



US Army Corps
of Engineers®
San Francisco District

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: Pilarcitos Quarry

PUBLIC NOTICE NUMBER: 2007-400411S

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COMMENTS DUE DATE: June 24, 2016

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1. **INTRODUCTION:** Kevin Torrell of Vulcan Materials (POC: Chris Gurney, WRA Environmental Consultants, 415-454-8868), 4101 Dublin Boulevard PMB#144, Suite F, Dublin, California 94568, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to impact 0.02 acre of wetland and 3,117 lineal feet of non-wetland waters of the U.S. as part of a quarry expansion and associated habitat restoration, located east of the City of Half Moon Bay in San Mateo County, California. The permit application also requests after-the-fact authorization for unpermitted discharge into an additional 0.03 acre of wetland by the prior quarry operator. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The project site is located at 11700 Highway 92 in unincorporated San Mateo County, California (37.5022°N and 122.3954°W; APN 048-340-080, 048-350-030, 048-350-070, 056-340-040, and 056-380-030; Township 5S, Range 5W, unsectioned). It is situated within the Montara Mountain and Half Moon Bay USGS Quadrangle Maps (Figure 1).

Project Site Description: The property comprises 588 acres, in which a quarry is currently operating on about 60 acres of the southern portion and a conservation easement of 192.5 acres exists on the northern portion. The area is situated within the coastal mountains of San Mateo County and is bisected by a canyon associated with the Nuff Creek drainage. Nuff Creek flows north to south and a number of tributary streams flow into the creek from the east or west. The Nuff Creek canyon is characterized by spur ridges with

steep vegetated slopes. Surface erosion has been a major factor in shaping the steep watershed terrain. Vegetation communities within the proposed expansion area include coastal scrub, sparse scrub/non-native grassland, arroyo willow thicket, Douglas fir forest, blue gum eucalyptus stands, and intermittent and perennial streams.

The Corps has delineated a total of 5.24 acres of wetlands and 32,726 lineal feet and 0.31 acre of non-wetland waters. The wetlands include 5.00 acres of willow riparian wetland and 0.24 acre of seasonal wetland. The non-wetland waters consist of 23,035 lineal feet of intermittent stream, 8,202 lineal feet of perennial stream, 1,489 lineal feet of culverted stream, and 0.31 acre of converted pond. Other water resources present on-site include five quarry operational ponds totaling 6.94 acres, which fall outside of the Corps' jurisdiction.

Project Description: Pilarcitos Quarry is an ongoing side-hill mining operation that currently produces fill material, asphaltic concrete aggregate, landscape materials, and various grades of sand, drain rock, and road base from an extensive granite deposit. Quarrying and processing currently occur on approximately 60 acres in the southern end of the 588-acre site. The proposed project would support long-term mining and reclamation over the next 100 years in five phases (Figure 2). Phase 1 would expand mining 80.36 acres west of current mining operations, daylight a 387-foot culverted reach, and create water storage features to capture high flows in Nuff Creek (Figure 3); Phase 2 would further expand mining 14.10 acres west of Phase 1 (Figure 4); Phase 3 would expand mining 4.65 acres east (Figure 5); Phase 4 would cover mining within an additional 0.03 acre along the boundaries of Phases 1 and 2 (Figure 6); and the final reclamation phase would create a standalone water basin, daylight the remaining

1,102 lineal feet of culverted Nuff Creek, and restore the stream channel (Figure 7). An estimated 50 million tons of aggregate reserves would be obtained from this mining expansion. The proposal also requests after-the-fact authorization for an approximately 3-acre portion of the site where the prior operator performed unpermitted mining (Figure 8).

Mining expansion would take place in two distinct regions with synchronized mining, termed Areas A and B, and would involve the creation of cut slopes 100 feet in height and separated by benches 25 feet in width (Figure 2). Following the completion of aggregate extraction, disturbed land would be reclaimed by re-contouring mined benches and slopes and revegetating land.

The project would also involve habitat restoration that would increase the net area of wetland/ waters and create a water storage feature (Figure 9). A 1,489-foot culverted reach of Nuff Creek would be daylighted, with 387 feet daylighted during the first project phase, to improve site hydrology and stream flow. The water storage reservoir would have a holding capacity of 257 acre-feet and be engineered to capture high flows in Nuff Creek during the winter rainy season. Final reclamation would enhance the quarry floor and current pit area to create a mix of open water, wetland, and upland habitat.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is to conduct mining operations.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to obtain aggregate and aggregate-based construction materials and to complete post-mining closure, habitat improvement, and reclamation to leave the site in a condition that is safe, stable, and prepared to serve as open space.

Project Impacts: The project would impact wetlands and non-wetland waters through filling and excavation for mining and habitat restoration. Proposed impacts include 2,690 lineal feet of intermittent stream and 0.02 acre of seasonal wetland. The applicant also requests after-the-fact

authorization for impacts to an additional 0.03 acre of seasonal wetland. The impacts are limited to Phases 1 and 2 of the mining expansion as well as the Nuff Creek daylighting associated with Phase 1. The daylighting would temporarily impact an additional 387 lineal feet of culverted perennial stream in Phase 1 and 1,102 lineal feet during final reclamation.

Proposed Mitigation: Mitigation for the permanent impacts to 2,690 lineal feet of intermittent stream and 0.05 acre of seasonal wetland is proposed at a minimum 1:1 ratio through a combination of perennial stream re-establishment (daylighting), perennial stream enhancement, preservation of existing perennial and intermittent streams, and wetland establishment (Figure 9). Both on-site and off-site mitigation is proposed, with the off-site mitigation occurring in the immediate vicinity in the same watershed. Mitigation would include 387 lineal feet of perennial stream re-establishment during Phase 1 of mining expansion at a 1:1 ratio, 1,102 lineal feet of perennial stream re-establishment during final reclamation at 21:1 ratio, 1,201 lineal feet of perennial stream enhancement at a 4.4:1 ratio, 2,827 lineal feet of perennial stream preservation at a 5.1:1 ratio, and approximately 15,000 lineal feet of intermittent stream preservation at a 6.1:1 ratio, totaling 20,514 lineal feet. The full 0.05 acre of impacted wetland would be mitigated through wetland establishment of 0.10 acre, a 2:1 ratio.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay

Street, Suite 1400, Oakland, California 94612, by the close of the comment period.

Coastal Zone Management: The project does not occur in the coastal zone, and a *preliminary* review by USACE indicates the project would not likely affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the California Coastal Commission.

Coastal zone management issues should be directed to the District Supervisor, California Coastal Commission, North Central Coast District Office, 45 Fremont Street, Suite 2000, San Francisco, California 94105-4508.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to ensure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any federally-listed species or result in the adverse modification of designated

critical habitat. As the Federal lead agency for this project, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant, to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE has made a preliminary determination that federally-listed species and their designated critical habitat may be present at the project location or in its vicinity, and may be affected by project implementation. These species with the potential to occur within the project site include the California red-legged frog (*Rana draytonii*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), marbled murrelet (*Brachyramphus marmoratus*), and California Central coast steelhead (*Oncorhynchus mykiss*).

To address project related impacts to these species and designated critical habitat, USACE will initiate formal consultation with USFWS pursuant to Section 7(a) of the Act. The USFWS previously issued a Biological Opinion (BO) for the previously permitted quarry operations with an incidental take statement for the California red-legged frog and San Francisco garter snake, but the proposed expansion falls outside of the area covered by the BO. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. In addition, USACE will initiate informal consultation with NMFS for potential impacts to California Central coast steelhead.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the NMFS on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE has made a *preliminary* determination that EFH is not present at the project location or in its vicinity, and that consultation will not be required. USACE will render a final determination on the need for consultation at the close of the comment

period, taking into account any comments provided by NMFS.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. As the Federal lead agency for this undertaking, USACE has conducted a review of latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant, to determine the presence or absence of historic and archaeological resources within the permit area. Based on this review, USACE has made a *preliminary* determination that historic and archeological sites have the potential to occur in the program area. However, with the implementation of program best management practices, no adverse effects are expected to result from the implementation of the program activities. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by the State Historic

Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and Native American Nations or other tribal governments. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES: Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is not dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. However, the applicant has submitted an analysis of project alternatives that is being reviewed by USACE.

6. PUBLIC INTEREST EVALUTION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: USACE is soliciting comments from the public; Federal, State and

local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Daniel Breen, San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/Missions/Regulatory>.