the values reported in the EIR would be diminished; both for Existing and Existing plus Project estimates. Please indicate how the hourly values used in the DEIR were derived from the traffic count data. Also, please show how use of distance attenuation factors for less reflective ground conditions, such as used in the TNM, might affect the analysis and conclusions. Finally, the EIR analysis should disclose to the public that, while a 24-hour Ldn metric was used to measure traffic noise, the project will only generate that traffic Mondays through Fridays, between 7 am and 5 pm.

Impact of Railroad Noise on the Traffic Noise Baseline

It does not appear that the DEIR took into account the noise from the nearby railroad when calculating the existing noise levels for R6 through R9. Appendix E to the Noise Element Policy Document provides some Ldn noise contour values for at grade railroad crossings in the County, including Estrada, Encina, and Wilhelmina Avenues in Santa Margarita. Please demonstrate how the DEIR noise modeling took the railroad presence into account and that it is consistent with the discussion in the County Noise Element.

Use of Caltrans Noise Analysis Protocol and Standards

The recommended thresholds of significance for noise provided in CEQA Guidelines Appendix G ask whether the project would expose people to noise in excess of standards established in the local general plan or noise ordinance, *or applicable standards of other agencies*. Therefore, while it is appropriate for the EIR to consider whether the project noise would violate the County's Noise Element, the EIR should also discuss the applicable standards of other agencies, including Caltrans. Because all of the project's traffic noise will occur along a state highway, consideration of the Caltrans highway noise standards is particularly appropriate. The EIR should discuss how the traffic noise analysis is different under the Caltrans protocol than under the County's Noise Element.

According to the Caltrans Traffic Noise Analysis Protocol Handbook (see Exhibit D to these comments), traffic noise increases of less than 3 dBA attributable to a single project are not significant. This is because, according to the Handbook, 3 dBA is generally the point at which the human ear will perceive a difference in noise level. Under this standard, the

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project's traffic noise increase of 1.9 dBA would not be perceptible at any of the receptors along the haul route, and therefore, the project's traffic noise impacts are less than significant. Similarly, the Handbook notes that 67 dBA is the approximate noise level at which human speech is interfered with. Thus, if the total future noise level will be less than 67 dBA, that could lead to a reasonable conclusion that the project's noise impacts are less than significant. Here, no residence along the haul route would experience noise in excess of 65.8 dBA. These and other differences between the traffic noise impacts as measured under the Caltrans protocols versus the County's Noise Element should be discussed and disclosed in the EIR.

Section 4.8.5: Significance Criteria: The significance criteria used in this Chapter are new and do not appear to have been used on any other project, nor formally adopted by the County, and they differ substantially from those provided in CEQA Guidelines Appendix G. Per CEQA Guidelines § 15064.7(b), "Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence." Until the County publicly adopts these thresholds for general use, it should utilize the generally-accepted thresholds in Appendix G of the CEQA Guidelines.

Furthermore, it should be noted that the purpose of CEQA thresholds is to identify potentially significant effects on the environment so that they can be mitigated. In order to qualify as a significant effect on the environment, the change must be both substantial and adverse. (CEQA Guidelines § 15382) As currently written, these thresholds of significance do not distinguish between a substantial, adverse change, and *any* change to the environmental status quo. Accordingly, it is doubtful that the selected thresholds are proper for identifying significant impacts under CEQA.

4.8-16: Impact Noise-1: Truck Traffic Noise: In computing truck noise the hourly truck count was set at 25 trucks. (DEIR Appendix E-2, pages 18 & 19) The total truck count for the 15 daytime hours would extrapolate to 375 trucks. This is significantly higher than estimates. Please revise this impact assessment to take into account the revised truck traffic counts, as

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well as the above comments on the Noise Chapter. For purposes of providing the public with an accurate picture, the Noise Chapter should describe what traffic noise will likely be under normative operational conditions (144 average truck trips per day) as well as the reasonably foreseeable worst case scenario (208 average truck trips per day).

4.8-27: Impact Noise-5, Cumulative Traffic Noise: Please revise this impact assessment to take into account the revised truck traffic counts, as well as the above comments on the Noise Chapter. In addition, Appendix D to the Noise Element Policy Document provides both existing and projected future noise contour data for major highways and roads in the County, including SR 58. Please describe how this Appendix was taken into account when assessing the cumulative traffic noise impacts.

The impact assessment discussion on Page 4.8-26 of the DEIR notes that the cumulative traffic noise would be significant by 2030 even without the proposed project. It should be noted in the description of the impact that this is not a significant and unavoidable impact of the proposed project per se, but one that would occur at these residences anyway. In addition, there are feasible mitigation measures that homeowners along this stretch of SR 58 can consider to mitigate the traffic noise, as outlined in the County Noise Element, to protect their homes from the noise exposure that is projected to occur even without the project.

4.10 RECREATION

4.10-2: Table 4.10-1: The description of policies from the Parks and Recreation Element is somewhat incomplete and misleading as discussed below. Many of these policies are not applicable to the project, or preclude the requirement of an easement as a condition of approval of the project.

4.10-4 to 4.10-5: Impact REC-2 and MM REC-2: The mitigation measure and supporting analysis are wholly inconsistent with the Parks and Recreation Element, as well as general law governing exactions and mitigations. Requiring the dedication of a public trail easement is not supportable in this instance.

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Parks and Recreation Element Policy 3.12 3(b) provides that a trail easement may be obtained as a condition of a project approval for land that is in production agriculture only when the project would convert land to delineated uses not related to agriculture. Those specified uses "are limited to: religious facilities, libraries or museums, schools, commercial electric generating plants for the generation or distribution of electrical energy for sale, manufacturing, recycling facilities (excluding composting), residential care facilities, public safety facilities, commercial retail facilities (excluding restaurants and roadside stands), and waste disposal sites." (Parks and Recreation Element, pg. 28, fn. 11) As noted in the Project Description and Chapter 4.13 (Water Quality and Supply) the flat, southern portion of the property is used for cattle grazing, as well as a small orchard. There are also stock ponds, and water has historically been diverted from both Moreno Creek and the Salinas River for agricultural purposes. The property is clearly in agricultural use, and since the project would not be converting land to any of the specified other uses listed in Policy 3.12, requiring an easement is neither justified nor consistent with the Policy. (Note that, although the project would include a recycled aggregate component, it does not fall within the definition of a "recycling facility" in Title 22 of the Land Use Ordinance. Please see Exhibit D to these comments.)

Moreover, given the topography of the site, there is not much land that can be used for agricultural production, and requiring an easement along the Salinas River through the property would take a substantial portion of it, rendering the agricultural uses potentially infeasible. The proposed trail segment would pass exceptionally close to both the agricultural operations and the residential uses on the property, which would not be consistent with Policy 3.8(2) were the trail to actually be built. Impact REC-2 identifies this potential conflict between a trail and future agricultural uses of the property, but does not describe how these conflicts would be reconciled by the dedication.

It is also unclear what purpose such an easement would ultimately serve, bringing into question whether the dedication would be consistent with Parks and Recreation Policy 3.7. In order to function as a usable trail, any future segments would necessarily lead right into the Hanson Santa Margarita Quarry downstream. This is a large, industrial site that is not

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appropriate for recreational trail users from either an aesthetic or a safety perspective. Upstream of the Oster property, the Salinas River runs through steep canyons on its way from the Santa Margarita Lake Dam, which would largely be impassible or unsuitable for the public. Accordingly, it is unclear how a trail segment across the Oster property would connect urban communities, provide access to recreation areas, complete an existing trail corridor, be popular or even be used at all. (See Parks and Recreation Element, pg. 27, Policy 3.7 (2-4))

Last, but perhaps most importantly, because the project will have no impact on existing recreation in the County, there is no nexus to support the requirement of a trail dedication. Parks and Recreation Element Policy 3.13 requires that any such dedication be proportional to the level of development being proposed, and have an appropriate nexus to the effects of the permit. These limitations are required by existing law governing exactions and mitigation measures. CEQA Guidelines § 15126.4(a)(4) requires that any mitigation measures imposed under CEQA be roughly proportional to the impacts of the project. Requiring a dedication from a landowner simply because the landowner comes to the government seeking a permit is improper. (*Dolan v. City of Tigard* (1994) 512 U.S. 374; *Nollan v. California Coastal Commission* (1987) 483 U.S. 825) The project itself will not have a significant impact on recreation, and the required "mitigation" will neither effectively nor feasibly provide additional recreational opportunities.

On a side but related note, as it is written, Impact REC-2 describes an impact that has nothing to do with the proposed project. Rather, it describes an "impact" that would exist with or without the project. Finally, from a legal standpoint, it is doubtful that County may require the dedication of an easement, unrelated to the proposed project, from a landowner who is not technically part of the current application. The Applicant in this instance is Las Pilitas Resources, LLC, an entity whose ownership is wholly separate from the property owners. Las Pilitas Resources, LLC has a mining lease with the property owners, which allows it to seek the current mining permits and to put in place a conservation easement to offset mining activity, but the lease does not entitle Las Pilitas to agree to exactions or

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conditions unrelated to mining that would impact other portions of the property, such as the residential or agricultural uses.

In the interests of providing some additional community benefits from the project, however, the Applicant has contacted planners from the San Luis Obispo Council of Governments (SLOCOG) to meet and discuss ways in which the Applicant could participate in SLOCOG's efforts to forward the Salinas River Master Trail Plan, as well as other efforts. The Salinas River Master Trail Plan envisions a trail segment connecting Santa Margarita, Garden Farms, and Atascadero that does not directly track the Salinas River, and which would be a much more utilitarian and feasible trail corridor than that which is vaguely outlined in the County's Parks and Recreation Element. The Applicant is also hopeful that its discussions with SLOCOG may lead to ways in which the project could benefit local bicyclists, who need and desire bike lanes throughout the County, which take aggregate to construct. If its discussions with SLOCOG are successful, the Applicant will return to the County with applicant proposed "mitigation measures" (though some of them may not strictly be necessary to "mitigate" for a significant impact of the project) that the County could include in its conditions of approval for the project and any necessary Statement of Overriding Considerations.

4.10-5: Cumulative Effects: The DEIR states in this section that approving the proposed quarry without the offer of dedication for the trail could result in fragmentation of the Salinas River Trail for a minimum of 25 years (the life of the project). This statement is incorrect and misleading. The project itself is well set back and screened from the Salinas River. It is noted in the Water Quality and Supply section that the project will have no impacts on the Salinas River itself. Approval of the project in no way physically impedes access to the river or travel along the river corridor. If the property owner is willing in the future to sell or donate an easement along the river, it would not be precluded by the presence of the project nearby. In order to be accurate and complete, however, this section should note that the potential trail corridor in this area is already fragmented for the foreseeable future by the existing Hanson Quarry downstream—any trail along tracking the

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Salinas River would necessarily need to divert well off the river and around the Hanson Quarry for safety and other practical reasons.

4.11 TRANSPORTATION AND CIRCULATION

4.11-2: The description of the location of the Elementary School in the third paragraph is somewhat misleading. As written, it leads the reader to believe that the school is immediately adjacent to the intersection of Estrada and H Street. In actuality, the entrance of the school is located about one half mile further up H Street.

Section 4.11.5: Significance Criteria: The noted significance criteria are new and do not appear to have been used to evaluate any other project nor formally adopted by the County, and they differ substantially from those provided in CEQA Guidelines Appendix G. Per CEQA Guidelines § 15064.7(b), "Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence." Until the County publicly adopts these thresholds for general use, it should utilize the generally-accepted thresholds in Appendix G of the CEQA Guidelines. It should also be noted that Criterion (d) is worded such that it would indicate a significant impact whenever a project would provide for *adequate* emergency access.

Furthermore, it should be noted that the purpose of CEQA thresholds is to identify potentially significant effects on the environment so that they can be mitigated. In order to qualify as a significant effect on the environment, the change must be both substantial and adverse. (CEQA Guidelines § 15382) As currently written, these thresholds of significance do not distinguish between a substantial, adverse change, and *any* change to the environmental status quo. Accordingly, it is doubtful that the selected thresholds are proper for identifying significant impacts under CEQA.

Impact Traffic-4: Cumulative Contribution to 2030 Traffic Volumes: It should be emphasized here that signal warrants at Estrada and El Camino Real will be met by 2030 even without the project's contribution, and that warrants at Estrada and H Street will not be met by 2030, regardless of whether the project is approved. Accordingly, it is doubtful to

conclude that the project would contribute cumulatively considerable traffic levels to these intersections. Nevertheless, if approved, the project will be using these roads, and the Applicant is committed to paying its fair share of any necessary improvements. It is improper and unfair, however, to state that the project will have a significant and unavoidable cumulative traffic impact, when the Applicant has agreed to pay its fair share toward such improvements. The significant impact appears to arise not from the cumulative traffic impacts of the project, but from the County's belief that Caltrans will not actually act to implement the improvements when they are warranted. Assuming that a state agency will not do its job properly is not a proper basis for a significant environmental impact under CEQA. If the County believes that the intersection improvements are not feasible, because they are not capable of being accomplished in a successful manner within a reasonable period of time (CEQA Guidelines § 15364, "Definition of Feasible"), then the EIR should say so.

Global: Please revise the counts and modeling in this section in accordance with the reasonably foreseeable worst case scenario of 208 average daily truck trips, as calculated in the comments to the Project Description section, above. A worst case scenario of 273 average daily trips is not possible or realistic, as described above.

Applicant Proposed Mitigation Measures: Many members of the public have stated their concern that the project traffic will have an indirect effect on arterial streets in the community. The specific concern is that slow moving trucks from the project SR 58 will cause passenger cars to divert and speed down I Street, a quiet residential street, in order to save time. In order to alleviate this concern, the Applicant is willing to participate in the construction of appropriate speed bumps along I Street, if both the County and the residents of I Street desire that solution.

4.14 LAND USE

Section 4.14.1: Existing Conditions: The DEIR's statements regarding the 2013 draft of the Santa Margarita Community Plan (SMCP) are not correct. The SMCP is not new or updated. The 2013 "draft" simply renames and republishes the contents of the existing Salinas River

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Area Plan, adopted in 1996, as part of the County's 2013 restructuring of the Land Use and Circulation Element of the General Plan. No changes to the substantive content of the previous Salinas River Area Plan have been adopted or proposed. Please note this clarification here and on Page 4.14-6.

4.13.3: Regulatory Setting: Neither the Existing Conditions section nor the Regulatory Setting section adequately describes the current zoning on the property, nor what is allowed by the EX-1 overlay. There is also no discussion of the County's SMARA Ordinance or development standards for surface mines. The Land Use section also does not describe the State SMARA statute, regarding its directives for the use of identified mineral lands. It should be noted that the County currently does not have a Mineral Resources Management Plan as required by SMARA, and thus extra consideration should be exercised by the County when considering projects that would either facilitate or prevent access to mineral resources. Please see the attached Exhibit E to these comments, for an overview of the state and local laws that should be discussed in the FEIR, so that the public can be afforded a complete understanding of the regulatory setting governing the County's decision on this project.

In addition, the FEIR should note that the State Geologist has recommended that the mineral deposit containing the proposed project be designated by the State Mining and Geology Board (SMGB) as a deposit of regional or statewide significance. The SMGB will make a determination in the coming months. If the deposit is designated as having either regional or statewide significance, then the County will need to consider the importance of the aggregate to the region or state as a whole, when making a decision whether to approve the project.

The Land Use section also does not address the recycling facility waiver that the Applicant has requested (See Exhibit E to these comments), nor the findings that the County will need to make with regard to that request.

4.14-6 to 4.14-9: This section should describe the project's compatibility with state and local laws governing the protection and extraction of mineral resources, in addition to discussing its compatibility with the community plan and general CUP ordinance. When discussing the

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draft Santa Margarita Community Plan (a.k.a the current Salinas River Area Plan) and the Santa Margarita Design Plan, it should be disclosed that the County has no authority to implement the standards from these plans on SR 58 where it passes through downtown Santa Margarita, and therefore the visions and goals cited on Pages 4.14-6 to 4.14-7 of the DEIR cannot feasibly be implemented.

5.0 CUMULATIVE EFFECTS SUMMARY

5.3.1: Aesthetics and Visual Resources: Please see the above comments to the Aesthetics and Visual Resources section and revise this discussion accordingly.

5.3.11: Transportation and Circulation: Please see the above comments to the Transportation and Circulation section and revise this discussion accordingly.

6.0 PROJECT ALTERNATIVES

Section 6.2: Please revise the Project Objectives in accordance with the comments to Chapter 2.0, above.

Section 6.3: This section currently does not list Impact Traffic-4 as a significant and unavoidable impact. If that impact is not reduced to less than significant in the FEIR, it should be added to this section and the FEIR should consider the effect each potentially feasible alternative on that impact. Any of the other listed impacts that are reduced to less than significant levels in the FEIR should be removed from this section.

6-4: Please revise the sentence in the top paragraph as follows: "*These projects along the Salinas River have their own environmental issues and controversies and, in any event, could not supply the volume of angular granitic rock* ~~*best suited for use in asphaltic concrete pavement*~~ *desired by the project applicant.*"

Section 6.5: No Project Alternative: The discussion of the No Project Alternative is incomplete. Several points should be added to ensure a complete and accurate portrayal of this Alternative:

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First, the FEIR should discuss the potential impacts stemming from the lack of local aggregate supply if the project is not approved. The State has predicted a severe shortfall of aggregate supply in the region by the year 2026. If this project is not approved, the additional material that would have been supplied (approximately 12.5 million tons over the life of the project) will need to come either from other local mines, or be imported from outside the region. Each of those potential sources has environmental costs associated with them that should be disclosed.

Second, the FEIR should discuss the limitations on alternative uses for this property posed by its classification and impending designation as an important mineral resource. Under the current MRZ-2 classification, the County may not approve an alternative use for the property that would threaten the potential to extract minerals on this or nearby properties without balancing the need for the alternative use against the need for the minerals. (See the summary of the classification regulations in Exhibit F to these comments) If the property is designated by the SMGB in the coming months, then the County's EX overlay would apply, mandating a minor use permit for any non-mineral use, and the County would need to make additional findings before approving any such use.

Finally, the FEIR should disclose what alternative uses the property owner could make of the property. If mining is not approved, it is conceivable that the landowner would look for alternative uses to make of his property that would not require discretionary approval under the current zoning. The landowner may be able to subdivide or build additional residences without going through the environmental review process, which would consume additional water resources, add traffic, etc. Such environmental consequences may be minor, but they should be disclosed.

Section 6.7.1: Western Access Drive Alternative: A brief discussion should be added to this Alternative to clarify that the west access drive would involve crossing property not owned by the Applicant. As it is unknown whether the owner of that property would willingly convey an easement for gravel trucks, the FEIR should observe that this alternative may not be feasible from a legal, economic, and logistical perspective.

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Section 6.8: Alternative Access Route to SR 58 via Hanson Quarry: It should be noted that this Alternative would involve crossing property not owned by the Applicant. As it is unknown whether the owner of that property would willingly convey an easement for gravel trucks, the FEIR should observe that this alternative may not be feasible from a legal, economic, and logistical perspective. It is also unknown whether the State Department of Water Resources would grant access to their right of way for reinforcing the buried aqueduct pipeline for heaving truck crossings, when such crossings already exist on the Oster property.

The statement that there "*do not appear to be any major environmental constraints to this alternative*" is incorrect. The portion of new road that would have to be constructed would need to cross at least four drainages which drain directly into the Salinas River. Construction and maintenance of the road could disturb sensitive species or habitat. In addition, the road would appear to cross prime agricultural land. The new introduction of gravel trucks across such land could have ancillary impacts on agriculture, apart from the direct impacts of the loss of agricultural land and soils for the construction of the road. There would also be air quality and other potential impacts from construction of the road and reinforcement of the aqueduct crossing that would need to be considered. Building and maintaining a haul road that can convey over 200 large truck trips per day is significantly different than grading a ranch road. Finally, the DEIR does not consider the potential impacts this Alternative would have on the residents of Garden Farms and South Atascadero as a result of the increased traffic using the entrance to the Hanson Quarry off El Camino Real.

Because of the anticipated costs and hurdles associated with acquiring and studying this right of way, constructing the road, and reinforcing the aqueduct, in addition to potentially significant environmental effects, the FEIR should note that this alternative is likely infeasible. (See CEQA Guidelines § 15364, "Definition of Feasible")

Sincerely,

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