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## COMMENTS OF THE SIERRA CLUB ON THE DRAFT EIR FOR THE OSTER/LAS PILITAS QUARRY

Dear Mr. Wilson,

We wish to point out problematic areas in two sections of the Draft EIR.

### **4.5 BIOLOGICAL RESOURCES**

MM BIO-6: Effect on California Red Legged Frog (CRLF) states that “Prior to authorization to proceed with Phase 2 of the quarry, or any preparatory work that would impact the main drainage located in the Phase 2 area, the quarry operator shall retain a qualified biologist to conduct a habitat assessment and/or protocol survey for CRLF in accordance with guidance published by the U.S. Fish and Wildlife Service current at the time. If CRLF is determined to be present, the quarry operator shall either modify the project design and implementation to avoid any take of the species, or obtain the appropriate permit or authorization from USFWS to allow any specified take of the species.”

This constitutes piecemealing and deferred mitigation. Such a habitat assessment or protocol survey should be completed as part of this project’s environmental review process and prior to the issuance of the Conditional Use Permit. If the CRLF is determined to be present, the EIR should specify exactly how the project design and implementation will be modified so as to avoid any take, and analyze how such modifications will affect the impacts and mitigations for the project as a whole, not defer this potential mitigation measure to a future date and unspecified means.

### **4.11 TRANSPORTATION AND CIRCULATION**

A fundamental flaw in the EIR’s traffic impact estimates and proposed mitigations lies in the choice to use the estimated 273 trips per day average, rather than peak traffic, as stated at 2.3.3:

“It is also possible that for specific projects, these average numbers of trips per day may be exceeded for short periods. Up to 800 truck trips per day may be anticipated for a large project.”

Even using the lower number from the estimated average rather than the appropriate maximum figure for truck trips per day, mitigations for these impacts are deferred, inadequate, or do not address the potential impacts they purport to mitigate.

The EIR states:

The project will generate heavy truck traffic during the morning and afternoon, which could interfere with traffic and pedestrian activity at the Santa Margarita Elementary School. This is considered a potential significant impact that can be avoided with appropriate scheduling of truck activity associated with the project.

The Applicant Proposed Measure APM LU-1a reads in part:

Prior to any commercial production or sales at the quarry, the Applicant shall prepare and submit a Traffic Control and Management Plan (TCMP) which be updated and resubmitted annually no later than July 1 of each year. The TCMP shall ensure that trucks arriving at or leaving the quarry reduce conflicts with peak pick-up and drop-off and bus arrival/departure times at Santa Margarita Elementary School.

The proposed measure constitutes deferred mitigation, which is not permissible under CEQA. At a minimum, the proposed measure should demonstrate how, with a potential schedule of up to 800 truck trips per day, it would be physically possible to schedule this volume of traffic so as to avoid peak pick-up and drop-off and bus arrival/departure times at the school. Lacking this, the EIR offers no plan or evidence of the feasibility of a plan that would mitigate this significant impact let alone cause it to be “avoided with appropriate scheduling.” Lacking this specificity, this measure is not acceptable as mitigation. Moreover, the EIR’s promise of avoidance of this potential significant impact becomes instead a promise of “reduce[d] conflicts” in the Applicant Proposed Measure, a standard that is not quantified and is thus impermissibly vague.

The EIR states that heavy truck traffic has “the potential to be incompatible with surrounding land uses that generate pedestrian traffic, such as the Santa Margarita Elementary School and the downtown business district.” Rather than “potential,” it appears that the creation of such incompatibility is a certainty. Nor are the proposed flashing crosswalk motion sensors, 2-way radios issued to crossing guards and the issuance of printed admonitions to drivers to obey the speed limit relevant to the ostensible purpose of the Applicant Proposed Measure, i.e. alleviating “the potential land use incompatibility of the project relative to the Santa Margarita community” represented by heavy truck traffic at this location.

We would also suggest the EIR evaluate the potential land use incompatibility of heavy truck traffic relative to the activities planned by the Santa Margarita Ranch – i.e. restaurants, wine tasting, etc.

The EIR states:

On the right angle turn of SR 58 at J Street, although future traffic from the Santa Margarita Ranch Agricultural Residential Cluster Subdivision may cause a significant impact due to its contribution towards unsafe conditions at this location, the proposed quarry traffic will involve slower moving trucks. The project may not improve the situation at this turn, but it should not exacerbate it.

The EIR here conflates the issues of the car traffic of a subdivision with heavy truck traffic of an industrial site. The EIR should note the different safety and hazard issues presented by these two different types of traffic, beyond the fact that trucks are “slower moving.” The EIR should provide an estimate of what percentage of trucks, based on traffic volume over the life of the project, are statistically likely to be involved in accidents, experience brake failure, or fail to make the right-angle turn at SR 58 and J Street, the safety impacts presented by a truck laden with explosives or toxic chemicals involved in this accident scenario, and the adequacy of the project’s proposed \$5 million to cover general liability for same.

Such statistical analysis should also be used to recalculate what the project should pay as its fair share of the Cumulative Contribution to 2030 Traffic Volumes at MM TRAFFIC-4.

The EIR concludes that with mitigation, “cumulative traffic impacts would remain significant and unavoidable.” The same conclusion is reached with regard to scenic vistas, cumulative effects on aesthetics and visual resources, emissions of Reactive Organic Gases, Nitrogen Oxides and PM10, and construction and traffic noise levels. This means that if it were to certify the EIR, the County would need to make a finding of overriding considerations to support a claim that the project’s benefits outweigh its significant environmental impacts. As most of the project’s benefits redound to the applicant, with any economic benefits to the county obtainable from a similar project that could be sited elsewhere without the significant and unavoidable impacts and land use incompatibility relative to the Santa Margarita community which this project presents, there is no support for such a finding.

Thank you for your attention to these concerns,

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

Andrew Christie  
Chapter Director