DUPL DOC.

ALAMEDA COUNTY PLANNING DEPARTMENT

• Development Planning • Housing & Community Development • Lead Poisoning Prevention • Policy Planning & Research • Zoning Administration & Enforcement

399 Elmhurst Street, Hayward, CA 94544 (510) 670-5400 FAX (510) 785-8793

February 21, 1996

Duplicate

Interested Parties:

Attached for your review and comment is an Initial Study/Draft Negative Declaration for renewal of the surface mining permit for the Niles Canyon Quarry, located on approximately one quarter of 176 acres of land at Brightside near the town of Sunol (formerly Surface Mining Permit SMP-4), currently owned by S.R.D.C. Company. The site would ultimately include two 12 - 15 acre quarry pits and a 10-acre level staging area near the lowest reach of the site. The project would consist of operation of a quarry and on-site processing of waste concrete into a material usable in combination with quarried natural materials. The operation would be located entirely out-of-doors, with a portable concrete crusher located in the higher of the two quarry pits, and with equipment storage and maintenance and a large water tank (remaining from previous operations for use as dust and fire suppressant) located in the staging area. A sediment settling and removal pond, constructed previously for past mining operations on site, would be retained for the present proposal.

Importation and processing of concrete is specifically allowed under a recent amendment to § 8-111.5 of the Alameda County Surface Mining Ordinance to expand the allowable uses permitted in conjunction with mining operations. Under the proposed amendment, an Permittee could (for example) bring waste concrete on site, crush it, and either mix the crushed product into a batch product or use it as an amendment to the basic mined material.

The Alameda County Planning Commission will hold a public hearing on a draft Negative Declaration and the proposed amendment on Monday, the 1st day of April, 1996, beginning at 6:00 p.m., in the Auditorium of the Alameda County Public Works Building, 399 Elmhurst Street, Hayward, California.

Comments on the draft Negative Declaration and the proposed mining operation must be received prior to or at the hearing, either orally or in writing, in order to be considered by the Planning Commission. Written comments will be accepted through March 26, 1996. If you challenge the proposed amendment to the Surface Mining Permit in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

If you have any questions, please call me at 510/670-6527.

Very truly yours,

Bruce Jensen
Development Planning Division

/attachments

INITIAL STUDY
Alameda County

I. GENERAL INFORMATION

A. Project Name: Niles Canyon Quarry, Surface Mining Permit SMP-34, S.R.D.C. Company

B. Project Sponsor: S.R.D.C. Company
Contact: Ray Ferrari
1265 Montecito Avenue
Mountain View, CA 94043
(415) 961-2742

C. Assessor's Parcel Numbers: 096-0115-002, -003, -004

D. Existing Zoning: A - Agricultural

E. Plan Designations:

General Plan: Agricultural Open Space

F. General Existing Setting and Project Description:

The proposed site consists of the preexisting quarry area and former plant site of SMP-4. The area consists of 176 acres of agricultural land, of which approximately 30 acres are currently disturbed quarry operations land; of this, 20 acres are the previous processing area (currently being reclaimed) with about ten acres of occasionally active pits and access roads. Most of the site is undisturbed and remains as either grazed grassland or woodland. There are no perennial streams or other significant natural waterways, although surface runoff may be found in swales during rain storms. The area is on the south-facing (northerly) slope within Niles Canyon, and very steep upgrade from the south toward the north. The area is surrounded on the western, northern and southern sides by agricultural lands, and on the south by the County Railroad right-of-way (formerly Southern Pacific Railroad) and State Route 84 (SR 84). SR 84 directly serves the site, and provides access to Mission Boulevard in Fremont and Interstate 680 in Sunol. Refer to Figure 1 for site location.

Alameda Creek, the only major waterway nearby, is located approximately 400 feet south of the nearest site boundary and across SR 84. The average water level is approximately 40 below the lowest site elevation. Sheet flows and other surface runoff during storm events flow into an existing site catch basin, then from the catch basin via a conduit and culvert under SR 84 into Alameda Creek. This system was found by County Public Works staff to function adequately during the heavy rains of winter and spring in 1995, allowing silt levels no greater than those naturally occurring to enter Alameda Creek.

The proposed quarry would cover up to about 40 acres of the site, including the existing quarry pit and access roads, and an existing six-acre paved area which is approximately half of the

previously-used processing area. The former processing area is being reclaimed through removal of old equipment and revegetation, but the paved area would remain as the equipment staging and storage area under the new permit (refer to Figure 2). The acreage to be quarried would consist of two pits, one to be quarried after the other in phases, with a total of 1,850,000 cubic yards of material to be excavated over a twenty-five (25) year period. The rate of extraction could vary from time to time depending on current market demand for the product. Sites 1 and 2 would be excavated to depths of 100 feet and 150 feet, respectively using side-hill and multi-bench mining methods. The materials consist of shale, clay-rock and some elevated stream cobble, generally useable for fill. Topsoil would be retained in stockpiles for later reclamation use near the sides of the pits, primarily to the west. No wastes would be retained on site. All materials would be exported from the site on trucks using the access road and SR 84. Below both of the mining areas, an existing catch basin (part of the old processing area) would be maintained for use as a siltation pond during rain events; the catch basin has functioned adequately during prior rain episodes. Runoff from above the quarry pits would be routed around the pits to discourage pit erosion and maintain runoff as free of silt as possible.

At the start of operations, a portable crusher would be installed in the portion of the pit excavated during previous mining operations in Site 1. The crusher would be used to help combine waste concrete (brought onto the site from demolition sites) with quarried minerals to create a higher value material of construction grade. The gross export of the site over the permit period, including the crushed concrete content, would be approximately 2,850,000 cubic yards. Other than the crusher, excavation equipment and haul trucks, no other processing equipment would be used on site.

The proposed quarry would operate essentially the same as at the existing quarry (SMP-4), except that most of the original processing equipment would be removed and replaced by the smaller portable crusher to be located in the first pit. Excavation equipment and trucking would continue to occur at the site much as it has since 1965, albeit with a reduced expected level of operation. A bulldozer/front-end loader combination, backhoe, and similar equipment would collect material, and load it into trucks, or into the crusher for combination with crushed concrete. No sorting equipment would be located on the site. The placement of the crusher in the pit would serve to mitigate nearly all noise from that source.

Of the original equipment used at the former processing site, only large water tanks (capacity 200,000 gallons) would be retained for storage of dust control, crusher watering, irrigation and firefighting water. The location of these tanks is shown on Figure 2. Water would be pumped to an auxiliary 10,000 gallon tank near the original quarry pit for immediate use. In addition to watering, a colloidal material known as Polyetber Alcohol (trade name Dustrol) would be added to the water as a dust palliative chemical. The Material Safety Data Sheet for Polyetber indicates that it is non-toxic to living things, is biodegradable and practically odorless.

The quarry would operate up to approximately 300 days a year excluding Sundays and holidays (depending on the volume of business), from 7:00 AM to 5:00 PM. Truck trip generation level on any day would depend heavily on market conditions for the mined resource. **For the maximum expected production periods**, the daily trip levels would be approximately 64 trips one way per day, 32 round trips (figured conservatively for 100,000 cubic yards per 300-day operating

year at 22 yards per truckload). At maximum trip generation, the quarry traffic would comprise about 0.5 percent of daily traffic on Niles Canyon Road (12,500 trips per day). However, trips would occur primarily during construction periods (periods of high market demand, usually dry weather) and little during the rainy months, and the operation volume and truck trip counts would on average be less than the maximum figure. For example, during the previous 15 years, operations have averaged approximately 27,000 cubic yards per year, much less than the maximum level proposed. Continuation of this average volume would result in approximately 16 one-way trips per day average. On many days, including rainy days and other times of very low market demand, no trips would occur, or the actual trip generation would be minimal. Anticipated trip distribution would be 80% westward toward Fremont and 20% eastward toward Interstate 680 (I-680) in Sunol.

Additional details of the operations and equipment can be found in the application for this permit, available for review at the Alameda County Planning Department.

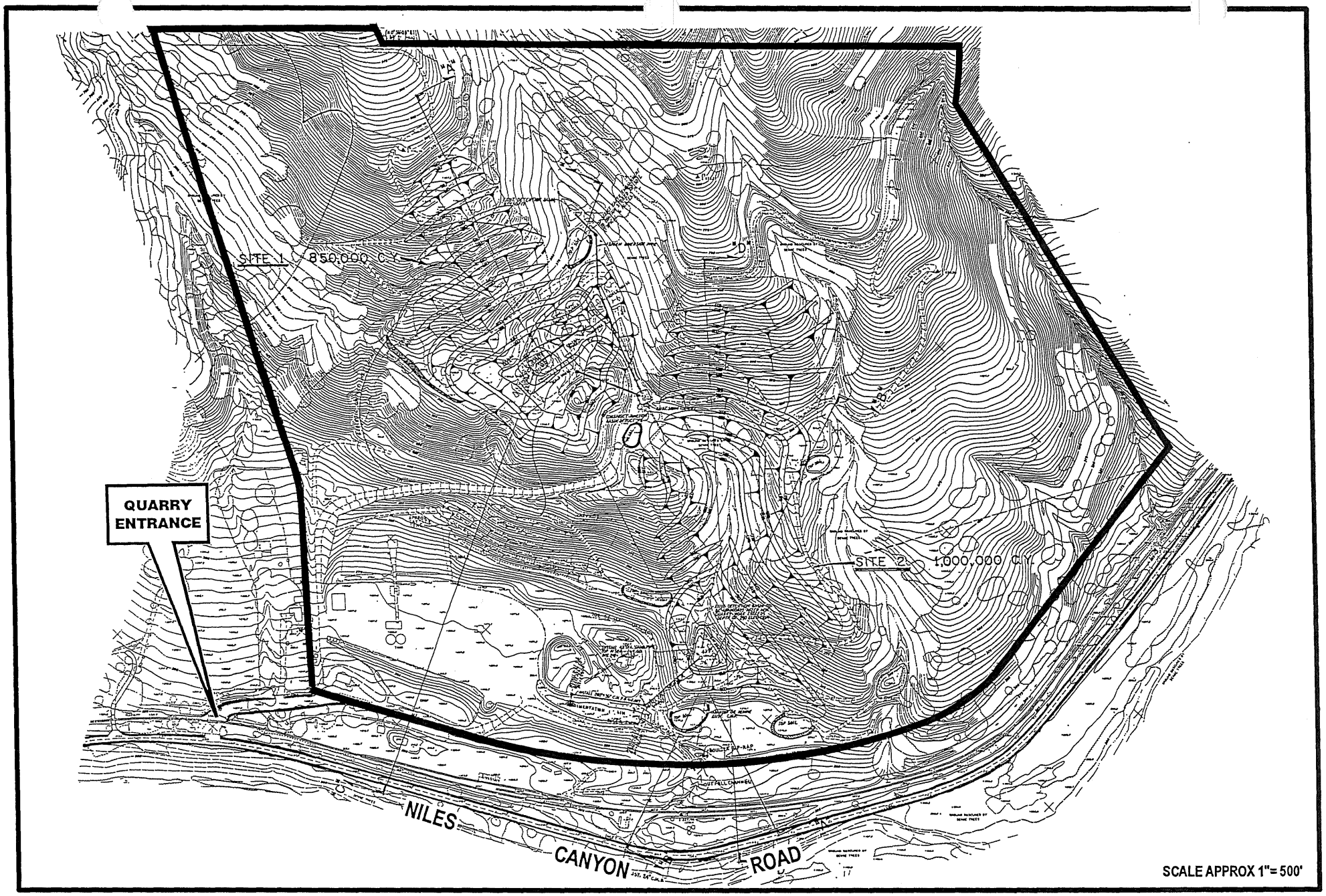
G. Reclamation of the Site: The site would be reclaimed to the previous use, that of extensive agriculture (probably grazing), and possibly an expansion of a small vineyard area near the previous processing area. The permittee proposes to create stable slopes as a result of mining activity and follow-up fine grading and backfill, with stable grades and benches at regular intervals progressing up the sides of the pits. The slopes would be planted with grasses naturally occurring in the area, along with clusters of native trees to approximately replace those lost as a result of mining, along with some for visual mitigation. All stockpiles, structures, equipment and refuse would be used up or removed at the termination of quarrying, with the possible exception of the existing office building, which could remain as a permanent structure for habitation or utility. The basic reclamation plan is shown in Figure 3.

There are many details related to reclamation; these may be found in the application package for this permit, available for review at the Alameda County Planning Department.

H. Location: Approximately one (1) mile west of the town of Sunol along State Route 84 at Brightside, on the north side of Niles Canyon.

I. Other Agency Approvals:
Bay Area Air Quality Management District
Regional Water Quality Control Board
Department of Conservation
CALTRANS, District 4
U. S. Fish and Wildlife Service
Department of Fish and Game

J. Analyst: Bruce H. Jensen Date Received: May 25, 1995



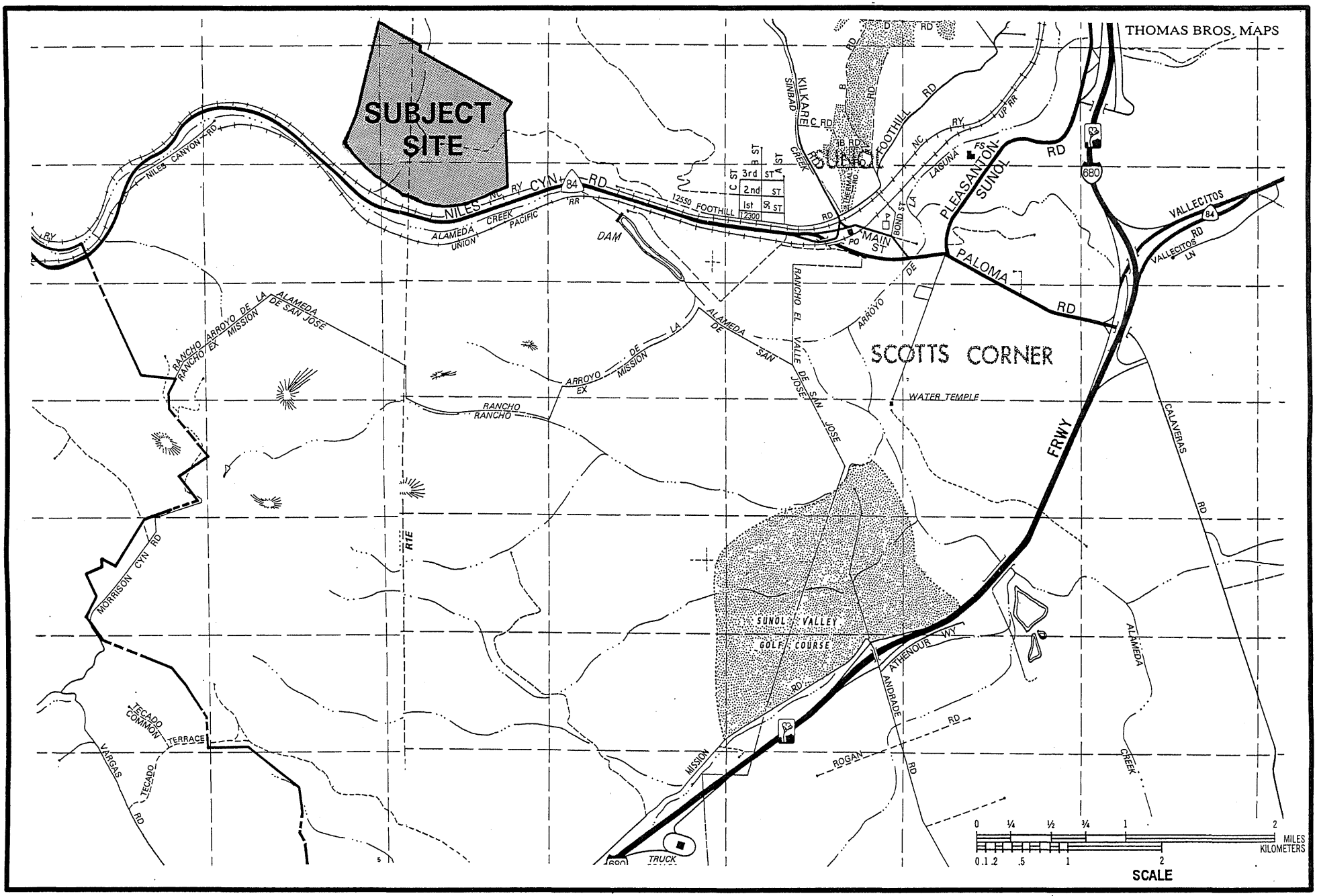
SMP-34, NILES CANYON QUARRY

FIGURE 2

SITE PLAN

Alameda County Planning Department

NORTH



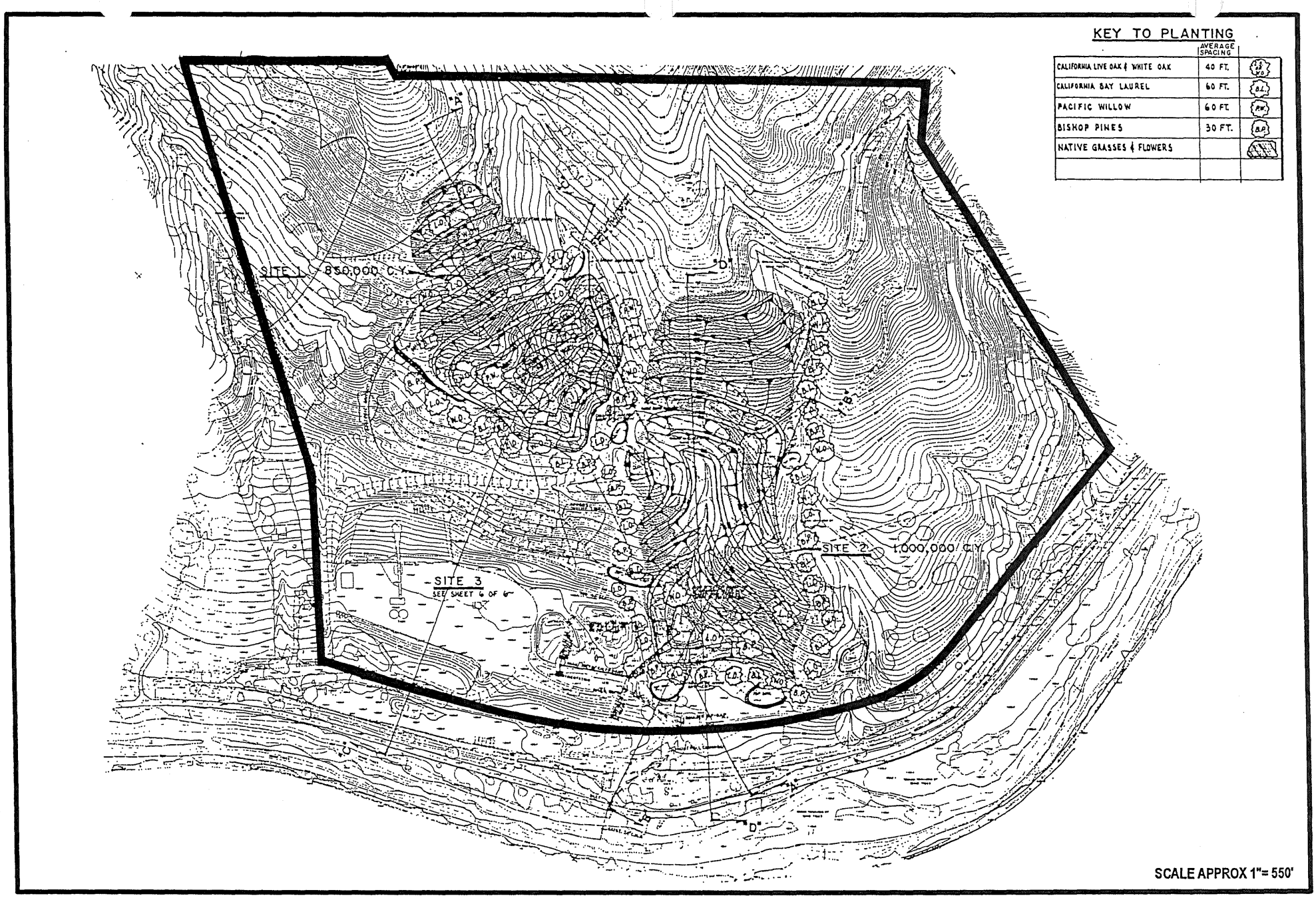
SMP-34, NILES CANYON QUARRY

VICINITY MAP

FIGURE 1

Alameda County Planning Department

NORTH



SMP-34, NILES CANYON QUARRY

RECLAMATION AND LANDSCAPE PLAN

Alameda County Planning Department

FIGURE 3

NORTH

II. EVALUATION

Check the appropriate boxes. Circle or specify items marked "Yes"--if more than one possibility in category. All phases of project planning implementation and operation must be considered. All items checked "YES" or "UNKNOWN" must be discussed in Section IV.

	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
A. Geologic Factors				
Could the Project or its related activities affect, or be affected by the following:				
1. Seismic hazards, including fault surface rupture, liquefaction, seismic shaking, landsliding, tsunami inundation	___	___	X	___
2. Slope failure	X	YES	___	___
3. Soil hazards: soil creep, shrink-swell (expansiveness), high erosion potential	X	YES	___	___
4. Mineral resources	___	___	X	___
5. Other (State) None	___	___	X	___

Comments:

Slope Failure - The steepness and stability of the slopes in a pit quarry are always an issue, especially so for the purposes of reclamation. For this quarry the applicant proposes that the quarry be mined in such a way as to create a series of horizontal benches twenty feet wide at 40-foot vertical intervals, which during reclamation would be covered with a mantle of soil for final vegetation cover. The steepest slopes would be at a ratio of one and a half feet horizontal to one foot vertical (1.5:1), which is sufficient to avoid adverse bedding problems on site that could eventually result in instability. For the original SMP-4, Terrasearch, Inc., prepared a geotechnical study for the entire 176-acre site, with several recommendations to assure safe and stable slopes for not only the quarry but for the surrounding parcels as well; Terrasearch provided a review of the original site report in April 1995. The review made several findings:

a. The new proposal is significantly smaller than the original proposal, maintaining a much larger (and therefore safer) buffer between the mined area and adjacent lands than the previous proposal. The upgrade portion of Site 1 contains an area known to have shallow landslide lenses; according to the project engineer and an independent reviewing engineer, the proposed excavation extends far enough into this area to preclude additional instability.

b. On site soils generated from the upper 5 to 10 feet of topsoil should be adequate to revegetate the site.

c. With specific measures, the soil can be stably distributed on the slopes and benches of the quarry. Recommended measures include using wet soil for coverage and then sufficiently compacting the soils on the slopes, or using a

"high-tack" hydroseed mixture to apply on the slopes; and revegetating during the late summer and early fall to establish substantial root growth prior to the rainy season. The report recommended that each bench should be formed with a horizontal drainage ditch, preventing large amounts of water from above to run off onto the lower slopes. Finally, Terrasearch recommends monitoring of this process occasionally to ensure proper treatment of the slopes. The 1995 Terrasearch review (part of the application package), as well as the original 1980 report and other technical data, is available for complete review at the Alameda County Planning Department.

Rockfall Hazards - The independent reviewing engineer noted that rockfall could occur at this site, and recommended additional review; however, the revised proposed slope of 1.5 : 1 and the highly fractured nature of the rocks should minimize the potential for rockfalls of any sizable rocks.

Seismic Issues - Seismic issues are not expected to result in significant impacts on site, nor is the quarry expected to result in seismic problems off site, if specific measures are incorporated to avoid problems. Some fault traces are known to occur on the site, although the precise location is not mapped; the project and reviewing engineer recommend that the faults should be evaluated when they are located during construction, and actions can be recommended at that time.

Mitigation measures for the impacts noted above are specified in their entirety in Section IV below.

Soil and Other Issues - Soil erosion and subsequent siltation of waterways has been mitigated adequately in the past by the existing catch basin/siltation pond and drainage system serving the quarry. This system is expected to remain viable for ongoing quarry operations. The applicant proposes to remove silt from the quarry and sedimentation basins annually in the early autumn, and to install and use riser pipes in the basins to remove the uppermost water in the basin, allowing settling sediment to remain in the pond.

The operation would not have an adverse impact on the amount or availability of mineral resources in Alameda County; when waste concrete is added to the native materials, it should provide a small increase in the availability of Class II construction grade aggregate, allowing natural deposits of comparable gravels to be conserved.

	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
B. Hydrologic Factors				
Could the Project affect, or be affected by the following:				
1. Public or private water supply	___	___	X	___
2. Septic system functioning (inadequate percolation, high water table, location in relation to watercourses, etc.)	___	___	X	___
3. Increased sedimentation rates	X	YES	___	___

		YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
4.	Surface or groundwater quality (contaminants other than sediment, i.e. urban runoff, nutrient enrichment pesticides, temperature, dissolved oxygen, etc.)	___	___	X	___
5.	Groundwater recharge	___	___	X	___
6.	Watercourse configuration, capacity, or hydraulics	___	___	X	___
7.	Degradation of riparian corridor, marsh, lake, estuary, slough	___	___	X	___
8.	Increased runoff due to impervious surfacing	___	___	X	___
9.	Flood hazard areas, their depth or extent	___	___	X	___
10.	Cumulative saltwater intrusion	___	___	X	___
11.	Other (State) Seepage	X	YES	___	___

Comments:

Increased Sedimentation - Increased sedimentation is a potential problem for all quarries in which water flows from the quarry toward adjacent lands or into watercourses. The erosion of exposed surfaces results in carriage of sediment loads into waterways. This could become a significant impact for this quarry.

The previously existing quarry has already established a sedimentation basin designed to still runoff waters and allow sediments to settle before the water flows into Alameda Creek. This system has been found to be effective during past rainy seasons for the quarry as it exists, including the heavy rain season of 1994 -1995, and maintenance of the system should continue to be an adequate method for sediment removal. The applicant proposes to remove silt from the quarry and sedimentation basins annually in the early autumn, and to install and use riser pipes in the basins to remove the uppermost water in the basin, allowing settling sediment to remain in the pond. The most important issue is whether the existing system would allow sufficient settling time to remove silt from runoff with more extensive disturbed slopes than those currently in place. Engineering calculations for the project indicate that with the proposed silt ponds and elevated standpipes, with no more than 25 percent of the total quarry area disturbed or unstabilized at any time, settling time would be sufficient to reduce the effluent silt to less-than-significant levels. The value of 25 percent maximum disturbed area appears to be appropriate based on past mining rates and revegetation rates; this value should be

incorporated as mitigation (see Section IV below). The calculations are available for review at the Alameda County Planning Department.

Seepage - Seepage of groundwater is expected to occur from cut slopes in various locations on the upper quarry pit slopes, with the potential to result in surface erosion and instability. The applicant proposes to install permanent horizontal drains where seepage is found so that seepage water may be drained away from the slopes without resulting in slope failure; therefore, significant impacts from seepage would be mitigated.

Other Issues - The quarry is not expected to have other significant effects on hydrology. The quarry 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; this agreement has not resulted in water shortages in the past. Potable water is supplied for workers. Portable toilets are used. No artificial contaminants would be present on site that could flow from the site. Site hydrologic patterns would be altered only within operating areas, and no significant streams would be affected, nor would sheet flows be concentrated or impeded. Groundwater recharge aspects of the site would not be altered. No watercourse degradation would occur. Flooding and saltwater intrusion impacts are not applicable.

Detailed mitigation measures for the impacts stated above are found in Section IV below.

C. Biotic Factors

Could the Project affect, or be affected by the following:	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
1. Known habitat of rare/endangered plants or animals (designate specific species, if known)	___	YES	___	X
2. Unique or fragile biotic community	X	YES	___	___
3. Wildlife habitat or migration corridor	___	___	X	___
4. Alterations to the plant community	X	YES	___	___
5. Fire hazard from flammable brush, grass or trees	___	___	X	___
6. Anadromous fishery	___	___	X	___
7. Lands currently utilized for agriculture	___	___	X	___
8. Other (State) None	___	___	X	___

Comments:

The following summarizes the conclusions of a site survey and biological assessment performed by LSA Associates on June 12, 13 and 14, 1995. The survey consisted of complete walking transects performed by botanists and wildlife biologists over the site. Only impacts and mitigation measures are presented here; the complete document, Biological Assessment, Niles Canyon Quarry, Alameda County, California (August 16, 1995) is available for review at the Alameda County Planning Department. To the extent necessary, the applicant has agreed to add mitigation measures and/or amend the reclamation plan, as appropriate, to resolve the impacts. Please note that the discussion and measures presented below do not defer analysis and determination of impacts to a later date, but rather allow mitigation for specific impacts to be implemented as the phased quarry operations progress and as impacts occur. Since the biological aspects of the site can change with time, this approach will allow the specific mitigation to be more timely and in accordance with the impacts as they occur, rather than specified far in advance of the impact and possibly without adequate effect or follow-up review.

Sensitive Habitats. Sensitive habitats have no specific legal protection, however, components of these habitats may have biological value. The LSA report estimates that some amounts of various sensitive habitats could be lost temporarily or permanently due to the project. An estimated 0.5 acre of watercourses and detention ponds "potentially subject to [Army] Corps [of Engineers] and [California Department of Fish and Game] jurisdiction" are present, including approximately 0.32 acre of ponds (existing stock ponds). The watercourses are intermittent and flow only during periods of rain; during the winter of 1995, enough heavy rains fell to allow the watercourses to run as late as June. Approximately 7.2 acres of Coast Live Oak woodland would be removed along portions of the affected watercourses. Finally, a stand of native grassland is present on site that might normally be considered sensitive, but absence of substantial growth of purple needle grass (Stipa pulchra) and other native forbs make this habitat less than sensitive.

Although sensitive habitats are present, they are not unique in the area. Intermittent (and permanent) streams are common not only in Niles Canyon but also throughout the undeveloped portion of Alameda County. Stockponds and similar impoundments are common, and as artificial water bodies are only marginally sensitive, primarily for their potential secondary value as wildlife water sources and inadvertent homes for certain sensitive species. Temporary loss of the stockpond impoundments would therefore not be significant on its own, nor would the loss occur all at once, since the largest ponds (those in Site 2) would not be affected until a later phase of excavation. However, permanent loss of the intermittent streams and their channels would be a significant impact. The applicant proposes to recreate the stream bed after excavation is completed.

The oak woodland is common in patches on the north side of Niles Canyon, and the south side is heavily wooded with oaks and related species. Therefore, the temporary loss of these habitats during quarry operations would not be significant. However, the reclamation plan proposes revegetation using a number of nonnative species which would not replace the lost oak woodland. The permanent loss of oak woodland would be a significant impact of the project.

Recommended mitigation for these impacts includes: Avoidance of the 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, replanting of Coast Live Oaks and associated species (big-leaf maple, western sycamore, elderberry, valley oak and buckeye) to replace the woodland lost to excavation where appropriate, or using interior live oaks where drier conditions prevail, to replace the woodland lost acre for acre. For Site 2 where the stream

would be completely excavated, the stream shall be restored 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 shall be established to replace ponds lost during excavation. Replanting should be done according to specific ratios for expected survival rates, with monitoring to assure recovery. Complete recommended mitigation and reclamation plan amendment is set forth below in Section IV.

Introduction of Non-Indigenous Plants. The proposed use of Monterey Pines and some nonnative grasses would introduce plants not indigenous to Niles Canyon, although native to California. Most of the site, along with Niles Canyon, is vegetated with nonnative grasses, with the exception of the small area of mixed native/nonnative grassland. The reseeding of the area with other nonnatives would not be a significant impact. Use of Monterey Pines as a landscaping trees and for visual attenuation of the quarry is discouraged, however, because these trees can colonize as a weedy species. A better choice would be interior live oak for planting in dry areas for screening purposes.

Special Status Plants. The only special status plant that could be affected on site would be the fragrant fritillary, a federal candidate 2 for listing under the Endangered Species Act. Habitat is present in Site 2, in a large area of mixed native and nonnative grassland. The flowering season for this species is February and March; therefore no specimens were observed. If the native grassland area is excavated and the fritillary in fact is found there, a significant impact would occur. The LSA report recommends that a survey for this plant be performed prior to excavation in Site 2 in February or March to determine whether the plant resides on site. If the plant is found, recommended mitigation would be relocation to another suitable location on the applicant's property, which is extensive. The relocation could range from simple transfer of the fritillary population, up to recreation of the habitat if none suitable is found on site. A mitigation program is outlined below in Section IV.

Special Status Fauna. The report identified potential habitat for a number of special status animals that may occupy portions of the project site, although none of these animals was actually found with the exception of one avian species, golden eagles. The survey was performed during a time of the year when the animals may or may not have been in the habitats noted, or a more extensive survey may have been required to adequately determine the presence or absence of the species. The following discusses those animals for which the report identified possible habitat; other species for which the site was surveyed, but which were dismissed from concern based on evidence found at the site, are not covered here. Full findings on these species may be found in the complete Biological Assessment.

a. *California Tiger Salamander / California Red-legged Frog*: The detention ponds on and adjacent to the site could support breeding populations of these two amphibians, although none were seen directly and net surveys revealed no tadpoles of these species. Of six ponds total, four are located within the project footprint and three of these, including the largest and most permanent pond, are located on Site 2 (most of the ponds are seasonal). The report recommends performing a dip net survey during the late winter/early spring prior to excavation to determine whether these species are present. 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 quarry activity is expected to begin. If these species are not found, no further mitigation would be required. If they are found, substitute ponds should be prepared well outside the footprint, possibly on gentle slopes or in nearby drainages on the property. The applicant/permittee should prepare a plan, with Department of Fish and Game assistance and approval, for creation of the pond in an on-site area not otherwise biologically sensitive. Reproduction of the species should be encouraged and monitored for a 5-year period.

b. *Alameda Whipsnake (Striped racer)*: Habitat for this reptile, a mosaic of scrub, grassland and oak woodland, was identified on site, although the reptile was not noted. The applicant would have two choices: either (I) conduct a survey for the whipsnake to determine whether it is present, and if so, mitigate for habitat loss; or (ii) provide mitigation for lost habitat without a survey. If a survey is conducted and no whipsnakes are found, no further mitigation would be required. If a whipsnake is found, or if a survey is not conducted, habitat replacement should consist of reestablishing the appropriate habitat on the reclaimed quarry walls. Specific shrub species should be planted carefully as finish vegetation on an area between 0.1 and 1 acre. The plantings should be monitored for 5 years for various survival and success statistics.

c. *Golden Eagle*: Golden eagles were seen foraging over the site. A nesting site has been identified approximately 0.5 mile away. The anticipated level of activity at the quarry should be compatible with the presence of the eagle, which appears to be accurate based on the probable previous experience of the eagles with not only the active quarry but also other human activity in the Niles Canyon. The report recommends that access to the area north of the quarry (up slope) be prohibited, and quarry activity be minimized, during the eagles' breeding season (February through June). Quarry activity is expected to continue to be minimal anyway throughout the year and especially during the rainy season. These steps should be relatively easy to implement as standard practice.

Complete detailed measures are set forth below in Section IV.

	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
D. Noise, Air and Energy Factors				
Could the Project affect or be affected by the following:				
1. Existing noise levels (ambient and single event)	___	___	X	___
2. Ambient air quality (by hydrocarbon, thermal, odor, dust, smoke, radiation, etc.)	___	___	X	___
3. Climate (locally or regionally)	___	___	X	___
4. Use of substantial amounts of fuel energy	___	___	X	___
5. Cumulative increase in energy demand, noise, or air pollutants	___	___	X	___
6. Other (State) None	___	___	X	___

Comments:

Noise Issues - The primary existing noise source in central Sunol is traffic noise from Paloma Way/Niles Canyon Road and I-680. Paloma Way carries an existing Average Daily Traffic (ADT) of 12,500 vehicles, including those from current operations of the Niles Canyon Quarry to the extent that those trips use Paloma Way; I-680 carries an ADT of 99,000 vehicles. The Union Pacific Railroad also generates substantial noise when passing through Sunol, crossing through the center of town near the school and grocery store.

The existing noise environment at sensitive receptor locations in Sunol was analyzed for Surface Mining Permit SMP-32 in 1994 by taking continuous recordings of the noise level along Niles Canyon Road near the closest Sunol Glen school playing field; the results of that study and the findings of the certified EIR for SMP-32 are incorporated herein by reference and summarized briefly here. The noise measurements were conducted for a 24-hour period (including the full "daytime" and "nighttime" periods, DNL) on Monday, March 28, and Tuesday, March 29, 1994. Detailed information from these measurements is available for inspection at the Alameda County Planning Department. The results indicate that the primary noise source in central Sunol is roadway traffic on I-680 and surrounding roadways.

To evaluate the existing ambient conditions in relation to the County standards, the noise level was calculated using the measured noise level values. The results of the calculations indicate noise exposures of 68 dB DNL at the Sunol Glen school playing field. The noise level at the playing field is due to Niles Canyon Road traffic noise, and the microphone was relatively close to the roadway. Traffic noise dissipates at the rate of 3 to 6 dB for each doubling of distance from the roadway. Thus, locations on the playing field at greater distances from the roadway will have lower noise exposures. Calculations indicate that noise exposures of 60 dB DNL or higher occur at all playing field locations within 155 feet of the centerline of Niles Canyon Road. Thus, the existing noise exposures on the playing field near the roadway currently exceed the 60 dB DNL recommended outdoor standard for school uses in the County.

The proposed quarry would operate essentially the same as at the existing quarry (SMP-4), except that most of the original processing equipment would be removed and replaced by a single, smaller portable crusher to be located in the first pit. Excavation equipment and trucking would continue to occur at the site north of Niles Canyon Road much as it has since 1965, albeit with a reduced expected level of operation. A bulldozer/front-end loader combination would collect material, and load it into trucks, or into the crusher for combination with crushed concrete. No sorting equipment would be located on the site. The placement of the crusher in the pit would serve to mitigate nearly all noise from that source. The existing quarry has maximum noise standards required already for operations of its equipment at the site; the proposed quarry operation would easily meet these standards.

The material would be trucked from the site between 7:00 AM and 5:00 PM, approximately 80% of the time westward toward Fremont, the remainder of the time eastward through Sunol toward Interstate 680. Truck trip generation level on any day would depend heavily on market conditions for the mined resource; however, the maximum daily trip levels would be 64 one-way trips per day, about 0.5 percent of traffic on Niles Canyon Road. Trips would occur primarily during construction periods (periods of high market demand, usually dry weather) and little during the rainy months, and the operation volume and truck trip counts would average less than the maximum figure (historical operations records suggest about 28 percent of this value, or about 18 trips per day).

The proposed truck traffic would contribute a negligible amount of noise to the DNL, and the overall noise level with quarry traffic would not exceed that recently measured. To increase the noise level at any location by 3 dB, the

approximate lower limit at which noise increases are noticeable, a doubling of traffic noise energy must occur; even if the noise contribution of the existing traffic of the quarry is subtracted from the total base noise level, the 0.5 percent increase in traffic from the project would result in imperceptible overall noise increases of less than 1 dB increases. In summary, no perceptible increases in noise would occur, nor would excessive noise result at any time or location.

Air Quality - Air quality would not be affected by the small trip generation of the Project. Some dust could be generated at the facility, but the Bay Area Air Quality Management District requires a permit for the quarry Permittee specifying dust reduction measures to reduce the impact to an insignificant level; in particular, the permit will be required for use of the portable crusher, which will require appropriate dust reduction features. Currently, the applicant proposes a number of typical dust suppression measures that have been used in the past successfully, centered around the idea of moisture application. The applicant also proposes the use of Dustrol-brand polyetber dust palliative, which can be used in the moisture application or by itself. These proposed measures would be required as conditions of approval. Since the discontinuation of use of the larger processing equipment originally placed on the site in the 1960s, visible blowing dust episodes have not occurred, and this equipment will not be used again as it is being dismantled.

Other Issues - Some fuel energy would be used, but not wastefully. Recycling (including of waste concrete) is recognized as an energy saving concept when done at the local level, because of lower transportation requirements and energy savings by reduced resource extraction. No changes to climate are expected.

	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
E. Natural Resources				
Could the Project affect, or be affected by the use, extraction or conservation of any natural resources	__	__	X	__

Comments:

Although the quarry would remove various mineral constituents, none of these are considered significant or rare in their natural form. Incidentally, the addition of waste concrete to the native materials would result in a higher and more useful grade of material roughly equivalent to high quality gravels for certain applications, thereby enabling existing gravel resources to be conserved while also conserving landfill space occasionally used for waste concrete disposal.

	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
F. Cultural/Aesthetic Factors				
Could the Project affect or result in the following:				
1. The established character, aesthetics or functioning of the surrounding area	__	__	X	__

		YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
2.	Physical change affecting unique ethnic cultural values	__	__	X	__
3.	Restriction of existing religious or sacred uses within the potential impact area	__	__	X	__
4.	Prehistoric or historic buildings, structures, objects or unique cultural features	__	__	X	__
5.	Archaeological or paleontological resources	__	__	X	__
6.	Areas having important visual/scenic value	X	YES	__	__
7.	Adopted scenic highways or areas of scenic value	X	YES	__	__
8.	Lands preserved under an agricultural, scenic, or open space contract	__	__	X	__
9.	Hazard to people or property from risk of explosion or release of hazardous substances either on site or in transit	__	__	X	__
10.	Significant new light or glare impacts on the site or surrounding area	X	YES	__	__
11.	Displacement of people or business activity	__	__	X	__
12.	Public controversy	__	__	X	__
13.	Other (State) None	__	__	X	__

Comments:

Archaeological Concerns - A Cultural Resources Assessment for the quarry site, prepared by Basin Associates in November, 1995, found no local evidence of use by prehistoric people or early historic settlers or ranchers, although

the general area is believed to have a high sensitivity for cultural resources. The consultant expressed the opinion that the project may proceed without specific concerns for significant impacts to cultural resources. Therefore, no specific measures are recommended at this time to safeguard known resources, but a general measure to proceed with caution when any possible resources are found is recommended for this issue; the measure is presented below in Section IV. The Cultural Resources Assessment is available for review at the County Planning Department.

Character and Visual Quality - The preexisting quarry has defined the ongoing land use for the site; as a result, the basic character of the area would not change by continuation of the quarry activity, although the scaled-back degree of mining proposed, as well as reclamation of much the old processing area, would result in a somewhat enhanced character of the area when compared to the existing condition.

More significantly, the proposed quarry plan would at some point in time affect lands visible from SR 84, a proposed State scenic highway in Alameda County, as well as a designated Scenic Route in the County's Scenic Route Element. The original act establishing the basis for designation of SR 84 as a scenic highway (AB 815, 1989) specifically states that,"The restriction or prohibition (of transport of materials on SR 84) does not [...] eliminate or impair necessary access to farms, quarries, or other lawfully conducted businesses...". This part indicates recognition that quarry use could exist along the scenic highway included in the bill. The statement does not, however, exclude the use from analysis when considering the effect on the scenic highway or general views of the site.

Although the quarry is located on a prominent hillside in Niles Canyon, the actual proposed location of excavation is not especially visible from Niles Canyon Roadway, as much of it is located north of and behind knolls on the lower portions of the property. Further, the view from Niles Canyon Road is protected on the north side by a great deal of vegetation, trees and large shrubs (which would be undisturbed by the Quarry), as well as the fact that Niles Canyon Road is well downhill from the quarry and in many areas lies below a five- to ten-foot high cut made for the road itself at the time of construction. During investigations for this report, only one vantage point could be located from which Site 2 of the quarry would be marginally visible, located near the drainage way crossing beneath Niles Canyon Road at the east end of the small railroad yard below the quarry. Figure 4 on page 18 depicts the present appearance of the site from this point prior to mining, consisting of glimpses through roadside vegetation of open grassy hillsides and scattered oak woodlands. Figure 5 on page 19 shows the approximate view expected at maximum disturbance if no mitigation were performed; this view of cut excavated terraces, while noticeable briefly by pedestrians and very briefly by occupants of moving vehicles, would be a significant alteration to the view on this scenic roadway.

The Permittee has proposed a program of vegetation at appropriate points to minimize views of the quarry as seen from the roadway, in the form of plantings along the knoll immediately in front of the excavation area; if planted early during the permit period, this would partially mitigate the effect. Staff suggests that plantings also be placed on the Permittee's property in the line of sight of this view at the southern edge of the property, to place large screen trees as near Niles Canyon Road as possible. Plantings should include trees and shrubs described for the biological mitigation (see Section IV, below), and should be planted in close groups rather in a line. These plantings should be effectively installed prior to the start of mining for Site 2. The result of this mitigation would be the obscuration of the quarry while maintaining the character of the overall view from the roadway as shown in Figure 6 on page 20. If these suggestions are followed, the impact would be made less-than-significant. The complete measures are presented in Section IV below.

Night and Security Lighting - Additional lighting in rural areas can generally affect the ambience of the area at night, and more specifically can affect night vision and cause glare, especially for drivers. These impacts would be important for motorists on Niles Canyon Road. Section IV presents mitigation to reduce this impact to a less-than-significant level.

SMP-34, NILES CANYON QUARRY

QUARRY SITE FROM NILES CANYON ROAD (Current Appearance Prior To Mining)

Alameda County Planning Department

color photos

SMP-34, NILES CANYON QUARRY

FIGURE 4

QUARRY SITE FROM NILES CANYON ROAD (Current Appearance Prior To Mining)

Alameda County Planning Department

SMP-34, NILES CANYON QUARRY

FIGURE 5

QUARRY SITE, Expected Appearance During Mining

Alameda County Planning Department

SMP-34, NILES CANYON QUARRY

FIGURE 6

QUARRY SITE, Expected Appearance With Mitigation (Tree Planting)

Alameda County Planning Department

G. Public Service Factors

Could the Project or its related activities have effect upon or result in a need for new or altered governmental services in any of the following areas:	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
1. Fire protection	___	___	X	___
2. Police protection	___	___	X	___
3. Schools	___	___	X	___
4. Park and recreation facilities	___	___	X	___
5. Traffic (increases in congestion, hazard)	___	___	X	___
6. Emergency response or evacuation plans	___	___	X	___
7. Maintenance of public facilities (roads, channels, etc.)	X	YES	___	___
8. Public mass transportation or alternative transportation modes (preempting of some)	___	___	X	___
9. Other (State) None	___	___	X	___

Comments:

Portions of the following related to Traffic and Maintenance are adapted from a report done for this project entitled "Traffic Report for Niles Canyon Quarry Permit," September 21, 1995. The report is available for review at the Alameda County Planning Department.

Traffic and Transportation - As stated above in the Project Description, at maximum the project could generate up to 64 vehicle trips per day on SR 84 at the site, 18 trips average, 80% of which are likely to be distributed toward the west and Mission Boulevard. The maximum hourly rate would therefore be approximately 7 one-way trips, with an average of 2 trips per hour over the life of the quarry. This is the level of traffic currently generated by the quarry under maximum production. This level of traffic increase would be negligible on Niles Canyon Road.

Public Safety Hazards (Niles Canyon Road) - While there has not been any accident on Niles Canyon Road to date related to quarry traffic activity at the entrance to the Niles Canyon Quarry, there are some design constraints. First, the site distance for motorists traveling eastbound is somewhat limited by the curvature of the road and existing vegetation along the road (approximately 550 feet). This distance could be easily increased by perhaps 50 percent through 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.

Second, Niles Canyon Road in this area has a right-of-way width of 60 feet; the potential usable roadway width at the quarry entrance varies from 38 to 48 feet, with existing paved section at 28 feet. Quarry vehicles at times use the fairly wide shoulders at the quarry entrance as acceleration zones during times of heavy traffic, such as morning and afternoon commute times. For eastbound left turns into the quarry and turns from the quarry into the eastbound direction, quarry vehicles must cross westbound traffic and enter or exit from eastbound traffic. Although no problem has been shown to exist to date as a result of these movements, and no significant impact is expected, the project engineer has recommended the addition of a turning pocket/lane for eastbound quarry vehicles to stack and possibly a widening to accommodate acceleration/deceleration of westbound quarry vehicles. A measure is provided for this below in Section IV although it is not required to mitigate a specific project impact.

Public Facilities Maintenance - The first issue involves the impact of heavy quarry traffic, including trucks and occasional earthmoving equipment, on the structural integrity of Niles Canyon Road, a state highway. Over the long-term, damage from heavy vehicles generally exceeds that of passenger vehicles on a vehicle-by-vehicle basis. Civil engineers may count heavy vehicles as more than one standard car when determining structural or maintenance requirements for roadways, as well as for level-of-service calculations. Owing to the small percentage of vehicle traffic contributed by the quarry, the impacts on Niles Canyon Road would probably be very small, but some locations could experience damage beyond that of passenger vehicles depending on the level of heavy vehicle use and drivers' habits. Therefore, this study recommends that the permittee contribute a fair-share or proportional amount to future structural maintenance of Niles Canyon Roadway as it is required by the State of California Department of Transportation for future improvements, through the end of the permit period. Please see Section IV below.

The second issue involves general distribution of dust and debris on the public right-of-way through spillage of materials. The permittee has proposed to take measures to prevent spillage of hauled materials and other debris, including many measures required of haulers by state law. Despite these requirements, however, some materials can be spilled accidentally, as evidenced by most of the other quarries in the County. This study recommends measures below in Section IV to help pick up spills or debris loss if they become noticeable on Niles Canyon Road.

Other Issues - No additional impacts to public services would be expected due to operation of the proposed facility. Emergency response or evacuation plans are necessary in case of fire and are required by law; since hazardous materials would not be used or accepted, no management plans would be necessary. Facilities would require no alterations as they currently exist. No new schools or parks would be required, and public transportation would be unaffected.

H. Public Utility Factors

	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
Could the Project or its related activities have an effect on or result in a need for new systems or substantial alterations to the following utilities:				
1. Sewer or septic systems	___	___	X	___
2. Water for domestic use and fire protection	___	___	X	___
3. Natural gas or electricity	___	___	X	___
4. Storm water drainage	___	___	X	___
5. Solid waste disposal	___	___	X	___
6. Communication systems	___	___	X	___
7. Plant facilities for any of the above (sewer plants, microwave station, water tanks, etc.)	___	___	X	___
8. Other (State) None	___	___	X	___

Comments:

No significant public utility impacts would occur as a result of the facility. Portable toilets and self-contained water would be provided on site. Fire protection water would be stored in the large water tanks (200,000 gallons). Electrical and communication demands would remain as they currently are. Solid waste disposal would be minimal, and the broken concrete and waste rebar would be completely recyclable. No new plant facilities would be required. Storm water drainage, inspected and found to be adequate in the past, is expected to remain adequate for the proposed project with proposed improvements (see Section IV below).

I. Socio-Economic

Could the Project involve:	YES SIGNIFICANT ADVERSE EFFECT	MITIGABLE (YES, NO, UNKNOWN)	NO SIGNIFICANT ADVERSE EFFECT	UNKNOWN EFFECT
1. Expenditure of public funds in excess of public revenues generated by private projects	___	___	X	___
2. Reduction of low/moderate income housing	___	___	X	___
3. Creation of demand for additional housing	___	___	X	___
4. Land use not in conformance with character of surrounding neighborhood	___	___	X	___
5. Other (State) None	___	___	X	___

Comments:

The project would have no socioeconomic effects. No expenditure of public funds would occur. Housing demands and supply would not change. The land use is a continuation, albeit diminished, of the previously existing quarry and conforms to the existing character of the surrounding neighborhood and zoning.

J. General Plans and Planning Policy

Is the Project:	YES	NO
1. Inconsistent with the County General Plan	___	X
2. Inconsistent with Specific Plans	___	X
3. Inconsistent with other adopted policies	___	X
4. Potentially growth-inducing	___	X

Comments:

The project is consistent with the General Plan and Zoning for Alameda County, as well as with the Alameda County Surface Mining Ordinance. The project would not induce growth.

III. MANDATORY FINDINGS OF SIGNIFICANCE

Pursuant to Section 15065 of the State CEQA Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true:

	YES	NO
1. The project has the potential to 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, 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.	___	X
2. The project has the potential to achieve short-term to the disadvantage of long-term environmental goals.	___	X
3. The project has possible environmental effects which are individually limited but cumulatively considerable. (Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	___	X
4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.	___	X

If the mitigation measures specified below in Section IV for the applicable issue sections are enacted, then none of the mandatory findings specified would indicate significant impacts.

IV. SIGNIFICANT IMPACTS AND FEASIBLE MITIGATION MEASURES

The following are potential significant impacts of the project and mitigation measures recommended to reduce those impacts to a less-than-significant level. These mitigation measures should be made conditions of approval for the quarry. For every mitigation measure, Permittee shall be responsible for implementation as to actions, schedule, funding and performance standards, unless otherwise stated in the measure.

Geology and Soils:

1. Slope Failure - Slope failure could occur in the quarry area due to steepness of existing slopes and possible destabilization of soil and rock. Soil applied on slopes for reclamation could be subject to sliding and erosion.

In addition to following the proposed mining and reclamation plans, the Permittee shall employ the following methods to mitigate the impacts:

a. 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.

b. 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. Monitoring shall consist of 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.

c. 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 commencement of mining, followed by periodic inspections by Public Works staff during the rainy season to ensure that the approved drainage features are properly constructed and operating.

2. Seismic Issues - Faults encountered during the course of mining could be sources of instability in the event of earthquakes.

a. 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 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.

Soil and Other Issues - Soil erosion and subsequent siltation of waterways has been mitigated adequately in the past by the existing catch basin/siltation pond and drainage system serving the quarry. This system is expected to remain viable for ongoing quarry operations. Permittee proposes to remove silt from the quarry and sedimentation basins annually

in the early autumn, and to install and use riser pipes in the basins to remove the uppermost water in the basin, allowing settling sediment to remain in the pond. Please refer to **Hydrology**, Impact No. 4 below for more details.

Hydrology:

3. Increased Sedimentation - The erosion of exposed surfaces results in carriage of sediment loads into waterways.

a. 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 sedimentation pond and 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.

b. 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.

c. 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 7-114.10) 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.

d. 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. Stablization 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.

4. Seepage - Seepage of groundwater from disturbed quarry may result in surface erosion and instability.

a. 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.

Biology:

5. Sensitive Habitats - Some amounts of various sensitive habitats could be lost temporarily or permanently due to the project. Approximately 7.2 acres of Coast Live Oak woodland would be removed along portions of the affected watercourses. Permanent loss of the intermittent streams and their channels would be a significant impact. The Permittee proposes to recreate the stream bed after excavation is completed. The reclamation plan proposes revegetation using a number of nonnative species which would not replace the lost oak woodland. The permanent loss of oak woodland would be a significant impact of the project.

Recommended mitigation for these impacts includes:

a. 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 Coast Live Oaks and associated species (big-leaf maple, western sycamore, elderberry, valley oak and buckeye) to replace the woodland lost to excavation where appropriate, or use interior 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. Permittee shall use interior live oak trees 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.

   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.

6. Fragrant Fritillary - If the native grassland area is excavated and the fragrant fritillary is found there, a significant impact would occur. The following measures are recommended to mitigate the impact:

a. Permittee shall retain an independent consultant to conduct a survey for the fragrant fritillary plant in February or March during the winter prior to start of Site 2 excavation to determine whether the plant resides on site. If no

fragrant fritillary is found, nothing further need be done. If the 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 population, 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.

7. California Tiger Salamander / California Red-legged Frog - The detention ponds on and adjacent to the site could support breeding populations of these two amphibians. If these ponds are excavated or disrupted, the populations of these species may be placed in jeopardy, which would be a significant impact. The following is recommended to mitigate the potential impact:

a. Permittee shall retain a qualified biological consultant to perform a dip net survey during the late winter/early spring prior to excavation of the ponds in Sites 1 and 2 to determine whether these species 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.

   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.

8. Alameda Whipsnake (Striped racer) - Habitat for this reptile was identified on the site, although no individuals were found; if whipsnakes live in this habitat on site, disruption of this habitat would be a significant impact. Permittee may utilize one of the following options to mitigate the impact:

a. Permittee's consultant shall conduct a survey for the whipsnake 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 in (b). If performed, the survey shall be submitted promptly to the Planning Director for review; OR,

b. Permittee shall provide mitigation for lost habitat. Habitat replacement shall consist of reestablishing the appropriate habitat on the reclaimed quarry walls. 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. 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.

9. Golden Eagle - The following measure is recommended to minimize disturbance to golden eagle nesting sites near the quarry:

a. 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.

Cultural and Aesthetic Issues

10. Archaeological Issues - Although the project would have no known impacts on archaeological resources, the following is recommended to provide a margin of protection for yet-to-be-detected cultural remains. Permittee shall do the following if archaeological or paleontological resources are found during any site disturbance operations:

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 onsite, the Permittee 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.

11. Sensitive Views / Scenic Highway Issues - Excavation of the quarry would result in minor but significant impacts to views of the site as seen from Niles Canyon Road, a proposed State Scenic Highway, and other nearby areas. The following is recommended to mitigate this impact:

a. 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 Mitigation Measure 5a. 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 Mitigation Measure 5a.

12. Night and Security Lighting - Additional lighting for night and security lighting would affect the ambience of the area at night, and more could affect night vision and cause glare, especially for drivers. These impacts would be significant for motorists on Niles Canyon Road. The following measure is recommended to mitigate this impact:

a. 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.

Public Facilities

13. Roadway Maintenance - Some locations along Niles Canyon Road could experience significant damage beyond that attributable to passenger vehicles depending on the level of quarry vehicle use and drivers' habits. Also, some debris and materials could be spilled accidentally on Niles Canyon Road, even though Permittee proposes to take normal precautions to prevent spills. Therefore, the following measures are recommended:

a. 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 Roadway 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.

b. 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.

c. 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.

d. 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.

14. Traffic Safety - Although no significant impacts are expected for safety on Niles Canyon Road, the following is recommended to enhance visibility and access near the quarry entrance:

a. Permittee shall, with CALTRAN's permission, 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.

b. 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.

V. DETERMINATION

__ 1. I find that the proposed project will not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

_X_ 2. 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 the mitigation measures described in Exhibit "A" attached have been added to the project by the project sponsor. A NEGATIVE DECLARATION will be prepared.

__ 3. I find that the proposed project may have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

James Sorensen _____ Name

Assistant Planning Director _____ Title

February 21, 1996 _____ Date

D R A F T
NEGATIVE DECLARATION
Alameda County Planning Department
(Lead Agency)
399 Elmhurst Street, Room 136
Hayward, California 94544
(415) 670-5400

1. **Project Name:** Surface Mining Permit SMP-34, Niles Canyon Quarry.

2. **Description, Location, and Assessor's Parcel Number(s):** A surface mining operation, the Niles Canyon Quarry, would operate on approximately one quarter of 170 acres of land at Brightside near the town of Sunol (formerly Surface Mining Permit SMP-4), currently owned by S.R.D.C. Company. The site would ultimately include two 12 - 15 acre quarry pits and a 10-acre level staging area near the lowest reach of the site. The project would consist of operation of a quarry and on-site processing of waste concrete into a material usable in combination with quarried natural materials. The operation would be located entirely out-of-doors, with a portable concrete crusher located in the higher of the two quarry pits, and with equipment storage and maintenance and a large water tank (remaining from previous operations for use as dust and fire suppressant) located in the staging area. A sediment settling and removal pond, constructed previously for past mining operations on site, would be retained for the present proposal. Assessors Parcel Numbers: 096-0115-002, -003, -004.

3. **Persons or Entity Undertaking Project:** S.R.D.C. Construction Company

4. **Responsible Agencies:** Bay Area Air Quality Management District; Regional Water Quality Control Board; Department of Conservation, Division of Mines and Geology; Department of Fish and Game; California Department of Transportation

5. **Findings:** Based on the attached Initial Study, the Alameda County Planning Commission has found that the project will not have a significant effect on the environment if the proposed mitigation measures are enacted and implemented.

6. **Date of Public Notice of Negative Declaration:** February 26, 1996

7. **End of Review Period:** March 27, 1996

_____

Assistant Planning Director

_____

Date

AGREEMENT BY PROJECT SPONSORS TO INCORPORATE MITIGATION MEASURES INTO SURFACE MINING PERMIT SMP-34

The undersigned project sponsors hereby acknowledge understanding and acceptance of, and agree to be bound by, all mitigation measures specified in the Initial Study for Surface Mining Permit SMP-34, March , 1996.

_____

Signature - Project Sponsor

_____

_____

Date