

Mr. Murry Wilson

SLO County Planning and Building

Sent Via Email

June 4, 2013 Re: Comments on Las Pilitas Quarry DEIR

Dear Murry,

I am a land owner since 1969 of a family property adjacent to The Santa Margarita Ranch along Trout Creek in the Upper Salinas Watershed. I have experienced firsthand the gradual piece mealing and degradation of 1000's of acres of beautiful untouched oak woodlands and fertile valleys there lined with pristine perennial streams. Over development of water resources and continued drought are depleting this delicate watershed and these streams are dying along with the fish and wildlife that depend on them. The Ostar Quarry will compound these problems.

The Upper Salinas River and its Tributaries are of the highest ecological value and importance not only to threatened fish and wildlife recovery in California, but also to the Community of Santa Margarita and generations of small local family farms and ranches who rely on clean perennial water too. This watershed is critical to the recovery of SC steelhead that STILL spawn there having traveled all the way from Monterey County. Just 15 years ago Trout Creek was a perennial stream clear and cold all summer long. We still had an occasional steelhead run up our creek in high flow years. That has all changed now, with large scale agriculture already depleting local watersheds and a housing development proposal adding 800 miles of looping water lines, many wells, 3 large reservoirs and over 1200 acres of vineyards just downstream.

The Proposed Quarry will further degredate the Salinas River. It is important to preserve what is left of these life supporting bodies of water in California. The Salinas River and its tributaries are CRITICAL HABITAT for a multitude of rare plants, endangered species and a wide variety of wildlife. Clean running rivers and streams are critical habitat too for future generations of local ranchers and families to come. This Quarry project is not suitable for this area and its many impacts are simply not mitigable. Please consider the NO PROJECT alternative.

Sincerely,

Miranda Joseph-

Po Box 1038

Santa Margarita, CA 93453

Comments to follow:

Comments:

- 1. Cal Recycle –
Has Cal Recycle been part of the DEIR process? Are they working closely with the county to figure out all the details and mitigations for what seems to be a large scale broken concrete and asphalt crushing plant?
Who will oversee this and the mitigations?
- 2. Cal Trans –
Has Cal Trans weighed in on the DEIR? The Santa Margarita Ranch Ag Cluster Subdivision required the applicants (Santa Margarita Ranch) to fix the dangerous S curve on J st.?-The Ranch has not done this. When will they be required to?
Will this be addressed and fixed before allowing HUNDREDS MORE trucks through that dangerous narrow, winding road, through town, and RIGHT past the Elementary School?
- 3. There is mention of SOME of the cumulative impacts associated with the SMR AG CLUSTER Development BUT WHAT ARE THEY ALL AND WHAT ARE THE SPECIFIC MITIGATIONS TO ADDRESS THEM? Will ALL impacts be updated to reflect major truck and construction traffic increases for BOTH projects being developed concurrently and both impacting a small two lane rural road without truck turn around shoulders?
- 4. Will impacts from the recently expanded Agricultural operations on the Margarita Ranch and their pending Ag. Cluster Subdivision project be quantified WITH the quarry impacts? These cumulative increases in traffic, water use, air and water pollution, and runoff coupled with over 112 new septic tanks AND an additional 200 YAF of ground water that will be needed; all will have **major** class 1 impacts on our community and on sensitive habitats and fragile local watersheds. (Endangered fish and wildlife) . Will ALL of this be quantified and mitigated?
- 5. How will these cumulative impacts for BOTH projects be assessed and mitigated?
What are the projected cumulative impacts of increased water withdrawals on dwindling local groundwater reserves? Will the waste water runoff from the Quarry AND the vineyards and Ag Cluster construction be quantified together? What will these impacts be on sensitive habitats and water quality in the Salinas River?
- 6. The addition of 112 septic tanks on the hillsides above one of CSA 23's primary drinking water wells which sit along a flood plain below, will surely impact the community water supply? Then consider the additional sedimentation and concrete dust blowing down wind, the increased general construction and operating pollution loads flowing into tributaries and finally into the Salinas River? Can this be prevented and how? How can this prevention be evaluated for success?(mitigated) Will there be a qualified objective monitor to evaluate such mitigations? Is it worth it for One

Quarry Owner to benefit so much while so many members of the community and the environment will bear the brunt of these impacts?

The **NO PROJECT alternative** is clearly the only way to avoid compounding these various non mitigable impacts and to preserve our precious natural resources. Hansen Quarry provides ample supply for our area.

7. Who calculated the water use estimates for the Quarry? Other comparable quarries use significantly MORE water than what is projected for Ostar Quarry.
8. Who provided the assumption data for water supply sources at the site?
9. Who provided the assumption data for the historic water use? Is there hard long-term objectively gathered data to verify accuracy? (Over a complete hydrologic cycle of ten years)? Please provide this.
10. What time of year was the **4 HOUR** well test performed? Does ANYONE really believe that a 4 hour test gives an adequate or accurate picture of water supply, GPM, or a complete reflection of water reliability? Will they do a REAL water analysis so the neighbors don't suffer the consequences of dwindling well levels from incomplete/faulty water data?
11. Is there some financial guarantee in writing that will be put in place if this project disrupts well levels water supply that other users depend on?
12. Who will pay for necessary improvements to the actual entrance just past the bridge onto Highway 58? Is that all going to be widened as required? Will the project applicants pay for the necessary modifications? (And not the taxpayers?)
13. Who pays for all the wear and tear on the roads?? (Hopefully not the taxpayers)?
14. Is there going to be an alternative hauling route?
15. Shouldn't they be required to have access out the back way, and to put their own bridge over the river, exiting onto El Camino, and NOT ROUTING ALL TRUCKS TO GO PAST THE SCHOOL AND RIGHT THROUGH Santa Margarita both ways?
16. Why should the safety and character of the community be compromised solely for the benefit of a project applicant?

17. Saying that proper mitigations “are not feasible” is not acceptable and is all relative – The applicants are banking on LARGE profits, consequently they need to be held to account for doing mitigations properly as well. This requires a substantial investment by both the Santa Margarita Ranch Project and Oster Quarry Applicants to carry out their mitigation obligations for their developments in such a small Community with limited resources, full of sensitive habitats for endangered plants and animals. (oak woodlands)

- CPUC - have they weighed in on the safety of the Rail road Crossing? If not, when will that happen in the process?
- How will there be mitigation at the school crossing and the pedestrian bridge over 58 (if the currently proposed haul route is going to be used)?
- Why are the hundreds of scoping comments on the website not factored in? To say only 24 people provided comments at the July, 2010 meeting is only a partial read or portion of the concerned residents who have or want to participate in the process. Who decided to count and include just those comments? Was it because only those 24 parties were allowed to speak out and be counted at that meeting?
- Will there be more/ better than 5 pictures/ renderings of what all the different views will look like? How can the community weigh in on something which we cannot envision? Are community members allowed to tally all the trucks, noise, air and water pollution into the visual and esthetic impacts? Does industrial destruction of pristine river lands and blasting sensitive fish and wildlife habitat comply with the Endangered Species Act for South Central Steelhead?
- Does this blasting qualify as helping to maintain the rural character of our community that we all cherish and claim we to want and need to preserve?
- ES-2 says a hot plant for mixing asphaltic concrete is not being included? Is this fact?
- Where will the hot mixing occur?
- ES-2 claims there will be recycled PCC and AC pavement but is unclear on how large a scale this would be done? What portion of the total production is being proposed?

- **Traffic** : The number of truck trips could change greatly by how the recycling is calculated. How will the data be changed in all the other areas of the EIR when the actual REAL number is arrived at?
- The project will have significant not mitigable noise impacts. Will all the neighbors already existing nearby be compensated to make noise barriers to protect their properties? What about all the homes along the haul route that will be affected? Are they required to mitigate impacts the quarry will be creating there?
- As for the blasting: Will the applicant have some type of guarantee for all the residents surrounding the plant that were already there first? People were given permits to build houses and wells for quite awhile now. Should they have to compromise quality of life and their investments for the benefit of ONE quarry owner?

The Traffic Management Plan cannot and should not be run by the applicant. There MUST be someone without a direct financial interest to the project to monitor and enforce all the traffic and other mitigation conditions.

Updating Water Use and Agricultural Impacts on Sensitive Habitats- California Environmental Quality Act-ESA Issues for Fish and Wildlife

WATER QUALITY AND SUPPLY 4.13

Some Important Beneficial Uses of Water: (DEIR)

- Wildlife habitat
- Cold Fresh Water Fish Habitat=Steelhead
- Spawning, reproduction and early habitat preservation for fish
- Rare, threatened and Endangered Species
- Municipal Domestic Supply

1. The California Department of Fish and Game (review and agreement for possible streambed alteration) appears to be the only agency noticed or commenting on impacts and mitigations related to the streambed alterations only- The Salinas River is designated critical habitat for ESA species. (South Central Steelhead) Why have CDFG not addressed steelhead impacts?

“Water quality standards and management programs are based on maintaining water quality necessary to support ‘beneficial uses’ of SURFACE AND GROUND water within planning units. ”

The stated beneficial uses for water are already being threatened in the Upper Salinas Watershed and are NOT being accurately protected or assessed to reflect the recently expanded levels of water withdrawals. (No current objective, accurate water data exists for total water use on SMR since the expansion of the vineyards last year.

Also there has been no measure of the related increased agricultural pollution discharges through irrigation runoff -herbicide, pesticide and *Sulfuric acid used in irrigation water over approximately 1,500 acres of grapes)

*(added to irrigation water systems to prevent clogging.) This all ends up in the Salinas River. These issues compounded with the polluted runoff, siltation, and water use from the proposed Oster Quarry together make for significant cumulative impacts on endangered cold water fish.

2. Have these existing impacts in and around Trout Creek, Yerba Buena Creek and Rinconada Creek) been factored into total pollution load run off that is contributing to Pollutant levels in the Salinas River already?

3. Will these existing impacts be evaluated before allowing additional water quality issues to impact the same water shed from the Quarry operations? (Concrete recycling, blasting) These impacts will compound existing water quality problems in The Salinas River and its tributaries.

ALL Current and planned future development impacts should be quantified and added to the Quarry impacts. **Will you be requesting more ACCURATE AND CURRENT water use and Data before allowing further permitting for development of sensitive resources?** The Existing and proposed water uses for the nearby agricultural activities are largely unknown (incomplete) and unmonitored which can lead to a water shortage and pollution scenario with FAR GREATER impacts than anything Stated herein.

Municipal Domestic Supply-CSA 23-Wells can and will likely be affected by expanded summer pumping on Santa Margarita Ranch along with an additional 200 acre feet of ground water withdrawals needed for the Ag Cluster subdivision.

5. How will you mitigate all the cumulative impacts of quarry water use and pollution combined with increased water demands and pollution on Santa Margarita Ranch concurrent with drought and extensive agricultural pressure down River?

The Salinas River is considered an impaired water body. Won't these additional impacts compound the cleanup efforts now ongoing in the Salinas River?

The only sensible course then is the NO PROJECT ALTERNATIVE.

Ground Water Recharge- Long term expanded summer pumping appears to have created signs of overdraft in Trout Creek in several areas where wells are pumping stream underflow all summer. The stream is no longer perennial and is UNABLE TO RECHARGE. There is also a well documented cone of depression along Pozo Road near well development there. This exemplifies how important it is for an objective OUTSIDE entity to manage ALL Conditions of approval, monitoring and mitigations throughout the process of development and during ongoing operations.

Often Water Quality Standards and Water Quality Management programs in local watersheds fall short of their objectives and fail to adequately protect or enforce the objectives of a management plan. **How do you plan to enforce/monitor water use and mitigations on the Quarry? How will their success or failure be measured?**

6 . Will there be an objective party on site daily to monitor all conditions of approval and mitigations? (to enforce water management program conditions-CSWRCB?)

The Salinas River is listed as an impaired water body and should not be suffering further degradation- compounding water quality issues and endangered species habitat loss.

Steelhead

1. Why has the CDFG left out impacts to the South Central Steelhead who are threatened or endangered in the Salinas River and tributaries, especially in the Upper Salinas watershed? A streambed alteration permit will likely impact federally protected steelhead and critical habitat for the NMFS/NOAA Steelhead recovery program. The impacts from cumulative water use, polluted waste water, runoff, siltation, blasting, habitat destruction and invasive plant control will likely be significant. Why are there no mention or mitigations for these impacts included for the endangered species (steelhead) as required by the ESA.? (CEQA analysis)?

2. Why hasn't the NMFS/NOAA weighed in with respect to the Endangered South Central Steelhead that are struggling to recover in the Salinas River and its tributaries? The Salinas River is designated an ESU (Evolutionary Significant Unit) and CRITICAL HABITAT to the ongoing recovery of the threatened and endangered South Central Steel head in California. The Salinas River remains an important part of NOAA/NMFS's 50 year steelhead recovery program for the State -

3. Was this agency given advance notification of the comment period for the DEIR and were they contacted regarding this project's potential to create significant non-mitigable impacts to South Central Steelhead? It is required by Law that NMFS/NOAA be given ample time to assess the project impacts related to water quality, spawning and critical habitat degradation for South Central Steelhead as part of their ongoing 50 year recovery Program in CA.
4. Who will oversee the required "best practices" related to construction and daily operational procedures and impacts effecting air and water quality?
5. Will there be an on-site mitigation monitor to see that CUP requirements are being met? Will there be a qualified Agency enforcement representative present daily?
6. How will CSWRCB handle the release of waste water and sedimentation? Will there be a representative present to work with NMFS to assure these impacts are mitigated properly for cold water fish?
7. How will further depletion of surface flows impacting critical habitat for Endangered Species be prevented? What measures can be taken and how can these be enforced for non-compliance? Will there be a CSWRCB or NMFS or CDFG representative present to monitor daily operations and to assure that "best practices" are being adhered to?
8. Have water and pollution levels been tested in the last 5 years SINCE the adjacent vineyard has increased in size by nearly a third?
9. Monitoring and regulation of waste water releases often falls short in practice. How will this be achieved without a specific plan?
10. Will Cumulative impacts on water consumption and invasive plant prevention mitigations also reflect the increased herbicide and pesticide use needed? Will this be factored in as creating additional pollutant impacts to water quality, fish and wildlife in the Upper Salinas watershed?

Why is there no mention of existing Agricultural polluters or point source pollution emissions already in neighboring lands (petroleum clean-up site adjacent to El Camino Real) and resulting run off into waterways? This is an existing point source Pollution

hazard currently under clean-up status by the CSWRCB which adds to cumulative impacts to water quality, fish and wildlife.

Cumulative impacts will increase significantly when ALL area project impacts are assessed –

Thank You for considering my comments and addressing ALL cumulative impacts on land uses for the Community, and for sensitive habitats for rare and endangered fish and wildlife in the Upper Salinas.

Thank You,

Miranda Joseph