

The Mojave Desert Land Trust

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January 28, 2008

Mr. Alex Meyerhoff
Community Development Director
City of Twentynine Palms
6137 Adobe Road
Twentynine Palms, CA 92277

Subject: Draft EIR Granite Mine Expansion Project, City of Twentynine Palms, SCH#2007031146

Dear Mr. Meyerhoff:

The Mojave Desert Land Trust is a regional land trust dedicated to protecting the Mojave Desert ecosystem and its scenic and cultural resources. We thank you for this opportunity to comment on the proposed Granite Mine Expansion Project.

We specifically address the inadequate disclosure of the project impacts on the desert tortoise and the burrowing owl and the lack of a Mitigation and Monitoring Plan to reduce those impacts to less than significance. The desert tortoise is a federal and state listed threatened species and the burrowing owl is a species of special concern protected under the Fish and Game Code Section 3503.5 and the USFWS Migratory Bird Treaty Act.

Mitigation measures for the desert tortoise are described on page 1-20, "Off site mitigation would normally include purchase of compensation lands. For this project, the provision of 178 acres of adjacent desert land is presumed to constitute a compensation ratio of 1:1; however, the set-aside acreage must be formally incorporated into the permit."

1. The location of the 178 acres is not identified on map 2-3, or anywhere else in the EIR. Where is the land located? This appears to be an orphan mitigation bank with no other protected areas adjacent to it.
2. In several places the 178 acres is described as half of the 356 acre project which will be left undeveloped. Is the land all in one piece or several pieces? Is it made up from the three pieces in parcels 3, 4, and 7? If the 178 acres is in two pieces, with each piece sharing a boundary with the impact area, what is the justification for presuming a 1:1 compensation ratio for this mitigation bank? The CDFG usually recommends a ratio between 2:1 and 5:1 with enhancement and endowment fees included.
3. If the mitigation acreage is within Granite owned lands then one boundary of each parcel is shared with the extraction pit. The shared boundaries would again reduce the lands value for mitigation to less than 1:1 because of edge effects related to fugitive dust, noise, light, and other hazards.
4. As reported in the EIR, the April 2007 survey by Circle Mountain Biological Consultants, Inc. (CMBC) found within the future impact area tortoise sign including an active burrow with eggshell fragments. It is the minimal measure to salvage tortoise in advance of the project but, according to Ed LaRue of CMBC, experience shows it is nearly impossible to salvage baby tortoise in this rocky terrain. If tortoise, baby or adult, are found and removed there is no mention of what will be done with them.
5. How will the extraction pit (average maximum depth 100 feet) alter the flow of water across the alluvial fan and change both the penetration of water into the soil and affect the growth of surface vegetation? How will the changes be mitigated?
6. The extraction pit will be a new source of water in the area; i.e. standing water in the bottom of the pit along and sprayed water used to keep the dust down. Research shows that a water source attracts ravens

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and coyotes that will travel up to five linear miles from the source. How will this edge effect be mitigated?

7. The land is described as having illegal ORV tracks across it. How would this damaging activity be prevented and monitored?
8. Does the mitigation acreage contain mineable aggregate?
9. The life of the project is 85 or 86 years. Mitigation land is presumed to retain its conservation values in perpetuity. There are obvious conflicts of interest involved if Granite retains ownership of the mitigation lands.
10. The significant loss of burrowing owl habitat is not adequately addressed nor is there a Mitigation and Monitoring plan to reduce the impacts.
11. In addition, this EIR fails to provide a complete salvage and relocation plan for Alverson's foxtail cactus and the other native desert plants protected under the California Department of Food and Agriculture Code.

Based on these observations we believe there is an obligation to revise the document to include an adequate discussion of the biological resources affected by the expansion project, an analysis of the impacts of the project on the biological resources, and the provision for mitigation measures to offset the impacts, especially on the desert tortoise and burrowing owl.

Please feel free to contact me with any questions.

Sincerely,

Pat Flanagan
Project Coordinator