

3.8 Project Consistency with 2012 EIR

3.8.1 Introduction

The County prepared the 2012 EIR pursuant to the provisions of CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq.) that were current at the time. Since then, the Environmental Checklist Form in CEQA Guidelines Appendix G has been revised to address the analysis and mitigation of potential significant impacts on tribal cultural resources (September 27, 2016) and to reflect a comprehensive update to the CEQA Guidelines (December 28, 2018) that addressed legislative changes to CEQA, clarified certain portions of the existing CEQA Guidelines, and updated the CEQA Guidelines to be consistent with more recent court decisions. The thresholds and analyses in this SEIR reflect the latest CEQA Guidelines, current as of the publication of this SEIR.

The following sections discuss the consistency of the Permanente Creek Restoration Plan (PCRP) with the 2012 EIR for the resources that are not otherwise discussed in this SEIR. The analysis reflects the current criteria and thresholds in CEQA Guidelines Appendix G; lists the significance determination for each resource area based on the analysis in the 2012 EIR, where applicable; and determines whether further analysis is required or whether the analysis from the 2012 EIR is sufficient. Further analysis would be required if substantial evidence in the record presents new significant effects or a substantial increase in the severity of significant effects disclosed in the prior EIR (Public Resources Code Section 21166; CEQA Guidelines Section 152162[a]). This could be true, for example, if newly proposed activities would occur outside the boundary of an area previously analyzed or at a greater intensity than previously evaluated. By comparison, a prior EIR is sufficient where changes to a project, changes in circumstances, or new information of substantial importance would not result in a new significant effect or a substantial increase in the severity of a significant effect relative to the impacts disclosed in the prior EIR.

For this Project, changes are reflected in the PCRP, which updates Lehigh's March 2011 draft 2011 Creek Restoration Plan to propose creek restoration activities outside of the existing Reclamation Plan boundary (i.e., in Reaches 6–8) and within the restoration area referred to in the 2012 EIR as the Permanente Creek Restoration Area (PCRA) but located outside of the PCRA's disturbance area. See Section ES.2.2, *Focus of This SEIR*, for details. The County has determined, based on the detailed analysis in Sections 3.1 through 3.7 and as summarized below, that no additional changes to the 2012 EIR are needed for it to provide sufficient documentation of the environmental impacts of the PCRP.¹

¹ Informed by the scoping process (summarized in **Appendix A, Scoping Report**), the County Planning Department initially determined that there was a potential for the PCRP to result in a new significant impact or a substantial increase in the severity of a significant impact relative to the impacts disclosed in 2012 EIR in seven resource areas: air quality; biological resources; cultural resources; energy; geology, soils, seismicity, and paleontology; greenhouse gas emissions; and hydrology and water quality. This is why these topics are analyzed in greater detail in this SEIR than the topics described below, although the conclusions ultimately are the same for all topics: No additional changes to the 2012 EIR are needed for it to provide sufficient documentation of the environmental impacts of the PCRP.

3.8.2 Aesthetics, Visual Quality, and Light and Glare

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
I. AESTHETICS — Except as provided in Public Resources Code Section 21099, would the project:			
a) Have a substantial adverse effect on a scenic vista?	Significant and Unavoidable	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Significant and Unavoidable	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Significant and Unavoidable	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	Less than Significant with Mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) If subject to Architecture and Site Approval (ASA), be generally in non-compliance with the Guidelines for ASA.	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) If within a Design Review Zoning District for purposes of viewshed protection (d, -d1, -d2), conflict with applicable General Plan Policies or Zoning Ordinance provisions.	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.2.1 Discussion of Aesthetics

- a, b, c) The 2012 EIR concluded that the 2012 Reclamation Plan Amendment, including the proposed restoration activities within the PCRA, would result in significant and unavoidable impacts on scenic vistas, scenic resources within a state scenic highway, and the visual character or quality of public views of the site. However, as noted in the 2012 EIR (page 4.1-23), the PCRA is not visible because of the site’s topography and public inaccessibility. Therefore, activities occurring in the PCRA would not contribute to the significant and unavoidable impact determination for these criteria. PCRCP activities would occur in the same area as the PCRA, with the exception of a 12.9-acre portion within the existing Reclamation Plan boundary where creek restoration activities were not analyzed in the 2012 EIR, and an additional 2.5-acre area outside the Reclamation Plan boundary where work would occur pursuant to the PCRCP. As shown in Figure 2-3 in Chapter 2, *Project Description*, both of these areas are located in the immediate vicinity of Permanente Creek and would not be visible for the same reasons as described above. Therefore, the PCRCP would similarly not contribute to the visual and aesthetic impacts described in the 2012 EIR. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impacts disclosed in the 2012 EIR for these significance criteria.
- d) The 2012 EIR concluded that new sources of light or glare could adversely affect day or nighttime views in the PCRA, but that implementing Mitigation Measure 4.1-7 would reduce the potential impact to a less-than-significant level. This mitigation measure

pertains to night lighting of the East Materials Storage Area and would not have any interaction with activities proposed in the PCRA or the PCRCP. No night lighting is expected to occur with proposed PCRCP activities. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

- e) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding compliance with the Guidelines for ASA because the criterion applies to the construction or major modification of buildings and development projects. The PCRCP would similarly not result in development subject to ASA. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- f) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding a conflict with applicable Santa Clara County General Plan (General Plan) policies or zoning ordinance provisions. This criterion applies to the construction or major modification of buildings and structures. The PCRCP does not propose to construct any buildings; therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.2.2 Consistency Conclusion for Aesthetics

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts and no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to aesthetics.

3.8.3 Agriculture and Forestry Resources

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
II. AGRICULTURE AND FORESTRY RESOURCES —			
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:			
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<u>Issues (and Supporting Information Sources):</u>	<u>2012 EIR Determination</u>	<u>2012 EIR Sufficient</u>	<u>Further Analysis Required</u>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use;	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.3.1 Discussion of Agriculture and Forestry Resources

- a) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding the conversion of Farmland to non-agricultural use because the Farmland Mapping and Monitoring Program classifies the PCRA as “Other Land.” The 2012 EIR also concluded that the Project would not convert any farmland classified by the *Soils of Santa Clara County* report as prime to non-agricultural use. PCRCP activities would occur in the same area as the PCRA, with the exception of a 12.9-acre portion within the existing Reclamation Plan boundary where creek restoration activities were not analyzed in the 2012 EIR, and an additional 2.5-acre area outside the Reclamation Plan boundary where work would occur pursuant to the PCRCP. These areas are classified as “Other Land,” with a small portion classified as “Urban and Built-Up Land” (DOC 2021). PCRCP activities would occur on some of the same soils as described in the 2012 EIR: “Pits, mine” and “Mouser-Maymen complex,” neither of which is classified as prime in the *Soils of Santa Clara County* report (see 2012 EIR page 4.2-7, Figure 4.2-1, *Soil Types in the Project Area*). Therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- b) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would not conflict with existing zoning for agricultural use and that the Project area is not subject to a Williamson Act contract. PCRCP activities would occur in the same area as the PCRA, with the exception of the areas described above under criterion a). A portion of the PCRCP area is zoned Exclusive Agriculture (see 2012 EIR page 4.11-5, Figure 4.11-1, *Santa Clara County Zoning Designations*). As discussed in the 2012 EIR, the General Plan envisioned lands within this zoning district as areas for agricultural and open space uses. The PCRCP is designed to reclaim lands for future open space uses; therefore, PCRCP activities would not conflict with the underlying zoning designation. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

- c, d) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would not conflict with existing zoning for, or cause rezoning of, forest land or timberland; and that they would not result in the loss of forest land or convert forest land to non-forest use. It also concluded that no trees would be removed in the PCRA as a result of the 2012 project. Instead, as with the PCRCP, reclamation would result in revegetation and maintenance of revegetated areas. Therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impacts disclosed in the 2012 EIR for these significance criteria.
- e) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. As with the 2012 project, there is no active farmland in the PCRCP or on adjacent parcels, and the PCRCP would not convert forest land to non-forest use. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.3.2 Consistency Conclusion for Agriculture and Forestry Resources

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to agriculture and forestry resources.

3.8.4 Hazards and Hazardous Materials

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
IX. HAZARDS AND HAZARDOUS MATERIALS — Would the project:			
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<u>Issues (and Supporting Information Sources):</u>	<u>2012 EIR Determination</u>	<u>2012 EIR Sufficient</u>	<u>Further Analysis Required</u>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Provide breeding grounds for vectors;	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in a safety hazard due to proposed site plan (i.e., parking layout, access, closed community, etc.)	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Involve construction of a building, road or septic system on a slope of 30% or greater	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k) Involve construction of a roadway greater than 20% slope for a distance of 300 feet or more.	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.4.1 Discussion of Hazards and Hazardous Materials

- a) The 2012 EIR concluded that required compliance with laws and regulations governing the transport, use, and disposal of hazardous materials would be sufficient to ensure that the impacts associated with the potential to create a significant hazard to the public or the environment during PCRA reclamation and restoration activities would be less than significant. The PCR activities would be implemented using construction methods and equipment similar to those described for the PCRA and would be subject to the same compliance with required hazardous materials laws and regulations for the transport, use, and disposal of hazardous materials. Therefore, the PCR would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- b) As discussed under criterion a), above, the PCR activities would be implemented using construction methods and equipment similar to those described for the PCRA in the 2012 EIR and would be subject to the same required compliance with laws and regulations governing the transport, use, and disposal of hazardous materials. Accidents or mechanical failure involving heavy equipment or leaks and spills from storage tanks could result in the accidental release of small quantities of fuel, lubricants, hydraulic fluid, or other hazardous substances; however, any such spills would be readily cleaned up in compliance with regulatory requirements and would not create a significant hazard to the public or the environment. Further, as described in Section 3.7, *Hydrology and Water Quality*, impacts associated with the potential for an upset or accident to create a significant hazard to the public or the environment would be less than significant as a result of compliance with National Pollutant Discharge Elimination System requirements (including implementation of a storm water pollution prevention plan and associated best management practices during Project construction activities. The PCR would cause **no**

- new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- c) The 2012 EIR concluded that although hazardous materials and wastes have been and continue to be present in the 2012 project area, the proposed reclamation and restoration activities within the PCRA would cause no impact related to criterion c) because no schools are located within 0.25 mile of the proposed activities. Impacts related to potential hazardous emissions are analyzed in Section 3.1, *Air Quality*. The PCRCP activities would occur in the same area as the PCRA, with the exception of a 12.9-acre area within the existing Reclamation Plan boundary where creek restoration activities were not analyzed in the 2012 EIR, and an additional 2.5-acre area outside the Reclamation Plan boundary where work would occur pursuant to the PCRCP. These areas are located along a narrow strip of land along Permanente Creek that also would not be located within 0.25 mile of a school. The PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- d) The 2012 EIR concluded that the 2012 project area for the proposed reclamation and restoration activities within the PCRA is not listed on any regulatory agency’s list of hazardous materials sites. As with the 2012 project, the 2.5-acre PCRCP area outside the Reclamation Plan boundary is not listed on any regulatory agency’s list of hazardous materials sites. The PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- e) The 2012 EIR concluded that the PCRA is not located in an area covered by an airport land use plan or a public airport land use plan, or within the vicinity of a private airstrip, and that therefore, no airport-related safety hazard for people residing or working in the PCRA would result. Also, based on the intended future open space use of the PCRA, it is not expected that anyone would reside or work within the PCRA once reclamation is complete. As with the 2012 project, the 2.5-acre PCRCP area outside the Reclamation Plan boundary is not located in an area covered by an airport land use plan or a public airport land use plan, or within the vicinity of a private airstrip, and it is not expected that anyone would reside or work within the PCRCP area outside the Reclamation Plan boundary once the PCRCP is complete. The PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- f) The 2012 EIR concluded that the PCRA would not impair implementation of or physically interfere with the County Emergency Operations Plan or result in the complete or partial closure of public roadways, interfere with any identified evacuation route, restrict access for emergency response vehicles, or restrict access to critical facilities such as hospitals or fire stations, because the PCRA is located entirely on private property. As with the PCRA, the 2.5-acre PCRCP area outside the Reclamation Plan boundary would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The PCRCP would cause **no new significant impact**

- and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- g) Reclamation-related activities conducted as part of the PCRA would be substantially similar to existing quarry operations, and the types of equipment used to conduct existing mining operations would continue to be used to implement PCRA reclamation activities. Existing regulations governing the use of construction equipment in fire-prone areas would continue to apply. These regulations restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that has an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas. Because there would be no change in the exposure of people or structures to risks involving wildland fires relative to baseline conditions, the 2012 EIR concluded that the PCRA would cause no impact related to criterion g). The PCRCP would be implemented using construction methods and equipment similar to those described for the PCRA reclamation activities. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion. See Section 3.8.14, *Wildfire*, for additional discussion of wildfire-related considerations.
- h) The 2012 EIR stated that the sedimentation basins proposed in the PCRA would be managed with inspection and vegetation removal to avoid attracting mosquitoes, and that the basins would not provide breeding grounds that would promote mosquito population growth because they would be designed to drain completely after storm events. As a result, the 2012 EIR concluded that the PCRA would not provide a source of standing water that could provide breeding grounds for mosquitoes, which can be vectors for disease transmission. No new sedimentation basins are proposed as part of the PCRCP. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- i) Implementation of the PCRCP would consist of backfilling, grading, slope stability work, revegetation, and other reclamation activities similar to those described in the 2012 EIR for the PCRA. As described in the 2012 EIR, the PCRCP does not include a “site plan” as such, and safety hazards related to the placement and stability of backfill material are addressed in Section 3.5, *Geology, Soils, Seismicity, and Paleontology*. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- j, k) As described in the 2012 EIR for the PCRA, the PCRCP would not involve construction of any buildings, roads, or septic systems on a slope of 30 percent or greater or a roadway greater than 20 percent slope for a distance of 300 feet or more. Safety hazards related to slope stability and the placement and stability of backfill material are addressed in

Section 3.5, *Geology, Soils, Seismicity, and Paleontology*. The PCRP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.4.2 Consistency Conclusion for Hazards and Hazardous Materials

Consistent with the findings of the 2012 EIR, implementation of the PCRP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to hazards and hazardous materials.

3.8.5 Land Use and Planning

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
XI. LAND USE AND PLANNING — Would the project:			
a) Physically divide an established community?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with the West Valley Hillside Preservation Area?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be incompatible with adjacent land uses?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.5.1 Discussion of Land Use and Planning

- a) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would not physically divide an established community. PCRP activities would occur in the same area as the PCRA, with the exception of a 12.9-acre portion within the existing Reclamation Plan boundary where creek restoration activities were not analyzed in the 2012 EIR, and an additional 2.5-acre area outside the Reclamation Plan boundary where work would occur pursuant to the PCRP. PCRP activities similarly would not propose any structures, facilities, or land use changes that would create a physical barrier within any community. The PCRP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- b) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. PCRP activities would be similar to the restoration activities analyzed in the 2012 EIR. For example, creek restoration on the Project site pursuant to the PCRP would further General Plan Policy R-LU 197, which recommends that the “natural beauty of the West Valley hillsides area... be maintained for its contribution to the overall quality of life of current and future generations” (Draft 2012 EIR, page 4.11-4), and restoration of the Project site would be

consistent with the General Plan, zoning, and land use and planning policies. Therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

- c) The 2012 EIR concluded that the only special planning area applicable to the project site is the West Valley Hillside Preservation Area. The proposed reclamation and restoration activities within the PCRA would be consistent with the policies for this area as it would reclaim existing land disturbance to conform to the surrounding topography in contour and vegetation and make the reclaimed lands suitable for future open space uses. The 2012 project would not require alterations to land use designations, nor would it introduce new urban uses to the PCRA. PCRCP activities would be similar to those analyzed in the 2012 EIR; therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- d) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in a less than significant impact regarding compatibility with adjacent uses. The 2012 project would have adverse effects on adjacent recreational, open space, and residential land uses due to visual impacts, air pollutant emissions, noise, and traffic. Those effects were evaluated and mitigation measures recommended as appropriate in the applicable resource analysis sections of the 2012 EIR. Upon the completion of restoration activities, the compatibility of the PCRA with adjacent land uses would be improved. PCRCP activities would be similar to those analyzed in the 2012 EIR; therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.5.2 Consistency Conclusion for Land Use and Planning

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to land use and planning.

3.8.6 Mineral Resources

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
XII. MINERAL RESOURCES — Would the project:			
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.6.1 Discussion of Mineral Resources

- a, b) As described in the 2012 EIR, the existing Permanente Quarry pit has been the source of mineral extraction at the site for more than 100 years, and the reserves of limestone that feasibly can be extracted are approaching their limits. For these reasons, the 2012 EIR concluded that the quarry pit likely no longer meets the criteria for designation of lands containing significant mineral deposits and would be eligible for the termination of its designated status. Lehigh would retain the property, which contains other areas designated as significant mineral resources, and would retain its ability to process those areas. Therefore, the impact of implementing reclamation activities, including as described for the PCRA, on mineral resources of regional and local significance would be less than significant. For these reasons, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion, including within the 2.5-acre PCRCP area outside the Reclamation Plan boundary.

3.8.6.2 Consistency Conclusion for Mineral Resources

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to mineral resources.

3.8.7 Noise

<u>Issues (and Supporting Information Sources):</u>	<u>2012 EIR Determination</u>	<u>2012 EIR Sufficient</u>	<u>Further Analysis Required</u>
XIII. NOISE — Would the project result in:			
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than Significant with Mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.7.1 Discussion of Noise

- a) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would exceed County noise standards and increase ambient noise levels at noise-sensitive uses in the vicinity of the 2012 project. However, implementation of Mitigation Measures 4.13-1a and 4.13-1b would reduce the impact to a less-than-significant level. These mitigation measures pertain to the restriction of heavy equipment

operations in the northeastern portion of the East Materials Storage Area. The only PCRCP activity that would occur near the East Materials Storage Area would be the installation of vegetation along the concrete channel area, which would not involve operation of heavy equipment. Noise generated by other PCRCP activities would not result in impacts on sensitive receptors, given the distances to such receptors and intervening site topography. Therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

- b) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. Like the 2012 project, the PCRCP would employ conventional earthmoving activities, and the equipment and techniques used would not cause excessive groundborne vibration. No blasting would occur as part of the PCRCP. The distance to the closest sensitive receptor from on-site Project equipment would be greater than under the 2012 project; therefore, the PCRCP activities would likewise not be perceivable. Thus, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- c) The 2012 EIR concluded that the PCRA is not located in an area covered by an airport land use plan or a public airport land use plan, or within the vicinity of a private airstrip. Therefore, the 2012 EIR concluded that no airport-related safety hazards for people residing or working in the project area would result. For the same reasons, PCRCP activities would not result in exposure of residents or workers to excessive noise levels. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.7.2 Consistency Conclusion for Noise

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to noise.

3.8.8 Population and Housing

<u>Issues (and Supporting Information Sources):</u>	<u>2012 EIR Determination</u>	<u>2012 EIR Sufficient</u>	<u>Further Analysis Required</u>
XIV. POPULATION AND HOUSING — Would the project:			
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.8.1 Discussion of Population and Housing

- a) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding the direct or indirect inducement of substantial population growth in the vicinity of the PCRA. Up to 14 additional employees would be required to implement restoration within the PCRA. Given the small number of additional staff members, the 2012 EIR anticipated that the temporary positions would be filled from the local labor pool available in Santa Clara County, with workers expected to commute to the site rather than moving to the project area. As a result, the additional employees would not directly induce population growth in the project vicinity. Worker levels for implementation of restoration activities described in the PCRCP would be similar to PCRA staffing; therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- b) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. As with the 2012 project, no housing exists and no people are living within the PCRCP area. Therefore, no existing housing or people would be displaced. The PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.8.2 Consistency Conclusion for Population and Housing

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts and no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to population and housing.

3.8.9 Public Services

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
XV. PUBLIC SERVICES —			
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:			
i) Fire protection?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.9.1 Discussion of Public Services

a.i–v) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding public services. Implementation of the 2012 project would not result in the construction of new facilities or expansion of existing government facilities for public services. Up to 14 additional employees would be required for the implementation of restoration activities within the PCRA. Worker levels for implementation of the PCRCP would be similar to PCRA staffing. Given the small number of additional staff members, it is anticipated that the temporary positions would be filled from the local labor pool available in Santa Clara County, with workers expected to commute to the site rather than moving. Because the staff increase would come from the local labor pool, these workers are considered part of the existing demand for fire protection services, police protection, school facilities, parks, and other public facilities such as libraries or medical facilities. Therefore, the PCRCP would not cause an increased demand or need for school facilities, parks, or other public facilities. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.9.2 Consistency Conclusion for Public Services

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to public services.

3.8.10 Recreation

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
XVI. RECREATION —			
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be on, within or near a public or private park, wildlife reserve, or trail or affect existing or future recreational opportunities?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in loss of open space rated as high priority for acquisition in the "Preservation 2020" report?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.10.1 Discussion of Recreation

- a, b) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding the deterioration of parks and recreational facilities, nor would the project include the construction or expansion of such facilities. PCRCP activities would occur in the same area as the PCRA, with the exception of a 12.9-acre portion within the existing Reclamation Plan boundary where creek restoration activities were not analyzed in the 2012 EIR, and an additional 2.5-acre area outside the Reclamation Plan boundary where restoration work would occur pursuant to the PCRCP. As discussed above in Section 3.8.8, *Population and Housing*, the number of workers required for PCRCP activities would be similar to the number needed to implement restoration in the PCRA as analyzed in the 2012 EIR. Consistent with the assumptions underlying the analysis in the 2012 EIR, workers for the PCRCP are anticipated to come from the local labor pool and thus are considered part of the existing demand for parks and recreational facilities. Therefore, the PCRCP would not cause an increased demand or need for such facilities. Like the 2012 project, the PCRCP would not include the construction of any new recreation-related facilities. The PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impacts disclosed in the 2012 EIR for these significance criteria.
- c) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding effects on existing or future recreational opportunities within a public or private park or trail, or a wildlife reserve. The 2012 project would have a less-than-significant impact regarding indirect effects on the quality of recreational opportunities at existing parks, open space preserves, and trails surrounding the project area. Effects identified during construction included degradation of views from the increased presence of construction equipment and increased levels of dust and noise in the project vicinity. These effects were primarily related to reclamation activities in the East Materials Storage Area that were considered above the baseline for quarry operations. PCRCP activities would occur in the same general area as the PCRA along

Permanente Creek. PCRCP activities would be similar to activities under the 2012 project; therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

- d) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding the loss of open space as described in the “Preservation 2020” report. The Permanente Creek area was rated as a high priority for acquisition in the “Preservation 2020” report because of its watershed, viewshed, and urban buffer quality. The proposed restoration of the PCRA and PCRCP activities would make these lands suitable for future open space uses. The 2012 project and the PCRCP would restore open space acres set aside to provide physical separation of on-site operations from surrounding off-site uses. Therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.10.2 Consistency Conclusion for Recreation

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to recreation.

3.8.11 Transportation

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
XVII. TRANSPORTATION — Would the project:			
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Not evaluated in 2012 EIR	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Cause substantial damage or wear of public roadways by increased movement of heavy vehicles	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.11.1 Discussion of Transportation

- a) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding a conflict with the Santa Clara Valley

Transportation Authority's Congestion Management Program or a conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. The 2012 project would have a less-than-significant impact regarding increases in traffic volumes on area roadways, but would not conflict with measures of effectiveness for the performance of the circulation system. As discussed above in Section 3.8.8, *Population and Housing*, the number of workers required for PCRCP activities would be similar to the number analyzed in the 2012 EIR. The number of worker trips and truck trips for PCRCP activities would be similar and spread throughout the day. In addition, the PCRCP would not affect transit or alternative transportation facilities, nor would it conflict with policies, plans, or programs addressing the circulation system. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

- b) Because the impact relative to significance criterion b) was not analyzed in the 2012 EIR, the checklist above indicates "further analysis required." As analyzed below, the Project would cause a less-than-significant impact related to a conflict or inconsistency with CEQA Guidelines Section 15064.3(b).

CEQA Guidelines Section 15064.3(a) states that vehicle miles traveled (VMT) is generally the most appropriate measure of transportation impacts. As discussed in Section 15064.3(a), VMT in this context refers to the amount and distance of *automobile* [emphasis added] travel attributable to a project. Increased VMT exceeding an applicable threshold could constitute a significant impact. For construction traffic, a qualitative analysis of VMT impacts is often appropriate (CEQA Guidelines Section 15064.3[b][3]).

According to technical guidance by the Governor's Office of Planning and Research, absent substantial evidence indicating that a project would generate a potentially significant level of VMT or be inconsistent with a sustainable communities strategy or general plan, projects that generate fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact (OPR 2018).

As discussed above in Section 3.8.8, *Population and Housing*, and in Section 3.1, *Air Quality*, the number of workers required for PCRCP activities would be similar to the number analyzed in the 2012 EIR. The PCRCP would not require operational worker trips. Well under 110 construction-generated trips per day would occur during the peak construction traffic period. For these reasons, the impact of VMT generated by PCRCP activities would be **less than significant**, and the Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b).

- c) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would have a less-than-significant impact regarding hazardous design features. PCRCP activities would have effects on local roadways similar to those of the 2012 project. PCRCP operations and associated vehicle trips would not cause any significant impacts on local traffic conditions; therefore, the PCRCP would cause **no new significant**

- impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- d) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would have no impact regarding inadequate emergency access. As under the 2012 project, emergency access under the PCRCP would be limited to Permanente Road. However, PCRCP activities would be similar to those under the 2012 project and would not contribute to any adverse consequences caused by the lack of a secondary access point. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- e) The Project site is about 6 miles from the nearest airport, and does not (and would not under PCRCP activities) place any object within the flight path for airplanes in the area. The PCRCP would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- f) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would have a less-than-significant impact regarding substantial damage to or wear of public roadways. PCRCP activities would be similar to those under the 2012 project; therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.11.2 Consistency Conclusion for Transportation

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts and no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to transportation.

3.8.12 Tribal Cultural Resources

Assembly Bill (AB) 52 substantially amended CEQA in 2014 by creating a separate category of cultural resources, “tribal cultural resources,” and by establishing that a project that may cause a substantial adverse change in the significance of a tribal cultural resource is one that may have a significant effect on the environment (Public Resources Code Sections 21074 and 21084.2). AB 52 applies to any project for which a notice of preparation is filed on or after July 1, 2015.

The 2012 EIR evaluated potential impacts on tribal cultural resources solely as impacts on archaeological resources because it was prepared before the provisions of AB 52 and related amendments to the CEQA Guidelines pertaining to tribal cultural resources took effect. Potential

impacts on known significant archaeological sites located in the vicinity of the proposed project were evaluated in Draft 2012 EIR Section 4.5, *Cultural Resources* (page 4.5-1 et seq.). Consistent with AB 52 and Public Resources Code Section 21084.3(a), the County Planning Department, when feasible, avoids damaging effects on any tribal cultural resources, which could include sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe. The County Planning Department initiated consultation by letter to Quirina Luna Geary, Chairwoman of the Tamien Nation, dated December 21, 2021 (County of Santa Clara Department of Planning and Development 2021a), with the goal of avoiding inadvertent discoveries of Native American human remains and to protect tribal cultural resources, the locations of which may be known only to the Tribe or its members. The County did not receive a reply to the letter.

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
XVIII. TRIBAL CULTURAL RESOURCES —			
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	Not evaluated in 2012 EIR	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Not evaluated in 2012 EIR	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.8.12.1 Discussion of Tribal Cultural Resources

a.i, a.ii) Because the 2012 EIR did not analyze impacts relative to significance criteria a.i) and a.ii), the checklist above indicates “further analysis required.” As analyzed below, the Project would result in a less-than-significant impact with implementation of Mitigation Measure 4.1-7, described in the 2012 EIR, related to a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1(c).

As discussed in Section 3.3, *Cultural Resources*, there are no known archaeological sites within the study area and no indication that the study area contains unrecorded archaeological resources (which could also encompass tribal cultural resources). Though unlikely, the possibility of accidentally uncovering undocumented archaeological resources

cannot be entirely eliminated. Accidental damage to or destruction of a previously unrecorded and unique archaeological resource that could also be considered a tribal cultural resource would be a potentially significant impact. In the unlikely event that tribal cultural resource materials are discovered during Project activities, implementation of Mitigation Measure 4.5-2 from the 2012 EIR would ensure that work would cease in the immediate area and that a qualified archaeologist would be hired to document the find, assess its significance, and recommend further treatment, and thereby would reduce the impact to a less-than-significant level. The Project would result in impacts on tribal cultural resources that would be **less than significant with mitigation incorporated**.

3.8.12.2 Consistency Conclusion for Tribal Cultural Resources

Implementation of the PCRCP would result in potential impacts on tribal cultural resources that were not analyzed in the 2012 EIR. Based on the analysis above, these impacts would be **less than significant with mitigation incorporated**. Because the implementation of Mitigation Measure 4.5-2 is required by the 2012 EIR, no new mitigation measures are required. In summary, the PCRCP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR.

3.8.13 Utilities and Service Systems

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
XIX. UTILITIES AND SERVICE SYSTEMS — Would the project:			
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than Significant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.13.1 Discussion of Utilities and Service Systems

- a) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding the construction or expansion of new water or wastewater treatment facilities. There would be a temporary increase in water use for dust suppression and revegetation activities for the 2012 project, as would also occur with the PCRCP, but no new facilities would be necessary. Wastewater would continue to be handled by an existing septic system and portable toilets. The 2012 project and PCRCP activities would improve stormwater conveyance by restoring the creek to a more natural condition, but no specific stormwater facilities are proposed. No new electric power, natural gas, or telecommunication facilities would be constructed by the PCRCP. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- b) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would have sufficient water supplies to serve the project. As discussed above under criterion a), there would be a temporary increase in water for dust suppression and revegetation activities to implement the PCRCP. Although revegetation and associated water demand would occur in some areas not contemplated in the PCRA (e.g., concrete channel area), the amount of additional water would be within the overall water demand for the 2012 project. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- c) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding wastewater because no such service is available in the project area. Existing wastewater needs are handled by a septic system and portable toilets. No change to wastewater services would result from implementation of the PCRCP; therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- d) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would not exceed solid waste reduction standards or the capacity of facilities that would serve the project. The number of workers necessary for PCRCP activities would be within a similar range as those required for the 2012 project. The PCRCP activities that would generate solid waste would likewise be relatively similar to those conducted for the PCRA. The volume of solid waste for PCRCP activities would represent a similarly minor portion of the overall solid waste that would be generated by non-PCRA reclamation activities under the 2012 project, and would be accommodated by existing area landfills. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

- e) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would result in no impact regarding with compliance with federal, state, and local management and reduction statutes and regulations related to solid waste. As under the 2012 project, Lehigh would continue to adhere to all applicable laws and regulations pertaining to solid waste disposal, including the Surface Mining and Reclamation Act performance standards. Construction and demolition debris generated by reclamation activities, including from the Permanente Quarry Conveyor System, concrete road segments, discarded tractor tires, and the “old concrete crusher foundation” would be sent to a recycling facility certified to divert more than 65 percent of solid waste from landfills (County of Santa Clara Department of Planning and Development 2021b; CalRecycle 2021). Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

3.8.13.2 Consistency Conclusion for Utilities and Service Systems

Consistent with the findings of the 2012 EIR, implementation of the PCRCP would result in **no new significant impacts and no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR related to utilities and service systems.

3.8.14 Wildfire

<i>Issues (and Supporting Information Sources):</i>	<i>2012 EIR Determination</i>	<i>2012 EIR Sufficient</i>	<i>Further Analysis Required</i>
XX. WILDFIRE — If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:			
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Not evaluated in 2012 EIR	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Not evaluated in 2012 EIR	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Not evaluated in 2012	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.8.14.1 Discussion of Wildfire

The PCRCP is located in Moderate and High fire hazard severity zones within a State Responsibility Area, according to fire hazard mapping prepared by the California Department of Forestry and Fire Protection (CAL FIRE 2007). Specific criteria pertaining to potential wildfire-related impacts are discussed below.

- a) The 2012 EIR concluded that the proposed reclamation and restoration activities within the PCRA would not impair implementation of or physically interfere with the County Emergency Operations Plan existing at that time (2008) (see Section 4.9, *Hazards and Hazardous Materials*, criterion f), page 4.9-13). The proposed reclamation activities would not result in the complete or partial closure of public roadways, interfere with any identified evacuation route, restrict access for emergency response vehicles, or restrict access to critical facilities such as hospitals or fire stations. The PCRCP would similarly not result in impacts regarding the current plan (County of Santa Clara Office of Emergency Services 2017, 2019). Therefore, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.
- b) Because the 2012 EIR did not analyze an impact relative to significance criterion b), the checklist above indicates “further analysis required.” As analyzed below, the Project would result in a less-than-significant impact related to the exacerbation of wildfire risks, and associated exposure of Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

As discussed in the 2012 EIR, the reclamation and restoration activities proposed as part of the 2012 project would be substantially similar to existing operations at the quarry, including materials movement by haul truck, grading, and revegetation. Although the use of fuels and construction equipment could produce a spark or flame near areas of high wildland fire risk, this is the same risk that exists under baseline conditions. PCRCP activities would occur in the same area as the PCRA, with the exception of a 12.9-acre portion within the existing Reclamation Plan boundary where creek restoration activities were not analyzed in the 2012 EIR, and an additional 2.5-acre area outside the Reclamation Plan boundary where work would occur pursuant to the PCRCP. PCRCP activities would be similar to those under the 2012 project. Existing regulations governing the use of construction equipment in fire-prone areas would continue to apply. Specifically, the California Public Resources Code includes fire safety requirements that: restrict the use of equipment that may produce a spark, flame, or fire near flammable materials on days when a burning permit is required (Section 4427); require the use of spark arrestors on construction equipment that use an internal combustion engine (Section 4442); specify requirements for the safe use of gasoline-powered tools in fire hazard areas (Section 4431); and specify fire suppression equipment that must be provided on-site for various types of work during the highest fire danger period (Section 4428). Construction would be temporary and no operational impacts would result upon the conclusion of restoration activities. Therefore, PCRCP activities would not significantly exacerbate wildfire risks, and the impact would be **less than significant**.

- c) Because the 2012 EIR did not analyze an impact relative to significance criterion c), the checklist above indicates “further analysis required.” As analyzed below, the Project would result in a less-than-significant impact related to the installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment.

PCRP activities would not require the installation of fuel breaks, emergency water sources, power lines, or other utilities that would exacerbate fire risks. In the channel widening area, an existing concrete access road would be partially reduced in width. A new dirt access road would be constructed for maintenance of Pond 13 near the Rock Pile. To ensure the geotechnical stability of the slope exposed below the Rock Pile and the proposed access road, Lehigh proposes to have these areas inspected by the geotechnical engineer or Project geologist to evaluate the nature and stability of the exposed material and provide recommendations, as necessary. Road improvements would allow for emergency access and would not exacerbate wildfire risks. The impact would be **less than significant**.

- d) Because the 2012 EIR did not analyze an impact relative to significance criterion d), the checklist above indicates “further analysis required.” As analyzed below, the Project would result in a less-than-significant impact related to the exposure of people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes.

As discussed in detail in Section 3.7, *Hydrology and Water Quality*, implementation of the PCRP would result in an improved and restored channel segment of Permanente Creek. The PCRP has been designed to ensure channel stability through the use of engineered streambed material, floodplain armor, vegetated rock slope protection, rapidly establishing vegetation, and erosion control best management practices. The proposed design would not significantly alter creek depth or velocities downstream. Runoff flow rates would not change substantially because neither the drainage pattern of the tributary area nor the volume of flows within the channel would be altered. Therefore, there would be no substantial increase in the rate or volume of surface runoff that could result in downslope or downstream flooding, or landslides. The impact would be **less than significant**.

3.8.14.2 Consistency Conclusion for Wildfire

Implementation of the PCRP would result in **no new significant impacts** and **no substantial increase in the severity of significant impacts** relative to the impacts disclosed in the 2012 EIR, and **less-than-significant** impacts for wildfire criteria that were not analyzed in the 2012 EIR.

3.8.15 References

- California Department of Conservation (DOC), 2021. California Important Farmland Finder.
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