

# CHAPTER 7: OTHER CEQA TOPICS

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## 7.1 INTRODUCTION

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

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

## 7.2 MANDATORY FINDINGS OF SIGNIFICANCE

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

- a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory;
- b) Have impacts that are individually limited, but cumulatively considerable (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or
- c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Under the *United States Gypsum Company Expansion/Modernization Project Final Environmental Impact Report/Environmental Impact Statement* (2008 EIR/EIS) these impacts were determined to be less than significant. However, as stated in the Initial Study prepared for the project (see Appendix A-1, “Initial Study,” of this SEIR) project revisions, changed circumstances, and newly available information, discussed at length in Chapters 4 and 5 of this SEIR, could alter this determination. Each mandatory finding of significance is discussed in detail below.

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

Section 4.2, “Biological Resources,” of this SEIR evaluates the project’s potential impacts to biological resources, including impacts to fish and wildlife populations and movement and impacts to habitats, plant communities, and protected wetlands. The SEIR analysis for this CEQA topic determined that the proposed project would have a less than significant impact on all biological resources with mitigation incorporated. As such, with mitigation incorporated, this impact is also determined to be less than significant with implementation of the mitigation measures referenced below.

Section 4.3, “Cultural Resources,” of this SEIR evaluates the project’s potential impacts to cultural resources including historical resources. Impact 4.3-1 specifically addresses potential impacts to historical resources. There are two recorded historical resource sites within the project site: (1) the Quarry itself and, (2) the Plaster City Railroad (P-13-008139). These are central components of the Quarry operation that remain in continuous operation, are properly maintained, and would not be adversely affected by project implementation. Similarly, the two prehistoric archaeological resource sites identified within the project site would not be affected by project activities. Existing mitigation measures from both the 2008 EIR/EIS and the 2019 SEIS address the potential for project activities to inadvertently disturb unknown cultural resources. With implementation of these mitigation measures, this impact would be less than significant.

**Level of Significance Before Mitigation:** Potentially significant.

**Mitigation Measures:** *Relevant mitigation measures required to reduce this impact to a less than significant level include the following measures from Section 4.2, “Biological Resources,” and Section 4.3, “Cultural Resources,” of this SEIR:*

- 2008 EIR/EIS:
  - Mitigation Measure 3.5-1a
  - Mitigation Measure 3.5-1b
  - Mitigation Measure 3.5-1c
  - Mitigation Measure 3.5-1d
  - Mitigation Measure 3.5-1e
  - Mitigation Measure 3.5-1f
  - Mitigation Measure 3.5-2
  - Mitigation Measure 3.8-3
- 2019 SEIS:
  - Mitigation Measure 3.4-5
  - Mitigation Measure 3.4-6
  - Mitigation Measure 3.4-7

- *Mitigation Measure 3.4-8*
- *Mitigation Measure 3.4-9*
- *Mitigation Measure 3.4-10*
- *Mitigation Measure 3.4-11*
- *Mitigation Measure 3.4-12*
- *Mitigation Measure 3.4-13*
- *Mitigation Measure 3.6-1*
- *Mitigation Measure 3.6-2*

**Level of Significance After Mitigation:** Less than significant.

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

Chapter 5 of this SEIR provides an evaluation of the project's potential to result in impacts that are cumulatively considerable. This evaluation determined that, with implementation of the mitigation measures provided in this SEIR, the project would not result in any impacts which are cumulatively considerable. Therefore, this impact would be less than significant.

**Level of Significance Before Mitigation:** Less than significant.

**Mitigation Measure:** None required.

**Level of Significance After Mitigation:** Less than significant.

**Impact 7-3: Environmental Effects which will Cause Substantial Adverse Effects on Human Beings**

Under CEQA, a change to the physical environment that might otherwise be minor must be treated as significant if people will be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings will be represented by all of the designated CEQA issue areas, those that could directly affect human beings include aesthetics, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation/traffic, and utilities, which are addressed in this SEIR and the Initial Study (see Appendix A-1).

As discussed throughout Chapter 4 of this SEIR, the project would not result in any significant impacts which cannot be mitigated. The topics of aesthetics, geology and soils, hazards and hazardous materials, noise, population and housing, public services, transportation/traffic, and utilities were determined to be less than significant in the Initial Study and were not evaluated further in the SEIR. Project impacts to air quality are addressed in Section 4.1, "Air Quality," of this SEIS. With implementation of both existing and newly proposed mitigation measures, each air quality impact was determined to be less than significant. In particular, emissions of fugitive dust (Impact 4.1-2) and odorous emissions (Impact 4.1-4), which can create a nuisance to the public, would be less than significant. Furthermore, the project site is located in a rural area composed primarily of open space with few inhabitants. Given the site's distance from established

communities and residential uses, the project would have limited potential to adversely affect human beings. With implementation of the mitigation measures listed below, this impact would be less than significant.

**Level of Significance Before Mitigation:** Potentially Significant.

**Mitigation Measures:** *Implement the following existing and newly proposed mitigation measures:*

- 2008 EIR/EIS:
  - Mitigation Measure 3.6-1a
  - Mitigation Measure 3.6-1b
  - Mitigation Measure 3.6-1c
- SEIR Section 4.1:
  - Mitigation Measure 4.1-1a
  - Mitigation Measure 4.1-1b

**Level of Significance After Mitigation:** Less than Significant.

### 7.3 ENERGY CONSUMPTION AND CONSERVATION

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

Appendix F states that “the goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include: (1) decreasing overall per capita energy consumption, (2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and (3) increasing reliance on renewable energy sources” (CEQA Guidelines Appendix F, Section I). In addition, factors suggested in Appendix F for determining and mitigating potentially significant energy impacts may be relevant to this project’s fuel usage and energy consumption. These factors are discussed herein, where relevant, for mobile equipment and electric utility service used by the project.

The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, would be substantially in the same locations and same configurations as the features that were evaluated in the 2008 EIR/EIS. The project would not change proposed Quarry operations and would not result in an increase in energy use for transportation purposes or operation of mining equipment or facilities.

Construction of the proposed well and pipeline and restoration of the Viking Ranch site would temporarily consume energy sources for operation of heavy off-road equipment, trucks, and worker and vendor traffic. The emissions for these activities are included in Appendix C-2 and C-3 of this SEIR. Once construction is completed, well operation would require ongoing energy use. The use of solar panels to power the well is not feasible due to the high potential for vandalism of such facilities in the project area. Upon completion of

restoration activities at the Viking Ranch site, energy use would be limited to occasional truck trips for maintenance activities. Similarly, the Old Kane Springs Road site would require a negligible amount of fossil fuel energy for maintenance truck trips.

The project would have limited energy needs and would not result in the wasteful or inefficient use of energy resources.

#### **7.4 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED**

CEQA Guidelines Section 15126.2(c) requires that the EIR discuss significant environmental effect that cannot be avoided if the project is implemented, even with mitigation incorporated. According to Guidelines Section 15126(c):

Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

As determined in Chapter 4 of this SEIR, the proposed project would not result in any significant and unavoidable impacts.

#### **7.5 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD BE CAUSED BY THE PROJECT SHOULD IT BE IMPLEMENTED**

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

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.

The proposed project was analyzed in the 2008 EIR/EIS for its potential to cause an irreversible or irretrievable commitment of resources. That analysis indicated that the project would commit the use of nonrenewable energy sources for quarrying, mineral resources extracted, water used at the Quarry, and emissions into the air. This section addresses new information available since publication of the 2008 EIR/EIS, new effects of the proposed project may have on these resources within the affected environment, and any effects that were not analyzed in the 2008 EIR/EIS.

A commitment of a resource is considered irreversible when the primary or secondary impacts from its use limit the future options for its use. An irretrievable commitment refers to the use or consumption of a resource that is neither renewable nor recoverable for use by future generations. The use of nonrenewable

resources such as metal, wood, fuel, paper, aggregate and other natural resources such as gypsum ore is considered irretrievable in that they would be used for a certain purpose when they could have been conserved or used for other purposes. This section also considers whether the potential long-term or permanent effects of the project represent the irretrievable or irreversible commitment of waters of the United States and Peninsular bighorn sheep (PBS) critical habitat.

**Gypsum Resources:** The quarrying activities associated with the proposed project would irreversibly commit nonrenewable gypsum resources. Approximately 140 million tons of gypsum ore would be mined over the projected life of the mine, assuming that mining continues at the maximum rate authorized under the current air quality permit. However, the gypsum is privately owned, and would not have been conserved or used for any other purposes.

**Waters of the United States:** The proposed project would result in permanent losses to waters of the United States in the Quarry, and both temporary and permanent impacts along the proposed pipeline alignments as described in Section 4.2 of this document. These impacts would be minimized or avoided through measures described in Section 4.2. Implementation of mitigation required in permits obtained for the project, including permits required under Sections 401 and 404 of the Clean Water Act would reduce the project's impacts on jurisdictional waters both during and after the life of the project. Reclamation in the Quarry and at the site of Well No. 3 and associated pipeline would ensure that the functionality of these waters of the United States would continue after each quarrying phase is completed and at the end of the project life. See also Chapter 4, "Project Alternative," which provides an evaluation of four alternatives that would modify or eliminate proposed mining phases in order to avoid impacts to waters of the US.

**Peninsular Bighorn Sheep Designated Critical Habitat:** The proposed project would affect critical habitat for PBS as described in Section 4.2. The analysis of impacts indicated that the amount of critical habitat impacted by the project would be small compared with the designated critical habitat in Recovery Region 8, identified by the USFWS in the PBS Recovery Plan. Further, the majority of the critical habitat in Recovery Region 8 is either in BLM wilderness or within Anza Borrego State Park and is well protected. The impacts of the proposed project on PBS critical habitat within the mine boundaries is not considered irreversible because the project would restore and revegetate the mine areas after mining operations are complete. Other minimization measures include habitat restoration and revegetation; critical habitat acquisition, preservation, and replacement; monitoring by qualified biologists; preconstruction surveys and relocation of certain special status species out of harm's way; and supporting CDFW's monitoring of specific PBS populations. Critical habitat on public lands affected by the project would be replaced subject to review and approval by the BLM and the USFWS.

**Other Resources:** The operations conducted under the proposed project would consume oil, gasoline, natural gas, diesel, water, and other nonrenewable resources for equipment and other needs. Table 7-1 below shows the rate at which these non-renewable resources were used in the one-year period between 2017 and 2018, according to USG's records, and projects the consumption of these resources for the life of the quarry beyond 2018, assuming 140 million tons of gypsum would be mined. At the conclusion of mining operations, the Quarry and the pipeline rights-of-way would be reclaimed and revegetated allowing the potential for re-use of the land, and no further demand for non-renewable resources would occur with respect to the proposed project.



**Table 7-1  
 Projected Use of Non-Renewable Resources for USG Expansion Project**

<b>Non-Renewable Resource</b>	<b>2017-18 Annual Use for Total Gypsum Mined/Processed (0.78 mt)</b>	<b>Use/Ton</b>	<b>Project Total Use Over Life of Gypsum Reserve (Beginning 2018-19) Total (140 mt)</b>
Grease	4,000 gallons	0.005 gallons	700,000 gallons
Oil	6,247 gallons	0.008 gallons	1,120,000 gallons
Diesel Fuel	129,524 gallons	0.166 gallons	23,240,000 gallons
Gasoline	8,156 gallons	0.010 gallons	1,400,000 gallons
Electricity	38,808,306 KWh	49.754 KWh	6,965,560,000 KWh
Natural Gas	1,393,600 Btu	1.786 Btu	250,040,000 Btu
Propane	77,948 gallons	0.099 gallons	13,860,000 gallons

Source: BLM 2019

## 7.6 GROWTH INDUCING ANALYSIS OVERVIEW

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

The effect of the proposed project on factors inducing growth were analyzed in Section 4.4 (Growth Inducing Impacts) of the 2006 Draft EIR/EIS. This section addresses the impacts of the proposed project on growth inducement in the affected environment that have changed or were not analyzed in the previous document.

Typically, the growth inducing potential of a project would be considered significant if it would foster growth or a concentration of population above what is assumed in local and regional land use plans, or in projections made by regional planning authorities. Significant growth impacts could also occur if a project would provide the infrastructure or service capacity to accommodate growth levels beyond those permitted by local or regional plans and policies. Increased development and growth in an area depend on a variety of factors, including employment and other opportunities. Increased production at the Plant could occur if the rate of quarrying were expanded to meet future market demands. USG estimates that it could increase employment at the Plant by up to 140 people, likely from the Ocotillo and El Centro region. The increase represents 0.01% of the total El Centro/Ocotillo regional employment base from which the additional employees are expected to be drawn. New employees hired from within the region likely would not relocate for employment. However, housing is available in the El Centro market area to accommodate the increase. The addition of 140 employees would also create a small, secondary effect on the local economy such as increased commerce and consumer spending in local communities, proportional to the increase in USG employment. Most of the economic effects are expected to occur within the El Centro Region because of its proximity to the project. The likelihood that new employees would come from within the same region as the project suggests that the increase in employment would be neutral with respect to the potential for inducing growth in the area. The infrastructure and facility improvements related to the project would be privately owned by USG and designed specifically to meet the needs of the Quarry and Plant. They would not be available for use by other developers. Therefore, the project would not induce the development of additional housing or other developments that would rely on new utility services. Access to the area

associated with the proposed project already exists; the project would not create new access into areas previously inaccessible for development. The project would not result in direct inducement for population growth, nor would it result in changes to land use designations or utility infrastructure necessary for other developments to induce population growth.

Furthermore, restoration and preservation of the offsite mitigation sites would not induce growth as no development would occur. On the contrary, the sites would be permanently preserved as open space eliminating the potential for growth on the sites in the future.