

May 8, 2017

HAND DELIVERED

Airlin Singewald, Senior Planner
Department of Planning and Building
San Luis Obispo County
976 Osos St., Room 200
San Luis Obispo, CA 93408

Subject: New Application for Las Pilitas Quarry

Dear Mr. Singewald,

On behalf of Las Pilitas, LLC, this letter and its attached exhibits represents the resubmittal of an application for a Conditional Use Permit to open, operate, reclaim, and ecologically restore an aggregate quarry on Highway 58 east of the town of Santa Margarita. While this application package involves the same property and plans for the quarry that was the subject of hearings before the then Board of Supervisors in May 2015, there have been a number of significant events that have occurred since then that prompt the refiling of this application.

I. PROJECT HISTORY & BACKGROUND

The Las Pilitas Quarry was first applied for in October 2009. In June of 2010, the County entered into a contract with URS Corporation to prepare an EIR for the project. Following an extensive public review and comment period, the Final EIR was published in November 2014, and the project began hearings in front of the Planning Commission in December 2014. Following those hearings, the Planning Commission narrowly voted 3-2 to deny the project as proposed, although three of the Commissioners wanted to certify the EIR at that time, but were instructed not to do so by County Counsel. Two of the Commissioners who voted against the project later said that they could have supported a modified or reduced project, had the option been presented to them.

The Board of Supervisors then heard the appeal of the Planning Commission's decision in spring of 2015. Following extensive public comment, the Board also narrowly voted 3-2 to deny the project as proposed, primarily based upon community compatibility concerns having to do with the heavy truck traffic that the proposed project might generate in the downtown area of Santa Margarita.

Since the County Board of Supervisors last considered this project, the applicants have taken to heart the concerns of the Santa Margarita community, and taken a hard look at the project and the FEIR. Interestingly, one thing that the FEIR did not discuss was a "reduced project alternative" for the public and decision-makers to consider. The applicants believe that a reduced project alternative, when compared to the project as originally proposed, could address and alleviate many of the concerns of the community, while still meeting the objective of providing much-needed high quality aggregate for local road and housing projects.

Accordingly, the applicants are resubmitting the application for this project with the specific request that staff consider evaluating a reduced project alternative in the context of the FEIR that could be compared to the original project and presented to the public and the decision-makers as a feasible alternative.

In addition, since the project was last considered in 2015, there have been significant changes in the regional aggregate market, such as quarry closures, that have contributed to an even greater need for local aggregate than before.

Therefore, this letter and its attachments summarizes:

- The particulars of this application, the completed forms for which are attached to this letter along with an executed real-time billing agreement,
- The parameters of a Reduced Project Alternative that has been specifically crafted and proposed to address the public's concerns with the original project. Attached as Exhibit A, the Project Statement on this Reduced Project Alternative describes in detail this proposed alternative.
- The changed market conditions that have spurred the resubmittal of this application.

In addition, a suggested approach to the CEQA analysis of this application and the Reduced Project Alternative as prepared by Jeff Oliveira of Oliveira Environmental Consulting has also been attached as Exhibit B to this cover letter to assist the County in evaluating this application.

II. REDUCED PROJECT ALTERNATIVE

The Reduced Project Alternative as outlined below will cut in half the maximum annual production of the quarry, significantly reduce truck trips, and make a number of operational changes to reduce previously identified project impacts:

1. **Reduced annual tonnage:** While the previous application proposed to extract a maximum of 500,000 tons of material per year, this application proposes a maximum of 250,000 tons per year. This represents a 50% reduction in the maximum allowable annual extraction of the quarry.
2. **Removed recycling component:** While the proposed project included a recycling operation that the EIR assumed would involve accepting 1,500 tons of material for recycling daily, the reduced project alternative eliminates that operation. Recycling is already being offered by the Hansen quarry just north of Santa Margarita, as well as the Rocky Canyon quarry in southeast Atascadero. Removing the recycling operation will reduce truck trips on Estrada road by a maximum of 38 round trips per day.
3. **Reduced average daily truck trips:** The reduction of the annual tonnage to 250,000 tons per year, combined with the elimination of the recycling component, will reduce the previously anticipated 136 average daily round trips to **just 50** average daily round trips, a decrease in of 64% over the original project. (Note: This truck trip calculation used the EIR's assumption of 20.2 tons of product per truck; using the more realistic industry standard of 25 tons per truck, as the Hanson Quarry EIR did, further reduces the number to just 40 average daily round trips.)

4. **Reduced maximum daily truck trips:** As opposed to the maximum of 400 daily truck round trips projected for the original project, the Reduced Project Alternative would cap the maximum number of truck trips that can occur in one day at 135 round trips. Because this maximum would only occur on the busiest of days, for each day that the cap on maximum daily round trips would be reached, there would have to be a corresponding reduction of truck trips on other days to ensure that the total number of truck trips would not exceed the allowed annual tonnage of 250,000 tons per year.
5. **Altered Truck Route:** The Reduced Project Alternative would require that all truck trips (except for trucks that originate in Santa Margarita) would be required to reach to and from the quarry using El Camino Real from the north of town to access Estrada Rd/Hwy 58. All trucks leaving the quarry loaded with product that are headed to Hwy 101 would be required to use Santa Barbara Rd to access Hwy 101, regardless of whether they are headed north or south on Hwy 101 from that point. This requirement would significantly alleviate the number of truck trips through downtown Santa Margarita compared to the original project, which did not restrict the directional travel of trucks once they left the quarry.
6. **Reduced blasting:** By cutting the annual tonnage to be mined in half, blasting would be necessary only 12 times per year under the Reduced Project Alternative, versus the 20 times per year under the original project. This represents a 40% reduction in blasting events. Blasting would be allowed to occur only after 9 AM in the morning and before 5 PM so as not to conflict with nighttime noise standards for nearby residential land uses. These changes in blasting would directly address and reduce the noise and land use compatibility concerns that were identified in the EIR for the proposed project.
7. **Safe routes to school:** The public safety improvements to the crosswalk on El Camino, including a pedestrian safety island, are in the capital improvement pipeline to be constructed in 2018/2019. The applicants remain willing to make further public safety improvements between El Camino Real down Encina Street to H Street and north on H Street to Estrada Road to the school crossing. With the Reduced Project Alternative, the applicants are reaffirming their commitment to provide a crossing guard at the school crosswalk at the applicant's expense and to honor the same safety conditions proposed under the original project along Estrada Road near the school.
8. **Reduced greenhouse gas emissions:** The reduced maximum annual tonnage of the Reduced Project Alternative and its corresponding reduction in truck trips--combined with the shorter haul routes that would be involved in using the local Las Pilitas quarry-- would have a significant beneficial impact in reducing greenhouse gas emissions over relying on longer haul routes from outside San Luis Obispo County.
9. **Reduced environmental impacts:** The Reduced Project Alternative should also have the effect of reducing the environmental impacts cited in the FEIR for the original project. While the FEIR concluded that traffic was not a Class I impact, the Reduced Project Alternative will still further reduce projected truck traffic through downtown Santa Margarita. It should also have the effect of reducing previously identified Class I environmental impacts associated with noise, land use compatibility, and community character.

III. CHANGES IN EVENTS SINCE 2015:

Separate and apart from the Reduced Project Alternative, which the applicants have developed in response to the community concerns that were voiced during the hearing process, there have been a number of changes in regional circumstances since the project was considered back in 2015 that affect both the project site and the local aggregate market. Our response to these events has the potential to change some of the previous environmental determinations on the project as overriding considerations for any remaining unmitigatable impacts. These are:

- 1. New “Designation” by State Mining & Geology Board:** When the previous application was considered in May 2015, the State Mining & Geology Board (SMGB) had yet to publish its regulation establishing “*designation of regionally significant deposits of aggregate material*” in the Las Pilitas Planning Area Energy and Extractive Resource Combining Designation that covers the project site. That finding has since been published on July 1, 2015. As a result of this regulation taking effect, the County must now balance the “mineral values against alternative land uses” and “consider the importance of these minerals to the market region as a whole,” when making land use decisions in this area. (Pub. Res. Code §2763)
- 2. The EX Combining Designation:** The area containing the Las Pilitas quarry site was classified by the State Geologist as having *potentially significant deposits* in 1989, resulting in the placement of the County’s EX-1 Combining Designation over the general area containing the quarry site (see Figure 1). When the SMGB designated this deposit as *regionally significant* in late 2015, it automatically triggered the County’s EX Combining Designation for the area. The purpose of this combining designation is to protect the resources from encroachment by incompatible land uses that could hinder extraction of the minerals. (SLO County Code §22.14.040)
- 3. Increase in regional demand:** Since 2015, there has been a significant uptick in regional demand for aggregate resources. Recent trends in Caltrans’ specifications for its State Highway road sections have started to require a significant quantity of sub-base material in the structural system designs for State highways when such sections had not been previously required. Sub-base is precisely the type of material to be mined at the Las Pilitas quarry. In addition, the recently approved State sales tax on gasoline that was adopted to fund road maintenance and construction projects in California portends a major statewide and local increase in demand for aggregate in support of such projects.
- 4. Shortfall in meeting regional demand for aggregate:** After the original application for the project was filed, the State Geologist updated its Mineral Land Classification Reports for the San Luis Obispo and Santa Barbara County Production-Consumption region (Special Report 215 (2011)). The State Geologist compared the forecasted demand for aggregate over the next 50 years with the amount of permitted materials in reserve, and determined that there will be a considerable shortfall in the ability to meet the 50-year regional demand for aggregate of negative 188 million tons. It was estimated that the current permitted reserves would be depleted by 2026. Since that report was published in 2011, the County approved expansion of the Hanson Quarry, which added another 21 million tons to the permitted reserves. Yet even with that addition, the permitted reserves (96 million tons) are only 36.5% of the projected demand (263 million tons). Even though the additional tonnage from the Hanson expansion could push depletion out to 2030, it will likely be sooner due to recent closures of other quarries around the County.

5. **Closure of Regional Quarries:** Since the Las Pilitas Quarry application was last considered, there have been a number of quarries in the region that have closed down their operations or become idle due to either their running out of permitted material or in reaction to prohibitive regulatory burdens. Up to 13 quarry and borrow pit operations in the County have been closed or have gone idle since May 2015, further reducing the ability to meet the 50-year regional demand for aggregate in the production-consumption region. As a result, some aggregate materials are having to be trucked in from long distances outside of the County. Much of the material needed to meet regional demand is being hauled as far away as Coalinga, a 3 ½ hour round-trip to deliver aggregate to meet local needs. Yet, even those out-of-County resources could be consumed by the in the near future by construction of the California High-Speed Rail Project Fresno to Bakersfield Section, possibly necessitating even longer haul routes to serve our local needs for “in-spec” aggregate.
6. **Relying upon Distant Quarries:** Continuing to rely upon distant non-local mines to meet our region’s need for aggregate will result in:
 - Increasing the expense of those materials,
 - Increasing the costs of road and other construction,
 - Increasing regional truck traffic noise and emissions,
 - Increasing regional traffic congestion and highway safety concerns,
 - Increasing greenhouse gases and decreasing regional air quality,
 - Reduced economic activity and the loss of local jobs.

For all of these reasons, the Oster Living Trust and Las Pilitas, LLC, request that the County reprocess the application for the Las Pilitas Quarry, determine whether a Reduced Project Alternative could address the concerns of the community while meeting the overall project objectives, and consider whether the changes in the regional aggregate market since the project was last considered would serve as overriding considerations for any remaining impacts that might occur from the project.

In addition to all of the necessary exhibits and forms accompanying this resubmitted application, we have prepared a Project Statement for the Reduced Project Alternative which further describes this suggested alternative as Exhibit A, as well as a memorandum from our environmental consultant to help facilitate the County’s review of the alternative in accordance with the requirements of CEQA which is attached as Exhibit B. Additional submittals evidencing the increased need for the project since it was last considered will be submitted for consideration by the decision-makers as the application progresses.

We thank you for your consideration of these issues and look forward to working with you and your staff during the reprocessing of this application. Should you have any questions regarding the materials we have submitted, we will look forward to answering them to your satisfaction.

Sincerely,



T. Keith Gurnee
Agent for Las Pilitas, LLC.

Las Pilitas Quarry Reduced Project Alternative Statement

Exhibit A

I. Introduction

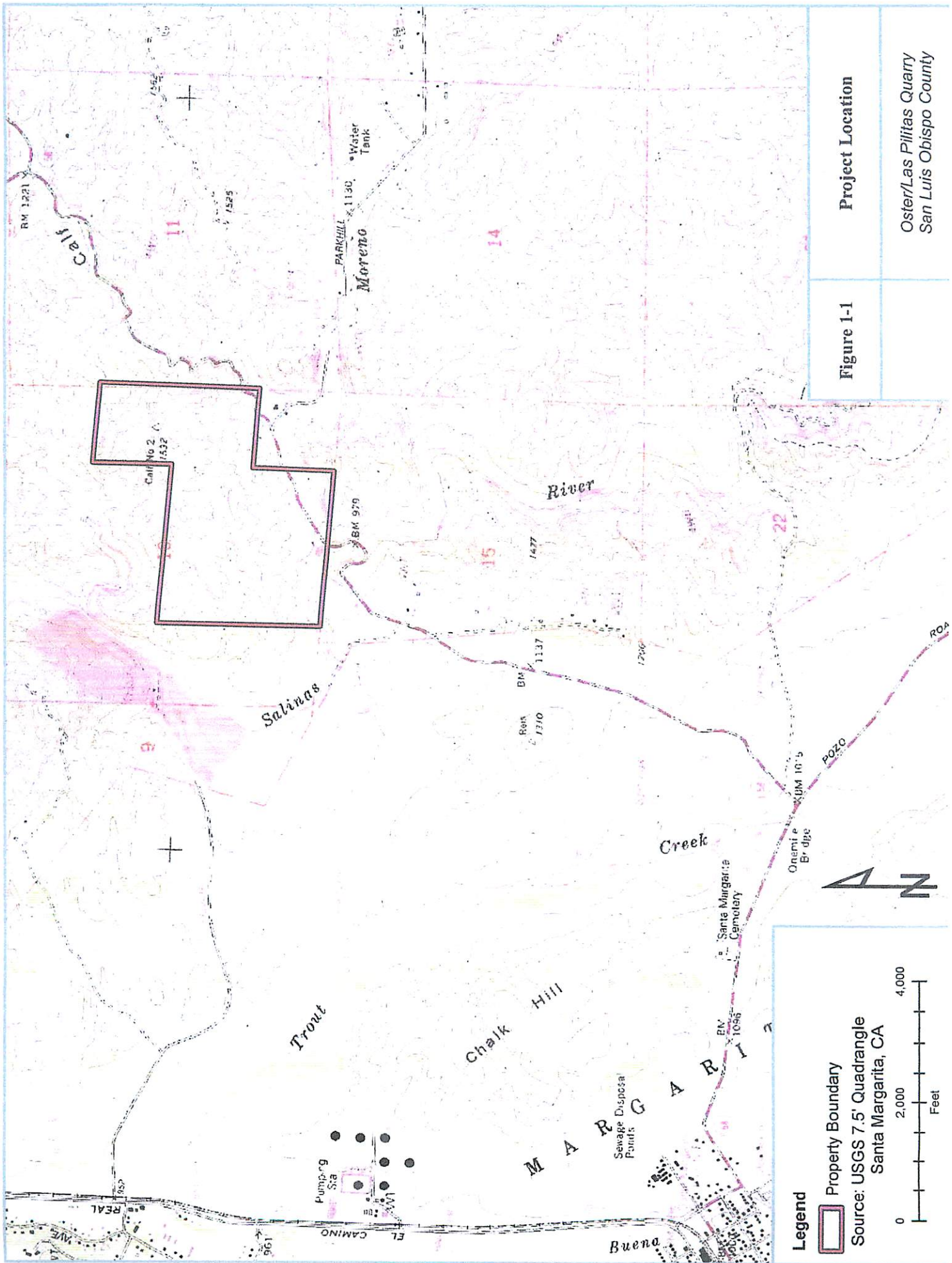
CEQA Guidelines require that an EIR include the identification and evaluation of a reasonable range of alternatives that are designed to reduce impacts of a proposed project, while still satisfying the project's objectives. The Guidelines also set forth the intent and extent of the alternatives analysis provided in an EIR (Guidelines Sections 15126.6 (a), (b), and (c)). While there is no ironclad rule governing the nature or scope of the alternatives to be discussed, a "reduced project" alternative is one of the most important alternatives and is almost always included in EIRs. Inasmuch as the Las Pilitas EIR did not analyze a reduced project alternative, County planning staff, Planning Commissioners, and the Board of Supervisors were denied the opportunity to consider the overall benefits of reducing the original project's scope. Therefore, a proposed Reduced Project Alternate is included with the re-filing of the application and is described herein.

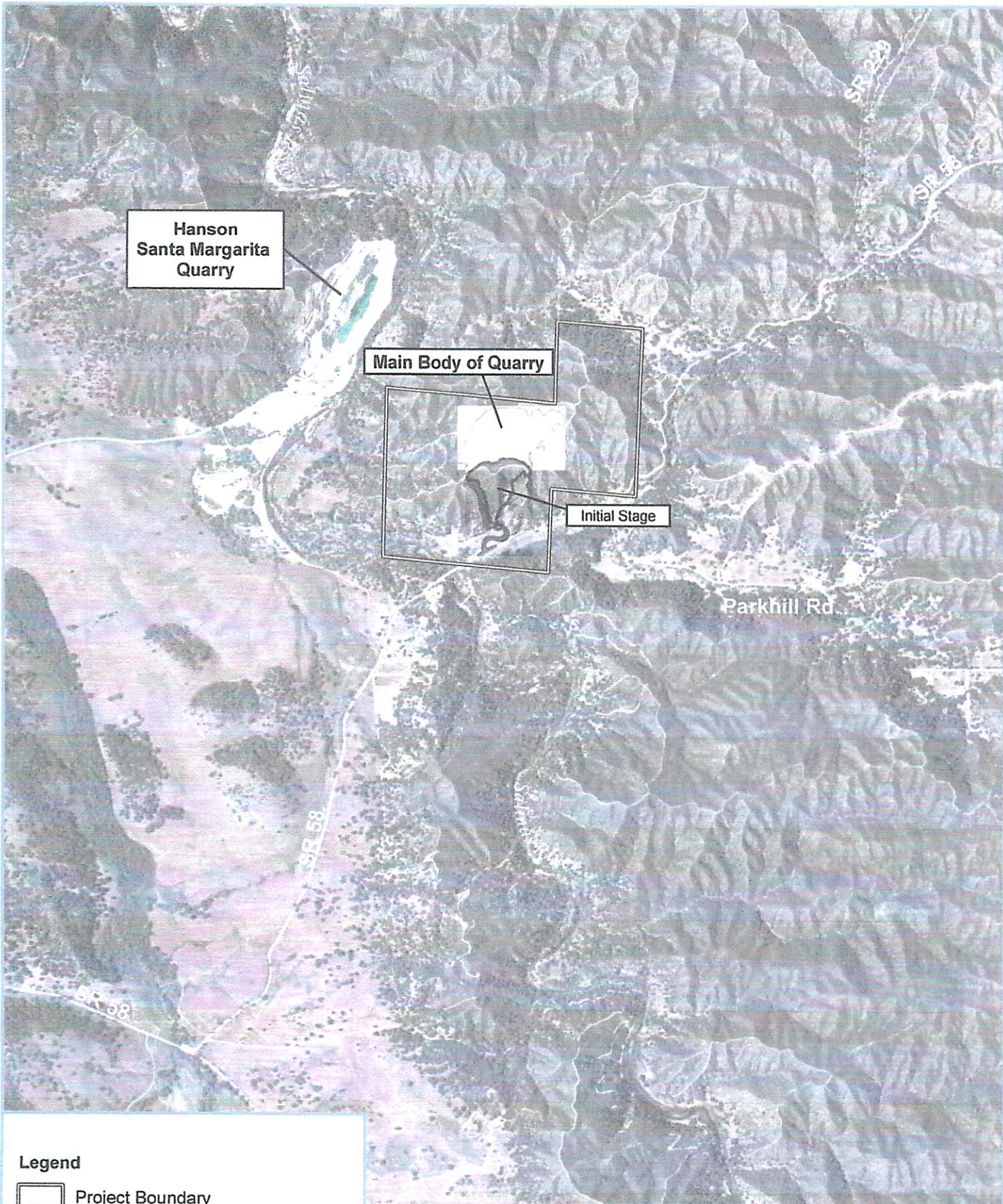
This Reduced Project alternative is being proposed by the property owner (Oster Living Trust) and applicant (Las Pilitas, LLC), subject to review and approval by the County of San Luis Obispo.

II. Reduced Project Alternative

The Reduced Project Alternative is comprised of:

1. Reducing the original 500,000 ton maximum annual extraction limit to 250,000 tons (a 50% reduction from the original application);
2. Removing the Recycling Objective to recycle used concrete and asphalt materials (a 100% reduction from the original application);
3. Reducing blasting days to only 12 times per year, versus the 20 times per year proposed under the original application (a 40% reduction from the original application); and
4. Reducing the number of haul truck trips through downtown Santa Margarita by proposing that haul trucks headed towards US 101 turn right at the intersection of El Camino Real and Estrada Road. A right turn will take haul trucks north on El Camino Real (away from downtown Santa Margarita) to the US 101 access via Santa Barbara Road.
5. Capping the maximum number of truck trips that can occur in one day at 135 round trips. Because this is a maximum that would occur only on the busiest of days, for each day when the cap on maximum daily round trips is reached, there would have to be a corresponding reduction of truck trips on other days so as not to exceed the reduced allowable annual tonnage of 250,000 tons per year. This limitation, as well as the elimination of the recycling component, would result in a 64% reduction in annual truck traffic, compared to the original project.





Legend

 Project Boundary

Scale

1 inch = 2,000 feet

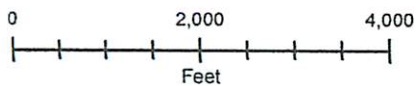


Figure 1-2

Project Location - Air Photo

*Oster/Las Pilitas Quarry
 San Luis Obispo County*

Las Pilitas Quarry Reduced Project Alternative Statement

III. Explanation of Reduced Project Alternative Truck Trips

For the Proposed Project, the EIR estimated a daily average of 273 one-way truck trips, broken down as follows:

- 1) 198 one-way trips associated with aggregate hauling; and
- 2) 75 one-way trips associated with recycling used concrete and asphalt materials.

The Reduced Project alternative would reduce the average daily one-way truck trips **by 64%**, down to 99 one-way trips:

- 1) 99 one-way trips associated with aggregate hauling (a 50% reduction of 198); and
- 2) Zero (0) one-way trips associated with recycling used concrete and asphalt materials (a 100% reduction of 75).

IV. Comparison of Reduced Project Alternative to Original Project Objectives

The basic project objectives sought by the applicant in the original application were as follows:

- A. Develop significant mineral deposits in a manner that protects sensitive natural resources and existing adjacent uses, and is consistent with other County general plan goals and policies;
- B. Protect significant mineral resources from land uses that threaten their availability for future mining;
- C. Develop known concrete-grade aggregate reserves in the local production-consumption region in accordance with previous planning and coordination with California Department of Water Resources, state policy, the County EX1 Combining Designation and applicable regulations;
- D. Provide an additional source of aggregate material in the region, with a permitted production of up to 500,000 tons/year for approximately 30 years, consistent with state policy, the County EX1 Combining Designation and applicable regulations, and in a manner that supports independent contractor and other local use;
- E. Contribute towards increased recycling of construction and demolition debris to help achieve an overall goal of 75 percent recycling for this type of waste material; and
- F. Locate a concrete-grade aggregate quarry as near as practicable to use areas in the San Luis Obispo-Santa Barbara Production-Consumption region, and with minimal reliance on local streets to gain highway and freeway access.

Although this alternative would permit less annual aggregate extraction tonnage than is proposed under the original project, it is the applicant's belief that the project would still be economically feasible and it would attain most of the project objectives, because the overall project tonnage, over the life of the quarry, would not be affected. Based on a 50% reduction of the annual tonnage extraction limit, mining would occur more slowly, and the life of the project would be extended such that at the end of the project life-span, the entire mined tonnage would be equal to the original project projection.

Las Pilitas Quarry Reduced Project Alternative Statement

While the previous application included a recycling operation that the EIR assumed would be hauling 1,500 tons of recycling daily, the Reduced Project Alternative eliminates that operation. However, recycling is already being offered by the nearby Hansen quarry that fronts on El Camino Real Road just North of Santa Margarita, as well as the Rocky Canyon quarry a few miles away in southeast Atascadero. Both of these quarries have the capability to recycle a significantly larger amount of construction materials than currently is being recycled. Therefore, this alternative would not result in a reduction of the current or future potential level of construction material recycling in the vicinity of the project.

All other objectives of the original project could be met under the Reduced Project Alternative.

V. Potential Benefits of the Reduced Project Alternative

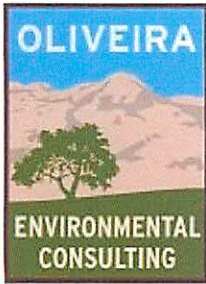
1. Reduction in Noise impacts¹:
 - a. due to the 64% decrease in truck trips;
 - b. due to reducing the number of truck trips through downtown Santa Margarita; and
 - c. due to the 40% reduction in the number of blasting days.
2. Reduction in the potential for detrimental effects to the health, safety and / or welfare of the general public and / or persons residing and / or working in the neighborhood²:
 - a. due to the 64% decrease in truck trips;
 - b. due to reducing the number of truck trips through downtown Santa Margarita; and
 - c. due to the 40% reduction in the number of blasting days.
3. Reduction in the potential for inconsistency with the character of the immediate neighborhood and the character of the community of Santa Margarita and / or its orderly development³:
 - a. due to the 64% decrease in truck trips; and
 - b. due to reducing the number of truck trips through downtown Santa Margarita.
4. Reduction in the potential that the project may generate traffic conditions beyond the safe capacity of certain roads that provide access to the project⁴:
 - a. due to the 64% decrease in truck trips; and
 - b. due to reducing the number of truck trips through downtown Santa Margarita.

¹ EIR Class 1 impacts Noise-1, Noise-3(a), Noise-5

² Planning Commission Finding for Denial No. 3(a), (b), (c)

³ Planning Commission Finding for Denial No. 4 (b), (c)

⁴ Planning Commission Finding for Denial No. 5(a)



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EXHIBIT B

May 4, 2017

Airlin Singewald, Senior Planner
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93401

Subject: Las Pilitas Quarry Land Use Permit Applicant Submittal Notes on Project Environmental Impact Analysis

Dear Mr. Singewald:

Thank you for the opportunity to review the environmental impact analysis steps necessary for processing the proposed Las Pilitas Quarry project. The following is a brief outline of the ideas for processing this project pursuant to CEQA based on discussions with County Planning staff and management and reflect the overall strategy that we've discussed in detail.

The environmental impact analysis required under CEQA represents a critical step in fully analyzing the proposed project and new Reduced Project Alternative outlined in the accompanying project permit application submittal. Based on our understanding of this important step in the permitting and public review process, and as discussed with County staff, the applicant is recommending re-circulation of the original project EIR with the inclusion of the Reduced Project Alternative.

Although the original project EIR was not certified by the Board of Supervisors, re-circulation of the Final EIR with the inclusion of any necessary updates and new analysis of the Reduced Project Alternative would provide the County with the ability certify the original EIR analysis for use under the currently proposed project as outlined in Section 1513 of the CEQA Guidelines. In addition, the ability for a Lead Agency to utilize previous environmental impact analysis has been confirmed in recent court cases including: *Friends of College of San Mateo Gardens v. San Mateo County Community College District* (9/19/2016), *South County Citizens for Smart Growth v. County of Nevada* (10/8/2013), and *Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer* (11/9/2006).

Based on conversations with the County, and as specified under the CEQA Guidelines, it is our understanding that the re-circulation effort would include re-noticing for public review and would require an updated analysis including the Reduced Project Alternative. As such, the following approach to the project environmental review was recommended:

- **Re-circulation of the original Final EIR.** This includes the CEQA-required noticing and publication of the original project Final Environmental Impact Report, original response to agency and public comments, and any edits made to the original Draft EIR;

- **Analysis of the Reduced Project Alternative.** Included with the re-circulated Final EIR, an additional environmental information package would be added to the Final EIR that includes the analysis of the Reduced Project Alternative to be included as an addition to the previously analyzed project alternatives. The analysis of the new project alternative would be consistent with Section 15126.6(d) of the CEQA Guidelines, which stipulates that the analysis of each alternative include sufficient information to allow for a meaningful evaluation in comparison with the significant effects of the proposed project, but in less detail than the proposed project. It is our understanding that the analysis of the new Reduced Project Alternative would be focused on the following:
 - A qualitative comparison to the environmental effects of the proposed project;
 - Discussion of the updated State mining designation overlay zone (changed from EX-1 to EX) for the project site;
 - Analysis of the effects of a revised truck hauling route to access Highway 101 to the north, avoiding traffic through downtown Santa Margarita from trucks returning from the project site;
 - Analysis of key environmental effects that the Reduced Project Alternative is intended to alleviate; specifically, Air Quality impacts, Greenhouse Gas/Global Climate Change impacts, Noise impacts and general Land Use Compatibility; and
 - Inclusion of updated baseline traffic data for use in an updated traffic impact analysis for the Reduced Project Alternative. The applicant team is currently working with Pinnacle Traffic Engineering to provide current and accurate traffic data to the County intended to capture school traffic prior to summer recess.

- **Updates Required to Re-Circulate the Final EIR.** In addition to the analysis of the new Reduced Project Alternative, it is our understanding that the additional environmental information package would include any updates necessary to bring the original Final EIR up to date. However, it is important to note that the Final EIR was published in November of 2014 and represents a fairly current analysis of the project site environmental setting and environmental impacts. As such, it is expected that this effort would be limited to a discussion of any recent legislative changes that may require additional analysis not previously prepared since November 2014;

- **Response to Comments.** As previously discussed with County staff, the original Final EIR provided a very comprehensive and detailed set of responses to a wide array of agency and public comments on the proposed project. As such, and in order to avoid the potential for redundant commenting and responses, the applicant is requesting that County staff encourage limiting comments to the analysis of the Reduced Project Alternative and any new updates provided in the additional environmental information package. Although County staff has the ability to make this recommendation in order to avoid redundant efforts, it is understood that the County may still receive comments that have been previously addressed in great detail. In this case, it was recommended

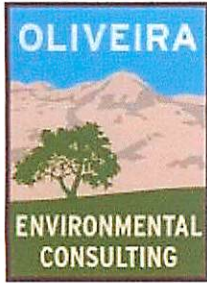
that a “master response” be prepared that refers commenters to the body of the comment responses provided under the original Final EIR, ensuring an efficient and comprehensive review process.

Thank you for your consideration of this approach for ensuring an efficient and comprehensive environmental impact analysis process. If you have any questions about this strategy, please feel free to contact me anytime at 805-234-7393 (jeffo@olive-env.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Oliveira". The signature is fluid and cursive, with the first name "Jeff" and last name "Oliveira" clearly distinguishable.

Jeff Oliveira, Principal Environmental Planner
Oliveira Environmental Consulting LLC



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Based on conversations with the County, and as specified under the CEQA Guidelines, it is our understanding that the re-circulation effort would include re-noticing for public review and would require an updated analysis including the Reduced Project Alternative. As such, the following approach to the project environmental review was recommended:

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- **Analysis of the Reduced Project Alternative.** Included with the re-circulated Final EIR, an additional environmental information package would be added to the Final EIR that includes the analysis of the Reduced Project Alternative to be included as an addition to the previously analyzed project alternatives. The analysis of the new project alternative would be consistent with Section 15126.6(d) of the CEQA Guidelines, which stipulates that the analysis of each alternative include sufficient information to allow for a meaningful evaluation in comparison with the significant effects of the proposed project, but in less detail than the proposed project. It is our understanding that the analysis of the new Reduced Project Alternative would be focused on the following:
 - A qualitative comparison to the environmental effects of the proposed project;
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that a “master response” be prepared that refers commenters to the body of the comment responses provided under the original Final EIR, ensuring an efficient and comprehensive review process.

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