

# **SAN RAFAEL ROCK QUARRY AMENDED RECLAMATION PLAN**

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Addendum to the 2009 Final Environmental  
Impact Report (SCH # 2005102122) – Response  
to Comments Amendment

Prepared for:

**Marin County Community Development Agency**

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**PaleoWest**  
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# CHAPTER 1

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## Introduction

The San Rafael Rock Quarry (SRRQ) has submitted an application to the Marin County Department of Public Works to amend its approved Conforming Amended Reclamation Plan of 2010 (CARP10) to extend the date to complete mine reclamation activities from December 31, 2024 to December 31, 2044 (“the Project”). The proposed rescheduling of reclamation contained in SRRQ’s proposed Conforming Amended Reclamation Plan of 2019 (CARP19) would be consistent with SRRQ’s intent to continue mining through approximately 2044, the year that SRRQ now projects that the quarry will reach final reclamation grades.

This document contains comments on the Addendum to the 2009 Final Environmental Impact Report for the San Rafael Rock Quarry Amended Reclamation Plan (“the Addendum”), and responses to those comments. Comments were received during a public review period, which began when Marin County published the Addendum on August 9, 2021, and concluded on September 8, 2021. As discussed in Chapter 2, Master Response, and Chapter 3, Comment Letters and Responses to Individual Comments, the conclusions of the Addendum remain unchanged after review and consideration of all comments received: the Project would not result in a new or substantially more severe significant environmental impact. Pursuant to State CEQA Guidelines Sections 15162, 15163, and 15164, an Addendum to the 2009 Final Environmental Impact Report (FEIR) is the correct CEQA document, and a Supplemental or Subsequent EIR is not required.

Comment letters are included in Chapter 3, Comment Letters and Individual Responses. Each written comment letter is designated with a letter on the first page. Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to the numbered comments in that letter. Only comments on the scope of the Project and on the Addendum are responded to: comments expressing the commenter’s support for or opposition to the Project, and comments addressing other issues not within the scope of the Project, are not responded to, as they are not relevant to the CEQA analysis for the Project.

Chapter 2 presents one “Master Response” that addresses a topic raised by several commenters, providing a unified and comprehensive response. The Master Response is cross-referenced in the individual responses.

Changes to the text of the Addendum prompted by comments are indicated by ~~strike-throughs~~ for deletions and underline for additions. Changes are compiled in Chapter 4.

Comments were received from the following individuals and organizations:

**Letter****Designation Agencies and Organizations**

- A California Department of Fish and Wildlife - Amanda Culpepper, Environmental Scientist
- B City of San Rafael - Alicia Giudice, Community Development Director
- C Marin Audubon Society - Barbara Salzman, Co-Chair, Conservation Committee
- D Marin Conservation League - Robert Miller, President and Kate Powers, Land Use, Transportation, and Water Committee
- E Marin County Office of Education -- Mary Jane Burke, Marin County Superintendent of Schools
- F North Bay Leadership Council - Cynthia Murray, President and CEO
- G Point Blue Conservation Science - Julian Wood, San Francisco Bay Program Leader
- H Point San Pedro Road Coalition - Bonnie Marmor, Co-President, David Crutcher, Quarry Committee Chair, Winifred Dajani, Wetland Committee Chair
- I Sierra Club Marin Chapter
- II San Rafael Chamber of Commerce
- III John Edgcomb, Edgcomb Law Group, Attorney for the Point San Pedro Road Coalition

**Letter****Designation Individuals**

- J Tom Biesheuvel
- K Bonnie Casassa
- L Rich Cimino
- M Robert Cook
- N James Dickson
- O Dean DiGiovanni
- P Jenette and Trent Erven
- Q Roy Falk
- R Claudia Heikhaus

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<b>Letter Designation</b>	<b>Individuals</b>
S	Jeff and Henri Ivarson
T	Paul Kellerhals
U	Gordy MacDermott
V	Leilani Pursel
W	David Rabb
X	Robert Sinclair
Y	Connie Truitt
Z	Maureen Uribe
AA	Katerina Venetis
BB	Dennis Wheatley
CC	Lisa Zimmerman

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# CHAPTER 2

## Master Response

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### Master Response 1: Marshes within the SRRQ Property

Many comments address the marshes present within the SRRQ property. Comments on the marshes include the following points:

- Observations of the apparently poor current condition of the marshes, including degraded habitat, lack of use by birds and wildlife, and objectionable odors;
- Assertions of the inadequacy of SRRQ’s Marsh Restoration Plan (MRP) to achieve meaningful restoration, since the MRP allegedly does not comply with permit conditions or contain performance criteria for success;
- Assertions of inadequacy of County oversight in approving the MRP and monitoring its implementation;
- Threats to the marshes from sea level rise, and opportunities to address both marsh restoration and protection of property and infrastructure from rising sea levels, which commenters state is new information or changed circumstances requiring new or revised mitigation measures;
- Assertions that the Addendum incorrectly concludes that there would be no new or substantially more severe significant impacts of the Project on the marshes, and that new or additional mitigation is unnecessary.

This Master Response addresses these comments, and includes a review of Mitigation Measure C4.3-18b from the 2009 FEIR and corresponding Condition of Approval (“COA”) 113, both of which require preparation and implementation of the MRP.

In 2008, prior to certification of the 2009 FEIR, Marin County prepared and circulated a Draft EIR. The Draft EIR included an earlier version of Mitigation Measure C4.3-18b, which differed from the final version included in the 2009 FEIR upon which COA 113 is based.<sup>1</sup> In the 2008 Draft EIR, Impact C4.3-18 concluded that then-proposed changes to SRRQ’s 1982 Amended Reclamation Plan (ARP82) and Surface Mining and Quarrying Permit (AQP) would both make a significant contribution to a cumulative impact on the marshes in the Northwest and Northeast Quadrants. The 2008 draft version of Mitigation Measure C4.3-18b required SRRQ to prepare and implement a plan to restore tidal flow in the marshes in the NW and NE quadrants prior to the end of the first reclamation phase. 2008 Draft EIR Section 4.3, Biological Resources, included an analysis of historical topographic maps and aerial photos that demonstrated that the marshes within the SRRQ property had been diked and cut-off from tidal flow for over 100 years, and that the marshes, while characterized in the EIR analysis as a salt marsh, were

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<sup>1</sup> Changes are shown to the original text of the 2008 Draft EIR in Volume I of the 2009 Final EIR (Marin County, 2009).

degraded and likely did not support special status marsh species. The 2009 FEIR established that, while the ARP and AQP project would contribute to continued degradation of the marshes, the degraded state of the marshes was a long-standing condition caused by over 100 years of development both within and outside the SRRQ property. In ARP82, SRRQ had stated that they would reconnect the marshes to the Bay as part of reclamation, thus restoring tidal flow, but this would not occur until after cessation of mining. ARP04, the reclamation project analyzed in the 2008 Draft EIR and the 2009 FEIR, included maintaining the marshes in a “natural condition,” and stated SRRQ’s intent to include planning of marsh restoration as part of the Final Development Plan for post-reclamation development, which was to be prepared during the final phase of reclamation. ARP04 was unclear on whether restoration would include reestablishment of tidal flow, however.

There were several comments on the 2008 Draft EIR that addressed the current condition and potential restoration of the marshes. In their comments on the 2008 Draft EIR, SRRQ balked at the requirement in Mitigation Measure C4.3-18b for restoration of full tidal flow, noting that this could cause flooding of the access roads to the Quarry and to McNear’s Brickyard, and would also cause flooding of Point San Pedro Road (Marin County, 2009, Volume II, comment letter 19). They stated their intention to preserve the marshes, but maintained that there were other paths to this end that did not involve restoring full tidal flow. In its final form in the 2009 FEIR, Mitigation Measure C4.3-18b eliminated the requirement for restoring tidal flow, instead requiring SRRQ to examine tidal restoration as one of a suite of alternatives (the “preferred” alternative). SRRQ was not required in the final form of the mitigation measure to restore tidal flow. The Mitigation Measure was adopted as COA 113, which also required SRRQ to prepare an MRP that examines restoration of tidal flow as one among a suite of alternatives. Like Mitigation Measure C4.3-18b, COA 113 does not require restoration of tidal flow.

Following certification of the FEIR in 2009 and approval of the AQP and ARP projects in 2010, SRRQ began working on an MRP. Correspondence between SRRQ and County DPW show that prior to submittal, SRRQ conducted biological and hydrologic investigations of the marshes, developed three alternatives for consideration in the MRP including one alternative involving restoration of full tidal flow, and consulted informally with regulatory agencies (Cornwell, 2011 and 2012). Consultation included a presentation in 2011 to the Marin Coordinating Committee, consisting of representatives of the San Francisco Bay Regional Water Quality Control Board (SFBRWQB), California Department of Fish and Game,<sup>2</sup> and Marin County, and another presentation to an interagency meeting in 2012. The interagency meeting was an informal “pre-application” forum to explore proposals and receive input from several agencies with jurisdiction over projects in marsh and wetland areas. Participating agencies included the US Army Corps of Engineers, the SFBRWQB, and the San Francisco Bay Conservation and Development Commission. The meeting was meant to provide agency feedback early in the planning process, with the intent of refining the plan to avoid impacts and facilitate permitting. The three alternatives were presented to the group. Meeting minutes show that none of the agencies expressed clear preference for one alternative over the others (Josselyn, 2012).

In September 2011, SRRQ requested a 1-year extension of the due date for submittal of the MRP (Cornwell, 2011). The MRP, which was prepared by WRA Resources and CSW|ST2, was submitted to the County on September 28, 2012 (San Rafael Rock Quarry, 2012). The DPW Director responded on

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<sup>2</sup> On January 1, 2013, the California Department of Fish and Game formally changed their name to the California Department of Fish and Wildlife.

January 4, 2013, acknowledging receipt of the MRP, summarizing the alternatives, and stating that SRRQ had implemented many of COA 113's sub-conditions (see below). The Director also stated that the MRP should begin concurrent with Phase 1 reclamation, that the Quarry should initiate application for any required permits in the meantime, and that there was no County action required at the time the letter was written. (Beaumont, 2013).

The MRP was based on an assessment of existing marsh conditions using the California Rapid Assessment Method for wetlands (CRAM), as well as more detailed studies including a botanical survey; a tidal elevation study; and an analysis of potential hydrological enhancements (SRRQ, 2012). The Plan includes three alternatives: (1) full tidal restoration; (2) invasive species control with hydrologic enhancements; and (3) the "Preferred Plan."

As required by Mitigation Measure C4.3-18b and COA 113, Alternative 1 examined restoration of full tidal flow, which would be achieved by breaching the levee along the western boarder of the marsh and installing a box culvert or bridge under the main access road to the McNear brickyard, as had been envisioned in ARP82. Based on the topographic survey and hydrologic analysis, the MRP concludes that Alternative 1 would result in a loss of salt marsh habitat and its conversion to mudflats, and would also result in inundation of Pt. San Pedro Road, Quarry access roads, and a portion of the McNear's Brickyard operations area at high tide. The MRP states that these adverse consequences would worsen with projected sea level rise, and that addressing flooding, through construction of new levees, would be costly and would also result in the loss of marsh habitat. For these reasons, Alternative 1 was determined to be "not viable" and was rejected.<sup>3</sup>

In addition to invasive species control, Alternative 2 considered hydrologic enhancements to the marshes, including deepening and widening the existing drainage channel that is located along the northern edge of the western marsh area; creating deep-water, seasonal habitat for mosquito fish in the northern marsh area to control mosquito breeding; and removing remnant levees in the northeast marsh area. SRRQ rejected this alternative based on their determination that it could damage existing pickleweed and freshwater marsh habitat, and that it would be costly and difficult to implement.

The MRP states that the goals of Alternative 3, the Preferred Plan (the selected alternative), are the removal and control of non-native invasive plants from the marshes and adjacent uplands; enhancement of existing habitat by preserving native pickleweed and potential salt marsh harvest mouse habitat; and improving upland buffers and restoring upland transition areas. Based on the evaluation of existing conditions in the marshes, the Preferred Plan delineates 12 restoration areas and identifies and prioritizes control of 16 invasive species. Specific control measures are detailed for each species. In addition to mechanical and chemical removal of target species, the MRP includes periodic tidal flushing of the marshes using the existing tide gates and pumping facility to discourage growth of salt- and inundation-intolerant species. The MRP divides implementation into two five-year phases, and includes a detailed implementation schedule for each restoration area. Phase I focuses on areas that can be addressed during Phase 1 reclamation grading, while Phase II, which will occur during Phase 4 reclamation, focuses on

<sup>3</sup> The minutes of the 2012 interagency meeting include a statement attributed to BCDC staff that restoration of tidal action would place the areas of the marshes below the high tide mark, plus a 100-foot buffer around them, within BCDC's jurisdiction. Another comment ascribed to SFBRWQCB staff states that construction of new levees affecting wetlands might require off-site compensatory mitigation (Josselyn, 2012). Both of these outcomes may have complicated and added cost to the tidal action alternative.

areas that will likely be affected by the closure of the Quarry and activities associated with the future redevelopment of the site. The MRP contains a monitoring program and establishes success criteria consisting of standards for reduction in cover and density of invasive species, as well as increase in cover and survival of native plantings.

Mitigation Measure C4.3-18b and COA 113 both include several specific requirements, or sub-conditions for the MRP, as follows:

- 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, 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.

As recounted above, an objective reading of the Marsh Restoration Plan and a review of documentation of the process leading up to and including its submission to the County on September 28, 2012, and acceptance by the County in January, 2013 (Beaumont, 2013), shows that SRRQ substantially met sub-conditions i-vi.

As to the last two sub-conditions enumerated, sub-condition vii is inapplicable because the Preferred Plan does not include restoration of tidal flow in the marshes. In conformance with sub-condition viii, SRRQ has included an update of progress on implementation of the MRP in each of their annual reports to the County (SRRQ, various dates). Because the Preferred Plan required no permitting, the annual reports are not submitted to other resource agencies.

SRRQ began invasive and non-native plant removal from the marshes in 2017, the year before the County issued the Phase 1 grading permit (Marin County DPW, 2018) and reclamation grading began. Work continued in 2018, when SRRQ first used tidal flushing to control invasive species, and in 2019 and 2020 (SRRQ, various dates). Attached to SRRQ's 2020 Annual Report is a report by SRRQ's biological consultant, WRA, reporting on monitoring and mapping of invasive species abatement efforts to date



(Ponte, 2021). That report includes, as an attachment, guidance for increasing the effectiveness of invasive species control efforts (WRA, 2019). The report concludes that the program has been successful in abating some invasive species, while others require additional attention.

The 2009 FEIR Mitigation Monitoring and Reporting Program specifies the mitigation monitoring and reporting requirements applicable to each adopted mitigation measure, including responsible agencies, schedule for implementation, and verification procedures (see Addendum Appendix A). The monitoring measure for Mitigation Measure C4.3-18 states that,

The Marin County DPW shall verify that that a Tidal Marsh Restoration Plan has been prepared within one year of approval of the AQP and shall monitor its implementation through periodic inspections and receipt of progress reports from the Quarry. The Marin County DPW, as well as any other permitting agencies (should permitting be required as part of restoration), shall review annual monitoring reports.

The MMRP requires that the “Plan [is] to be prepared within one year of AQP approval; implementation schedule will be specified in the plan, but shall be completed prior to completion of Phase 1 reclamation,” and that the measure is to be, “verified by Marin County DPW with input from appropriate resource agencies, upon submittal of plan. Plan implementation monitoring verified on a periodic basis or at conclusion of specific restoration actions.”

As can be seen in the above discussion, the County’s monitoring responsibilities, as laid out in the MMRP, have been substantially fulfilled.

With regard to sea level rise, the impacts of current and predicted future sea level rise are discussed in Addendum Section 2.10, Hydrology and Water Quality. See in particular the discussion commencing on page 2-99; see also the response to comment D-6. COA 130 and Mitigation Measure R4.5-8 require SRRQ to model the effects of anticipated sea level rise prior to the implementation of Phase 4 of reclamation. The assessment report to the County must rely on the most recent climate change projections, consider the County policies and regulations in effect at the time, and incorporate adequate setback and final contour elevations. If necessary, the results of the assessment report will be used as a basis for revising the plans for Phase 4 reclamation and post-reclamation use of the Project site. These existing requirements are deemed sufficient for ensuring that SRRQ plans for and responds to projected sea level rise, including potential revisions to Phase 2 of the MRP.

Several comments state that the condition of the marshes appears to have deteriorated in recent years. Reported conditions do not, however, appear to be materially different from those described in the 2009 FEIR: the poor condition of the marshes is not new information. Many comments state that the marshes produce foul odors, and cite this as evidence of a deteriorated condition. Salt marshes are, however, typically odorous (NOAA, 2021). The Addendum concludes that the Project would not result in a new or substantially more severe significant impact on the marshes, and commenters have not presented substantial evidence<sup>4</sup> of new information or changed circumstances that would support a different conclusion. The comments do not constitute substantial evidence that the proposed extension of the date

<sup>4</sup> State CEQA Guidelines Section 15384(b) states that, "Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." In contrast, Section 15384(a) states that, "Argument, speculation, unsubstantiated opinion or narrative....does not constitute substantial evidence."

for completion of reclamation under the Project would result in a deterioration of the marshes, compared to what would occur without the Project.

Several comments address mosquitos breeding in the marshes, and point to damage done by Vector Control Agency use of vehicles traversing the marshes to control mosquitos. These conditions, however, were discussed in the 2009 FEIR (Vol. II, p. 4.3-32) and in the MRP. As noted above, the MRP considered Alternative 2, which would have made hydrologic enhancements to the marshes with the intent of reducing mosquito breeding without chemical controls. This alternative was, however, rejected by SRRQ, as described above. Mitigation Measure C4.3-18b does not require the MRP to address mosquito breeding.

While it is clear that commenters feel that SRRQ's Marsh Restoration Plan and its implementation are inadequate, and they express their desire to see more done to improve conditions in the marshes, they present no evidence to call into question the conclusions of the Addendum, which are based on substantial evidence: Mitigation Measure C4.3-18b and COA 113 have been substantially implemented, and the current proposed Project would not cause a new or substantially more severe significant impact on the marshes, even in light of new information and changed circumstances.

## Master Response 1 References

- Beaumont, Robert, 2013. Letter from Robert Beaumont, Director, Marin County Department of Public Works, to Aaron Johnson, San Rafael Rock Quarry, re: Request for Deadline Extensions for Various Plan Submittals, San Rafael Rock Quarry Permit #Q-72-03, Amendment#1, CA Mine #91-21-0008. January 4, 2013.
- Cornwell, Al, 2011. Letter from Al Cornwell, CSW-Stuber-Stroeh Engineering Group, Inc., to Eric Steger, Manager of Capital Improvements, Marin County Department of Public Works, re: San Rafael Rock Quarry Amended Reclamation Plan. September 21, 2011.
- Cornwell, Al, 2012. Letter from Al Cornwell, CSW-Stuber-Stroeh Engineering Group, Inc., to Eric Steger, Manager of Capital Improvements, Marin County Department of Public Works, re: San Rafael Rock Quarry Status of Marsh Restoration Plan. May 15, 2012.
- Josselyn, Michael, 2012. Letter from Michael Josselyn, Ph.D., Principal, WRA Environmental Consultants, to Roberta Morganstern, US Army Corps of Engineers, re: Meeting Notes from the San Rafael Rock Quarry Interagency Meeting, April 11, 2012. May 14, 2012. Includes attached meeting notes.
- Marin County, 2009. San Rafael Rock Quarry Amended Reclamation Plan and Amended Surface Mining and Quarrying Permit, Combined Final Environmental Impact Report. State Clearinghouse Numbers 2005102122 (Amended Reclamation Plan) and 2007082097 (Amended Quarry Permit). Prepared for the Marin County Community Development Agency by Environmental Science Associates, January 2009. Certified by the Marin County Board of Supervisors, October 27, 2009. <https://www.marincounty.org/depts/cd/divisions/environmental-review/current-eir-projects/san-rafael-rock-quarry>
- Marin County, Department of Public Works, 2018. San Rafael Rock Quarry, Grading Permit # GP18-001 (authorizing Phase I reclamation grading). June 2018.

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National Oceanic and Atmospheric Administration (NOAA), National Ocean Service, 2021. “What is a Salt Marsh?” <https://oceanservice.noaa.gov/facts/saltmarsh.html>. Accessed September 30, 2021.

Ponte, Jean-Paul, 2021. Letter from Jean-Paul Ponte, Biologist, WRA Environmental Consultants, to Ross Campbell, San Rafael Rock Quarry, re: Dutra San Rafael Rock Quarry Marsh Restoration Plan Implementation 2020 Invasive Weed Mapping and Monitoring Report. January 15, 2021. Included in Appendix D of SRRQ’s 2020 Annual Report to the County.

San Rafael Rock Quarry, 2012. Preferred Marsh Restoration Plan, 2012. Submitted to Marin County Department of Public Works, September 28, 2012.

San Rafael Rock Quarry, various dates. San Rafael Rock Quarry – Annual Reports, 2010-2020. Submitted to Marin County Department of Public Works.

WRA Environmental Consultants, 2019. Letter from WRA to Aaron Johnson, Dutra San Rafael Rock Quarry, Re: Supplemental Guidance of the San Rafael Rock Quarry Marsh Restoration Plan. March 1, 2019. Attached to Ponte, 2021 and included in Appendix D of SRRQ’s 2020 Annual Report to the County.

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## **CHAPTER 3**

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# Comment Letters and Responses to Individual Comments

Comment letters and responses to individual comments are included in this chapter. Each written comment letter is designated with a letter on the first page. Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to the numbered comments in that letter. Only comments on the scope of the Project and on the Addendum are responded to: comments expressing the commenter's support for or opposition to the Project, and comments addressing other issues not within the scope of the Project, are not responded to, as they are not relevant to the CEQA analysis for the Project.

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**From:** Culpepper, Amanda(Mandy)@Wildlife <amanda.culpepper@wildlife.ca.gov>  
**Sent:** Wednesday, September 8, 2021 12:08 PM  
**To:** Davidson, Berenice  
**Subject:** San Rafael Rock Quarry EIR Addendum (SCH No. 2005102122)

Hi Berenice,

1 | I ran out of time to do a thorough review and comment for this SRRQ CEQA addendum, but I did notice some missing information regarding nesting birds that I wanted to make you aware of. In 2020 and 2021, ospreys were observed nesting in the northeast quadrant during the preconstruction nesting bird surveys. The consultant reached out to CDFW to identify appropriate nest buffers and monitoring during project activities. This is to say, the measure that is in place appears to be working. However, the nesting bird section of the addendum should likely disclose that osprey are using the area as this is new information since the 2009 FEIR.

2 | I would like to take a look at the marsh restoration plan in the future when I'm a little less busy (less busy may be wishful thinking...). It sounds unfortunate that the preferred alternative was deemed infeasible and I'm curious about the periodic tidal flushing.

Best,

Mandy

Amanda Culpepper ([she](#))  
Environmental Scientist | Marin & Solano Counties  
California Department of Fish and Wildlife  
(707) 428-2075 | [amanda.culpepper@wildlife.ca.gov](mailto:amanda.culpepper@wildlife.ca.gov)  
2825 Cordelia Road, Suite 100, Fairfield, CA 94534

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CDFW is transitioning to the [Environmental Permit Information Management System \(EPIMS\)](#), an online system, for all Lake or Streambed Alteration (LSA) Notifications. **CDFW now *only* accepts standard and emergency Notifications through EPIMS.**

## Letter A: California Department of Fish and Wildlife, Amanda Culpepper, Environmental Scientist

A-1 To incorporate the information provided by the commenter, the last paragraph on Addendum page 2-40, continuing to 2-41, is revised as follows:

Potential nesting habitat for raptors occurs on or near the Project site in marshes and eucalyptus trees, though no nesting raptors were observed during a survey in 2015 (Sequoia Ecological Consulting, 2015d). Other special-status bird species potentially breeding in marshes onsite include San Pablo song sparrow (*Melospiza melodia samuelis*) and saltmarsh common yellowthroat (*Geothlypis trichas*). Other protected migratory birds could nest in grasslands, ruderal habitat, on buildings, and in the marshes onsite. While any birds nesting within the Project site may be habituated to noisy conditions, clearing, grading, and other construction activities during reclamation could disturb or destroy active nests, or cause nest abandonment and death of young, if active nests are present. Removal of trees or shrubs could result in direct losses of nests, eggs, or nestlings. Mitigation Measure R4.3-11b and COA 111 require surveys for nesting raptors and other birds prior to vegetation removal or nearby reclamation activities during bird nesting season, and Mitigation Measures R4.3-12a and b, adopted as COAs 112 and 113, require a buffer area around marsh habitat and development of a Marsh Wildlife and Habitat Protection Plan that would protect birds nesting in the marsh from disturbance. Pre-construction surveys performed prior to reclamation grading in 2019, and biological monitoring conducted during reclamation activities found no nesting birds in the NE Quadrant (WRA, 2019b). In 2020 and 2021, however, ospreys were observed nesting in the NE Quadrant during the preconstruction nesting bird surveys. The applicant's consultant contacted CDFW to identify appropriate nest buffers and monitoring during reclamation activities, as required by Mitigation Measure R4.3-11b and COA 111 (WRA, 2020). Continued implementation of these mitigation measures, all of which were adopted as conditions of approval, will ensure that the Project will not have a new or substantially more severe significant impact on nesting birds. There is no new information or changed circumstance since certification of the 2009 FEIR that would change this conclusion: the Project would not result in a new or substantially more severe significant impact on nesting migratory birds, including raptors.

Reference: WRA, 2020. Letter from Rob Schell, WRA, to Molly Jacobson, SRRQ, Re: 2020 Monitoring Report for the Dutra San Rafael Rock Quarry Reclamation Project, Marin County, California. Appendix F to San Rafael Rock Quarry's 2020 Annual Report to Marin County.

A-2 Please see Master Response 1.



September 10, 2021

Berenice Davidson, Principal Engineer  
Marin County Department of Public Works  
3501 Civic Center Drive, Suite 304  
San Rafael, CA 94903

**Re: San Rafael Rock Quarry Amended Reclamation Plan Draft Addendum to the 2009 FEIR**

Dear Members of the Board of Supervisors:

1 | The City of San Rafael appreciates the opportunity to review and comment on the San Rafael Rock Quarry Amended Reclamation Plan Addendum to the 2009 Final Environmental Impact Report. Due to the late date in which the City became aware of the availability of the Draft Addendum to the EIR, our comments are limited in scope to the following issues of direct impact on the City.

2 | **Transportation.** The Transportation analysis fails to compare the wear and tear on the pavement between the project and the potential development of the site. Although wear and tear is mentioned on Page 2-139, it does not include comparison of the pure VMT and evaluation of the impacts on the life of the pavement. Additionally, no mitigation or compensation is provided to the City for maintenance and upkeep of the pavement damaged from quarry trucks on PSPR and Second/Third Streets. We request that the Board direct your Public Works director to set up an equitable and convenient system to implement a mitigation provision to improve the joint-use thoroughfare.

3 | **Noise.** The noise analysis does not update the thresholds of significance from the 2009 EIR, which are based on County standards. Since the most proximate residents are within the city of San Rafael, we request that the noise analysis also include the City's noise ordinance and General Plan 2040 policies to determine if quarry operations, including noise from truck traffic, meet these criteria as well.

4 | **Mitigations.** The City is supportive of continued mitigation measures that do not require the installation of a 70-foot tall noise berm in the NE Quadrant, that restore wetlands early in the reclamation process. Additionally, as previously commented, the City encourages consideration of operating requirements that would increase barge transport of materials and decrease truck access as a means of addressing



4 ↑  
cont. | the cumulative impact of diesel emissions and traffic noise affecting residents  
along Point San Pedro Road.

5 | We appreciate the challenges facing the Board in balancing the state  
requirements for continued operation of this important mineral resource while  
protecting to a greater degree the health and property rights of those who reside  
near the quarry.

Sincerely,



Alicia Giudice  
Community Development Director  
CITY OF SAN RAFAEL

## Letter B: City of San Rafael, Alicia Giudice, Community Development Director

B-1 As noted in the introduction to this Response to Comments Amendment, CEQA does not require circulation of an Addendum to a certified EIR. The County, at its discretion and consistent with past County practice, provided a 30-day review and comment period on the Addendum as a courtesy to allow interested parties additional time to review and understand the findings of the Addendum before the Project is scheduled for a public hearing before the Board of Supervisors. The County issued a Notice of Availability of the Addendum on August 9, 2021 (Marin County, 2021).

B-2 As stated in Addendum Section 2.17, Transportation, proposed CARP19 would not increase off-site VMT or otherwise impact transportation. Furthermore, roadway wear and tear is not itself considered an environmental impact under CEQA.

B-3 As described on Addendum page 2-116, the noise analysis conducted for the Supplemental Environmental Review updated the thresholds of significance from previous County standards to noise standards listed in COA 70. COA 70, which was adopted by the Board of Supervisors, is the applicable noise standard for reclamation activities.

The comment does not indicate any noise goals, policies, or programs that would be violated by CARP19. In responding to this comment, however, the City of San Rafael's General Plan 2040 Noise Element was reviewed, and CARP19 does not appear to conflict with or violate any applicable noise goals, policies, or programs in the Noise Element.

Table 8.13-1 of the City of San Rafael's Noise Ordinance (Chapter 8.13) states that the daytime noise limits for residential land uses are 60 dBA (Lmax) and 50 dBA (Leq). In 2020, ambient noise levels were taken at a residential property in the City of San Rafael on Marin Bay Park Court that is the closest residential property to reclamation activities at SRRQ (Appendix D). Average hourly noise levels (Leq) ranged from 43-52 dB, Leq. The 2020 noise measurements, which occurred when the Quarry was operating, indicate that the existing noise environment at the nearby residence in the City of San Rafael is generally consistent with the City's Noise Ordinance daytime noise limits.

B-4 The Project does not propose changes to the previously proposed berm in the NE Quadrant, which has not been constructed and was not included in the County-approved Phase 1 Grading Plans. With regard to restoration of wetlands, please see Master Response 1. The Project pertains to extending the deadline to complete reclamation only, and not mining operations, as discussed in Addendum Chapter 1, Project Description, and has no effect on the mode of transport of mined materials.

B-5 This general comment does not address the environmental analysis.

## Reference for Responses to Comment Letter B

Marin County, 2021. Notice of Availability: San Rafael Rock Quarry Amended Reclamation Plan  
Addendum to the 2009 Final EIR. August 9, 2021.



# Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

September 9, 2021

Dennis Rodoni, President,  
Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

Re: San Rafael Rock Quarry Addendum to the EIR

Att: Berenice Davidson

Dear President Rodoni and Supervisors:

The Marin Audubon Society appreciates the opportunity to submit comments on the Addendum to the EIR for the San Rafael Rock Quarry Reclamation Plan. Our comments focus on the status of the wetlands and compliance with required mitigation and conditions. From our observations of the site, review of the CRAM (wetland assessment method), the EIR, monitoring reports, and the applicant's *Preferred Wetland Restoration Plan 2012* (Plan), the Plan is inadequate, based on faulty assumptions, does not comply with permit conditions, and is unlikely to make a significant difference in protecting and enhancing the marsh. It is not clear that the county or any agency has actually approved the plan or whether there has been any oversight. Because of these conditions and other inadequacies discussed below, the wetland component of the Reclamation Plan EIR must be revisited, revised and approved by the County of Marin and relevant regulatory agencies.

1

## Evaluation of Current Conditions

Our comments evaluate current conditions of the wetlands, adequacy of the applicant's *Preferred Wetland Restoration Plan*, compliance with Condition 114 of Marin County's approved permit conditions for the Reclamation Plan, and the EIR, which sets forth requirements to reduce impacts on the wetlands to a less than significant level. Condition 114 calls for preparation of a *Wetland Compensation and Monitoring Plan* that includes but is not limited to "1. Provision of onsite compensation through creation or enhancement of existing jurisdictional features. 2. Creation or enhancement of additional onsite wetlands or offsite compensation." (elements i through vii). The required Plan for restoring the marsh is to include a plan for new channels; an operation schedule for the tide gates that will include twice daily inundation of the salt marshes; a plan to determine optimum inundation levels; and annual monitoring reports. The applicant's *Marsh Restoration Plan 2012* does none of this. There has been no creation or enhancement of jurisdictional features or of additional onsite wetlands or offsite compensation. The applicants appear to have decided to approve a Plan themselves, as there is no evidence it was approved by the County or any regulatory agency. With this situation, the potential for further degradation is very real.



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cont.

Mitigation Measure 4.3-5a of the 2009 EIR calls for protecting the wetlands through setbacks, maintaining high quality runoff, and keeping the outlet works in good working order, among other things. The focus of the applicant’s efforts has been on removing invasive plants around the marsh. As discussed below, the success of those efforts is questionable. We are not aware of any attention to water quality or the outlet works

Permit conditions and mitigations recognize that the marsh is in poor condition and in need of enhancement/restoration. Their intent is that the marsh be restored. The applicant, on the other hand, has put forward an analysis to justify not doing any actual work in the marsh but instead to focus on removing selected invasive plants from the perimeters of the marshes.

The applicant’s *Marsh Restoration Plan 2012* discussed three alternatives. Our analysis of these alternatives is as follows:

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Alternative 1 – Restoration to tidal action. This was rejected because of the potential for flooding San Pedro Road and that it would change the habitat. While this alternative could initially change the marsh to a vegetated mudflat, over time sediments contributed by tidal waters would raise the elevations to be suitable for marsh plants to grow.

Alternative 2 – Excavation. This alternative is poorly developed and, in our view, should have been the preferred alternative. According to the Plan, Alternative 2 was not chosen because of “the extent of the impacts on existing wetland habitats cost and permit constraints.” (Page 8)

Concerning these objections:

- We don’t understand what constraints there would be with permitting. Regulatory agencies support marsh restoration. Sponsors need to fill out an application, and if the project design is adequate the applicant is issued a permit. What’s constraining about that?
- With regard to costs, it is hard to understand how costs of excavating a few channels would be a significant factor here. Dutra moves bay mud and rock all the time, both within the quarry and regionwide. We would expect that they would actually have the equipment to excavate channels, experienced operators, and places to use the material on-site. Therefore, we expect costs would be minimal.
- The impacts to wetlands would be beneficial in the long-term (see discussion below).

Alternative 3 – The Preferred Alternative. The Plan states that the Preferred Alternative represents an opportunity to significantly improve the impacts to wetlands, would be beneficial in the long-term, minimize unintended impacts, and is a “feasible approach with immediate results.” The intended beneficial impacts with immediate results have clearly not been achieved in the last nine years.

A few words about stressors: the CRAM evaluated the marshes as being “toward the middle to low score range.’ This is blamed on stressors that are “beyond the control of the property owner”: mosquito abatement vehicles running through the marsh and runoff with urban pollutants from the storm drains. Regular tidal inundation not only nourishes the marsh but greatly reduces the potential for mosquito production because mosquitoes are adapted to standing water. Mosquito Abatement can be asked to not drive through the marsh (as Marin Audubon has done). Concerning pollutants, we note that regular tidal inundation would flush the marsh carrying out urban pollutants on outgoing tides. If the elevation of the culvert allows sediment to gather

↑ outside of outfall some adjustments can be made with the pump and outfall elevations or the sediment can be removed regularly.

### **Status of Current Alternative**

The Project is adversely impacting on federally protected wetlands - The intent of mitigation 4.3-5 and permit condition #114 are to reduce impacts to a less than significant level. Clearly the mitigation has not accomplished the intended improvements in the marsh. And there has been a conversion of marsh type on the northern marsh, which has been a fresh water marsh, but is now a salt marsh dominated by pickleweed.

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It appears that there has been little progress even in improving the marsh buffers either because the removal methods were ineffective or not implemented adequately to remove the weeds. As shown and discussed in monitoring report, some invasive plants have been removed but many remain and populations of some (notably eucalyptus) have increased. We note "Removal and control of invasive non-native invasive plants from the marsh and adjacent uplands" was identified as a prime goal of the restoration project. But there has been little progress toward even this limited goal

While tidal waters appear to be let in from time to time, the schedule, if there is one, is not known. Currently, water remains ponded in low areas of the marsh inviting algae blooms. Channels and regular tidal interchange are needed to flush the marsh and nourish its plants and invertebrates. There is no evidence that any revegetation has taken place.

Further, the monitoring reports do not provide sufficient information. Treatment scenarios are general, timing unspecified (e.g. open the tide gate for period of time; pump salt water out of the marsh; close the tide gate monitor and adjust scenario). Replacement of the invasive species that are removed with native species is not mentioned. Treatments actually used are not specified, only options are provided (e.g. herbicides, hand pulling). There is no documentation as to how these activities were implemented in the 12 restoration areas over two five-year phases. In summary, the monitoring reports do not provide any of the information required to enable the actions taken and the results to be known and evaluated. Instead, the reports present a generally favorable picture and gloss over unfavorable aspects.

### **Next Steps**

Where should we go from here? We recommend revisiting the Alternatives presented in the Plan because the current alternative is inadequate, the bases upon which the choice was made were faulty, and beneficial results are minimal, if they exist at all.

We recommend Revising Alternative 2: This alternative, with some revisions, has the potential to significantly improve the marsh ecosystem by providing muted tidal action, which would result in a significantly more productive tidal marsh. New channels would improve circulation, the tide gate (replacements may be needed) would be set so that when waters reach a certain level the gate closes, as is described on page 4, the gate only allows as much in as will not flood San Pedro Road. The pump would assist in water removing tidal waters.

Marshes need regular Inflow of tidal water to eliminate the invasive weeds and restore a saltmarsh plant community. While excavating channels so tidal waters can get back in to the



interior of the marshes is temporarily disruptive, in the long term it would be expected to result in a more healthy, resilient, and productive marsh. And there can be habitat benefits from the delayed high and low tides. Other marshes in Marin are maintained by tidal inundation through culverts: including at Redwood High School, Rush Creek and just a few miles down San Pedro Road to the west at Bayside Acres. The Bayside Acres marsh gets tidal waters on a regular basis through a culvert under the road. The tidal cycles in these marshes are muted by the limits of the culverts and tide gates.

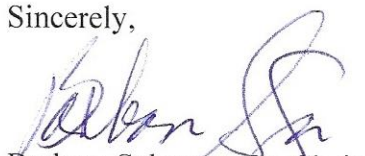
### **Our Recommendation**

Revisit the Biological Resources mitigations and conditions and require development of a management plan that will actually protect and enhance the wetlands based on a revised Alternative 2. The revised Plan should include:

- A revised specific plan that actually addresses corrective actions, maintenance and management of the marsh to ensure it is maintained as a productive resource. An independent hydrologist should review conditions and provide recommendations for excavating channels, the tide gate and its management so that the marsh receives regular tidal inundation and that flooding of San Pedro Road is avoided.
- Specific steps and schedules for management actions for the culvert/tide gate to ensure regular tidal action; revegetation with native plants; and ongoing maintenance of non-native species when the invasives resprout.
- Annual reporting requirements on management of the tide gate, invasive plant removal and vegetation must include: dates activities completed, species planted, species removed wjhen, treatment methods used, (the current information includes only target species and treatment alternatives so you can't tell what action was taken, when, or at all) and an evaluation of the progress of the specific removal and revegetation. As of now, it appears no revegetation has taken place.
- Provision for oversight and enforcement that will ensure the plan is being implemented. Oversight and enforcement actions should be defined and a schedule clearly spelled out.
- Provision for public input. Monitoring reports submitted should be available for public review and comment.

In conclusion, we emphasize that restoring and maintaining these mashes in a healthy condition would be a great benefit to the community, to the habitats of the San Rafael shoreline, to the ecosystem of San Pablo Bay, and a fitting compliment to all of the beneficial dredging work Dutra does.

Sincerely,

  
Barbara Salzman, Co-Chair  
Conservation Committee

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## **Letter C: Marin Audubon Society, Barbara Salzman, Co-Chair, Conservation Committee**

- C-1 The commenter erroneously refers to COA 114 requiring a “Wetland Compensation and Monitoring Plan,” and refers to a “Preferred Wetland Restoration Plan 2012.” COA 114 is unrelated to wetlands, and the plan required by COA 113 is a Marsh Restoration Plan, which, as explained in Master Response 1, has been prepared by SRRQ. Mitigation Measure 4.3-5a, referred to by the commenter, addresses wetland protection, but does not require a wetland restoration plan or onsite or offsite compensation; a wetland compensation and monitoring plan is not required by any mitigation measure or condition of approval. Mitigation Measure 4.3-5a is implemented by COA 98, not COA 114. The source of the commenter’s erroneous information is unclear. The portions of this comment that refer to the Marsh Restoration Plan are addressed in Master Response 1.
- C-2 Please see Master Response 1 regarding comments on the Marsh Restoration Plan, its genesis, and monitoring and reporting of its implementation. We assume that the commenter’s references to Mitigation Measure 4.3-5 are erroneous, and should be to Mitigation Measure C4.3-18b, and that references to Permit Condition #114 are meant to refer to COA 113; Please see response to comment C-1.



September 8<sup>th</sup>, 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](mailto:Envplanning@marincounty.org)

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

Dear Ms. Reid:

1 | 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.

2 | **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.

3 | 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.

4 | 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.

5 **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.

6 **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.

7 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.

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“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.

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### **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

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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 PM<sub>10</sub> and PM<sub>2.5</sub>, 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

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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.

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**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.

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**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.

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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

## Letter D: Marin Conservation League

- D-1 Marin Conservation League's comments were included in the 2009 FEIR, Volume II, as Letters 26 and 27. All comments were responded to.
- D-2 SRRQ's vested right to mine is discussed in Addendum Chapter 1, Project Description. Because SRRQ is not proposing changes to the permits governing mining operations, there is no change to the Amended Surface Mining and Quarrying Permit (AQP) project described in the 2009 FEIR. State CEQA Guidelines Sec. 15162 and 15163 limit the circumstances under which a project for which an EIR has been certified requires a supplemental or subsequent EIR. As discussed in Addendum Chapter 1, SRRQ's proposal does not trigger the requirements for a supplemental or subsequent EIR; therefore, an addendum to the 2009 FEIR is the appropriate CEQA document.
- D-3 The purpose and need for the commenter's recommended change to COA 30 are unclear. Should the Project be approved, County staff will recommend updating COA 30 to reflect the new projected date for cessation of mining.
- D-4 The County Department of Public Works (DPW) has full authority to enforce all permit provisions, including conditions of approval. DPW conducts annual inspections, responds to complaints, and maintains regular communications with SRRQ management regarding ongoing issues. The Mitigation Monitoring and Reporting Program (see Appendix A to the Addendum), which establishes a schedule, monitoring responsibilities, and verification procedures for all mitigation measures required by the 2009 FEIR, is in effect.
- D-5 Current climate change science, policy, and regulation are reviewed in Addendum Section 2.8, Greenhouse Gas Emissions. The mitigation measure requiring SRRQ to plan and implement GHG reductions, Mitigation Measure 4.2-3c, is proposed to be updated to reflect current State and County GHG reduction goals. Recent and projected sea level rise are discussed in Section 2.8 and in Section 2.10, Hydrology and Water Quality; see particularly the discussion of topic 10d, commencing on page 2-99. No new or more severe significant project or cumulative impacts associated with climate change or sea level rise, were identified. Please see also the following response.
- D-6 An analysis of direct and cumulative impacts related to flooding and flood hazards, including as a result of sea level rise, is presented on Addendum page 2-99. The analysis of future sea level rise related flood hazards incorporates consideration of BayWave and other sea level rise model estimates and scenarios and utilizes sea level rise estimates for the year 2100 consistent with regional sea level rise planning. As described on Addendum page 2-99, with implementation of COA 130 and Mitigation Measure R4.5-8, impacts related to future flooding and flood hazards due to sea-level rise would be less than significant and implementation of the Project would not result in new impacts or increase the severity of previously identified significant impacts. COA 130 and Mitigation Measure R4.5-8 require the Applicant to model the effects of the maximum expected tsunami, seiche event, and anticipated sea level rise prior to the implementation of Phase 4 of reclamation. The assessment report to the County must rely on the most recent climate change projections, consider the County policies and regulations in effect at the time, and

incorporate adequate setback and final contour elevations. If necessary, the results of the assessment report will be used as a basis for revising the plans for Phase 4 reclamation and post-reclamation use of the Project site. These existing requirements are sufficient for ensuring that SRRQ plans for and responds to projected sea level rise. Please see also Master Response 1.

- D-7 Please see Master Response 1.
- D-8 Please see responses to comments H-9 through H-13.
- D-9 Health risks associated with proposed CARP19, and cumulative health risks associated with CARP19 combined with past, current, and projected future mining operations, and other nearby sources of TACs, are evaluated in Addendum Section 2.3. The new HRA conducted for the Supplemental Environmental Review finds that there would be no new or substantially more severe significant health risk impacts, compared to those identified in the 2009 FEIR. Please see also the responses to comments H-2 and H-4 through H-8 for more information related to cumulative impacts. CARP19 would not increase emissions of particulate matter, and so would not cause or contribute to cumulative emissions of particulates, including those emitted by wildfires, as further discussed in the response to comment H-6. Therefore, CARP19 would not result in a considerable contribution to a cumulative air quality impact of this kind, and the cumulative impact would be less than significant. COA 88 already prohibits blasting on Spare the Air days. Mitigation Measure R4.2-1j and COA 58 already limit simultaneous mining operations and reclamation activities, such that daily air emission standards would not be violated. Mitigation Measure R4.2-1g and COA 50 already require use of biodiesel or other alternative fuels that achieve the same emission reductions. As the Project would not increase air emissions, there is no need to impose additional mitigation.
- D-10 The proposed Project would not affect water use or water supply. A discussion speculating on the effects of possible curtailment of the municipal water supply to SRRQ is beyond the scope of environmental review pursuant to CEQA.
- D-11 Please see response to comment H-3.
- D-12 Please see the response to comment H-2.
- D-13 Preliminary plans for post-reclamation land use, and existing requirements for preparation of a final development plan prior to completion of reclamation, are described in Chapter 1 of the Addendum, commencing on page 1-13. The Project proposes no changes to these requirements. County staff and Supervisors regularly communicate with members of the community and attend community meetings that address concerns regarding Quarry operations and reclamation. Please see also the response to comment H-2.





MARIN COUNTY  
OFFICE OF EDUCATION

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MARY JANE BURKE  
MARIN COUNTY  
SUPERINTENDENT OF SCHOOLS

(415) 472-4110  
FAX (415) 491-6625

September 9, 2021

Berenice Davidson, Principal Civil Engineer  
Department of Public Works  
County of Marin  
3501 Civic Center Drive, Room 304  
San Rafael, CA 94903

RE: San Rafael Rock Quarry Amended Reclamation Plan's Addendum to the 2009 Final Environmental Impact Report

Dear Ms. Davidson:

On behalf of the Marin County Office of Education, I am writing to encourage Marin County to approve San Rafael Rock Quarry (SRRQ) Amended Reclamation Plan's Addendum to the 2009 Final Environmental Impact Report.

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The San Rafael Rock Quarry is a long-standing local business, operating for over 100 years in Marin County, demonstrating the profound impact of having deep roots in our community. Marin County is the special place that it is due to families and businesses like the Dutrass and SRRQ that provide continued local resources to our community while contributing to many charitable causes that could not function without this support. Marin's schools, most especially, the San Rafael City Schools, have long benefitted from the generous support of SRRQ and the Dutra family. In addition, SRRQ has been a supporter of SchoolsRule-Marín, a countywide collaborative that works in support of every student in every Marin public school.

I urge you to approve San Rafael Rock Quarry Amended Reclamation Plan's Addendum to the 2009 Final Environmental Impact Report, allowing SRRQ to continue to operate in ways that will positively impact our community for decades to come.

Sincerely,

MARY JANE BURKE  
Marin County Superintendent of Schools



## **Letter E: Marin County Office of Education, Mary Jane Burke, Marin County Superintendent of Schools**

E-1 This comment addresses the merits of the Project, not the environmental analysis.

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President & CEO

**KATE MURRAY**  
CAO



F

September 1, 2021

Berenice Davidson, Principal Civil Engineer  
Department of Public Works  
County of Marin  
3501 Civic Center Drive, Room 304  
San Rafael, CA 94903

RE: Support for San Rafael Rock Quarry's Requested Addendum to the Approved Quarry Reclamation Plan

Dear Ms. Davidson:

North Bay Leadership Council (NBLC) urges support for the San Rafael Rock Quarry's requested Addendum to the approved Quarry Reclamation Plan.

NBLC is an employer-led public policy advocacy organization committed to providing leadership in ways to make the North Bay sustainable, prosperous and innovative. As business and civic leaders, our goal is to ensure economic health by building more housing, promoting better education, and creating jobs to make our region a better place to live and work. Collectively, our members have over 25,000 employees.

San Rafael Rock Quarry seeks a text change to the current, approved Quarry Reclamation Plan so the mining reclamation timeframes stated in the Reclamation Plan reflect Dutra's intent to continue mining through 2044, rather than 2024 as currently stated. This text change does not entail any changes in the way Dutra mines the Quarry, how Dutra will reclaim the Quarry once mining is completed, or how the Quarry property will be redeveloped after mining and reclamation. This amendment results in no changes to operating hours, annual production limits, or other environmental safeguards in place to protect the natural environment and surrounding neighborhoods. It merely reflects the new timeline for the conclusion of mining and reclamation work at the quarry site.

The Marin IJ recently published a news article regarding the Addendum where you are quoted saying, "the Addendum concluded that there were no new or more severe impacts than what were already identified in the 2009 EIR. Therefore, the Addendum is sufficient, and there will be no need for further review."

NBLC is pleased with your and the County's positive response to the Addendum and wants to show our support for it as well. NBLC urges the County to approve the Addendum to the San Rafael Rock Quarry Reclamation Plan.

Sincerely,

Cynthia Murray  
President and CEO

## **Letter F: North Bay Leadership Council, Cynthia Murray, President and CEO**

F-1 This comment addresses the merits of the Project, not the environmental analysis.

**Taylor, Tammy**

---

**From:** Julian Wood <jwood@pointblue.org>  
**Sent:** Wednesday, September 08, 2021 1:54 PM  
**To:** EnvPlanning  
**Cc:** Sam Veloz  
**Subject:** Point Blue comment letter on San Rafael Rock Quarry EIR Addendum  
**Attachments:** Point Blue comments on SRRQ site\_Sept 8.pdf

1 | Hello Ms. Reid, I've attached a letter commenting on the San Rafael Rock Quarry EIR Addendum in the hopes that the County will consider restoring tidal flows to the site as part of a larger nature-based adaptation to flooding vulnerabilities in the area. Thank you for taking the time to read our comments and for considering our ideas for improving ecological and societal outcomes at the site.

Cheers,  
Julian

Julian Wood (he/him), *San Francisco Bay Program Leader*

Point Blue Conservation Science

3820 Cypress Drive, Suite 11, Petaluma, CA 94954

Cell: 415-717-8248

Office: 717-781-2555 ext.313

[www.pointblue.org](http://www.pointblue.org) | Follow Point Blue on [Facebook](#), [Twitter](#), and [Instagram](#)

Point Blue—Conservation science for a healthy planet.



Rachel Reid, Environmental Planning Manager  
Marin County Community Development Agency  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

Ms. Reid:

In my capacity as the San Francisco Bay Program Leader at Point Blue, I am submitting the following comments regarding the San Rafael Rock Quarry (SRRQ) EIR Addendum; in particular, MM C4.3-18 dealing with the restoration of the 50 + acres of what is described in the current restoration plan as “an existing successful and vibrant marsh.”

Point Blue’s 160 scientists work to reduce the impacts of climate change, habitat loss, and other environmental threats while developing nature-based solutions to benefit both wildlife and people. We work from the Sierra to the sea, across the Western Hemisphere and as far away as Antarctica, preparing for the changes and challenges ahead. Relative to the SF Bay Area, we are proud of a variety of successful wetlands restoration projects we have been involved with including the South Bay Salt Pond Restoration Project, Hamilton Wetlands, and Sonoma Baylands.

On a July 28, 2021 tour of the SRRQ wetlands, I saw a lack of bird species that typically inhabit a vibrant marsh likely because the site is completely cut off from the bay’s tides and only allowed to flood via a tide gate during extreme high tides. As was explained by Ross Campbell, the SRRQ engineer who joined our tour, this extreme tide flooding is designed to limit the spread of invasive plant species within the marsh. This sporadic human-controlled flooding is likely limiting food resources, increasing predation pressure, and preventing successful reproduction by marsh dependent wildlife. Furthermore, I witnessed ATVs crossing the marsh to spray for mosquitoes, a practice which likely discourages birds and other wildlife from breeding or foraging in the vicinity. In addition, the transition zone from wetland to upland habitat at the edge of the site was dominated by non-native plant species and would provide very little vegetative cover for animals that might seek refuge there during the monthly human-controlled flooding. In the short-term, this transition zone can be restored with dense native vegetation that will provide cover for wildlife seeking refuge during extreme tides.

This marsh does not represent a healthy wetland and would benefit from natural tidal exchange to become a “successful and vibrant marsh.”

In the State Coastal Conservancy’s report, [The Baylands and Climate Change: What We Can Do](#), one of the top recommendations is to accelerate tidal marsh restoration by 2030. The sooner tidal marshes are restored, the more likely they are to flourish and provide ongoing benefits when sea level rise accelerates in the middle of this century. In addition to creating a functioning tidal marsh, restoring tidal flows to the SRRQ wetland can provide many other important benefits. Not only would the marsh provide habitat for at-risk bird species and other wildlife, but it would reduce the need for spraying for mosquito vectors. Restoring the SRRQ site could increase flooding near the Point San Pedro Rd. Brickyard Rd. intersection which

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would need to be investigated. However, with just 1.6 ft of sea level rise, there are flood vulnerabilities to adjacent homes near the site (see [OurCoastOurFuture.org](http://OurCoastOurFuture.org)). This flood vulnerability that will increase with time could be addressed in conjunction with tidal restoration. The feasibility of such a multi-benefit approach is increased with the new permitting mechanisms and funding sources that are now available. For example, the [San Francisco Bay Restoration Regulatory Integration Team](#) (BRRIT) can be used to improve the permitting process for multi-benefit restoration projects and the San Francisco Bay Restoration Authority has funds for multi-benefit tidal restoration projects. Waiting to restore the marsh will make achieving successful outcomes increasingly difficult and the opportunities for incorporating the marsh as part of a nature-based solution may become more limited if other traditional gray infrastructure is pursued first.

In conclusion, the SRRQ site has all the potential for an ideal multi-benefit project that can serve as an example of successful nature-based adaptation that provides habitat for at-risk tidal marsh species, flood protection, recreation opportunities, and improved public health safety. All of this points to the need for revisiting the current MRP with the objective of developing an updated approach that will consider the multiple benefits and feasibility of tidal wetland restoration at the SRRQ site.

Sincerely,

Julian Wood, San Francisco Bay Program Leader

## **Letter G: Point Blue Conservation Science - Julian Wood, San Francisco Bay Program Leader**

G-1 Please see Master Response 1.



# POINT SAN PEDRO ROAD COALITION

H

*"Promoting Quality of Life in our Community"*

September 20, 2021

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Rachel Reid, Environmental Planning Manager  
Marin County Community Development Agency  
3501 Civic Center Dr., Suite 308  
San Rafael, CA 94903

Via email: [Envplanning@marincounty.org](mailto:Envplanning@marincounty.org)

Re: Draft Addendum to San Rafael Rock Quarry 2009 FEIR

Dear Ms. Reid:

The Pt. San Pedro Road Coalition respectfully requests that our comments herein concerning the Draft Addendum to the San Rafael Rock Quarry 2009 FEIR (the "Draft Addendum") be considered by County staff and the Board of Supervisors with regard to SRRQ's pending application to extend mining and reclamation to 2044 (the "Project").

This letter provides important background on the incompatible land use and health risks as determined in the 2009 Final EIR of the SRRQ. We document the need for more sufficient analysis of cumulative impacts related to air quality, describe a critical need to develop a more robust, effective Marsh Restoration Plan, and outline significant concerns related to the traffic and transportation on Pt. San Pedro Road, all impacted by the proposed extension for an additional 20 years. Our comments are based on changed circumstances or substantially more severe significant impacts not identified or considered in the Draft Addendum and/or new information of substantial importance requiring new analysis. Therefore, a supplemental review or new analysis regarding these environmental impacts is required.

***20 more years of land use incompatibility and cumulative health risks warrant further environmental analysis of new or more severe impacts and available mitigations***

The 2009 SRRQ Final EIR identified two significant and unavoidable cumulative impacts (Cumulative Air Quality Impact C4.2-12 and Cumulative Land Use and Planning Impact C4.6-7) associated with the SRRQ's permit. The Board of Supervisors made a finding that

these impacts "will remain significant after the identified mitigation measures are implemented." Nonetheless, on September 28, 2010, the Board approved the Operating Permit and Amended Reclamation Plan (ARP) upon making a finding of "overriding considerations." That is, the Board decided that the need for SRRQ products outweighed the land use incompatibility and health risks to the community.

Please consider that the current application seeking permission to extend quarrying and reclamation activities over another 20 years to 2044 will extend this same land use incompatibility and these health risks to the community for that same extended period. Our comments note changed conditions since the 2009 Final EIR that do or likely will exacerbate these same conditions warranting (i) greater environmental analysis of these



changed conditions than presented in the Draft Addendum, and (ii) requiring additional mitigation measures to address the resulting magnification of the impacts to the community from the SRRQ's inherent land use incompatibility and health risks presented by SRRQ's extended operations.

### **Land Use and Planning**

#### *The Draft Addendum Fails to Provide Sufficient Analysis of Cumulative Impacts*

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cont. Section C4.6-7 of the Draft Addendum recognizes that “[c]ontinuing operation of the Quarry under the proposed . . . Permit and extending simultaneous phased reclamation grading under the [ARP] for another 20 years to 2044 would result in continuing significant physical incompatibility impacts with neighboring residential and recreational land uses.” As recognized by both the 2009 FEIR and the Draft Addendum, the SRRQ is incompatible with neighboring residential land uses, regardless of whether SRRQ is meeting existing permit and regulatory standards. Extending simultaneous phased reclamation grading under the ARP for another 20 years would result in continuing significant physical incompatibility impacts with neighboring residential and recreational land uses, and significant un-mitigable (including health) impacts.

The Coalition recognizes that some mitigating Conditions of Approval (COAs) in 2010 have helped to reduce noise and emissions from Quarry operations. However, their full effectiveness has not been tested when the Quarry is operating at full capacity. Since approval of the permit and ARP in 2010, the Quarry has operated at 25% - 33% of maximum production, according to SRRQ Annual Reports. Because of SRRQ's limited production over the past decade, it is no surprise that complaints have gone down. Instead of three house-shaking, dust-spreading blasts per week as was experienced in the past, more recently the average has been closer to one per month. A commensurate reduction in crushing, barge-loading and other activities on site also result in less noise, vibration and dust, and fewer complaints.

3 The Draft Addendum concludes "there are no projects, including past, current, and reasonably foreseeable future projects, and including future plans for the Peacock Gap neighborhood, other portions of the Point San Pedro Peninsula, and the Project site itself envisioned in the draft San Rafael General Plan 2040, that would have the potential to combine with CARP19 in a cumulative manner.” However, it failed to consider the impacts of current and future projects: the SMART train, the Transit Center relocation project, and plans for 390 new housing units plus significant commercial development at the Montecito shopping area in the recently approved San Rafael 2040 General Plan. Evaluation is needed of the impacts of these significant new conditions affecting the Pt. San Pedro Peninsula, especially on traffic patterns and volumes as well as potential additional air pollution impacts.<sup>1</sup> This incompatible Project will result in a new or substantially more severe significant cumulative impact if extended another 20 years with its un-mitigable health impacts, taken together with projected residential growth in the PSPR area.

### **Air Quality**

#### 1. *Extension to Cause More Severe Air Quality Impacts Than Were Contemplated In the FEIR.*

4 In 2009, Paul Damian, PhD, MPH, DABT, the National Practice Leader for Risk Assessment and Toxicology with SCS Engineers in Sacramento, California, and a Board-Certified Toxicologist, assessed the health risks caused by the Quarry's blasting, mining, crushing and materials transport activities. In a letter that was included in the Coalition's response to the 2009 FEIR, he identified health issues related to these activities that were inadequately addressed in the 2009 FEIR. His focus was on crystalline silica (C-silica) and diesel particulate matter (DPM) generated by quarrying that have been identified as carcinogenic and hazardous to health by

<sup>1</sup> The traffic impacts of these new project are addressed below in the “Traffic and Transportation” section of this comment letter.

California, federal and international health organizations such as the International Agency for Research on Cancer.

Dr. Damian distinguished between naturally occurring (“aged”) C-silica and that which is created recently by the blasting, mining, and crushing of rock that occurs at the Quarry. Generally, the latter C-silica has sharp, jagged edges while the former has smooth edges. If inhaled, the “jagged” C-silica lodges in the lungs and is not readily expelled. It accumulates causing irritation that often results in lung damage such as silicosis and cancer. C-silica created by blasting is also much more chemically reactive than aged C-silica, increasing irritation in the lungs and compounding with other carcinogens such as DPM.

A 2012 BAAQMD report stated the following:

“Research on the health effects of PM [particulate matter] is on-going. Our understanding of PM health impacts is gradually enhanced as new studies and journal articles appear at a steady rate. The new research reinforces earlier findings regarding negative impacts of PM on both respiratory and cardiovascular health, and increased rates of health impacts such as heart attacks, strokes, and premature death in response to PM exposure. However, in addition to confirming the results of earlier research, new research is also uncovering evidence of a wider range of potential health effects from exposure to PM, including, linkages to diabetes, reduced cognitive function in older adults, and oxidative damage to DNA.”

Dr. Damian prophetically pointed out that the health risk assessment improperly averaged risks over a 70-year period with the assumption that the Quarry would operate for 17 years and then cease operations for the remaining 53 years. He noted that (i) there was no commitment by SRRQ to cease operations in the 17th year (and strong reason to believe it would continue to mine indefinitely) and (ii) the FEIR does not consider the short-term health risks to individuals exposed to these contaminants during the operational timeframe, including young people and the elderly. These risks now need to be considered in depth given the proposed 20 year extension of quarry operations, which the Draft Addendum fails to do.

Neither does the Draft Addendum address whether the PM problem is exacerbated by new conditions that have arisen since the 2009 FEIR, namely the co-existence of other PM such as wildfire smoke. It acknowledges that “[s]ince completion of the 2009 FEIR, wildfire has become an urgent safety and environmental issue: with the climate warming and drying . . . wildfire behavior and wildfire risk have become more severe (State of California, 2019). The report cites State of California, 2019. Wildfires and Climate Change: California’s Energy Future. A Report from Governor Newsom’s Strike Force, April 12, 2019: <https://www.gov.ca.gov/wp-content/uploads/2019/04/Wildfires-and-Climate-Change-California%E2%80%99s-Energy-Future.pdf>. See also: <https://news.harvard.edu/gazette/story/2021/08/wildfire-smoke-linked-to-increase-in-covid-19-cases-and-deaths/> (from Aug. 15 to Oct. 15, 2020, when fire activity was greatest, daily levels of PM2.5 during wildfire days were significantly higher than on non-wildfire days, with a median of 31.2 micrograms per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ) versus 6.4 ( $\mu\text{g}/\text{m}^3$ ). In some counties, the levels of PM2.5 on wildfire days reached extremely high levels . . . PM2.5 levels higher than 500  $\mu\text{g}/\text{m}^3$  . . . Such levels are deemed “hazardous” by the U.S. Environmental Protection Agency. One of the biggest effects for cases was in nearby Sonoma County.

The CDC also advises that wildfire smoke can irritate your lungs, cause inflammation, affect your immune system, and make you more prone to lung infections, including the virus that causes COVID-19. (See [https://www.cdc.gov/disasters/covid-19/wildfire\\_smoke\\_covid-19.html](https://www.cdc.gov/disasters/covid-19/wildfire_smoke_covid-19.html).)

While the Draft Addendum and Health Risk Assessment continues to suffer from the same deficiencies described by Dr. Damian in 2009, they are compounded by the failure to consider new circumstances such as climate change causing repeated exposure to wildfire smoke.

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cont. | Quarrying and reclamation activities at the Quarry do not exist in a vacuum. The cumulative effects of ongoing operations, brickyard emissions, ongoing asphalt production and other operations should also have been considered.

7 | Though air monitoring occurred during reclamation activities in 2018 and 2019 (the County denied our request to test in 2020), high PM levels occurring during wildfires were excluded from the calculations, reducing the usable data. Although no exceedances were then noted, SRRQ production was (as it is now) far below the maximum allowed, making it difficult to draw any conclusions about projected air quality when production ramps back up (which we understand is an assumption underlying SRRQ’s extension request).

2. *Mitigation Measures Once Infeasible May Now Be Feasible*

Changed circumstances have rendered current mitigations insufficient. The Draft Addendum concludes that, with incorporation of the listed mitigation measures, there will be no new significant impacts during the extension. Though some of these conclusions are based on generally accepted models, we are concerned that wildfire, brickyard, Quarry and Brickyard operations may have increased health impacts on the surrounding area, and that it would be prudent to understand more fully what the impacts of fine particulates are on the surrounding community. Consequently, we request further study of those impacts and related, feasible mitigations.

8 | It would be economically feasible to place several PM monitors in the surrounding area similar to those now used by PG&E for their fire meteorology stations. Relatively low-cost Purple Air monitors, for example, have been shown to be reasonably accurate in measuring one hour PM 2.5 levels (with EPA adjustments), particularly if their measurements are read along with wind and weather data. They could serve as canaries outside the mine by producing continuous data for determining the extent that project emissions, when combined with wildfire and other emission sources, create public health hazards. When data collected suggests that those *cumulative* emissions exceed state and federal PM 2.5 and PM10 standards, then additional compliance air quality monitors for PM 2.5 could be placed to support a more detailed analysis.

Since Purple Air monitors measure PM 10 and PM 2.5 but do not determine metals content, to allow their use, modification is needed in the current COA #69 which provides that “[p]ermittee shall fund an on-going air quality monitoring program by the County to measure ambient air quality in the vicinity of the Quarry. The monitoring shall focus on measuring respirable particulate matter (PM-10 & PM-2.5) and determining metals content of particulate matter using BAAQMD and State monitoring standards . . .”

A reasonable assumption of the Project is that there will be an increase in the demand for SRRQ products over the next several decades to satisfy a myriad of infrastructure projects relating to levee maintenance, sea level rise and other water-accessible coastal commercial projects such as SFO and Bay Area port expansion. To meet that demand, production at the Quarry will need to expand far beyond the 25% or so production levels it has averaged since 2010. There is no current operating condition that provides assurance to the public that air quality in the neighborhood surrounding the Quarry will be safe when SRRQ ramps up production to meet the demand for those projects. Because the County has demonstrated over a long period of time an inclination to presume that SRRQ operations are compliant and timely when they often are not, relying on the County to compel air testing at its discretion is imprudent. It is also unnecessary because it is feasible to devise an air quality testing plan, at reasonable cost, with measurable benchmarks related to production levels, real-time Purple Air measurements, production levels, weather, and particulate contributions from wildfires.

Therefore, the Coalition requests that COA #69 be revised to require air quality monitoring consistent with an air quality testing plan to be devised over the next 12 months by SRRQ and the County (and its technical advisors), with input from the public. We would expect that such a plan would provide real time (or close to it)

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disclosure of results, and that COA #88 (which currently prohibits blasting on Spare the Air Days) would be revised to provide for no more than 24 hours' notice from BAAQMD instead of the current 48. In addition, we suggest that reclamation activities be suspended on Spare the Air Days, when production levels increase by 50% or more over those during the periods of air monitoring in 2018 and 2019, provided the BAAQMD gives a 24-hour notice.

### 3. Greenhouse Gas (GHG) Emissions

We concur 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" (Checklist p. 2-75), and with the CAP targets for 2030 and 2045 listed in Table GHG-1 (p. 2-76), inclusive of the State goal of 80% reduction of emission by 2050, which is subsumed in the overall CAP goals (Checklist p. 2-74, and CAP p. 17, Figure 6). We request that additional mitigations be implemented to further this goal. Accepting the 2,369 tons of GHG asserted as the total Quarry project emissions, applying the 2030 CAP goals produces the following chart of reductions needed by the Quarry project to achieve consistency with Marin CAP 2030:

9

Year	Marin County CAP 2030 Requirements	Quarry GHG (MTCO2e)
2021	Baseline projection of total Quarry GHG:	2,369
2030	1 below 1990, emission reductions only	-948
	60% below 2005, sequestration added to emissions reduced	-218
	REMAINING GHG impact 2030:	1,203
2045	Pro rata emissions reductions on track to 80% by 2050	-1,569
	Additional sequestration to reach net zero carbon	-800
	REMAINING GHG impact 2045:	0

In contrast, the EIR Checklist's proposed reductions in accordance with Table GHG-2 (p. 2-79) and accompanying formula are as follows:

Year	Supplemental EIR GHG Proposals	Quarry GHG (MTCO2e)
2021	Baseline projection of total Quarry GHG:	2,369

2030	60% reduction of half the total emissions REMAINING GHG impact 2030:	-711 1,658
2045	20% additional reduction of half the total emissions REMAINING GHG impact 2045:	-237 1,421

9  
cont.

It appears that the intended GHG reductions of Marin CAP 2030 from both emission mitigation and sequestration are not being met by these proposals,. Nor is the intent of existing Mitigation Measure R4.2-3c that the project “demonstrate how reclamation-related emissions are reduced or offset such that there are no net emissions from reclamation.”

10

COA #41 requires that any material shipment from the Quarry to the Haystack Landing facility be by barge only, and thereby effectively eliminates the potential for the Haystack Landing facility to increase truck traffic from SRRQ. However, the impacts of increased GHG emissions from anticipated barging from the Quarry to Haystack Landing have apparently not been considered in the GHG calculations. This oversight should be addressed.

We request the following:

11

A. An additional mitigation measure specifically requiring on-site sequestration through such means as wetland and woodland enhancements sufficient to achieve the sequestration goals of Marin CAP 2030 in the timeframes intended. Align the enhancements with the “post-reclamation” plan noted in Mitigation Measure R4.2.5.

12

B. Modification of the proposed changes to Mitigation Measure R4.2-3c by (i) retaining the “no net emissions from reclamation” language cited above, (ii) citing of Marin CAP 2030 and State 2050 Goals as the thresholds to be achieved, rather than the specific number of tons currently proposed, (iii) requiring that project emission reductions maintain a trajectory sufficient to reach the State’s 2050 Goals, and (iv) adding the requirement that any “offsets” applied to GHG reduction, if they cannot be located on-site, support projects with demonstrable sequestration benefits located within Marin County.

13

C. Modify Mitigation Measures R4.2-a and b to include the use of “renewable diesel” to reduce GHG emissions further.

**The Marsh Restoration Plan**

14

Through its Wetlands Committee, the Coalition seeks to promote the maintenance and restoration of wetlands, inlets, and the shoreline along the Point San Pedro Road corridor. To the extent that mission is successful, habitats will approach their more natural states and wildlife suited for those habitats will be more likely to thrive. The Coalition is thus naturally concerned with the 50 or so acres of marshland separating the industrial operations of the Quarry and McNears Brickyard from Pt. San Pedro Road and homes along and beyond it (the “Marsh”).

14  
cont.

1. *The Site*

The Marsh is a once-impressive brackish marsh that has been degraded over the years by Quarry activity. (See 2009 DEIR pp. 4.3-8 and 4.3-33 citing the “long-standing and on-going degradation of the SRRQ marshes ...”) The 2009 FEIR summarized the potential of the Marsh as follows:

“Given the long-standing and on-going degradation of the SRRQ marshes and the fact that they are relatively small and isolated from other similar habitat, it is unlikely that they will ever again support the full suite of salt-marsh species that they once may have, no matter what measures were taken to restore them . . . This is not, however, to say that [the Marsh] would not be capable of providing relatively high value wildlife habitat were tidal circulation to be restored and were adequate buffers to be incorporated as part of the reclamation phases and post-reclamation development design.” (2009 FEIR, p. 4.3-33.)

Presently, the Marsh is in a woeful state; foul-smelling and putrid, yet visually prominent to all area residents and those who pass by on the way to popular McNears Beach Park and China Camp. It is unappealing and even when marshes close by are filled with waterfowl, few birds stop at these wetlands. When they do, they do not remain for long. And because SRRQ has recently chosen to flood the Marsh, in otherwise dry months, with seawater that does not naturally ebb and flow with the tides, the Marsh this past year has experienced an infestation of an aggressive species of mosquito that thrives in stagnant salt water, requiring the spraying of pesticides to control the infestation.

2. *Selection and Implementation of the SRRQ’s Preferred Marsh Restoration Plan*

In response to the comments on the Marsh in the 2009 FEIR, the Permit included Condition of Approval #113, which required SRRQ to prepare a marsh restoration plan (“MRP”). SRRQ presented the MRP to the County in 2012 (a year later) which included three restoration alternatives. Alternative 1 was full tidal restoration of the Marsh and was the preferred restoration approach. Alternative 2 involved hydrological enhancements that would have drawn water into the Marsh and created a permanent open water habitat. SRRQ rejected both of these alternatives based on flooding concerns and habitat losses associated with Alternative 1, and financial resource limitations associated with Alternative 2 (though SRRQ provided no support that Alternative 2 exceeded its financial capabilities).

An Alternative 3, not studied in the 2009 FEIR, was ultimately selected by SRRQ which was termed in the MRP as the “preferred plan” (an inapt term since only SRRQ favored it, and then based entirely on cost and ease of implementation). Alternative 3 involved no hydrological enhancement or natural tidal flow – only managed flooding through a sluice gate and the replacement of invasive plant species with native ones. The County, for its part, in derogation of its duty failed to even respond in writing to the MRP, ignored input from Marin Audubon and the Coalition questioning the likely effectiveness of Alternative 3, and simply outsourced this mitigation measure to SRRQ without providing oversight. Given SRRQ’s self-serving recommendation of the least expensive alternative, which was not the County’s preferred alternative, the County’s acquiescence to Alternative 3 was inappropriate. It would have failed the most minimal of reviews had the County performed one.

Thus, although SRRQ was required to submit a Marsh Restoration Plan containing 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.,” the plan submitted was neither reasonably contemplated to, nor did it in fact, restore the Marsh. (Draft Add., Ex. 2, p. 34 of 49.) This condition of approval remains unsatisfied.

Moving on to implementation, the MRP contained a timeline of actions to be monitored and verified by the County as the Lead Agency. Until at least April 2019, when WRA (the consultant who had provided the original study for the 2012 MRP) was engaged to oversee and monitor the MRP, SRRQ proceeded to

7

implement its (not the County's) preferred alternative without verification that the selected alternative was either effective or properly implemented. Nine years into the MRP, WRA has yet to furnish a monitoring report with a detailed assessment of the Marsh's condition, any quantified extent of invasive plant decrease and native plant introduction, nor other evaluative criteria. As one example, the MRP states that "[p]lanting and seeding with native species shall occur within the same season following physical removal of infested areas." (MPR, at p. 14.) However, WRA's letter of March 1, 2019, provides advice on planting and seeding suggesting that SRRQ has failed to comply timely with even its own minimalist MRP and the County has failed to provide oversight and enforcement. These are new conditions, not anticipated in the 2009 FEIR (although they should have been considered based on past non-compliance by the Quarry and oversight failures by the County) that the Draft Addendum fails to address.

Recently (August 2021), officials from Point Blue, Sierra Club of Marin, Marin Audubon Society and the Coalition visited the site and observed extensive areas of dead vegetation and invasive plant species previously identified for elimination. The County has failed to perform its obligation to review and verify SRRQ's compliance with COA #113.

### 3. *Marsh Restoration Plan Does Not Restore Marsh*

The Draft Addendum contains the following statement:

"Appendix B of the SRRQ Reclamation Progress Report (SRRQ, 2019) shows that the vegetation management program had moderate success in limiting invasive plant distribution in the marsh from 2011 to 2019. Because marsh restoration has begun and is ongoing during Phase 1 reclamation, the deleterious effect of ongoing reclamation activities on the marsh has been reduced at the present time and, with continued implementation of the Marsh Restoration Plan, can be expected to continue to be reduced. This new information regarding the salt marshes and changed circumstances of partial restoration since certification of the 2009 FEIR demonstrates the effectiveness of identified mitigation measures in reducing the cumulatively significant impact of reclamation activities on the Project salt marshes. The Project would not alter the requirements to continue to implement the Marsh Restoration Plan and would not result in any new or substantially more severe cumulative impact on Project salt marshes." (Draft Addendum, p. 2-44.)

This excerpt demonstrates the weak basis on which the Draft Addendum concludes that the MRP should be maintained as currently designed. Nine years in, the only progress is "moderate" success at merely "limiting" the distribution of invasive plant species. The bar set by the consultant could not have been lower. The consultant seems to be so impressed that the mere beginning of Marsh restoration, with minimal objectives, has had some (unquantifiable) positive effect on the Marsh, that he concludes that no alterations are required to the MRP.

The object of a marsh restoration plan ought to be the restoration of a marsh, and the obvious question, peculiarly asked by nobody, is whether the current SRRQ-preferred approach has resulted in actual restoration. The consultant avoids the question by conflating moderate success at limiting deleterious effects with restoration – even though the general state of the Marsh is far worse than it was when the MRP began. The consultant is thereby affirming not a restoration plan, but a plan of arrested deterioration that will result in a somewhat more limited distribution of invasive plant species. This is hardly the outcome contemplated in COA #113.

### 4. *The Present State of the Marsh Is A New Condition*

The Draft Addendum concludes that extending Quarry reclamation out to 2044 will not result in changes not already anticipated in the 2009 FEIR. We disagree. The ongoing delay already resulting from the County's

lack of verification and enforcement of the MRP has accelerated the Marsh's deterioration and increased the severity of previously identified significant effects further damaging the Marsh.

The MRP should promote the creation of habitat attractive to wildlife that could be expected to populate that sort of ecosystem. While some wildlife populated the Marsh in 2012, particularly waterfowl, there is now none. The Marsh is not a "natural transition to adjacent uplands" as the MRP claimed it would and should be. It is visibly degraded and produces a stench from rotting vegetation. Implementation of the flawed MRP has failed, and the Marsh's current, worsened state is a new condition that merits reassessment.

5. *Supporting Comments by Local Organizations*

Comments on the Draft Addendum made by other organizations including Marin Audubon and Marin Sierra Club are consistent with the Coalition's objections to the Addendum's acceptance of SRRQ's non-restorative MRP. Marin Conservation League comments that SRRQ is years behind schedule for restoring the Marsh, and its failure to have implemented a solution allowing for natural tidal flow has resulted in dead vegetation, an absence of wildlife and resident complaints of bad odors. It recommends consideration of an alternative restoration plan. Point Blue, for its part, agreed that tidal exchange is necessary if the Marsh is to be healthy and vibrant, and further notes that a restoration plan allowing for tidal exchange into the Marsh could be combined with addressing the increasing threat of sea level rise to homes along Pt. San Pedro Road.

6. *What To Do*

The Coalition contends that the County failed to require SRRQ to submit a marsh restoration plan in 2012 that could reasonably be characterized as a plan to restore the Marsh in any meaningful manner. It simply acquiesced while SRRQ implemented a plan characterized principally by its inexpensiveness, but that could be expected to accomplish no more than slow the Marsh's deterioration, if even that. Then, it failed to monitor SRRQ's lack of progress on the Marsh's restoration for most of the past decade. The result is an alternately dry and putrid would-be marsh that supports no significant fauna.

The Coalition is aware that there is some question of the degree to which full natural restoration of the Marsh is practicable. Before the Quarry commenced operations over a century ago, and before residential development in the area eliminated other marshland in the Peacock Gap neighborhood and interrupted the flow of natural freshwater springs, the Marsh was part of a larger marsh system. That system cannot be recreated. However, the Marsh has retained its basic character as marshland despite the destructive effects of adjacent mining activities. It is a great irony that the enterprise quashing the Marsh's vibrancy is so well-suited to aid it – SRRQ is literally in the business of developing and maintaining infrastructure of the type that can rehabilitate the Marsh back to a healthy state. We ask that the County (along with SRRQ) make a considered determination of practicable and reasonable cost options available to restore the Marsh by working with the Coalition and the organizations mentioned below to identify those options, and implement one with proper ongoing attention.

The Coalition urges the Supervisors to reject the conclusion contained in the Draft Addendum that the continuation of the existing SRRQ preferred approach to reclaiming the Marsh constitutes no new or severe impact on the Marsh. Maintaining a restoration plan that the last decade has proven to be a failure on the basis that the mining extension does not implicate a change is irresponsible. The current MRP is no plan of restoration at all, and it is past time that the County required SRRQ to obtain some thorough and unbiased assessments on workable options for the Marsh so that an effective restoration plan can be implemented as soon as is practicable.

**Traffic and Transportation**

The Draft Addendum notes that, "[s]ince completion of the 2009 FEIR, dedicated bicycle lanes have been added to Point San Pedro Road for most of its length from downtown San Rafael to the Project site and beyond.



15 cont. *No other substantial changes to the local transportation system have occurred.*” (Emphasis added.) However, there have been changes that substantially impact traffic to and from the Pt. San Pedro Road Peninsula. Furthermore, no mention is made of planned changes that will have a profound effect on traffic in the future.

The 2017 launch of the SMART train and its 2019 expansion to Larkspur notoriously increased traffic backups on Second and Third Streets, congestion that not only gridlocks the Transit Center area, but traffic westbound on PSPR especially near San Rafael High School and the Fire Station, and eastbound on 2nd Street heading to PSPR. The proposed relocation of the Transit Station may further impact PSPR traffic traveling into downtown San Rafael or accessing the freeway. Moreover, the General Plan 2040 encourages development of new Transit Center area housing which has the potential to add to traffic congestion. The recently approved Downtown Precise Plan for San Rafael calls for 390 new housing units and approximately 45,000 square feet of non-residential uses at the Montecito Commercial District (the eastern edge of this area extends to San Rafael High School on PSPR). This will increase PSPR traffic around Montecito Shopping Center, especially around the busy Union and Grand intersections. Traffic increases on PSPR will also occur with completion of the second phase of development that has begun at the Village at Loch Lomond (The Strand).

16 Overlooked in the Draft Addendum is the County's a proposal to reduce a stretch of Point San Pedro Road eastbound from two lanes of traffic to one. At a recent meeting, area residents expressed great concern about the safety of a single lane of traffic when Quarry trucks are traveling to the Quarry. (Despite the concerns, the County is likely to implement a pilot project of re-striping the road to simulate this change.) And, the City and County have discussed transforming the two eastbound lanes between Main and Riviera Drives into a promenade that would accommodate wider sidewalks and a protected bicycle lane.

17 Also not considered by the Draft Addendum are 20 more years of wear and tear on the roadway from PSPR's use as a haul route for Quarry trucks. The need for asphalt for roadway maintenance was recognized and included in the initial agreement (COA #49). To maintain the road until the Quarry ceases operations and completes reclamation, the County should pursue a similar arrangement with SRRQ to cover ongoing wear and tear from quarry-related traffic.

### Conclusion

18 We urge the Board to take appropriate actions to protect the environment and health of the residents and visitors of Marin County. To ensure that the County has thoroughly examined the environmental impacts of this incompatible industrial operation, supplemental review regarding the environmental impact issues outlined herein is needed. We request detailed responses to each of our requests and recommendations, and that they be made in plain language understandable to the public and our elected representatives to the extent practicable.

Thank you for giving these matters your full consideration.


Sincerely yours,



Bonnie Marmor  
Co-President



David Crutcher  
Quarry Committee Chair



Winifred Dajani  
Wetland Committee Chair

## Letter H: Point San Pedro Road Coalition

H-1 This comment introduces the topics raised by the commenter. Please see the following responses.

H-2 The Addendum correctly concludes that the current Project's contribution to the cumulative land use incompatibility impact of mining and a reclamation would be the same as that identified in the 2009 FEIR, i.e., the same significant and unavoidable impact would continue. As the commenter notes, reduced production levels and mitigation measures, which have been implemented through conditions of approval and that regulate both quarry operations and reclamation, have reduced, and will continue to reduce, the severity of this impact. CARP19 would not increase incompatibility of Quarry operations or reclamation with the surrounding community. The same impact would continue at a similar, or lesser, level of intensity than described in the 2009 FEIR.

With regard to the significant unavoidable cumulative health risk impact identified in the 2009 FEIR (Impact C4.2-12), the Addendum on page 2-30 states that the updated HRA conducted for the Supplemental Environmental Review, which uses current assumptions, models, and methodologies (see topic 3c in Section 2.3, Air Quality, commencing on page 2-16), finds that cumulative health risks, including cumulative cancer risk which was previously found to be significant and unavoidable, would be less than significant. The largest change from the analysis conducted for the 2009 FEIR is the decrease in diesel particulate matter (DPM), due to the more stringent emission controls on diesel engines used in large trucks and heavy equipment. Therefore, the Project would not result in a new or substantially more severe significant cumulative health risk, compared to the 2009 FEIR.

H-3 The Addendum identifies numerous past, present, and foreseeable future projects that could combine with the Project in a cumulative manner. With regard to the San Rafael General Plan 2040, as quoted on Addendum page 2-150, "General Plan 2040 does not envision major changes on the San Pedro Peninsula during the time horizon of this Plan. A strong focus should be placed on emergency preparedness, adaptation to sea level rise, and wildfire prevention. ...[T]he Quarry presents long-term opportunities for reuse. However, General Plan 2040 assumes continuation of existing uses and activities for the foreseeable future." While other projects not listed in Addendum Table MFS-1 could cause or contribute to local or regional traffic congestion or air pollution, as suggested in the comment, CARP19 would not increase traffic or air emissions from SRRQ reclamation activities or from mining operations, and so would not contribute to traffic congestion. Furthermore, pursuant to SB 743, traffic congestion is no longer considered an environmental issue subject to CEQA analysis, as discussed on pages 2-135 and 2-136 of the Addendum.

H-4 Dr. Damian's comments from 2008 are addressed in the 2009 FEIR. See Volume II, responses to comments 30-6 through 30-26. The comment provides no new information on the health risks of crystalline silica. CARP19 does not change quarry production limits or other operational parameters, and so would have no effect on emissions from ongoing mining operations. The Supplemental Environmental Review focuses on impacts related to reclamation activities only. The new HRA conducted for the Supplemental Environmental Review (Addendum section 2.3,

Air Quality) examines reclamation-related emissions, which are found to be unchanged in CARP19 compared to CARP10. Using the current BAAQMD significance thresholds for health impacts and PM2.5 concentrations, the Addendum finds that these impacts would be less than significant.

H-5 With regard to Dr. Damian’s comments on the 2008 DEIR, as noted in the previous response those comments are addressed in the 2009 FEIR, Volume II, responses to comments 30-6 through 30-26. The HRA conducted for the Supplemental Environmental Review (see Addendum Section 2.3, Air Quality) uses current assumptions, models, and methodologies, per revised OEHHA guidance, and finds that the proposed Project would result in no new or substantially more severe significant health risk impact. Please see also the response to comment H-4.

H-6 The air quality analysis in Addendum Section 2.3 examines recent air quality monitoring data (regional and local) and community risk studies, and places new analysis of the Project’s air emissions in the context of current air quality conditions. Particulates from wildfire smoke are detected by BAAQMD’s air quality monitors, including the nearby San Rafael monitoring station. Table AQ-2 in the Addendum summarizes BAAQMD’s most recent available monitoring data. As shown in Table AQ-2, the Bay Area Air Basin experienced 8 days when the National 24-hour average PM2.5 standard was exceeded in 2017, 13 days in 2018, and no days in 2019. The discussion of current air quality conditions on Addendum pages 2-17 and 2-18 states that the Bay Area is currently designated “nonattainment” for the State and National (annual average and 24-hour) PM2.5 standards. The 2009 FEIR, Section 4.2, Air Quality, page 4.2-9, states that exceedance of the now-current National 24-hour PM2.5 standard (35 micrograms per cubic meter) occurred in four of the five years from 2002-2006. While wildfire has undoubtedly caused a periodic worsening of air quality since certification of the 2009 FEIR, trends based on BAAQMD monitoring are difficult to discern.

In a recent publication, the California Air Resources Board (CARB) examined air quality monitoring data related to the Camp Fire, which destroyed much of the town of Paradise in 2018 (CARB, 2021) During the Camp Fire, maximum PM2.5 levels for the period from November 8 through November 22 were more than three times the average levels seen during the same time period from 2010 to 2017. The highest levels of particulate matter were recorded between November 13 and November 16, and concentrations returned to normal conditions, below current State and federal ambient air quality standards, by November 22.

Similar results were shown in association with the Carr Fire, the Mendocino Complex Fire, and the Ferguson Fire (in Mariposa County, Arizona). All four wildfires showed increases in PM2.5 levels, with higher concentrations measured at sites closer to the fires. Data from all four fires also showed increases in the metal (zinc and lead) composition of PM2.5. CARB is currently pursuing further research to examine the effects of repeated short-term exposure and long-term exposure to PM2.5 that are becoming more common with large wildfires and longer wildfire seasons in California.

While California residents are experiencing increased exposure to wildfire smoke, CARP19 would not increase emissions of particulate matter or toxic air contaminants, and so would not

contribute to cumulative emissions of these pollutants, nor to cumulative exposure to them. Therefore, CARP19 would not result in a considerable (and therefore significant) contribution to cumulative air quality impacts.

- H-7 CARP19 does not change quarry production limits or other operational parameters, and so would have no effect on emissions from ongoing mining operations. Please see responses to comments H-4 through H-6.
- H-8 The commenter presents no evidence to support their contention that current air quality mitigation measures are insufficient. Currently, County Parks maintains two PurpleAir PM meters close by SRRQ, at McNear's Beach County Park and at Bayside County Park. These, and other PurpleAir monitors located at and maintained by residents or businesses in the area, provide a quick and easy way for any member of the public with an internet connection to monitor air quality around SRRQ, and to compare it to regional conditions and ambient air standards. Please see response to comments H-4 through H-7. With regard to the commenter's suggestion to revise COA 88, which prohibits blasting on Spare the Air days, to shorten the required notification time from 48 hours to 24 hours, the Project does not involve blasting and COA 88 is therefore not applicable to reclamation activities.
- H-9 As recounted on page 2-78 of the Addendum, COA 53, which was adopted by the Board of Supervisors and is in effect, differs from Mitigation Measure 4.2-3c. Mitigation Measure 4.2-3c requires the GHG Reduction Plan to reduce or offset all reclamation-related GHG emissions, such that net emissions related to reclamation are zero. COA 53, which was adopted by the Board of Supervisors and is in effect requires that the GHG Reduction Plan reduce or offset emissions to 15 percent below the emissions associated with the Amended Reclamation Plan of 1982 (ARP82), SRRQ's previous reclamation plan, and establishes the maximum amount of allowable reclamation-related emissions at 2,489 MTCO<sub>2e</sub>. The proposed changes to Mitigation Measure 4.2-3c described in the Addendum would require SRRQ to reduce GHG emissions associated with reclamation by 60 percent, compared to that allowed by COA 53. This reduction would be consistent with the goals of Marin County's 2030 Climate Action Plan and current State policies. Please see response to comment H-12 showing additional proposed revisions to Mitigation Measure 4.2-3c in response to that comment.
- H-10 GHG emissions from barging materials from SRRQ to Haystack Landing were modeled in the 2009 FEIR. CARP19 would not affect mining production or shipment of mined materials, including no change to the barging requirements established in COA 41.
- H-11 Mitigation Measure R4.2-3c, which was adopted as COA 53, already allows carbon sequestration projects to offset carbon emissions from reclamation activities, and gives preference to on-site projects, such as renewable energy generation, wetland restoration, and reforestation. No additional mitigation is required. Please refer to the response to comment H-9.
- H-12 The County appreciates the commenter's suggestions to further revise Mitigation Measure R4.2-3c. In response, clarifying text is added to the proposed revisions to the mitigation measure to include explicit reference to the Marin County 2030 Climate Action Plan. Other suggestions are

appreciated, but were determined to be unnecessary to further reduce this less-than-significant cumulative impact; please see responses to comments H-9 and H-11.

(Additions are underlined and bolded; deletions are struck through and bolded):

**Mitigation Measure R4.2-3c:** Within ~~one year~~ three months of ~~project~~ approval of the CARP19 Project, the applicant shall update the existing ~~prepare and implement~~ a GHG reduction plan consistent with the Marin County 2030 Climate Action Plan. The plan will ~~include a complete inventory of reclamation-related GHG emissions and will demonstrate how the Quarry will reduce or offset remaining un-mitigated reclamation-related GHG emissions such that total GHG emissions from reclamation grading will not exceed 948 MTCO<sub>2</sub>e over the life of the reclamation project.~~ The plan will prioritize emissions reduction through energy conservation and other measures; for those emissions that cannot be reduced, the plan shall specify how emissions will be offset. Offsets may take the form of installation of on-site alternative energy generation facilities (such as solar power) or offsite compensation, such as monetary contribution to a project that sequesters carbon. Examples of such projects include wetland restoration, purchase of carbon credits verified by the ~~California Climate Action Registry~~ California Air Resources Board, and reforestation. On-site offsets will be given higher priority than off-site offsets, and offsets with co-benefits, such as reduction of particulate emissions within the vicinity of the Quarry, and restoration of habitat for special status species, will be given higher priority. ~~The plan must demonstrate how, at a minimum, the Quarry will reduce reclamation-related, non-biogenic GHG emissions consistent with the Marin County Greenhouse Gas Reduction Plan and Countywide Plan Update policies: since no reclamation-related emissions were occurring in 1990, the plan must demonstrate how reclamation-related emissions are reduced or offset, such that there are no net emissions from reclamation.~~ The plan will include an implementation schedule. The plan will be submitted to the Marin County Public Works Department for review and approval. In addition, ~~the initial emissions inventory prepared as part of the plan will be reported to the California Climate Action Registry Climate Registry or a successor organization as a baseline inventory, and the Quarry will conduct an annual GHG emissions inventory and report it to the Climate Registry and to the County Public Works Department, and report additional inventories annually.~~

- H-13 Mitigation Measure R4.2-1g and COA 50 already require use of biodiesel or other alternative fuels that achieve the same emission reductions in equipment used by SRRQ for both operations and reclamation.
- H-14 Please see Master Response 1.
- H-15 Please see the response to comment H-3.
- H-16 As explained in Addendum Section 2.17, Transportation, reclamation activities associated with proposed CARP19, like approved CARP10, would not generate off-site truck trips. Therefore, there would be no increase in VMT, and no roadway safety issue associated with potential future changes to the configuration of Point San Pedro Road. Furthermore, should the County and the City of San Rafael proceed with reconfiguration of Point San Pedro Road, this may be a project subject to CEQA review that would include an examination of impacts associated with roadway safety and emergency access.

H-17 Please see the response to comment H-16. Roadway wear and tear is not itself considered an environmental impact under CEQA.

H-18 All comments provided by this commenter are responded to above. In summary, for the reasons stated in these responses to comments, no subsequent or supplemental EIR is required.

## **Reference for Responses to Comment Letter H:**

California Air Resource Board (CARB), 2021, Camp Fire Air Quality Data Analysis. July, 2021.  
<https://ww2.arb.ca.gov/resources/documents/camp-fire-air-quality-data-analysis>



**MARIN COUNTY GROUP**

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Sept. 8, 2021

Marin County Board of Supervisors

Rachel Reid, Environmental Planning, Planning Manager, [envplanning@marincounty.org](mailto:envplanning@marincounty.org)

3501 Civic Center Drive

San Rafael, CA 94903

RE: San Rafael Rock Quarry Amended Reclamation Plan Addendum

Dear Members of the Marin County Board of Supervisors and Community Development Agency:

The Marin Group Sierra Club, representing nearly 6000 members, strongly urges you to temporarily delay approval of the San Rafael Rock Quarry (SRRQ) Amended Reclamation Plan Addendum to the 2009 Final Environmental Impact Report until the County has convincing evidence of environmental measures that SRRQ has completed since the **San Rafael Rock Quarry Preferred Marsh Restoration Plan, 2012** was published.<sup>1</sup> The SRRQ hired WRA to create the restoration plan, but did not include a Phase 1 timetable for marsh restoration or a step by step action plan that could have been accomplished in the intervening years until current day. What mitigation measures have been accomplished since 2012?

1 Referring to the COA#113 (Appendix 5), we are concerned that the phrase “as soon as practicable” is not adequately defined to give firm deadlines for marsh restoration, consequences for noncompliance, or assurances to the public that the work will be done at all. Actions to date have been insufficient. Our concern is that restoration of the saltwater and freshwater marshes must start now for the safety of residents and the health of the marshes. The proposed timeline is not acceptable and restoration work should have been happening since the Restoration Plan of 2012 was submitted.

This marsh is a critical component to slow flooding projected for Point San Pedro Road. If indeed there has been some action, the Marin County Board of Supervisors and the Community Development Agency need concrete proof of action already taken, and a time table for future action that will produce results in a very short term, starting now, because Sea Level Rise (SLR) is already happening and is occurring at a faster pace than previously predicted.

[https://www.marincounty.org/-/media/files/departments/pw/land-use/quarry/marsh\\_restoration\\_plan\\_92812.pdf](https://www.marincounty.org/-/media/files/departments/pw/land-use/quarry/marsh_restoration_plan_92812.pdf)

[sierraclub.org/san-francisco-bay/marin](http://sierraclub.org/san-francisco-bay/marin)



### 7. Proposed Project Summary

SRRQ has submitted a proposed revision to CARP10, referred to as CARP19. CARP19 contains one change from CARP10: the timing of reclamation phasing. The proposed changes in the timing of each reclamation phase are shown in Table 1-3. As shown, CARP19 projects reclamation continuing through the year 2044.

**Table 1-3**  
**Existing and Proposed Reclamation Phase Timelines**

Reclamation Phase	Existing: CARP10		Proposed: CARP19	
	Start	End	Start	End
Phase 1	2012	2017	2018	2029
Phase 2	2014	2019	2029	2034
Phase 3	2018	2023	2034	2039
Phase 4	2022	2024	2039	2044

1  
cont.

The **WRA 2020 Marsh Restoration Report for area D** included this entry for what appears to be the only time the tidal gate was open in 2020: Marsh inundation gates opened 5/26/20, closed 5/29, pumping 6/1/2020 = 316 hours inundation, or approximately 13 days out of 365, with only some fresh water and salt water seepage during high tides otherwise available to sustain native species for the remainder of the year.

It is unconscionable and foolhardy that SRRQ management continues to block tidal flow to the marshes by closing off the valve that would allow seawater with its accompanying microscopic plankton, flora and fauna to enter and leave with the tides. Without tidal movement, the marshes cannot recover or sustain themselves. Tidal flow would encourage wildlife and marsh plants to return and flourish and for the marsh to build, protecting upland areas from flooding, including the roads into the Quarry and Brickyard. Instead, because of historic neglect by past and current owners of the SRRQ and Marin County’s lack of oversight, both the fresh and seawater marshes are essentially devoid of natural marsh wildlife, and some but not all marsh plants. A short-term tidal gate opening, followed by a quick closure, does not allow for the natural ebb and flow of seawater into the marsh, instead leaving a stinking, stagnant, muddy marsh that requires spraying with pesticides to control mosquitos (See Appendices 1, 2 and 3).





## MARIN COUNTY GROUP

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The Draft addendum to the 2009 Final Environmental Impact Review concluded that there were no new or more severe impacts than what were already identified in the 2009 EIR. "Therefore, the addendum is sufficient, and there will be no need for further review." This conclusion is inaccurate on a number of easily investigated points:

- The FEIR is now over ten years old and many things in our understanding of the nature, speed and impacts of climate change have shifted since then. Also since either very little or no work has been done on the 2012 Mitigation Plan, real timetables, enforcement protocols and monitoring requirements must be set up before additional non-restoration work is permitted.
- Care should be taken to provide the Board of Supervisors the most current Google Earth aerial photo for "**Section 3. Project Location and Setting.**" The one provided by SRRQ is from April 2018. This is misleading for the Supervisors concerning the current status of both the quarry and the marsh. There is a distinct difference between a green marsh and the current dry one that is available from February 2021 (See Appendix 3 "Current Marsh Photograph").
- In 2009 the necessary science, engineering, and technology was not available to locally evaluate the effects of climate change, sea level rise nor recognize how tidal marshes can slow the rise and can even build up when managed freely to let sedimentation occur, protecting low lying roads and communities.
- If there has been a comprehensive wildlife study of the Rock Quarry, where can it be seen by the public? If there isn't a comprehensive study, it should be done and compared with wildlife species found in healthy marshes
- A nonprofit partner scientific organization that can access funding should be involved in marsh restoration, recognizing that a technical control mechanism during extreme high tides and/or storm surges may be required along with more natural "green" infrastructure solutions. New eyes might provide different solutions. Point Blue Conservation Science<sup>2</sup> staff discussed project funding could come from the county, grants non-profits, etc. (see Appendix 1 and 2). The San Francisco Estuary Institute (SFEI)<sup>3</sup> has also been working on SLR solutions for many communities around the Bay.
- Neither the 2009 FEIR nor the Addendum to the 2009 Final Environmental Impact Review has any provisions for monitoring compliance and reporting because no agency has been formally charged with this duty. That must change. Designation of which agency should be in charge, setting a mandate for criteria of success, monitoring compliance and reporting should be done before granting any permits for additional quarry work.

<sup>2</sup> <https://www.pointblue.org>

<sup>3</sup> <https://www.sfei.org>



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cont.

- A timetable for Phases 1 and 2 marsh restoration with specific criteria must be established. Consequences for not meeting established criteria must be clear and enforceable. Any extensions to the timeline must be vetted through the community.
- The Department of Public Works, should be charged with having staff monitor for compliance for both Phase 1 and Phase 2 for full tidal marsh restoration, reduction or elimination of invasive plant species, return of fresh, brackish and/or seawater species, and a wildlife population that is comparable to other healthy marshes in Marin. If these criteria are not met, are there consequences available to the county for noncompliance that might include fines (payment of shall not come out of restoration funds or grants) or temporary cessation of quarry operations?
- Little or nothing appears to have been done toward marsh restoration in the last 11 years. We encourage San Rafael Rock Quarry to do the right thing by partnering with the community and County to create a healthy marsh that is a refuge for wildlife and just might help prolong retreat due to sea level rise.

In closing, we ask you to delay approval of the Draft Addendum until the above conditions are agreed to by SRRQ. It's time for the Board of Supervisors to act responsibly for all the people of Marin County, especially in those areas facing sea level rise, and to follow state and federal laws for the protection of habitat for wildlife.

In addition, we urge Marin County, and the San Rafael Rock Quarry, to join with the community in ensuring restoration of the marsh. The Quarry website boasts the company's integrity and pride in community and building relationships. In recent meetings, the environmental and local community have shown their willingness to partner with Quarry to create a better future for all, but we must see some sign from them that they are going to meet their obligation to restore the marsh properly and in a timely fashion.

Thank you for your consideration.

Jinesse Reynolds  
Chair, Sierra Club Marin Group.



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### Appendix 1

A marsh without a flourishing habitat for wildlife creates a problem. Mosquitos, without natural predators to control them, require mosquito abatement because SRRQ continues to keep the tide gate closed, cutting off natural processes to flush the water, which mosquitoes don't like, and create viable habitat for predators. The tidal gate had been opened for only about 4 days before the July 28, 2021 field trip that we attended with members of the Wetlands Committee, Point Blue Conservation Science staff members Julian Wood (SF Bay Program Leader), and John Parodi (STRAW Restoration Director), Ross Campbell (San Rafael Rock Quarry Engineer) and our two Sierra Club Marin Group Executive Committee members, Mickey Allison and Susan Hopp.

A short summary of that field trip:

A mosquito abatement crew was spraying in the BrickYard side of the marsh when we arrived. Moving closer to that area, we observed a fast flowing, outward tidal flow along with newly greening native and non-native plants. A conversation ensued with Point Blue Staff about marsh renewal, treatment of invasive plants, natural mosquito control, and possible funding via grants. During this time period Ross Campbell (SRRQ Engineer), listened, but made no substantial comments, other than to answer direct questions.

Mr. Campbell stayed with the group to visit two other wetland projects: the Bridge Road marsh, which was a complete restoration and another area near the Pt. San Pedro school which prompted a lengthy discussion by Pt. Blue scientists on its restoration potential. This discussion of restoration with the prospect of obtaining grant money to help fund the Quarry marsh project, seemed to intrigue him.

Five days later, on August 2, 2021, a resident of the community emailed field trip members that the marsh remains full, but there is NO observable tidal flushing. The water has become stagnant and beginning to smell like an open sewer. This seems to indicate that there was a SRRQ decision to close the tidal gate shortly after the field trip.

### Appendix 2

Photo taken September 8, 2021 at noon, standing near the flagpole at the entrance to the quarry looking south.

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cont.





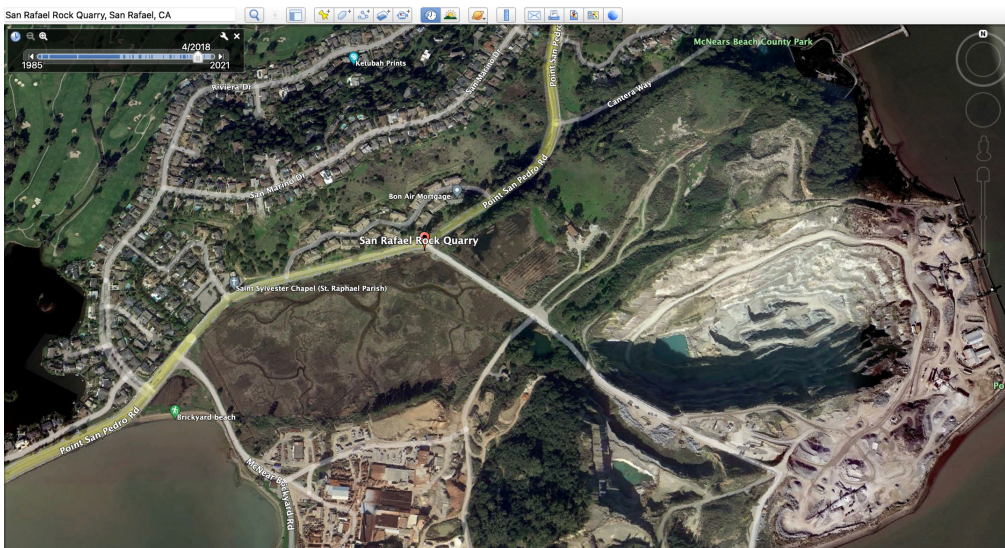
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### Appendix 3:

Photo below is from: “Section 3: Project Location and Setting, SOURCE: Google Earth, 2020, Figure 1-4, **Current Aerial Photo**” [emphasis ours]. However, this photo is actually from February 2018 and does not reflect current conditions.

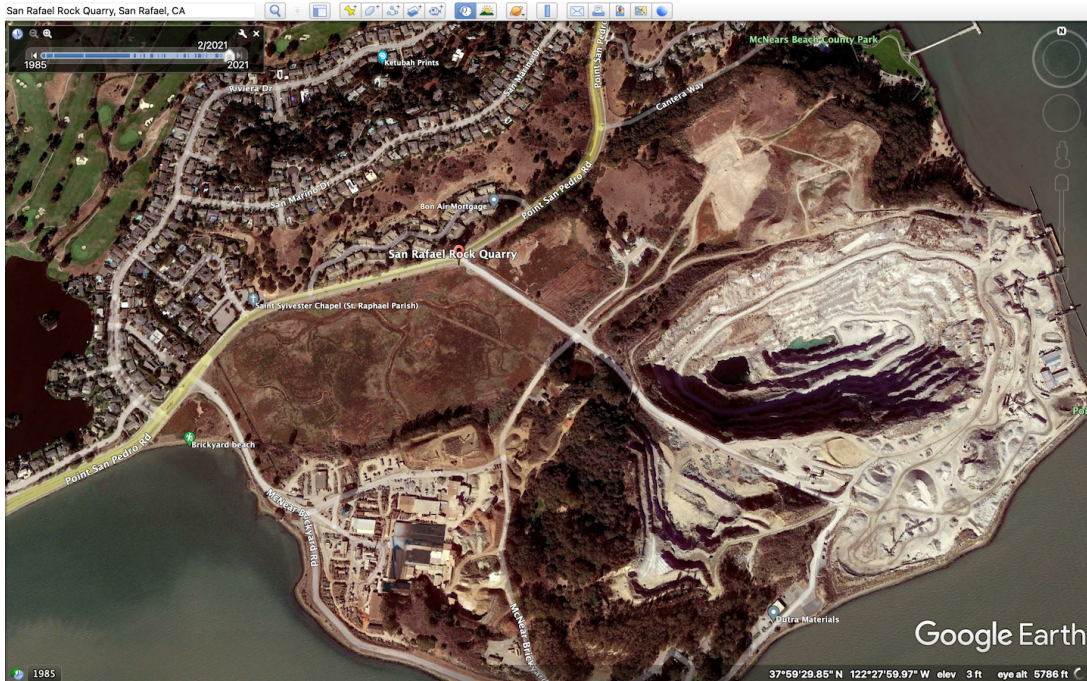






The latest Google Earth aerial photograph below is from February 2020, and shows a very different picture: a brown, dried out marsh. This is the marsh's current state and one that the neighbors and environmental community are most concerned about. The most current aerial photograph should have been made available to the Board of Supervisors in order for them to see how marsh conditions varied over a 3-year period of time. Both photos were taken in the month of February, three years apart, with significant differences in rainfall in each year and with lack of tidal inflows supporting marsh vegetation.

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Source: Google Earth historical photo; date in the bar at the top left.

**Appendix 4**

Before the field trip, the Point San Pedro Road Coalition Wetlands Committee sent out the following links to all participants. These are worthy of note because we believe the Community Development Agency and Board of Supervisors should also be aware of them:

- **Future Marshes** [www.pointblue.org/sfbayslr](http://www.pointblue.org/sfbayslr) - Shows how SF Bay tidal marshes and birds may respond to restoration and sea level rise scenarios. Shows where



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marshes could move to, if levees were removed and tidal connections reinstated.

- **Sea Level Rise Adaptation Framework**  
[https://www.pointblue.org/science\\_blog/sea-level-rise-adaptation-framework/](https://www.pointblue.org/science_blog/sea-level-rise-adaptation-framework/) - A user guide to help planners and others to include nature-based strategies to address sea level rise hazards.
- **Baylands Goals Project** <https://www.sfei.org/projects/baylandsgoals> - The report is an update to the 1999 Baylands Ecosystem Habitat Goals, which set comprehensive restoration goals for the San Francisco Bay estuary.
- **Our Coast Our Future** [www.ourcoastourfuture.org](http://www.ourcoastourfuture.org) - Point Blue-hosted interactive web tool showing urban flood vulnerabilities under different sea level rise and storm scenarios for the coast.
- **San Francisco Bay Restoration Regulatory Integration Team (BRRIT)** - Team formed to improve the permitting process for multi-benefit habitat restoration projects and associated flood management and public access infrastructure in the San Francisco Bay and along the shoreline of the nine Bay Area counties.

### Appendix 5

#### **COA #113 (Condition of Approval) is one of the 174 conditions of the SRRQ Operating Permit:**

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:

Page 33 of 49, rev. 9/28, Final Exhibit 2 L:\Land Development\Quarry Files\SRRQ\Merits 2010\Sept 28\SRRQ Permit Final with Sept 28 Hearing Changes Protected.doc

- a. The Permittee shall develop and submit a Marsh Restoration Plan to the County and other applicable resource agencies within 1 year of approval of the amended 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, providing constraints do not preclude this course of action.



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- 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. (Mitigation Measure C4.3-18b)



## Letter I: Sierra Club Marin Group, Jinesse Reynolds, Chair, Sierra Club Marin Group.

- I-1 Please see Master Response 1. With regard to air photos, a recent photo is provided below. This more recent air photo (than provided in the Addendum) does not constitute new information of substantial importance that would affect the significance conclusions in the Addendum.





**From:** Joanne Webster <jwebster@srchamber.com>  
**Sent:** Monday, September 6, 2021 2:43 PM  
**To:** Davidson, Berenice  
**Cc:** Diane Henderson  
**Subject:** Support- San Rafael Rock Quarry Amended Reclamation Plan’s Addendum to the 2009 Final Environmental Impact Report  
**Attachments:** San Rafael Rock Quarry Amended Reclamation Plan’s Addendum.pdf

Dear Ms. Davidson:

On behalf of the San Rafael Chamber of Commerce, which represents 600 Marin County businesses with over 26,000 employees, we would like to encourage the County to approve San Rafael Rock Quarry (SRRQ) Amended Reclamation Plan’s Addendum to the 2009 Final Environmental Impact Report.

As you know, SRRQ is an existing hard-rock quarry located on the Point San Pedro Peninsula in unincorporated Marin County near the City of San Rafael. Quarrying activities have occurred on the SRRQ property for nearly 150 years. SRRQ has applied to the County for a text change to the current, approved Quarry Reclamation Plan so that the mining and reclamation timeframes stated in the Reclamation Plan reflect Dutra’s intent to continue mining through 2044, rather than 2024 as currently stated. The project does not entail any changes in how Dutra mines the quarry, how Dutra will reclaim the quarry once mining is completed, or how the quarry property will be redeveloped after mining and reclamation.

The Addendum adds to the Final Environmental Impact Report (EIR) approved by the County in 2009. The Addendum evaluates whether performing reclamation work later in time could result in any new or more severe significant environmental impacts that were not analyzed in the 2009 EIR, and concludes that it will not.

The San Rafael Chamber of Commerce urges Marin County to approve San Rafael Rock Quarry Amended Reclamation Plan’s Addendum to the 2009 Final Environmental Impact Report.

Sincerely,

**Joanne Webster**, President and CEO  
 E:jwebster@srchamber.com O: 415.454.4163 X 101

San Rafael Chamber of Commerce  
 817 Mission Ave., San Rafael, CA 94901



## **Letter II: San Rafael Chamber of Commerce, Joanne Webster, President and CEO**

II-1 This comment addresses the merits of the Project, not the environmental analysis.



September 28, 2021

Via Email and U.S. Mail

Rachel Reid, Environmental Planning Manager  
Marin County Community Development Agency  
3501 Civic Center Dr., Suite 308  
San Rafael, CA 94903  
[Envplanning@marincounty.org](mailto:Envplanning@marincounty.org)

Re: Draft Addendum to San Rafael Rock Quarry 2009 FEIR

Dear Ms. Reid:

We write on behalf of the Point San Pedro Road Coalition (“Coalition”) concerning the September 2019 *Application for Amendment to Conforming Amended Reclamation Plan # Q-72-03 to extend the Proposed Termination Date of Surface Mining Operations* (“Application”) filed by the San Rafael Rock Quarry (“SRRQ”) with the County of Marin (“County”). SRRQ has applied to the Marin County Department of Public Works (“DPW”) to amend the 2010 Conforming Amended Reclamation Plan (“CARP10”) to extend the date to complete mine reclamation activities from December 31, 2024 to December 31, 2044, a period of 20 years. SRRQ has submitted a proposed revision referred to as “CARP19.” CARP19 contains one change from CARP10: the timing of reclamation phasing.

1 In response to the SRRQ’s application, the County hired Sicular Environmental Consulting and Natural Lands Management (“Sicular”) to conduct an environmental review of the Application under CEQA. In response, Sicular produced a draft Addendum to the 2009 Final Environmental Impact Report (“Draft Addendum”). The proposed changes in the timing of each reclamation phase are shown in Table 1-3 of the Draft Addendum. As shown, CARP19 projects reclamation continuing through the year 2044, a 20-year extension.

While Sicular acknowledges the correct legal standard under Section 15164 of the State CEQA *Guidelines* for when the Lead Agency (County) shall prepare an Addendum to a previously certified EIR, Sicular incorrectly concludes that none of the conditions described in State CEQA *Guidelines* Section 15162 or 15163 calling for preparation of a Subsequent or Supplemental EIR have occurred.

Specifically, the Coalition contends that facts exist, though not identified by Sicular, which pursuant to CEQA *Guidelines* Section 15162(2) and (3) require preparation of a subsequent or supplemental EIR:

“(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR...due

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to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or  
(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete..., shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR....;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Draft Addendum states that “the County has conducted a CEQA review of the proposed Project in the form of a Supplemental Environmental Review Checklist (Chapter 2), and has found that the Project would not meet any of the conditions in State CEQA *Guidelines* Section 15162 (Chapter 3): the proposed time extension for the completion of mine reclamation, in combination with changed conditions and new information, would not result in new or substantially more severe significant environmental effects requiring changes to the impact conclusions in the 2009 FEIR. Therefore, an Addendum is warranted, and neither a Subsequent EIR, nor a Supplemental EIR (pursuant to State CEQA *Guidelines* Section 15163), is required.” The Coalition disagrees.

The Coalition has separately submitted a letter to the County (“Coalition Letter”) identifying facts that support the conclusion that various aspects of the Project that satisfy CEQA *Guidelines* Section 15162(2) and (3) and require preparation of a subsequent or supplemental EIR and, ultimately, new or amended mitigation measures. Those facts concern:

- 1. Health risk concerns due to air pollutants;
- 2. Greenhouse gas emissions;
- 3. Marsh restoration; and
- 4. Traffic and transportation.

- 1. *New Air Pollutant Conditions and Information Regarding Their Significant Impacts on Human Health Not Considered or Mitigated.*

2

First, as set forth in the Coalition Letter, the 2009 SRRQ Final EIR (“2009 FEIR”) air pollution analysis was based on a health risk assessment that improperly averaged risks over a 70-year period with the assumption that the Quarry would operate for 17 years and then cease operations for the remaining 53 years. The Coalition noted that these calculations were flawed in that there was no assurance that the SRRQ would not operate for much longer. Now, the County has “new information” demonstrating that in fact the SRRQ will operate for another 20 years,

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which changes the math in the earlier health risk assessment. In addition to the original 17 years of risk presented by SRRQ operations. This is a “substantial change...with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR...due to the involvement of new significant environmental effects.” It is also “new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete...” showing that significant Project effects previously examined will be substantially more severe than shown in the previous EIR.

Second, as also set forth in the Coalition Letter, the Draft Addendum does not address whether the particulate matter (“PM”) problem is exacerbated by new conditions that have arisen since the 2009 FEIR, namely the co-existence of other PM sources, especially including wildfire smoke, which, with climate change, has become an annual event during the dry summer/fall wildfire season, the same period during which SRRQ reclamation is typically undertaken. Again, wildfire smoke represents a substantial change with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects, and/or is “new information of substantial importance” which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, which shows that the project will have one or more significant effects not discussed or showing that significant Project effects previously examined will be substantially more severe than shown in the previous EIR. *See Security Env'tl. Systems v. South Coast Air Quality Mgmt. Dist.*, (1991) 229 Cal. App. 3d 110, 124 (where new data showed that emissions would be greater than assumed in original analysis, raising the possibility of unexpected health risks, and new emissions control technologies had become available, a subsequent EIR was required).

The impact of wildfire smoke on air pollutant concentrations in the SRRQ area, particularly while reclamation activities are ongoing, is documented in the December 21, 2018 Sonoma Technology, Inc. (“STI”) report. During a week (8/18/-8/25/18) when smoke from the Mendocino Complex fires was transported to Marin County, PM 2.5 concentrations increased by 73% over already significantly increased concentrations caused by reclamation activities over background concentrations. While the average daily PM 2.5 concentration over that entire week (19.1 ug/m) was below the ave. 24-hour standard of 35 ug/m for PM 2.5, that weekly average concentration exceeded the annual ave. concentration standard of 12 ug/m. Also, on August 23, the 24-hr. average for PM 2.5 was 36 ug/m, slightly exceeding the ave. 24-hour standard of 35 ug/m. Moreover, when measured in one-hour average increments, rather than 24-hour average increments, the 24-hour ave. air quality standards were exceeded 65 times for PM 10 and 13 times for PM 2.5. (STI Report).

Also, the STI report appears to reach no conclusion as to whether the average *annual* air quality standard for PM 2.5 (12 ug/m) or PM 10 (20 ug/m) at SRRQ are exceeded. Such data, if not yet collected, needs to be collected and compared against these lower annual exposure concentrations.

According to the Environmental Protection Agency, an extensive body of scientific evidence indicates that breathing in PM 2.5 over the course of hours to days (short-term



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exposure) and months to years (long-term exposure) can cause serious public health effects that include premature death and adverse cardiovascular effects. Thousands of studies indicate that exposure to fine particle pollution can cause premature death and harmful effects on the cardiovascular system (the heart, blood, and blood vessels). Fine particle exposure also is linked to a variety of other public health problems, including respiratory diseases. In addition, particle pollution harms public welfare, including causing haze in cities and parks. People most at risk from particle pollution include people with diseases that affect the heart or lung (including asthma), older adults, children, and people of lower socioeconomic status. Research indicates that pregnant women, newborns, and people with certain health conditions, such as obesity or diabetes, also may be at increased risk of PM-related health effects. See [https://www.epa.gov/sites/default/files/2016-04/documents/health\\_2012\\_factsheet.pdf](https://www.epa.gov/sites/default/files/2016-04/documents/health_2012_factsheet.pdf).

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Oddly, while the Chart on p. 2-15 of the Draft Addendum indicates there *is* “new information of substantial importance requiring new analysis or verification that would “expose sensitive receptors to substantial pollutant concentrations,” Sicular fails to identify that “new information.” Instead, Sicular concludes in contradictory fashion on p. 2-32 that “[t]here are no new circumstances and no new information that would alter conclusions or result in a new or substantially more severe impact.” The Coalition, for the reasons stated above, asserts that the initial conclusion of Sicular in the p. 2-15 Table is, in fact, the correct conclusion and that additional analysis and mitigation measures are required to protect human health from more severe air quality impacts. The conditions identified in the Coalition Letter constitute “new circumstances” in the Project’s environmental setting, that is, the legal or physical context for the Project, that may lead to a conclusion that a new or substantially more severe significant impact would now occur, compared to the 2009 FEIR. This information was not known and could not have been known with the exercise of reasonable diligence when the FEIR was completed in 2009, since neither the SRRQ’s desire to request an additional 20 years of operations nor the severity of the annual wildfire season was known at that time. *See* 14 C.C.R section 15162(a)(3). The relevant information only became available after the 2009 FEIR was certified. See Public Resources Code § 21166(c).

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Consequently, these wildfire smoke impacts present potentially significant health impacts and should be further studied in a Subsequent or Supplemental EIR and, if feasible, and as appropriate, mitigated.

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Finally, as set forth in the Coalition Letter, there are additional mitigation measures, once infeasible, which are now available that could reduce this increased risk, but were not considered by Sicular, since it did not identify this increased risk in the first instance. These mitigation measures concern new monitoring methodologies that could be implemented on an economically feasible basis and provide near real time information that could in turn be used to reduce impacts when monitoring criteria are exceeded, such as during days when wildfire smoke presence causes 24-hr. daily concentrations of PM 2.5 and/or PM 10 to exceed regulatory criteria. An entire year’s data also needs to be collected and compared against the Federal and State annual exposure concentration criteria for PM 2.5 and PM 10.

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2. *Additional Mitigation Measures Required to Address New Conditions re: Greenhouse Gas (GHG) Emission Reductions*

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The Coalition concurs with Sicular’s conclusions in the Draft Addendum that there are changed circumstances (intensification of the global climate crisis and adoption by the State and County of new GHG emission reduction targets) involving new significant impacts and new information of substantial importance regarding GHG emissions that require additional mitigation measures. The Coalition further concurs 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” (Checklist p. 2-75), and with the CAP targets for 2030 and 2045 listed in Table GHG-1 (p. 2-76), inclusive of the State goal of 80% reduction of emission by 2050, which is subsumed in the overall CAP goals (Checklist p. 2-74, and CAP p. 17, Figure 6).

However, the Coalition contends that the additional mitigation measures proposed in the Draft Addendum that are intended to meet the GHG reductions of Marin CAP 2030 from both emission mitigation and sequestration do not actually meet them. As a result, the new significant impacts are not fully mitigated as suggested in the Draft Addendum. Consequently, the County is not meeting its legal obligation to mitigate such impacts whenever feasible. See Pub. Res. Code §21002.1(b). To fully mitigate these new, significant GHG impacts, the Coalition proposes its own new mitigation measure requiring on-site sequestration and modification of two others (Mitigation Measure R4.2-3c and R4.2-a and b). See Coalition Letter at pp. 5-6.

3. *New Conditions and Information Regarding the Failure of the Marsh Restoration Plan to Restore the Marsh Not Considered.*

Condition of Approval (“COA”) 113 of the 2010 CARP required:

“a. The Permittee shall develop and submit a Marsh Restoration Plan to the County and other applicable resource agencies within 1 year of approval of the amended 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, 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.”

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See also Mitigation Measure C4.3-18b. The Marsh Restoration Plan (“MRP”) submitted was required to be “[v]erified by Marin County DPW with input from appropriate resource agencies, upon submittal of plan.” *Id.*

Yet, since 2010, both the SRRQ and DPW have failed to comply with almost every one of the requirements of COA #113 and Mitigation Measure C4.3-18b.

First, SRRQ substantially delayed performing this work. While COA 113 required SRRQ to submit a MRP in a year, it took two years to do so, finally submitting one in September 2012.

Second, the MRP submitted failed to meet most of the requirements set forth in COA 113. The analysis of the three alternatives presented was cursory at best. SRRQ rejected the County’s preferred alternative of regular tidal inundation due to flood concerns, habitat conversion concerns (pickleweed marsh to mudflat) and (unquantified) cost concerns. SRRQ discounted Alternative 2 based on impacts on existing vegetation from grading, permit requirements and cost concerns (again unquantified, both with regard to the cost of the alternative and whether SRRQ had the funds to pay that cost). Only qualitative comments, such as Alternative 2 being beyond the financial wherewithal of SRRQ, were made. In short, SRRQ failed to present substantial evidence supporting its recommendation of the least expensive alternative since it presented no cost calculations or statements of SRRQ’s financial ability to pay those costs. Its environmental assertion also lacked substantial evidence in support. On those bases, the County should have rejected MRP’s analysis and either required further analysis or imposed its preferred alternative mitigation measure.

Flooding concerns will have to be addressed anyway due to climate change and rising sea levels. Sacrificing a healthy marsh to avoid the cost of creating barriers to higher tides to protect adjacent roads and properties is not an appropriate trade-off. At a minimum, an analysis of what would be required, and its cost, would need to be considered. Moreover, as noted in the Marin Audubon letter, while Alternative 1 “could initially change the marsh to a vegetated mudflat, over time sediments contributed by tidal waters would raise the elevations to be suitable for marsh plants to grow.” In other words, a healthy brackish marsh providing extensive wildlife habitat would be created, not just a lifeless mudflat as depicted by SRRQ. Again, a more detailed and nuanced environmental analysis of the evolution of the marsh habitat due to tidal inundation is required.

Third, even though the MRP submitted by SRRQ required very little of it (invasive weed removal and native plant sowing), SRRQ still didn’t comply. Table 3-3 of the MRP provided for two phases of restoration, composed of invasive species control efforts and replanting with native plants, with Phase I to be completed over five years (2012-17) and initial removal efforts commencing within the first year. However, based on SRRQ’s Annual Reports filed between 2013-17, no Phase I work was commenced until 2017, when “[a]pproximately 100 date palms lining the perimeter of the wetlands were [finally] removed.” There is no evidence any native plants have been planted at any time up to today.

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The consequences of the SRRQ's tardy and fatally flawed MRP have been devastating for the marsh. The facts presented in the letters submitted by the Coalition, Point Blue Conservation Science, Marin Audubon Society, Marin Conservation League and the Marin Chapter of the Sierra Club all reflect the continued decline, rather than restoration, of the marsh due to the SRRQ's refusal to select either the County's "preferred alternative" of regular tidal inundation or Alternative 2, the implementation of a more muted tidal inundation regime supplemented by the dredging of channels to create greater flows through the marsh. Review the marsh photo attached as Appendix 2 and compare the aerial photos from 2018 and 2021 attached as Appendix 3 to the Sierra Club's letter. The marsh is in dire straits.

The DPW also has failed to fulfill its obligation to enforce the COA 113 mitigation requirements, beginning with its failure to verify that the 2012 MRP met the requirements of COA #113/Mitigation Measure C4.3-18b. Despite multiple requests by the Coalition to the County to demonstrate any evidence that the County ever conducted any such analysis or provided any written verification that the MRP satisfied COA #113, including Public Record Act requests, the County has never provided any such writing. In short, there is no record of the County ever having verified that the MRP satisfied the requirements COA 113.

DPW also has consistently failed (with few exceptions) to review the SRRQ's annual MRP implementation reporting and require further SRRQ actions to comply with the MRP. As a result, the marsh has continued to deteriorate. The County's oversight failure is inexcusable since COA # 155 provides that:

"Annual inspection, review of reports or plans required under these Permit conditions or approval, monitoring and enforcement costs, and fees shall be paid by the Permittee in order to cover all actual costs incurred by the County, including but not limited to materials, staff time and consultant costs, for the inspection, monitoring and enforcement of the applicable Permit conditions and reclamation plan inspections. Where monitoring service of a qualified professional is required or needed by the County, additional monitoring fees may be levied on the Permittee to cover such costs. The County may request advance deposits prior to starting the work.

a. Within 45 days of Permit approval, Permittee shall deposit \$100,000 in a deposit account for monitoring. Said deposit will be used by County agencies to cover staff costs and/or County-initiated consultant contracts associated with these Permit conditions. As funds are drawn down the County may request additional funds in order to maintain an adequate fund balance. Standard accounting practices shall be employed by the County to account for the funds.

b. All phases of operations and reclamation shall conform with the adopted Mitigation, Monitoring and Reporting Program (MMRP), and the County of Marin will verify compliance with each of the required mitigation. Pursuant to the MMRP, the Permittee shall bear all cost associated with the management of the MMRP, including direct County staff costs. In the event County staff cannot absorb the task of managing the MMRP, an independent contractor will be hired by the County at the expense of the Permittee to carry out the responsibilities for managing the MMRP."

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The Coalition is not aware of any evidence that the County has charged SRRQ for oversight activities associated with the MRP or retained a qualified consultant to provide that oversight. Thus, even though the SRRQ is required to pay for MRP oversight, the DPW has provided little to none in the 11 years since the permit was issued and 9 years since SRRQ produced its flawed MRP.

“Mitigating conditions are not mere expressions of hope.” *Lincoln Place Tenants’ Assn. v. City of Los Angeles* (2005) 130 Cal. App. 4<sup>th</sup> 1491, 1508. Once incorporated, mitigation measures cannot be defeated by ignoring them or by “attempting to render them meaningless by moving ahead with the project in spite of them.” *Lincoln Place Tenants’ Assn. v. City of Los Angeles* (2007) 155 Cal. App. 4<sup>th</sup> 425, 450. This is true even where subsequent approvals are ministerial. (*Katzeff v. Dept. of Forestry and Fire Pro.* (2010) 181 Cal.App.4<sup>th</sup> 601, 614 [public agency “may not authorize destruction or cancellation of the mitigation—whether or not the approval is ministerial—without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting it with substantial evidence”].) If a mitigation measure later becomes “impractical or unworkable,” the “governing body must state a legitimate reason for deleting an earlier adopted mitigation measure and must support that statement of reason with substantial evidence.” (*Lincoln Place, supra*, 130 Cal. App. 4<sup>th</sup> at 1509). In effect, by failing to make any effort to verify that the SRRQ’s MRP satisfied COA 113 or that SRRQ properly implemented the MRP, the County itself defeated the very purpose of COA 113—to restore the marsh.

By once again failing to address this same mitigation measure now, in response to the pending project, which proposes to further extend quarry reclamation and marsh restoration efforts another twenty years, both SRRQ and the County are in violation of CEQA for failing to fully consider the substantial environmental impacts of the Project on the marsh restoration effort, including whether COA 113 has been satisfied by the MRP and its implementation, and whether other marsh restoration alternatives, including those previously considered and rejected by SRRQ, are now or have always been feasible. CEQA requires that public agencies “should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Public Resources Code §21002). “A ‘mitigation measure’ is a suggestion or change that would reduce or minimize significant adverse impacts on the environment caused by the project as proposed.” (*Lincoln Place, supra*, 155 Cal. App. 4<sup>th</sup> at 445.) *See also Sierra Club v. County of San Diego* (2014) 231 Cal. App. 4<sup>th</sup> 1152 (implied County approval of plan adopted pursuant to mitigation requirement inadequate).

The Coalition Letter and the letters of the other commenters identify the many ways in which the SRRQ’s MRP has been a failure from its inception and how the County’s lack of oversight has allowed that failure to continue. Those failures must not be repeated at length again here. Instead, we note simply that the MRP was inadequate to accomplish the intended marsh mitigation from the outset, that its implementation has been inexcusably delayed, and that, as inadequate as it is, the SRRQ has still not properly implemented it in full. The Project will result in even more delay in its implementation. As a result, the marsh is in continued poor condition, not coming close to meeting the improved conditions contemplated in the 2009 FEIR. In fact, after 12 years of limited, incomplete restoration activities, the marsh is no better, and in fact is in significantly worse environmental condition. And now the Project proposes further delay in the

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marsh's restoration.

All of these facts constitute both changed circumstances involving new significant impacts and new information of substantial importance that the Draft Addendum ignores completely. And this substantial change in circumstances regarding the MRP from that contemplated in the 2009 FEIR, and the resulting new significant environmental effects, were not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete. Neither the fact that the SRRQ would submit a MRP inconsistent with that required by the 2009 FEIR nor the County's failure to verify that consistency was not foreseeable.

The Draft Addendum weakly asserts that because the inadequate and unverified (by the County) MRP has been "commenced" with some minimal salutary effects (occasional removal of some invasive species, but with no replacement with native species as contemplated), no new conditions or environmental impacts have resulted. In other words, consistent with the County's abject failure to verify the SRRQ's proposed MRP at the outset, or provide any annual oversight of its implementation, the Draft Addendum simply skims over the topic with no substantive environmental analysis, stating "[t]he Project would not alter the requirements to continue to implement the MRP, and would not result in any new or substantially more severe cumulative impact on Project salt marshes." (Draft Addendum, p. 2-44.)

The Coalition is therefore challenging the project before the County and seeks to enforce a key mitigation measure set forth in the CARP and MMRP—Mitigation Measure C4.3-18b.

"Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that [an EIR] adequately investigated and discussed the environmental impacts" of a project. *San Joaquin Raptor/Wildlife Rescue Ctr. v. Cnty. of Stanislaus* (1994) 27 Cal. App. 4<sup>th</sup> 713, 729). An inadequate description of a project's environmental setting "renders the identification of environmental impacts legally inadequate" and "precludes a determination that substantial evidence supports the [agency's] finding[s]" regarding the significance of impacts after mitigation. (*Id.*)

For the reasons outlined in the letters submitted by the Coalition and the other commenters referenced above, this is simply not affirmed by the facts. The ongoing delay already resulting from the County's lack of verification and enforcement of the MRP has accelerated the Marsh's deterioration and increased the severity of previously identified significant effects further damaging the Marsh. The current Project, which will result in yet further delays to marsh restoration, will only exacerbate these issues.

Accordingly, the Coalition asserts that the Draft Addendum must be rejected and that a full environmental analysis of the current marsh conditions be undertaken in a Subsequent or Supplemental EIR, along with a revisiting of the proposed alternatives for marsh restoration. State CEQA *Guidelines* Section 15162 lists the following conditions, which require preparation of a subsequent or supplemental EIR:

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects

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of the project, but the project proponents decline to adopt the mitigation measure or alternative.

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These conditions apply here. The County should develop its own analysis of various marsh mitigation measures and select the one that best mitigates the damage caused to the marsh rather than allow the Project applicant to select the one easiest and cheapest to implement, as it did in 2011. New or modified mitigation measures remain necessary to meet the marsh restoration requirements set forth in COA 113.

4. *New Traffic and Transportation Conditions and Information Not Considered.*

The Draft Addendum states that “[s]ince completion of the 2009 FEIR, dedicated bicycle lanes have been added to Point San Pedro Road for most of its length from downtown San Rafael to the Project site and beyond.” But it concludes that “[n]o other substantial changes to the local transportation system have occurred.” However, as noted in the Coalition Letter, there have been changes that substantially impact traffic to and from the Pt. San Pedro Road Peninsula and no mention is made of planned development along that Point San Pedro corridor that will have a profound effect on traffic in the future. Again, these facts, as outlined in detail in the Coalition Letter, constitute both changed circumstances involving new significant environmental impacts and new information of substantial importance that the Draft Addendum ignores. These are changes that could not have been contemplated or foreseen in the 2009 FEIR with the exercise of reasonable diligence. Pub. Res. Code § 21166(c); 14 CCR § 15162(a)(3).

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Proper cumulative impacts analysis is essential "because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Communities for a Better Env't. v. Cal. Resources Agency* (2002) 103 Cal. App. 4<sup>th</sup> 98, 114. *See also Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4<sup>th</sup> 1184, 1216-18 (separate EIRs performed for different shopping centers, but each failed to consider the other, requiring remand to include cumulative impacts analysis, including traffic).

The County should revisit its traffic analysis in light of these new developments and evaluate whether there are new or modified mitigation measures that will best mitigate the increase in traffic that these projects will cause. *Security Env'tl. Systems, supra*, 229 Cal. App. 3d 124.

5. *Extended Trucking Impacts on Pt. San Pedro Road Not Considered.*

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Also not considered by the Draft Addendum are 20 more years of wear and tear on the roadway from PSPR’s use as a haul route for SRRQ-bound trucks. The need for asphalt for roadway maintenance was recognized and included COA #49, which requires an ongoing annual commitment to provide paving materials (asphalt concrete and/or aggregate) or, as an alternative, repaving of Point San Pedro Road with open grade asphaltic concrete. Point San Pedro Road was, in fact, repaved in 2014 with bonded wearing course asphalt, a noise and vibration-reducing product that was not considered in the 2009 FEIR since it was a relatively new product.

At the time of the 2009 FEIR, the benefits of use of open graded asphalt were not known or considered. Not only does open graded asphalt serve as a feasible mitigation to reduce noise and vibration but can also allow stormwater to infiltrate through the pavement and into the aggregated layers and/or the soil below, thereby filtering pollutants from stormwater. This is especially important as this roadway winds along the edge of the Bay where use of open graded asphalt can help to filter the pollutants from the runoff and improve water quality. Furthermore, proper maintenance of the open graded asphalt should be addressed to promote both continued noise and vibration reduction and runoff prevention. COA #49 must also require that BMP's and the latest technology be used to ensure that contaminated runoff does not enter the adjacent storm water drain system and into the Bay.<sup>1</sup>

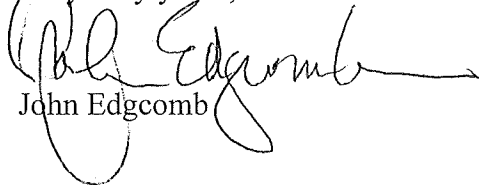
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According to the consultant that evaluated the use of the product on Point San Pedro Road, if the product is applied properly, it should last 10-12 years (Chec Mgmt. Systems, April 16, 2013 Report). Accordingly, given its application in 2014, the useful life of that road surface would be until approximately 2024-26, which is well within the proposed 20 year extended life of the SRRQ. The SRRQ's extended life promises to cause extended impacts to Point San Pedro Road, including higher noise and vibration levels unless a new layer of bonded wearing course asphalt is laid down. Accordingly, in mitigation of these road condition and road noise impacts from quarry-related traffic, until the Quarry finally ceases operations and completes reclamation, the County should require as mitigation, similar to existing COA #49, a term that requires the SRRQ to repave Point San Pedro Road from the SRRQ with bonded wearing course asphalt every 10-12 years dating from 2014.

*Conclusion.*

We trust that DPW Staff will give these issues due consideration and act in accordance. We would be pleased to meet with you to discuss these items.

Very truly yours,



John Edgcomb

cc: Rosemarie Gaglione, Director, Dept. of Public Works  
Berenice Davidson, Principal Civ. Eng., Dept. of Public Works

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<sup>1</sup> Also, COA #49 allows the importation of asphalt road grindings to the SRRQ, a practice prohibited by an existing Court Order. COA #49 should be modified accordingly



## Letter III: Edgcomb Law Group, John Edgcomb (Attorney for Point San Pedro Road Coalition)

- III-1 The commenter asserts that the Supplemental Environmental Review was faulty in concluding that the CARP19 Project would not result in a new or substantially more severe significant effect on the environment. This is incorrect. As explained in these responses to comments, every conclusion in the Supplemental Environmental Review is supported by substantial evidence and is consistent with State and County CEQA Guidelines. A Subsequent or Supplemental EIR is not required.
- III-2 Please see responses to comments H-4 through H-8. With regard to ambient monitoring data, the reviewer incorrectly compares two different averaging periods to reach their conclusion (stating that a weekly measurement exceeds an annual standard), which therefore is erroneous.
- III-3 The new information requiring analysis indicated in the checklist table on Addendum page 2-15 consists of new information on air quality gathered and reported by the BAAQMD and by STI, presented on pages 2-17 (including Table AQ-1) and 2-18. In addition, new information requiring analysis includes the revised BAAQMD thresholds of significance, revised OEHHA guidance on conducting health risk assessments, and updated methodologies and models for estimating emissions and conducting HRAs, as discussed on Addendum pages 2-21, 2-22, 2-26 and 2-27. While identified in the table as new information, these regulatory and policy changes might also be categorized as changed circumstances, as described in the explanation of checklist answers on pages 2-2 and 2-3. This distinction does not, however, affect the analysis or conclusions, because no new or substantially more severe significant impacts have been identified.

The County is aware that the wording of the categories in the Supplemental Environmental Review checklist to assess the Project can be perceived as overlapping and not entirely distinct. The language used in the Supplemental Environmental Review checklist reflects the criteria established in State CEQA Guidelines Section 15162 for determining whether a Supplemental EIR is required, however, as discussed in the introduction to Chapter 2 of the Addendum.

After conducting a new emission estimate and HRA for the Project, and applying the same updated methodologies to the previous CARP10 project, the Addendum correctly concludes that CARP19 would result in no new or substantially more severe significant impact, with respect to exposing sensitive receptors to substantial pollutant concentrations (page 2-28). The same conclusion is correctly reached for the Project's contribution to cumulative health risk impacts (page 2-30).

- III-4 Please see the response to comment H-6.
- III-5 Please see the response to comment H-8.
- III-6 Please see the response to comment H-9.

- III-7 Please see Master Response 1 regarding implementation, monitoring, and County oversight of Mitigation Measure C4.3-18b and COA 113.

With regard to implementation of COA 155, which requires SRRQ to pay for the County’s annual inspection, review of reports and plans, monitoring, and enforcement costs, DPW Land Development staff use three specific codes established for the SRRQ permit to track and report time spent on SRRQ oversight responsibilities and activities. The codes are defined as 0716 – SRRQ Reimb – Permit Compliance, 0717 SRRQ Reimb – Reclamation Compliance and 0718 – SRRQ – Amendment #3 Review. Staff time spent associated with individual COAs are not tracked separately. Since the start of the current permit through the end of FY2021 (June 30, 2021), DPW Land Development staff expenses, including salaries, benefits and overhead charged to SRRQ, i.e. the combined total of all three codes, is \$470,963.34.

In addition to the DPW staff expenses, DPW has also invoiced SRRQ for a total of \$920,758.63 in professional services, including but not limited to seismic monitoring of blasting and air quality monitoring. Of the combined total \$1,391,721.97 invoiced to SRRQ since the start of the current permit, DPW has received \$1,261,434.15 in payments, with \$130,287.82 as the current amount due.

- III-8 Please see the responses to comments H-3 and H-16.

- III-9 Please see the responses to comments H-16 and H-17. The proposed Project would not generate off-site truck trips and would not affect local roadways, including Point San Pedro Road. Therefore, a mitigation measure that includes application of open grade asphaltic concrete to San Pedro Road to reduce noise and vibration would not be needed.

- III-10 The option in COA 49 involving asphalt grindings may be exercised at the discretion of the Public Works Director. The Public Works Director is aware of the prohibition on import of asphalt grindings resulting from the lawsuit referenced by the commenter, and would not authorize an action that has been expressly prohibited by the Court. The Project does not propose importation of asphalt road grindings.

**From:** Tom Biesheuvel <dutchpoppa@comcast.net>  
**Sent:** Wednesday, September 1, 2021 8:36 AM  
**To:** Davidson, Berenice  
**Cc:** adutra@dutragroup.com  
**Subject:** San Rafael Rock Quarry

Berenice Davidson,  
Engineer  
Marin County

We are writing in support of the extension year date change to 2044.

1

SRRQ continues to be in compliance with EIR requirements and has made significant “rock projects” contributions in and around Marin. We consider them to be an asset to our county and cities.

We are residents of Marin County and San Rafael for over 30 years, five of which included the Glenwood area. We have followed the Rock Quarry saga all those years so feel sufficiently informed to comment.

Thank you.

Tom Biesheuvel  
354 Mountain View Avenue  
San Rafael

Sent from my iPhone



## Letter J: Tom Biesheuvel

J-1 This comment addresses the merits of the Project, not the environmental analysis.

**From:** bonnie casassa <bonniecasassa@gmail.com>  
**Sent:** Thursday, September 2, 2021 10:34 PM  
**To:** Davidson, Berenice  
**Subject:** Quarry

Hello Mr. Davidson,

I have lived in Peacock Gap for 28 years.

I have found the Quarry to be a very good neighbor. I also think they provide an extremely valuable service to the community and are a great resource in case of emergency. I urge you to support their petition for continuance to operate.

Sincerely,

Bonnie Casassa

415-457-6501.

Sent from my iPhone

## **Letter K: Bonnie Casassa**

K-1 This comment addresses the merits of the Project, not the environmental analysis.

March 7, 2021

Subject; EIR for McNear Marsh and Quarry license extension

To:

Ms. Rachel Reid  
Environmental Planning Manager  
Marin County Community Development Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903  
[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

(415) 473-6863

March 7, 2021

Dear Ms. Reid,

I am concerned that the McNear Marsh is not part of the Quarry License extension, so I disagree with using the Restoration Plan Report of 2012 study for moving forward of an approval. There hasn't been any restoration effort on the marsh. The McNear Brick Yard and surrounding marsh is a global hot spot for Fall Vaux's Swift fall migration. This small airborne bird which is an insect eater, uses the marsh for foraging and the three chimneys on the brick yard for their evening roost each year as they migrate to South America. The Mc Near marsh needs year around 24 hours seven days a week tide flow to support bird life and specifically for the late summer fall migration of the Vaux's Swifts. Annually up to (in 2018) 580,000 Vaux's Swift use the marsh land and up lands as habitat. Last night September 7, 2021 over 23,000 Vaux's Swifts used the roost area, thousands were noticed over the marsh area foraging for insects in hope of replenishing their energy to make the flight to Venezuelan and further south.

I ask that you extend the EIR public input for 90 days so that NGO organizations, science, and engineering experts necessary to consider these effects of tidal action on the marsh may be reviewed including a focus on the marsh and its benefits to wildlife

Local rising sea tides are of concern throughout the north bay. The Addendum to the FEIR must be amended to recognize that a full tidal restoration of the marsh can be provide sea level rise mitigation that will help protect the food source for fall migrating Vaux's Swifts, Business's, Pt. San Pedro Road and the surrounding neighborhoods.

Tao my knowledge there has been no comprehensive Wildlife Study of the marsh on bird life. The Addendum to the FEIR should call for a baseline study of the marsh, with a comparison of what species and populations can be expected in a comparable healthy marsh. Today the marsh appears to be devoid of wildlife of any kind. No waterfowl are present, even during peak breeding and migration periods. At a marsh about .5 miles away it is not uncommon to see as many long-legged wading birds such as Snowy & Great Egrets, and Herons.

To learn more about the Vaux's Swift follow this link:  
[https://www.allaboutbirds.org/guide/Vauxs\\_Swift/lifehistory](https://www.allaboutbirds.org/guide/Vauxs_Swift/lifehistory)

A special note should be taken that the marsh habitat can support rails, specifically the Ridgeway Rail a federal listed endangered species, restoration focused on this species can be used as mitigation for the Quarry operation.

Also new California State legislature is pending removing CEQA from marsh restoration plans. To learn more open this link:

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<https://cah2oresearch.com/2021/09/06/natural-resources-budget-trailer-bill-would-exempt-habitat-restoration-projects-from-ceqa/>

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In conclusion, I would like to invite you to view the Vaux's Swift phenomenon which is recorded by local volunteers each evening August through October for National Audubon Society. Other concerned citizens and I would be so happy to host you, simply contact me and I can arrange a visit.  
Do enter this letter into the office response record.

Yours,  
Rich Cimino  
60 Elizabeth Circle  
Larkspur, Ca. 94904  
Cell: 925-353-0266

## Letter L: Rich Cimino

L-1 Regarding the annual migratory stopover of Vaux’s swift at McNear’s Brickyard, this species is an aerial insectivore. Its regular use of the site is well documented. eBird records 37,200 swifts observed in September 2021. The commenter does not provide evidence that the Vaux’s swift population has trended downwards at McNear’s Brickyard, nor would a trend necessarily correlate with a decline in condition of the SRRQ marshes, if in fact such had occurred. Overall trends in Vaux’s swift population are unknown (California Partners in Flight, 2021). Please see also Master Response 1.

L-2 The 2009 FEIR, Section 4.3, Biological Resources, p. 4.3-33, states that,

Given the long-standing and on-going degradation of the SRRQ marshes and the fact that they are relatively small and isolated from other similar habitat, it is unlikely that they will ever again support the full suite of salt-marsh species that they once may have, no matter what measures were taken to restore them, particularly as they are now bordered to the north and west by existing “upstream” development and further development has been proposed as a post-reclamation land use in both the NW and SW Quadrants.

Even with “restoration” of the marshes, they are unlikely to support highly disturbance-sensitive species such as Ridgway Rail. Mitigation Measure C4.3-18b addresses the contribution of mining operations to the cumulative impact on the marshes, as described in Master Response 1.

L-3 The County is required to prepare CEQA documents pursuant to existing law and regulations, not pending new legislation. The County appreciates the information, but it does not apply to the current CEQA review.

L-4 The County appreciates the commenter’s kind offer.

## References for Responses to Comment Letter L

e-bird.org, 2021. Observations at McNear Brickyard.

<https://ebird.org/hotspot/L1004187?yr=all&m=&rank=hc> Accessed October 12, 2021.

California Partners in Flight, 2021. Vaux’s Swift.

<http://www.prbo.org/calpif/htmldocs/species/conifer/vaswacct.html>. Accessed October 12, 2021.

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**From:** ROBERT COOK <robertjcook@comcast.net>  
**Sent:** Monday, September 06, 2021 9:57 AM  
**To:** EnvPlanning  
**Subject:** State of the Quarry Wetlands

Rachel Reid

Environmental Planning Manager

Marin County Community Development Agency

[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Subject: San Rafael Rock Quarry EIR Addendum

1 [ I am writing to urge the Board of Supervisors to do something about the wetlands. The smell is terrible, the color of the water looks like there is something wrong, and there are almost no birds.

I live directly opposite the wetlands at 70 Heritage Road, San Rafael, CA 94901.

Thank you.

Robert Cook  
415 457 7683  
[robertjcook@comcast.net](mailto:robertjcook@comcast.net)  
70 Heritage Road  
San Rafael  
CA 94901

## **Letter M: Robert Cook**

M-1 Please see Master Response 1.



**From:** JAMES DICKSON <jrd513@aol.com>  
**Sent:** Thursday, September 2, 2021 10:46 AM  
**To:** Davidson, Berenice  
**Subject:** SR Rock Quarry

1 [ Gentlemen/women: I understand - from reading the Marin IJ - that the SR Rock Quarry is seeking an addendum to the EIR impact report finalized and certified by the county in 2009. I wholeheartedly support their request to continue mining through 2044. The Dutrass have been extremely accommodating to all requests from the neighborhood and have been generous in their many charitable contributions both financially and with donations of their mined resources to the surrounding neighborhood as well as ensuring that all their operations EXCEED any regulatory requirements! In addition to this , their annual “ open house “ is a clear indication of their desire for transparency in having a two - way dialogue with the community about the company's needs and the community's desires . Also I must add : the thought of a potential additional 350 homes being built along Pt. San Pedro Road when the mining is completed is mind - boggling !! Thanks for including this in your deliberations . Jim Dickson 513 San Pedro Cove, San Rafael

## **Letter N: James Dickson**

N-1 This comment addresses the merits of the Project, not the environmental analysis.

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**From:** Dean DiGiovanni <deandigi@comcast.net>  
**Sent:** Monday, September 06, 2021 1:13 PM  
**To:** EnvPlanning  
**Subject:** Dutra Quarry Operating Permit Extension

Good afternoon Ms. Reid:

I am contacting you regarding the subject extension and have concerns with allowing them to received an extension without also addressing the maintenance of the marsh/wetland along Pt. San Pedro Rd. The marsh has been stinking to high heaven this past August and early September and is really bad today on Labor Day. I have contacted Ross Campbell of Dutra who said the wetland needs daily monitoring and maintenance to open tide gates, coordinate with high and low tides, and to pump out low spots that do not drain and where water stagnates and organic matter rots and smells. I was at the wetland this past Friday, September 3, and there was a consultant for Dutra who is working on the environmental documentation and performing a species survey. I spoke with him regarding the rotting smell that he witnessed on 9/3 and he was going to donate it to his supervisor and Ross. However, I have not seen and action ever on Dutra's part to perform any maintenance at the site and drawing down pooled stagnant water with pumping. To me, their maintenance activities don't exist and there is no regard to the stench. There certainly is nobody here today working on the holiday. The short term daily maintenance needs to be written into the permit extension along with the long term strategy to complete a wetland restoration plan that my include filling the low spots that have subsided over the years and no longer naturally drain, similar to what is being implemented along Hwy 37 between Novato and Vallejo. I have spoken with Ross about this and he informed me of the short and long term plans but not of the permit extension. There needs to be some teeth in the permit as he was unaware that the wetland even smelled the day I called him. I'm not a complainer but I could not open my windows at night earlier in August as it smelled so bad on San Marino Dr. and tI hus contacted Dutra after two weeks of putting up with the worsening stench. I am sure I am not the only one in the community to notice but perhaps no one links the wetland to the quarry's historical and long term operations. Please include in the new permit immediate short-term and long-term corrections for wetland restoration. Thank you.

You may contact me at 415 521-6828.

Dean DiGiovanni  
173 San Marino Dr.  
San Rafael 94901

## **Letter O: Dean DiGiovanni**

O-1 Please see Master Response 1.

**From:** Jeanette Erven <Jerven2@comcast.net>  
**Sent:** Wednesday, September 8, 2021 2:51 PM  
**To:** Davidson, Berenice  
**Subject:** San Rafael Rock Quarry

1 [ Hello: As long time residents of San Rafael both my husband and I fully support the San Rafael Rock Quarry.

We strongly believe that this quarry is vital to our community. They provide jobs not only at their site but jobs at many construction sites.

It's important that we keep this quarry open! I also believe they have been good neighbors.

Thank you,

Jenette and Trent Erven

Sent from my iPhone

## **Letter P: Jenette and Trent Erven**

P-1 This comment addresses the merits of the Project, not the environmental analysis.

**ROY FALK**

175 Knollwood Drive, San Rafael CA 94901 | (707) 813-1313 | [royfalk@icloud.com](mailto:royfalk@icloud.com)

August 24, 2021

Ms. Rachel Reid  
Environmental Planning Manager  
Marin County Community Development Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903  
[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Dear Ms. Reid,

Subject: My Comments - Addendum 2009 Final Environmental Impact Report,  
San Rafael Rock Quarry Surface Mining and Quarrying Permit

1 [ The addendum to the 2009 Final Environmental Impact Review concluded that there were no new or more severe impacts than what were already identified in the 2009 EIR," said Berenice Davidson, a county civil engineer. "Therefore, the addendum is sufficient, and there will be no need for further review." I **strongly disagree** and request that you formally enter them into the review process. Also please include these, verbatim, in the materials that get forwarded to the Board of Supervisors.

2 [ 1. There are no provisions for compliance monitoring and reporting in either the original FEIR or the Addendum. Since no agency is formally charged with this responsibility, compliance has been spotty at best.

3 [ 2. The phenomena of climate change and the consideration for sea level rise mitigation were not addressed in the 2009 Final Environmental Impact Report. The science and engineering necessary to consider these effects were not yet developed. The Addendum to the FEIR must be amended to recognize that a full tidal restoration of the marsh can be provide sea level rise mitigation that will help protect Pt. San Pedro Road and the surrounding neighborhoods.

4 [ 3. There has been no comprehensive Wildlife Study of the Rock Quarry marsh. The Addendum to the FEIR should call for a baseline study of the marsh, with a comparison of what species and populations can be expected in a comparable healthy marsh. Today the marsh appears to be devoid of wildlife of any kind. No waterfowl are present, even during peak breeding and migration periods. At a marsh about .5 miles away it is not uncommon to see as many as 75 Snowy Egrets.

5 [ 4. There are no provisions for compliance monitoring and reporting in either the original FEIR or the Addendum. Since no agency is formally charged with this responsibility, compliance has been spotty at best. While some success criteria have been set to evaluate the restoration activities, the goals have not been met.

6 | 5. There are no provisions for non-compliance consequences. If the success criteria are not met, according to the schedule, shouldn't the SRRQ cease operations because they have not met the conditions of their permit? We cannot continue to have the San Rafael Rock Quarry going about business with no oversight and compliance reporting.

7 | 6. There seems to be no provisions for public access and walking paths. The San Rafael Quarry sits squarely in the midst of the San Francisco Bay Trail.

8 | The Quarry should take this opportunity to do the right thing and fully restore the tidal  
9 | marsh which could be an asset to the community and a healthy refuge for wildlife, especially waterfowl. The County of Marin sets the conditions for their permit and determines what should be called out in the EIR. Please delay the issuance of their operations permit until these conditions are adequately addressed.

Respectfully,



Roy Falk  
Citizen



## Letter Q: Roy Falk

- Q-1 The commenter's disagreement with the conclusions of the Addendum regarding no new or more severe significant impacts of the proposed Project is noted, and is addressed in these responses.
- Q-2 Please see the response to comment D-4.
- Q-3 As explained on page 2-99 of the Addendum, the 2009 FEIR did consider sea level rise. As discussed in Addendum Section 2.6, Greenhouse Gas Emissions, the 2009 FEIR also considered climate change impacts, identified significant impacts of the projects then being analyzed on climate change, and imposed measures to mitigate those effects, all of which were adopted as conditions of approval.
- Q-4 As discussed in Addendum Section 2.4, Biological Resources, the 2009 FEIR characterized the marshes and other wetlands within the SRRQ property, identified potential impacts of reclamation on the marshes, and imposed mitigation measures to ensure their protection and restoration. SRRQ also conducted further study of the marshes in preparing the 2012 Marsh Restoration Plan, as described in Master Response 1.
- Q-5 Please see the response to comment D-4. See also Master Response 1.
- Q-6 Please see the response to comment D-4. See also Master Response 1.
- Q-7 Development of the Bay Trail along the shoreline of SRRQ is anticipated following cessation of mining and completion of reclamation, as discussed in Addendum Section 2.16, Recreation.
- Q-8 Please see Master Response 1.
- Q-9 This comment addresses the merits of the Project, not the environmental analysis. The Project involves only changes to the existing Amended Reclamation Plan, not to the Surface Mining and Quarrying Permit, which regulates the mining operation.

## Transcript of Comments by Citizen

**From:** Heikhaus, Claudia <[cheikhaus@marincounty.org](mailto:cheikhaus@marincounty.org)>  
**Sent:** Thursday, September 2, 2021 9:15 AM  
**To:** Davidson, Berenice <[BDavidson@marincounty.org](mailto:BDavidson@marincounty.org)>  
**Subject:** RE: Message from Unknown sender (Unknown caller ID)

Hi Berenice,

1 I saw something on NextDoor about the quarry – I think his name is Roy something. My feelings about that are I was born and raised here in Marin and the quarry was there first, so I don't have any complaints.

They've been very cooperative in keeping deaths down and working with the neighbors. I don't know what this guy's problem is because it was there way before those houses were. They knew what they were buying when they bought their houses and the quarry has been just fine.

I'm just putting my feelings about it forward. Thanks!

## **Letter R: Claudia Heikhaus**

R-1 This comment addresses the merits of the Project, not the environmental analysis.

**From:** Jeff Ivarson <jeff@ivarson.com>  
**Sent:** Wednesday, September 8, 2021 4:34 PM  
**To:** Davidson, Berenice  
**Subject:** San Rafael Rock Quarry

Hello Bernice,

I am responding to you regarding the proposed "Aimi Dutra" San Rafael Rock Quarry request to change their intent to mine from 2024 to 2044.

We do not support this proposed extension of time modification to the San Rafael Rock Quarry. We request you hold San Rafael Rock Quarry to their 2004 as currently stated in the approved Quarry Reclamation Plan years back.

Thank you!

Jeff and Henri Ivarson

Jeff Ivarson  
**Residents Of San Pedro Cove**  
521 San Pedro Cove  
San Rafael, CA 94901

415.299.0784 c  
415.454.1271 f  
[ivarson.com](http://ivarson.com)

## **Letter S: Jeff and Henri Ivarson**

S-1 This comment addresses the merits of the Project, not the environmental analysis.

Taylor, Tammy

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**From:** Paul K <artart4@yahoo.com>  
**Sent:** Tuesday, September 07, 2021 6:03 PM  
**To:** EnvPlanning  
**Subject:** San Rafael Rock Quarry EIR addendum

Dear Rachel Reid,

I am writing about the unacceptable conditions of the wetlands adjacent to McNears brickyard. I live on Heritage Dr., just across the street from the quarry entrance. I absolutely do not support an extension of the quarry's current plans and actions. This must end.

This area had abundant wildlife living here with a variety of birds and now it just looks dead.

More importantly, the outrageous stench coming from that area is unbearable. It's lingering pungent smell, day and night, has prevented us from enjoying our outdoor patio in addition to forcing us to keep our windows closed. The smell is a cross between raw sewage m, sulfur and chemicals.

This operation is obviously not working and I am afraid it's causing permanent damage to the area, preventing any sort of realistic restoration. Careful planning and enforcement should take place immediately. The quarry is not taking care the marsh and wetlands areas. They are making our beautiful area look and smell like a wasteland and making it inhospitable to the people and the wildlife of the area.

In the strongest terms. I request you reject the quarry's extension as it currently stands and hold them accountable to take better care of the area with better oversight.

Thanks,  
Paul Kellerhals  
The Ridge of San Rafael

Sent from my iPhone

## **Letter T: Paul Kellerhals**

T-1 Please see Master Response 1.

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**From:** glmacd <glmacd@comcast.net>  
**Sent:** Wednesday, September 8, 2021 7:31 PM  
**To:** Davidson, Berenice  
**Subject:** Sutra permit

1 | Hello,  
| Please consider Dutra's mining through 2044, they are a great asset to the country.  
| Many thanks GordyMacDermott

Sent from my Galaxy Tab A



## **Letter U: Gordy MacDermott**

U-1 This comment addresses the merits of the Project, not the environmental analysis.

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**From:** Leilani Pursel <leilani.borenstein@gmail.com>  
**Sent:** Tuesday, September 07, 2021 3:31 PM  
**To:** EnvPlanning  
**Subject:** San Rafael Rock Quarry EIR Addendum - Resident input

Rachel Reid

Environmental Planning Manager

Marin County Community Development Agency

[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Subject: San Rafael Rock Quarry EIR Addendum

It has come to my attention that the Quarry on San Pedro has requested an extension until 2044 for the completion of its marsh reclamation. As a result, the **2010 EIR** (Environmental Impact Statement) has recently been reviewed and re-released as an "Addendum."

It is very apparent to those who live nearby that these restoration methods ARE NOT WORKING! I have lived across the road from the marsh and have seen it grow from a beautiful marsh rich with wildlife and migrating birds to a **deserted wet smelly mess!** I am very concerned about the state of the marsh considering the current environmental changes, the continuing loss of a multitude of species that previously depended on these wetlands for their existence, and birds literally dying from lack of water and disappearance of their annual stopover on migrations.

1 And the smell! Just in the last 2 months, something was done to create a smell to emanate from the marsh that is so putrid that we must keep our windows closed!

Obviously something is NOT WORKING. Either the MRP itself, the execution, or the oversight. It would be a horrible waste and travesty of responsibility to allow this once beautiful wetland to die.

PLEASE:

- Update the MRP to current methods – *(The current plan is 10 years old. Much research regarding the care and maintenance of wetlands has changed dramatically over the last 10 years.)*
- Ensure the Quarry marches to this plan both in methods and time commitment

↑  
Ensure that a body of authorities are explicitly given the role of oversight of the work to include close and constant monitoring of the Quarry's work AND the health conditions of the marsh.

1  
cont. I used to delight in watching the wildlife and migrations across the street from my home. It is beyond shameful that within 1 year it appears to be on its deathbed.  
It is the County's responsibility to take needed actions to protect this natural resource for the community and world at large. Wetlands in other parts of the Bay Area are being restored to a healthy condition. Let's hope we are not too late.

Thank you for the opportunity to provide input and for taking action in this situation.

Leilani Pursel

## **Letter V: Leilani Pursel**

V-1 Please see Master Response 1.

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**From:** David Rabb <davidsrabb@gmail.com>  
**Sent:** Saturday, September 04, 2021 1:16 PM  
**To:** EnvPlanning  
**Cc:** contactus@peacockgaphoa.org  
**Subject:** Extension Request -Comments on the Project Approval

1 | My name is David Rabb. My wife and I have been Peacock Gap Residents for fifty-two years. We are not in favor of the Board extending the Dutra Mining permit for twenty more years.

2 | The Mining operation cloud the air. Also, the trucks that haul the gravel products for the usually drive faster than 35 miles per hour.

3 | There are other safety factors to consider.

4 | I intend to attend the meeting in December.

Thank you.

David Rabb  
15 San Marcos Place  
San Rafael, California  
[davidsrabb@gmail.com](mailto:davidsrabb@gmail.com)

415-725-1743

## Letter W: David Rabb

- W-1 This comment addresses the merits of the Project, not the environmental analysis.
- W-2 Addendum Section 2.3, Air Quality, examines the potential for the proposed Project to result in a new or substantially more severe significant air quality impact compared to those identified in the 2009 FEIR, and finds no such potential. Similarly, Section 2.17, Transportation, finds no new or substantially more severe significant traffic safety impact. As stated in Section 2.17, reclamation activities are not expected to generate off-site truck trips. The proposed Project involves changes to SRRQ's existing Amended Reclamation Plan, and does not affect mining operations.
- W-3 The comment does not refer to any specific aspects of the Project. Health and safety issues associated with the proposed Project are examined in Addendum Section 2.9, Hazards and Hazardous Materials, as well as in Section 2.3, Air Quality, Section 2.7, Geology and Soils, Section 2.10, Hydrology and Water Quality, Section 2.17, Transportation, Section 2.19, Wildfire, and Section 2.20, Mandatory Findings of Significance.
- W-4 The comment is noted, though it is unclear what meeting the commenter is referring to. The County will provide the legally required notice of all public meetings in which the Project is considered.

**From:** Rob Sinclair <robsinclair@hotmail.com>  
**Sent:** Tuesday, September 07, 2021 5:51 PM  
**To:** EnvPlanning  
**Subject:** San Rafael Rock Quarry EIR Addendum

Rachel Reid  
Environmental Planning Manager  
Marin County Community Development Agency envplanning@marincounty.org  
Subject: San Rafael Rock Quarry EIR Addendum

As the President of the HOA of the Ridge of San Rafael, I have been receiving comments from our homeowners as to what is happening to the marsh and have been asked to represent our community across from the marsh. The Ridge of San Rafael HOA is directly across Point San Pedro Road from the marsh.

The homeowners here comment that over the last year we have lost many of the wildlife and birds that previously were such a part of the marsh and that these last years the odor has become worse.

The homeowners are concerned not only for the health of the marsh but what negative impact that would assuredly have to home values with this odor.

1 It has come to our attention that the Quarry on San Pedro has requested an extension until 2044 for the completion of its marsh reclamation. As a result, the 2010 EIR (Environmental Impact Statement) has recently been reviewed and re-released “as-is” as an “Addendum”. No updated EIR has been completed.

The County must recognize that the current MRP is not working and needs to be reviewed. We need a more current and informed plan created and implemented.

These marshes are large and an important resource. Many restoration projects have been successful in the Bay Area and we hope this marsh will be one of them.

We look to the County of Marin to move forward on this marsh before it is too late.

Rob Sinclair  
President  
The Ridge of San Rafael – HOA (bcc - Ridge BoD)

## **Letter X: Rob Sinclair**

X-1 Please see Master Response 1.



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**From:** ckctrutt@comcast.net  
**Sent:** Monday, September 06, 2021 12:38 PM  
**To:** EnvPlanning  
**Subject:** Marsh along San Pedro and Quarry

Dear Rachael Reid,

1 | The marsh has suffered recently as evidenced by the offensive odor that has been in the air. We can't leave our windows open because of this odor. The marsh is black and the birds seem to have gone elsewhere. We haven't seen the deer scamper around either.  
Please encourage the Planning Commission to enforce all recommendations given the quarry in regards to this wetland treasure.

Thank you for your attention.

Sincerely,

Connie Trutt  
30 Heritage Drive  
San Rafael, Ca

## **Letter Y: Connie Truitt**

Y-1 Please see Master Response 1.

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**From:** Maureen Uribe <maureen\_dancer@yahoo.com>  
**Sent:** Wednesday, September 8, 2021 3:11 PM  
**To:** Davidson, Berenice  
**Subject:** San Rafael Rock Quarry

1 | **As the Rock Quarry Addendum concludes, this text change (performing reclamation work as mining progresses through 2044) will not result in any new or more severe significant impacts to the environment, and will preserve the strong neighborhood protections in place now and in the years ahead.**

**This is an important business for the City of San Rafael and we should be supporting it, rather than trying to put it out of business.**

**Maureen Uribe  
San Rafael Resident**

## **Letter Z: Maureen Uribe**

Z-1 This comment addresses the merits of the Project, not the environmental analysis.

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**From:** Katerina Venetis <fbikat@yahoo.com>  
**Sent:** Tuesday, September 07, 2021 5:49 PM  
**To:** EnvPlanning  
**Subject:** San Rafael Rock Quarry EIR

Dear Rachel Reid,

I am writing about the terrible state of the wetlands across the street from my house (I live on Heritage Dr., across from the quarry.) I do not support an extension of the quarry's current plans and actions.

This area used to have all kinds of wildlife, especially a variety of birds and now it just looks dead.

Even worse, the smell coming from the area is unbearable. It is a constant pungent smell, every day, and it is a cross between sewage mixed with chemicals.

There have been so many days over the past couple of months that the smell is so rancid, we can't spend any time outside our home or walking the neighborhood.

This is obviously not working and I am afraid it's causing worse damage than any sort of restoration. Careful planning and enforcement should take place and the quarry is not taking care our marsh and wetlands. They are making our beautiful area look and smell like a wasteland and making it inhospitable to the people and the wildlife of the area.

I request you please reject the quarry's extension as it currently stands and hold them accountable to take better care of the area with better oversight.

Thanks,  
Katerina Venetis  
The Ridge of San Rafael

## **Letter AA: Katerina Venetis**

AA-1 Please see Master Response 1.

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**From:** Dennis Wheatley <dennis@triticum.com>  
**Sent:** Monday, September 06, 2021 6:18 PM  
**To:** EnvPlanning  
**Subject:** Attn: Rachel Reid

I am writing to complain about the state of the wetlands between Point San Pedro Rd and the Dutra quarry. I understand that you are soon to be reviewing the Marsh Restoration Plan and believe that you should take the following complaint into consideration.

1 It appears that the Quarry is not fulfilling its commitment/duty to manage this valuable resource. Much of the wetland is dead and that causes very unpleasant smells. Formally there was selection of interesting birdlife, there are no longer any birds. What used to be an attractive contribution to the area now appears to be a discolored mess.

Please do what you can to make these wetlands healthy again.

*Regards*

***Dennis J Wheatley***

**Cell: 415-696-3351**

**[dennis@triticum.com](mailto:dennis@triticum.com)**

## **Letter BB: Dennis Wheatley**

BB-1 Please see Master Response 1.



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**From:** Lisa Zimmerman <lisa@7story.net>  
**Sent:** Monday, September 06, 2021 12:32 PM  
**To:** EnvPlanning  
**Subject:** San Rafael Rock Quarry EIR Addendum

Hello Ms. Reid – I am writing about the state of the San Pedro Road wetlands managed by the Quarry.

I live across the street from the wetlands at 45 Heritage Drive and pass by the wetlands several times daily. I have lived here 15 years and have seen them get progressively worse. This year has been especially concerning, as there is now a terrible sewage-type of smell emanating from the wetlands, the color of the marshes is now a dark brown, and there are no birds. It used to be visibly alive with birds.

It is my understanding that there are numerous, successful wetlands restoration strategies that could be implemented that are not currently part of the Marsh Restoration Plan. I urge you to re-examine the current plan (and how well it has been implemented) and consider a more robust and proven course.

Thank you.

Lisa Zimmerman  
415/302-8195

## **Letter CC: Lisa Zimmerman**

CC-1 Please see Master Response 1.

## CHAPTER 4

### Changes to the Text of the Addendum

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Changes to the text of the Addendum prompted by comments are indicated by ~~strike-throughs~~ for deletions and underline for additions.

The last paragraph on Addendum page 2-40, continuing to 2-41, is revised as follows to incorporate new information provided by the commenter in Letter A:

Potential nesting habitat for raptors occurs on or near the Project site in marshes and eucalyptus trees, though no nesting raptors were observed during a survey in 2015 (Sequoia Ecological Consulting, 2015d). Other special-status bird species potentially breeding in marshes onsite include San Pablo song sparrow (*Melospiza melodia samuelis*) and saltmarsh common yellowthroat (*Geothlypis trichas*). Other protected migratory birds could nest in grasslands, ruderal habitat, on buildings, and in the marshes onsite. While any birds nesting within the Project site may be habituated to noisy conditions, clearing, grading, and other construction activities during reclamation could disturb or destroy active nests, or cause nest abandonment and death of young, if active nests are present. Removal of trees or shrubs could result in direct losses of nests, eggs, or nestlings. Mitigation Measure R4.3-11b and COA 111 require surveys for nesting raptors and other birds prior to vegetation removal or nearby reclamation activities during bird nesting season, and Mitigation Measures R4.3-12a and b, adopted as COAs 112 and 113, require a buffer area around marsh habitat and development of a Marsh Wildlife and Habitat Protection Plan that would protect birds nesting in the marsh from disturbance. Pre-construction surveys performed prior to reclamation grading in 2019, and biological monitoring conducted during reclamation activities found no nesting birds in the NE Quadrant (WRA, 2019b). In 2020 and 2021, however, ospreys were observed nesting in the NE Quadrant during the preconstruction nesting bird surveys. The applicant's consultant contacted CDFW to identify appropriate nest buffers and monitoring during reclamation activities, as required by Mitigation Measure R4.3-11b and COA 111 (WRA, 2020). Continued implementation of these mitigation measures, all of which were adopted as conditions of approval, will ensure that the Project will not have a new or substantially more severe significant impact on nesting birds. There is no new information or changed circumstance since certification of the 2009 FEIR that would change this conclusion: the Project would not result in a new or substantially more severe significant impact on nesting migratory birds, including raptors.

In response to comment H-12, clarifying text is added to the proposed revisions to Mitigation Measure R4.2-3c on Addendum page 2-82 to include explicit reference to the Marin County 2030 Climate Action Plan: (Additions are underlined and bolded; deletions are struck through and bolded):

**Mitigation Measure R4.2-3c:** Within ~~one year~~ three months of ~~project~~ approval of the CARP19 Project, the applicant shall update the existing ~~prepare and implement~~ a GHG reduction plan consistent with the Marin County 2030 Climate Action Plan. The plan will ~~include a complete inventory of reclamation-related GHG emissions and will demonstrate how the Quarry will reduce or offset remaining un-mitigated reclamation-related GHG emissions such that total GHG emissions from reclamation grading will not exceed 948 MTCO<sub>2</sub>e over the life of the reclamation project.~~ The plan will prioritize emissions reduction through energy conservation and other measures; for those emissions that cannot be reduced, the plan shall specify how emissions will be offset. Offsets may take the form of installation of on-site alternative energy generation facilities (such as solar power) or offsite compensation, such as monetary contribution to a project that sequesters carbon. Examples of such projects include wetland restoration, purchase of carbon credits verified by the ~~California Climate Action Registry~~ California Air Resources Board, and reforestation. On-site offsets will be given higher priority than off-site offsets, and offsets with co-benefits, such as reduction of particulate emissions within the vicinity of the Quarry, and restoration of habitat for special status species, will be given higher priority. ~~The plan must demonstrate how, at a minimum, the Quarry will reduce reclamation-related, non-biogenic GHG emissions consistent with the Marin County Greenhouse Gas Reduction Plan and Countywide Plan Update policies: since no reclamation-related emissions were occurring in 1990, the plan must demonstrate how reclamation-related emissions are reduced or offset, such that there are no net emissions from reclamation.~~ The plan will include an implementation schedule. The plan will be submitted to the Marin County Public Works Department for review and approval. In addition, ~~the initial emissions inventory prepared as part of the plan will be reported to the California Climate Action Registry~~ Climate Registry or a successor organization as a baseline inventory, and the Quarry will conduct an annual GHG emissions inventory and report it to the Climate Registry and to the County Public Works Department. ~~and report additional inventories annually.~~