

4.12 MINERAL RESOURCES

This chapter describes the potential impacts associated with the adoption and implementation of the proposed project related to mineral resources. A summary of the relevant regulatory framework and existing conditions is followed by a discussion of project impacts and cumulative impacts.

4.12.1 ENVIRONMENTAL SETTING

4.12.1.1 REGULATORY FRAMEWORK

State Regulations

State regulations require the preservation of mineral resource sites and ensure that nearby land uses are compatible with extraction. The California Department of Conservation, Geological Survey (California Geologic Survey) is the State agency responsible for inventorying and mapping mineral resources in California. Regulations pursuant to the California Geological Survey mineral resource determinations are generally linked with county general plan land use elements and other types of local and regional development rules. The California State Mining and Geology Board maintains information on mineral deposits of statewide or regional significance.

The California Geological Survey classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. Cities and counties are required to incorporate MRZs delineated by the State into their general plans.¹ The MRZs identify whether known or inferred significant mineral resources are present in areas. MRZs are grouped by the State into four categories based on geologic factors, with MRZ-2 lands having the greatest importance. MRZ-2 sites are underlain by demonstrated mineral resources considered important to the region or the State as a whole. The only mineral resource land in the Environmental Impact Report (EIR) Study Area is the San Rafael Rock Quarry and McNear Brickworks, which is identified by the State as MRZ-2.

Local Regulations

Marin Countywide Plan

The *Marin Countywide Plan* is a comprehensive long-range guide for land use in the unincorporated portions of Marin County, including land outside of San Rafael's city limit but within the EIR Study Area. The current *Marin Countywide Plan* was adopted on November 7, 2007, and includes the following mineral (MIN) policies identified in the Built Environment Element:

- **MIN-1.4 Require Best Available Management Practices.** Require best available management practices through the use-permit process to minimize or avoid nuisances, hazards, or adverse environmental impacts.

¹ Public Resources Code Section 2762(a)(1).

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- **MIN-1.6 Address Operational Issues.** When a use permit comes up for renewal, or if a property owner amends a surface mining and quarrying permit, the environmental impacts of the project shall be evaluated and mitigated through the California Environmental Quality Act and the permit process.

The Marin County Public Works Department is responsible for issuing permits and overseeing permit compliance for the San Rafael Rock Quarry and McNear Brickworks. Additional information on the San Rafael Rock Quarry and McNear Brickworks, with respect to operations and permit compliance, can be found on the Marin County’s webpage “San Rafael Rock Quarry” at www.marincounty.org.

San Rafael General Plan 2020

The City of San Rafael 2020 General Plan goals, policies, and programs relevant to mineral resources, particularly the existing San Rafael Rock Quarry and McNear Brickworks, are in the Neighborhoods Element. As part of the proposed project, some existing General Plan goals, policies, and programs would be amended, substantially changed, or new policies would be added. Policies in the Neighborhoods Element related to the San Rafael Rock Quarry and McNear Brickworks have been strengthened, reflecting edits requested by property owners and the neighboring residents of Peacock Gap. A comprehensive list of policy changes is provided in Appendix B, Proposed General Plan Goals, Policies, and Programs, of this Draft EIR. Applicable goals, policies, and programs are identified and assessed for their effectiveness and potential to result in an adverse physical impact later in this chapter under Section 4.12.3, Impact Discussion.

4.12.1.2 EXISTING CONDITIONS

The 300-acre San Rafael Rock Quarry and McNear Brickworks site, owned by the Dutra Group, is one of the largest privately held properties in the EIR Study Area.² The site is located on Point San Pedro Road to the east of the city limits but within the City’s sphere of influence and EIR Study Area. Most of the area is designated as Mineral Resource, with low-lying areas and wetlands designated as Conservation in General Plan 2020.³ The San Rafael Rock Quarry and McNear Brickworks is the only parcel designated as a mineral resource with local, regional, or State significance within the vicinity of the EIR Study Area.⁴ It is identified by the State as Class 2 Mineral Resource Zone (MRZ-2) lands and is a State-designated resource.⁵

The San Rafael Rock Quarry and McNear Brickworks has been active for over 100 years. It has become the primary supplier of aggregate material to Marin County and is a key supplier in the greater Northern California area. Materials supplied include asphalt, drain rock, base rock, rip rap, and sand.⁶

² California Geologic Survey. 2013. Update of Mineral Land Classification: Aggregate Materials in The North San Francisco Bay Production-Consumption Region, Sonoma, Napa, Marin, And Southwestern Solano Counties, California. file:///C:/Users/jprotsman/Downloads/SR%20205%20North%20Bay%20Report_Final.pdf.

³ City of San Rafael, February 11, 2020, Planning Commission Staff Report, pages 10 to 11.

⁴ City of San Rafael, February 2004, San Rafael General Plan 2020 Draft Environmental Impact Report, Exhibit EIR-2, page 17

⁵ City of San Rafael, January 2009, San Rafael Rock Quarry Amended Reclamation Plan and Amended Surface Mining and Quarrying Permit, Combined Final Environmental Impact Report, State Clearinghouse Numbers 2005102122 and 2007082097, Page 3-10.

⁶ Dutra Group, San Rafael Rock Quarry, Materials, <http://www.sanrafaelrockquarry.com/materials>, accessed on December 11, 2019.

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The County of Marin approved a Surface Mining and Quarrying Permit and Reclamation Plan for the San Rafael Rock Quarry in 2010 that mandates a cease of operations in 2024.⁷ The Reclamation Plan was a requirement for approval of the Surface Mining and Quarrying Permit. Reclamation work outlined in the Reclamation Plan includes grading, erosion and sediment control measures, and vegetation restoration for the northeastern portion of the site, which was no longer operational at the time of permit approval. Permit approval also required continuous on-site monitoring, which includes air, noise, and seismic monitoring, as well as working closely with the United States Fish and Wildlife Service to protect the California red-legged frog. A grading permit issued in 2018 included more specific details for the avoidance of the California red-legged frog.⁸

The Dutra Group recently submitted an application amendment to extend operations through 2044 to allow access to rock reserves remaining under the existing entitlements for the San Rafael Rock Quarry and McNear Brickworks.⁹ The Amended Surface Mining and Quarrying Permit and Amended Reclamation Plan would maintain all conditions of the 2010-approved documents, including maintaining the San Rafael Rock Quarry's vested mining rights to extract a total of 17.5 million tons of rock from the site.¹⁰ The Amended Surface Mining and Quarrying Permit and associated Final EIR (State Clearinghouse Number 2008082097) and the Amended Reclamation Plan and associated Final EIR (State Clearinghouse Number 2005102122) also include a Blasting Operation Safety Plan, a Noise Reduction Plan, a Greenhouse Gas Reduction Plan, and a Marsh Restoration Plan.¹¹

Both the San Rafael General Plan 2020 and the San Rafael Rock Quarry Reclamation Plan Final EIR include policies that support an opportunity for the City of San Rafael to annex the quarry site upon the cessation of operations.^{12,13} General Plan 2020 includes language in the Neighborhoods Element that reflects the Reclamation Plan's possibility of developing the site of the San Rafael Rock Quarry and McNear Brickworks with a harbor and marina along with commercial, residential, neighborhood commercial, administrative and professional, and open space uses in the event the City of San Rafael annexes the land.¹⁴

⁷ County of Marin, September 28, 2010, Marin County Surface Mining and Quarrying Permit # Q-72-03, Amendment #1, Conditions of Approval Including Amended Reclamation Plan for the San Rafael Rock Quarry.

⁸ County of Marin, June 25, 2018, County of Marin- News Releases- Rock Quarry Reclamation, <https://www.marincounty.org/main/county-press-releases/press-releases/2018/dpw-rockquarry-062518>, accessed on December 11, 2019.

⁹ Marin County, Department of Public Works, October 18, 2019, Notice of Project Status, <https://www.marincounty.org/-/media/files/departments/pw/land-use/quarry/notice-of-project-status-complete-new-app.pdf?la=en>, accessed on March 25, 2020.

¹⁰ Pera, Matthew, MarinIJ, October 17, 2019, Updated: October 20, 2019, <https://www.marinij.com/2019/10/17/san-rafael-rock-quarry-applies-for-20-year-mining-extension/>.

¹¹ County of Marin, Department of Public Works, San Rafael Rock Quarry Information, <https://www.marincounty.org/depts/pw/divisions/projects/land-use/quarry>, accessed on December 11, 2019.

¹² City of San Rafael, April 28, 2017, The City of San Rafael General Plan 2020, Neighborhoods Element, Page 119.

¹³ City of San Rafael, January 2009, San Rafael Rock Quarry Amended Reclamation Plan and Amended Surface Mining and Quarrying Permit, Combined Final Environmental Impact Report, State Clearinghouse Numbers 2005102122 and 2007082097, Pages 4.6-5 and 4.6-13.

¹⁴ City of San Rafael, April 28, 2017, The City of San Rafael General Plan 2020, Neighborhoods Element, Page 119.

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4.12.2 STANDARDS OF SIGNIFICANCE

Pursuant to Appendix G, Environmental Checklist Form, of the California Environmental Quality Act (CEQA) Guidelines, implementation of the proposed project would result in significant impacts to mineral resources if it would:

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.
3. Result in significant cumulative impacts to mineral resources.

4.12.3 IMPACT DISCUSSION

MIN-1	Implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
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General Plan 2040

The San Rafael Rock Quarry and McNear Brickworks are the only designated mineral resource sites with local, regional, or State significance in the EIR Study Area. The site is located outside of the San Rafael city limits, but within the EIR Study Area. As discussed in Chapter 3, Project Description, of this Draft EIR, potential future development is expected to occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites already developed and/or underutilized and/or in close proximity to existing residential and residential-serving development. These urbanized areas do not have known mineral resources of value to the region or the State. Therefore, implementation of General Plan 2040 would not include land use changes that would cause an adverse impact on any lands within or adjacent to the EIR Study Area that have a known mineral resource of value to the region or the State. As discussed in Section 4.12.1.2, Existing Conditions, the County of Marin is currently reviewing an operating permit extension for the San Rafael Rock Quarry and McNear Brickworks that is anticipated to be approved, extending mining operations through 2044.

The proposed Conservation and Climate Change (C) Element and the Neighborhoods Element (NH) contain goals, policies, and programs that require local planning and development decisions to consider impacts to mineral resources. The following General Plan 2040 goals, policies, and programs would serve to minimize potential adverse impacts on mineral resources:

Goal C-1: Supporting our natural communities. Protect, restore, and enhance San Rafael's environment and natural communities.

- **Policy C-1.18: Mineral Resource Management.** Work with the County of Marin to permit the continued use of property in the San Rafael sphere of influence for mineral resource extraction,

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subject to permitting procedures and mitigation requirements that reduce potential adverse impacts on the natural environment and surrounding uses.

- **Policy NH-5.6: San Rafael Rock Quarry Operations.** Continue to work with the County of Marin, the quarry operator, and area residents to address community concerns and minimize impacts of quarry operations on surrounding residents, including noise, air quality, vibration, street maintenance, and truck traffic.
 - **Program NH-5.6A: Quarry Impacts.** Seek ongoing input into County code enforcement activities, land use entitlements, or negotiations with the quarry operator that might reduce impacts on City infrastructure or properties in the City of San Rafael. The City will urge the County to require Best Management Practices for Quarry operations, including air quality testing, water quality monitoring and improvements, and runoff controls that reflect the latest technology and scientific methods. The City will further promote joint City-County and Quarry operator efforts to address flooding and sea level rise, pedestrian and bicycle safety, wetlands restoration, and noise mitigation.
 - **Program NH-5.6B: Environmental Review.** If and when the Quarry applies for modifications to its existing Operating Permit, participate in discussions to ensure that:
 - Potential environmental impacts and hazards are minimized.
 - Public health, safety and quality of life are protected.
 - Traffic impacts are addressed, particularly impacts on Point San Pedro Road.
 - Future public costs associated with reclamation, such as long-term environmental restoration and infrastructure repair, are objectively measured and considered in decisions about future quarry operations.
 - Collaborate with residents to ensure that any modifications to the existing Operating Permit remain within the restrictions imposed by existing and future court orders.
- **Policy NH-5.7: San Rafael Rock Quarry and McNear Brickworks Long-Term Plans.** If operations cease during the time frame of this Plan, consider annexation and redevelopment of the San Rafael Rock Quarry and McNear Brickworks, taking into account the following:
 - Consider the County's Amended Reclamation Plan, as it may be further amended in the future, in land use decisions. The current Reclamation Plan supports a mixture of single family residences, townhomes, and condominium units; a marina; commercial, recreational, hospitality, and other neighborhood-serving uses, and open space. A revised Reclamation Plan is anticipated during the timeframe of this General Plan and could alter the planned post-mining uses. Specific future uses would be determined through a separate entitlement process that would potentially include annexation into the City.
 - Consider redevelopment of the site to the extent that traffic capacity is available and the project can meet the City's transportation standards, including performance of intersections between the site and US 101. Alternative modes of transportation may be considered to facilitate compliance with City standards. Water transit (including water taxis) should be considered in any phase of the project and factored into the transportation analysis.
 - If needed for traffic capacity and to the extent consistent with City traffic standards, Point San Pedro Road should be expanded to four lanes east of Riviera Drive, including bicycle lanes consistent with the Bicycle and Pedestrian Master Plan.

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- Create a public use park band along the existing shoreline averaging at least 100 feet in width linking McNear Beach with the public walkway along Point San Pedro Road, as approved by the Bay Conservation and Development Commission.
- Consider opportunities for community facilities serving residents of the San Pedro Peninsula.
- Protect the freshwater marsh and ponds, taking sea level rise impacts into consideration. Consider restoring the saltwater marsh to tidal action.
- Preserve and gradually restore tree species native to the site's woodland areas.
- Incorporate some of the historic brickworks into the project's design.
- Consider redevelopment of the site in phases as reclamation is completed in specific areas. The McNear Brickyard would likely be the first phase and would require a site access road from Point San Pedro Road that is separate from the road accessing the mining and asphalt operations. Phased redevelopment would require amendments to the existing Quarry entitlements to be approved by the County in coordination with the property owner.
- **Program NH-5.7A: Quarry Planning.** Participate, through the County of Marin, in any revisions to the San Rafael Rock Quarry Reclamation Plan, which should form the basis for decisions about future land uses and possible annexation.
- **Program NH-5.7B: Shoreline Use.** Use the development review process to establish a bay frontage linear park that connects McNear Beach to the existing shoreline walkway along Point San Pedro Road.

Additionally, the *Marin Countywide Plan* includes Policies MIN-1.4 and MIN-1.6, discussed in Section 4.12.1.1, Regulatory Framework, which address the future of the San Rafael Rock Quarry and McNear Brickworks operational best management practices and permitting process. These policies, along with the policies and programs in General Plan 2040, would not result in direct physical changes to the San Rafael Rock Quarry and McNear Brickworks. Furthermore, no land use changes or new development potential are proposed on the San Rafael Rock Quarry and McNear Brickworks property. Therefore, implementation of the proposed General Plan 2040 would not result in the loss of availability of a known mineral resource, and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

The Downtown Precise Plan Area does not contain known mineral resources that are of value to the region or the State. Therefore, implementation of the Downtown Precise Plan would not cause an adverse impact to a known mineral resource that is of value to the region or to the State, and *no impact* would occur.

Significance without Mitigation: No impact.

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MIN-2 Implementation of the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

General Plan 2040

The San Rafael Rock Quarry and McNear Brickworks is located within the EIR Study Area and is delineated as a mineral resource in the existing General Plan 2020 and in the proposed project. The San Rafael Rock Quarry and McNear Brickworks has both local and regional significance because resources extracted at the site are used in both local and regional development and municipal construction projects. As discussed in Impact Discussion MIN-1, operations at the San Rafael Rock Quarry and McNear Brickworks are expected to occur throughout 2044 and implementation of General Plan 2040 would not result in loss of any locally important mineral resource recovery sites, and the impact would be *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

As discussed in Impact Discussion MIN-1, there are no known mineral resources which are of value to the region or the State in the Downtown Precise Plan Area. Therefore, implementation of the Downtown Precise Plan would not result in loss of any locally important mineral resource recovery sites, and *no impact* would occur.

Significance without Mitigation: No impact.

MIN-3 Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to mineral resources.

As discussed in Chapter 4, Environmental Analysis, the geographic scope of the cumulative analysis for mineral resources of statewide importance considers the surrounding incorporated and unincorporated land, the region, and the state. Future development throughout the state could result in the loss of mineral resources that are of value to the region and the residents of the state, and therefore impacts could be significant.

The proposed project does not include any changes in land use on or near the San Rafael Rock Quarry and McNear Brickworks site through the project's horizon year. Therefore, implementation of the proposed project would not result in a cumulatively considerable contribution to cumulative impacts related to the conversion of resources, and the impact would be *less than significant*.

Significance without Mitigation: Less than significant.

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