CHAPTER 7
Other CEQA Considerations

CEQA requires an EIR to consider the significant environmental effects of a proposed project (CEQA Guidelines §15126.2). Direct and indirect, short- and long-term effects of the Project are analyzed in Chapter 4, *Environmental Analysis*, which concludes that the Project would have no impact relating to Agriculture and Forestry Resources, Population and Housing, and Public Services. Impacts were found to be less than significant or less than significant with mitigation for: Air Quality; Energy Conservation; Geology, Soils, and Seismicity; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Land Use and Planning; Mineral Resources; Noise; Recreation; Transportation/Traffic; and Utilities and Service Systems. This chapter considers significant and unavoidable impacts in Section 7.1, significant irreversible environmental effects in Section 7.2, and growth-inducing impacts in Section 7.3.

7.1 Significant Unavoidable Environmental Impacts

CEQA §21100(b)(2)(A) requires an EIR to identify significant environmental effects that cannot be avoided if a project is implemented. Most of the impacts of the Project either would be less than significant or would be mitigated to a less-than-significant level. The impacts below are those that would remain significant and unavoidable after mitigation.

- **Aesthetics:** Construction of the Project would have a significant and unavoidable direct impact on views from the Rancho San Antonio Open Space Preserve/County Park, including from the Anza Knoll scenic vista (Section 4.1.5, Impact 4.1-1), and the Hammond-Snyder Loop Trail and PG&E Trail (Section 4.1.5, Impact 4.1-5). Given the long construction timeframe (approximately 10 years at the EMSA), the high visual sensitivity of the viewsheds, and the moderate to high visual change, the Project would significantly alter and substantially degrade the existing visual character and quality of the Project Area.

- **Biological Resources:** Project activities could result in selenium-burdened runoff reaching aquatic habitats and, thereby, in deleterious effects to aquatic organisms and their prey base. During the Project, active ground disturbance would occur in the Project Area as a result of excavation, grading, contouring, hauling, and, in the PCRA, boulder removal from Permanente Creek and affected upslope areas. If the appropriate type of limestone were to be exposed to air and precipitation, then selenium could be produced and reach Permanente Creek in the form of runoff. Implementation of Mitigation Measure 4.4-5 would reduce the potential for stormwater runoff to deliver sediment and selenium to Permanente Creek during the Project activities, but would not be sufficient to fully eliminate the possibility. Therefore, this interim impact would remain significant and unavoidable until final reclamation is completed.

- **Cultural Resources:** Removal of the existing Permanente Quarry Conveyor System and related tunnel, powerhouse, and structures (including the remains of the early 1940s crusher), which are contributing features of the Kaiser Permanente Quarry Mining District, would cause a significant unavoidable direct impact to the significance of an historical resource pursuant to CEQA Guidelines §15064.5 and the County's Historic Preservation Ordinance (Section 4.5, Impact 4.5-1). An indirect impact to the overall setting within the District also would result from the proposed reclamation activities. Since preservation in place is not an option for the reasons discussed in Section 4.5, the impact would remain significant and unavoidable.

- **Hydrology:** Interim reclamation activities within the Project Area would contribute concentrations of selenium, Total Dissolved Solids (TDS), and sediment in Permanente Creek. Implementation of Mitigation Measures 4.10-2a and 4.10-2b would reduce the potential for stormwater runoff to deliver sediment and selenium to Permanente Creek during the Project activities, but would not be sufficient to fully eliminate the possibility. Therefore, this interim impact would remain significant and unavoidable until final reclamation is completed. In addition, the Project would alter the existing drainage pattern of the site, which could result in increased storm water runoff rates and on- or off-site flooding. The 100-year discharge to the Quarry floor was calculated at 235 cfs for the proposed reclaimed condition in Phase 3. Without detention, this peak flow would discharge to Permanente Creek and constitute a 230.5 cfs increase from the approved maximum discharge of 4.5 cfs under existing conditions. This magnitude of increased runoff from the site would result in potential downstream flooding, hydromodification effects along Permanente Creek and potential adverse flow effects at the Permanente Diversion structure. Implementation of Mitigation Measure 4.10-4 would provide the necessary facilities to reduce offsite stormwater discharge during the 100-year storm event to less than significant. However, if this is not determined to be feasible, the impact would remain significant and unavoidable.

The Project is being proposed notwithstanding these effects because, if approved, the RPA would ensure the Quarry is in compliance with State and local law. The proposed RPA is designed to make the reclaimed lands suitable for future open space uses, and includes site-specific activities to satisfy the reclamation requirements of SMARA and SMARA's implementing regulations,[1] as well as the County of Santa Clara's surface mining ordinance (Santa Clara County Code §4.10.370) and Surface Mining and Land Reclamation Standards (Santa Clara County, 2000).

7.2 Significant Irreversible Changes

CEQA §21100(b)(2)(B) requires that an EIR identify any significant effect on the environment that would be irreversible if the project were implemented. CEQA Guidelines §15126.2(c) describes irreversible environmental changes as follows:

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project.

[1] SMARA is set forth in Public Resources Code Section 2710 et seq.; its implementing regulations are found in Title 14 of the California Code of Regulations Section 3500 et seq.

Construction of the Project would require some nonrenewable resources, such as fuel for construction vehicles and equipment. However, for diesel fuel such use would represent an increase above baseline conditions only during construction Phase 1; for gasoline fuel, the Project would represent a decrease in fuel usage from baseline conditions for all phases of construction. The temporary construction -related use of vehicle fuel would not result in a significant use of nonrenewable resources, and would not commit future generations to similar uses. At the conclusion of reclamation Phase 3, all conveyor systems (existing and new) and other energy-consumptive uses would be decommissioned, dismantled, and removed from the Project Area. No further energy demand would be generated in the Project Area. Consequently, the temporary and limited increase in consumption of nonrenewable resources that would be caused by the Project relative to existing conditions is justified.

Accidents, such as the release of hazardous materials, could trigger irreversible environmental damage. However, Project construction would result in the transport of hazardous materials including fluids for vehicle operation and maintenance such as fuels, oils, liquid polymer, battery acid, coolant, and cleaner, off-site by an approved carrier in accordance with state and local regulations. As such, construction of the Project would result in a decrease in the use, handling, and storage of hazardous materials when compared to existing use levels at the Project site (see Chapter 2, *Project Description*, Section 2.7.11.6 *Hazardous Materials and Hazardous Waste*, for a range of hazardous materials that could be handled in the Project Area). Considering the types and minimal quantities of hazardous materials that are and would continue to be used at the site, and emergency response plans and procedures that would be implemented as a part of the Project, accidental release of substantial quantities is unlikely. State and federal regulations and safety requirements, as described in the regulatory setting in Section 4.9, *Hazards and Hazardous Materials*, would ensure that public health and safety risks are maintained at acceptable levels, so that significant irreversible changes from accidental releases are not expected.

7.3 Growth-Inducing Impacts

CEQA Guidelines §15126.2(d) states that an EIR must discuss "the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth can be induced in a number of ways, including directly through implementation of projects that create new housing and employment opportunities, and indirectly through elimination of obstacles to growth and stimulation of economic activity within a region. CEQA requires a discussion of how a project could increase population, employment, or housing in the areas surrounding the project, as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project.

Section 4.14, *Population and Housing*, analyzes the Project's overall effect on population and housing, including growth-inducing considerations. The proposed reclamation activities would be implemented over an approximately 20-year period; an average of up to 14 additional employees (49 employees) would be required during Phase 1 activities, and up to three additional employees would be required during Phase 2. No additional employees would be required during Phase 3 activities. Given the small number of additional staff, it is anticipated that the temporary positions

would be filled from the local labor pool available in Contra Costa County, with workers expected to commute to the site rather than move. As such, the additional employees would not directly induce population growth in the vicinity of the Project. Furthermore, the Project does not involve construction of new housing, new public roads, or new electrical infrastructure, and the increased suitability of lands for open space use would not induce substantial numbers of people to move into the area. Because the Project would not directly or indirectly create new housing or employment opportunities, nor would it eliminate obstacles to growth, the Project would not induce a short- or long-term demand, either directly or indirectly, on population growth.

References – Other CEQA Considerations

Santa Clara County. 2000. *Surface Mining and Land Reclamation Standards*, http://www.sccgov.org/SCC/docs%2FPlanning,%20Office%20of%20(DEP)%2Fattachments%2FSurface_Mining_Stds.pdf, rev. Aug. 29.