

PC Staff Report
Rockaway Quarry Reclamation Plan
March 18, 2024
Page 9

reclamation activities. The analysis concluded that the post-project conditions would not change flows out of Calera Creek and the proposed project would reduce erosion and runoff of sediment into Calera Creek as a result of the additional soil and vegetation that will result on the site. The analysis also concluded that there is no evidence to indicate any specific impacts to starfish.

Fill Alternatives

15. Alternatives to the amount and placement of fill in the reclamation plan, including a reduced fill option, a slope ratio less than 5:1 and closer to 2:1, and use of geogrid or similar product to enable steeper slopes

Staff Response: The Applicant has prepared the Revised Project that reduces the amount of proposed import fill by about 10 percent, to 874,000 cubic yards ("CY") from 970,000 CY. The Applicant has indicated that significantly steeper slopes, such as designing most of the project with 2:1 slopes, would likely result in new or more severe environmental impacts on and around the project site in part due to the more invasive engineering techniques needed to seat the fill against the sheer rock face of the quarry pit, and would also require benching of the slopes that would cause an unnatural appearance. Regarding geogrid specifically, the Applicant's analysis has determined that is not a recommended item because the proposed slopes are not steeper than 2:1.

Tribal Consultation

16. Confirm whether the City must undertake tribal consultation as requested at the public hearing on June 5, 2023.

Staff Response: During public comment, a member of the public named Catalina Gomes identified herself as the executive director and founder of Muchia Te' Indigenous Land Trust and requested the City to undertake tribal consultation in relation to the proposed project. State law requires tribal consultation in advance of a General Plan amendment (known as Senate Bill 18 or "SB 18" consultation) and prior to commencement of environmental review under the California Environmental Quality Act, or "CEQA" (known as Assembly Bill 52, or "AB 52" consultation). The proposed project does not include a General Plan amendment, and SB 18 consultation is not applicable. The project does include California Environmental Quality Act review, and AB 52 consultation could apply to the project.

Staff has reviewed applicable law and also consulted with the Native American Heritage Commission in relation to the subject tribal consultation request, and concluded that tribal consultation is not required or available at this time. A tribe requesting AB 52 consultation must request a jurisdiction to place them on a list of tribes for this purpose, and must request consultation within 30 days of receiving notification from a jurisdiction. In this case, the City has no tribes that have requested to be placed on a list for future AB 52 consultation, and accordingly, did not issue any notices indicating a tribal consultation opportunity was available. Moreover, the City has already prepared the CEQA document and any qualifying tribal consultation request would be untimely at this stage. Lastly, the commenter is not the designated contact of, or a tribal representative of, a traditionally and culturally affiliated California Native American tribe as recognized by the Native American Heritage Commission. Therefore, the commenter is not eligible to request AB 52 consultation in any case. However, the commenter may participate in the public hearing process and comment as may any other member of the public.

Based on the foregoing, the City has complied with applicable law governing tribal consultation and is not required to provide tribal consultation in response to the subject request.

Phasing

17. Project phasing and annual review

Staff Response: Staff has not identified a way to establish a phasing process where the Planning Commission could authorize an initial phase of reclamation activity and require subsequent public hearings to consider approval of additional phases required to complete the reclamation activity. Reclamation of the Rockaway Quarry is required by the Surface Mining and Reclamation Act (SMARA) and Chapter 2 of Title 9 of the Pacifica Municipal Code (PMC). If approved, the required reclamation activity should be enabled to continue until completion. Partial completion where continued progress is contingent upon subsequent approvals could result in delays to completion of the reclamation activity that endanger public health and safety.

While phased approvals cannot be required, the Planning Commission could require an annual review process during the course of reclamation activities, consistent with similar such annual reviews required of a variety of permittees. The annual review process could require the applicant to demonstrate that reclamation activities are being carried out in accordance with the approved reclamation plan, and that all required mitigation measures contained in the Environmental Impact Report ("EIR") have been implemented.

As a supplement or alternative to annual reviews by the Planning Commission, the Applicant has proposed an Adaptive Management Plan for the proposed project (Attachment E). The Plan would involve periodic meetings of the Applicant and City staff during the course of reclamation activities to address matters such as traffic management, condition of the Calera Creek Multi-purpose ("CCMP") Trail, review of import soil documentation, and discussion of any other matters that arise during reclamation to identify strategies to resolve them.

Outreach

18. Community Outreach Plan

Staff Response: Since the Planning Commission public hearing on June 5, 2023, the Applicant reports having attended community events, met with community groups, and met one-on-one with several Pacifica residents. The Applicant also reports having a website through which members of the public can contact him. The Applicant intends to address community outreach and any emerging concerns through the Adaptive Management Plan described in #17, above, during which any issues relating to traffic associated with the reclamation activities, the Calera Creek Multi-Purpose Trail, import soil documentation, or other on-site issues can be discussed by the Applicant and City.

Off-Site Improvements

19. Consider improvements to the Rockaway Beach public parking lot located to the southwest of the project site.