7—OTHER CEQA TOPICS

7.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires the consideration of a range of issues extending beyond analysis of project-specific impacts. This section of the Draft EIR contains analysis of the following additional CEQA-mandated discussions:

- Mandatory Findings of Significance (Section 15065[a] and Section XXI of the Appendix G of CEQA Guidelines),
- energy consumption and conservation (Section 15126.4[b] and Appendix F of CEQA Guidelines),
- significant unavoidable adverse impacts (Section 15126. 2[c]),
- irreversible/irretrievable commitment of resources (Section 15126.2[d]), and
- growth-inducing impacts (Section 15126.2[e]).

7.2 MANDATORY FINDINGS OF SIGNIFICANCE

Based on Appendix G of the CEQA Guidelines, the proposed project would have a significant impact on the CEQA mandatory findings of significance if it would:

a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory;

b) Have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or

c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Impact 7-1: Substantially Degrade the Quality of the Environment, Reduce Habitat of a Fish or Wildlife Species, cause a Fish or Wildlife Population to Drop Below Self-Sustaining Levels, Threaten to Eliminate a Plant or Animal Community, Substantially Reduce the Number or Restrict the Range of a Rare or Endangered Plant or Animal or Eliminate Important Examples of the Major Periods of California History or Prehistory

Section 4.3, "Biological Resources," of this EIR evaluates biological resources, including impacts from the proposed project on fish and wildlife habitat, biological communities, protected wetlands, and rare or endangered plant species. The EIR analysis for this CEQA topic determined that the proposed project would have a less than significant impact on biological resources with mitigation incorporated. As a result of this determination, the proposed project would also have a less than significant impact on Impact 7-1 with several Mitigation Measures, listed below, incorporated. Furthermore, the proposed project's potential to eliminate important examples of major periods of

California history of prehistory was determined to be less than significant in the Initial Study (see Appendix A-4, "Initial Study").

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measures: Implement Mitigation Measures 4.3-1a, 4.3-1b, 4.3-1c, 4.3-1d, 4.3-1e, 4.3-1f, 4.3-1g, 4.3-1h, 4.3-1i, 4.3-1j, 4.3-1k, 4.3-1l, 4.3-3, 4.3-6a, 4.3-6b, 4.3-6c, 4.3-6d, 4.3-6e, 4.3-6f, 4.3-6g, 4.3-6h, and 4.3-6i (see Section 4.3), CUL-1, and CUL-2 (see Appendix A-4).

Level of Significance After Mitigation: Less than significant.

Impact 7-2: Impacts that are Individually Limited but Cumulatively Considerable

Section 4.2, "Air Quality," and Chapter 5, "Cumulative Impacts," of this EIR evaluate the proposed project's potential impacts to air quality, including an evaluation of potential cumulatively considerable increases of criteria pollutants. As described in Section 4.2 and Chapter 5, the modeling results from the *Air and Greenhouse Gas Emissions Study* (see Appendix D-1) indicate that project criteria pollutant emissions are below applicable Bay Area Air Quality Management District's (BAAQMD) thresholds of significance for CEQA for all model years. The project would not exceed the applicable significance thresholds for health risks (see Impact 4.2-3 in Section 4.2); therefore, the project would not result in a cumulatively significant health risk impact. Furthermore, BAAQMD has not adopted construction-related thresholds of significance for odors. BAAQMD's operational threshold of significance is five confirmed odor complaints per year averaged over three years, and the *Air and Greenhouse Gas Emissions Study* notes the existing permitted use of the site is below this threshold. Also, as described in the air quality cumulative analysis provided in Section 5.3.2, "Air Quality," reclamation emissions are not considered new cumulatively considerable emissions because the project involves amendments to an existing reclamation plan, which do not implicate an increase in TACs or PM2.5 above baseline conditions. Therefore, none of the cumulative projects would generate significant TAC emissions, odors, or fugitive dust affecting the same population as the project. Therefore, the project would not result in a cumulatively significant TAC, odor, or nuisance air quality impacts. Therefore, the project's potential criteria pollutant impacts would be less-than-significant.

Section 4.5, "Greenhouse Gas Emissions," and Chapter 5, of this EIR evaluate the proposed project's potential impacts regarding greenhouse gas emissions. According to the California Air Pollution Control Officers Association (CAPCOA), "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective" (CAPCOA 2008). A project's GHG emissions typically would be small in comparison to the State or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. It is global GHG emissions in their aggregate that contribute to climate change, not any single source of GHG emissions alone. Therefore, the analysis of a project's GHG emissions is inherently a cumulative impact analysis. Project-related GHG emissions would contribute to long-term GHG emissions of other projects.

As discussed in Section 4.5, modeled GHG emissions are at only about 45 percent of the operational threshold and emissions will cease when reclamation is complete; therefore, the proposed project is not expected to generate a cumulatively considerable contribution of GHG emissions. However, air quality and GHG emissions models are imperfect (like other models) as they are based on a set of assumptions used at the time of modeling. These assumptions (e.g., the duration of a construction activity or the vehicle miles traveled by construction contractors and vendors) are subject to change and actual

emissions at the time of construction could be more or less than what is modeled. As a result, the project's greenhouse gas emissions are conservatively evaluated as a potentially significant impact. Mitigation Measures 4.5-1a through 4.5-1g are provided to reduce the impacts to a less than significant level.

Therefore, the proposed project would not result in a cumulatively significant GHG emissions impact.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measures: Implement Mitigation Measures 4.5-1a, 4.5-1b, 4.5-1c, 4.5-1d, 4.5-1e, 4.5-1f, and 4.5-1g.

Significance After Mitigation: Less than significant.

Impact 7-3: Environmental Effects Which Will Cause Substantial Adverse Effects on Human Beings

Under CEQA, a change to the physical environment that might otherwise be minor must be treated as significant if people will be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings will be represented by all of the designated CEQA issue areas, those that could directly affect human beings include aesthetics, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation/traffic, and utilities, which are addressed in this EIR and the Initial Study (see Appendix A-4).

The EIR and Initial Study jointly state that the proposed project's impacts on greenhouse gas emissions, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation/traffic, and utilities would be less than significant or less than significant with mitigation incorporated. Applicable mitigation measures are referenced below.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measures: Implement Mitigation Measures 4.1-4, 4.4-4, 4.5-1a, 4.5-1b, 4.5-1c, 4.5-1d, 4.5-1e, 4.5-1f, 4.5-1g, 4.6-1a, 4.6-1b, 4.6-1c, 4.6-4a, 4.6-4b, 4.6-7, 4.8-1.

Level of Significance After Mitigation: Less than significant.

7.3 ENERGY CONSUMPTION AND CONSERVATION

CEQA requires an environmental impact report to include a discussion of mitigation measures to minimize significant effects on the environment relating to "wasteful, inefficient, and unnecessary consumption of energy" (PRC Section 21100[b][3]). Appendix F of the CEQA Guidelines provides guidance for analyzing energy impacts in an EIR, but neither Appendix F itself, nor any authority, requires that an EIR discuss every possible energy impact or conservation measure listed in Appendix F. Energy impacts need only be discussed "to the extent relevant and applicable to the project" (CEQA Guidelines Appendix F, Section II).

Appendix F states that "the goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include: (1) decreasing overall per capita energy consumption, (2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and (3) increasing reliance on renewable energy sources" (CEQA Guidelines Appendix F, Section I). In addition, factors suggested in Appendix F for

determining and mitigating potentially significant energy impacts may be relevant to this project's fuel usage and energy consumption. These factors are discussed herein, where relevant, for mobile equipment and electric utility service used by the project.

7.3.1 Transportation Energy Use, Energy Requirements, and Efficiencies

Appendix F of the CEQA Guidelines suggests consideration of "the project's transportation energy use requirements and its overall use of efficient transportation alternatives" (CEQA Guidelines Appendix F Section II.C.6). It also suggests consideration of "the project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance, and/or removal" (CEQA Guidelines Appendix F Section II.C.1).

The project involves revisions to approved reclamation activities and does not involve permitted mining activities. The proposed project activities involving transportation that would consume energy include operation of heavy off-road equipment, trucks, worker traffic, vendor, and haul trips to conduct reclamation activities at the site. The emissions for these activities are included in Appendix D-1, "Air and Greenhouse Gas Emissions Study." These activities would be similar to the use under the approved reclamation plan, with the exception that the project would eliminate the need to backfill the quarry and thus drastically reduce off-road truck trips, heavy equipment operation, and air and GHG emissions associated with reclamation activity.

The project is designed to use materials available on-site whenever possible, which would reduce the haul trips necessary, which in turn would reduce the amount of fuel the project requires. Materials stored on-site are also located to minimize the distance they must be moved to be placed in their final location, which conserves fuel use. Additionally, increasingly stringent federal and state regulations on engine efficiency combined with federal, state, and local regulations limiting engine idling times would further reduce the amount of transportation fuel demand. Considering these reductions in transportation fuel use and electricity use, the proposed project would not result in the wasteful and inefficient use of energy resources.

7.3.2 Energy Supply Capacity and Peak Period Demand

Appendix F of the CEQA Guidelines also suggests consideration of both "the effects of the project on local and regional energy supplies and on requirements for additional capacity" (CEQA Guidelines Appendix F Section II.C.2), and "the effects of the project on peak and base period demands for electricity and other forms of energy" (CEQA Guidelines Appendix F Section II.C.3).

Energy use related to the proposed project would be similar to the use under the approved reclamation plan. In addition, reclamation activities would use less energy than the mining and processing activities currently occurring on-site.

7.3.3 Energy-Efficient Project Features and Mitigation Measures

Appendix F of the CEQA Guidelines suggests consideration of "potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal" (CEQA Guidelines Appendix F Section II.D.1). Additionally, Appendix F suggests consideration of "energy conservation which could result from recycling efforts." (CEQA Guidelines Appendix F Section II.D.5.)

The project involves revisions to approved reclamation activities and does not involve permitted mining activities. The proposed project activities would consume energy through the operation of heavy off-road equipment, trucks, worker traffic, and haul trips to conduct reclamation activities at the site.

As described in Section 4.5, "the proposed project would implement mitigation measures 4.5-1a through 4.5-1g (see Section 7.2, above) that would reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal, as well as promote energy conservation resulting from recycling efforts.

Furthermore, many of the state and local plans regarding energy efficiency (e.g., the Contra Costa County Climate Action Plan) are focused on increasing building efficiency and renewable energy generation and reducing water consumption and vehicle miles traveled (VMT). The project would not include construction of a building or result in a land use that would increase energy use; thus, no policy specifically applies to the project. As described above, the proposed project activities would not result in wasteful or inefficient use of energy. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

7.3.4 Renewable Energy Sources

Appendix F of the CEQA Guidelines also suggests that the potential for use of "alternate fuels (particularly renewable ones) or energy systems" be discussed in an EIR (CEQA Guidelines Appendix F Section II.D.4).

As stated in Section 7.3.2, above, energy use related to the proposed project would be similar to the use under the approved reclamation plan. In addition, reclamation activities would use less energy than the mining and processing activities currently occurring on-site.

Electricity at the site is supplied by PG&E. The California Renewables Portfolio Standard requires that electrical service providers, such as PG&E, achieve 60 percent of energy provided from renewable sources by 2030 (CPUC 2021). By 2045, all retail sellers must procure 100 percent of their retail sales from California Renewable Portfolio Standard-eligible resources (CPUC 2021). According to California Public Utility Commission, in 2019 PG&E provided 31 percent of its energy from renewable sources (CPUC 2020). Because the project will obtain some electricity from PG&E or another supplier which must comply with the California Renewable Portfolio Standard, a substantial portion of the energy used by the project would be generated from renewable sources. However, the project will primarily rely on mobile sources of energy, or fuel, for carrying out reclamation activity.

As described in Section 4.5, the proposed project would implement Mitigation Measures 4.5-1d, "Alternative Fuel Plan," and 4.5-1g, "Generator Alternative Fuel," which would require a plan demonstrating that alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment will represent at least 15 percent of the construction fleet and require alternative fuels for generators at construction sites such as propane or solar, or use electrical power, as feasible for each construction site.

7.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD BE CAUSED BY THE PROJECT SHOULD IT BE IMPLEMENTED

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Section 15126.2(c) require that the EIR discuss significant irreversible environmental changes that would be caused by the project should it be implemented. According to Guidelines Section 15126(c):

> 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. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The primary irreversible environmental changes caused by the project would be a commitment of nonrenewable resources needed to conduct revised reclamation activities, such as implementing a drainage plan that provides for formation of a quarry lake with a controlled outflow, grading, revegetation, construction of a screening berm, and removal of mining facilities, structures, and equipment. Nonrenewable and limited resources consumed during project construction and operation would include oil, diesel fuel, gasoline, metal, plastic, lumber (used in concrete forms), aggregate materials, and propane. However, the site is currently subject to an approved reclamation plan, which would use these nonrenewable resources in similar fashion to the proposed project. In addition, a reclamation plan for the site is mandated under SMARA. The project site would be reclaimed to allow for a post-mining land use of open space.

The project includes design considerations and mitigation measures to reduce the likelihood of irreversible damage from environmental impacts that could be associated with the project. Environmental impacts that would occur as a result of the project are presented in Sections 4.1 through 4.8 of this EIR and summarized in Table ES-2, "Summary of Project Impacts and Mitigation Measures."

7.5 GROWTH INDUCING ANALYSIS OVERVIEW

Public Resources Code (PRC) Section 21100(b)(5) specifies that an EIR must address a project's growth inducing impacts. CEQA Guidelines Section 15126.2(d) requires that the scope of the analysis "discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

Direct growth inducing impacts occur when a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. Indirect growth could be associated with project activities that remove physical obstacles to population growth, such as installation of transportation or utility infrastructure with excess capacity available to serve additional growth.

The proposed project is not expected to induce growth or result in secondary growth-inducing impacts. The project would not result in new employment opportunities, and therefore would not induce a demand for new housing and services. The nature of the project, revisions to an approved reclamation plan, is such that there would be no new direct customers and no incentive for other residences or businesses to locate nearby.