

September 8th, 2021



Protecting Marin Since 1934

Ms. Rachel Reid
Environmental Planning Manager
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903
Envplanning@marincounty.org

Re: San Rafael Rock Quarry Amended Reclamation Plan Addendum to its 2009 Final EIR

Dear Ms. Reid:

Marin Conservation League (MCL) appreciates the opportunity to provide comment on the San Rafael Rock Quarry (SRRQ) Amended Reclamation Plan (ARP) Addendum to the 2009 Final Environmental Impact Report (FEIR) reflecting SRRQ's intent to extend quarry operations to 2044. MCL provided both written and oral comments during the certification of the 2009 FEIR. We continue to track mitigations of impacts from SRRQ operations and reclamation activities. We have reviewed the Addendum, the Conditions of Approval (COA) in the 2010 Conforming Amended Reclamation Plan (CARP10) and SRRQ's Application for Amendment.

Addendum to ARP as the chosen level of CEQA review

We recognize the Quarry has a vested right to mine and that SRRQ may not require a use permit to continue mining. However, we question the sufficiency of an Addendum to a decade old FEIR as the appropriate level of environmental review to fully analyze and mitigate impacts.

COA 30 states that the SRRQ "Combined EIR [for both the ARP and the Amended Surface Mining and Quarrying Permit (AQP)] certified on October 27, 2009, analyzed potential impacts and the environment through year 2024." Although the Addendum under consideration looked at potential impacts from extending the timeframe for the approved reclamation plan, it did not review impacts from extending the timeframe of mining and quarrying operations. As such, we request that the original language of the COA not be removed or replaced. Modifications to COA 30 instead should simply be added if the EIR Addendum for CARP19 is approved. It should reflect that cumulative or additional impacts of SRRQ's mining and quarrying operations until the year 2044 have not been environmentally analyzed in the current supplemental CEQA review.

Although the "Proposed Revisions to the SRRQ ARP and AQP Mitigation Monitoring and Reporting Program" reviewed implementation of mitigation measures, it did not assess successes or failures in achieving mitigation outcomes. It did not assess the sufficiency of how well SRRQ operations, reclamation activities, and current mitigations are working together to reduce or eliminate environmental and community impacts.

To a large extent, the County's oversight of implementation of the Conditions of Approval and required mitigations are based largely on SRRQ's annual reporting of its own conformance.

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Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

Climate Change and Significant Impacts

Climate change is accelerating at an alarming rate. The impacts are inescapable. Regional planning efforts around the Bay and across the State are mobilizing to mitigate and slow its acceleration. Local efforts and planning are providing extensive documentation of existing conditions and new information that is relevant to SRRQ. These include: The County's BayWave Vulnerability Assessment and San Rafael's 2014 white paper on Sea Level Rise (SLR); local marsh restoration and natural adaptation pilot projects; San Rafael's recently adopted General Plan 2040 and Climate Action Plan update; Marin's Climate Action Plan (2030 CAP) and Drawdown Marin. These reports provide extensive documentation of current conditions and forecasts. SRRQ currently operates within changed environmental conditions due to climate change. These changed conditions may contribute to SRRQ's cumulative impacts and those could arguably qualify as "Significant Impacts" not apparent in the 2009 FEIR. The 2009 FEIR relies on data collected prior to its certification, much of it more than 12 years old.

Marsh restoration – CARP10 Reclamation Phase 1

Since approval of CARP10 and the COAs, the County has documented gradually increasing inundation of land areas. Under different sea level rise (SLR) scenarios, timing for extensive impacts vary. However, forecasts that flooding will occur within the proposed SRRQ extension period are reliable. Pt. San Pedro Road, some feeder streets and neighborhoods, the Brickyard Road and the Quarry's NW quadrant marsh will likely be among early locations impacted.

While the quarry is in unincorporated Marin County, it lies within San Rafael's sphere of influence. San Rafael's 2040 General Plan update (GP 2040) states "Future activities on these lands are subject to further policy guidance as provided by the General Plan. General Plan policies regarding sea level rise, should be reviewed to determine relevance to the proposed extension of operations. GP 2040 includes a "Sea Level Rise Overlay" designation corresponding to the upper range of sea level rise determined to be possible by 2050 based on the BayWAVE model. Areas within this zone may be subject to policies, standards, and code requirements to reduce the potential for tidal flooding. Although SLR is not an impact the SRRQ has on the environment, how it adapts to rising water may have environmental impacts.

Of immediate interest is the marsh located in the SRRQ's Northwest Quadrant for which the CARP10 states "The 2009 FEIR identified Mitigation Measure C4.3-18b, requiring preparation of a Marsh Restoration Plan, and completing restoration of the diked tidal marsh in the Northwest Quadrant by the end of Reclamation Phase 1." Phase 1 was 2017-2019. Reclamation of the site has not adhered to the schedule laid out in CARP10.

The Marsh Restoration Plan currently in effect does not allow for natural tidal flow. Large areas of vegetation appear to be dead or dying, signs of wildlife are not present, and there are complaints from the nearby community of odors coming from the marsh. There is growing evidence that the current marsh restoration plan has failed.

Marshes along the bay are highly valued as habitat, are ecologically important to the estuary as a whole and are highly effective at carbon sequestration. The marsh needs better oversight of restoration. Choosing an alternate restoration plan should be required -- hiring a wetland restoration consultant to guide the process, studying marsh conditions as they exist today, revisiting alternative restoration plans in light of new information and local experience, incorporating sea level rise planning, and restoring tidal flow would improve the likelihood of achieving a healthy restored marsh and fulfill the intention of a reclamation plan.

“Reclamation”, as defined by the Surface Mining and Reclamation Act (SMARA) that regulates such activities in California, “minimizes water degradation, air pollution, damage to aquatic habitat...and other adverse effects...” The 2009 COA in CARP10 states:

COA 113. The Permittee shall prepare a Marsh Restoration plan and implement the recommendations as soon as practicable, and in any case, shall complete the tidal marsh restoration prior to completion of Phase 1 reclamation. This mitigation measure will be implemented through the following:

- a) The Permittee shall develop and submit a Marsh Restoration Plan to the County and other applicable resource agencies as a condition within 1 year of approval of the proposed 20-year extension of the quarry permit. The Plan will include, but not be limited to, the following elements:*
 - i. A baseline study of existing marsh conditions, including topography, a complete analysis of current hydrology, vegetation, and wildlife that will be used to inform subsequent marsh restoration planning.*
 - ii. A thorough analysis of the potential effects of tidal restoration on adjacent infrastructure and existing marsh vegetation.*
 - iii. Development of a suite of restoration alternatives, **with tidal restoration as the preferred alternative** [emphasis added], providing constraints do not preclude this course of action.*
 - iv. Feasible goals for marsh restoration with quantifiable objectives that can be measured over time to determine whether goals are being met.*
 - v. A detailed plan for marsh restoration, including, if necessary to achieve objectives, plans for excavation of new channels, addition of new culverts, setbacks, buffers, etc.*
 - vi. A maintenance schedule for any mechanical devices or features, such as tide gates, specified in the plan.*
 - vii. A monitoring plan to determine optimum inundation levels for the marshes. This would include measurements of hydrology, sediment accretion, and changes in vegetation over time.*
 - viii. A schedule for annual monitoring reports, which shall be submitted to the Department of Public Works, as well as all permitting agencies as required.*

SRRQ’s Application for Amendment proposes moving the completion date for Phase 1 from 2017 to 2029. Our concern is that without immediate attention, and under the current Marsh Restoration Plan, the marsh will continue to deteriorate until it can no longer functionally be restored. A new restoration plan should ensure that damage to the marsh’s future viability ends, and restoration for its beneficial functions are expedited.

Greenhouse Gas Mitigation

Reducing the causes of climate change and its impacts, which have grown to crisis proportions in the decade since certification of SRRQ’s 2009 FEIR, have become a global priority that requires local action. Mitigations in the Addendum must strive for consistency with the Marin 2030 CAP to achieve the County’s intended greenhouse gas (GHG) reductions from both emission mitigation and sequestration.

MCL concurs with others and the Addendum’s checklist that “a finding of consistency with the 2030 CAP may be used to determine that a project’s GHG impacts would be less than significant”. Applying the 2030 CAP goals would demonstrate how the Quarry intends to achieve CAP targets for 2030. Further the Addendum should show a trajectory for meeting 2045 goals and the State goal of 80% reduction of emissions by 2050. Existing GHG reduction proposals in the Addendum do not meet 2030 CAP goals. Nor do they

ensure that the intent of Mitigation Measure R4.2-3c, “demonstrate how reclamation-related emissions are reduced or offset such that there are no net emissions from reclamation” is being met.

We concur with others in recommending:

- 1) Modification of the proposed changes to Mitigation Measure R4.2-3c as follows:
 - a) retention of the language “no net emissions from reclamation”
 - b) citation of Marin CAP 2030 and State 2050 Goals as the thresholds to be achieved
 - c) a requirement that emission reductions maintain a trajectory sufficient to reach the State’s 2050 Goals
 - d) addition of the requirement that any allowable “offsets” applied to GHG reduction support sequestration on-site if possible, habitat improvement such as wetland restoration and reforestation in fire damaged areas, or projects with demonstrable sequestration benefits located within Marin County. Carbon credit purchase should not be an option.
- 2) Including an additional mitigation measure that requires that onsite improvements from offsets achieve the sequestration goals of Marin’s 2030 CAP in the timeframes intended, and aligns improvements with the “post-reclamation” plan noted in Mitigation Measure R4.2.5.
- 3) Modification of Mitigation Measures R4.2-1a and b to include the use of ‘renewable diesel’ to further reduce GHG emissions.

Air Quality

Air quality continues to be one of the highest health risks to the Pt. San Pedro community from both operations and reclamation at the SRRQ site. Airborne crystalline silica results from blasting and aggregate processing. Particulate matter (PM) and nitrogen oxides that convert to ozone are significant toxic air contaminants (TACs) from diesel.

The Air Quality Data Summary (2017-2019) in the Addendum checklist shows that particulate matter, both PM₁₀ and PM_{2.5}, exceeded either the State Standard or the National Standard for 10 days and 15 days, in 2017 and 2018 respectively. The checklist goes on to say that the Bay Area Air Basin is designated as “nonattainment” for both state and national standards and that regional air quality has not substantially improved. The checklist concluded that “CARP19 would not result in any new or substantially more severe impact on air quality than identified in the 2009 FEIR”, and that “No changes to the existing Mitigation Measures, and no additional mitigation measures, are required.”

However, as climate change has increased the quantity, size, intensity, and duration of wildfires across the state, so have the amounts of fine particulate pollution and smog caused by smoke increased. Record setting heat waves are adding to poor air quality too. The Addendum fails to identify and analyze the SRRQ’s emissions as part of cumulative daily emissions. Modifying Mitigation Measures R4.2-1 a and b to use “renewable diesel” will reduce fine particulate as recommended in #3 under GHG Mitigation. We also request that Mitigation Measure R4.2-1j include language that limits mining, reclamation, or combined activities 24 hours after BAAQMD has posted a Spare the Air Alert due to high levels of particulate matter or ozone related to wildfires or extreme heat so that cumulative emissions remain below significance thresholds.

Utilities and Service Systems

The current drought that has been underway since 2020 follows the similarly severe 2012-2016 drought. Uncertainties about future water supply, possible use restrictions, problematic sources, and costs are surfacing as major public issues. Drought is becoming less speculative and will likely have increasing impacts on residential and commercial operations, including the SRRQ. A broader discussion in the

Addendum would have been appropriate about how Mitigation Measures might ensure ongoing business operations if water supply is curtailed and what associated environmental impacts might be.

Transportation

Traffic and congestion in San Rafael have increased since 2009 due in part to the SMART train's rail extension and its disruption to bus transit in downtown. In addition, San Rafael's adopted 2040 General Plan update and Downtown Precise Plan project significant increases in density both in residences and jobs in the downtown San Rafael Transit Center Priority Development Area (PDA). While SRRQ is not located in the PDA or in the County's City Centered Corridor along Highway 101, the Quarry does depend on designated trucking routes in the area to ensure continued materials transport and impacts performance of intersections between the quarry site and US 101. The Addendum did not address the impacts of extended operations on quarry-related truck traffic on increasingly congested arterials in downtown nor on Point San Pedro Road which is the main emergency route out of East Marin.

Cumulative Impacts and Incompatibility with Neighboring Residential and Recreational Land Uses

According to the Addendum, "the 2009 FEIR, Impact C4.6-7, identified incompatibility with neighboring residential and recreational land uses as a significant and unavoidable cumulative impact of continued mining operations occurring simultaneously with phased reclamation grading", that "both reclamation activities and mining activities would make a considerable contribution to this cumulative impact and found no additional mitigation to resolve [it]." "The Project would extend this impact for another 20 years." The Addendum found that CARP19 would not result in any new or substantially more severe significant impacts.

Although the Quarry has applied to extend operations beyond the horizon year of San Rafael's General Plan, it could potentially cease operation before 2040. A planning process for the post-reclamation use of the site should begin as soon as practical and well before operations conclude. In the meantime, it is incumbent on the Quarry to work with the County, the City of San Rafael, and with area residents to address community concerns, minimize impacts of Quarry operations including noise, air quality, vibration, street maintenance, and truck traffic.

Thank you for the opportunity to comment.

Sincerely,



Robert Miller
President



Kate Powers
Land Use, Transportation and Water Committee