

Frequently Asked Questions:
The Apperson Quarry Conservation Agreement

What Are the Two Quarry Projects Involved in This Agreement?

Apperson Quarry, Surface Mining Permit 17 (SMP-17), is located on the Apperson Ridge a mile south of San Antonio Reservoir, about two miles east of Calaveras Road. SMP-17 is within a 680-acre leasehold on the privately owned Diamond A Ranch, situated between SFPUC and EBRPD properties. Alameda County approved SMP-17 in 1984, allowing Oliver de Silva to develop a hard-rock quarry on Apperson Ridge.

The Sunol Quarry, Surface Mining Permit 30 (SMP-30), is one of a series of sand and aggregate mines the SFPUC leases adjacent to Alameda Creek in the Sunol Valley. The 325-acre SMP-30 site is located between Calaveras Road and Alameda Creek and extends south from San Antonio Creek for just over a mile. Sand and gravel extraction has occurred on the site for over half a century. The current quarry lease for SMP-30 extends until 2021. In 2006 ODS submitted a proposal to the SFPUC to assume the existing lease and to negotiate a new 30 year lease for the site. This revised SMP-30 lease would include quarrying to a depth of 225 feet, expanding the footprint by 58 acres, adding asphalt and concrete batch plants to the site, and potential stockpiling of rock from the Apperson Ridge.

What Changes Will Be Made to the Apperson Quarry Project Under This Agreement?

If Oliver de Silva receives the anticipated government approvals for the revised Apperson Quarry project (SMP-17), and the lease and lease extensions for the Sunol Quarry project (SMP-30), the following changes will be made to the Apperson Quarry project:

→ *Delayed Commencement of Mining at Apperson Ridge*

Quarry operations at Apperson Ridge will be deferred until 2030 or when quarrying ends at the Sunol Valley SMP-30 site, whichever is later.

→ *Relocation of Processing Plants and Infrastructure Off Apperson Ridge*

The asphalt and concrete batch plant and storage facilities approved for location on Apperson Ridge will be moved to the SMP-30 site in the Sunol Valley, an area already impacted by past quarry operations.

→ *No Haul Trucks on the Apperson Access Road*

Material quarried at Apperson Ridge will be transported by conveyor system to the SMP-30 site rather than by haul road. This will eliminate the need for up to 1,000 haul truck trips per day and will reduce noise impacts associated with the access road.

→ *Reduced Footprint of Disturbance*

The Apperson Ridge infrastructure footprint will be reduced by about 25 acres and the road grading footprint will be reduced by up to approximately 10 acres.

What Additional Mitigations for Biological Impacts Have Been Agreed To?

The agreement includes many mitigation measures for wildlife and habitat impacts that go above and beyond mitigations required by Alameda County when the project was approved in 1984:

→ *Permanent Protection of at Least 600 Acres of Similar Habitats*

Direct habitat loss due to the footprint of quarrying and infrastructure at Apperson Ridge will be mitigated through purchase and/or permanent protection of similar habitats on private land, at a replacement ratio of 3:1. A minimum of 600 acres will be protected, regardless of impact. This land will be in addition to 320 acres already promised to the EBRPD, and the funding to EBRPD to allow for the possible purchase of the entire Apperson Ranch.

→ *Robust Mitigation for Any Loss of Breeding Habitat for Several Focal Species*

Any lost breeding habitat for the California red-legged frog, California tiger salamander, Alameda whipsnake, or birds of prey will be mitigated at a 4:1 replacement ratio.

→ *Full Mitigation for Temporary Habitat Loss*

Temporary habitat impacts will be mitigated through purchase and permanent protection of similar habitats on private land at a 1:1 replacement ratio, or with enhancement of similar habitats on protected public land at a 2:1 replacement ratio.

→ *Comprehensive Tule Elk Mitigation and Monitoring Plan*

Annual surveys will be conducted to determine the population status and trends of the Sunol tule elk herd. Oliver de Silva will contribute \$250,000 in the near term toward purchase of habitat to help establish a tule elk reserve in northern California, or to enhance existing tule elk habitat. Beginning with commencement of quarry operations at Apperson Ridge and for the duration of quarrying, Oliver de Silva will contribute up to \$250,000 annually for tule elk mitigation. This

funding mitigates for potential disturbance impacts to tule elk, and will be used by the conservation groups for tule elk conservation and/or reintroduction efforts in northern California.

→ *Federal Habitat Conservation Plan*

Oliver de Silva will initiate a federal Habitat Conservation Plan with the U.S. Fish and Wildlife Service to ensure compliance with the Endangered Species Act for Apperson activities and provide an incidental take permit for unavoidable potential impacts to special-status species. The HCP will be based on the conservation measures in this agreement.

→ *Focused Special-Status Species Surveys*

Special-status species surveys will be conducted by consultants agreed upon by the conservation groups, to determine the presence of special-status species and the extent of their suitable habitat in the project area.

→ *Potential Seasonal Constraints on Activity to Minimize Noise Disturbance to Wildlife*

Operations at the SMP-30 site may allow for stockpiling of rock from Apperson Ridge. To reduce their annual payments into the tule elk mitigation fund, Oliver de Silva will have the option to implement seasonal constraints on quarry operations, to minimize potential noise disturbance to tule elk, nesting raptors, and other wildlife.

→ *Measures to Avoid Direct Take of Special-Status Species Surveys*

The agreement includes best management practices and take avoidance measures to exclude special status species from quarry and equipment areas before construction, and in some cases, relocation of individual animals or plants before quarry activities.

→ *Reductions and Offsets for Greenhouse Gas Emissions*

The total direct carbon and greenhouse gas emissions over the lifetime of the Apperson project will be calculated. Oliver de Silva will implement all practicable and feasible measures to reduce greenhouse gas emissions at the project site. Oliver de Silva will purchase offsets for 100 percent of the remaining greenhouse gas emissions from a fund or project approved by the California Climate Action Registry.

What Additional Conservation and Enhancement Measures Have Been Developed?

Oliver de Silva will provide significant funding to support additional conservation, habitat enhancement, and restoration projects, such as the restoration of steelhead trout to Alameda Creek and efforts by the conservation groups to protect habitat for endangered species in the Bay Area and northern California:

→ *Alameda Creek Fish Passage Projects*

Oliver de Silva will contribute funding for steelhead trout restoration projects in Alameda Creek, including up to \$2 million for fish passage projects at the BART weir and inflatable rubber dams in lower Alameda Creek, and up to \$1 million for retrofitting the PG&E pipeline crossing in the Sunol Valley.

→ *Sunol Valley Stream Restoration*

Oliver de Silva will revegetate stream banks and restore a more natural stream function along Alameda and San Antonio Creeks adjacent to the SMP-30 quarry, and will contribute funding for a SFPUC Sunol Valley Restoration Plan to stabilize and restore the Sunol Valley reach of Alameda Creek.

→ *Bay Area Wildlife Protection Efforts*

Oliver de Silva will provide funding for the duration of both quarry projects to support efforts by the conservation groups to protect wildlife and wild areas in the Bay Area and northern California.

Why Have Conservation Groups Entered Into an Agreement For a Quarry They Formerly Opposed?

The Apperson Ridge Quarry project was approved in 1984. Oliver de Silva entered into agreements in 1984 with the East Bay Regional Park District, and with the San Francisco Bay Chapter of the Sierra Club, Friends of the Earth, Ohlone Audubon Society, and Preserve Area Ridgeland Committee. All of these organizations dropped their opposition to the project at that time. In 2003 the Alameda Creek Alliance began advocating for greater environmental review of the project. In 2007 ODS approached the Alameda Creek Alliance to discuss our concerns about the potential impacts of the project.

The Alameda Creek Alliance and the Center for Biological Diversity concluded that opposition to the project could have caused delays, but the project would eventually have moved forward without significant changes required. The conservation groups concluded that money spent by the company defending the project would be better spent on protecting species potentially affected by the projects.

Negotiations commenced in May of 2007 and resulted in conservation agreements signed in December of 2008 that provide far greater environmental

benefits than would have been achieved by opposing the project. Both quarry projects have been improved as a result of the agreements, not only by reducing the potential environmental impacts, but by adding robust mitigations and extensive environmental enhancements exceeding what any agency approval would have required.

What Are the Conservation Groups Agreeing To Do?

The Alameda Creek Alliance and the Center for Biological Diversity will publicly support the SMP-17 and SMP-30 projects, including all lease approvals, permits, revisions, extensions, and agency approvals needed for Oliver de Silva to operate the current SMP-30 quarry operation, the revised SMP-30 quarry operation (expanding the depth and area of SMP-30 quarrying), the “further revised” SMP-30 quarry operation (lease extension and approval allowing processing of Apperson Ridge material at the SMP-30 site), the SMP-17 quarry operation, and the revised SMP-17 project (the conveyor belt and processing of Apperson Ridge material at the SMP-30 site). The conservation groups agree not to legally or administratively challenge Oliver de Silva’s efforts to obtain the needed approvals and permits.

The conservation groups will work with Oliver de Silva and local, state and federal agencies to secure approval and permits for the SMP-17 and SMP-30 quarry projects and implementation of the conservation measures in the conservation plans. The Alameda Creek Alliance will assist ODS in its efforts to obtain a federal Habitat Conservation Plan for the SMP-17 project. The conservation groups are not prohibited from participating in and commenting on the environmental review process for the Revised SMP-30, Further Revised SMP-30 and Revised SMP-17 projects, provided such participation and comments are consistent with the conservation agreements and with the conservation groups’ commitment to support the projects.