

CHAPTER 3: TERMINOLOGY, APPROACH, AND ASSUMPTION

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CHAPTER 3: TERMINOLOGY, APPROACH, AND ASSUMPTIONS

This section provides an overview of the terminology, approaches, and assumptions underlying the topic-specific sections of this subsequent environmental impact report (SEIR) that follow. Included in this section is an overview of the terminology used, project analysis, organization of the sections, and methods for determining what impacts are significant.

3.1 TERMINOLOGY

To assist reviewers in understanding this SEIR, the following terms are defined:

- *Project* means the whole of an action that has the potential for resulting in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- *Project site* refers to the area analyzed in the 2008 EIR/EIS and consists of the Quarry expansion area, site of proposed Well No. 3, and the associated pipeline alignment.
- *Off-site mitigation sites* collectively refers to the Viking Ranch Restoration Site and the Old Kane Springs Road Preservation Site.
- *Environment* means the physical conditions that exist in the area and that will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved is where significant direct or indirect impacts would occur as a result of the project. The environment includes both natural and human-made (artificial) conditions.
- *Impacts* analyzed under the California Environmental Quality Act (CEQA) must be related to a physical change. Impacts are:
 - direct or primary impacts that would be caused by a proposed project and would occur at the same time and place; or
 - indirect or secondary impacts that would be caused by a proposed project and would be later in time or farther removed in distance but would still be reasonably foreseeable. Indirect or secondary impacts may include growth-inducing impacts and other effects related to induced changes in the pattern of land use; population density or growth rate; and related effects on air and water and other natural systems, including ecosystems.
- *Significant impact on the environment* means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. An economic or social change by itself is not considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.
- *Mitigation* consists of measures that avoid or substantially reduce a proposed project's significant environmental impacts by:
 - avoiding the impact altogether by not taking a certain action or parts of an action;
 - minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

- reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- compensating for the impact by replacing or providing substitute resources or environments.
- *Cumulative impacts* are two or more individual impacts that, when considered together, are considerable or that compound or increase other environmental impacts. The following statements also apply when considering cumulative impacts:
 - The individual impacts may be changes resulting from a single project or separate projects.
 - The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.
- *Threshold of significance* is a criterion established by the lead agency to identify at what level an impact would be considered significant. A criterion is defined by a lead agency based on examples found in CEQA or the CEQA Guidelines, scientific and factual data relative to the lead agency jurisdiction, views of the public in affected areas, the policy/regulatory environment of affected jurisdictions, and other factors.

This SEIR uses a variety of terms to describe the level of significance of adverse impacts. These terms are defined as follows:

- *No impact*. The project would have no direct or indirect effects on the environmental resource issue.
- *Less than significant*. An impact that is adverse but that does not exceed the defined thresholds of significance. Less than significant impacts do not require mitigation.
- *Potentially significant*. An impact that would be considered a significant impact as described above; however, the occurrence of the impact cannot be immediately determined with certainty. For CEQA purposes, a potentially significant impact is treated in this SEIR as if it were a significant impact and mitigation measures are recommended, when feasible, to avoid or reduce potentially significant impacts.
- *Significant*. An impact that exceeds the defined thresholds of significance and would or could cause a substantial adverse change in the environment. When available, mitigation measures are recommended to avoid the impact or reduce it to a less-than-significant level.
- *Significant and unavoidable*. An impact that exceeds the defined thresholds of significance and cannot be eliminated or reduced to a less-than-significant level through the implementation of feasible mitigation measures.

3.2 APPROACH TO THE ENVIRONMENTAL ANALYSIS

CEQA Guidelines require analysis of environmental impacts caused by a proposed project. All phases of a proposed project, including planning, development, and implementation, are evaluated in the analysis. CEQA Guidelines Section 15126.2 states that:

An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist

at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, and the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.

According to CEQA Guidelines Section 15126.4, an EIR should describe feasible measures that could minimize significant adverse impacts (Section 15126.4[a][1]) and measures that are fully enforceable through permit conditions, agreements, or other legally binding process (Section 15126.4[a][2]). Mitigation measures are not required for effects that are found to be less than significant.

As discussed in Chapter 1, “Introduction,” and Appendices A-1, “Initial Study” and A-2, “NOC/NOP,” respectively, the County determined, through preliminary analysis of the project and agency comments received on the NOP and Initial Study, that the project would have no impact on aesthetics agricultural resources, energy, hazards and hazardous materials, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, or wildfire. Therefore, these issues are not addressed further in this SEIR.

3.3 APPROACH TO SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

3.3.1 Scope of Environmental Review

CEQA only applies to discretionary approvals by public agencies (14 California Code of Regulations Section 15352[a]). USG’s mining and reclamation activities at the project site are subject to vested rights and do not require any new permits or other approvals from the County. Accordingly, no discretionary approval would trigger CEQA review of the mining or reclamation components of the applicant’s operations at the project site. However, because proposed Well No. 3 and associated pipeline would support quarry operations by providing water for dust suppression, this SEIR evaluates potential environmental impacts associated with mining and reclamation activities under the Quarry expansion, for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.

In contrast, the application for a Conditional Use Permit (CUP) requires the County’s discretionary approval, which subjects the development of Well No. 3 and associated pipeline to CEQA compliance. In addition, the proposed off-site restoration and preservation activities would require discretionary approvals from other agencies, including a Major Grading Permit San Diego County for the Viking Ranch restoration site. Although these activities will not require entitlements from Imperial County, this SEIR evaluates the environmental impacts of these actions for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.

Therefore, this SEIR limits environmental review to potential environmental impacts associated with development of Well No. 3 and associated pipelines, operations under the 2008 Quarry expansion,

restoration of the Viking Ranch site, and preservation of the Old Kane Springs Road site. Other aspects of the applicant's existing surface mining and manufacturing operations in the project area are not part of the discretionary approval and thus, are not part of the project subject to CEQA review (see, e.g., *City of Ukiah v. County of Mendocino* (1987) 196 Cal. App. 3rd 47; *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591.)

3.3.2 Use of an SEIR to Evaluate Environmental Impacts

The applicant has been continuously mining for gypsum at the project site since 1945. The County certified a joint EIR/EIS for expansion of the Quarry in 2008, followed by a Subsequent Environmental Impact Statement (SEIS) in 2019. The project site and off-site mitigation sites are included within the boundaries of the 2008 Quarry expansion project site, with the exception of the off-site restoration and preservation activities.

The proposed project contains revisions to the project that were not analyzed in the 2008 EIR/EIS. The California Supreme Court concluded in *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) that a lead agency has broad discretion to utilize 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 decision-making process" (1 Cal.5th 937, 951). In this case, a SEIR is appropriate to evaluate the environmental impacts resulting from the proposed project because numerous portions of the 2008 EIR/EIS remain relevant to the proposed revisions. In particular, proposed development of Well No. 3 and associated pipeline would be essentially unchanged from that evaluated in the 2008 EIR/EIS.

The SEIR will review and update some portions of the 2008 EIR/EIS because of project revisions, (namely the proposed off-site restoration and preservation activities), changed circumstances, and availability of new information (including updated technical studies) that was not available in 2008. As a result, the relevant 2008 EIR/EIS sections will be reevaluated and expanded considering project revisions, changed circumstances, and availability of new information, as required by CEQA. In addition, the SEIR only replaces and updates portions of the 2008 EIR/EIS that pertain to the project impact area. Other 2008 EIR/EIS analysis and mitigation for the larger 2008 Quarry expansion project are not addressed in this EIR and will therefore remain in place.

3.3.3 Statutory and Regulatory SEIR Provisions

When an EIR has been prepared for a project, CEQA establishes a presumption against requiring further environmental review. In summary, "no [supplemental or subsequent EIR] is required unless there are substantial changes in the project or the circumstances surrounding the project, or if new information becomes available." (*Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689, 703.) The lead agency has determined that preparation of an SEIR, pursuant to CEQA Section 21166, is necessary, given that substantial changes to the project are proposed and new information has become available since 1981.

California Public Resources Code Section 21166 provides:

When an [EIR] has been prepared for a project..., no subsequent or supplemental [EIR] shall be required by the lead agency...unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the [EIR].
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the [EIR].
- (c) New information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available.

CEQA Guidelines Section 15162, subdivision (a), expands on the three circumstances listed in Section 21166:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR...due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects;
or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete..., shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR...;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The requested CUP would replace expired CUP 635-83, and development of Well No 3 and associated pipeline would be essentially unchanged from that previously proposed and analyzed in the 2008 EIR/EIS. However, the current proposal includes additional project components which were not part of the original 2008 Quarry expansion. The 2019 Final SEIS included mitigation to offset the impacts to 139 acres of waters of the United States (WoUS) at the Quarry by restoring, enhancing, and preserving aquatic resources at a property where aquatic functions are similar to the impacted functions. In response, USG proposes to mitigate impacts at a 1.92:1 mitigation-to-impact ratio, for a total of 267.3 acres of rehabilitation, enhancement, and preservation of aquatic resources. The proposed compensatory mitigation consists of the restoration and enhancement of an approximately 207-acre area at the Viking Ranch restoration site and the preservation of approximately 121 acres at the Old Kane Springs Road preservation site. The sites are shown on Figures 2-1, "Regional Location," 2-2b, "Site Location—Quarry, Well No. 3, and Pipeline," and 2-2c, "Site Location—Viking Ranch Restoration Site." These activities could result in one or more significant effects not discussed in the previous EIR. Thus, the County has determined that an SEIR is required for this project. This SEIR is subsequent to the 2008 EIR/EIS.

3.3.4 Age of Previous CEQA Document

The age of the original EIR (2008) does not affect the County's ability to use an SEIR for the proposed project. CEQA established no rules regarding the expiration of prior environmental review. For example, the appellate court in *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) upheld the city's decision to rely on an addendum prepared in 2005 for an EIR certified in 1989—a 16-year gap, except as to the issue of police services (153 Cal.App.4th 1385, 1390–1391, 1397–1398). On the topic of police services, the court required the county to prepare an SEIR, pursuant to Section 21166 (*Id.* at pp. 1403–1404). Indeed, *Mani Brothers* noted that courts have upheld even the use of an addendum (a much lesser degree of environmental review than an SEIR) under Section 21166 in “numerous contexts,” including “in cases where many years had elapsed between the original EIR and later project revisions...and where the project's appearance had changed fairly dramatically” (*Id.* at p. 1398). In another case, the court endorsed the use of an SEIR, rather than a new EIR, when considering modifications to a conditional use permit (CUP) for mining operations in 1996, where that CUP had been previously studied in a 1976 EIR—20 years prior (*Fairview Neighbors, supra*, 70 Cal.App.4th at p. 243).

3.3.5 Project Description and Impacts Previously Considered in the 2008 EIR/EIS

The 2008 EIR/EIS evaluated the Quarry Expansion and Modernization project which consists of four general components:

1. Update and expansion at the Plaster City Plant,
2. Expansion of the mining operation at the Plaster City Quarry,
3. Development of Well No. 3 and associated pipeline for dust suppression at the Quarry,
4. Replacement of the existing water supply line to serve the Plant.

It should be noted that the focus of this SEIR is limited to the proposed Quarry Expansion and development of Well No. 3 and associated pipeline. The remaining project components are not included in the proposed project, and do not require further evaluation in this SEIR. The following is a summary of those project impacts identified in the 2008 EIR/EIS that relate only to the proposed Quarry expansion and development of Well No. 3 and associated pipeline.

Geology

- Slope Stability at Quarry (Impact 3.2-1)
- Loss of Paleontological Resources (Impact 3.2-2)

Hydrology and Water Quality

- Water Depletion at Quarry (Impact 3.3-5)
- Water Quality Degradation at Quarry (Impact 3.3-6)
- Surface Water Flow at Quarry (Impact 3.3-7)
- Cumulative Reduced Water Level (Impact 3.3-8)
- Cumulative Water Quality Degradation (Impact 3.3-9)

Vegetation

- Loss of Vegetation at Quarry (Impact 3.4-1)
- Loss of Vegetation at Well Site and Pipeline (Impact 3.4-2)

Wildlife

- Loss of Wildlife at Quarry (Impact 3.5-1)
- Loss of Wildlife at Well Site and Pipeline

Air Quality

- Increased PM₁₀ and/or Dust Emissions at Quarry (Impact 3.6-1)
- Increased Exhaust Emissions at Quarry (Impact 3.6-2)
- Increased PM₁₀ and/or Dust Emissions at Well Site and Pipeline (Impact 3.6-3)
- Increased Exhaust Emissions Along (Impact 3.6-7)

Aesthetics

- Aesthetic Degradation from Lighting and Glare at Quarry (Impact 3.7-1)
- Temporary and Permanent Aesthetic Degradation (Impact 3.7-2)

Cultural Resources

- Prehistoric Cultural Resources (Impact 3.8-1)
- Ethnic Cultural Resources (Impact 3.8-2)
- Historic Cultural Resources (Impact

Land Use

- Compatibility with Existing Land Uses (Impact 3.9-1)
- Quarry Compatibility with Wilderness Area (Impact 3.9-2)

Hazards and Hazardous Materials

- Groundwater Contamination Hazards at Plant and Quarry (Impact 3.10-1)
- Explosive Hazards at Quarry (Impact 3.10-2)

Traffic and Circulation

- Truck Traffic Increases (Impact 3.11-1)

Acoustics/Noise

- Noise Pollution at Quarry and Plant Sites (Impact 3.12-1)

Public Health and Safety

- Industrial Facility Safety (Impact 3.13-1)
- Reclaimed Quarry Site Safety (Impact 3.13-2)

3.3.6 New Impacts to Be Considered in the SEIR

The proposed project includes restoration and/or preservation of two off-site mitigation sites in San Diego County for the purpose of mitigating anticipated impacts to jurisdictional waters within the Quarry expansion area. These project components were not evaluated in the 2008 EIR/EIS or the 2019 SEIS but will undergo environmental review in this SEIR. Additionally, some portions of the 2008 EIR/EIS will be reviewed and updated in this SEIR, because circumstances have changes and new information has become available since publication of the 2008 EIR/EIS. As a result, the relevant EIR sections will be reevaluated and expanded to consider new information and changed circumstances, as required by CEQA.

3.4 RESOURCE SECTION FORMAT

Each resource section follows the same format and includes the following primary subsections:

- The “**Environmental Setting**” subsections provide an overview of the existing physical environmental conditions at the time this analysis was prepared, as relevant to each resource topic. When relevant to the analysis, the “Environmental Setting” subsection also provides the environmental conditions approved under the existing reclamation plan to provide a benchmark for the impact analysis of conditions with the project.
- The “**Regulatory Setting**” subsections identify the plans, policies, laws, regulations, and ordinances that are relevant to each resource subject. This subsection describes required permits and other approvals necessary to implement the project.
- The “**Significance Criteria and Analysis Methodology**” subsections provide criteria that define when an impact would be considered significant. Criteria are based on CEQA Guidelines, scientific and factual data, views of the public in affected area(s) where appropriate, the policy/regulatory environment of affected jurisdictions, or other factors. The methodology for the impact analysis is also provided as relevant to each resource topic.
- The “**Project Impacts and Mitigation Measures**” subsections provide an assessment of the potential impacts of the project and specify why impacts are found to be significant and unavoidable, significant, potentially significant, or less than significant, or why there is no environmental impact. Feasible mitigation measures to avoid or reduce the severity of identified impacts follow the impact discussions. Where feasible mitigation and feasible alternatives cannot reduce impacts to a less-than-significant level, the impacts are identified as significant and unavoidable. The analysis of cumulative impacts is provided in Chapter 6, “Other CEQA Topics.”

3.5 MITIGATION MEASURES

In most cases, implementation of recommended mitigation measures would either result in complete avoidance of impacts or reduce impacts to less than significant. However, impacts that cannot be reduced to a less-than-significant level after application of feasible mitigation measures and alternatives are considered significant and unavoidable. As a condition of project approval, the applicant for the proposed project would be required to implement all the feasible mitigation measures identified in this EIR and adopted by the County.

In accordance with PRC Section 21081.6(a), the County would adopt a mitigation monitoring and reporting program (MMRP) at the time it certifies the EIR. The purpose of the MMRP is to ensure that the applicant

would comply with the adopted mitigation measures when the project is implemented. The MMRP would identify each of the mitigation measures and describe the party responsible for monitoring, the time frame for implementation, and the program for monitoring compliance.

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