



# Marin Audubon Society

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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.

## 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.

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:

**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.

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.

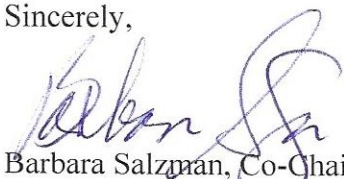
### **Our Recommendation**

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 when, 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 marshes 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