



MARIN COUNTY GROUP

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Sept. 8, 2021

Marin County Board of Supervisors

Rachel Reid, Environmental Planning, Planning Manager, 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.¹ 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?

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.

¹

https://www.marincounty.org/-/media/files/departments/pw/land-use/quarry/marsh_restoration_plan_92812.pdf

sierraclub.org/san-francisco-bay/marin



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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

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).



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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 Science² staff discussed project funding could come from the county, grants non-profits, etc. (see Appendix 1 and 2). The San Francisco Estuary Institute (SFEI)³ 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.

² <https://www.pointblue.org>

³ <https://www.sfei.org>



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- 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.



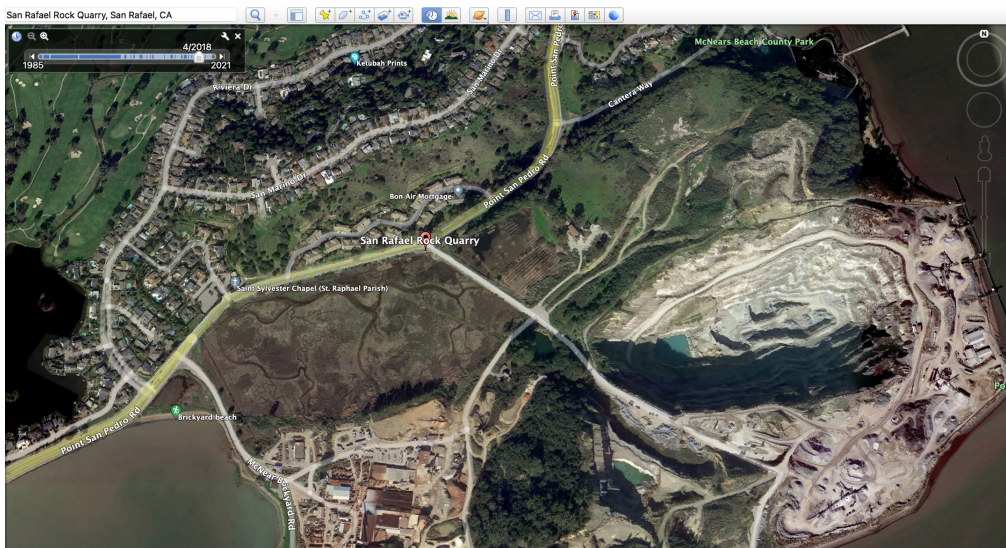
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Appendix 3:

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.

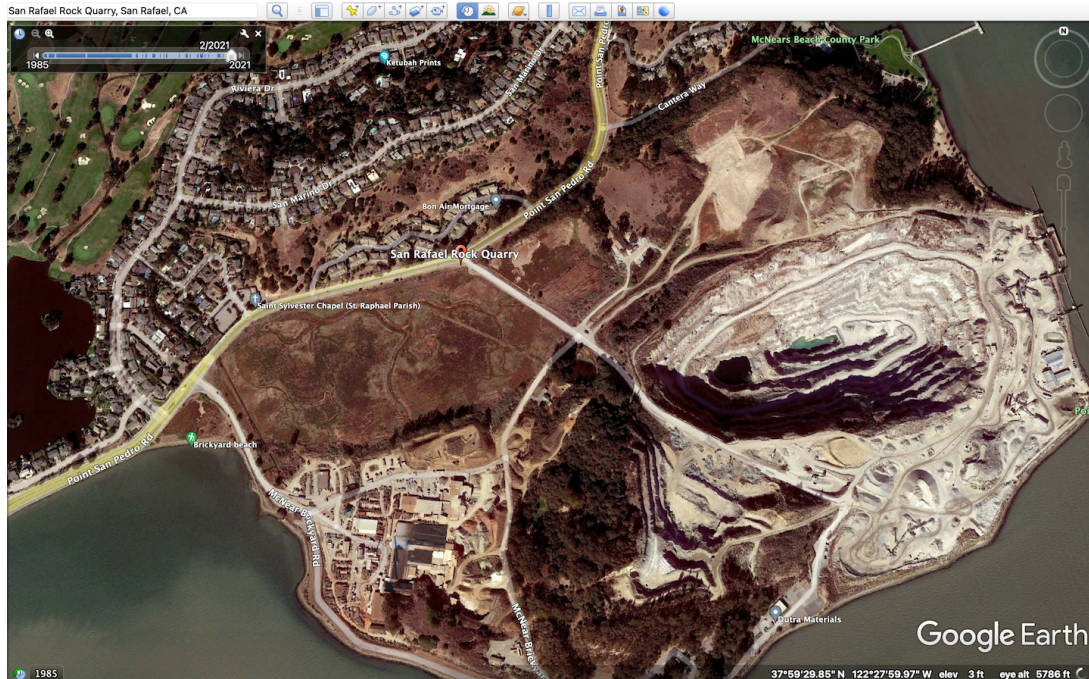




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The latest Google Earth aerial photograph below is from February 2020, and shows a very different picture: a brown, dried out marsh. This is the marsh's current state and one that the neighbors and environmental community are most concerned about. 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.



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 - 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/ - 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 - 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)