San Luis Obispo County

Department of Planning and Building

San Luis Obispo, California 93406

Sent Via email to Jeff Oliveira joliveira@co.slo.ca.us

Re: Scoping Comments on Oster Las Pilitas Quarry

August 7th, 2010

Dear Mr. Oliveira:

Thank you for the opportunity to comment on the scoping for Oster Quarry proposal.

Biological Resources

The proposed project will result in a potentially significant loss of unique and special status species including southern steel head

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The applicant's Initial Study states that avoidance will be a mitigation technique.
The project site is located on a parcel with Moreno Creek/ Salinas River frontage and near several important blue-line creek tributaries to the Salinas. A reasonably foreseeable event is that wetland and riparian habitat will be impacted by this project regardless of the recommended avoidance mitigation. Monitoring and enforcement of avoidance as mitigation is not feasible.
The study area must include reasonably foreseeable impacts from the project including any areas of disturbance such as road improvements (left turn lane), and other operations incidental to quarry operation.
The Biological Studies need to be conducted at the proper time of year and for appropriate duration-(during high and low flows while fish are present)
to be meaningful. The Initial Study is not adequate based on it being conducted in 2009 during a 3 year drought. 2009 was a year in which precipitation was 45% of normal for this area. It is known that many normally occurring plant or fish species did not appear in 2009.

WATER
The Initial Study does not address water supply other than to say **"based on available information, the proposed water source is not known to have any significant availability or quality problems".**
The Hopkins Hydrology Analysis undertaken for The Santa Margarita Ranch Ag cluster was completed IN 2006, BEFORE the effects could be assessed from the 3 year drought that immediately followed. Combined with the effects of drought has been heavy summer pumping from over 25 wells for vineyards and storage on Santa

margarita Ranch, some from subterranean stream flows from the vicinity of the project area. This study by Hopkins projected overdraft which several biologists who have been observing the area streams, believe is already occurring as evidenced by local streams inability to maintain surface flows even after higher than average rainfall. This will effect the live stream requirements for southern steelhead who are already struggling for enough flow to spawn.

That this source is not known to have any significant problems for quality or availability would be such good news to many of us, but unfortunately it is far from the reality that exists out there. The vicinity surrounding the project is known to have extreme water supply deficiencies (many residents are forced to truck water in during drought periods). And with the situation worsening since Santa Margarita Ranch began pumping year round for the vineyard and with another proposal to increase current demand to more than double for added vineyard NOT including the additional demand for proposed housing and recreational uses, there simply is NO WATER for this kind of use-

It is more than reasonably foreseeable (certain) that this project will have a potentially significant impact on the water supply of nearby residential parcels as well as significant impacts to fish spawning in Salinas tributaries including Moreno Creek, Trout Creek, Rinconada Creek and the live stream portion of Salinas River that runs through the project parcel. This live stream is designated as critical habitat and an Evolutionary Significant unit for the federally listed Steelhead Trout. A thorough Water Supply Assessment study and a clear baseline water budget (WSA) including live stream requirements for fish and wildlife study is necessary. Please note the following;

When a city or county determines a proposed project is subject to CEQA, and it is also a "project"
within the meaning of Water Code section 10912 (hereafter section 10912), subdivision (a), a WSA
is required. (Water Code, § 10910 (hereafter § 10910), subd. (b).) The WSA is intended "to assist
local governments in deciding whether to approve the projects. (See Water Code, §§ 10910-
10915.)" (*O.W.L. Foundation v. City of Rohnert Park* (2008) 168 Cal.App.4th 568, 576.)
As is relevant here, section 10912 defines the term "project" as including a "proposed industrial,
manufacturing, or *processing plant,* or industrial park planned to house more than 1,000 persons,
occupying more than 40 acres of land, or having more than 650,000 square feet of floor area." (§
10912, subd. (a)(5), italics added.)[8]
Further, section 10910 requires that when "a water supply for a proposed project includes groundwater," as here, the WSA must include additional information about the sufficiency of the
groundwater supply. (§ 10910, subd. (f).) Without groundwater information, "the true impact of the

Project on groundwater supplies cannot be adequately evaluated." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663.)
The WSA must be included in any CEQA document prepared for the project. (Water Code, § 10911, subd. (b).) In turn, a provision of CEQA requires compliance with these Water Code provisions. (Pub. Resources Code, § 21151.9.)

Please refer to: *Center for Biological Diversity v. County of San Bernardino* (2010) __ Cal.App.4th __, the court found that an EIR for a proposed open-air composting facility did not satisfy the informational purposes of an EIR in relation to air quality alternatives and water supply.

Under the plain language of section 10912, subdivision (a)(5), the proposed Hawes Project qualifies as a "project" because it is a "processing plant" conducted on more than 40 acres of land.
The reality is that the market will dictate whether aggregate gets washed or not. And the market for unwashed aggregate (pit sand and sub-base (dg class II) is minimal in relation to the other higher quality "specialty" products. Therefore, it is a reasonable worst case scenario that aggregate will be washed and that the consumption of water will exceed the 20,000 gallon per day estimate made in the original project application.

20,000-40,000 gallons a day is typical for similarly sized quarry operations to control dust.
Washing aggregate is in addition to this figure. This is a potentially significant impact to the already limited water supply and creates runoff and siltation into the Salinas which disturbs nesting activities for endangered steelhead attempting to spawn each year when there is enough flow. (which is worsening yearly)

The issue of dust control arises if aggregate is unwashed. Washing during crushing is a typical dust control mitigation technique used by "modern" quarries. Washing uses water. The applicant does not get to have it both ways on this issue. It is reasonable to presume that the applicant knows full well that enforcement of water thresholds is nearly impossible (unfeasible).

This project does not consider or include cumulative impacts from projects such as the Santa Margarita Ag Cluster development or existing 1000 acres of vineyards nearby which are proposed to double in the next year. Similarly have project managers considered the Open Complaint with Cal State Water Recourses Control Board on SMR for violation of public trust resources on federally protected Steelhead waters for the cumulative impacts from this same basin? The complaint outlines impacts that the current and proposed water uses are already having on area streams with visibly negative impacts on the tributaries of the Upper Salinas/ watershed.

There are many existing wells already on BOTH sides of Pozo Road near the proposed project site and more proposed right where a well documented cone of depression has already formed along highway 58 from over pumping this same aquifer/watershed.

According to several biologists from NMFS and CDFG, the upper Salinas Watershed is very likely already in OVERDRAFT as the area streams are unable to maintain surface flows even after ABOVE AVERAGE RAINFALL since the 3 year drought 2007-2009. The Salinas River and its tributaries have been severely depleted after this drought combined with the rapid expansion of vineyards and the resulting water use and pumping over 1000's of acres in and around Santa Margarita Basin. Stresses from these and the general explosion of Ag land Conversion County wide to vineyards in the last decade has dewatered area basins and stream flows everywhere.

Summer pumping is already stressing the aquifers and federally threatened Southern Steelhead are disappearing in these reaches and all over the county and California.

Groundwater Contamination
Groundwater contamination could cause potentially significant impacts to wells in the surrounding area. Residue from explosives, spilled fuel and other chemicals could seep into the ground water causing potentially significant impacts to area wells and nearby waterways.

Surface Water Contamination
In addition to carrying residue from explosives, spilled fuel, and other chemicals, runoff from the project site could cause potentially significant impacts to the Salinas River, steelhead and other bodies of water.

In conclusion, if we look at this project as presented and apply the reasonable worst case scenario to it as required by CEQA, it presents many potentially significant impacts. The Initial Studies provided by the applicant do not adequately address the impacts that will be created. I would like to know that the public can trust the process to objectively and accurately evaluate the real impacts to the community. I would like to know that mission statement claims such as "Helping Build Great Communities", and "Promoting Wise Use of Land" are being taken very seriously and every effort to achieve those goals is being exercised. I ask that you, the county of SLO Dept. of
Planning and Building uphold the process and scope the EIR for this project to the extent that the facts warrant, with the applicant appropriately placed outside of the process. It's time the county be accountable to the community and land use laws and not beholden to the developers and their consultants regardless of the rules as we saw for the Santa Margarita Ranch Ag Cluster Project.

Land Use

I take issue of the description of the project as "semi-industrial use" for purposes of land use designations. This is inaccurate and misleading. This project is an industrial use.

Traffic

Initial Traffic Study prepared by the applicant? This is not acceptable.
The Initial Traffic Study is completely inadequate.

. A traffic study **MUST** (required by law) focus on safety issues
15 (ad) are all checked consistent in The Initial Study. This is inaccurate. The impacts that the Industrial nature of this project poses to the existing Residential Rural and Rural Land parcels warrants consideration.
The zoning of surrounding properties is incorrect in the project description application. Rural residential zoning exists to the South and East, not Rural Lands as stated.
Application states that Oster owns the adjoining parcel to the proposed quarry. This is misleading.
Although she does own two parcels, they are both being used as part of the quarry operations. The current representation would lead the public to believe that this second parcel is a buffer, but it is in fact part of the operation.
The number of residences that will be affected has been misrepresented in the application and Initial Study Summary. Selective mapping (omitting Parkhill Rd. entirely) was presented at the scoping meeting of July 8th, 2010.
There are many residents surrounding this project and the impacts to them are significant. It is unfair, unrealistic, unreasonable, and unlawful not to consider the interests of other property owners and community members as equal to the interests of the applicants. Many adjacent and nearby property owners have spent a great deal of time and financial resources
to create places that are healthy and pleasant to live in. Surrounding residents will experience a diminishing quality of life brought on by constant noise, dust, and blasting operations, an increase in health issues, and a decline in their property values as direct impacts from this project. It is safe
to say these are potentially significant impacts.

Many adjacent and nearby property owners have granite deposits similar to what can be found on the Oster property. The existence of "high quality" granite is not a particularly special circumstance around here. Many of these properties are also located within the "extraction zone" that the applicant for this project would like neighbors to believe is a reason to exercise overriding considerations for what will certainly be many class 1 impacts if this project EIR is correctly scoped.

From a planning perspective, we need to consider the future intent of what this area is going to be. If we take it in this Industrial direction, the floodgates will be opened. 200 truck trips a day will quickly multiply when it is decided that this is the highest and best use of this area.

Air Quality

Statements such as the following have no basis for consideration in an environmental document.

Existing and proposed development within the County of San Luis Obispo require materials such as DG and granitic rock to facilitate construction activities within the County. Existing patterns associated with the delivery of construction materials often require transport from outside the immediate area of the project sites. These truck trips often require longer transport distances and hence additional air quality impacts associated with on-going development activities within the County and surrounding areas. As such, impacts related to vehicle / equipment emissions and dust generation are considered potentially significant impacts.

...These emissions would be lower than those attributable to using aggregate material from a more distant source, which would cause substantially higher transportation fuel use. As a result, the GHG emissions caused by aggregate mine operation would be less than significant. P 9

In fact, the project area has more than sufficient options for procurement of aggregate at the Hanson and Rocky Canyon Quarry. There is no evidence or supporting studies that deal with "existing patterns associated with the delivery of construction materials...." as a basis for extravagant claims that the project under consideration will reduce the importation of aggregate. Nor is there any mechanism to impose restrictions on procurements or transportation of aggregate material such that it should be considered a suitable off-set for Green House gasses that will be generated by the new project. The how or where aggregate materials might be procured is irrelevant as an offset for GHG generation from a new project.

Cumulative Impacts

The Cumulative Impact of the expansion of the Hanson Quarry should be analyzed. The Hanson Quarry is reported to have a 100 year supply of aggregate available. It is a vested mine. It will expand.

Alternatives

Both the expansion of the Hanson Quarry and the Rocky Canyon Quarry are legitimate alternatives that should be studied as environmentally superior alternatives.

Thank you for your time:.

Sincerely,

Miranda and Michael Joseph

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