

Second lawsuit filed to stop Roblar quarry

Brett Wilkison, Santa Rosa Press Democrat, 1-28-11

A controversial habitat deal linked to the Roblar Road rock quarry west of Cotati is the target of a lawsuit, the second filed against the 70-acre industrial project.

The new legal challenge claims that Sonoma County failed to study the affect of allowing quarry owner John Barella to use adjacent county-protected farmland to replace rare amphibian habitat impacted by his project.

“They (the county) sidestepped some very important processes,” said Kathy Tresch, who with her husband Joe owns part of the neighboring county-protected farmland and represents one of two dairy families that brought the lawsuit. “We feel like our agricultural rights and our property rights were violated.”

Ken and Nancy Mazzetta are the other dairy owners that joined quarry opponents Citizens Advocating for Roblar Rural Quality, or CARRQ, in the lawsuit.

The legal challenge was filed Wednesday in Sonoma County Superior Court. It asks the court to set aside the Board of Supervisors' approval last month of the habitat deal and to order a new environmental study of the quarry incorporating the habitat plan.

Steve Butler, Barella's attorney, was not available for comment Thursday morning. He has not returned previous calls seeking comment about the first lawsuit.

That legal challenge, filed two weeks ago by CARRQ, takes aim at the Board of Supervisors approval last month of the quarry itself.

The group, which says it has 200 members, and quarry neighbors claim the project would harm water and air quality in the area and impact traffic and wildlife.

The hotly disputed project was approved, like the habitat deal, on a split 3-2 vote by the Board of Supervisors.

Board Chairman Efren Carrillo, who voted against the project and the habitat deal, said Thursday he had not seen the lawsuit and was not prepared to offer comment. County Counsel Bruce Goldstein did not immediately return a call seeking comment.

That habitat plan would allow Barella to re-create habitat for endangered salamander and threatened frog species on about 105 acres of rangeland owned by Diamond W co-owners Ken and Clairette Wilson.

The land is covered by a conservation agreement which county legal and open space officials said doesn't expressly permit the habitat work. Supervisors Mike Kerns, Paul Kelley and Valerie Brown, who also supported the quarry, found otherwise and voted for the proposal.

The board trio said they agreed with habitat mitigation on county-protected land in general, and on the proposal in question. Placing the amphibian preserve on the neighboring Wilson property makes the most biological sense, they said.

But critics have said it is a sweetheart deal that would reinterpret a permanent conservation easement in favor of

a private developer.

The deal could save Barella \$5 million to \$15 million by avoiding the cost of equivalent acreage or “habitat credits” he might otherwise have to buy, according to figures provided by mitigation experts.

The former North Bay Construction owner, who has declined interview requests the past two months, has disputed those figures. The quarry has been in the works for seven years and would produce about 11 million cubic yards of construction-grade rock worth about \$60 million over at least 20 years.

Critics, including agriculture and land conservation leaders and dozens of area ranchers, said the deal risks undermining support for the 20-year-old open space district by tampering with its agreements with landowners.

The voter-approved, taxpayer-supported district has protected more than 80,000 acres of open space and rangeland countywide, including about 2,000 acres in the south county dairy belt. District manager Bill Keene learned of the lawsuit in a reporter's call Thursday and said he was not prepared to comment.

The Mazzettas and Tresches, both of whom have contracts with the open space district that cover parts of their rangeland, have been vocal critics of the habitat proposal.

A 368-acre piece of Tresch rangeland is covered by the same agreement that governs the Wilson property. Because any final habitat plan would carry stricter land use limits to protect the amphibian reserve on the Wilson property, Kathy Tresch is concerned her farming operation could be restricted without her consent.

She said another lawsuit could focus on that claim.

“The supervisors made this decision at the request of the quarry applicant, for the quarry applicant,” Tresch said. “We still feel something should address what happened to our contract.”