

Stand Up To Sonoma County's Power Brokers – Save Our Land And Roads From Gravel Mining

On April 1, Sonoma County's Planning Commission approved the plan of developer NORTH BAY CONSTRUCTION to mine gravel and truck it over preserved open space land near Roblar Road for the next twenty years. Final approval is now up to the Board of Supervisors. Please join us at CARRQ (Citizens Advocating Rural Roblar Quality) and other community groups in stopping it.¹ It's a terrible plan. It gives the green light to develop industrial mining and trucking operations next to preserved agricultural land in Sonoma County. It will permit a **MILLION** gravel trucks to run over land that County taxpayers have already paid 2.3 million dollars to save from development. And the mining will threaten our groundwater and protected streams, since the mine plans to dig its gravel right next to the old Sonoma County dump.

The plan is the product of close cooperation behind closed doors between County of Sonoma officials and the developer, who is a longtime contractor for the County.² There is an environmental study the County uses to justify the mining. The developer paid for it. County planning staff evaluated the project and wrote the report recommending its approval. When they did, the County billed the developer for their salaries. Worse, only a few years ago the County arranged for County taxpayers to pay the same developer nearly 2.3 million dollars to PRESERVE the land next to the proposed quarry. Now the County plans to allow the developer to drive a million gravel trucks through the same land and over miles of neighborhood roads. And, if the Board of Supervisors lets him, the developer gets to use up to **80%** of that gravel for his OWN business.

HOW COULD THIS HAPPEN IN SONOMA COUNTY?

► Since 1986, developers have tried to put a gravel mine and quarry off Roblar Road in west Sonoma County, right next to the old Sonoma County dump. In the 1990s West County neighbors forced the old developers to withdraw the quarry from consideration.

¹ This statement summarizes the written opposition of CARRQ to the mining which was to sent to the Sonoma County Planning Commission on April 1, 2010. For the full text of that statement and all other documents referenced in this opposition, go to CARRQ's website where they are posted at www.carrq.org/Documents.

² See November 26, 2008 email from the County's "neutral" evaluator, Mr. Briggs, which discusses the County's personal communications with the developer and representatives of Sonoma County Supervisor Mr. Kerns. The full text is posted at www.carrq.org/Documents, Exhibit 2 to this statement. Mr. Briggs' email states:

"Hello Jill – I got an upbeat telephone call from John Barella this morning, who indicated that the water quality test results of our just-completed round of groundwater tests 'came up clean!' John indicated that he was going to give Supervisor Kerns the news as well."

"I would much appreciate you letting the Supervisor know that we are very encouraged by this news, but that we have not yet had a chance to confer with the groundwater consultant (PES, Inc.) regarding the specifics of the test results. So -- while it certainly sounds like good news, we are delaying our celebration until we have had a chance to get a full technical debrief from PES."

▶ Then, in 2003, the current developer bought the withdrawn quarry site and about 750 acres of land around it. This new developer did lots of business with the County. In December, 2003 the developer filed a new application to mine gravel at the site. Suddenly, things changed.

▶ First, the County with taxpayer money paid the owner about **\$2.3 million** to stop further development on those 750 acres.³ After making the deal, the County dedicated that land as preserved agricultural open space to protect it from development.⁴ (See description of the Roblar Ranch open space land at www.sonomaopenspace.org/content/10082/preview.html.)

▶ Later, in 2008, the developer's lawyers asked the County to make a deal to allow the developer to truck his gravel through the very same land taxpayers had paid him to preserve.⁵ Of course, County Planning Staff agreed.

▶ The County hired a consultant to do an environmental study of the developer's plan. The developer paid the County over a half-million dollars for the work.⁶

▶ The County employed staff to evaluate the developer's project. The County billed the developer tens of thousands of dollars for their salaries.⁷

▶ In a report dated December 17, 2009, the same County staff recommended approval of the mining and trucking plan. On April 1, 2010, the County Planning Commission agreed. They have now sent it to the Board of Supervisors for a vote.

WHAT WILL THE GRAVEL MINING DO TO OUR PRESERVED LAND?

▶ The County says North Bay Construction's gravel mining will go on for at least twenty years, six days a week, near Roblar Road. The unlined old Sonoma County Dump is on one side. On the other is the open space land taxpayers paid to preserve.

▶ The County says that an **average** of 151 trucks will haul gravel dug out of the mine each day.⁸ This is over 300 one-way gravel truck trips per day. These trucks will drive over the

³ See Settlement Statement dated May 19, 2004, documenting this payment of \$2,269,500 to developer by Sonoma County at www.carrq.org/Documents, Exhibit 3 to this statement.

⁴ See the terms of the proposed Conservation Easement to prevent developments sent to the developer on August 20, 2003 by the Sonoma County Agricultural Preservation and Open Space District ("Open Space District") at www.carrq.org/Documents, Exhibit 4.

⁵ See proposal by attorneys for the developer to the County's Open Space District dated January 9, 2008 and the December 17, 2009 Sonoma County Planning Staff Report at page 18, which recommends the developer drive his trucks over preserved Open Space land at www.carrq.org/Documents, Exhibit 5.

⁶ See the September 6, 2009 e-mail by County to developer and attached documents showing payments of over a half million dollars by the developer for the environmental work done by consultant ESA for the County at www.carrq.org/Documents, Exhibit 6.

⁷ See the payroll bills sent by Sonoma County Public Management and Resources Department to the developer for the salaries of County employees, including Mr. Hillegas and Mr. Briggs, at www.carrq.org/Documents, Exhibit 7.

same land the County paid the developer 2.3 million dollars to preserve. After these hundreds of gravel trucks run through the open space each day, they will go many more miles on Roblar, Valley Ford, and Pepper county roads; then down Stony Point road to the freeway.⁹ That's about 1000 trucks every week, or about 50,000 trucks every year. That adds up to about a **MILLION** loaded gravel trucks and trailers tearing up your open space and your neighborhood roads over the next twenty years. We do not know how many people will die or be injured because of them.¹⁰

WHAT DOES THE COUNTY'S ENVIRONMENTAL STUDY SAY?

► The County's study — paid for by the developer — admits that there are many significant environmental impacts (such as the mining's contribution to the region's toxic air contaminants) that will never be avoided by the County or the developer.¹¹

WHAT DO WATER QUALITY EXPERTS SAY?

► The gravel mining will dig out 570,000 cubic yards of gravel every year right next to Old Sonoma County dump, which is still owned by the County. The dump is unlined. No one knows how much pollution is inside it. Because the developer will dig right next to it, experts with the State of California who are not in the pay of the developer, say the mining will threaten our groundwater quality. On December 15, 2009, the California State Regional Water Quality Control Board said in a letter¹² to the County that they:

⁸ See pages 2, 3, and 24 of the December 17, 2009 Sonoma County Staff Planning Report listing "staff" as Mr. Hillegas and Mr. Briggs which is attached in full at www.carrq.org/Documents, Exhibit 8.

⁹ See County maps of proposed gravel trucking route down County roads at Exhibit 9 at www.carrq.org/Documents.

¹⁰ CARRQ finds the County's traffic studies of these routes faulty. On September 16, 2008 the developer sent the County's Mr. Briggs a letter from a person who also said that the emails written by the County "acknowledge[d] that the whole traffic study was badly done and draws faulty conclusions." The text of letter the developer sent to the County says:

"Dear John,

I thought that you should know that the County staff working on the E.I.R. have really blown it for you.

The office is buzzing with whispered accusations and there is a big cover up going on -- but it's too late.

An e-mail exchange between Jennifer Barrett and a few other staff was 'accidentally' given to the public.

In the e-mails they acknowledge that the whole traffic study was badly done, and draws faulty conclusions."

See full text at www.carrq.org/Documents, Exhibit 10.

¹¹ See December 17, 2009 County Planning Staff report, page 5 at Exhibit 11 for the list of significant impacts that will never be avoided at www.carrq.org/Documents, Exhibit 11.

¹² See full text of the December 15, 2009 Regional Board letter to the County at www.carrq.org/Documents, Exhibit 12.

“remain concerned that potential water quality impacts associated with the mining up against an old unlined landfill are not adequately addressed in project studies so far.”

MacTec Engineering, a nationally known environmental firm, agrees.¹³

The California State Regional Water Board’s December 15, 2009 letter to the County also said the County itself could be liable for the pollution caused by the mining, saying:

“Should the County of Sonoma choose to move forward with this project as defined in the FEIR (Final Environmental Impact Report), it should be noted that the Regional Water Quality Control Board could find the project proponent and the County of Sonoma Department of Public Transportation and Public Works responsible for the discharge of waste to the waters of the State.”

HOW CAN THE COUNTY GOVERNMENT RUN THIS RISK?

The answer is simple. The County has struck a deal with the developer so he will indemnify the County for the discharge of waste by his mining. While the County tells the public that gravel mining next to the County dump is safe, the County's actions show the County actually fears its danger. As a condition of County approval, the developer must promise to indemnify County government for the damages caused by his mining.¹⁴ We doubt the developer has sufficient resources for that amount of liability. Even if he does, his indemnity covers only the assets of the County Government. It won’t cover injury to the people who live here, or the land and the water we use.

WHO PROFITS?

The County does not need another gravel mine.¹⁵ While the County suggests the Roblar quarry will make gravel cheaper for or benefit County residents, the County’s own documents admit that 60 to 80 percent of the gravel mined from the quarry will be used by North Bay Construction itself in its own business.¹⁶

¹³ See Report of MacTec Engineering about the risk to the County’s groundwater from gravel mining at www.carrq.org/Documents, Exhibit 13.

¹⁴ See full text of the November 16, 2009 Sonoma County Department of Transportation’s letter recommending that as a "condition of approval" the developer indemnify the County for risks of mining next to the former County landfill at www.carrq.org/Documents, Exhibit 14. Also see the developer’s signed indemnity agreement with the County dated March 11, 2010, and the December 17, 2009 Planning Staff Report, page 22, which admits the County will demand indemnity as a condition of approval, also included with Exhibit 14.

¹⁵ See report of expert economist Dr. Tina Saitone, which concludes that Sonoma County already has many sources of gravel and has **NO** need for the gravel from this project at www.carrq.org/Documents, Exhibit 15.

¹⁶ See, page 3 of the December 17, 2009 Sonoma County Staff Report at www.carrq.org/Documents, Exhibit 16.

WHAT CAN YOU DO?

This should never happen in Sonoma County, where people treasure the quality of their land and water and the safety of their rural roads. But it will, UNLESS you help us stop it.

Learn more about what the County and the developer are planning to do and why. Go to www.carrq.org and read the documents that CARRQ has obtained from the County and the objections of CARRQ and other community groups to the plan.¹⁷ Ask your neighbors and friends to do the same.

Then call or write the County Supervisors who will vote on this give-away. Tell them "**NO**" to gravel mining and gravel trucking on our preserved lands. Use these addresses to say "**NO**" to your Supervisors:

szane@sonoma-county.org
mkerns@sonoma-county.org
vbrown@sonoma-county.org
pkelley@sonoma-county.org
ecarrillo@sonoma-county.org

Or write:

County of Sonoma Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

For contact information for other public representatives in Sonoma County, go to www.carrq.org. When you write them please send us a copy of your message, and contact us at ahos@sonic.net or at CARRQ, 200 Vlaardingen Lane, Petaluma, CA 94952.

¹⁷ See statements in opposition to the County's gravel mining plan written by the following groups: Sebastopol Water Information Group, Sonoma County Conservation Action, the Russian River Keeper, the Sierra Club, and other organizations at www.carrq.org/Documents.