



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

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June 17, 2019

TO: All Interested Parties

SUBJECT: Revised Notice of Preparation of a Draft Subsequent Environmental Impact Report for the Eliot Quarry SMP-23 Reclamation Plan Amendment Project

NOTICE OF PREPARATION: The Alameda County (County) Community Development Agency will be the California Environmental Quality Act (CEQA) lead agency for preparation of a subsequent environmental impact report (SEIR) for the Eliot Quarry SMP-23 Reclamation Plan Amendment Project (project) within the *East County Area Plan* (ECAP) boundary of the unincorporated Alameda County. The County is requesting comments on the scope and content of the SEIR. A description of the proposed project and its location, together with a summary of the probable environmental effects that will be addressed in the SEIR, are included herein. This notice of preparation (NOP) and notice of scoping meeting, along with the project application materials, are also available for review at the following address:

<http://nps.acgov.org/npspending.page>

PUBLIC REVIEW AND COMMENT PERIOD: This NOP has been sent to responsible and trustee agencies and involved federal agencies pursuant to CEQA Guidelines Section 15082. Agencies should comment on the scope and content of the environmental information that is germane to the agencies' statutory responsibilities in connection with the proposed project. The County is also seeking the views of the residents, property owners, and concerned citizens regarding issues that should be addressed in the SEIR. The time limits mandated by state law require your response to be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please direct your responses and comments to the following lead agency contact:

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PUBLIC SCOPING MEETING: The County has scheduled a public scoping meeting at the time and location indicated below. The purposes of the public scoping meeting are to describe the proposed project and the environmental review process and to receive verbal input on the proposed scope of the SEIR. The County will consider all comments, written and oral, in determining the final scope of the evaluation to be included in the SEIR.

**PUBLIC SCOPING MEETING
JUNE 26, 2019, AT 7:00 P.M.
GARRÉ VINEYARD & WINERY
MARTINELLI EVENT CENTER
7986 TESLA ROAD, LIVERMORE, CA 94550**

PROJECT DESCRIPTION:

Project Title: Eliot Quarry SMP-23 Reclamation Plan Amendment Project

Requested Entitlements: The project is a modification of an approved reclamation plan project (i.e., SMP-23) for a vested mining operation. The project involves a request for a reclamation plan amendment through adoption of a revised reclamation plan.

Project Location: The project site is located at 1544 Stanley Boulevard and consists of approximately 920 acres situated between the cities of Pleasanton and Livermore, south of Interstate 580 and Stanley Boulevard in the Livermore-Amador Valley, north of Vineyard Avenue, and both east and west of Isabel Avenue (State Route 84 [SR 84]) (See Figure 1, “Regional Location Map”).

The project site includes Alameda County Assessor’s parcel numbers (APNs) 904-6-1-18, 904-6-2 (part), 904-8-1-3 (part), 904-8-1-2, 904-8-2-5, 946-1350-9-12, 946-1350-9-19, 946-1350-10-5, 946-4598-19, 950-6-3-9, 950-6-1-5, and 99-290-11-7.

Project Sponsor/Owner: RMC Pacific Materials, LLC, a wholly owned entity of CEMEX (hereafter “CEMEX”), is the project sponsor and current owner/operator of the Eliot Quarry.

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General Plan Designation: The project site is designated on the *Alameda County General Plan* (County General Plan), ECAP diagram, as “Large Parcel Agricultural” and “Water Management.” The Water Management land use designation provides for sand and gravel quarries, reclaimed quarry lakes, watershed lands, arroyos, and similar and compatible uses. Sand and gravel quarries allow a range of uses including sand and gravel processing, associated manufacturing and recycling uses requiring proximity to quarries, reclamation pits and public use areas.

The ECAP also contains land use policies pertaining to quarries and Regionally Significant Aggregate Resource Areas. The goal for these special land use policies is to “recognize the regional value of the County’s construction aggregate resources and to ensure compatibility between quarry operations and surrounding land uses.”

The ECAP also contains policies that place strict limits on where new mine excavations may be conducted. ECAP Policy 155 provides that, “Except to the extent required by State law, no new quarry or other open-pit mine may be approved by the County outside the Urban Growth Boundary, unless approved by the voters of Alameda County. Excavation not adjacent to an existing quarry site and on the same or an adjoining parcel shall be regarded as a new quarry.” The project does not propose a new quarry.

Zoning: The zoning for the project site is principally Agriculture, but for portions of the site also includes Unclassified and Planned Development. Mining activities may be permitted within any

County zoning designation, including Agriculturally designated lands, subject to the provisions of the County Surface Mining and Reclamation Ordinance.

As the local land use authority, Alameda County authorizes mining activities on unincorporated lands through the issuance of Surface Mining Permits and approval of reclamation plans pursuant to Alameda County Code of Ordinances, Title 6: Health and Safety, Section 6.80: Surface Mining and Reclamation. The provisions of the County's Surface Mining and Reclamation apply to all lands within the County, both public and private. As provided by this ordinance, surface mining operations are permitted only upon County approval of a surface mining permit (or existence of vested rights), reclamation plan, and financial assurances for reclamation.

Setting: CEMEX owns and operates the Eliot Quarry, an approximately 920-acre sand and gravel mining facility, located between the cities of Livermore and Pleasanton, in unincorporated Alameda County. CEMEX and its predecessors-in-interest have been continuously mining for sand and gravel at the Eliot Quarry since at least 1906. In addition to mining and reclamation, existing permitted and accessory uses at the Eliot Quarry include aggregate, asphalt and ready-mix concrete processing, as well as ancillary uses such as aggregate stockpiling, load-out, sales, construction materials recycling, and equipment storage and maintenance. CEMEX's mining operations at the site are vested per pre-1957 mining activities and Alameda County Quarry Permits Q-1 (1957), Q-4 (1957), and Q-76 (1969). Surface mining reclamation activities at the site are currently conducted pursuant to Surface Mining Permit and Reclamation Plan No. SMP-23 (SMP-23), which is the current reclamation plan for the site, approved in 1987.

The eastern portion of the site (east of Isabel Avenue) contains "Lake A," a formerly mined area that contains water due primarily to the infiltration of groundwater. South of Lake A is the eastern portion of the segment of the Arroyo del Valle (ADV), which is a perennial stream that runs from the southeast to the northwest along the southern portion of the site. The portion of the site west of Isabel Avenue contains "Lake B," which is an active mining area with a mine pit nearly 150 feet deep. The ADV continues east-west along the southern portion of this area of the site before merging with Arroyo de la Laguna near Interstate 680 and Bernal Road. Arroyo de la Laguna flows into Alameda Creek south of Sunol. Northwest of Lake B are the currently operating materials processing facilities, including the aggregate, ready-mix concrete, asphalt concrete, and construction material recycle processing plants and stockpile areas. CEMEX current mining operations are being conducted in an area referred to as Lake J, located in the northern portion of the site nested between these processing facilities. Additional uses include administrative offices, a truck scale and other facilities related to mining and processing. See Figure 2, "Existing Facilities."

Surrounding Land Uses: The predominant land uses in the general vicinity of the site are aggregate mining, recreational, and residential. A separate mine operated by Vulcan Materials Company (subject to separate reclamation entitlements referred to as "SMP-16") abuts the site's eastern and northern border of Lake B. The ADV flows along the southern border from southeast to northwest, and is currently, but not historically, separate from the active operating areas at the Eliot Quarry. The East Bay Regional Park District (EBRPD) Shadow Cliffs Recreation Area, also a reclaimed surface mine, abuts the site's western border. The Ruby Hills subdivision and other residential developments in the City of Pleasanton are located across Vineyard Avenue to the south of the ADV and Lake B. Residential uses are also located in the City of Livermore to the north of Lake A.

BACKGROUND:

Current SMP-23 Reclamation Plan Activities: While mining activities at the project site have been ongoing since at least 1906, a reclamation plan was not approved for the project site until 1987, when the County approved SMP-23. As mining activities are a vested right, SMP-23 does not authorize mining activities at the site. Instead, SMP-23 is a reclamation plan approved pursuant to the California Surface Mining and Reclamation Act (SMARA) and the Alameda County Surface Mining Ordinance (ACSMO).

The approved reclamation plan includes the retention of Lakes A and B after mining and the dedication of these lakes to Alameda County Flood Control and Water Conservation District, Zone 7 (hereafter referred to as “Zone 7”) as designated by the LAVQAR Specific Plan. The approved reclamation plan also includes an optional lake (referred to as “Lake J”) near the current processing plant site. The lakes are located on-site as described below (see also Figure 2):

- Lake A is a mined area located north of Vineyard Avenue, between Isabel Avenue/SR 84 and Vallecitos Road. Lake A has not been mined to the full extent anticipated in the approved reclamation plan. No further mining is planned in Lake A.
- Lake B is a mined area located north of Vineyard Avenue, west of Isabel Avenue/SR 84. Lake B has not been mined to the full internal extent anticipated in the approved reclamation plan. In fact, portions of Lake B as identified in the approved reclamation plan now include a segment of Vineyard Avenue and residential development to the south of Vineyard Avenue, which will no longer be subject to mining.
- As currently approved, the southeast end of a future “Lake C,” west of Isabel Avenue and north of Lake B, is to extend into the approved reclamation plan area north of the eastern portion of Lake B.
- The Lake J area is located in the northwestern portion of the site, to the south of Stanley Boulevard and to the east of the Shadow Cliffs Regional Recreation Area. Mining is ongoing in this area, and processing facilities that had been located here were relocated to areas south of the Lake J mining area. When reclaimed, Lake J would not be part of the Chain of Lakes and would not be granted to Zone 7. Lake J was never a part of the Chain of Lakes. Lake J was specified as Option #2 in the approved plan. As part of the proposed project, Lake J will be backfilled with overburden and process wash fines after mining is complete and returned to open space and/or agriculture.

The 1981 LAVQAR Specific Plan includes an option that depicts rerouting the ADV along the southern boundaries of Lake A and Lake B. However, the 1987 approved reclamation plan provides for the ADV to be eliminated in the project reach and diverted into the eastern end of Lake A and then into Lake B over spillways. The original concept for the diversion/elimination of the ADV, which would be subject to federal and state regulatory agency authorizations, has not been implemented by CEMEX.

After the 1987 reclamation plan was approved, CEMEX’s predecessor prepared plans for water conveyance facilities. Those plans, which the County subsequently approved, have not been implemented. Those water conveyance facilities include:

- a 40-foot concrete spillway collecting flows from the ADV (under Vallecitos Road) before those flows descend 50 feet, at a slope of 2:1, into Lake A;
- an earth- and rock-lined structure to collect overflows within Lake A before conveying them under Isabel Avenue/SR 84 in a 40-foot concrete spillway to Lake B;
- an underground concrete pipe between Lake A and Lake C, which terminates at a spillway dropping water up to 70 feet down a 2:1 slope;
- an underground 30-inch concrete pipe between Lake C and Lake B; and
- a concrete and riprap apron along the western boundary of Lake B allowing overflow to continue down the ADV channel.

Since 1987, significant changes have occurred in both the regulatory setting that applies to the project site and physical conditions near the project site (e.g., new regulations related to biological resources, residential development in neighboring areas, widening of Isabel Avenue/SR 84). The changed circumstances prompted County staff to recommend that the approved reclamation plan be revised to reflect the changed physical and regulatory conditions and to ensure that reclamation is feasible and carried out in harmony with all controlling regulatory requirements. In addition, CEMEX wanted to remove from the reclamation plan the previously approved concrete spillways

because they are not environmentally sensitive and would create new barriers for future potential fish passage.

Mining in the Lake A area, north of the ADV, began in the late 1990s. The approved reclamation plan was originally approved when the property to the north of Lake A was zoned agricultural and was within the jurisdiction of the County. Over the years, the zoning was changed to residential, the property was annexed to the City of Livermore, and houses were built adjacent to Lake A.

To accommodate mining, the ADV along the southern boundary of Lake A was relocated to the south in the mid-1990s with the authorization of a Section 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Game (under Notification 1600-2004-0214-3), now the California Department of Fish and Wildlife. That agreement expired on December 31, 2009.

Mining in the Lake A area continued until approximately 2003, when CEMEX's predecessors-in-interest discontinued mining to address neighborhood concerns caused by a subsurface slide. All Lake A slopes are currently 2:1 (horizontal to vertical) or flatter with maximum depths of 100 feet below ground surface (bgs).

Mining of Lake B and Lake J is in progress pursuant to CEMEX's vested rights and the approved reclamation plan.

PROPOSED PROJECT: The project is a modification of an approved reclamation plan project (i.e., SMP-23) for a vested mining operation. Except as outlined below, CEMEX proposes no change to any fundamental element of the existing operation (e.g., mining methods, processing operations, production levels, truck traffic, hours of operation).

Under the proposed project, CEMEX proposes a revised reclamation plan that serves to adjust reclamation boundaries and contours, enhance drainage and water conveyance facilities, incorporate a pedestrian and bike trail, and achieve current surface mining reclamation standards. The planned postmining end uses are water management, open space, and agriculture (nonprime). See Figure 3, "Reclamation Plan End Use Overview."

Consistent with prior approvals, the project will develop Lake A and Lake B, which are the first two lakes in the Chain of Lakes pursuant to the LAVQAR Specific Plan. Upon reclamation, Lake A and Lake B, along with their appurtenant water conveyance facilities, will be dedicated to Zone 7 for water storage, conveyance, and recharge management.

Lake A reclamation will include installation of a surface water diversion from the ADV to Lake A, conversion of a berm that is currently located in Lake A that blocks water to a small island to allow water to flow across the lake, installation of a water conveyance pipeline from Lake A to future Lake C (located off-site to the northwest), and an overflow outlet to allow water to flow back into ADV when Lake A water levels are high to prevent flooding in the localized area. The final surface area of Lake A will be 81 acres as compared to 208 acres in SMP-23. No further mining will occur in Lake A.

Lake B reclamation will include installation of a pipeline turnout from Lake A, a water pipeline conduit to future Lake C, and an overflow outlet to allow water to flow back into ADV when Lake B water levels are high. The final bottom elevation of Lake B is proposed at 150 feet above mean sea level (msl) to maximize the available aggregate resource. The final surface area of Lake B will be 208 acres as compared to 243 acres in SMP-23.

To facilitate the southerly progression of Lake B, the project includes realignment and restoration of an approximately 5,800 linear foot reach of the ADV. The proposed ADV realignment will result in an enhanced riparian corridor that flows around, rather than through, Lake B, which is anticipated under the currently approved reclamation plan. (See Figure 4, "Realigned Arroyo del

Valle Concept.”) The ADV realignment was contemplated in the LAVQAR Specific Plan and subject to environmental review in the 1981 environmental impact report (EIR).

Outside of Lake A and Lake B, reclamation treatment for other disturbed areas, including the Lake J excavation (not part of the Chain of Lakes), processing plant sites, and process water ponds will involve backfills and/or grading for a return to open space and/or agriculture.

APPLICATION PROCESS: The project is a modification of an approved reclamation plan project (i.e., SMP-23) for a vested mining operation. On December 17, 2012, the Alameda County Planning Commission completed a scheduled periodic review of the Eliot Quarry as prescribed by the ACSMO and a condition of approval of SMP-23 and adopted Resolution 2012-10. As part of this review, the County determined that changes in circumstances at the site and in applicable regulatory requirements necessitated the preparation of an amended reclamation plan that addresses these changes and provides reclamation objectives that can be feasibly accomplished and permitted by regulatory agencies. Resolution 2012-10 imposed new conditions of approval on SMP-23. Condition 7 required CEMEX to file a reclamation plan amendment application within 6 months of the adoption date of the resolution that addressed the key issues outlined in the period review. Condition 10 prohibited the resumption of mining at Lake A (which was suspended in 2003 as further described below) until it is demonstrated to the satisfaction of the County Community Development Agency Director (CDA Director) that it can occur without resulting in slope or geologic instability resulting in harm to persons or property, and would not conflict with the 1981 Specific Plan for Livermore-Amador Valley Quarry Area Reclamation (LAVQAR Specific Plan).

The LAVQAR Specific Plan comprises the 3,820 acres designated for "Sand and Gravel Quarry" use between Pleasanton and Livermore in the Livermore-Amador Valley. The key concept of the project is the shaping of pit areas, which will eventually contain water, into a "Chain of Lakes" during the course of mining over the 50- to 60-year period that sand and gravel reserves are expected to last in the quarry area. The Chain of Lakes is intended to provide a surface water storage and conveyance system to replace a portion of the preexisting subsurface water storage and conveyance system feeding the groundwater basin. Connecting conduits between the lakes and structures necessary to capture and carry local runoff waters will be provided by the operators at no cost to the public through Zone 7. At the conclusion of mining, water from ADV will be capable of being diverted into the Chain of Lakes, and a bypass channel for that watercourse will also be provided to maintain downstream flows necessary to Zone 7 and Alameda County Water District.

In addition to consistency with the LAVQAR Specific Plan, the condition also requires the CDA Director to conduct at least one community meeting prior to rendering a decision regarding the resumption of mining in Lake A. Under the proposed project, CEMEX is not proposing to resume mining at Lake A.

Application #1. On June 13, 2013, CEMEX timely filed the first application (Application #1) for the *CEMEX Eliot Facility (CA Mine ID No. 91-01-0009) SMP-23 Reclamation Plan Amendment* (project), which included a proposal to resume mining at Lake A. On July 8, 2013, NPS staff deemed the application incomplete with comments and requests for information.

Application #2. On August 22, 2014, CEMEX submitted a revised application (Application #2), which, in addition to addressing County comments and requests, eliminated the request to resume mining at Lake A. In response to Application #2, the County prepared an initial study that led to preparation of a NOP for an EIR (Original NOP), followed by a public scoping meeting on July 30, 2015. Following the scoping meeting, the County then began work on an administrative draft EIR, which, due to a subsequent application revision initiated by CEMEX, was not completed.

Application #3. On December 22, 2016, CEMEX submitted a revised application (Application #3), with the primary substantive change to reintroduce a request to resume mining in Lake A, but in limited areas. The County deemed Application #3 complete in February 2017, but notified CEMEX that certain additional information and clarifications would be required for the County to complete the necessary CEQA analysis. Between 2017 and 2018, CEMEX coordinated with the County and conducted further outreach with the public and government stakeholders related to Application #3. In parallel, CEMEX performed additional internal analysis of the merits of mining in Lake A and subsequently informed the County that it planned to resubmit a revised project application that would eliminate the request to resume mining at Lake A. CEMEX communicated its intent to revise its application to detail plans to complete reclamation at Lake A and prepare Lake A, and associated water management facilities, for a transfer to Zone 7.

Application #4 (Current Application). On March 4, 2019, CEMEX submitted the current application for the proposed project (Application #4), which supersedes and replaces all prior applications and application materials. As described in more detail below, the primary changes presented in Application #4 are the elimination of further mining in Lake A and the backfill of Lake J with a combination of overburden and process wash fines. Application #4 also includes more detailed plans for the proposed realignment of the ADV, as further described below. On April 1, 2019, the County deemed Application #4 complete and proceeded to prepare this Revised NOP. The key reasons for project revisions that led to Application #4 are described below.

REASONS FOR PROJECT REVISION: According to CEMEX, the following are the key reasons for revising the prior Application #3 with this Application #4:

- 1. To Eliminate Further Mining in Lake A.** Based on a management decision and input from stakeholders, the project Proponent revised the project to eliminate further mining in Lake A. The County believes the elimination of mining in Lake A is likely to reduce the project's controversy and potential environmental impacts in the areas of aesthetics, biological resources, cultural and tribal resources, noise, and geology and soils (as relates to slope stability).
- 2. To Incorporate Additional Site-Specific Geologic Analysis to Support Increased Mining Depths at Lake B.** In collaboration with Zone 7, the project proponent completed a site-specific joint drilling program in 2018. Using the data from this drilling program, Jeff Light Geologic Consulting (JLGC) evaluated and modeled the distribution of clay beds at the CEMEX Eliot Quarry to establish whether or not potential aquitards are present in the project area. CEMEX representatives believe that the JLGC's study indicates that all modeled clay beds across the study area are discontinuous. This study amplifies the substantial evidence presented in support of the project proponent's proposal to modify the final elevation of Lake B from 250 feet msl to 150 feet msl. The County is currently peer reviewing this evaluation and to determine if the County and its EIR preparer concur with CEMEX's interpretation. This supplemental geologic analysis may reveal that the proposed project would have less impacts on groundwater resources than previously anticipated.
- 3. To Reexamine Slope Stability and Incorporate Geotechnical Recommendations as Part of Project Design.** Geocon Consultants, Inc. (Geocon) conducted a geotechnical analysis for the Project that supplements previous explorations at the site, evaluates the stability of proposed mining and reclamation slopes, and provides geotechnical recommendations for project design and construction. Geocon also conducted a geotechnical analysis of the proposed realignment of the ADV in the Lake B area. The study evaluated subsurface conditions at the site and evaluated the stability of slopes, including slopes along the proposed realigned ADV channel, Lake A, and Lake B. Geocon's analysis and recommendations have been incorporated in the revised reclamation plan and improvement plans for the realigned ADV (prepared by B&C,

referenced above). As with the JLGC analysis discussed above, the County is currently conducting a peer review of these evaluations.

4. **To Incorporate an Enhanced Design for the Realigned Arroyo del Valle.** Brown and Caldwell (B&C) performed additional hydrologic and hydraulic analyses to evaluate water diversion, conveyance, and flood potential associated with the revised reclamation plan, including the realigned ADV. CEMEX representatives believe that the study demonstrates that the realigned ADV will remain stable, and that neither the channel modifications nor the ADV to Lake A diversion structure will increase flood risk to neighboring properties or infrastructure. The revised Application #4 also now includes proposed 95% design construction drawings for the realigned ADV, which incorporates additional channel design complexity with a greater variety of biological communities. CEMEX representatives believe that the realigned ADV is expected to result in an uplift in the ecological functions and values in the existing, highly disturbed portions of the ADV in the project Lake B reach. Additional channel complexity was in part included based on feedback the project proponent received from the San Francisco Bay Regional Water Quality Control Board following the circulation of the Original NOP. The County and its EIR team are currently conducting a peer review of the B&C analyses and design construction drawings.
5. **To Update the Analysis of Hydrology and Water Quality as Compared to an Existing Conditions Baseline.** EMKO Environmental, Inc. (EMKO) conducted an updated analysis of hydrology and water quality conditions for the project with more information than previously submitted. The technical report provides a description of baseline conditions, as well as a discussion of conditions that will exist at the site once reclamation is completed under the revised reclamation plan. The analysis also informs water surface, berm, and overflow spillway elevations incorporated into the revised reclamation plan as well as the effects of project silt storage in the groundwater aquifer. The County and its EIR team are currently conducting a peer review of EMKO's analysis.

OTHER PUBLIC AGENCIES WHOSE APPROVAL MAY BE REQUIRED: The discretionary actions to be considered by the County include approval of an amendment to the existing reclamation plan (SMP-23), which was approved by Alameda County in 1987 and last amended in 2013, in compliance with SMARA.

Other public agencies whose approval may be necessary to implement the project, and who may need to rely on the project's CEQA documentation pursuant to their subsequent decision making, include:

- California Department of Conservation, Division of Mine Reclamation (reclamation plan amendment review and release of financial assurances)
- Regional Water Quality Control Board (401 certification and waste discharge requirements, as may be applicable)
- California Department of Fish and Wildlife (CDFW) (streambed alteration agreement and possibly California Endangered Species Act permit)
- U.S. Fish and Wildlife Service (Section 7 consultation; which may result in the issuance of an incidental take statement)
- U.S. Army Corps of Engineers (404 permit)

PROJECT PURPOSE: The overall project purpose is to amend the existing reclamation plan to conform to the currently proposed mine plan and to provide for feasible reclamation of the site postmining. The project application was submitted to the County in response to Condition No. 7 of SMP-23, as adopted under Planning Commission Resolution No. 12-20 on December 17, 2012. Condition No. 7 requires the following:

- a) The need to reflect the current boundaries of SMP-23 as referenced by lands both presently owned by CEMEX and previously authorized for mining operations and reclamation activities.
- b) As to Lake A, the need for long-term mining and reclamation plans to address geologic hazards associated with and remedied by the Lakeside Circle Corrective Action Plan.
- c) As to Lake B, the need for long-term mining and reclamation plans to address a depth and configuration which are inconsistent with the approved reclamation plans.
- d) The need for SMP-23 to include provisions for the management of water flows, during both the pre- and postreclamation conditions, between the groundwater basin, the ADV, and Lakes A, B and C of the *Specific Plan for Livermore-Amador Valley Quarry Area Reclamation* (Specific Plan).
- e) The need for revised plans for all water conveyance facilities that: (i) reflect existing topographic conditions and desired future topographic conditions of CEMEX; (ii) fulfill the requirements and intent of the water management objectives of the Specific Plan; and (iii) may be constructed in conformance with all laws and regulations.
- f) The need to coordinate the planning, design, and construction of all water conveyance structures between Lakes A, B, and C with adjacent mine operator, property owners and the Zone 7 Water Agency.
- g) The geographic locations of approved end uses over the entire site once reclaimed.
- h) Relative to public roadways, the need to specify, in plan and text format, authorized vehicular access points and haul routes.
- i) The need to establish an estimated schedule which correlates the timing of completion for reclamation components to specific stages in the mining plan.
- j) The need to establish reclamation plans that accommodate a trail as depicted in the Specific Plan, along the entire southern boundary of SMP-23 near Vineyard Avenue.

The County believes that the project application is consistent with the requirements of SMARA (California Public Resources Code [PRC] Section 2710 et seq.), SMARA regulations (14 CCR Section 3500 et seq.), and the ACSMO. Consistency with the LAVQAR Specific Plan and the ECAP will be evaluated as part of the land use section of the SEIR.

BASIC PROJECT OBJECTIVES: As stated in CEMEX’s March 4, 2019 application, the project’s basic objectives include the following:

1. To address the requirements of Condition No. 7 of Planning Commission Resolution No. 12-20.
2. To realign and restore an approximately 5,800-foot reach of ADV resulting in an enhanced riparian corridor that flows south of, rather than through (as currently anticipated in SMP-23), Lake B.
3. To maximize the extraction of the remaining available on-site sand and gravel resources through the anticipated reclamation end date of 2056, including a change in the final depth of excavation in Lake B to 150 feet mean sea level.
4. To continue to supply the regional demands for Portland Cement Concrete grade aggregate.
5. To carry out the objectives of the LAVQAR Specific Plan and Zone 7 Agreement for implementation of the Chain of Lakes on the portions of land controlled by CEMEX.
6. To implement the proposed reclamation plan to establish end uses of water management, open space, and nonprime agriculture in accordance with SMARA (PRC 2710, et seq.).

RECLAMATION OBJECTIVES: The proposed revised reclamation plan addresses reclamation pursuant to SMARA and its implementing regulations for those areas subject to CEMEX’s vested mining rights including under the Q-1, Q-4, and Q-76 Permits. The plan has

been developed to provide a feasible and environmentally superior alternative to the original SMP-23 and to accomplish the following objectives:

1. **Produce and develop the available sand and gravel resources** to continue to supply a much-needed local source of construction materials, while giving consideration to values relating to recreation, watershed, wildlife, and aesthetic enjoyment. This is consistent with the State Legislature’s finding that the production and development of local mineral resources is vital (PRC Section 2711[d]).
2. **Convert the Lake A and Lake B mined basins into water storage lakes for Zone 7** as required by the approved LAVQAR Specific Plan and Zone 7 Agreement to implement the “Chain of Lakes.”
3. **Install water conveyance facilities to support the “Chain of Lakes,”** including a 500 cubic feet per second (cfs) diversion from the ADV into Lake A, and a subsurface pipeline from Lake A to Lake B and future Lake C. These facilities will be operated by Zone 7 in the future.
4. **Adjust final reclamation contours at Lake A** to reflect no further mining as well as the buttress that has been installed in the Lakeside Circle corrective action plan area.
5. **Adjust final reclamation contours at Lake B** to reflect an increased maximum depth of mining.
6. **Restore and enhance the structure and biological functions and values of the ADV** by realigning it to flow along the southern boundaries of, rather than through, Lakes A and B. This will eliminate the need to construct large artificial concrete spillways and rip-rap aprons at Lakes A and B, in turn removing significant barriers for future fish and amphibious wildlife passage as compared to what was approved under SMP-23. The realigned ADV will restore an approximately 5,800 linear-foot reach of the channel and floodplain to a more natural, native and diverse ecosystem that supports aquatic, riparian and upland habitats.
7. **Return the North area (i.e., the Lake J area, processing plant sites, silt ponds, and surrounding lands) to open space and/or agriculture,** consistent with LAVQAR Specific Plan and the land uses that existed prior to the onset of mining and development in the area.
8. **Accommodate a public use pedestrian and bike trail,** consistent with the LAVQAR Specific Plan, along the southern boundary of Lakes A and B in the vicinity of Vineyard Avenue.
9. **Update the original reclamation plan boundary to:**
 - a. Include the “Jamieson Parcels,” which are within the scope of the Q-4 and Q-76 Permits, but were acquired by CEMEX’s predecessors from Jamieson and Company after SMP-23 was approved in 1987.
 - b. Remove an approximately 20-acre triangular-shaped property bound by Old Vineyard Avenue, Safreno Way, and Vineyard Road, which was included within the scope of SMP-23 as approved in 1987 but later sold by CEMEX’s predecessors.
 - c. Address the widening of Isabel Avenue / State Route 84.
 - d. Remove the location of two cell tower locations from the reclamation plan boundary.

AREAS SUBJECT TO MINING AND RECLAMATION: Eliot Quarry is mined for aggregates that are used in the construction industry for road base, concrete, asphalt pavement, bedding and select fill. In addition, recycled aggregate, which is produced from the crushing and screening of returned concrete and asphalt that would have otherwise been directed to landfills, is produced and sold as road base or fill.

Lake A, located east of Isabel Avenue / State Route 84, will only be further disturbed to carry out reclamation activities. The primary areas that will be subject to further surface mining disturbances include:

1. “Lake B,” including the ADV realignment area, located west of Isabel Avenue; and
2. “Lake J,” located in the northern portion of the site south of Stanley Boulevard.

No further mining is planned for Lake A, but some limited surface disturbances still need to occur to prepare the lake for installation of water conveyance facilities for future dedication to Zone 7. In the northern portions of the facility (north of Lake B), limited surface disturbances are also planned to occur on CEMEX property in areas identified as Ponds C and D (to be used as freshwater and silt ponds), which may in the future be merged with “Future Lake C” and “Future Lake D” of the Chain of Lakes to be developed by an adjacent mining operation, currently operated by Vulcan Materials. Pond D may be excavated down to elevation 200 feet msl (about 80 feet bgs) prior to its conversion to a silt pond. If this occurs, then it is anticipated to occur late in the quarry’s life (e.g., year 2050). Other areas, such as the northern portions of the site adjacent to Stanley Boulevard, will continue to be used for office, processing plants and silt ponds.

MAXIMUM ANTICIPATED DEPTH OF EXCAVATION: As described in the revised reclamation plan, the maximum anticipated depth of the surface mining operation is approximately 260 feet bgs to a maximum bottom elevation of 130 feet msl. This max depth occurs at the area referred to as “Lake J,” as described below. The project includes the potential to mine to the following depths:

- **Lake A** – No further mining to occur. Mining previously extended to a maximum bottom elevation of 350 feet msl but backfill was placed in a portion of the pit bottom and at its deepest point the current pit bottom elevation is approximately 360 feet msl.
- **Lake B** – Mining would continue to a maximum bottom elevation of 150 feet msl.
- **North Area, Lake J** – Mining would continue to a maximum bottom elevation of 130 feet msl. SMP-23 authorized mining of this area to the “bottom of aggregate deposit.” Although for the purposes of the revised reclamation plan the maximum depth planned is to elevation 130 feet msl, CEMEX indicates that it reserves its vested right to mine to the bottom of the aggregate deposit should mining to depths below the elevation of 130 feet msl prove to be feasible in the future (subject to a future reclamation plan amendment).
- **North Area, Pond D** – Mining would continue to a maximum bottom elevation of 200 feet msl in the North Area Pond D.

Development of the mine excavations may vary due to geologic, engineering, economic and/or market conditions. As such, mining operations may or may not reach the maximum depths and mining depth may vary throughout the site. Reclamation would, in any case, be completed according to the standards described in the revised reclamation plan and would be consistent with the objectives identified in the LAVQAR Specific Plan.

MINING AND RECLAMATION SEQUENCE/SCHEDULE: Mining operations are vested and ongoing and will continue until the reclamation objectives of the project’s revised reclamation plan are met. Mining will continue to progress in a manner that would allow for reclamation to be initiated at the earliest possible time on those portions of the mined lands that would not be subject to further surface mining disturbances. Final reclamation, consisting of finish slope contouring, revegetation and equipment removal would generally commence in each pit as soon as final excavation grades are achieved. The anticipated end date for final reclamation is 2056.

This anticipated schedule is dependent upon many factors such as securing regulatory entitlements, fluctuations in market demands, and need for specific aggregate products. Therefore, this anticipated schedule and sequence is subject to change. The reclamation finish dates listed represent the anticipated date by which physical reclamation activity is complete. In addition to market conditions, monitoring periods for specific aspects of reclamation (e.g., revegetation monitoring) may extend the final date of reclamation signoff beyond these dates.

APPROACH TO ANALYSIS IN SEIR AND PROBABLE ENVIRONMENTAL EFFECTS:

Determination of Need for SEIR: The County has determined, on the basis of the project application (Application #4), as well as the Original NOP and the initial study for the superseded Application #2, that the project has the potential to significantly affect the environment and consequently is requiring that an SEIR be prepared. The SEIR will evaluate the project as compared to the baseline under existing conditions.

The County published a draft EIR for a “master” reclamation plan covering the Livermore-Amador Valley Quarry Area (Quarry Area) in 1979. In 1980, the County published an Addendum, which included responses to comments on the 1979 DEIR. The County Planning Commission certified the Final EIR in 1981 (1981 EIR). In November 1981, the County adopted the LAVQAR Specific Plan. In 1987, the County approved CEMEX’s reclamation plan for the Eliot facility via a negative declaration (SMP-23). Since then, two corrective action plans and several conditions from 5-year periodic reviews have modified the 1987 Reclamation Plan. The amendments proposed as part of this project are modifications to the SMP-23 component of the previously analyzed master reclamation plan.

According to the California Supreme Court, a lead agency has broad discretion to use CEQA’s subsequent review provisions, if “at least *some* of the environmental impacts of the modified project were considered in the original document, such that the original document retains some relevance to the ongoing decisionmaking process.” (*Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.5th 937, 951, underline added.). In this case, the County has determined that it is appropriate to use a SEIR to evaluate the environmental impacts stemming from the proposed reclamation plan amendment.

The 1981 EIR evaluated numerous design features to coordinate reclamation of the Quarry Area between three different operators. A number of the major reclamation features considered in the 1981 EIR will be relevant to the 2019 SEIR, including:

- creation of the chain of lakes, including Lakes A and B (1981 EIR p. 3);
- use of the pits to store high quality ground and imported water with which to recharge the groundwater basin, with the aim of improving water quality (1981 EIR p. 4.);
- use of the chain of lakes for water storage, flood control, recreation, and water quality enhancement (1981 EIR p. 26);
- retention or construction of a channel for the ADV along the southern perimeter of the Quarry Area, to help conveyance of water (1981 EIR p. 3); and
- conduits connecting water filled pits, which could transmit or block water flow through the area (1981 EIR p. 3).

In addition to these key reclamation concepts, the 1981 EIR also analyzed specific features and impacts that are relevant to the current reclamation plan amendment application and the 2019 SEIR, including but not limited to aesthetics, biological resources, cultural resources, geology and soils, climate and atmospheric conditions, hydrology and water quality, land use and planning, noise, transportation and traffic, and health and safety.

The project contains some features that were not analyzed in the 1981 EIR. These features will undergo environmental review in the SEIR. Additionally, some portions of the 1981 EIR will need to be reviewed again and updated in the SEIR. For example, the 1981 EIR states that no rare or endangered plant or animal species are known to exist in the area, and that there would be no foreseeable or identifiable climate impacts. In addition, since 1981, homes have been built in areas south of Lake B and north of Lake A. These homes will need to be considered in the 2019 SEIR. Circumstances have changed and new information has become available since 1981. As a result, the relevant EIR sections will be reevaluated and expanded in light of revisions to the project analyzed in the 1981 EIR, new information, and changed circumstances, as required by CEQA.

Probable Environmental Effects: The County anticipates that the following key resource topics warrant detailed evaluation in the SEIR: aesthetics, air quality and greenhouse gas emissions, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, land use and planning, , and noise. The SEIR will also address alternatives, cumulative impacts, energy consumption and conservation, growth-inducing impacts, and other topics required by CEQA. When significant or potentially significant impacts are identified, the SEIR will identify any feasible mitigation measures for avoiding or reducing the severity of the impacts.

The resource evaluations will document the existing conditions of the project site and surrounding area and potential impacts associated with the project. The evaluations will focus on the adequacy of the 1981 EIR as to whether the analysis remains accurate for each resource topic while considering revisions to the project, new information and changed circumstances. If there are instances where the 1981 EIR’s analysis needs to be augmented or revised, the SEIR will evaluate environmental conditions that would occur as a result of the changes proposed under the project as compared to reclamation under the existing conditions.

A brief discussion of the issues and anticipated approach to the analysis is included below.

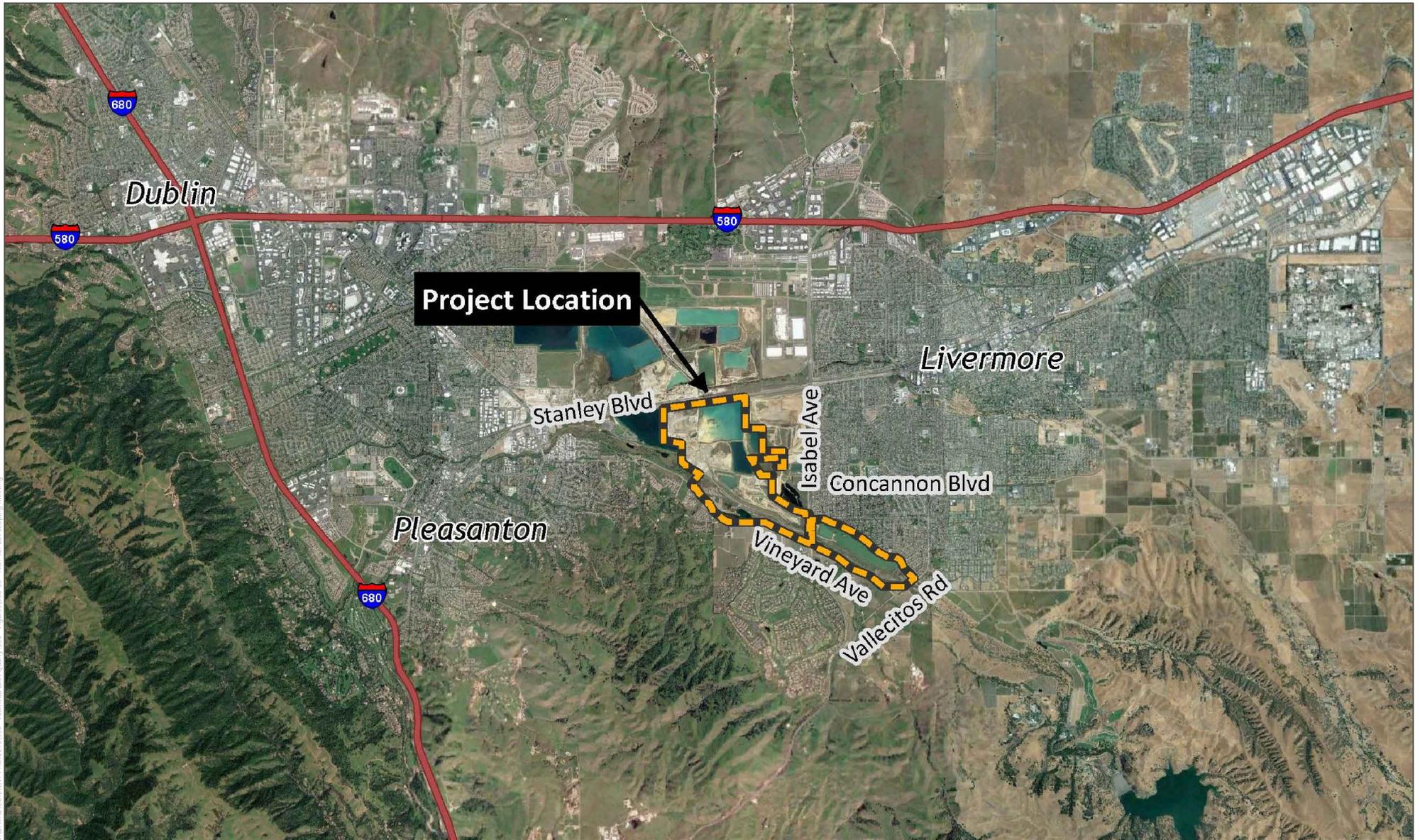
Environmental Topic	Approach to Analysis	SEIR Analysis Required
Aesthetics	The SEIR will include a visual inventory map; an assessment of existing visual character of the project site, including written description and site photographs; and an evaluation of impacts associated with changes in the visual character of the Eliot Quarry as a result of the project. Visual simulations will depict the anticipated visual character of the site as it exists under baseline conditions and the visual character if reclaimed under the proposed project.	Yes
Agricultural and Forestry Resources	The project does not involve the conversion of farmland or conflict with zoning for agricultural use or a Williamson Act contract. The project includes reclamation to agriculture as a proposed end use following mining. The project is not associated with forestry lands.	No
Air Quality/Greenhouse Gas Emissions	Following a technical peer review of the air quality and greenhouse gas emissions study submitted with the project application, the SEIR will evaluate the project’s impacts to air quality and emissions of greenhouse gases. Emissions will be measured against the significance criteria of the local air district – i.e., the Bay Area Air Quality Management District. The SEIR will also evaluate potential conflicts with applicable air quality plans and exposure of sensitive receptors to substantial pollutant concentrations.	Yes
Biological Resources	Following a technical peer review of biological and aquatic resources delineation studies submitted with the project application, the SEIR will evaluate the project’s impacts to special status species, riparian habitats, movement corridors, wetlands, and waters of the United States. The SEIR will examine the proposed realignment of the ADV as a component of reclamation, which would also be subject to regulatory agency authorizations. The primary issue of concern is the potential presence of special status species, wetlands, and other waters of the United States that may be affected during the course of	Yes

Environmental Topic	Approach to Analysis	SEIR Analysis Required
	reclamation. The SEIR will also evaluate potential conflicts with local policies and ordinances and consistency with the ECAP)	
Cultural/Tribal Resources	Given the existing conditions baseline and the earthmoving activity involved with carrying out the project, the SEIR will evaluate the potential disturbance of historical, archaeological, or paleontological resources, as well as potential disturbance of human remains. The SEIR will also evaluate potential effects on tribal resources based on tribal consultation.	Yes
Geology and Soils	Following a technical peer review of geotechnical studies submitted with the project application, the SEIR will evaluate the potential for slope failures or adverse erosion associated with reclaimed site conditions including finish mining slopes and reclamation backfills. A primary issue of concern is the proximity of homes near Lake A; however, a key change of the project as compared to prior application submittals is the elimination of further mining at Lake A. The SEIR will also evaluate the geotechnical stability of the proposed realignment of the ADV. The project's proposed revised reclamation plan, including proposed slope parameters and backfills, will undergo independent review by the State Department of Conservation, Division of Mine Reclamation.	Yes
Hazards and Hazardous Materials	The project is a modification of an approved reclamation plan project (i.e., SMP-23) for a vested mining operation. The project is not anticipated to introduce hazards or expose persons to hazardous materials based on the project's design, measures described in the proposed revised reclamation plan, and existing regulatory requirements.	No
Hydrology and Water Quality	Following technical peer reviews of hydrology, water quality, and hydraulic design studies submitted with the project application, the SEIR will evaluate the project's potential to adversely affect water quality, as well as the project's potential to substantially deplete groundwater supplies, interfere with groundwater recharge, or alter drainage patterns in a manner that would result in substantial erosion or siltation. The SEIR will examine the proposed realignment of the ADV and assess the potential for flooding both on- and off-site. The SEIR will also evaluate the potential for inundation by seiches (wave action in the enclosed quarry lakes) in the reclaimed condition.	Yes
Land Use and Planning	Although the project's basic objectives include carrying out the objectives of the LAVQAR Specific Plan and Zone 7 Agreement for implementation of the Chain of Lakes, the SEIR will evaluate the project's consistency with the LAVQAR Specific Plan and other applicable County General Plan policies. As described for the biological resources topic above, the SEIR will also evaluate consistency with the ECAP.	Yes

Environmental Topic	Approach to Analysis	SEIR Analysis Required
Mineral Resources	The Eliot Quarry is a locally important source of mineral resources, as acknowledged in the County General Plan. The proposed project develops a known resource. The County will evaluate the project's significance as part of its CEQA review.	Yes.
Noise	Following a technical peer review of the noise study submitted with the project application, the SEIR will evaluate the project's potential noise impacts associated with reclamation construction activity. Primary areas of concern include the temporary construction activities associated with carrying out reclamation at Lake A and the realignment of the ADV south of Lake B, given the proximity to residential dwellings.	Yes
Population and Housing	The project, which is an amendment to the current SMP-23 reclamation plan for the site, would not induce substantial population growth, displace substantial numbers of existing housing or displace substantial numbers of people.	No
Public Services	The project is a modification of an approved reclamation plan project (i.e., SMP-23) for a vested mining operation. The project would not result in substantial adverse physical impacts associated with new governmental facilities such as fire protection, police protection, schools, parks, or other public facilities.	No
Recreation	The project would not increase the use of existing recreational facilities. Pursuant to conditions of approval for SMP-23, and as part of the open space end use in the proposed Revised Reclamation Plan, the project includes installation of a new segment of pedestrian and bike trail in the Lake B reach along Vineyard Avenue. The project's inclusion of the new segment of trail along Vineyard Avenue will be evaluated.	No
Transportation and Traffic	The project is a modification of an approved reclamation plan project (i.e., SMP-23) for a vested mining operation. The project proposes no change to any fundamental element of the existing operation including processing operations, production levels, truck traffic, or hours of operation. In addition, the project would not conflict with, but would support the development of contemplated on-site pedestrian and bike trails.	No
Utilities and Service Systems	The project is a modification of an approved reclamation plan project (i.e., SMP-23) for a vested mining operation. The project would not involve the development of significant new utilities or service systems that have not previously been considered. The site is already connected to power, and power service connections would be extended as appropriate to carry out reclamation. The project's potential water quality and water demands will be evaluated as part of the SEIR's evaluation of hydrology and water quality.	No

ATTACHED FIGURES:

- Figure 1 Regional Location Map
- Figure 2 Existing Facilities
- Figure 3 Reclamation Plan End Use Overview
- Figure 4 Realigned Arroyo del Valle Concept



SOURCE: [Aerial Photograph] Google Earth Pro (2018-06-28); figure provided by Compass Land Group in 2019

NOTES:

1. The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

 Project/Plan Boundary (920 acres)

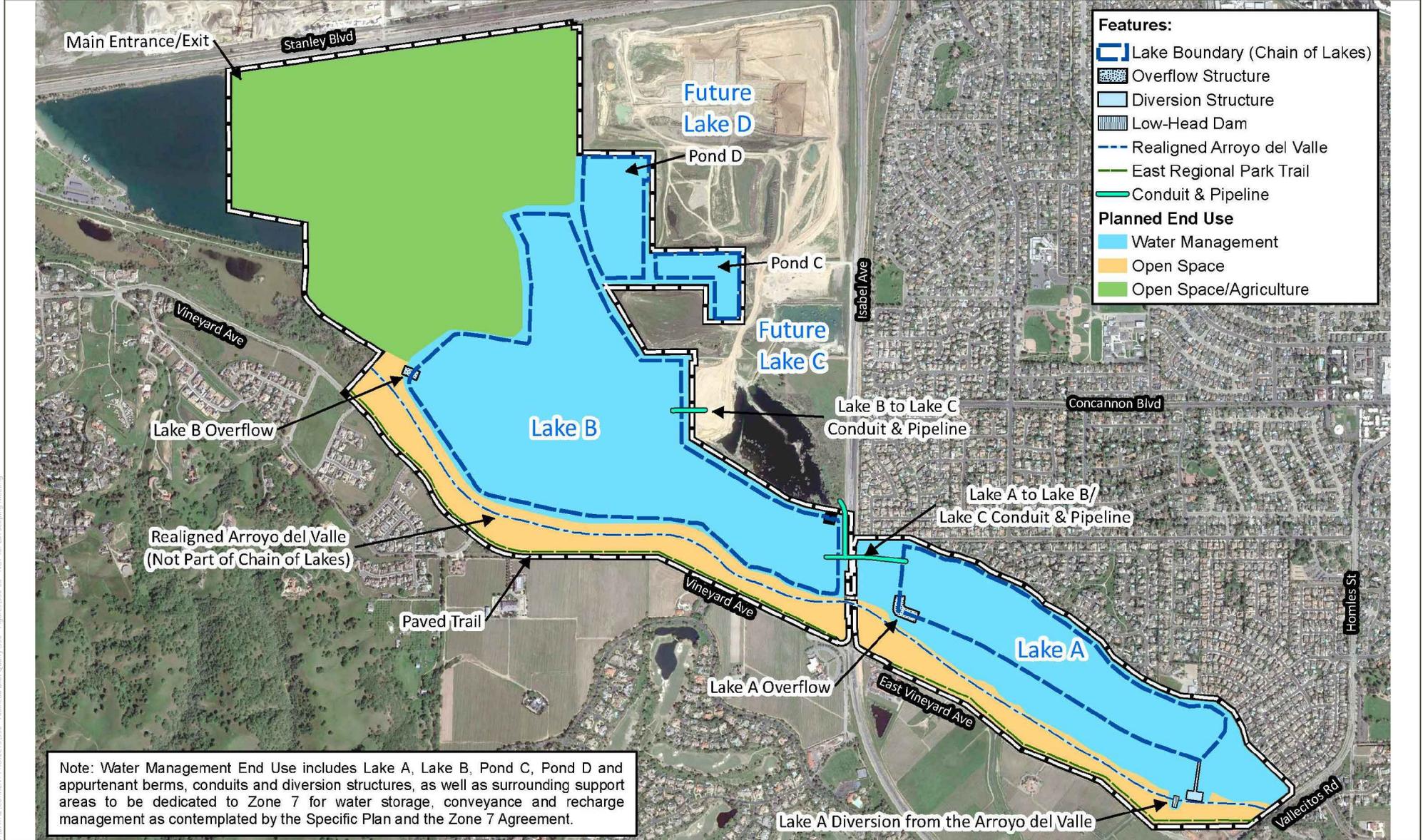


SOURCE: [Aerial Photograph] Google Earth Pro (2018-04-03); figure provided by Compass Land Group in 2019

NOTES:

1. The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

 Project/Plan Boundary (920 acres)

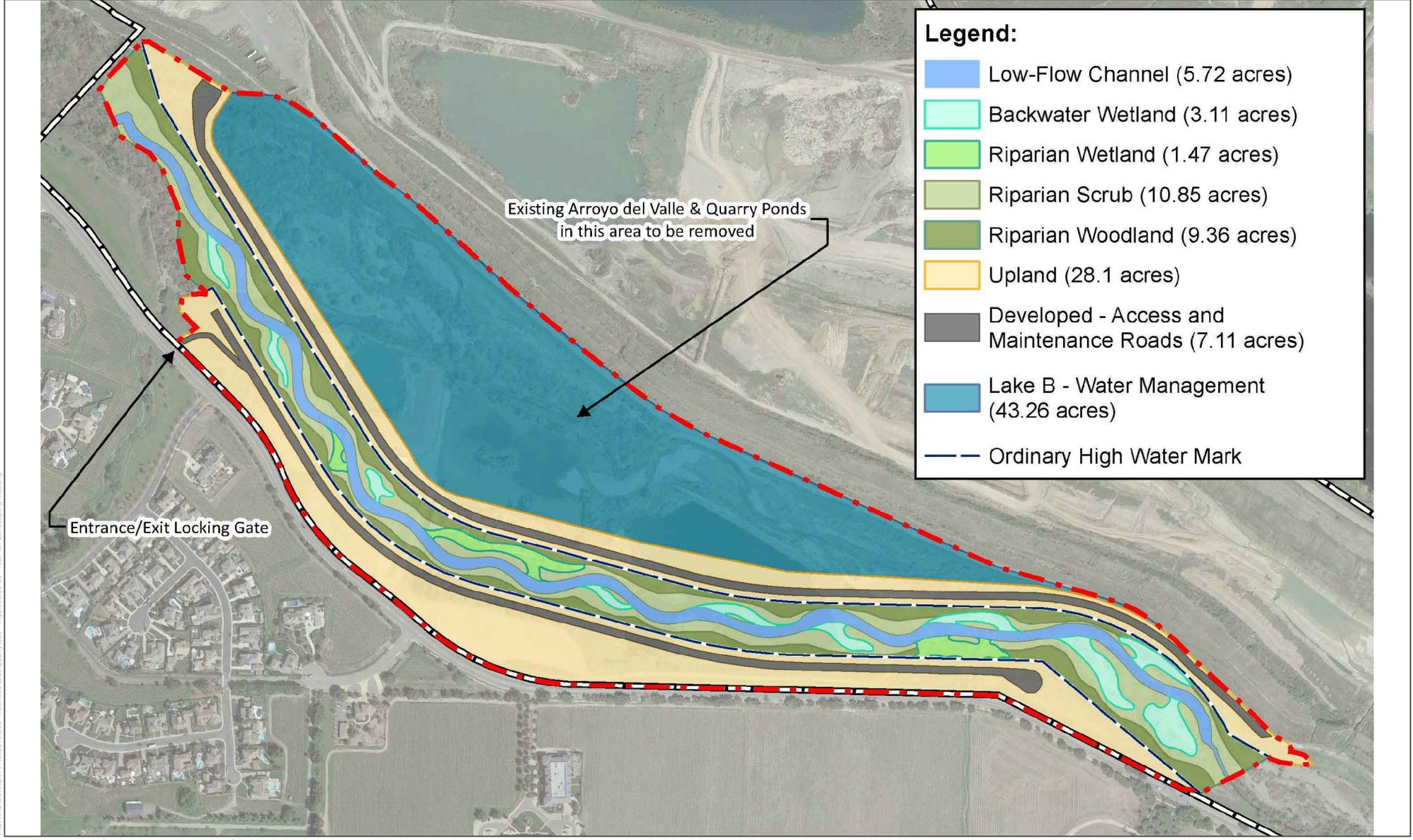


SOURCE: [Aerial Photograph] Google Earth Pro (2018-04-03); figure provided by Compass Land Group in 2019

- NOTES:
- The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

Project/Plan Boundary

Reclamation Plan Enduse Overview
 Revised Notice of Preparation of a Draft SEIR for the
 Eliot Quarry SMP-23 Reclamation Plan Amendment Project
Figure 3



SOURCE: [Aerial Photograph] Google Earth Pro (2018-04-03); figure provided by Compass Land Group in 2019

- NOTES:
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Arroyo del Valle Realignment Area (109 acres)
 Project/Plan Boundary (920 acres)

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