



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

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

PUBLIC NOTICE

PROJECT: Roblar Road Quarry Project

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COMMENTS DUE DATE: 5-3-2018

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1. **INTRODUCTION:** John Barella, 731 A Southpoint Boulevard, Petaluma, California 94957, through his agent Ted Winfield & Associates (POC: Ted Winfield, 925-371-6379), 1455 Wagoner Drive, Livermore, California 94550, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to discharge fill material into jurisdictional waters of the United States associated with development of an approximately 72-acre hard rock quarry, located west of Cotati in unincorporated Sonoma County, California. 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 proposed quarry site is located on an approximately 72-acre parcel at 7601 Roblar Road, approximately five miles west of Cotati in southern Sonoma County, California (APN 027-080-009). Additional activities associated with quarry development would occur on an approximately 127-acre parcel (APN 027-080-010) that surrounds the quarry site. The project site is bounded on the north by Roblar Road and the County-owned, closed Roblar Landfill; on the west by Roblar Road; on the south by Ranch Tributary (a tributary to Americano Creek); and on the east by privately owned land (Figure 1).

Project Site Description: The 199-acre rural project site is comprised primarily of upland grassland on hilly topography that is currently used for dryland grazing for livestock production. The project site contains several abandoned buildings, including an unoccupied residence, a small cabin, several other outbuildings, and a barn. Based on wetland delineations confirmed by USACE, there are

approximately 4.155 acres of jurisdictional waters of the U.S. within the project site (Figure 2).

Project Description: As shown in the attached drawing (Figure 3), the applicant proposes to develop a hard rock quarry pit and associated infrastructure. The Project would be developed in four phases: an interim phase to construct and install the infrastructure for the mining operation; and three quarry mining phases. Approximately 570,000 cubic yards of quarry material would be mined annually. A reclamation phase would be ongoing during implementation of quarry operations and incrementally implemented through project completion.

The Interim Phase and Phase 1 of Quarry Mining Operation: The following activities would occur: excavation and grading of the initial processing area; construction of a sediment pond and associated sediment control and drainage infrastructure; construction of an office building, equipment storage area, small parking lot; installation of truck scales; development of the mobile quarry plant; development of the stockpile area; improvements to Roblar Road; construction of the quarry access road from Roblar Road; and construction of a private access road connecting Roblar Road with Valley Ford Road. Development of the Interim Phase and Phase 1 of the project would result in permanent loss of 0.799 acre of regulated wetlands and other waters. An additional 0.097 acre of regulated waters would be indirectly affected. Approximately 7,672 linear feet (~0.235 acre) of existing roadside ditches would be lost associated with improvements to Roblar Road. The Initial Phase and Phase 1 are expected to occur from 2018 to 2023.

Phases 2 and 3 of Quarry Mining Operation: Phase 2 of the mining operation does not propose any impacts or discharge of fill material into waters of the U.S. Phase 3 of

the mining operation would expand the quarry footprint with grading activities, aggregate excavation, and expansion of drainage and sedimentation control features and facilities. Development of Phase 3 would result in permanent loss of 0.335 acre of freshwater pond (stock pond) and 0.288 acre of seasonal wetland. Construction of Phase 2 is expected to occur from 2023 to 2028 and Phase 3 from 2028 to 2038.

Reclamation: When mining operations are completed in an area during quarry operation, selected fill, overburden and topsoil would be placed on the mined area and planted to reclaim the mined land. No temporary or permanent impacts or discharge of fill material into waters of the U.S. are proposed during the reclamation program.

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 mine rock aggregate.

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 develop and operate a hard rock quarry, in reasonable proximity to Highway 101, at a site designated for aggregate production in the Sonoma County Aggregate Resources Management (ARM) Plan that will provide an affordable and reliable source of aggregate suitable for Portland Cement Concrete (PCC), asphalt concrete (AC), and asphalt concrete base (ACB) to customers in the south central portion of Sonoma County.

Project Impacts: The project proposes unavoidable permanent impacts to 1.541 acres of jurisdictional waters of the U.S. Specifically, the project proposes permanent direct impacts to 1.291 acre of wetlands and 0.250 acre of other waters, and indirect impacts to approximately 120 linear feet of Americano Creek channel and approximately 486 linear feet of intermittent channels as a result of construction activities. Additional impacts would occur to 7,672 linear feet of existing roadside ditches through improvements to Roblar Road.

Proposed Mitigation: The applicant proposes to mitigate for the loss of waters with the following proposed compensatory mitigation: on-site establishment of

approximately 935 linear feet (approximately 0.30 acre) of new stream channel, establishment of approximately 1.0 acre of seasonal wetland habitat below the OHWM, on-site establishment of approximately 0.563 acre of seasonal wetlands at the North Pond, and an additional 0.50 acre of riparian habitat (buffer) above OHWM and another approximately 0.15 acre of riparian habitat between the riparian corridor along the existing creek channel and the new stream channel; on-site establishment of 0.37 acre of seasonal wetland/pond habitat; and on-site establishment of approximately 1,650 linear feet of vegetated drainage channel that would capture surface runoff from the surrounding slopes of the quarry and route the water to Ranch Tributary. There will also be approximately 3,060 linear feet of surface water collection ditches designed to collect surface water runoff before it reaches the Quarry project area that will convey flow to Ranch Tributary and another approximately 1,571 linear feet of surface water collection ditches that will convey water to the lower part of the site adjacent to Americano Creek.

The reclamation plan for the project proposes the reclaimed land be placed under an open space/conservation easement, and managed for the benefit of California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*) and other wildlife, which would add an additional approximately 72 acres to the mitigation lands bringing the total open space/mitigation lands amount to approximately 330 acres.

Project Alternatives: The applicant shall submit to the Corps an analysis of potential off-site alternative sites and onsite alternative designs to identify the practicable project alternative pursuant to the provisions of the Clean Water Act Section 404 (b)(1) guidelines (Guidelines).

USACE has not yet reviewed or endorsed an alternatives analysis at this time. USACE will conduct an independent review of the project alternatives prior to reaching a final permit decision.

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 is hereby notified that, unless USACE is provided documentation indicating a complete application

for water quality certification has been submitted to the California Regional Water Quality Control Board (RWQCB) within 30 days of this Public Notice date, the District Engineer may consider the Department of the Army permit application to be withdrawn. 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, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so. 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, by the close of the comment period.

Other Local Approvals: The applicant has applied for the following additional governmental authorizations for the project: a Lake and Streambed Alteration Agreement to be issued by the California Department of Fish and Wildlife; and a Use Permit to be issued by the County of Sonoma.

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 designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation. Listed species known to occur at the Project Site include the federally endangered California tiger salamander (*Ambystoma californiense*) and federally threatened California red-legged frog (*Rana draytonii*), and includes both upland and breeding habitat for both species. The overall project could potentially impact upland grassland habitat and breeding habitat for these two species. The Project Site is also located within designated critical habitat for the California tiger salamander. 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. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

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 or archaeological resources are not likely to be present in the permit area, and that the project either has no potential to cause effects to these resources or has no effect to these resources. 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.

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. The applicant has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

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.

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 *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.

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 Bryan Matsumoto, San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398, or electronic comments to Bryan.T.Matsumoto@usace.army.mil; 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