

## 1.0 INTRODUCTION

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### 1.1 BACKGROUND

The Bonny Doon Limestone and Shale Quarries are owned and operated by CEMEX (RMC Pacific Materials, dba CEMEX). The quarries operate under use permits issued by the County of Santa Cruz (County) in May 1964, April 1967 and December 1968, which establish the operating conditions of the quarries and the mining boundaries. The County approved a Certificate of Compliance for the quarries in July 1997. The State Mining and Geology Board (SMGB) approved the Reclamation Plan for the Bonny Doon Quarries in December 1996 as amended by mitigation measures identified in the Bonny Doon Quarries Certificate of Compliance and Reclamation Plan Final Environmental Impact Report (County of Santa Cruz, 1996).

CEMEX has filed an application with the County to extend the active mining boundary of the Limestone Quarry by 17.1 acres requiring amendments to their current Use Permit (3236-U), Certificate of Compliance and the 1996 Reclamation Plan 89-0492 (COC). The proposed expansion would also require the issuance of a Coastal Development Permit. The proposed Expansion Area is within the Quarry Legal Limit, which is protected under vested rights established by the County. Under vested rights, the quarry operator is entitled to continue mining within the established legal boundary as long as operations conform to the permit conditions and County mining regulations. However, it remains within the legal authority of the County to review the proposed expansion for conformance with relevant County regulations and ordinances, and to modify the project where non-conformance is found. The County determined that the mining plan expansion, while covered under vested rights, is subject to environmental review under the California Environmental Quality Act (CEQA).

The County's authority under vested rights, is described in a letter from County Counsel to the Board dated March 11, 2002.

*"...as previously acknowledged by the County, and out of respect for the vested rights which RMC does possess, and consistent with the County Code, the County will impose additional conditions or restrictions only in the case that the stricter standards 'are necessary to mitigate a potentially significant environmental impact, and/or to protect public health or safety, and/or to respond to a public nuisance.' Should additional limitations be found to be necessary to prevent significant environmental impacts or threats to public health and safety, the risks associated with these impacts must be weighed against the effects of such restrictions on quarry operations to ensure that they do not unreasonably constrain the permit holder from exercising their vested rights."*

During the review and approval of the 1996 Reclamation Plan by the SMGB, debate occurred between the County, the SMGB, and RMC over the best approach toward re-establishing plant cover on land disturbed by mining. Presently, the revegetation plan specifies planting vegetation communities that were pre-existent to the mining operation. The replacement of lost vegetation types as specified in the 1996 Reclamation Plan mitigated the significant environmental impact upon sensitive plant communities (County of Santa Cruz, 1996). However, the SMGB recognized that soils heavily disturbed from mining would not

readily support climax vegetation communities such as redwood forest and maritime chaparral specified in the Bonny Doon Quarry 1996 Reclamation Plan. The SMGB reclamation standards are based on a more modest approach of using early successional vegetation such as grasslands to establish plant cover in areas where well-developed soil structure is lacking. During SMGB review of the Bonny Doon 1996 Reclamation Plan, a third party study of revegetation methods and materials was conducted for the Bonny Doon Quarries (Hart 1999). The study recommended a shift in revegetation strategy from a climactic to an early successional planting scheme. Since this change substantially alters the revegetation plan assessed in the Certificate of Compliance and 1996 Reclamation Plan, the proposed (2001) revisions to the 1996 Revegetation Program are subject to environmental review under CEQA.

## **1.2 INTENDED USE OF EIR**

The County is responsible for amending Use Permit 3236-U, amending COC and Reclamation Plan Approval 89-0492, and issuance of a Coastal Development Permit. This Draft Environmental Impact Report (EIR) assesses the environmental effects associated with each of these three discretionary actions. As the Lead Agency, the County will use this EIR to satisfy the requirements of CEQA when taking action on the Use Permit, COC, and Coastal Development Permit.

The Expansion Area covers 17.1 acres within the Legal Mining Limit. The remaining unmined portion of the Legal Mining Limit, roughly 9.4 acres, is not included in the proposed mining plan amendment. Amending the mining plan boundary to include the remaining 9.4-acre area would require separate application to the County and environmental review in compliance with CEQA. The remaining area is not addressed in detail in this EIR. However, the environmental effects of mining the remaining area are considered along with the effects of the proposed project in the discussion of cumulative impacts (See Section 11.4).

The Reclamation Plan Amendment would also be reviewed by the SMGB. Other responsible or trustee agencies may review this EIR to determine regulatory jurisdiction over the project. Such agencies may include the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), California Department of Forestry (CDF), California Coastal Commission (CCC), Monterey Bay Unified Air Pollution Control District (MBUAPCD), and California Regional Water Quality Control Board (RWQCB).

## **1.3 PERMIT REQUIREMENTS**

The Bonny Doon Quarries operate under various permits by regulatory agencies as shown in Table 1-1 below. The proposed mining expansion would facilitate a continuation of the existing operation; no other changes are proposed to the operation of the quarry that requires permitting by other regulatory agencies. The project does require approval of a Coastal Development Permit that can be appealed to the CCC, and approval of a Reclamation Plan Amendment that can be appealed to the SMGB.

<b>Table 1-1</b>		
<b>Summary of Permit Requirements</b>		
<b>Agency</b>	<b>Existing Permit</b>	<b>Limestone Quarry Boundary Expansion and Reclamation Plan Amendment</b>
County of Santa Cruz	Use Permit 3262-U and Certificate of Compliance 89-0492	Amendment required
California Coastal Commission	County of Santa Cruz is lead agency for Coastal Development Permit, which is appealable to the CCC.	Application includes Coastal Development Permit
California Department of Fish & Game (Bay Delta Region)	Existing Stream Alteration Agreements for Disposal Area C and periodic Settlement Basin cleanout	No change
Regional Water Quality Control Board (Central Coast Region)	Existing General Storm Water Permit for Industrial Activities	No change
Monterey Bay Unified Air Pollution Control District	Permits to Operate existing emissions-producing equipment	No change
U. S. Fish & Wildlife Service (Ventura Office)	Incidental Take Permit for California red-legged frogs due to operation of settlement basins. Expires in 2009.	No change
U. S. Army Corps of Engineers (San Francisco District)	Authorization under Nationwide Permit 26 to fill wetlands in Disposal Area C	No change
State Mining and Geology Board	County is Lead Agency for Reclamation Plan Amendment approval, which is appealable to the State Mining and Geology Board	Application includes a Reclamation Plan Amendment
California Department of Forestry	Timber Harvest Plan and Timberland Conversion permit	Required for proposed project

Source: County of Santa Cruz 2007.