

(Review of Draft EIR)

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June 7, 1991

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For Your Information  
and Reference:

cc: Worcester

Mr. Pete Parkinson  
County of Santa Cruz  
701 Ocean Street, Room 400  
Santa Cruz, California 95060

Dear Mr. Parkinson:

RMC Lonestar's Bonny Doon Shale & Limestone Quarries,  
Santa Cruz County

Department of Fish and Game (DFG) personnel have reviewed the Draft Environmental Impact Report (DEIR) for RMC Lonestar's Bonny Doon Shale and Limestone Quarries located east and west of Bonny Doon Road, approximately 1.5 miles northeast of Davenport, California. RMC Lonestar prepares Portland Cement at their Davenport Cement Plant Facility with materials mined at the Bonny Doon Shale and Limestone Quarries. The DEIR was prepared pursuant to a reclamation plan prepared by RMC Lonestar and submitted to the County of Santa Cruz as part of its application for a Certificate of Compliance with the County's Mining Regulations. ✓

The Limestone Quarry is owned by RMC Lonestar and consists of 272 acres, of which only 113 acres are to be mined. The main limestone quarry and quarry overburden disposal sites drain into the east, west, and middle branches of Liddell Creek. The Shale Quarry is leased from Coast Dairies and Land Company (Coast Dairies) and consists of 183 acres. The Shale Quarry site primarily drains into San Vicente Creek, with the northeastern portion of the quarry site draining into the West Branch of Liddell Creek.

The quarry sites and surrounding areas provide valuable habitat to a myriad of wildlife species including native aquatic wildlife, terrestrial wildlife, and plant species. In particular, the quarry sites and surrounding areas provide habitat for silver salmon (Oncorhynchus kisutch), steelhead (Onchorynchus mykiss), robust spineflower (Chorizanthe robusta), Santa Cruz microseris (Microseris decipiens), Mt. Diablo cottonweed (Stylocline amphibola), San Francisco Collinsia (Collinsia franciscana), California red-legged frog (Rana aurora draytoni), foothill yellow-legged frog (Rana boylei), golden eagle (Aquila chrysaetos), sharp-shinned hawk (Accipiter striatus), Cooper's hawk (Accipiter cooperii), merlin (Falco columbarius), long-eared owl (Asio otus), and black swift (Cypseloides niger). The Department is concerned with the extent of past, present, and future impacts to the habitats which support these species.

Quarrying and overall cement plant operations have resulted in significant impacts to the west, middle, and east branches of Liddell Creek, as well as San Vicente and Mill creeks. The West Branch of Liddell Creek has become a major dump site for the overburden refuse generated from quarrying activities at the limestone quarry site. The impacts are primarily

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through water diversions, erosion, and subsequent streambed sedimentation caused as a result of poor erosion control in the quarry areas, overburden disposal sites, and sediment catch basins. Present erosion control practices and structures are grossly inadequate and have resulted in massive quantities of sediment entering the aforementioned streams. This has resulted in degradation of water quality, and aquatic habitat value downstream of the quarries all the way to the ocean. Additionally, overall quarry operations and operation of the cement plant require the use of water resources present at the site. RMC Lonestar presently diverts water from Liddell, San Vicente and Mill creeks. This has further degraded the aquatic habitat value of these creeks.

The presence of fill or instream structures (other materials) into the San Vicente and Mill Creek channels, and into the east, west, and middle branches of Liddell Creek channels whether as a result of water diversion projects, sediment catch basins, and/or overburden disposal sites is illegal. These activities constitute a violation of Fish and Game Code Section 5650(f) (e.g. the deposition of deleterious materials into waters of the State, or in a location where it can pass into waters of the state) and Section 5937 (prevention of fish passage) and, as such, are subject to civil and/or criminal prosecution. This is also a violation of Section 404 of the Federal Clean Water Act. The consequences of these activities will be discussed in greater detail below.

The mitigations that are proposed in the DEIR are designed to prevent and/or lessen future impacts to a level of insignificance. However, little attention has been given to rectifying the impacts resulting from past and current operations which have primarily occurred to the aquatic habitats associated with the quarrying sites, as a result of excessive sedimentation and summertime water diversions. The impacted areas also include those areas downstream of the quarry sites (Coast Dairies property) all the way to the ocean. There are some recommendations to reduce the impacts relative to water diversions, but these are incorporated as proposed mitigations. No mitigations are proposed for removing the massive amounts of sediment and fill from these creek channels. The proposed mitigations address preventing additional sediments from entering the stream channel.

We have the following specific comments regarding the DEIR:

1. Geology and soils:

This particular segment of the DEIR has identified major on-going non-mitigated impacts to stream channels in and downstream of present and past quarry sites. These impacts are the unchecked movement of sediments into these creeks; i.e., primarily Liddell and San Vicente creeks. The DEIR has also identified that these impacts will continue, and actually increase, if no adequate erosion control

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practices are implemented even if no quarry expansion occurs. Mitigation measures identified in the DEIR are directed at reducing present and probable future erosion and sedimentation impacts. No mention is made as to mitigating the substantial impacts caused as a result of previous mining impacts, both in the existing and old quarry sites. Thus the DEIR is inadequate in this area.

To prevent future erosion, the proposed Erosion Control Plan should be adopted in its entirety. Proposed mitigation measures M-1, M-2, and M-4 through M-6 should be adopted as written. Proposed mitigation measure M-3 should be adopted, excluding the reference to additional filling in of the West Branch of Liddell Creek. As previously stated, this would be an illegal activity without substantial DFG approved mitigation.

To mitigate for the present sedimentation impacts to the aquatic environment, particularly the West Branch of Liddell Creek where the waste disposal site for the limestone quarry overburden is presently located, mitigation measures should be adopted that call for the complete removal of all fill materials, and include provisions for restoration of these streams back to their historical habitat value (e.g., value prior to the commencement of quarrying activities).

## 2. Hydrology:

There currently exists, in addition to RMC Lonestar's water diversions, a water diversion by the City of Santa Cruz on the East Branch of Liddell Creek. The resulting effect of these two diversions has been the drastic reduction of crucial summertime and fall streamflows into this stream system. The effect to fisheries has been a reduction in rearing habitat for steelhead. The existing conditions may have also contributed to the extirpation of silver salmon from this drainage. Thus, diversions in combination with the sedimentation impacts have significantly reduced the overall fisheries habitat value of Liddell Creek.

RMC Lonestar should, in concert with the City of Santa Cruz, initiate their water diversion during the winter months when water flows are somewhat less crucial to the ultimate survival of the steelhead. This would require constructing an off-site storage reservoir and diverting water from December 1 through May 1 of each year. In lieu of this, both entities should at the very least construct their diversions much closure to mouth of Liddell Creek. This would help to restore critical aquatic habitat which has been greatly diminished through past and present activities.

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Additionally, water diversions from Mill and San Vicente creeks should also be limited to the winter months. If this is not possible, the point of diversion should be relocated further downstream towards the mouth of San Vicente Creek, possibly at the present farm pond diversion located just upstream from the Town of Davenport.

Proposed mitigation measures M-7, M-8, M-11, M-12, M-15 through M-20 should be adopted as written. Mitigation measure M-9 (i.e., presence of fill in West Branch Liddell Creek) should be altered to include the restoration of the West Branch of Liddell Creek (i.e., removal of fill). Mitigation measure M-13 (i.e., Erosion Control Plan) should be adopted as written, with the recommendations listed adopted as part of the mitigation measure. Recommendation measure R-1 (i.e., avoidance of riparian habitat) should be adopted as a mitigation measure.

### 3. Vegetation:

The aforementioned sensitive plant species, while not afforded any legal protection, should be saved for their intrinsic value, and the nature of their rare occurrence in Santa Cruz County. Every effort should be made to avoid impacts to these species where possible. Where impacts are truly unavoidable, successful replanting of progeny grown from native on-site stocks should be accomplished prior to vegetation removal.

Proposed mitigation measures M-21, M-24 through M-28, M-30, M-32, M-33, M-35, M-37, M-40, M-43, M-44, M-46, M-48, and M-49 should be adopted in their entirety as written. Mitigation measure M-21 (i.e., riparian vegetation removal) should be amended to read 3:1 replacement acreage ratio. Mitigation measure M-23 (i.e., sediment basin restoration) should be amended to include specific language to allow for the freshwater marsh restoration of these areas. Mitigation measure M-29 (i.e., removal of red gum eucalyptus trees) should be amended to include a survey of the value of these trees to Monarch butterflies before their removal. If value is provided, then avoidance of these sites is suggested. Mitigation measure M-31 (i.e., recommended plant species) should be amended to include requiring the use of native plant species, such as those listed as recommended. Mitigation measure M-34 (i.e., revegetation of waste disposal sites A and C) should be amended to include the restoration of the West Branch of Liddell Creek. Mitigation measure M-36 (i.e., avoidance of impacts to riparian vegetation as a result of implementation of the Erosion Control Plan) should be amended to provide for additional mitigation should significant loss of base flows, potential flooding, scouring and erosion, or sediment deposition occur which result in damage to riparian vegetation.

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Mitigation measure M-38 (i.e., landscape program) should be amended to include the parameters in the following:

When riparian/wetland vegetation is lost, our Department recommends a 5:1 replacement ratio for all trees lost as a result of project work, using appropriately sized trees. For understory vegetation, we generally require a 1:1 replacement rate by area. A comprehensive revegetation plan should be developed and implemented prior to project commencement. Additionally, the vegetation should be maintained for five years with a 90 percent success rate occurring at the end of the five-year period. An annual report should be sent to our Department which outlines vegetative growth and overall success including schedules to replace dead or diseased plants.

✓ The revegetation plan should include a list of plant species to be removed. Trees should be quantified and listed in diameter at breast height (dbh). Understory should be listed in square footage. The plan should identify the proposed mitigation site(s), evaluate its suitability, specify numbers and density of plant species to be used for revegetation and how the vegetation is to be maintained. The plan should contain maintenance schedules and provisions for the replacement of non-successful vegetation. A five-year monitoring program should be included in the plan to evaluate the performance of the mitigation and identify remedial measures if differences are identified.

The revegetation plan should be sent to our Department for review and comment prior to implementation. Additionally, RMC Lonestar should be required to submit a performance bond at a level which ensures sufficient funding to adequately carry out all revegetation and successful maintenance and monitoring thereof, prior to moving forward with quarry expansion activities.

In the absence of adequate area for on-site riparian vegetation mitigation, off-site mitigation should be implemented subject to approval by our Department.

Mitigation measure M-39 (i.e., monitoring responsibility) should be amended to include that the monitoring reports also be sent to our Department for review and comment. Mitigation measure M-41 (i.e., scope of landscape program) should be amended to include all areas of mining activity, past, present, and future. Especially since other mitigation measures call for their restoration. Mitigation measure M-42 (i.e., recommendations to landscape program) should be amended to include the use of plant progeny taken from plant stocks present on-site, and contract grown in advance to further ensure plant survival and maximum habitat value potential.

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Additionally, provisions should be adopted which call for the storage of top-soils on site to be used as part of the overall reclamation process. Recommendations R-3 through R-7 should be adopted as mitigations.

4. Wildlife:

Though the various habitat types found in the quarry sites are not afforded any specific legal protection (except for riparian/wetland habitats), the removal or disturbance of these habitats does cause significant impacts to those species dependent upon them. Further, this results in an overall reduction in available wildlife habitat resources and a corresponding reduction in wildlife as well.

Relative to the status of the red-legged frog, a State Species of Special Concern and a proposed Class 2 Federal Candidate Species, the DEIR states that field surveys were not conducted along San Vicente nor Liddell creeks. Thus, potential impacts to this species are unknown. Presumably the surveys were not conducted as access was denied by Coast Dairies, as they also refused access for fisheries surveys. As a result, a worst-case scenario must be assumed, as referenced in California Environmental Quality Act (CEQA), and mitigation for the complete replacement habitat value of these two streams must occur.

Relative to proposed mitigations measures, M-43, M-44, M-46, M-48, M-49, these should be adopted as written in their entirety. Mitigation measures M-45 and M-47 refer to mitigations for reducing sediment in, and restoration of, the overburden disposal sites. As stated previously, these are illegal fill sites, and any mitigation measures addressing these sites should include complete removal of fill and restoration of aquatic habitat value. Additionally, recommendations R-9, 10, and 11 should be adopted as mitigation measures.

5. Fisheries:

Quarry operations have significantly degraded this resource in affected streams as a result of erosion, sedimentation, and water diversions. Steelhead and silver salmon population levels have undoubtedly lowered as a result of these activities. Suggested mitigation and recommended measures are necessary to reverse past impacts, as well as avoid additional impacts and protect the remaining resources. It would take many years of high-stream flows in succession to clean out the sediment that is currently present in these streams (i.e., Mill, San Vicente, and Liddell creeks) and that, only if quarry operations ceased today and if successful revegetation

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of all bare and exposed hillsides were achieved immediately. Obviously, this will not occur in the near future if quarrying continues. Implementation of the Erosion Control Plan should help to prevent additional sedimentation but does nothing to address the effects of the current sedimentation.

Surveys were not conducted on the east and middle branches of Liddell Creek since access was not permitted. Therefore, as previously mentioned, a worst-case scenario must be presumed. As a result, mitigation measures must be adopted to include replacement of the overall aquatic habitat value of the access-denied areas. The distances of these drainages must be assessed, a habitat value assigned, and off-site mitigation proposed, as no locations exist on site to replace these values.

The proposed mitigations and recommendations, even if adopted in their entirety, fail to compensate for previous and existing significant on-going impacts. Additionally, most of the proposed mitigations and recommendations require work to be done on properties either owned or leased by Coast Dairies. We have reasonable expectations that the proposed erosion control work and water diversion alternatives can be implemented and maintained on the leased sites where quarrying activity has and is now occurring, since these areas are part of the actual quarry operations, and reclamation of these sites is mandated by the State's Surface Mining and Reclamation Act (SMARA).

However, no such guarantee is given for the fishery-related mitigations as these primarily occur on properties owned by Coast Dairies located downstream from the quarry sites. Since it is likely that access will be denied again, these are not acceptable mitigations. Therefore, the majority of impacts to fisheries will have to be mitigated off site. This will require consultation with DFG, USFWS, the U. S. Army Corps of Engineers, and the National Marine Fisheries Service. Off-site mitigation is likely to be a very expensive proposition assuming that there exists opportunities to implement this massive quantity of mitigation, as RMC Lonestar will in essence have to completely replace the overall aquatic habitat value on one stream (i.e., Liddell Creek) and partially replace the aquatic habitat value on two others (i.e., San Vicente and Mill creeks).

The proposed mitigations as listed are, in theory, acceptable. Reducing or eliminating the effects of the present water diversions will have a positive effect on the summer-salmonid rearing habitat potential of these streams. The replacement of spawning gravels at the headwaters by artificially dumping appropriately sized gravels into the stream is appropriate. However, the success of this activity, until all potential sources of erosion have been adequately addressed, is at best poor. The same is true for the construction of in-stream weirs for summer rearing habitat. If the erosion is not controlled, these structures will become nothing more

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than in-stream sediment catch basins, thus effectively resulting in the filling in of the very pools they were supposed to enlarge. Based on the likelihood that sediment will continue to enter the stream channel, the execution of these proposed measures can at best be assigned only a minor value.

It is very apparent that off-site mitigation will have to occur even if access and work on the streams in question is granted by Coast Dairies at some point in the future. Unless sediment is removed from the affected lengths of these stream drainages, full mitigation for impacts cannot occur.

Based on the low value of the proposed fishery mitigation in relation to the scope of the past, present, and future quarry-related impacts and the possibility that the proposed mitigation will not be carried out due to restricted access, as well as the questionable likelihood of success of the suggested mitigation even if carried out, the proposed fishery mitigation will not reduce project impacts to less than significant levels.

Based on the aforementioned shortfalls in the DEIR, we would strongly object to the certification of the DEIR at this time. There remain too many unresolved issues at the present time to warrant acceptance of this document. These include lack of suitable mitigation for existing and future impacts to the red-legged frog, existing and future impacts to the overall aquatic habitats (primarily to silver salmon and steelhead) associated with Mill, San Vicente, and Liddell creeks, and the failure to adequately address the removal of the illegal fill into wetland areas in the quarry overburden disposal and sedimentation catch basin sites. Additionally, since access to potential mitigation areas has been, and will likely continue to be denied in the future, the proposed mitigations planned in these areas simply cannot be accepted, since there is no guarantee they will be implemented.

We suggest that a supplemental EIR be prepared that addresses adequate replacement for the existing unmitigated loss of aquatic habitat value and complete removal of fill materials from wetland habitat. The proposed mitigation and recommendation measures which we have approved above and which can be assured of being implemented should be carried forth. Until adequate mitigation is approved which compensates for significant impacts for past and present quarry operations, no expansion of the present quarries should be allowed.

Additionally, the Department has direct jurisdiction under Fish and Game Code sections 1601-03 in regard to any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any stream. We recommend early consultation since modification of the proposed project may be required to avoid impacts to fish and wildlife resources.




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Formal notification under Fish and Game Code Section 1603 should be made after all other permits and notifications have been obtained. Work cannot be initiated until a streambed alteration agreement has been executed.

The U. S. Army Corps of Engineers also has jurisdiction over the fill to streams and wetlands under Section 404 of the Clean Water Act. We recommend that the Corps be contacted to determine if they have jurisdiction and if they require a permit.

Department personnel are available to discuss our concerns further. Please contact Mr. Dean Marston, Fishery Biologist, (408) 663-0939; or Mr. Carl Wilcox, Associate Wildlife Biologist, (707) 944-5525. They may also be reached by writing to Post Office Box 47, Yountville, California 94599.

Sincerely,

  
Brian Hunter  
Regional Manager  
Region 3

DM/CW/dcf

cc: Mr. Rob Lawrence (Corps of Engineers, San Francisco)

Mr. Pete Sorensen (U. S. Fish and Wildlife Service, Sacramento)

Mr. Dennis Carlson (U. S. Fish and Wildlife Service, Ventura)

National Marine Fisheries Service (Santa Rosa)

bc: Mr. Dean Marston (R3), Wdn. Baldwin (R3), Mr. Bruce Elliott (R3),  
Mr. Keith Anderson (R3), Mr. Carl Wilcox (R3)