ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
NEIGHBORHOOD PRESERVATION & SUSTAINABILITY DEPARTMENT

NILES CANYON QUARRY (SMP-34)

INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION FOR AMENDED RECLAMATION PLAN

CA MINE ID 91-01-0003

NOVEMBER 2019

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Alameda County Neighborhood Preservation and Sustainability Department

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PART 1:
PROJECT DESCRIPTION

1. OVERVIEW

The Niles Canyon Quarry, owned by SRDC Inc., was purchased in 1984. SRDC renewed the reclamation plan in 1996 for mining and reclamation, as allowed by the Alameda County (County) Surface Mining and Reclamation Plan Permit (SMP) 34. The approved 1996 mine plan was designed with the expectation that the property would be mined to consist of two pits, with a total of 1,850,000 cubic yards (cu. yd.) of material to be excavated over a 25-year period. The quarry has not been in operation since 2012.

The Niles Canyon Quarry site has not been in compliance with many of the its SMP conditions of approval (COA), the California Surface Mining and Reclamation Act (SMARA), County Surface Mining Ordinance (SMO), and County zoning requirements, which has led to County enforcement actions, including notices of violation and an order to comply. A key element of bringing the site into compliance is the development and processing of a reclamation plan amendment. This project description provides a description of the major elements of the reclamation plan amendment and will be used by the County to evaluate the environmental impacts of the construction and implementation of the reclamation plan amendment.

SRDC, Inc. is seeking approval of an amended reclamation plan for Niles Canyon Quarry. Niles Canyon Quarry is located in Alameda County approximately 1 mile west of Sunol, on the north side of State Route (SR) 84 (Niles Canyon Road) at 5550 Niles Canyon Road. The site location is shown on Figure 1,"Regional Location," and Figure 2, "Site Location." This reclamation plan amendment includes:

- reclaiming the quarry to be suitable for agricultural use;
- importing fill material for use as backfill;
- grading and/or backfilling mined surfaces to provide slope stability and erosion control;
- reconstructing and restoring the seasonal creek channel by removing human-made features to provide habitat connectivity, slope stability, and erosion control;
- vegetating disturbed surfaces with plants native to regional upland (i.e., grasslands and chaparral) and wetland habitats (i.e., upper riparian, lower riparian, and freshwater emergent wetlands); and
- monitoring the vegetation and slopes after completion of final reclamation to ensure successful establishment and erosion control.

2. PROJECT REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

This initial study/subsequent mitigated negative declaration (IS/SMND) has been prepared in compliance with California Environmental Quality Act (CEQA) and all relevant federal and state laws. The County is the lead agency under CEQA for preparation of the IS/SMND. CEQA provides that where a project was initially approved pursuant to a negative declaration, it is appropriate to analyze any changes to the project using a subsequent negative declaration or addendum (CEQA Guidelines Sections 15162 and 15164). The criteria for drafting an addendum to a negative declaration or subsequent negative declaration are different from the criteria for an environmental impact report (EIR). An addendum may be prepared only if minor technical changes or additions are necessary (CEQA Guidelines Section 15164[b]). Given the nature of the proposed project, an addendum could not be used because there are more than "minor technical changes."

Whether a subsequent EIR would be required is based on the criteria set out in CEQA Guidelines Section 15162 (project change, new circumstances or new information indicates a new significant impact). The California Supreme Court, in *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) at 1 Cal. 5th 937, 956, stated that extension of the subsequent review standards to prior negative declarations is "wholly consistent with a statutory scheme in which negative declarations, no less than EIRs, are entitled to a presumption of finality once adopted." This type of review is appropriate, in part, because the time for challenging the original CEQA document has expired, and the question is whether the circumstances have changed enough to repeat part of the process. *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467, 1479 states that "it stands to reason that no greater review should be required of a project that initially raised so few environmental questions that an EIR was not required, but a negative declaration was found to satisfy the environmental review requirements of CEQA." The California Supreme Court also recognized that it is appropriate to use a subsequent mitigated negative declaration where new significant impacts could be avoided through the use of mitigation measures.

The project was previously approved under the 1996 initial study/mitigated negative declaration (IS/MND). The previous 1996 IS/MND is available for review on the County's website (http://nps.acgov.org/npspending.page) or by request from the County. Under the Supreme Court standard set out in *College of San Mateo Gardens v. San Mateo County Community College District*, the County determined that the 1996 IS/MND is relevant and retains informational value. A review was conducted under Section 15162, and the County determined that none of the standards requiring the preparation of an EIR exist, because any impacts resulting from the change of project can be mitigated to a less-than-significant level. Accordingly, use of an IS/SMND is appropriate.

3. PUBLIC REVIEW

The County encourages broad participation in the IS/SMND process and invites all interested individuals, organizations, public agencies, and Native American tribes to comment on the scope of the IS/SMND. Comments and suggestions are invited from all interested agencies, organizations, Native American tribes, and the public at large so that the full range of issues related to the proposed project are addressed and that all significant issues are identified. In particular, the County is interested in learning whether there are areas of environmental concern where there might be a potential for significant impacts. For all potentially significant impacts, the IS/SMND has identified mitigation measures to reduce or avoid these impacts.

The IS/SMND will be circulated for a 30-day public review period. Agency and public comments may be provided in writing. Written comments or requests for further information may be sent to:

James Gilford
Alameda County Community Development Agency,
Neighborhood Preservation & Sustainability Department
224 West Winton Avenue, Room 110
Hayward, CA 94544

or via e-mail with subject line "SMP-34 Reclamation Plan Amendment IS/MND" to:

james.gilford@acgov.org

Adoption of the IS/SMND does not constitute approval of the project itself, which is a separate action to be taken by the County Planning Commission. Approval of the project can take place only after the IS/SMND has been adopted.

4. BACKGROUND

Niles Canyon Quarry is an idle quarry owned by SRDC. SRDC purchased the property in 1984 and renewed the reclamation plan in 1996. Mining and reclamation are allowed by SMP-34. The approved 1996 mine plan was designed with the expectation that the property would be mined to consist of two pits: one to be mined after the other in phases, with a total of 1,850,000 cu. yd. of material to be excavated over a 25-year period (see Figure 3, "Approved Reclamation Plan," for an overview of the approved reclamation plan). The pits were planned to be excavated to depths of 100 and 150 feet, respectively, using side-hill and multibench mining methods. The benches were to have 1.5:1 (horizontal: vertical) (1.5H:1V) slopes. Niles Canyon Quarry was approved to harvest clay, shale, and natural rock for individual sales and/or for use in mixing with crushed concrete to make Class II or Class III base rock.

The approved reclamation plan was designed to reclaim the mined site to open space and extensive and limited intensive agriculture. The slopes are to be backfilled using "native mineral soil or other inert mineral material as approved," to support planting, with no "major" backfill on the quarry floor. Final reclaimed fill slopes, including permanent piles of overburden, shall not exceed 1H:1V, except when site-specific and engineering analysis demonstrates that the proposed final slope suitable would have at least the minimum slope stability factor of safety suitable for the proposed end use and when the proposed final slope can be successfully revegetated. The slopes are to be planted with grasses that naturally occur in the area and clusters of native trees to approximately replace those lost as a result of mining and for visual mitigation. A system of 12- to 36-inch-diameter corrugated metal pipes is to be used as necessary to aid slope drainage during and after mining operations. Rehabilitation of premining drainage is to be restored wherever possible and maintained to enhance slope stability. All stockpiles, structures, equipment

and refuse are to be used or removed at the termination of quarrying; however, the existing maintenance building could remain as a permanent structure.

Regarding streambank treatment, the existing reclamation plan application provides:

> There are no streams or creeks running through the quarry. Post mining drainage channels will be subject to "green water-way" treatment to minimize or eliminate silting of runoff water. The swale passing through sites 1 & 2 will be diverted via detention basins and rerouting storm lines to the existing sedimentation basin.

During the course of mining operation, the operator determined the materials to be mined did not meet the specification desired for their business and the operation was discontinued.

Beginning in early 2009, the County observed that conditions on-site were inconsistent with those anticipated in the currently approved reclamation plan. SRDC resolved some of the inconsistencies (including removing and properly disposing of contaminated soil on-site), but an amended reclamation plan was ultimately determined to be required because the approved mining would not occur, as-built conditions vary from those anticipated with the completion of mining, and modifications made to the site by the owner make implementing the approved reclamation plan infeasible. The issues and inconsistencies determined necessary to be addressed in the amended reclamation plan include providing plans for:

- grading and filling slopes in a manner that would provide a minimum slope stability factor of safety suitable for the proposed end use and that conforms with the surrounding topography and/or approved end use;
- backfilling slopes as necessary, including the source, quantity, and acceptance criteria for fill materials needed to reclaim the site;
- selecting a tree/bush palette suitable for the climate and soil conditions in each location; and
- restoring the stream channel that flows from the upper mine area to the lower portion of the site to its approximate path at the completion of excavation, with adequate soils and appropriate plantings to allow habitat restoration.

Details on the existing conditions of these areas of the site are provided in Section 5, “Site Setting.”

5. REQUESTED ENTITLEMENTS

Approval of a reclamation plan amendment is requested for modification of the existing approved reclamation plan to address slope stability, the seasonal creek channel on-site, and inconsistencies with existing conditions. While not an entitlement, the County will also require SRDC to update its financial assurance cost estimate and associated financial assurance mechanism to ensure that the proposed activities are implemented.

6. ENVIRONMENTAL SETTING

6.1 Location

The Niles Canyon Quarry is located approximately 1 mile west of Sunol, on the north side of SR 84 (Niles Canyon Road) at 5550 Niles Canyon Road. The site location is shown on Figures 1 and 2.

6.2 Existing Site Conditions

As described in Section 4, the mine is idle with no intent to resume operations. In addition, the mine site was developed inconsistent with its approved mine and reclamation plan. The following subsections provide a description of the site and on-site conditions that are inconsistent with the approved mine and reclamation plan. Figure 4, “Existing Conditions Aerial Photograph,” shows an aerial of the site and surrounding land uses and nomenclature for areas on-site.

6.2.1 Infrastructure

The lower pad is partially paved and includes a caretaker's residence, maintenance building, water supply tanks for fire protection, and a detention pond. A paved road leads to the upper pad, which had been the location for the mining and crushing operations (see Figure 4).

6.2.2 Slope Stability

On-site slopes at some locations are steeper than 1.5:1. The cut slopes on the southern portion of the upper pad are generally 2:1 (horizontal to vertical) or flatter, except along the eastern limit of this area, where the slope is as steep as 1.3:1. Substantial slope failure associated with bedrock failure was not observed, except at the eastern limit of this area, where ongoing erosion and slope creep are occurring. The northern portion of the upper pad is generally 1.5:1 or flatter, except where parts of the cut slope are steeper than 1:1. Figure 5, "Existing Slope Stability," shows those areas that have existing slopes steeper than 1.5:1 that are susceptible to ongoing erosion, slope creep, and landslide movement during Design Earthquake and the Maximum Considered Earthquake events (Rockridge Geotechnical 2017).

Benches of the cut slope on the "upper upper slope" are cut into competent bedrock. Based on a 2014 topographic survey, these cut slopes are generally 1.7:1 and appeared to be performing adequately. No substantial evidence of erosion was noted on aerial photographs or during site reconnaissance (Rockridge Geotechnical 2017).

6.2.3 Steam Conditions

Numerous basins, ditches, and culverts along the seasonal creek channel on-site were constructed in association with quarry operations (see Figure 6, "Existing Creek Conditions"). At the upstream portion of the channel north and east of the upper pad there are two ponds which attenuate flow, capture sediment, and both have a high potential for failure due to poorly installed and partially clogged culverts that drain each pond. Below the downstream pond, runoff is routed away from the "natural" channel in a man-made-ditch for approximately 150 feet to the southeast where it runs into two severely clogged culverts, then through another ditch until it eventually gets back to the large detention pond at the bottom of the quarry. This "drainage system" is poorly designed and has not been maintained. Additionally, the location where the "natural" channel should be has been heavily disturbed and appears to have been filled with dirt and fine gravel. The seasonal creek on-site is physically and hydrologically impaired as a result of this disturbance.

6.3 Surrounding Land Uses

The proposed project is located in an undeveloped portion of SR 84 (Niles Canyon Road), commonly referred to as the Niles Canyon Corridor. The Niles Canyon Corridor is characterized as a two-lane conventional highway that leaves the urbanized setting of Fremont, California, and transitions into a rural setting east of SR 238/Mission Boulevard and up to its connection with Interstate 680 (I-680) (see Figure 1). Steep canyon walls and Alameda Creek are located south of Niles Canyon Road, all of which are south of the project site. The Niles Canyon Railway and railyard are adjacent to the south side of the project site. The majority of the land east, north, and west of the site is used for grazing livestock. Rural residences are located east and west of the site. The nearest residence is located adjacent to the western boundary of the site. Surrounding land uses are shown on Figure 4. Table 1-1, "Surrounding Land Uses and Designations," lists the land uses and County land use designations of the closest parcels.

TABLE 1-1
SURROUNDING LAND USES AND DESIGNATIONS

Direction	Land Use	County Land Use Designations	
		General Plan	***Zoning***
North	Grazing land	Large Parcel Agricultural, Parklands	Agriculture
West	Residences, grazing land	Parklands	Agriculture
South	Alameda Creek, State Route 84/Niles Canyon Road, Niles Canyon Railway and railyard,	Large Parcel Agriculture, Water Management	Agriculture
East	Residences, grazing land	Larger Parcel Agricultural	Agriculture

Source: Alameda County 2002; Orduña, pers. comm., 2019.

6.4 Land Use Designations

The property is zoned A-Agricultural and has a designation of Larger Parcel Agricultural in the *East County Area Plan* (Alameda County 2002) (see Figure 7, "Land Use Map"). Permitted uses in this zone are found in Alameda County Zoning Ordinance (Chapter 17.06, A Districts) and the *East County Area Plan* as related to the Save Agriculture and Open Space Lands Initiative (Measure D, effective December 22, 2000).

The California Department of Conservation (DOC) designates this area as Grazing Land, which is defined as "land on which the existing vegetation is suited to the grazing of livestock," and Other Land, which is "land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as other land" (FMMP 2016). Reclamation would not occur on soils designated as Prime Farmland by DOC's Farmland Mapping and Monitoring Program. Figure 8, "Farmland Map," provides the location of these designations on site and in the surrounding area.

The DOC California Geological Survey has designated a portion of the site as Mineral Resource Zone (MRZ) 4 (Kohler-Antablin 1996). Lands designated as MRZ 4 are areas where geologic information does not rule out either the presence or absence of mineral resources.

7. RECLAMATION PLAN AMENDMENT

The reclamation plan amendment proposes changes to two primary elements of the approved reclamation plan: (1) import of soil to fill the upper pad and slopes to ensure that the applicable slopes are stable and (2) restoration of the stream channel that was disturbed as a result of mining and fill activities. The anticipated second land use of the site once reclamation actions are completed is agriculture on the upper and lower pads and open space within the riparian corridor of the restored stream channel. An overview of the plan for reclamation is shown in Figure 3.

In general, slopes in the upper pad, lower pad, stream channel, and slope east of the stream channel will be filled and graded to conform to the surrounding topography, provide slope stability, and control erosion. Fill material would be imported on-site, placed in the upper pad and slopes area, and graded to a minimum 2H:1V slope. Grading would begin at the southern and eastern portions of the upper pad in the first year, then proceed to the middle of the upper pad in year 2, and the northern portion in year 3. The entirety of the slide in the northern portion of the upper pad would be removed and replaced with fill as needed to conform to the surrounding ground surface.

The purpose of the proposed stream restoration is to restore this historic stream channel by removing anthropogenic changes and reconstructing the stream channel to provide habitat connectivity from the lower quarry pad through the native channel reach to upper pad area. Stream restoration activities would include grading, placing fill materials, and removing existing infrastructure (e.g. culverts and earthen dams) to create a new stream channel that includes rock ramps and plunge pools to protect the channel and banks from erosion. The fill material would ensure the restored stream channel is at a grade to support adequate flows and control erosion. After completion of reclamation, the drainage on-site would be similar to historical drainage patterns. Areas subject to reclamation grading, including the upper pad, lower pad, outslope road, slope repair, and riparian corridor, would be vegetated with plants native to regional upland (i.e., grasslands and chaparral) and wetland habitats (i.e., upper riparian, lower riparian, and freshwater emergent wetlands) (see Figure 9, "Revegetation Plan Areas"). The success of revegetation would be monitored after completion of final reclamation to ensure successful establishment and erosion control. Table 1-2, "Reclamation Plan Data," provides a summary of key reclamation plan details.

TABLE 1-2
RECLAMATION PLAN DATA

Design/Operating Characteristics	Description/Parameters
OPERATIONAL ACTIVITIES	
End Use	Agricultural use on the upper and lower pads, open space within the riparian corridor
RECLAMATION DATA	
Reclamation Plan Area	±182 acres (based on updated calculations since 1996)
Reclamation Period	4 years after receipt of the needed approvals and permits
Reclaimed Slopes Upper pad fill slopes Riparian corridor	 3H:1V maximum 2H:1V maximum
Fill Volume Upper pad area Streambed restoration Cut Fill Import	 ±176,000 cu. yd. 18,000 cu. yd. 900 cu. yd. on-site 750 cu. yd. (1–3 tons) of riprap rock 250 cu. yd. (0.5–1 tons) of riprap rock 100 cu. yd. engineered streambed material
Topsoil	6,000 cu. yd. (to be imported)
Operating Hours	Monday–Saturday, 7 a.m. to 5 p.m.
Workforce	20 employees

Notes: cu. yd. = cubic yards; H:V = horizontal to vertical.

7.1 Import and Fill Activities

7.1.1 Earthwork Materials

The reclamation plan proposes to fill the upper pad and upper slope areas with approximately 176,000 cubic yards (cu. yd.) (approximately 265,000 tons) of material to re-create a hillside consistent with the surrounding topography and address identified slope stability concerns (17,100 cu. yd. of which would exist on-site as a result of implementing the proposed cut slopes). As planned in the approved reclamation plan, the fill material not available on-site would be imported. The material would be provided by construction projects in the surrounding region over an approximately 3-year period.

The earthwork estimates for the streambed restoration materials available and needed are listed below:

Cut: 18,000 cu. yd.
Fill: 900 cu. yd. on-site
Import: 750 cu. yd. 1–3 tons of riprap rock
250 cu. yd. 0.5–1 tons of riprap rock
100 cu. yd. engineered streambed material

7.1.2 Topsoil

Topsoil would be needed to ensure adequate growth media exists for successful revegetation. Topsoil is needed to cover revegetation areas to a depth of 4 inches (6,000 cu. yd.). Topsoil suitable for revegetation would be salvaged from areas planned for regrading if encountered. Available topsoil would be removed and stockpiled along the margins of the work area for later use during reclamation of slopes. Any outstanding topsoil demands would be imported.

7.1.3 Criteria for Imported Soils

Imported soil would meet site-specific acceptance criteria for placement on-site. The site-specific acceptance criteria must meet the requirements of regulatory agencies and would be based on a California Environmental Protection Agency Department of Toxic Substances Control (DTSC) Information Advisory on Clean Imported Fill Material

guidance document and constituents of concern limits established via the San Francisco Bay Regional Water Quality Control Board (RWQCB) environmental and human health screening levels.

Acceptance of soil would be determined for each individual source location (e.g., construction project), and all soil imported to the site would be subject to testing and quality controls to ensure it meets the site's site-specific acceptance criteria.

7.1.4 Slope Stability

Imported fill material would be transported on-site using 25-ton haul trucks. The imported material would be directly placed in the proposed fill areas or stockpiled on-site for future use. The proposed reclaimed slope angle for the upper pad and slopes fill area is 3H:1V. A site-specific geotechnical report (Rockridge Geotechnical 2017) (included in Appendix G, "Geotechnical and Geologic Evaluation," of the proposed reclamation plan) found that slopes inclined 1.85H:1V or flatter would be stable under static and seismic conditions. Slopes inclined at 1.5H:1V can be considered as stable under static conditions for agricultural use. Cut slopes would not exceed a grade of 1.5H:1V.

The stream restoration areas with existing slopes that would receive fill material would be keyed and benched. Cut slopes would not exceed a grade of 1.5H:1V. Fill and combination fill and cut slopes (e.g., stream channel banks and stepped pools) would not exceed 2H:1V. Slopes greater than 3 feet in vertical height shall be planted with approved perennial or treated with equally approved erosion control measures.

7.1.5 Grading and Compaction

The upper pad would be graded to slope south and southeast toward the restored creek. An area on the east side of the creek would also be graded to slope southwest toward the creek. Fill material would be spread in lifts not to exceed 12 inches prior to compaction and compacted to a minimum of 90 percent. Figure 10, "Grading Plan," and Figure 11, "Grading Plan Cross Section," provide drawings of this area.

Fill material placed in the stream restoration area would be spread in lifts not exceeding 6 inches in compacted thickness, moistened or dried as necessary to near optimum moisture content, and compacted by an approved method. Fill material would be compacted to a minimum of 90 percent. Maximum density would be as determined by 1957 ASTM D-1557-91 modified proctor (AASHO) test or similar approved methods.

7.2 Stream Restoration

Preliminary seasonal creek channel designs have been vetted with agencies having jurisdiction over waters of the United States for input into a final design prior to permitting. The design for the seasonal creek channel is intended to restore the habitat to create habitat connectivity, slope stability, and erosion control. Activities include removing fill, culverts (except for the culvert exiting Basin 8 [see Figure 6]), and other human-made features constructed in association with quarry operations and reconstructing the stream channel. A channel would be excavated and armored with riprap. Plunge pools would be created at approximately 30-foot increments. Armored spillways would be used where water exits each pool or basin. Figure 12, "Stream Restoration Activities," provides an overview of the planned activities proposed to restore the stream channel. The creek is designed to meet peak water runoff associated with a 100-year, 24-hour storm event; thus, as required by the Surface Mining and Reclamation Act the creek designs would meet runoff from a 20-year, 1-hour storm event.

Basin 7 would be dewatered during construction activities to reduce bullfrog habitation adjacent to identified California red-legged frog (CRLF) habitat located at Basins 4–6. In addition, thinning wetland plants in Basin 1 would increase habitat suitability for CRLF by improving water quality, which is currently impaired by excess organic debris.

7.3 Revegetation

All areas disturbed by mining operations, including the upper pad, lower pad, outslope road, slope repair, and altered riparian corridor are subject to revegetation actions (see Figure 9). In addition, all areas subject to geotechnical

repairs would be seeded. All recommended plant species included in the revegetation plan are native and consistent with the site's end use.

The revegetated areas would include upland habitats (i.e., grasslands and chaparral) and wetland habitats (i.e., upper riparian, lower riparian, and freshwater emergent wetlands). These habitat types include species that are native to the San Francisco Bay Area subregion of the Central Western California region within the California Floristic Province, many of which are already documented within the project and are known to be easy to establish, have relatively high rates of survival, and are commercially available. Plant species also have been selected that are expected to thrive in the soils documented on-site. These plant species generally include grasses, shrubs, trees, vines, and perennial herbs. The revegetation plan also provides details on preconstruction activities, plant installation, timing, maintenance monitoring, and irrigation. These details are summarized in the following subsections.

7.3.1 Revegetation Protection Measures

All trees in the construction area not specifically designated for removal would be preserved and protected with high visibility fencing. Protection measures would be maintained until revegetation efforts are successfully completed.

7.3.2 Weed Abatement

Invasive plants would be managed before restoration construction activities begin and after vegetation has been planted. During preconstruction, targeted invasive plants would be removed and maintained using a combination of mechanical (e.g., mowing or pruning) and chemical (i.e., herbicide application) methods. Monitoring of the site would occur in early spring (February/March) and again in the fall to determine the appropriate time to mow or plan for herbicide applications.

7.3.3 Irrigation

Planting techniques for conservation include the selection of native, drought-resistant plants. However, ground and surface water supplies may not be adequate to ensure establishment of the full range of species; therefore, temporary irrigation will be installed to irrigate the newly planted areas and used on an as-needed basis to ensure plant establishment with supplemental watering if dry periods develop.

7.3.4 Revegetation Success Criteria, Monitoring, and Maintenance

Performance standards are designed to ensure revegetation goals are met and to have self-sustaining plant communities by the end of a 5-year establishment and warranty period. Approximately 5 years following completion of revegetation are anticipated as necessary for success criteria to be met. Monitoring is to occur at least twice a year for 5 years following installation of vegetation. Routine maintenance inspections may occur more frequently and at any time of the year.

Annual monitoring reports of performance monitoring will document the performance standard parameters for all habitat types and whether the performance standards are being met. A final monitoring report must be produced upon successful achievement of all performance standards. If performance standards are not met, maintenance and/or interim remedial actions may be implemented as soon as determined necessary.

7.4 Reclamation Operations

7.4.1 Hours of Operation

Reclamation activities would occur Monday through Saturday between 7 a.m. and 5 p.m., which are the same as specified in the existing surface mining permit for the site.

7.4.2 Equipment

Equipment associated with mining, processing, and reclamation activities is listed in Table 1-3, "Typical Equipment." The types of mobile equipment and/or machines to be employed are typical earthmoving equipment, such as a dozer, excavator, front-end wheel loader, motor grader, and haul trucks. A water truck is used for maintenance of surfaces and dust control. The type of vehicles used varies somewhat over time depending on availability and the introduction of new models to suit different conditions.

A mobile fuel and lubrication truck is be used to service vehicles on-site. The fuel/lube truck can carry a limited amount of petroleum products, is equipped with automatic shut-off valves to prevent spills, and also carries appropriate absorbent materials to contain and recover spillage. An approved spill prevention, control, and countermeasures (SPCC) plan guides reporting, control, and cleanup activities in the event of a spill in the quarry or other operating areas.

TABLE 1-3
TYPICAL EQUIPMENT

Equipment[1]	Description	Quantity	Year/HP/Tier
Soil compacter	CAT 815	2	2018/249/4
Bull dozer	CAT D8	1	2018/354/4
Motor grader	CAT 14M3	1	2018/238/4
Skid steer	CAT 259	4	2018/74/4
Excavator	Volvo EC 350 EL	2	2018/303/4
Excavator	Volvo EC 380 EL	1	2018/308/4
Wheel loader	CAT 966 M	1	2018/276/4

Notes:
1 The equipment listed uses diesel fuel.

7.4.3 Traffic and Circulation

Reclamation activities generating traffic include import of approximately 176,000 cubic yards (approximately 265,000 tons) of clean fill over a 3-year period. In addition, approximately 750 cu. yd. 1–3 tons of riprap rock, 250 cu. yd. 0.5–1 tons of riprap rock, 100 cu. yd. engineered streambed material, and 6,000 cubic yards of topsoil would be imported to reestablish a disturbed stream channel and revegetation. Peak daily loads would not exceed a total of 800 tons; thus, 25-ton haul trucks would make a maximum of 64 trips (32 round trip) per day.

Imported material is anticipated to derive from the following market areas:

- 25 percent from the east Bay Area using Interstate 680 (I-680) to SR 84,
- 25 percent from the San Francisco Peninsula using I-680 to SR 84, and
- 50 percent from the South Bay Area using 680 (I-680) to SR 84.

Traffic would also result from daily employee vehicle trips (20 per day maximum); deliveries (2 per day maximum for five-axle transport and 1 per day maximum for nine-axle transport); service trips (2 per day maximum for fuel or mechanic trucks; and inspector trips (2 per day maximum). These trips would take place Monday through Saturday between 7 a.m. and 5 p.m.

7.4.4 Water Use

Water is supplied by water tanks the on-site detention pond. Water to protect the buildings on-site from fire is provided by a 6,000-gallon water tank located near the maintenance building. Water can be pumped from the pond to the water tanks using an electric pump connected to a subpanel. The water tank for fire protection is full because the water is preserved only for fire protection. Overflow from the fire water tank fills a 5,000-gallon tank (also located near the maintenance building), which provides filtered, nonpotable water to caretaker house. Potable water is provided by bottled water.

Water in the on-site detention pond would be used to control dust, augment compaction, and irrigate new vegetation. The detention pond holds approximately 1,000,000 gallons of water when it is 3 feet deep. The pond varies in depth up to 6 feet deep. Approximately 7,500 gallons per work day would be needed to implement the project. If the on-site detention pond cannot meet demand, additional water tanks will be brought on-site and filled as necessary.

7.4.5 Utilities and Services

The following utilities are on- site:

- **Power:** PG&E provides line power to the caretaker's residence and maintenance building.
- **Water:** Water is supplied by water tanks and a detention pond.
- **Sewage:** Not available. Portable facilities are used as necessary.

Reclamation activities would not affect public utilities facilities or service systems. No additional extensions of public utilities or alterations to existing utility service would be necessary to carry out reclamation activities identified in this plan.

7.4.6 Stormwater Management

Best management practices (BMPs) would include good housekeeping, preventative maintenance, spill prevention and response, stormwater management practices, employee training, inspections, and monitoring. A storm water pollution prevention plan (SWPPP) under the General Permit for Storm Water Discharges Associated with Construction Activity (a construction SWPPP) would be prepared before reclamation activities begin. Preliminary erosion control and stormwater management measures are provided in Appendix D, "Reclamation Grading Plans," and Appendix E, "30% Basis of Design Report," of the proposed reclamation plan. If fertilizers are determined necessary for revegetation purposes, the manufacturers' directions for their use, storage, and disposal would be followed to ensure their safe use.

The site design and actions to control drainage, siltation, and erosion would be effective in protecting downstream beneficial uses of surface water in accordance with the Porter-Cologne Water Quality Control Act, Water Code § 13000, et seq., and the federal Clean Water Act, 33 U.S. Code § 1251, et seq.

7.4.7 Hazardous Materials

Water quality protection measures would be described in the SWPPP and hazardous materials business plan (HMBP). The SWPPP would describe stormwater drainage facilities, identify possible water pollution sources that could affect the quality of stormwater discharged from the facility, and document BMPs to minimize or prevent discharge of pollutants that may be in stormwater. The HMBP would contain detailed information on the:

- inventory of hazardous materials at a facility;
- emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material;
- training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material; and
- a site map that shows loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment.

Materials present at the facility that may contribute pollutants to stormwater runoff include rock, gravel, sand, silt, clay, petroleum products (fuel, oil, grease), antifreeze, batteries, waste oil, and new and/or spent solvents.

PART 2:
ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural/Forestry Resources	☐ Air Quality
☒ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☐	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☒	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required and a SUBSEQUENT MITIGATED NEGATIVE DECLARATION to the 1996 MITIGATED NEGATIVE DECLARATION will be prepared.

Signature *Date*

NOTE: *The following checklist tables provide the results of the current rather than the 1996 analysis.*

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views (i.e., from a publically accessible vantage point) of the site and its surroundings? In urbanized areas, would the project conflict with applicable zoning or other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, aesthetic impacts were determined to be less than significant regarding the project's effects on the character of the surrounding area and less than significant with mitigation regarding the project's impacts on areas of scenic value and related to lighting and glare. The 1996 project includes quarry operations (from 7 a.m. to 5 p.m., Monday through Saturday, excluding specified holidays) and reclamation activities.

The approved project includes the following COAs relevant to mitigation of aesthetic impacts:

24. Permittee shall conduct quarry operations from 7:00AM to 5:00 PM, Monday through Saturday. No quarry operations shall be conducted on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.
56. Permittee shall plant native trees and shrubs in adjacent groups along the western edge of Site 2 from 325 foot elevation to the 500-foot elevation to the extent possible on the present slope. Vegetation shall include coast live oaks and an acceptable species of pine, such as digger pine or Bishop pine. Permittee shall also plant groupings of trees and shrubs in a similar way along the south side of the larger of the two existing sedimentation ponds, near the outfall end of the pond and extending at least from 100 feet west of the outfall end of the pond to 100 feet east of the outfall end of the pond. The plant list shall include coast live oaks, valley oaks and one or both pine species. These tree groupings shall be planted within the first year after approval of SMP-34, and shall be tended to meet the growth criteria specified above in Condition No. 48. Monitoring shall include submittal of the vegetation plan for review and approval by the Planning Director, with referral for recommendation by the Sunol Citizens' Advisory Committee (SCAC), at least one year prior to the renewal of mining on Site 2; certification by the Planning Director that the required landscaping has been installed at appropriate times; and annual monitoring of success rates and maintenance for the landscaping by Permittee's consultant and County Planning staff, with progress to be discussed in required annual reports. The vegetation plan for this area may be submitted simultaneously with the vegetation and landscaping revisions required above in Condition 48.
57. Permittee shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of security concern, and that the lighting is directed toward the area; under no circumstances shall areas beyond the site boundaries be directly illuminated, nor shall general lighting radiate above the horizontal, but shall be shielded to illuminate only the area of concern. Any lighting placed on areas nonessential for security or active operations shall be placed on a motion detector circuit so illumination only occurs as necessary. Any lighting for operations in the pits shall be placed as low into the pits as possible. Monitoring shall include occasional inspection of night time conditions by County Staff to

ensure that lighting is directed toward the area of concern and that areas beyond the site boundaries are not directly illuminated; and immediate response to complaints about excessive night lighting.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

Unlike the 1996 project, the proposed project would not include quarry operations. Reclamation activities would on the same schedule as under the 1996 project (from 7 a.m. to 5 p.m., Monday through Saturday, excluding specified holidays). Aesthetically, the activities and equipment proposed for reclamation would be similar to the 1996 project and would be located similarly on the project site. COA 56, which requires planting of native plants to block views of the site from SR 84, has been implemented, and vegetation near the road and at the border of the project property, above the railway and railyard, now prevents views of the site, on the basis of an evaluation on September 11, 2019, of Google Earth street views along SR 84. COA 57, which provides measures to reduce impacts from nighttime lighting to less-than-significant levels, would be implemented. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

The nearby residences have been in place since at least 1993 (Google Earth 1993). No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional aesthetics analysis is required because the proposed project would not result in a new significant aesthetics impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

I. AGRICULTURAL 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:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
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))?	☐	☐	☒	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☒	☐
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?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, agricultural impacts were determined to be less than significant. The 1996 project was designed to reclaim the mined site to open space and extensive and limited intensive agriculture.

The approved project includes the following COAs relevant to mitigation of impacts to agricultural resources:

11. Permittee shall contribute a total of $4,000 to a study and plan for agricultural preservation and enhancement in the Sunol Valley area. The funds shall be deposited in two equal semi-annual installments from the date the permit is granted, unless another payment schedule is worked out with the Planning Director.
16. The end use of the site upon complete reclamation is hereby assumed to be for open space and extensive and limited intensive agriculture. Uses permitted shall be compatible with water management and quality.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The anticipated second land use of the site after reclamation actions are completed is agriculture on the upper and lower pads and open space within the riparian corridor of the restored stream channel, which is consistent with the uses under the 1996 project. Further, COA 11 (financial contribution toward agricultural preservation and enhancement in the Sunol Valley area) has been completed and COA 16 (open space and agricultural end use) would be implemented under the proposed project. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact. The surrounding area consists of lands zoned Large Parcel Agriculture, Parklands, and Water Management in the County's *East County Area Plan* (Alameda County 2002). These land uses are not changed circumstances that would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional agricultural analysis is required because the proposed project would not result in a new significant agricultural impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with, or obstruct implementation of, the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, air quality impacts were determined to be less than significant with implementation of mitigation. The 1996 project was proposed to generate up to 64 vehicle trips per day on SR 84 and included the on-site operation of mobile equipment related to the excavation, grading, and transportation of materials on-site; the processing of mined materials; the backfill of slopes, and revegetation activities.

The approved project includes the following COAs relevant to mitigation of air quality impacts:

32. All surface mining and processing operations emitting smoke, vapors, dust and other airborne contaminants shall be provided with all necessary control measures and devices as required by the Alameda County Health Care Services Agency and the Bay Area Air Quality Management District to prevent the occurrence of nuisance and undue pollution of the air. This shall include, at minimum, maintaining internal combustion engines in good condition to minimize exhaust emissions; watering of unpaved travel routes and operating areas at least twice daily using a water truck or equivalent; using water sprays on equipment for crushing or processing of the mineral/concrete resources; using, as required, dust palliative materials (nominally Dustrol polyetber or other approved chemical) either in the water sprays or directly on disturbed soils, according to directions. All quarried materials, stockpiles, materials conveyed on-premises, and materials processed shall be handled and treated so that visible airborne dust is contained to Permittee's site.
60. The driver of a weighed vehicle, loaded beyond current State of California maximum legal weights, shall be notified and requested to reduce the load to the legal limit. If loaded materials are subject to dust generation, drivers shall be requested to moisten loads at facilities to be conveniently located and maintained on site; otherwise, loads shall be watered or covered in accordance with applicable sections of the California Vehicle and Highway Codes. All loaded vehicles shall be required to pass over a material shakedown area with berm, bumper or ditches provided. Loading areas shall be paved, oiled or watered to maintain a dust-free condition. Monitoring for this measure shall be conducted by Permittee on a daily basis, with compliance verified by Public Works staff during periodic inspections.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would not exceed the approved number of vehicle trips on SR 84. The activities and equipment used would be similar to the equipment that was evaluated in the 1996 MND, except that the proposed project would not include processing mined materials, which would reduce emissions compared to the 1996 project. In addition, the equipment used today is more efficient and produces fewer emissions than the equipment proposed to be used as part of the 1996 project. Further, providing a location for the beneficial reuse of excess soil will incidentally address a regional need for disposal sites and reduce vehicle miles traveled, air pollutants, and greenhouse gas (GHG) emissions on a regional scale. The COAs 32 and 60, which require adherence to applicable regulatory requirements and implementation of measures to control fugitive dust, would also be implemented, thereby ensuring compliance with applicable regulatory requirements. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact. The surrounding area consists of lands zoned Large Parcel Agriculture, Parklands, and Water Management in the County's *East County Area Plan* (Alameda County 2002). These land uses are not changed circumstances that would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional air quality analysis is required because the proposed project would not result in a new significant air quality impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of a native wildlife nursery site?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, biological impacts were determined to be less than significant with mitigation or less than significant. The 1996 project included disturbing and reclaiming the same surface areas as the proposed project, except for the proposed stream restoration activities, which are required because of the Permittee's failure to comply with COA 47, as described in the project description. The approved project includes the following COAs relevant to mitigation of biological resources impacts:

47. Permittee shall avoid the seasonal stream beds on the eastern margins of Sites 1 and 2 by a nominal minimum of 100 feet and an absolute minimum of 50 feet, except where the stream currently flows through a disturbed area for approximately 300 feet along the southeastern edge of Site 1; for that area excavated within 50 feet and 100 feet of the stream bed, replant Valley Oaks and associated species (big-leaf maple, western sycamore, elderberry, and buckeye) to replace the woodland lost to excavation where appropriate, or use interior live oaks and coast live oaks where drier conditions prevail, to replace the woodland lost acre for acre. For Site 2 where the stream would be completely excavated, Permittee shall restore the stream to its approximate path at the completion of excavation, with adequate soils and appropriate plantings to allow habitat restoration; in this stream bed, a pond of at least 0.33 acre (14,520 square feet) shall be established to replace ponds lost during excavation, and shall plant the shore of the pond with riparian species as specified above. Permittee shall use interior live oak trees or other appropriate native species as landscaping trees and for visual attenuation of the quarry where necessary, especially along the

southeast edge of Site 1. Permittee shall ensure that the selected tree/bush palette would be suitable for the climate and soil conditions in each location, and that once planted, will achieve a survival rate of at least 75 percent after five years, including the period following final reclamation. If the success/survival rate after five years is less than 75 percent for any segment of the plant population, Permittee shall do one of the following:

1. Restore the population back to 100 percent and take steps to ensure survival of the plant type; or
2. Replace the lost population with an alternative species more likely to succeed and that is acceptable to the Planning Director.

Containerized plants shall be planted on a schedule to avoid summer temperatures, as early as possible after November 1 of the year. The landscaping shall be maintained in satisfactory condition through the close of reclamation. Monitoring shall include submittal of the revised landscape plan for review and approval by the Planning Director prior to the November 1, 1996, but no later than four months following the renewal of mining (the Planning Director shall refer the plan for review and recommendation to the Sunol Citizens' Advisory Committee (SCAC) prior to approval); certification by the Planning Director that the required landscaping has been installed at appropriate times; and annual monitoring of success rates and maintenance for the landscaping by Permittee's consultant and County Planning staff, with progress to be discussed in required annual reports.

48. Permittee shall retain an independent consultant to conduct a survey according to applicable Department of Fish and Game protocol for the fragrant fritillary plant and the Diablo helianthella plant in February or March during the winter prior to start of Site 2 excavation to determine whether the plants reside on site. If no fragrant fritillary or Diablo helianthella is found, nothing further need be done. If either plant is found, the consultant shall recommend a method to relocate the population to another suitable location on Permittee's property. The relocation program may involve simple transfer of the fritillary or helianthella populations, or recreation of the habitat if none suitable is found on site. The consultant or another appropriate person shall implement the program prior to commencement of excavation, and monitor and maintain the population during subsequent mining and reclamation until it is firmly established in its new location. The program shall be considered successful when the population becomes stable at no less than the 90 percent survival level for at least five years; after this rate is achieved, simple annual monitoring through final reclamation shall be performed by the Permittee’s consultant, with reporting to the Planning Director and inspection by County staff.

49. Permittee shall retain a qualified biological consultant to perform a dip net survey according to appropriate Department of Fish and Game protocol during the late winter/early spring prior to excavation of the ponds in Sites 1 and 2 to determine whether the California tiger salamander and/or the California red-legged frog are present at the time. Since Site 2 would not be quarried for some time following the start of Site 1 excavation, the ponds in the area near Site 2 would not need to be surveyed until approximately one year before quarry activity is expected to begin.

    Survey results shall be submitted to the California Department of Fish and Game, at the Yountville office. If these species are not found, nothing else need be done. If one or both are found, substitute ponds shall be prepared well outside the mining footprint, prior to commencement of mining in the inhabited area, possibly on gentle slopes or in nearby drainages on the property. Permittee’s biological consultant shall prepare a plan, with Department of Fish and Game assistance and approval, for creation of the pond in an appropriate on-site area not otherwise biologically sensitive; the ponds shall be created according to the plan. The consultant shall prepare, implement and monitor a plan for reproduction of the species in the new ponds, which shall be encouraged and monitored for a minimum 5-year period. The standard of success shall be successful breeding of either or both species for at least four of the five years. After the population is established, the new pond area shall be well-marked in the field and left undisturbed.

50. Permittee’s consultant may conduct a survey for the Alameda whipsnake according to appropriate Department of Fish and Game protocol prior to disturbance of scrub habitat on site to determine whether it is present, and if so, mitigate for habitat loss. If no whipsnakes are found, no further mitigation will be required. If snakes are found, mitigation shall be performed as described below. If performed, the survey shall be submitted promptly to the Planning Director and Department of Fish and Game for review. If Permittee elects not to perform a survey, then Permittee shall provide mitigation for lost habitat. Habitat replacement shall consist of reestablishing the appropriate habitat on the reclaimed quarry walls, including slopes greater than 2:1. Specific Coastal Scrub shrub and grass species, consisting of California sagebrush,

coyote brush, sticky monkey flower, chamise, and silver-leaved bush lupine, shall be planted carefully as finish vegetation on an area between 0.1 and 1 acre, or as required to satisfy Department of Fish and Game requirements for habitat replacement. Planted shrubs shall be on 2-foot centers, and shall be watered and fertilized. The plantings shall be monitored for 5 years for survival and success statistics, including growth to heights of at least two feet, minimum 80 percent survival and ten percent crown die-back for each species. The work shall be performed under the supervision of a qualified biologist. Monitoring shall consist of reports, prepared by the biologist, on the planting and progress of plant establishment, submitted to the Planning Director upon planting and then annually through the monitoring period. Reported information shall be confirmed during annual inspections by Public Works staff.

51. Permittee shall prohibit all but emergency access to the area north of the quarry (up slope). Permittee shall minimize quarry activity during the golden eagles' breeding season (February through June), to the extent that reasonable operations are not impaired. This measure shall be monitored by the Permittee.
52. Permittee shall contact the California Department of Fish and Game and Army Corps of Engineers for consultation and acquisition of necessary permits (Streambed Alteration Agreement and or Clean Water Act Permit) prior to excavation or other disturbance in stream channels.
53. Permittee shall, upon creation of any feature for the purpose of biological mitigation, place a permanent easement over the feature, or implement another method as approved by the Planning Director for preservation of the feature. In any case, an adequate buffer zone shall be included to protect the feature from inadvertent disturbance during the life of the quarry.
54. For the creation and monitoring of any feature designed for the purpose of biological mitigation, the Permittee's qualified consultant shall include in his/her monitoring plan a set of standards for extent of cover, plant density and species richness, according to the requirements of California Code of Regulations, CCR Section 3705.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project area has been disturbed by mining activities and the proposed project involves disturbance of soil beyond that already disturbed in the stream restoration portion of the project area. The proposed project includes activities similar to those analyzed under the 1996 project (grading and backfill, stream restoration, revegetation). However, because the proposed project will involve restoration of the on-site stream, the analysis provided below describes potential impacts and associated mitigation measures of the stream restoration component of the proposed project. The required biological surveys must be completed and the required permits must be acquired per all regulatory requirements. In addition, to the extent COAs 47 through 54 are not superseded by the mitigation measures described below, the project would complete implementation of COAs 47 through 54 as necessary in relation to the site's current condition (i.e., no further mining planned).

Changed Circumstances

Additional listing of special-status species may result in changed circumstances that could create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted. However, the analysis provided below includes an analysis of how the proposed project would affect biological resources currently on the site and provides mitigation measures to ensure that impacts would be less than significant.

Analysis Required

Additional biological analysis is required because the proposed project may result in a new significant biological impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project and/or substantial changes with respect to project circumstances, or

new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted. The analysis provided below includes an analysis of how the proposed project would affect biological resources currently on the site.

Responses

a) Less-than-significant impact with mitigation. Reclamation activities—including earthwork/grading, vegetation removal, stream restoration, clean up, soil preparation, seeding, and tree planting—have the potential to affect special-status plant or wildlife species, either directly during construction or indirectly through habitat modifications.

As described in the botanical survey (Stillwater Sciences 2019a), no special-status plant species were documented during the 2019 botanical surveys; thus, no impacts to special-status plant species are expected. However, special-status plants could become established in the project area if construction is delayed for more than 5 years after the 2019 botanical surveys (Stillwater Sciences 2019a). In this case, special-status plants may be damaged or destroyed by ground disturbance associated with temporary construction activities in construction work areas, including staging areas and temporary access routes. Special-status plants may also be indirectly affected by soil compaction and the spread of nonnative invasive species from project vehicle and equipment travel and staging. With implementation of Mitigation Measure **BOT-1** described below (preconstruction survey[s] in areas that would be affected by construction, during the appropriate phenological period), project activities would have less-than-significant impacts on special-status plants. However, if project activities are implemented within the next 5 years, Mitigation Measure **BOT-1** would not be required to be implemented.

The following special-status wildlife species occur or may occur in the project area and have the potential to be affected by the proposed project:

- California red-legged frog *(Rana draytonii)* (federally threatened, state species of special concern);
- California tiger salamander (*Ambystoma californiense*) (federally and state threatened);
- Alameda whipsnake *(Coluber lateralis euryxanthus)* (federally and state threatened);
- western pond turtle *(Actinemys marmorata)* (state species of special concern);
- white-tailed kite *(Elanus leucurus)* (state fully protected);
- other migratory nesting birds; and
- San Francisco dusky-footed woodrat *(Neotoma fuscipes annectens)* (state species of special concern).

Proposed project activities would not likely affect special-status bats (i.e., Townsend's big-eared bat and pallid bat) or American badger, each identified in the habitat assessment as having moderate potential to occur (Stillwater Sciences 2018a); habitats for these species (mature tree hollows/rocky outcrops and grassland with friable soils, respectively) are not expected to be removed or otherwise directly or indirectly affected. These species are not discussed further.

While the proposed project is expected to provide overall long-term benefits to special-status wildlife species by restoring aquatic and upland habitats, temporary or permanent adverse impacts may occur. The following subsections describe potential temporary or permanent direct and indirect effects to the above-mentioned special-status wildlife species and designated critical habitat which may result from proposed Project activities. The basin locations references in the following subsections are shown in Figure 6.

California Red-Legged Frog

California red-legged frogs were found in the assessment area (in Basins 4 and 5) during a habitat assessment in 2018, and several other basins provide suitable breeding habitat (Stillwater Sciences 2018a). Project activities have the potential to directly or indirectly affect California red-legged frog.

Construction work within the project area, access roads, and staging areas can result in direct mortality to, injury to, or harassment of California red-legged frog, including entrapment. Mortality or injury to California red-legged frogs can occur from being crushed by earth-moving equipment and foot traffic, or entrainment during dewatering activities. Work activities, including vibration, dust, noise, and contaminants, may cause

individuals to leave the work site and surrounding areas. This disturbance and displacement may increase the potential for predation desiccation, competition for food and shelter, or strike by vehicles on roadways. Measures to avoid or minimize direct impacts are described in the general and species-specific "Mitigation Measures" section below, and include working during the dry season to avoid the time when individuals are most active, preconstruction surveys and construction monitoring by a qualified biologist, measures to prevent the accidental entrapment of individuals, a relocation plan (if needed), and screening intakes with appropriately sized wire mesh.

Overall, an indirect net benefit would result for California red-legged frog from pond creation, restoration, and thus habitat improvement. Currently, Basin 2 does not provide the appropriate hydroperiod in most years for California red-legged frog breeding, and cover is limited (Stillwater Sciences 2018a). As part of the restoration design, Basin 2 would be relocated and increased to an estimated 350 square feet greater in surface area to provide for conditions that allow for improved hydrologic function. Some basins (e.g., Basins 3 and 5) would be deepened to also improve hydrologic function. Extending the hydroperiod in some basins in most years would allow time for successful California red-legged frog metamorphosis. In Basin 1, thinning cattails would increase habitat suitability by providing additional open water for frog movement and breeding. Ponds are designed to dry in late summer during most years to manage against bullfrogs; bullfrogs need permanent water to breed successfully because tadpoles typically overwinter. Basin 7 is likely providing a source population of bullfrogs; dewatering Basin 7 in late summer during construction activities would support reduction or eradication of bullfrog tadpoles to help reduce the size of the source population.

A net long-term improvement to California red-legged frog habitat would result from implementation of the project, including no net conversion of ponded habitats to streams or uplands. However, aquatic habitat for California red-legged frog would be lost temporarily during pond restoration activities. In-kind replacement of improved aquatic habitat would mitigate these impacts after restoration is complete, and no additional mitigation measures are proposed.

Bullfrogs were also documented co-occurring with California red-legged frogs in the project area (Stillwater Sciences 2018a). The presence of breeding bullfrogs in the project area creates an inhospitable environment for California red-legged frogs to survive and reproduce. Mitigation measures provided below include monitoring the population of California red-legged frogs after construction is complete to monitor the success of habitat restoration. A bullfrog management plan may be considered by the resource agencies as part of a monitoring plan to support the success of restoration.

Incorporation of the general and species-specific mitigation measures below would reduce potentially significant effects on California red-legged frog to less than significant.

California Tiger Salamander

While habitat for California tiger salamander is suboptimal and the potential is low for it to occur in the project area (Stillwater Sciences 2018a), it is included in this analysis because of its federal and state listing status as threatened and interest for involved agencies. In the project area, habitat suitability for California tiger salamander is low because of marginally suitable terrestrial and aquatic habitat. Both suitable terrestrial and aquatic habitats must coexist to support this species, and salamanders are often absent from areas that appear suitable other than their lack of burrows. Terrestrial uplands had hard and compacted substrates, potentially a result of previous mining activities, and generally lacked suitable burrows (Stillwater Sciences 2018a). Basins 1, 4, and 5 may provide adequate water for successful breeding in most years, and Basins 2 and 3 may provide sufficient water in wet years for successful metamorphosis. However, many of the basins in the project area do not provide the appropriate hydroperiod in most years for successful California tiger salamander metamorphosis (e.g., dried too early for larvae to metamorphose into adults), or are permanent and support invasive bullfrogs. Breeding is very uncommon in ponds and pools where these nonnative predators are present.

Despite the low potential for the species to be present, the species is listed as threatened under federal and state endangered species acts, and there must be certainty that project activities that affect uplands or ponds would cause no impacts to this species, or that impacts are appropriately mitigated. Surveying for California tiger salamanders in suitable aquatic habitats both pre- and postconstruction, incorporated into mitigation measures

for the species below, would provide more information about potential for breeding and baseline data for future monitoring.

Construction work within the project area, access roads, and staging areas can result in direct mortality to, injury to, or harassment of California tiger salamanders, including entrapment. Mortality or injury to California tiger salamander can occur from being crushed by earth-moving equipment and foot traffic, or entrainment during dewatering activities. Individuals in burrows may be killed or injured by grading or filling activities. Work activities, including vibration, dust, noise, and contaminants, may cause individuals to leave the work site and surrounding areas. This disturbance and displacement may increase the potential for predation desiccation, competition for food and shelter, or strike by vehicles on roadways. Measures to avoid or minimize direct impacts are described in the "Mitigation Measures" section below, and include working during the dry season to avoid the time when individuals are most active, preconstruction surveys and construction monitoring by a qualified biologist, measures to prevent the accidental entrapment of individuals, a relocation plan (if needed), and screening intakes with appropriately sized wire mesh.

Potential California tiger salamander upland habitat would be lost temporarily during grading and filling activities and because of temporary access roads and staging areas. Both temporary and permanent impacts to potential habitat would be mitigated to reduce potential impacts to less than significant. (See the species-specific mitigation measures described below.)

Alameda Whipsnake

The entire project area is within critical habitat for Alameda whipsnake. The highest quality whipsnake habitat is the approximately 4.5 acres of chaparral located in the steep canyons north of Basin 1 in addition to an approximately 500-foot radius of this habitat. This area is where individuals may most likely spend time finding shelter, breeding, hibernating, and foraging. In addition, Alameda whipsnakes may use the annual grasslands and other habitats throughout the assessment area for dispersal and movement for shorter periods of time. Suitable core habitat for Alameda whipsnake occurs in the chaparral habitats upslope from Basin 1 and the upper pad quarry area. Ruderal grassland habitats in this area may be used for Alameda whipsnake movement and dispersal. Terrestrial habitats impacted by the project should be replaced with equivalent or improved snake habitat. Project activities have the potential to directly or indirectly affect Alameda whipsnakes.

The proposed project may result in direct effects on individual Alameda whipsnakes that may enter the project area during construction activities. Potential direct effects include disruption of behavior and movement caused by noise, visual disturbance, vibration from equipment, or general presence of humans. Direct effects may also include injury or mortality of individual snakes resulting from construction vehicles or equipment crushing snakes that may traverse the area during construction, particularly in the upper quarry pad area. Potential for injury or mortality is low because Alameda whipsnakes, sensitive to human activities, typically flee to avoid people and the size of the project footprint is fairly limited. Measures to avoid or minimize direct impacts to Alameda whipsnake are described in the general and species-specific "Mitigation Measures" section below, and include working during the snake's active season, when whipsnakes have a greater capacity to flee from harm than during the winter dormancy period; preconstruction surveys and construction monitoring by a qualified biologist; and measures to prevent the accidental entrapment of individuals.

Potential indirect, short-term effects on Alameda whipsnake may occur through minor modifications in habitat during grading and filling activities and from temporary access roads and staging areas. Indirect impacts to whipsnake dispersal/movement habitat include filling the flat, ruderal upland areas. Both temporary and permanent impacts to suitable habitat would be mitigated to reduce potential impacts to less than significant, included in the species-specific mitigation measures described below.

Designated critical habitat for Alameda whipsnake would not be adversely modified to diminish the value of critical habitat for the survival and recovery of the species. Given that necessary habitat elements and migratory corridors for Alameda whipsnake are available throughout project area, it is unlikely that the project would have any effect on critical habitat for this species. Effects from construction would be short-term and localized. Any potential for impacts to Alameda whipsnake would be reduced to less than significant with implementation of the mitigation measures provided.

Western Pond Turtle

Basins that provide a permanent source of water and opportunities for basking (i.e., exposure to sunlight) are suitable aquatic habitat for western pond turtle. Potential upland nesting habitat exists in the project area, though compacted soils in much of the project area reduce suitability for nesting. Construction activities have the potential to have a direct impact to western pond turtles if construction activities (such as earth moving) were to result in direct mortality of individuals residing in aquatic habitat, nesting in upland habitat, or moving between aquatic and upland habitats. Measures to avoid or minimize direct impacts are described in the "Mitigation Measures" section below, including preconstruction surveys and construction monitoring by a qualified biologist and measures to prevent the accidental entrapment of individuals.

Overall, an indirect net benefit to western pond turtle would occur from pond creation, restoration, and thus habitat improvement. Any potential for direct impacts to western pond turtle would be reduced to less than significant with implementation of the mitigation measures provided.

Nesting Birds (Including White-Tailed Kite)

Migratory birds or raptors, including white-tailed kite, could establish nests in the assessment area, primarily large trees or shrubs associated with the oak woodland, riparian forest, and ornamental trees. Birds may also nest in grasslands, coyote brush, or chaparral. The nesting season for migratory birds is generally February 1 through August 15.

The project may result in impacts to nesting birds and raptors (including migratory birds and white-tailed kite) if disturbance occurs near active nest sites during the breeding season. Direct impacts may include the destruction or removal of active nests during vegetation removal or trimming activities; for example, trees and/or shrubs may need to be removed during geotechnical work. Direct impacts may also include nest abandonment or premature fledging resulting from construction-related noise and vibration (e.g., from heavy equipment, vehicles, generators, and human presence). Migratory birds, their occupied nests, and their eggs are protected by California Fish and Game Code Sections 3503, 3513, and 3800, and includes listed and nonlisted migratory birds. Fish and Game Code Section 3503.5 prohibits the incidental take of unlisted raptors or the destruction of their nests or eggs.

Measures to avoid or minimize impacts on nesting birds are described in the "Mitigation Measures" section below. These measures include a preconstruction nest survey for work conducted between February 1 and August 15 and establishment of appropriately sized construction buffer zones if nests are found.

San Francisco dusky-footed woodrat

San Francisco dusky-footed woodrats likely occur in the oak woodland, oak riparian forest, or riparian scrub habitats in the assessment area (Figure 13, "Habitat Types and Sensitive Natural Communities Documented On-Site"). Dusky-footed woodrats have a complex social structure, which can make them particularly vulnerable to disturbance. They build large lodges up to 8 feet high and 8 feet in diameter, often on the ground against a tree or shrub, but sometimes in a tree up to 50 feet high (Whitaker 1996). Project activities could have an impact to San Francisco dusky-footed woodrat if ground disturbance or vegetation removal needs to occur where a lodge/nest has been established.

With the continued implementation of the conditions of approval provided above (which are not superseded by newly adopted biological resources mitigation measures provided below) and with the incorporation of general and species-specific mitigation measures below (many of which have been adapted from the *Programmatic Biological Opinion for the East Alameda County Conservation Strategy* [Moore 2012]), impacts to special-status wildlife species would be reduced to less than significant.

Mitigation Measures

General Measures

GEN-1. A qualified, agency-approved biological monitor shall be on-site during all construction activities in or adjacent to habitat for listed species. The biological monitor(s) shall be given the authority to stop any work that may result in the take of listed species. The biological monitor shall be the contact for any employee or

contractor who might inadvertently kill or injure a listed species or anyone who finds a dead, injured or entrapped individual.

GEN-2. Prior to construction, a construction employee education program shall be conducted in reference to potential special-status species on site. At minimum, the program shall consist of a brief presentation by persons knowledgeable in endangered species biology and legislative protection to explain concerns to contractors, their employees, and agency personnel involved in the project. The program shall include a description of the species and their habitat needs; any reports of occurrences in the project area; an explanation of the status of each listed species and their federal and state protections; and a list of measures being taken to reduce effects to the species during construction and implementation. Fact sheets conveying this information and an educational brochure containing color photographs of all listed species in the work area(s) shall be prepared for distribution to the above-mentioned people and anyone else who may enter the project area. A list of employees who attend the training sessions shall be maintained by the applicant to be made available for review upon request. Contractor training shall be incorporated into construction contracts and shall be a component of weekly project meetings.

GEN-3. Preconstruction surveys for special-status wildlife species shall be performed immediately before groundbreaking activities begin. Surveys shall be conducted by agency-approved biologists. If at any point, construction activities cease for more than 5 consecutive days, additional preconstruction surveys shall be conducted before these actions resume.

GEN-4. To prevent the accidental entrapment of listed species during construction, all excavated holes or trenches deeper than 6 inches shall be covered at the end of each workday with plywood or similar materials. Foundation trenches or larger excavations that cannot easily be covered shall be ramped at the end of the workday to allow trapped animals an escape method. Before filling such holes, these areas shall be thoroughly inspected for listed species by the qualified biologist(s). If a trapped animal is observed, construction shall stop until the individual has been relocated to an appropriate location.

GEN-5. All trash and debris within the work area shall be placed in containers with secure lids before the end of each workday to reduce the likelihood of predators being attracted to the site by discarded food rappers and other rubbish that may be left on-site. Containers shall be emptied as necessary to prevent trash overflow onto the site and all rubbish shall be disposed of at an appropriate off-site location.

GEN-6. All construction activities must cease one-half hour before sunset and should not begin prior to one-half hour after sunrise. There shall be no nighttime construction.

GEN-7. Grading and construction shall be limited to the dry season, May–October. This work window also coincides with the active season for the Alameda whipsnake (between March 30 and November 1); during this time, whipsnakes have a greater capacity to flee from harm than during the winter dormancy period.

GEN-8.. A storm water pollution prevention plan shall be prepared and implemented at the site that includes best management practices that shall minimize erosion and impacts to water quality and effects to aquatic habitat

GEN-9. The spread or introduction of invasive exotic plant species shall be avoided to the maximum extent possible. Per the project's revegetation plan (Stillwater Sciences 2018b), invasive exotic plants in the project areas shall be removed before construction begins and managed during postimplementation maintenance and monitoring.

GEN-10. Project sites shall be revegetated with an appropriate assemblage of native riparian wetland and upland vegetation suitable for the area per the project's revegetation plan (Stillwater Sciences 2018b). A species list and restoration and monitoring plan shall be included with the project proposal for review and approval by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. The plan includes the location of the restoration, species to be used, restoration techniques, time of year the work shall be done, identifiable success criteria for completion, and remedial actions if the success criteria are not achieved.

GEN-11. If a work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than 5 millimeters to prevent California red-legged frogs or California tiger salamanders from entering the pump system.

GEN-12. Plastic monofilament netting (erosion control matting) or similar material containing netting shall not be used for erosion control or any other purposes because wildlife, including listed species, may become entangled or trapped in it. Acceptable substitutes include, but are not limited to, coconut fiber (coir) matting and tackified hydroseeding compounds.

Special-Status Plants

BOT-1. If construction occurs after July 2024 (i.e., more than 5 years after the 2019 botanical surveys [Stillwater Sciences 2019a]), a qualified biologist shall conduct preconstruction survey(s) in areas that shall be affected by construction, during the appropriate phenological period. If any special-status plant species is encountered during the preconstruction survey(s), the designated biologist shall be contacted immediately and the occurrences shall be reported to the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service, as appropriate. If any special-status plant species are found nearby but outside the construction work area, they shall not be disturbed.

California Red-Legged Frog

WILD-1. Project activities within 200 feet of aquatic features should be conducted during late summer (e.g., August through October) and only when aquatic features are dry, if feasible, to avoid disturbing the California red-legged frog's most sensitive life stages (i.e., larvae and/or egg masses).

WILD-2. A California red-legged frog relocation plan shall be developed in coordination with and approval by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service before project implementation. The plan shall include handling and translocation methods, translocation sites, and posttranslocation monitoring, if applicable.

WILD-3. A qualified biologist shall survey the work site immediately prior to construction activities. If California red-legged frogs, tadpoles, or eggs are found, it/they shall not be disturbed if not in danger. If the animal is in danger, the qualified biologist shall contact the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service (USFWS) to determine if moving any of these life-stages is appropriate. If the USFWS approves moving California red-legged frogs, the biologist shall be allowed sufficient time to move individuals from the work site in accordance with the California red-legged frog relocation plan (see **WILD-2**). Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.

WILD-4. A California red-legged frog monitoring plan shall be developed in coordination with and the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service (USFWS) before project implementation. The plan shall include baseline presence surveys for California red-legged frog to provide information on which basins are being used for reproduction, as well as methods and timing for monitoring after pond restoration activities are complete, to monitor the success of habitat restoration. Methods may include USFWS protocol-level visual encounter surveys (USFWS 2005) both before and after construction. Bullfrog management and monitoring may be incorporated as part of the monitoring plan.

California Tiger Salamander

WILD-5. Project activities within 200 feet of aquatic features should be conducted during late summer (e.g., August through October) and, if feasible, when aquatic features are dry to avoid disturbing the California tiger salamander's aquatic life stages (i.e., larvae and/or egg masses).

WILD-6. A California tiger salamander relocation plan shall be developed in coordination with and approval by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service before project implementation. The plan shall include handling and translocation methods, translocation sites, and posttranslocation monitoring, if applicable.

WILD-7. A qualified biologist shall survey the work site immediately prior to construction activities. If California tiger salamanders, larvae, or eggs are found, it/they shall not be disturbed if not in danger. If the animal is in danger, the qualified biologist shall contact the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service (USFWS) to determine if moving any of these life-stages is appropriate. If the USFWS approves moving California tiger salamanders, the biologist shall be allowed sufficient time to move individuals from the work site in accordance with the California tiger salamander relocation plan (see **WILD-6**). Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of California tiger salamanders.

WILD-8. A California tiger salamander monitoring plan shall be developed in coordination with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service before project implementation. The plan shall include baseline dip-netting and/or drift-fence trapping surveys for California tiger salamander to provide information on which basins may be used for reproduction, as well as methods and timing for monitoring after pond restoration activities are complete, to monitor the success of habitat restoration.

Alameda Whipsnake

WILD-9. Prior to construction, construction areas shall be clearly delineated with 4-foot-tall bright orange fencing (with a mesh size of greater than 1.5 by 1.5 inch), installed with input from a qualified biological monitor. Fencing shall allow for adequate access for construction operations. The area outside of the fencing shall be avoided by all construction personnel and equipment.

WILD-10. Where possible and with input from a qualified biological monitor, silt exclusion fencing shall be installed around the construction boundary to reduce movement of Alameda whipsnakes into the construction area.

WILD-11. Compensation for the temporary loss of Alameda whipsnake dispersal habitat during construction shall occur at a ratio of at least 1:1 at a mitigation bank approved by the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS), or through land acquisition, management, or protection. Final compensation mitigation ratios shall be based on site-specific information and finalized through discussions with CDFW and USFWS as part of the permitting processes for the project.

Western Pond Turtle

WILD-12. A qualified biologist shall survey for western pond turtle when construction activities occur within 200 feet of Basin 4 or 7. If a western pond turtle is observed at any time before or during construction, it shall be left alone to move out of the area on its own, or may be relocated by a qualified biologist to a suitable aquatic habitat outside of the project area; translocation of turtles can only be performed in consultation with the California Department of Fish and Wildlife (CDFW), and by an individual possessing a valid scientific collecting permit. If eggs or nests are observed, the qualified biologist shall immediately notify CDFW and take measures to prevent further disturbance to the eggs. Such measures may include re-covering the eggs with soil, establishing a buffer zone around the nest, immediate cessation of construction activities within the buffer zone, and additional monitoring of the nest to determine if eggs successfully hatch.

Nesting Birds, Including White-Tailed Kite

WILD-13. Between February 1 and August 15, a qualified wildlife biologist shall conduct preconstruction surveys for nesting birds and raptors before construction activities begin, including removal or trimming of trees or other vegetation. Preconstruction surveys shall be conducted no earlier than 15 days before ground-disturbing activities begin. If nesting birds are detected within 500 feet of potential project disturbance activity, a qualified biologist shall analyze the potential for the construction in that area to disrupt nesting or cause nest failure at that site and shall establish a buffer zone of suitable area to protect the nest until all young are fledged and able to feed on their own. The biologist shall consult with the California Department of Fish and Wildlife (CDFW) to obtain approval for the proposed buffer zone. Construction shall be rescheduled in these areas after the biologist has confirmed that all nesting is completed for the season and that young can feed on their own. If permission is granted from CDFW, construction vehicles may travel within the exclusion zone to facilitate relocation of construction activities away from the nest site.

San Francisco Dusky-Footed Woodrat

WILD-14. A qualified biologist shall survey the riparian habitats in the project site before construction to identify woodrat nests that may be affected by construction. If woodrat nests cannot be avoided, the biologist shall either try to relocate the entire nest, if feasible, or disassemble the nest by hand to allow any resident woodrats to escape into adjacent habitats. Relocating woodrat nests can only be performed in consultation with the California Department of Fish and Wildlife and by an individual possessing a valid scientific collecting permit.

b) Less-than-significant impact with mitigation. Reclamation activities—including stream restoration, clean up, soil preparation, seeding, and tree planting—have the potential to affect both riparian habitat and three sensitive natural communities documented on-site (Stillwater Sciences 2019a):

- salt marsh bulrush marshes (*Bolboschoenus maritimus* herbaceous alliance),
- purple needle grass grassland (*Nassella pulchra* association), and
- hardstem and California bulrush marshes (*Schoenoplectus [acutus, californicus]* herbaceous alliance).

Approximately 0.5 acre of oak/riparian forest may be permanently affected because it cannot be avoided by stream restoration and slope stabilization activities. Large trees may need to be removed or limbed, and smaller trees cleared to facilitate equipment access. Groundcover would be cleared before site restoration begins.

In addition, less than a tenth of an acre of sensitive natural community types may be permanently affected by spillway construction, if impacts are not avoidable. Any impacts would be localized and affect less than 1 percent of the salt marsh bulrush marshes and hardstem/California bulrush marshes community types in the project area, and none of the purple needle grass grassland.

With the incorporation of botanical mitigation measures described below, impacts to riparian habitat and sensitive natural communities would be reduced to less than significant.

Mitigation Measures

BOT-2. The following measures shall ensure that adverse effects on sensitive natural communities are avoided or minimized (these measures may be replaced by equally or more protective measures as required by the California Department of Fish and Wildlife [CDFW]):

a) Prior to construction, areas with sensitive natural communities within the project area shall be flagged for avoidance, including a 10-foot radius buffer. If work must be conducted within the 10-foot buffer area, the use of hand tools and hand placement of materials is recommended. A biological monitor shall be present during construction in areas within a 10-foot buffer to ensure impacts are avoided.

b) If avoidance of sensitive natural communities is not possible, before construction begins, any plants characteristic of the sensitive natural community that would otherwise be affected by construction activities shall be salvaged and transplanted. Mitigation ratios, location, and timing of transplants shall be determined in consultation with CDFW. Monitoring the success of transplant establishment shall be conducted for a period of at least 3 years, or as otherwise required by CDFW. Location of transplanted individuals shall be recorded using a submeter accuracy global positioning system (GPS) to enable location of the transplanted individuals during and after the monitoring period is complete.

BOT-3. The project design incorporates restoration of riparian habitat including lower riparian and upper riparian planting zones, to restore riparian habitat disturbed during site reclamation activities. Loss of riparian habitat shall be mitigated with restored riparian habitat. The level of replanting used for this project is expected to return riparian cover on-site to pre-project levels.

c) Less-than-significant impact with mitigation. All potentially jurisdictional waters of the United States, including wetlands (waters/wetlands), in the project area are described in the wetland delineation report prepared for the project (Stillwater Sciences 2019b). Reclamation activities have the potential to permanently affect less than 0.5 acre of waters/wetlands through:

- fill and contouring associated with stream channel creation and improvements (i.e., less than 0.08 acre of waters/wetlands and an additional less than 0.04 acre under CDFW jurisdiction),
- improvements to pond spillways (i.e., less than 0.05 acre of waters/wetlands and an additional less than 0.05 acre under CDFW jurisdiction),
- geotechnical slope repairs (i.e., less than 0.04 acre of waters/wetlands and an additional less than 0.04 acres under CDFW jurisdiction), and
- ditch creation to provide pond connectivity (i.e., less than 0.02 acre of waters/wetlands and an additional less than 0.01 acre under CDFW jurisdiction).

The project has been designed to minimize direct impacts to the extent feasible, while improving and restoring stream corridor connectivity and pond and wetland function by establishing pond hydrology to support special-status wildlife species. In addition, construction would occur during the dry season to minimize direct and indirect impacts on waters/wetlands (see **WET-1**).

With the incorporation of Mitigation Measures **GEN-1, GEN-5, GEN-7, GEN-8, WET 1**, and **WET-2**, impacts to wetlands would be reduced to less than significant.

Mitigation Measures

WET-1. Implement general protection measures for wetlands and other waters as follows:

- Avoid wetlands and other waters to the extent feasible. Before construction begins, areas with waters/wetlands within the project Area shall be flagged for avoidance.
- Construction activities shall generally occur during the dry season (May 1 to October 15) to the extent feasible.
- Conduct all fueling of vehicles at least 100 feet from wetlands and other waterbodies unless approved by a qualified biologist.
- Implement a storm water pollution prevention plan to minimize construction-related erosion and sediments from entering nearby waterways.

WET-2. The project design incorporates restoration and creation of waters/wetlands including open water, emergent marsh, and lower riparian planting zones, to restore waters/wetlands disturbed during former mining activities as well as site reclamation activities. Loss of waters/wetlands shall be mitigated with restored waters/wetlands habitat and improved ecological function at the site. Based on the final (postconstruction) documented extent of impacts, any additional compensation for impacts shall be provided with at least 1:1 mitigation for any unavoidable impacts, according to relevant permit conditions and in consultation with the regulatory agencies. Final compensation ratios for impacts to waters/wetlands throughout the project shall be based on site-specific information and finalized through discussions with the U.S. Army Corps of Engineers and the San Francisco Regional Water Quality Control Board as part of the permitting processes for the project.

d) Less-than-significant. Large tracts of open lands comprise the project area. Wildlife corridors in the project area consist of ruderal nonnative grasslands, riparian forest, oak woodland, chaparral, creeks, and drainages. Most of the project would not include construction that could obstruct wildlife movement on a large scale, and significant impacts to wildlife movement are not anticipated. Some construction activities and fencing may reroute wildlife species movement, but terrestrial animals are not expected to be able to move freely around temporary construction work areas. Project-related impacts on wildlife and fish movement corridors are therefore considered less than significant.

e) No impact. The project involves the reclamation of disturbed surfaces and the restoration of a stream. The County tree ordinance only applies to trees located in the "County right-of-way" (i.e., County or public land). Therefore, the proposed project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. No impact would occur.

f) No impact. The proposed project would not be covered under the *East Alameda County Conservation Strategy*; however, this conservation strategy was considered during this effects analysis, and many of the mitigation measures developed to avoid or minimize impacts associated with special-status wildlife species have been adapted from and

are consistent with the *Programmatic Biological Opinion for the East Alameda County Conservation Strategy* (Moore 2012). No other habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans apply to the proposed project. No impact would occur because the implementation of the proposed project would not conflict with the provisions of the *East Alameda County Conservation Strategy*.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, Cultural resources impacts were determined to be less than significant with mitigation. Basin Associates prepared a cultural resources assessment for the project site in November 1995. The assessment found no local evidence of use by prehistoric people or early historic settlers or ranchers.

The approved project includes the following COA relevant to mitigation of cultural resources impacts:

55. In the event that suspected archaeological materials are located during quarry activities, the Permittee shall:
    a. Immediately halt or relocate excavations and contact a qualified archaeologist or paleontologist to inspect the site, along with the County Coroner. If the scientist and/or Coroner determines that potentially significant materials or human remains are encountered, the scientist shall record, recover, retrieve, and/or remove them;
    b. (If human remains are found on site), shall notify the Ohlone Most Likely Descendants, as designated by the California Native American Heritage Commission; the Coroner shall be called and the archaeologist shall provide safe and secure storage of these remains while on the site, in the laboratory and otherwise, and shall consult with the Native American representatives regarding either onsite reburial of the remains or other arrangements for their disposition;
    c. Provide a copy of documentation of all recovered data and materials found onsite to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
    d. If any historic artifacts are exposed, the archaeologist shall record the data and prepare a report to be submitted to the local historical society.

Monitoring shall include constant observation by Permittee for any materials or remains that might fit the description of archaeological or paleontological remains; and submittal of a summary of findings on an annual basis (at the time of the annual report) during activities to the Planning Director for review and completion of records.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project area has been disturbed by mining activities and the proposed project does not involve disturbance of soil beyond that already disturbed beyond the stream restoration area. Further, the project would implement COA 55, which provides steps to take if suspected archaeological materials are located during reclamation activities. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional cultural resources analysis is required because the proposed project would not result in a new significant cultural resources impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

VI. ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, energy impacts were not evaluated. The 1996 project included mining and reclamation activities. The approved project required no COAs relevant to mitigation of energy impacts.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would not include mining activities. The proposed project activities would consume energy through the operation of heavy off-road equipment, trucks, worker traffic, and haul trips for the import of fill and rock materials. Electricity would be used in association with lighting for security. Therefore, the proposed project has the potential to create a new or increased significant impact.

Changed Circumstances

Changed circumstances may exist related to the project that would create a new or increased significant impact. The proposed project has the potential to conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

Additional energy analysis is required because the proposed project may result in a new significant energy impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project or substantial changes with respect to project circumstances.

Responses

a) Less-than-significant impact. Reclamation activities would last for approximately 4 years. The proposed project activities would consume energy through the operation of heavy off-road equipment, trucks, worker traffic, and haul trips for the import of fill and rock materials. The project is designed to use fill and other materials (e.g., plants) available on-site whenever possible, which would reduce the haul trips necessary, which in turn would reduce the amount of fuel the project requires. In addition, providing an additional location to dispose of clean fill reduces the vehicle miles that would otherwise occur as a result of the fill being disposed. 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.

Electricity would be used in association with lighting for security and activities during nondaylight hours. Lighting would be limited as described in Section I, "Aesthetics," (e.g., mobile light towers positioned as needed for safe and efficient operations, lighting directed toward work areas) in consideration of aesthetic impacts. These planned actions would also minimize energy use. 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 and this impact would be less than significant.

b) Less-than-significant impact. The *Community Climate Action Plan*, an Element of the *Alameda County General Plan* [Alameda County 2014]) includes policies focused on increasing building efficiency and renewable energy generation and reducing vehicle miles traveled. The project would not include construction of a building or result in a land use that would increase energy use. Further, providing a location for the beneficial reuse of excess soil will incidentally address a regional need for disposal sites and reduce vehicle miles traveled on a regional scale. 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, and this impact is considered less than significant.

VII. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zone Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, geology and soils impacts were determined to be less than significant with mitigation. The 1996 project included mining the property to consist of two pits: one to be mined after the other in phases, with a total of 1,850,000 cu. yd. of material to be excavated over a 25-year period (see Figure 3 for an overview of the approved reclamation plan). The pits were planned to be excavated to depths of 100 and 150 feet. The benches were planned to have 1.5H:1V slopes consisting of a series of horizontal benches 20 feet wide at 40-foot vertical intervals, which during reclamation were to be covered with soil for final vegetation. A system of corrugated metal pipes was to be used as necessary to aid slope drainage during and after mining operations. Premining drainage was to be restored wherever possible and maintained to enhance slope stability. The mine plan also suggested that, if necessary, the final slope gradient would be flattened if unanticipated stability problems were encountered. Postmining drainage channels were to be subject to "green water-way" treatment to minimize or eliminate silting of runoff water. The swale passing through Sites 1 and 2 was to be diverted via detention basins and by rerouting storm lines to the existing sedimentation basin. As noted above, much of the site was not mined and a revised reclamation plan amendment will alter the proposed final condition of Sites 1 and 2 as described in the project description, above.

The approved project includes the following COAs relevant to mitigation of impacts to geology and soils:

6. A geotechnical reconnaissance of the site shall be undertaken every two years and its results and recommendations shall be submitted to the Director of Public Works with the annual report, beginning in the year 1998. This reconnaissance shall include information pertaining to stability of slopes and any other geotechnical information pertinent to the reclamation of the site under the Surface Mining Ordinance and these conditions. Reclaimed slopes constructed by the time of each report shall be inspected to ensure stability. The Director of Public Works may enforce any recommendations offered, or may order that additional work be performed or changes made as required to correct geological problems.
18. All overburden shall be retained on site for use in reclamation. Overburden shall be considered as the soil material which lies above natural mineral deposits routinely processed through the plant to obtain aggregate.
26. Permittee shall implement erosion control measures in an effective and timely manner. The on-site sedimentation basins shall be maintained in efficient operating condition.
33. No stockpiling of overburden shall occur off site.
37. Permittee shall create no final or interim grades of greater slope than 1.5 feet horizontal to 1 foot vertical (1.5:1), sufficient to avoid adverse bedding or other conditions on site that could result in instability. Monitoring shall consist of inspection and reporting once annually by Public Works staff on the slopes achieved and the condition of those slopes, along with recommendations to the Planning Commission for stabilization of slopes if the slopes indicated on the mining and reclamation plans show significant signs of instability. The Planning Commission shall have authority to impose additional requirements to ensure slope stability if necessary, including but not limited to gentler slopes in unstable areas.
38. Permittee shall use dampened soil for coverage on idle or rough reclamation slopes, lightly compacted, and use a "high-tack" hydroseed mixture to apply on the slopes; revegetation for stabilization or reclamation shall be performed during the late summer and early fall to establish substantial root growth prior to the rainy season. Blankets or netting for soil stabilization may be used sparingly when necessary, but only for temporary coverage and only on recently disturbed areas that are without substantial vegetative growth; when used for areas that will not be disturbed for six months or more, these methods may only be used in conjunction with interim revegetation establishment and until the interim revegetation has become established. Monitoring shall consist of inspection of erosive areas frequently by the Permittee and inspection and reporting periodically by Public Works staff of the condition of idle or reclaimed slopes and the vegetative cover thereupon, with recommendations to the Planning Director to correct deficiencies. Planning Director shall have authority to impose additional requirements as necessary to preserve vegetation on idle or reclaimed slopes.
39. Permittee shall construct horizontal drainage channels on each bench to prevent large amounts of water from above and from the bench itself to run off onto slopes down gradient. The channels shall be designed to gradually drain water into the general drainage system where runoff water shall be contained to allow silt to settle out. Monitoring for this measure shall consist of submittal by Permittee of details of the complete drainage system to the Director of Public Works for review and approval prior to August 1, 1996, followed by periodic inspections by Public Works staff during the rainy season to ensure that the approved drainage features are properly constructed and operating.
40. Permittee shall note locations of faults when they are encountered through excavation on site. Permittee shall retain an engineering geologist or other qualified professional consultant to evaluate any faults as they are discovered. Upon location of a fault, the consultant shall observe the fault in the context of the quarry, note possible hazard or instability conditions, conduct core or surface sampling if necessary, perform a literature review for known fault activity, and prepare a report with recommendations for prevention of instability or hazard during seismic events on the fault. Monitoring shall consist of submittal of the report to the Director of Public Works for review and approval with the annual report, with a copy to the Planning Director. Recommendations set forth in the document and approved by the Director of Public Works shall be implemented by Permittee, with verification by the Director of Public Works through periodic inspections.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The reclamation plan amendment proposes import of soil to fill the upper pad and slopes to ensure that the applicable slopes are stable and changes to the design for restoration of the stream channel that was disturbed as a result of mining and fill activities. The two pits with benches were never excavated to completion (see Figure 4). As shown in Figures 10 and 11, slopes in the upper pad, lower pad, stream channel, and slope east of the stream channel would be filled and graded to conform to the surrounding topography, provide slope stability, and control erosion. Fill material would be imported on-site, placed in the upper pad and slopes area, and graded to a minimum 2H:1V slope. Acceptance of soil would be determined for each individual source location (e.g., construction project), and all soil imported to the site would be subject to testing and quality controls to ensure it meets the site's site-specific acceptance criteria. The entirety of the slide in the northern portion of the upper pad would be removed and replaced with fill as needed to conform to the surrounding ground surface. Thus, the proposed slopes would not be benched and the slopes would be equal to or flatter than the 1996 design.

The purpose of the proposed stream restoration is to restore this historic stream channel by removing anthropogenic changes and reconstructing the stream channel to provide habitat connectivity from the lower quarry pad through the native channel reach to upper pad area. Stream restoration activities would include grading, placing fill materials, and removing existing infrastructure (e.g. culverts and earthen dams) to create a new stream channel that includes rock ramps and plunge pools to protect the channel and banks from erosion. The purpose of the fill material is to ensure the restored stream channel is at a grade to support adequate flows and control erosion. After completion of reclamation, the drainage on-site would be similar to historical drainage patterns. See Section 7 of the project description for additional details.

These design changes are substantial and may create a new or increased significant impact.

Changed Circumstances

Changed circumstances on-site include unmined slopes (no pits with benches have resulted from mining), an existing slide, unstable slopes, and a lack of overburden and topsoil to complete reclamation. Soil must now be imported to implement a design intended to result in slope stability. These changed circumstances related to the project could create a new or increased significant impact. The proposed project design parameters to mitigate potential impacts resulting from these changed circumstances are described in the previous subsection of this analysis, titled "Project Revisions."

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

Additional geology and soils analysis is required because the proposed project could result in a new significant geology and soils impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project and as a result of substantial changes with respect to project circumstances that have occurred since the time the 1996 IS/MND was adopted. Analysis of all thresholds is provided in the following section.

Responses

a and c) Less-than-significant impact. The potential for the project to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides would be less than significant.

Two active faults are near the project site: the Hayward Fault approximately 3.8 miles to the west and the Calaveras Fault approximately 2.2 miles to the east. According to the California Geological Survey, the project site is located within an area with the potential for high seismic activity (CGS 2003) and is not located within an Alquist-Priolo Earthquake Hazards Zone or a Liquefaction Zone, but is within a Landslide Zone (CGS 2019). The proposed project

would not involve constructing or modifying structures and would involve activities to increase slope stability. As noted in the project description, the permittee's predecessor did not significantly mine the mineral resources at the site. Based on a review of the records, no faults were encountered during mining; thus, no map faults were mapped, as required by COA 40. The potential for people to be exposed to seismic-induced or other ground failures would be associated with slope failures within mined and reclaimed areas.

Rockridge Geotechnical performed a geotechnical slope stability analysis in conjunction with preparation of the proposed amended reclamation plan and the analysis is documented in a June 2017 technical memorandum (Rockridge Geotechnical 2017) (Appendix G of the proposed reclamation plan). SMARA does not specify a minimum factor of safety (FOS) for slope stability. However, Title 14, Chapter 8, California Code of Regulations (CCR) Section 3502(b)(3) indicates that final reclaimed slopes shall be flatter than the critical gradient, which implies that static FOS should be greater than 1.0. The County considers these FOS to represent appropriate criteria for determining slope failure impact potential for this CEQA evaluation. Based on the intended reclaimed land uses and other factors, Rockridge Geotechnical (2017) concludes that slopes inclined 1.85H:1V or flatter would be stable under static and seismic conditions. Slopes inclined at 1.5H:1V are considered stable under static conditions for agricultural use. Slopes inclined at 1.5H:1V have a static FOS of approximately 1.4 (Rockridge Geotechnical 2017). The proposed project slopes are designed to be a maximum of 3H:1V on the upper pad fill slopes and 2H:1V on the riparian corridor slopes, which would be flatter than Rockridge Geotechnical recommends. Therefore, because the project includes no construction of buildings, the site would be graded to achieve slope stability, and the end use would be grazing land and open space, the potential for the project to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides would be less than significant.

b) Less-than-significant impact. Implementation of the proposed project would result in a less-than-significant impact related to soil erosion and the loss of topsoil. Topsoil within the mining area is sparse and to the extent available will be used for reclamation. Recoverable topsoil and fill material would be removed and stockpiled or directly placed on previously mined final surfaces for reclamation purposes. Section 5.2.3, "Grading, Drainage, and Erosion Control," of the proposed reclamation plan references actions that would minimize the potential for topsoil loss, including applying straw to all temporary slope surfaces and stabilizing all disturbed areas surrounding grading operations with hydroseed and wattles. The new stream channel includes rock ramps and plunge pools to protect the channel and banks from erosion. The fill material is designed to ensure the restored stream channel is at a grade to support adequate flows and control erosion. After completion of reclamation, the drainage on-site would be similar to historical drainage patterns. Topsoil placed for final reclamation would be revegetated in accordance with the revegetation requirements specified in Section 5.5, "Revegetation," of the proposed reclamation plan. These actions would ensure that no substantial soil erosion or loss of topsoil would occur.

In addition, the project site is required to operate in compliance with its SWPPP in accordance with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges associated with industrial activities administered through the San Francisco Bay RWQCB and State Water Resources Control Board (SWRCB). The SWPPP must contain BMPs to reduce or prevent pollutants associated with industrial activities in stormwater discharges and authorized nonstormwater discharges. Sediment is considered a pollutant that would occur as a result of topsoil erosion and loss; thus, reducing or avoiding topsoil loss is a component of the SWPPP. SWPPPs contain measures to redirect stormwater runoff from areas where sedimentation and topsoil loss could occur, revegetation of disturbed areas, and other elements. The SWPPP is required to be implemented and updated over time and include monitoring and reporting provisions to ensure its efficacy. The SWPPP must be updated when necessary to include areas subject to the proposed amendment evaluated here and would, therefore, provide BMPs for controlling erosion and topsoil loss from those areas.

Implementation of the proposed reclamation plan and compliance with the site-specific SWPPP discussed above would ensure that potential erosion and sedimentation is minimized to less than significant.

d) Less-than-significant impact. Implementation of the proposed project would result in a less-than-significant direct or indirect risks to life or property from expansive soils. The project site includes expansive soil, as defined in Table 18-1-B of the Uniform Building Code. The site's Los Osos and Rincon soil components have high shrink-swell potential, while the remaining soil components (Los Gatos, Millsholm, and Yolo) range from having low to

moderate shrink-swell potential (Web Soil Survey 2019). The project does not involve construction of any structures; therefore, implementation of the proposed project would result in a less-than-significant direct or indirect risks to life or property from expansive soils.

e) No impact. The project does not include the construction of new or modified septic or other wastewater disposal facilities. The project would result in no impact related to this item.

f) Less-than-significant impact. Implementation of the proposed project would have a less-than-significant impact related to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature. The site has been previously mined and much of the soil has been lost or significantly disturbed and has a low potential to contain fossils. In addition, no unique geologic features exist on-site. Therefore, this impact would be less than significant.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

As described under Section III, "Air Quality," previously, under the 1996 IS/MND, air quality impacts were determined to be less than significant. The 1996 project was proposed to generate up to 64 vehicle trips per day on SR 84 and included the on-site operation of mobile equipment related to the excavation, grading, and transportation of materials on-site; the processing of mined materials; the backfill of slopes, and revegetation activities. The approved project includes COAs 32 and 60, which require adherence to applicable regulatory requirements. Some of the criteria pollutants that would be reduced through compliance with COAs 32 and 60 also contribute to GHG emissions.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

As described under Section III, "Air Quality," previously, the proposed project would not exceed the approved number of vehicle trips on SR 84. The activities and equipment used would be similar, except that the proposed project would not include processing mined materials, which would reduce emissions compared to the 1996 project. In addition, the equipment used today is more efficient and produces fewer emissions than the equipment proposed to be used as part of the 1996 project. Further, providing a location for the beneficial reuse of excess soil will incidentally address a regional need for disposal sites and reduce vehicle miles traveled, air pollutants, and GHG emissions on a regional scale. COA 32 would also be implemented. Compliance with the mitigation measures, adherence to the air permits as required by COA 32, and implementation of California Air Resources Board fleet requirements would ensure that GHG impacts would be adequately mitigated. Accordingly, the proposed project would not result in any changes in the level of GHG emissions. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

The effect of GHG emissions is not new information under CEQA Guidelines Section 15162(a)(3) that was not known and could not have been known during the prior environmental evaluations (see e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego*, 196 Cal.App.4th 515, 524 [2011]). Therefore, no new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional GHG analysis is required because the proposed project would not result in a new significant GHG impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information

of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, impacts from hazards and hazardous materials were determined to be less than significant with mitigation and less than significant. The 1996 project included mining and reclamation activities, which includes the use of rock, gravel, sand, silt, clay, petroleum products (i.e., fuel, oil, grease), antifreeze, batteries, waste oil, and new and/or spent solvents.

The approved project includes the following COA:

61. Permittee shall promptly clean up any debris dropped or materials spilled by vehicles originating at the Niles Canyon Quarry on Niles Canyon Road or the public right-of-way. Permittee shall use a sweeping vehicle as necessary to remove spilled materials that cannot be picked up by hand. This measure shall be primarily monitored by Permittee on a daily basis, with observation of compliance by Public Works staff during periodic inspections.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would include no new use of hazardous materials not already allowed under the existing use permit, and the SWPPP would identify information regarding potential pollutants associated with each

potential source area and the BMPs implemented for each area. Guidelines and handling procedures for hazardous materials would be required to be implemented through the SWPPP and hazardous materials business plan and enforced through government regulations. Further, COA 61 regarding cleanup of roadway debris would continue to be implemented. In addition, as noted above, fill material would be imported on-site, placed in the upper pad and slopes area, and graded to a minimum 2H:1V slope. Acceptance of soil would be determined for each individual source location (e.g., construction project), and all soil imported to the site would be subject to testing and quality controls to ensure it meets the site's site-specific acceptance criteria

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact. No school is within one-quarter mile of the project site. The project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (EnviroStor 2019). The nearest public airport is Hayward Executive Airport, which is located more than 11 miles northwest of the project site. A review of aerial photos indicates no private airstrip within 2 miles of the site; thus, no impact would occur. The existing site access would not impede emergency responses to the site. The project does not include constructing new buildings. In addition, water tanks for fire suppression are on-site in relation to the existing buildings, and a water truck would remain on-site for dust control during reclamation activities and could also be used to control fires.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional hazards and hazardous materials analysis is required because the proposed project would not result in a new significant hazards and hazardous materials impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

X. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, hydrology and water quality impacts were determined to be less than significant with mitigation or less than significant. The 1996 project included two pits with benched slopes, interim pit drains (with pump facilities as required), detention basins and metal pipes to aid slope drainage. A system of corrugated metal pipes were to be used as necessary to aid slope drainage during and after mining operations. Premining drainage was to be restored wherever possible and maintained to enhance slope stability. Postmining drainage channels was to be subject to "green water-way" treatment to minimize or eliminate silting of runoff water. The swale passing through Sites 1 and 2 was to be diverted via detention basins and by rerouting storm lines to the existing sedimentation basin.

The approved project includes the following COAs relevant to mitigation of water quality impacts:

25. Permittee shall conduct quarrying operations in a manner that shall not cause or result in pollution of the ground water basin. Permittee shall conform to all requirements of the San Francisco Bay Regional Water Quality Control Board with respect to discharge of silt-laden water and waste materials.
41. Permittee shall prepare a final hydrology and sedimentation pond study for submittal to the Director of Public Works by August 1, 1996. Permittee shall consult with Public Works staff during preparation of the study. The study shall address issues of, and establish criteria for, runoff volume, drainage capacity for that level of runoff, adequacy of capacity of the sedimentation pond to contain runoff from the 1 00-year, 24-hour storm event, and recommended improvements to meet these criteria. Upon approval by the Director of Public Works, the Permittee shall submit these and other necessary materials (possibly including a Storm Water Pollution Prevention Plan) to the Regional Water Quality Control Board, Region 2, to obtain an

Industrial Storm Water Permit if necessary. Permittee shall install recommended improvements before excavation or disturbance beyond the area already disturbed prior to the date of approval for SMP-34.

42. Permittee shall install a riser pipe in the sedimentation pond to allow only surface water from the pond to escape, allowing settling sediment to remain in the pond. The riser pipe shall be installed and improved prior to October 1, 1996. Monitoring shall consist of inspection and verification by Public Works staff on or about October 1, 1996. Public Works staff shall have authority to halt work after this date until the installation is satisfactory.
43. Permittee may remove sediment from the pond as required annually between September 1 and October 15, to avoid possible disturbance of breeding tiger salamanders and red-legged frogs. The sediment may be sold as product or used as fill on site, but shall not be used as topsoil for reclamation. Permittee shall be responsible for monitoring and implementation of this measure.
44. No stockpiling of overburden or aggregate material on or from the quarry parcel shall occur within 30' of any stream directly tributary to Alameda Creek, but shall be located only in areas with drainage to silt ponds of SMP-34. Grading on site shall conform to design standards (Sections 7- 115.0 through 7-115.190) and geotechnical requirements (Sections 7-114.2 through 7-114.1 0) of Alameda County Grading Ordinance No. 82-17. A complete erosion and sedimentation control plan shall be submitted to the Director of Public Works for approval prior to commencement of operations, subject to annual inspection and review by the Director of Public Works. Any changes to the plan shall be submitted for review and approval by the Director of Public Works. Implementation of this plan shall be monitored by Public Works staff during periodic inspections.
45. Total disturbed area of the active quarry pit area shall not exceed 25 percent (9.3 acres) of the total proposed quarry pit area during the period from October 15 to April 15, unless for good cause a greater area is approved in writing by the Planning Director. Permittee shall plan and implement mining activity to achieve this goal during the entire year when feasible. If any area exceeding this amount is disturbed during the summer dry season, Permittee shall take steps to stabilize the excess beginning on September 1 so that full stabilization may be achieved by October 15. Stabilization may consist of full revegetation, heavy mulching, or full coverage with tarpaulins, provided that the coverage does not result in additional excess runoff during heavy rainstorms.
46. Permittee shall install permanent horizontal drains when and where seepage is found during mining to drain seepage water away from the slopes without resulting in slope failure. Permittee shall submit a conceptual design and installation plan for horizontal drains for review and approval by the Director of Public Works by August 1, 1996. Drains shall be installed promptly wherever seepage is noted on idle or final quarry faces. Monitoring shall consist of reporting to Public Works staff by Permittee during annual reports, with subsequent periodic inspections by staff.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The reclamation plan amendment proposes import of soil to fill the upper pad and slopes to ensure that the applicable slopes are stable and changes to the design for restoration of the stream channel that was disturbed as a result of mining and fill activities. The two pits with benches were never excavated to completion. In general, slopes in the upper pad, lower pad, stream channel, and slope east of the stream channel would be filled and graded to conform to the surrounding topography, provide slope stability, and control erosion. Fill material would be imported on-site, placed in the upper pad and slopes area, and graded to a minimum 2H:1V slope. Acceptance of soil would be determined for each individual source location (e.g., construction project), and all soil imported to the site would be subject to testing and quality controls to ensure it meets the site's site-specific acceptance criteria. The entirety of the slide in the northern portion of the upper pad would be removed and replaced with fill as needed to conform to the surrounding ground surface. Thus, the proposed slopes would not be benched and the slopes would be equal to or flatter than the 1996 design.

The purpose of the proposed stream restoration is to restore this historic stream channel by removing anthropogenic changes and reconstructing the stream channel to provide habitat connectivity from the lower

quarry pad through the native channel reach to upper pad area. Stream restoration activities would include grading, placing fill materials, and removing existing infrastructure (e.g. culverts and earthen dams) to create a new stream channel that includes rock ramps and plunge pools to protect the channel and banks from erosion. The purpose of the fill material is to ensure the restored stream channel is at a grade to support adequate flows and control erosion. After completion of reclamation, the drainage on-site would be similar to historical drainage patterns. See Section 7 of the project description for additional details. These design changes are substantial and may create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

Additional hydrology and water quality analysis is required because the proposed project could result in a new significant hydrology and water quality impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project.

Responses

a) Less-than-significant impact. The potential for the proposed project to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality is considered less than significant. The project includes designs to address the stability of disturbed slopes and an engineered restoration design for the reconstruction of a creek channel to its preexisting channel location. Application of groundwater to the ground surface for dust control would occur typically at volumes that would not result in runoff to surface water bodies or percolation back to the aquifer. The channel restoration/rehabilitation at the Niles Canyon Quarry would require permits from the California Department of Fish and Wildlife, San Francisco Bay RWQCB, and U.S. Army Corps of Engineers. The project would also be required, under federal and state laws and regulations, to develop programs to contain and manage the use of fuels, lubricants, and other substances related to the operation and maintenance of the heavy equipment proposed to be used on-site during reclamation activities. These programs are anticipated to include measures such as requiring fueling and maintenance to occur on impermeable surfaces with secondary containment and providing spill kits on fueling and maintenance vehicles.

By complying with the required permits and programs described above, the proposed project would not violate water quality standards or waste discharge requirements. Consistent with SMARA Section 3706(b), the quality of water used for domestic and agricultural purposes would not be diminished. Therefore, potential impacts related to this criterion would be less than significant.

b) No impact. The proposed project would result in no impact related to a substantial decrease in groundwater supplies or interference substantially with groundwater recharge such that the project may impede sustainable groundwater management of a basin. No wells are on-site and water would be provided from the water tanks, an on-site detention pond, and water trucks. In addition, reclamation of the site would result in improved recharge through the new channel design, which includes series of pools, which would slow flows and provide for recharge.

c.i) Less-than-significant impact. Implementation of the project would result in less-than-significant impacts related to substantial alteration of the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on- or off-site. Implementation of the proposed project would return drainage patterns on-site to historic conditions. The project includes no additional impervious surfaces. Section 5.2.3, "Grading, Drainage, and Erosion Control," of the proposed amended reclamation plan provides details on the measures to be implemented to control erosion. In addition, as described previously, a SWPPP would be required to be implemented during reclamation activities, which would provide BMPs to control site-related erosion and siltation. As part of the project, slopes would be graded, fill materials would be compacted, and surfaces would be vegetated, which would improve stability and reduce erosion and/or siltation.

c.ii) Less-than-significant impact. Implementation of the project would result in less-than-significant impacts related to substantial alteration of the existing drainage pattern. The project includes removing culverts and adding features (e.g., pools) that would slow the velocity of the stormwater runoff on-site. No aspect of the project would increase the amount of surface water on-site.

c.iii) Less-than-significant impact. Implementation of the project would result in less-than-significant impacts related to substantial alteration of the existing drainage pattern of the site or area in a manner that would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The channel design provided by Stillwater Sciences in Appendix E, "30% Basis of Design Report," of the proposed amended reclamation plan, is designed to meet peak water runoff associated with a 20-year, 1-hour and storm event, as required by SMARA. As described in Appendix E, the existing site design would meet both a 20-year, 1-hour storm event and a 100-year, 24-hour storm event, and the proposed site design would reduce the velocity of flows by providing a wider, meandering path (rather than a straight, narrow culvert) with rock ramps and plunge pools to protect the channel and banks from erosion.

c.iv) No impact. Implementation of the project would result in no impact related to substantial alteration of the existing drainage pattern of the site or area in a manner that would impede or redirect flood flows. The purpose of the project is to improve flows and return the creek channel on-site to historic drainage patterns. The addition of pools and drainage basins along the creek channel would slow flows, reducing the potential for flooding downstream. Therefore, flood flows would be neither impeded nor redirected.

d) No impact. The project would result in no impact related to risk of pollutant release due to project inundation for projects in flood hazard, tsunami, or seiche zones. The project site is not located in a flood zone (FEMA 2019) and is not located in a coastal community or near a large body of water and, thus, is not vulnerable to tsunamis or seiches. In addition, as described in the discussions above, the project would be required to develop programs to contain and manage the use of fuels, lubricants, and other substances related to the operation and maintenance of the heavy equipment proposed to be used on-site during reclamation activities (i.e., SWPPP, hazardous materials business plan). The SWPPP would also provide BMPs to control site-related erosion and siltation. As part of the proposed project, slopes would be graded, fill materials would be compacted, and surfaces would be vegetated, which would improve stability and reduce erosion and/or siltation.

e) No impact. The project would result in no impact related to conflicting or obstructing implementation of a water quality control plan or sustainable groundwater management plan. The project site is not within a water quality control plan, but is near Alameda Creek, which flows northwest from the Sunol Valley Groundwater Basin into the Niles Cone Groundwater Basin, which are covered by the *San Francisco Bay Basin (Region 2) Water Quality Control Plan* (Basin Plan) (San Francisco Bay RWQCB 2017). In addition, the Alameda County Water District has been authorized to submit an alternative to a groundwater sustainability plan (ACWD 2019). Three documents are considered to be core to the sustainable management of the Niles Cone: (1) the Groundwater Management Policy (Policy), which was adopted in 1989, and last amended in 2001; (2) the annual Survey Report on Groundwater Conditions; and (3) the annual Groundwater Monitoring Report. The programs under the Policy include water supply management, groundwater replenishment, watershed protection and monitoring, groundwater basin monitoring, wellhead protection, aquifer reclamation, groundwater protection, and well ordinance administration. The purpose of the Policy is to protect and improve groundwater resources for the benefit for all users of the groundwater basin and the environment by taking actions designed to meet the following objectives, as identified in the Policy (DWR 2019):

1) Increase groundwater replenishment capability;
2) Increase the usable storage capacity of the groundwater basin;
3) Operate the basin to provide:
    A) A reliable water supply to meet baseload and peak distribution system demands,
    B) An emergency source of supply, and
    C) Reserve storage to augment dry year supplies;
4) Protect groundwater quality from degradation from any and all sources including: saline water intrusion, wastewater discharges, recycled water use, urban and agricultural runoff, or chemical contamination;

5) Improve groundwater quality by:
   A) Removing salts and other contaminants from affected areas of the basin, and
   B) Improving the water quality of source water used for groundwater recharge.

The proposed project would not conflict with these objectives. As provided in the proposed amended reclamation plan, the objectives of this proposed amendment are listed as follows:

- Provide for long-term stability of slopes.
- Prevent wind and water erosion by stabilizing the soil surface through proper grading and drainage.
- Remove anthropogenic changes in the seasonal creek channel and reconstruct the channel to provide habitat connectivity.
- Implement a revegetation program designed to establish self-sustaining cover.
- Implement reclamation activities while preventing impacts to special-status plants and wildlife, surface water, and groundwater.

In addition, the channel restoration/rehabilitation at the Niles Canyon Quarry would require permits from the California Department of Fish and Wildlife, San Francisco Bay RWQCB, and U.S. Army Corps of Engineers. The project would also be required, under federal and state laws and regulations, to develop programs to contain and manage the use of fuels, lubricants, and other substances related to the operation and maintenance of the heavy equipment proposed to be used on-site during reclamation activities. Because the objectives of the proposed project at the very least would not interfere with the objectives of the plans and policies related to management of the local groundwater basins, and these objectives would be ensured through required federal and state oversight, this project would not conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☒	☐
b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, land use and planning impacts were determined to be less than significant. The 1996 project included mining and reclamation activities in an area zoned for agricultural and open space uses.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would not include mining and would consist of reclamation activities, similar to the 1996 project. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact. The surrounding area consists of lands zoned Large Parcel Agriculture, Parklands, and Water Management in the County's *East County Area Plan* (Alameda County 2002). These land uses are not changed circumstances that would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional land use and planning analysis is required because the proposed project would not result in a new significant land use and planning impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XII. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, mineral resources impacts were determined to be less than significant. The 1996 project was proposed to include mining and reclamation activities.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would not include mining; however, any resources that exist on-site would be accessible for mining at a future date, if desired. In addition, the site is not delineated on a local general plan, specific plan, or other land use plan as a locally important mineral resource recovery site. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional mineral resources analysis is required because the proposed project would not result in a new significant mineral resources impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XIII. NOISE

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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 ordinances, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, noise impacts were determined to be less than significant with implementation of mitigation. The 1996 project was proposed to include mine excavation and processing activities (e.g., bulldozer/front-end loader combination would collect material, and load it into trucks, or into the crusher for combination with crushed concrete). The material would be trucked from the site between 7 a.m. and 5 p.m., Monday through Saturday. Noise sources included in the analysis included traffic noise from SR 84 (Niles Canyon Road) and trains using the Union Pacific Railroad.

The approved project includes the following COA:

29. The permittee shall request all vehicle operators to have noise attenuating mufflers as required by the State of California Vehicle Code. Signs notifying drivers of these requirements shall be posted at the scale location. Provisions contained in this Condition shall be mandatory for vehicles owned by, or under the control of permittee. Drivers not cooperating with this provision shall be discouraged form hauling materials from the site.
30. No vibration shall be permitted that will result in damage to property or injury to persons on adjacent property or at the property line.
31. No explosives shall be used, except at such times as permitted by the Planning Commission after consideration of an application by Permittee.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would not include mining activities, which would result in less noise than under the 1996 project. Reclamation activities would result in similar levels of noise as reclamation activities under the 1996 project and would occur during the same hours evaluated under the 1996 project. Truck traffic hauling materials from the site would be replaced by truck traffic hauling fill and stream restoration materials (rock) to the site, at no greater than the rate evaluated in the 1996 IS/MND. In addition, the project would implement COAs 29 through 31, which require vehicles to have noise attenuating mufflers, limit vibration, and prohibit explosives.

Changed Circumstances

The surrounding area consists of land uses similar to those in the area in 1996; however, SR 84 includes more traffic than that evaluated under the 1996 IS/MND. The Union Pacific Railroad still operates along the southern border of the property. These land uses are not changed circumstances that would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional mineral resources analysis is required because the proposed project would not result in a new significant mineral resources impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XIV. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, population and housing impacts were determined to be less than significant. The 1996 project was proposed to include mining and reclamation activities.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would include reclamation activities and would not substantially increase the number of employees employed at the project site and the project would not either directly or indirectly cause population changes in the area. Nor would it involve the displacement of any existing housing or people. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional population and housing analysis is required because the proposed project would not result in a new significant population and housing impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XV. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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 public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, public services impacts were determined to be less than significant. Emergency response or evacuation plans were deemed necessary in case of fire and were required by law. Facilities required no alterations. No new schools or parks were required.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would not include mining activities. The project would not increase the demand for fire protection services or police services; would not increase employment, housing or population, or otherwise have effects that would increase the demand for schools or parks; and would not result in the need for construction of new facilities to provide public services. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional public services analysis is required because the proposed project would not result in a new significant public services impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XVI. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, recreation impacts were determined to be less than significant. The 1996 project was proposed to include mining and reclamation activities and was determined to have no impacts related to recreation.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would not include mining and would not 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, nor would the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. The project would not substantially increase employment and would not increase housing or population, or otherwise have effects that would increase the demand for recreational facilities, and thus would not result in accelerated deterioration or the need for construction of new parks or recreational facilities. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional recreation analysis is required because the proposed project would not result in a new significant recreation impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XVI. TRANSPORTATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, transportation impacts were determined to be less than significant. The 1996 project was proposed to generate up to 64 vehicle trips (32 round trip) per day on SR 84. Maintenance of public facilities related to heavy quarry traffic, including trucks and occasional earthmoving equipment, was determined to have a less than significant impact with mitigation on the structural integrity of Niles Canyon Road.

The approved project includes the following COAs relevant to mitigation of impacts to transportation:

58. Mining and hauling operations shall not impose public maintenance burdens on county or state roadways. Permittee shall contribute to the cost of maintaining, repairing, strengthening or reconstructing segments of Niles Canyon Road from Mission Boulevard to Interstate 680 or other specifically affected roadways, if County inspectors or CALTRANS studies report a need for pavement or surface improvements. Participation by Permittee in the cost of the improvements shall be in proportion to the percentage of heavy truck traffic volumes on the identified roadway segment(s) contributed by the quarry operation and 100 percent toward any road damage directly and solely attributable to the SMP-34 operations, which shall be repaired promptly. The method of calculating proportionate share shall take into account the level of use, utilizing the proportion of traffic consisting of quarry truck traffic for the preceding three year period based on sale of material and imported reclaimed concrete, with a ratio of one truck equal to three passenger vehicles unless otherwise specified in the report. The Permittee shall not be responsible for any overall transportation improvements which would be deemed necessary in the absence of the quarry, including general widening, bridge replacement, flood, landslide and washout reconstruction, roadway upgrades required to accommodate larger traffic volumes, or installation of traffic signals. Monitoring for this measure shall consist of notation of Permittee's responsibility by either CALTRANS or Alameda County Public Works Agency at any time when roadwork is known to be necessary.
59. Main access roads shall be paved with asphalt from Niles Canyon Road to within 100 feet of the loading point within the sand and gravel pit. Other haul routes may be paved, watered, oiled, or treated with a dust palliative as appropriate to minimize dust. Monitoring for this measure shall consist of observation of compliance during periodic inspections by Public Works staff.
60. The driver of a weighed vehicle, loaded beyond current State of California maximum legal weights, shall be notified and requested to reduce the load to the legal limit. If loaded materials are subject to dust generation, drivers shall be requested to moisten loads at facilities to be conveniently located and maintained on site; otherwise, loads shall be watered or covered in accordance with applicable sections of the California Vehicle and Highway Codes. All loaded vehicles shall be required to pass over a material shakedown area with berm, bumper or ditches provided. Loading areas shall be paved, oiled or watered to maintain a dust-free condition. Monitoring for this measure shall be conducted by Permittee on a daily basis, with compliance verified by Public Works staff during periodic inspections.

62. Permittee shall, with CALTRAN's permission, provide adequate quarry warning signage on State Route 84 and increase sight distance from the quarry entrance to the west by minor tree trimming along the edge of the pavement and within the right-of-way between 400 feet and 600 feet west of the quarry entrance on the south side of the road. No standing trees or bushes shall be removed. Permittee shall request permission within 60 days of permit approval.
63. Permittee shall provide to CALTRANS, with notice to the Planning Director and Director of Public Works, a proposal to improve Niles Canyon Road, State Route 84, at the intersection with the quarry access road. The proposal shall be to provide a turning pocket/lane for eastbound quarry vehicles to stack and a widening to accommodate acceleration/deceleration of westbound quarry vehicles. The proposal shall include provisions for restriping and/or widening, as necessary, and shall describe the work required to complete the task, including grading, clearing of vegetation, and roadway construction. The proposal shall be submitted by September 1, 1996.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would no longer include operation of a quarry. Truck traffic hauling materials from the site would be replaced by truck traffic hauling fill and stream restoration materials (rock) to the site, at no greater than the volume of traffic that was evaluated in the 1996 IS/MND and over a 3-year period. COA 63 (regarding roadway improvements, including a turning lane) has been completed to improve traffic safety conditions. The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. This property is located in a rural area that does not have provisions for alternative transportation. The project would not increase traffic volumes or otherwise affect the use of area roads that may be used by public transit, bicyclists, and pedestrians. In addition, providing a location for the beneficial reuse of excess soil will address a regional need for disposal sites and reduce vehicle miles traveled. Site access will not change compared to the 1996 project. Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

SR 84 includes more traffic than that evaluated under the 1996 IS/MND; however, the project's contribution to roadway traffic would be similar to that analyzed under the 1996 IS/MND. This changed circumstance would create not a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional transportation analysis is required because the proposed project would not result in a new significant transportation impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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	☐	☐	☒	☐
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.	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, tribal cultural resources were neither accessed nor required to be accessed.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project area has been disturbed by mining activities and the proposed project does not involve disturbance of soil beyond that already disturbed. However, tribal resources were not previously accessed and, therefore, the proposed project could create a new or increased significant impact.

Changed Circumstances

Tribal resources must now be accessed under current CEQA requirements. This is a changed circumstance that could create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

Additional analysis of tribal resources is required because the proposed project may result in a new significant impact to tribal resources or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project and substantial changes with respect to project circumstances.

Responses

a) No impact. The project would not cause a substantial adverse change in the significance of a tribal cultural resource. Basin Associates prepared a cultural resources assessment for the project site in November 1995. The assessment found no local evidence of use by prehistoric people or early historic settlers or ranchers. On May 10, 2019, and in accordance with CEQA Section 21080.3.1(b), the County provided a notice to the Native American Heritage Commission and to the six tribal agencies listed below advising of the proposed reclamation plan amendment for the existing Niles Canyon Quarry.

- the Ohlone Indian Tribe,
- Indian Canyon Mutsun Band of Costanoan,
- California Indian Water Commission,
- Ione Band of Miwok Indians, Cultural Committee,
- Torres Martinez Desert Cahuilla Indians, and
- Trina Marine Ruano Family.

The notifications included a site location map, project overview, and mining and reclamation description. Of the tribal agencies listed, none responded within the 30-day time period required by CEQA Section 21080.3.1(b)(2).

See Section V, "Cultural Resources," for discussion of cultural resources evaluations previously conducted on the site and conclusions that no known significant cultural resources are located in the site. Section V provides COA 55 related to the discovery of unknown cultural resources.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it had adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, utilities and service system impacts were determined to be less than significant. The project included continuing mining activities. 1996 project included portable toilets and provide potable water on-site, electricity was to continue to be provided by power lines to the processing area. Fire protection water was stored in the water tanks (200,000 gallons).Solid waste such as broken concrete and waste rebar was recycled. No new plant facilities were required. Storm water drainage was evaluated and found to be adequate for the planned mining and reclamation activities.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would no longer include mining. No aspect of the proposed reclamation activities proposed would increase demands on any utility or service system beyond that analyzed for reclamation activities under the existing 1996 IS/MND.

The project would not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. A power line is provided to the caretaker's residence and maintenance building. Water is supplied by water tanks and a detention pond, or would be brought on-site as needed. Sewage is not available and portable facilities are used as necessary. The project would not require the construction of new facilities or expansion of existing facilities.

The project would have sufficient water supplies available to serve the project and no new or expanded facilities are needed. The project is not located in an area that is served by a public water provider and water is provided

by water tanks and a detention pond, or would be brought on-site as needed. The project would not increase water demand and would not require new or expanded water supply entitlements.

No wastewater treatment provider is required because portable facilities are brought on-sited as necessary. Implementation of the project would not increase sewage treatment requirements and would not place any demand on a local sanitary sewer system provider.

This project would have a no impact on solid waste. Solid waste from the caretaker residence would continue to be disposed of personally at legal dumpsites. Solid waste resulting from reclamation activities would be disposed of using debris bins or high-side trucks and transported to local recycling facilities (potentially Zanker Recycling, Vasco Road Landfill and Recycling Drop-off, and/or Waste Management—Davis Street Transfer Station). The project would not increase the amount of solid waste generated at the site because mining did not occur on-site as planned, resulting in less mining waste during reclamation activities. Disposal of solid waste would continue to comply with all federal, state, and local statutes and regulations related to solid waste.

Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional utilities and service system analysis is required because the proposed project would not result in a new significant utilities and service system impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, wildfire impacts were determined to be less than significant. The 1996 project included fire protection water stored in the large water tanks (200,000 gallons) to prevent fire related to mining and reclamation activities on-site. The quarry also has a permit from the Alameda County Water District to extract nonpotable water from Alameda Creek (Raw Water Service Agreement No. 2167) for dust control and fire suppression.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project does not include constructing new buildings or changes to the access available on-site. The project does not include changes that would impair an adopted emergency response plan or emergency evacuation plan.

The project site currently includes steep slopes, which would be graded for stability. The creek channel would also be reconstructed to include additional pools along its path. These changes would not increase fire hazards. The project includes vegetating the newly graded hillside and creek channel surfaces, and final conditions would include more vegetation than under existing conditions. This increase in vegetation would be consistent with the amount and type of vegetation in the surrounding area. In addition, the buildings on-site would continue to meet fire department requirements for fire prevention.

No 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 would be created or require maintenance as part of the proposed project.

The purpose of the proposed project is to improve features on-site to reduce significant risks from downslope or downstream flooding or landslides, as a result of runoff; slope instability; or drainage changes. In addition, the project design would require permits from the California Department of Fish and Wildlife, San Francisco Bay RWQCB, and U.S. Army Corps of Engineers.

Therefore, the proposed project would not create a new or increased significant impact.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional wildfire analysis is required because the proposed project would not result in a new significant wildfire impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project 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) Does the project 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.)	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

1996 IS/MND Impact Analysis

Under the 1996 IS/MND, these impacts were determined to be less than significant. As discussed throughout this initial study, potentially significant impacts were identified in the 1996 IS/MND with respect to aesthetics, biology, cultural resources, geology and soils, hydrology, and transportation. Mitigation measures (which became COAs) designed to minimize environmental effects to biology, cultural resources, and hazards and hazardous materials are included throughout this document. Implementation of the COAs ensured those potentially significant impacts remained below a level of significance.

Proposed Project Impact Analysis

The following subsections provide an evaluation of whether the proposed project would result in a new or additional significant impact compared to the approved 1996 project.

Project Revisions

The proposed project would not create a new or increased significant impact. This IS/SMND identified and analyzed the changes in the project description, physical environment, regulatory setting, environmental impact analysis and mitigation measures since the 1996 IS/MND. This IS/SMND has reevaluated each environmental resource and did not identify new potentially significant effects to the environment (that were not previously discussed in the 1996 IS/MND). The proposed project would not result in new significant effects or a substantial increase in the severity of any previously identified significant effects.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact.

New Information

No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

Analysis Required

No additional analysis is required because the proposed project would not result in a new significant impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1996 IS/MND was adopted.

REFERENCES AND RESOURCES

REFERENCES AND RESOURCES

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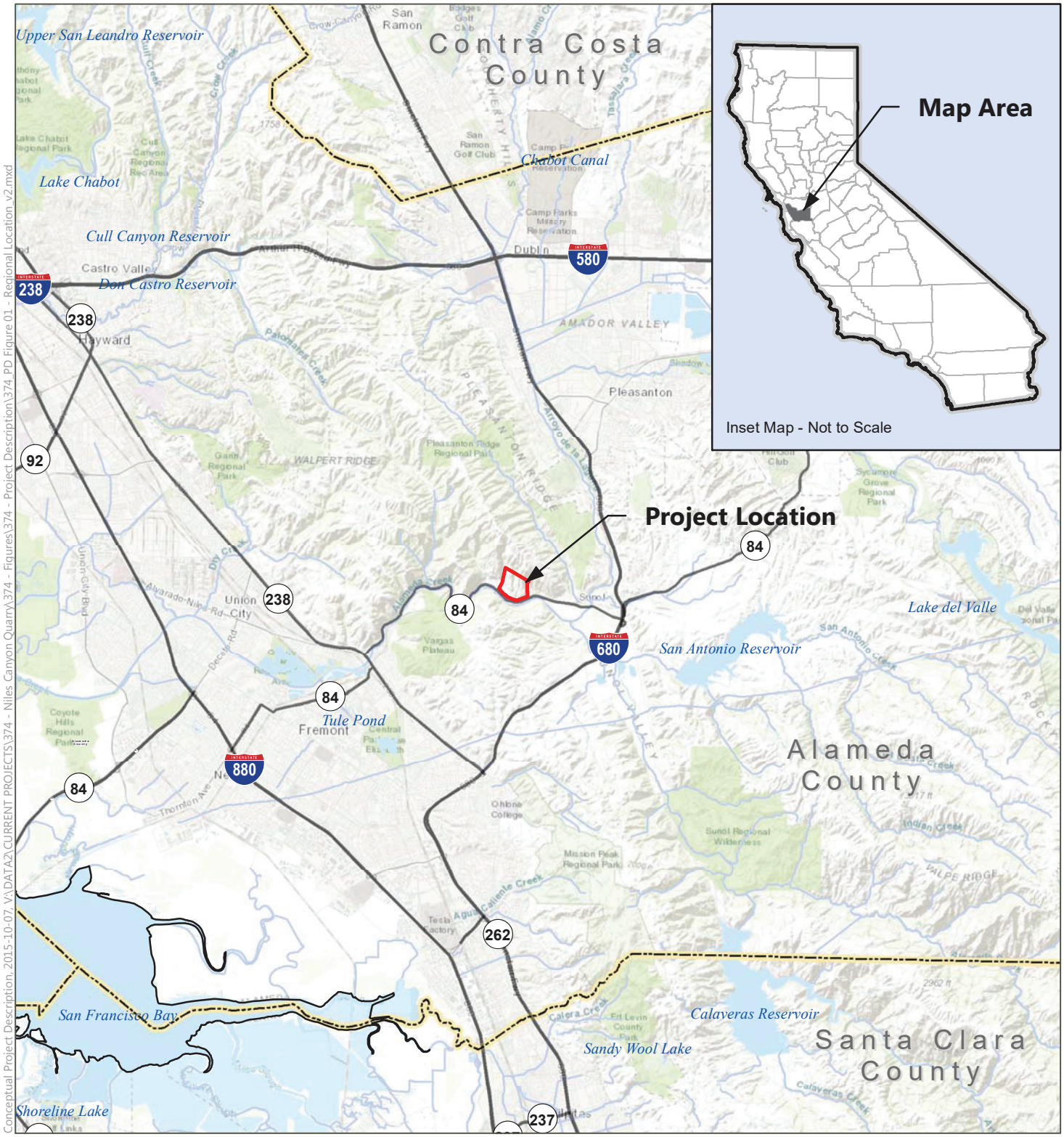
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FIGURES



Conceptual Project Description, 2015-10-07, V:\DATA2\CURRENT PROJECTS\374 - Niles Canyon Quarry\374 - Figures\374 - Project Description\374 PD Figure 01 - Regional Location_v2.mxd

SOURCES: ESRI World Shaded Relief accessed April 2018, ESRI World Topographic Map accessed July 2018; ESRI World Streetmap, 2009; Adapted by Benchmark Resources in 2018

NOTES: This figure was prepared for land use planning and informational purposes only. The information shown and its accuracy are reflective of the date the data was accessed or produced.

Reclamation Plan Boundary
County Boundary
Major Road
River
Water Body

BENCHMARK RESOURCES

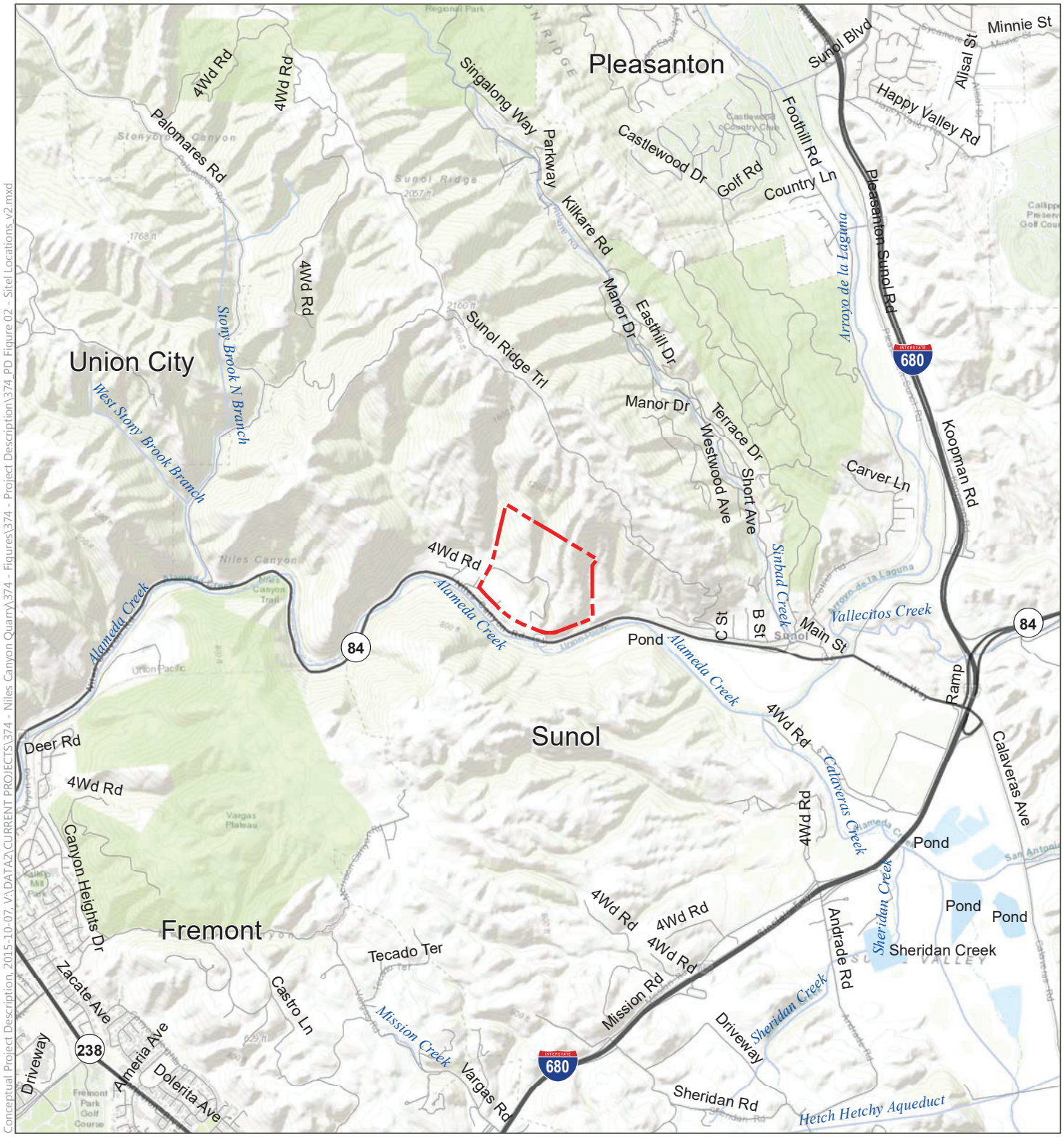
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0 1.5 3 6 Miles

Regional Location

NILES CANYON QUARRY RECLAMATION PLAN
INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION

Figure 1



Conceptual Project Description, 2015-10-07, V:\DATA2\CURRENT PROJECTS\374 - Niles Canyon Quarry\374 - Figures\374 - Project Description\374 PD Figure 02 - Sitel Locations v2.mxd

SOURCES: ESRI World Shaded Relief accessed April 2018, ESRI World Topographic Map accessed July 2018; ESRI World Streetmap, 2009; Adapted by Benchmark Resources in 2019

NOTES: This figure was prepared for land use planning and informational purposes only. The information shown and its accuracy are refelctive of the date the data was accessed or produced.

Reclamation Plan Boundary
Water Body
Major Road
Street
River

BENCHMARK RESOURCES

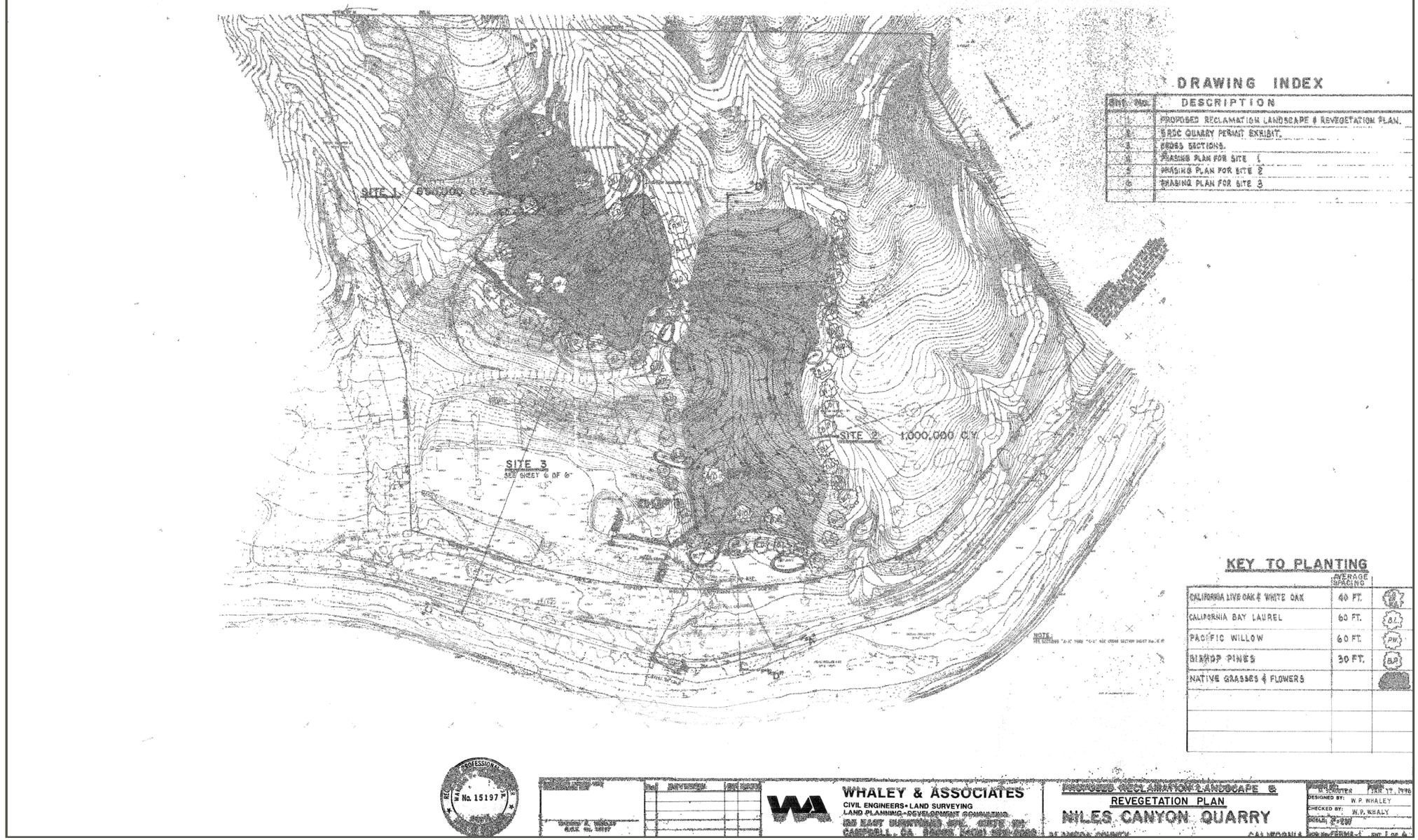
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Site Location

NILES CANYON QUARRY RECLAMATION PLAN
INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION

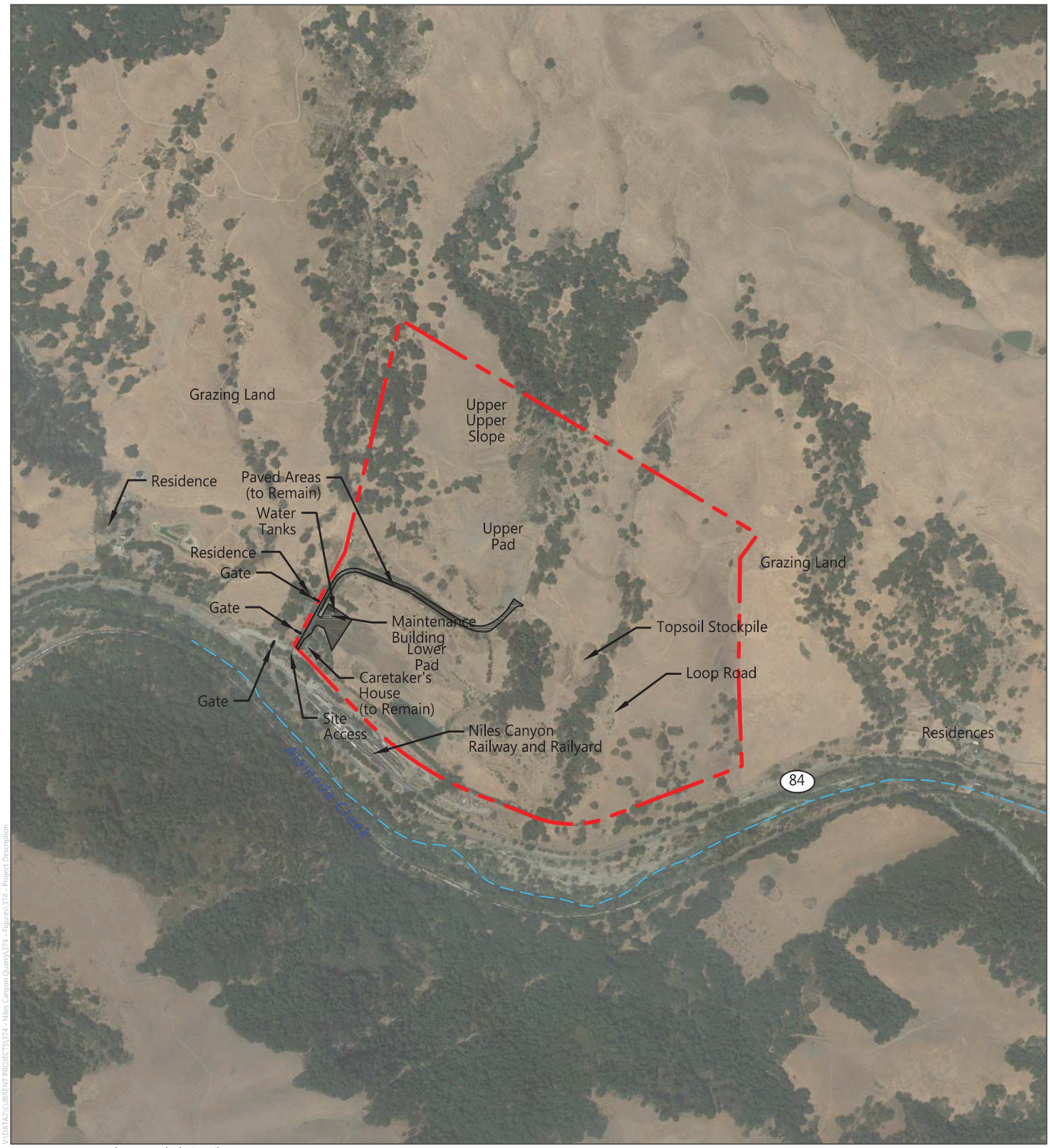
Figure 2



SOURCE: Whaley and Associates 1996

Note: Not to scale.

Approved Reclamation Plan
NILES CANYON QUARRY RECLAMATION PLAN
INITIAL STUDY/ SUBSEQUENT MITIGATED NEGATIVE DECLARATION
Figure 3



SOURCE: (Aerial) DigitalGlobe flown on 8-19-2017;
Compiled by Benchmark Resources in 2018

Reclamation Plan Boundary

Alameda Creek

Existing Conditions Aerial Photograph
NILES CANYON QUARRY RECLAMATION PLAN
INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION

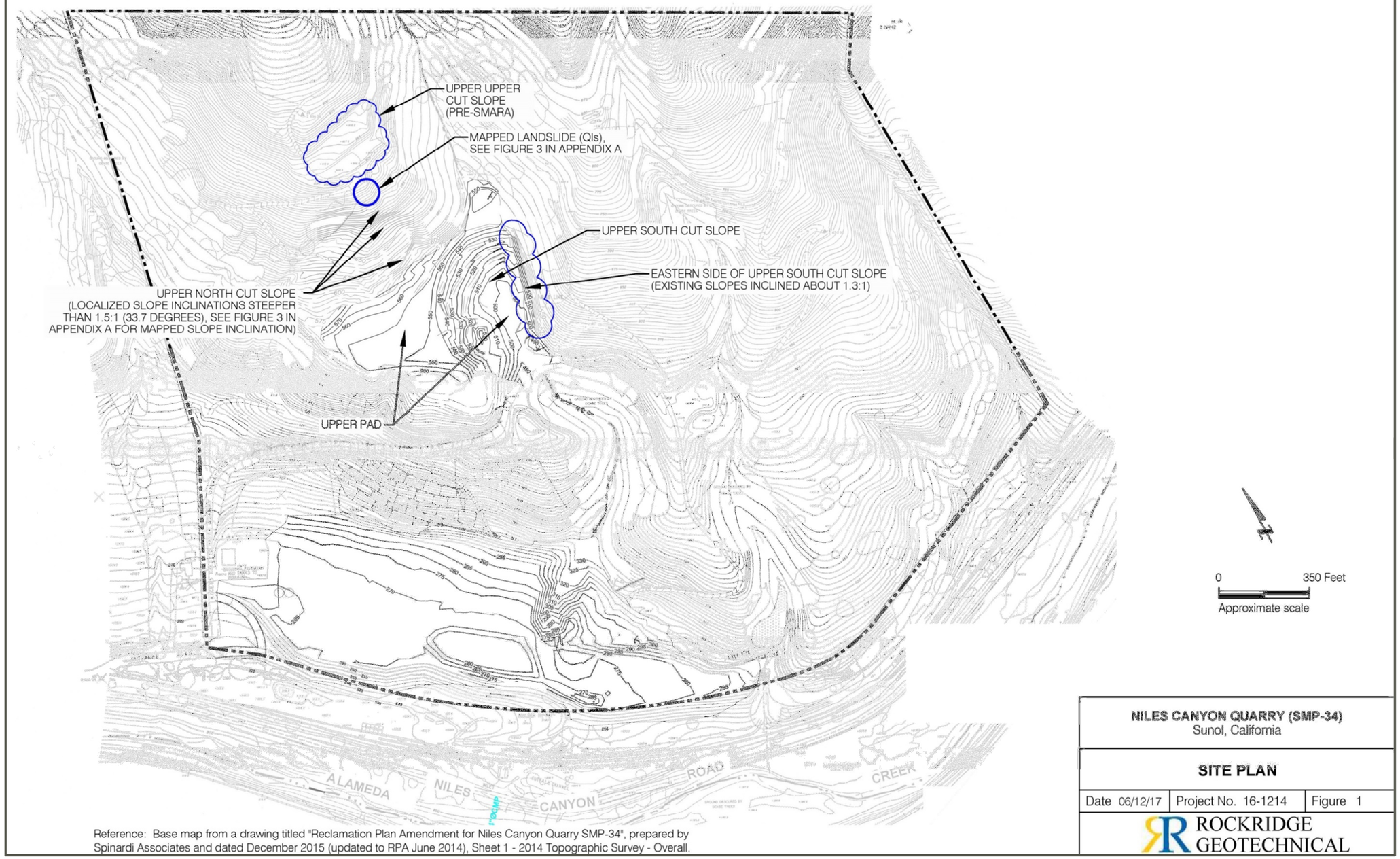
BENCHMARK RESOURCES

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Figure 4

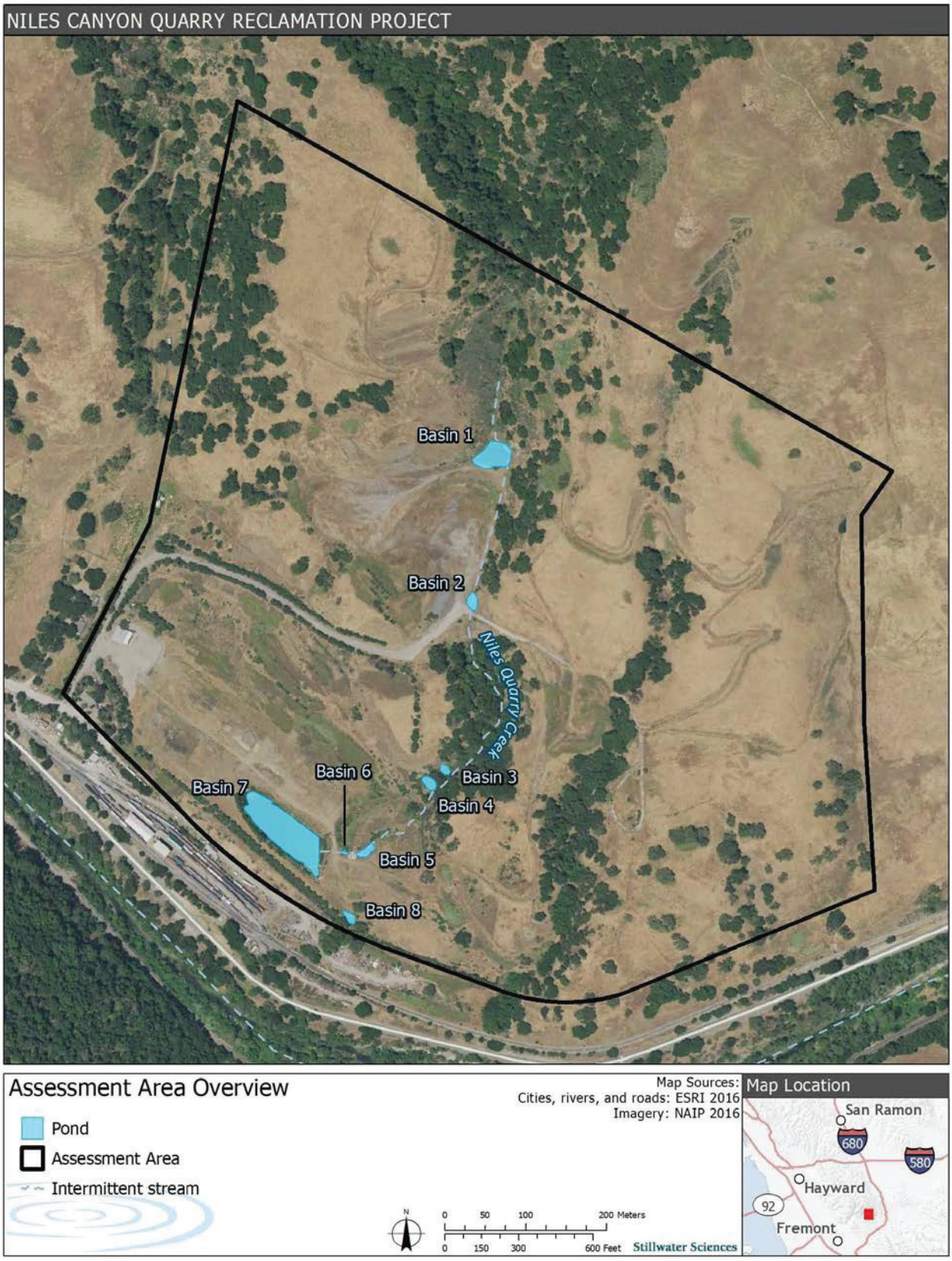
V:\DATA2\CURRENT PROJECTS\374 - Niles Canyon Quarry\374 - Figures\374 - Project Description



Reference: Base map from a drawing titled "Reclamation Plan Amendment for Niles Canyon Quarry SMP-34", prepared by Spinardi Associates and dated December 2015 (updated to RPA June 2014), Sheet 1 - 2014 Topographic Survey - Overall.

NILES CANYON QUARRY (SMP-34) Sunol, California		
SITE PLAN		
Date 06/12/17	Project No. 16-1214	Figure 1
ROCKRIDGE GEOTECHNICAL		

SOURCE: Rockridge Geotechnical 2017



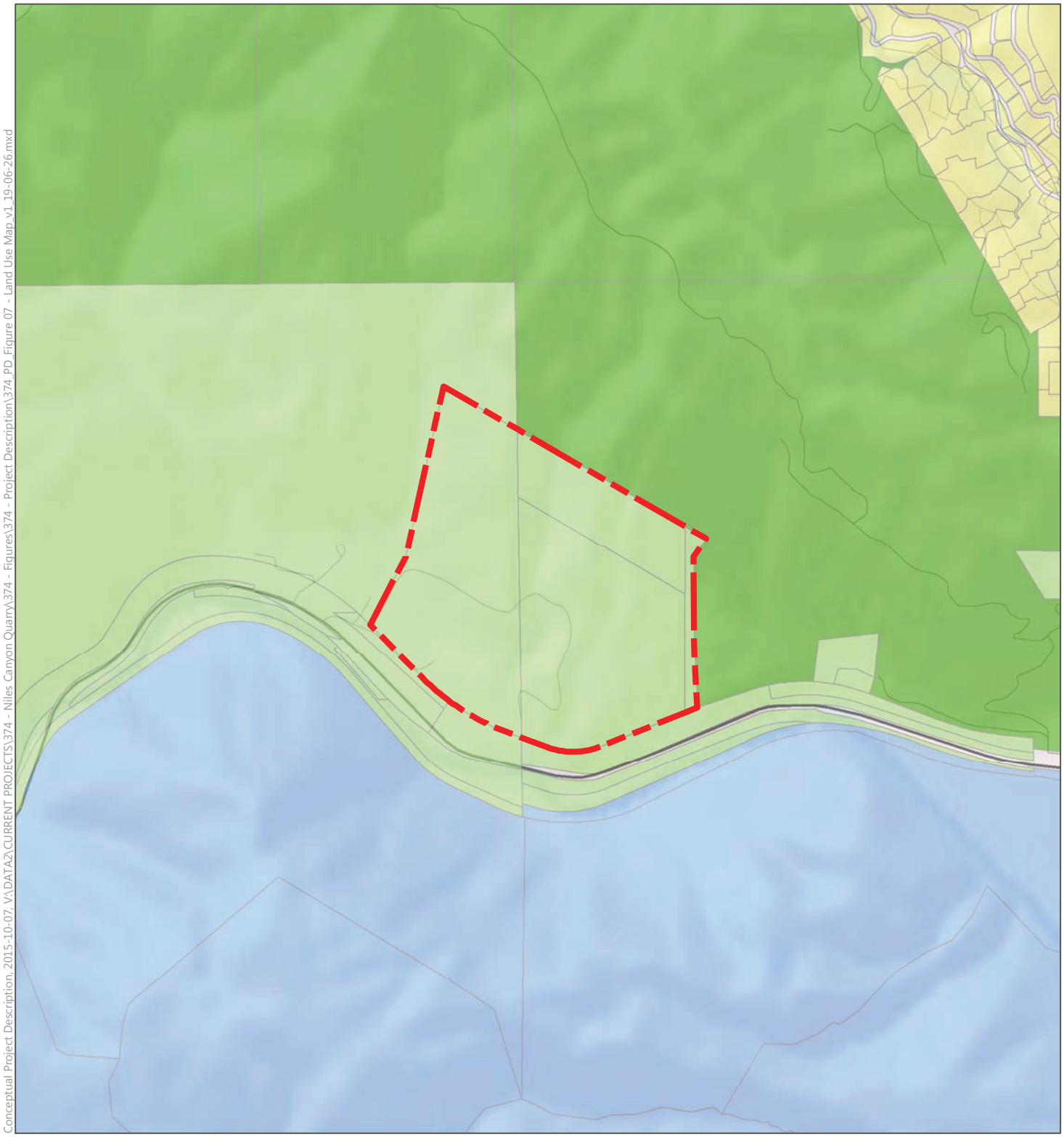
SOURCE: Stillwater Sciences 2018a

Existing Creek Conditions

NILES CANYON QUARRY RECLAMATION PLAN
INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION

Figure 6

BENCHMARK RESOURCES



Conceptual Project Description, 2015-10-07, V:\DATA2\CURRENT PROJECTS\374 - Niles Canyon Quarry\374 - Figures\374 - Project Description\374_PD_Figure 07 - Land Use Map_v1_19-06-26.mxd

SOURCES: [Land Use Data] Alameda County 2002; Orduña pers. comm., 2019; Adapted by Benchmark Resources in 2019

Reclamation Plan Boundary

Large Parcel Agriculture

Parklands

Rural Density Residential (Maximum 1 Unit/5 acres)

Water Management

BENCHMARK RESOURCES

N

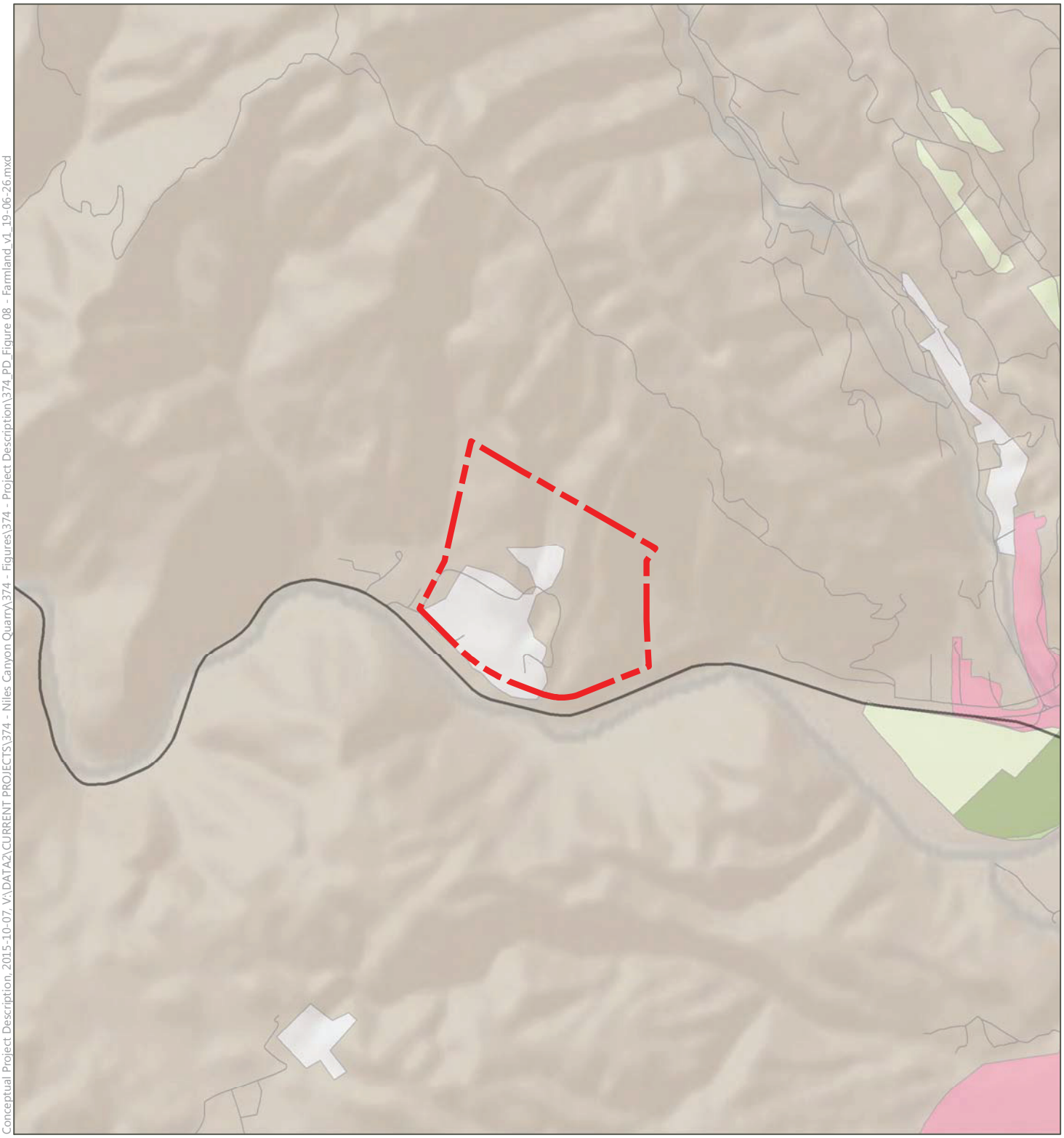
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Land Use Map

NILES CANYON QUARRY RECLAMATION PLAN

INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION

Figure 7



Conceptual Project Description, 2015-10-07, V:\DATA2\CURRENT PROJECTS\374 - Niles Canyon Quarry\374 - Figures\374 - Project Description\374_PD_Figure 08 - Farmland_v1_19-06-26.mxd

SOURCES: California Department of Conservation Farmland Mapping and Monitoring Program data download for Alameda County, 2010 version; ESRI World Shaded Relief accessed June of 2019; ESRI World Streetmap, 2009; Adapted by Benchmark Resources in 2019

Reclamation Plan Boundary

Street

Prime Farmland

Farmland of Statewide Importance

Unique Farmland

Grazing Land

Urban and Build-up Land

Other Land

BENCHMARK RESOURCES

N

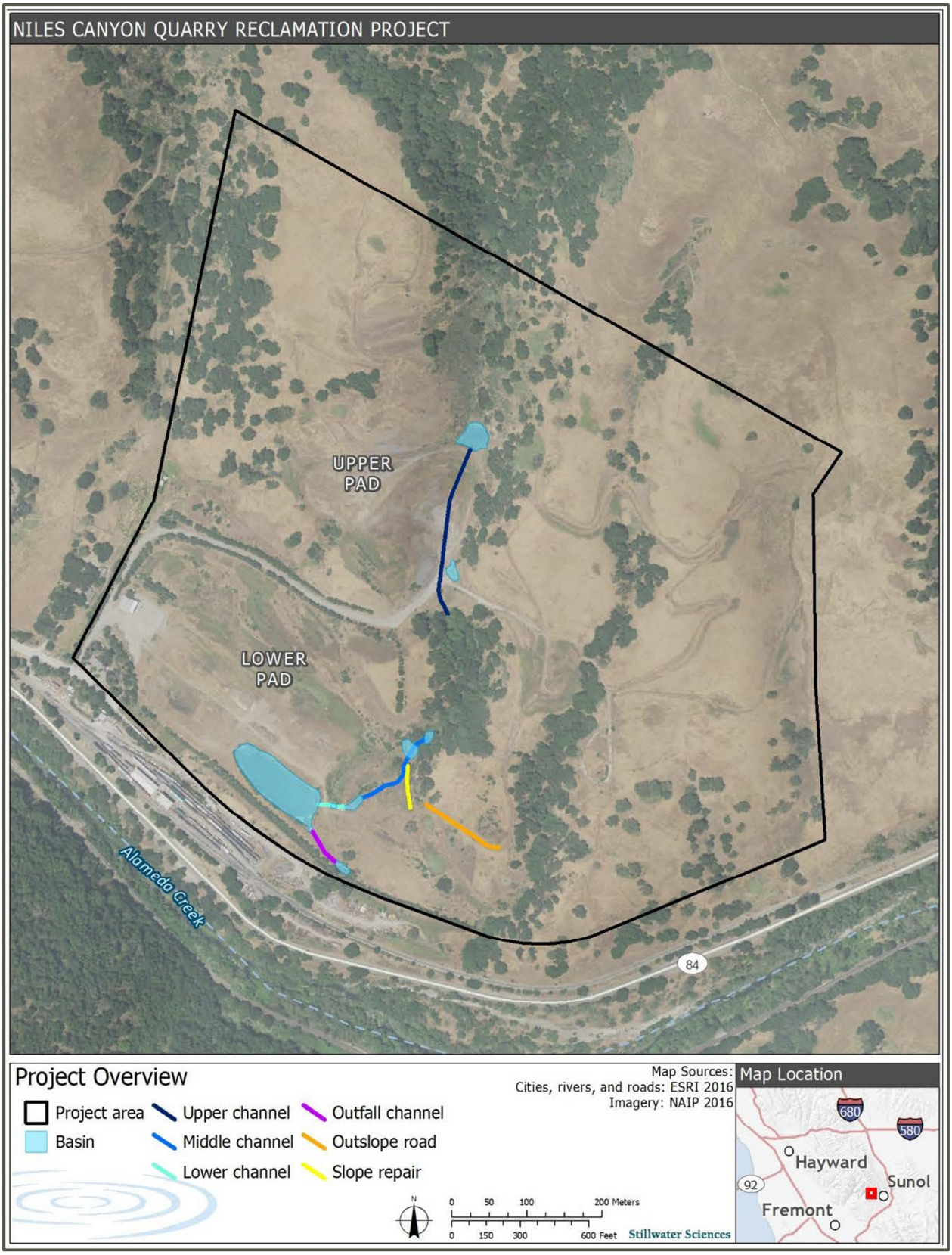
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Farmland Map

NILES CANYON QUARRY RECLAMATION PLAN

INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION

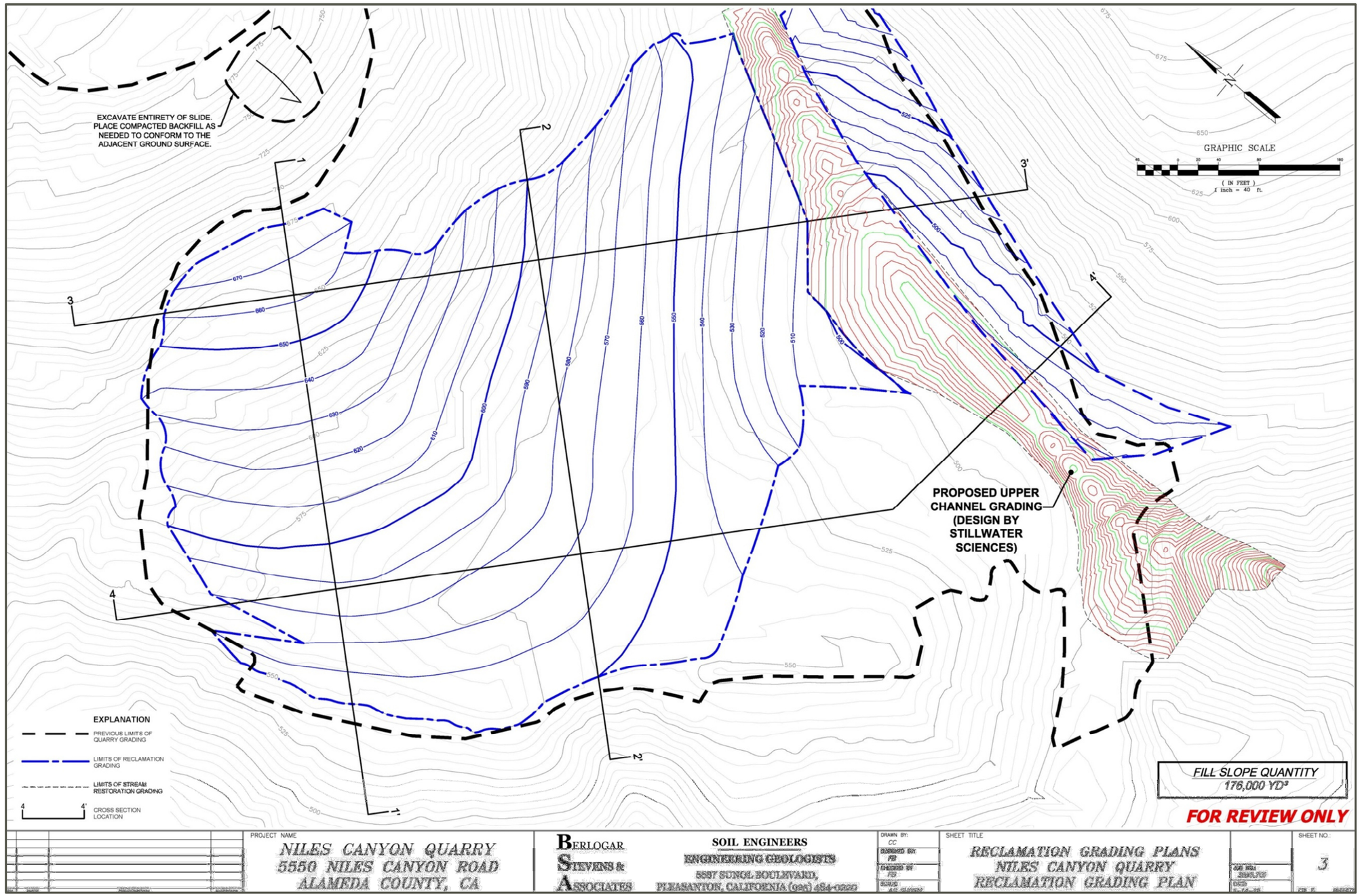
Figure 8



SOURCE: Stillwater Sciences 2018a

Revegetation Plan Areas
NILES CANYON QUARRY RECLAMATION PLAN
INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION
Figure 9

BENCHMARK RESOURCES



SOURCE: Berlogar Stevens & Associates 2019

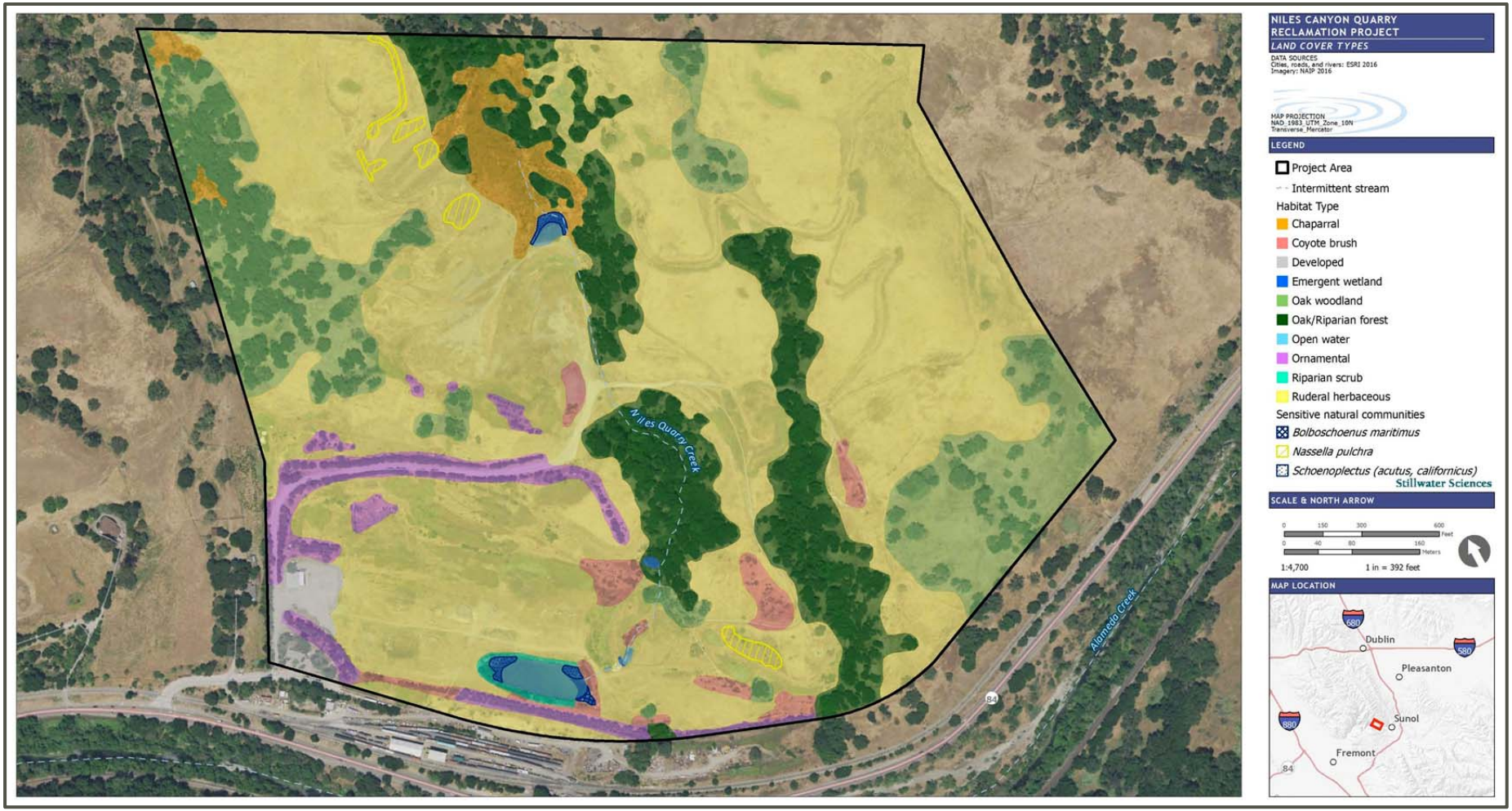
Note: Not to scale.

Grading Plan
NILES CANYON QUARRY RECLAMATION PLAN
INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION
Figure 10

SOURCE: Berlogar Stevens & Associates 2019

Note: Not to scale.

Grading Plan Cross Section
NILES CANYON QUARRY RECLAMATION PLAN
INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION
Figure 11



SOURCE: Stillwater Sciences 2019a

Habitat Types and Sensitive Natural Communities Documented On-Site

NILES CANYON QUARRY RECLAMATION PLAN

INITIAL STUDY/SUBSEQUENT MITIGATED NEGATIVE DECLARATION

Figure 13

BENCHMARK RESOURCES