



SIERRA CLUB

SANTA LUCIA

May 16, 2017

To: Callie Taylor, Senior Planner

Re: Eagle Ranch Draft Environmental Impact Report

Dear Ms. Taylor,

The following are the comments of the Sierra Club on the Eagle Ranch project's Draft EIR. We share the concerns of many Atascadero residents over this project's potential impact on water resources and traffic – particularly in relation to unlimited special events, and for which proposed mitigations are inadequate. We are particularly concerned by the DEIR's conclusion that the destruction of 30 Native American archaeological sites would not rise to the level of a significant impact, and by the failure to engage in formal consultation with Native Americans.

We are also concerned by the DEIR's apparent reliance on stale data in its assessment of air quality emissions and regulations in establishing the project's Environmental Setting, and its use of vague and deferred mitigations in its assessment of impacts to Biological Resources, as enumerated below.

3.3 Air Quality and Greenhouse Gas Emissions

This section of the DEIR appears to be particularly plagued by stale data. The DEIR relies on emissions inventory information that is "compiled by ARB and is available on its 2009 Almanac Emission Projection Data website." (The 2013 edition is currently available on the ARB website (<https://www.arb.ca.gov/aqd/almanac/almanac.htm>) and refers to "fuel regulations adopted by ARB in 2004 effective in 2006" (3.3-9). The DEIR relies on climate change reports from 2006 and 2009 in its assessment of potential environmental effects (3.3-17) and cites state and federal greenhouse gas regulations from the period 2006-2012. The majority of state air quality regulations cited are 9 or 10 years old (3.3-21, 22), and citations of state legislation related to air quality end with the Schwarzenegger administration, with no indication of awareness that the state's air quality standards have become significantly stricter in the years between then and now (3.3-34).

The text at 3.3-29 states that the Western Climate Initiative's cap and trade program "is estimated to be fully implemented in 2015." The text at 3.3-8 states: "As shown in Table 3.3-3, ambient air pollution concentrations in the Atascadero area have not exceeded the

state 1-hour ozone standard in the last 3 years.” The data in table 3.3-3 is confined to the years 2010-2012, providing no information on ozone concentrations over the last 3 years.

It seems safe to assume that all of the above is indicative of the extended timeframe over which the DEIR was compiled, and is therefore indicative of the need to acquire current data in conducting a meaningful assessment of air quality impacts and current regulatory standards as part of the project’s environmental setting.

3.4 Biological Resources

The DEIR notes the “potential for the state and federally endangered Chorro Creek bog thistle to occur within the project site” (3.4-9). The proposed mitigations for impacts to this endangered species are problematic for three reasons:

1. Mitigation Measure BIO - 1a requires a focused survey for this plant species during the blooming season prior to ground-disturbing activities.... Consultation with CDFW and USFWS will be required to identify appropriate protective buffers for this species.” Consultation with CDFW and USFWS should have been part of the EIR process. The impermissible deferred mitigation inherent in a proposed future consultation and its unknown outcome is compounded by a proposed “special-status plant mitigation and monitoring plan to determine feasible impact minimization and mitigation,” which may be “modified by the resource agencies” (3.4-32). As no such plan is included in the EIR other than a set of measures which the future plan “may include,” there can be no meaningful public review of this plan and its actual mitigation measures as part of the Draft EIR.
2. The DEIR notes that “the incidence rate of relocation failure is too high relative to the low number (less than 20) of known occurrences of this species. If identified within the project study area, consultation with CDFW and USFWS will be required to identify appropriate protective buffers for this species” (3.4-31). But a few paragraphs later, the DEIR introduces the following contradictory mitigation measure: “A salvage/transplanting program shall be developed, as part of a special-status plant mitigation and monitoring plan, for the salvage and transfer of Chorro Creek bog thistle populations from disturbed areas before the initiation of construction activities to another location...” (3.4-32).
3. The DEIR states that “In addition to salvaging of special status plants themselves, salvage efforts shall include topsoil and seed-banks surrounding impacted plants, if doing so will not contribute to the spread of invasive or noxious plant species” (3.4-32). We note the use of the conditional “if,” with no indication of what mitigation measure will be implemented if top soil and seed-banks will contribute to the spread of invasive or noxious plant species. Hence, the DEIR is proposing a mitigation measure that may not be implemented.

More deferred mitigations are proposed for impacts to special-status wildlife species in Mitigation Measure BIO-2a, which “requires consultation with USFWS prior to ground-disturbing or vegetation removal activities to determine if protocol surveys shall be conducted or if presence will be assumed and, therefore, avoidance and minimization measures shall be implemented” (3.4-33). We again note the absence of consultation with CDFW and USFWS in the course of preparing the Draft EIR despite the evidence of habitat and multiple listed species on site. Despite the DEIR’s notation that “Steelhead were also observed by the Morro Group in previous surveys” and “The project site contains suitable habitat” for steelhead (3.4-14), it concludes “There was no water within the on-site creeks during the 2013 surveys, and, therefore, they did not provide habitat for steelhead. During a very wet year, there may be moderate habitat for steelhead” (3.4-18). We note the extremely wet year just concluded, which underscores the point that the Draft EIR is relying on a four-year-old survey that is plainly out of date and inadequate to make a determination of steelhead habitat. We also note the absence of even a reference to a future steelhead protection plan.

The same paucity of current data is evident in the statement that “No California red-legged frogs were observed during the 2013 surveys. No United States Fish and Wildlife Service (USFWS) protocol surveys have been conducted within the project site” (3.4-18).

In addition to the foregoing, the DEIR overstates the likelihood of development of the land if it remains in the County. The project also fails to conform to the City’s General Plan, as it calls for development in open space outside city limits, new infrastructure, and increased vehicle trips.

Per CEQA, in view of the Draft EIR’s outdated assessment of the project’s environmental setting and proposal of inadequate, vague and/or deferred mitigations for potential impacts to threatened and endangered species, the DEIR must be revised and recirculated.

Thank you for the opportunity to comment on this project,

A handwritten signature in black ink, appearing to read "Andrew Christie". The signature is written in a cursive, flowing style.

Andrew Christie, Director
Sierra Club - Santa Lucia Chapter