



SIERRA CLUB MARIN GROUP

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November 30, 2005

Tim Haddad, Environmental Coordinator
Marin Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

Re: EIR for San Rafael Rock Quarry Amended Reclamation Plan

On behalf of the Sierra Club's 7,000 Marin County members, we submit the following comments on the scope of the Environmental Impact Report (EIR) for the San Rafael Rock Quarry's proposed Amended Reclamation Plan.

General Comments:

We note that the Quarry was required to remedy illegal and uses and remove or correct un-permitted structures prior to the Notice of Preparation (NoP) so that the CEQA baseline for the Quarry will include only legal and permitted uses; this is inconsistent with the NoP for Lawson's Landing, whose CEQA baseline included illegal uses and un-permitted structures. We believe this raises the issue of either selective enforcement of Marin's Codes or selective discretion in its CEQA judgments. We believe that all CEQA baselines should include only legal and permitted uses and structures as they exist "on the ground" at the time of the NoP.

We also wish to raise the question of what constitutes "existing use" at the Quarry. According to the Lawson's Landing DEIR, the proposed CEQA baseline would be the peak use at Lawson's. Is it your intention to define Quarry's CEQA baseline as peak use or will you use the Quarry existing pattern of use in the season preceding the date of the NoP. If you intend to use the Quarry's peak use, will you allow the Quarry's attorney to define that peak use, as was done for Lawson's Landing, or will you rely on other independently verifiable sources. If you are going to use peak use, do you intend to let the applicant shop backwards over several years to select the peak use, or will you constrain the period within which a peak use is selected to a time reasonably related to the date of Preparation of the NoP?

Lastly, we believe that SMARA's "rolling reclamation provision" mandates remediation of the Brick Resource Area and marshes. If the Quarry's CEQA Baseline is to include on legal and permitted uses, then mining from the Brick Resource Area (performed by a separate entity) has ceased and reclamation should be completed. We believe the proposal to conduct mining in all areas at all times is simply a fig leaf to delay implementation of any remediation at all in any place for as long as a possible. This circumvents the law's rolling reclamation retirement and thus this remediation should be required just as the removal of the Quarry's illegal buildings was required.

We are concerned about the following specifics:

- 1) That the Amended Reclamation Plan proposes mining to be conducted for 17 years in a manner that could potentially worsen, rather than improve, impacts on the community and the environment and that it describes an unrealistically intense reuse scenario.

2) Nuisance impacts on nearby residents could be increased by the ongoing trucking of overburden from one part of the quarry site to another and shaping and reshaping the terrain close to nearby properties. That, along with truck traffic, blasting and crushing and sediment runoff could further degrade the Bay and marsh.

3) We understand that approval of the amended reclamation plan would not approve the suggested development scheme, but that the ultimate land use would be decided at the time a Development Plan is filed with the County or the City as part of the land use and environmental review entitlements process at conclusion of mining. However, it would make sense to have in the reclamation plan a scenario that approximates a reuse that would be workable in the community.

The Sierra Club requests that the EIR analyze an alternative that includes the following characteristics: complete mining in the active pit before working elsewhere on site thus lessening the need to move the fines back and forth across the site; provide for marsh restoration and enhancement, including the 300 foot buffer recommended by the *Baylands Ecosystem Habitat Goals*; reduce the proposed reclamation design by eliminating the commercial development, except for neighborhood-serving uses, and ferry terminal and showing further enhancement of the marsh.

We ask the EIR analyze the following:

Geophysical/Air/Water

- Effects of blasting and processing on residents and Bay wildlife.
- Impacts to the Bay and marshes from erosion and sediment deposition.
- Emission of pollutants such as diesel into the air, surface and ground waters.
- How emissions and noise from the quarry affects the nearby McNears Park.

Aesthetic

- Photo simulations from key locations to show the effect of the terrain changes and proposed reuse, and also the enormous reshaping of the South Hill. Simulations should not assume that existing vegetation would continue to screen the site in perpetuity.

Traffic

- Levels of service (LOS) at Third Street intersections with Grand, Union and Irwin.
- Traffic that would result from the ongoing mining and from the reclamation scenario.
- Include cumulative impacts from foreseeable development at Loch Lomond and that approved in the Countywide Plan that would generate traffic through the critical downtown intersections.
- Impacts that traffic into and exiting the quarry could have on nearby properties, the marsh and Bay.

Energy

- Alternative technologies for blasting, processing and reclamation activities that would reduce the need for fuel and energy.

Sincerely,

Michele Barni, Sierra Club Marin Group