

### 1.1 INTRODUCTION AND REGULATORY GUIDANCE

This document is an Initial Study and Mitigated Negative Declaration (IS/MND) prepared pursuant to the California Environmental Quality Act (CEQA) for the proposed Granite Construction - Rio Del Oro Mining Project (hereafter referred to as “the proposed project”). This MND has been prepared in accordance with the CEQA, Public Resources Code Sections 21000 et seq., and the State CEQA Guidelines.

An Initial Study is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the CEQA Guidelines, Section 15064, an Environmental Impact Report (EIR) must be prepared if the Initial Study indicates that the proposed project under review may have a potentially significant impact on the environment. A negative declaration may be prepared instead, if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment, and, therefore, why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- (a) *The Initial Study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or*
- (b) *The Initial Study identified potentially significant effects, but:*
  - (1) *Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
  - (2) *There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.*

If revisions are adopted into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration is prepared. This document includes such revisions in the form of mitigation measures. Therefore, this document is a Mitigated Negative Declaration and incorporates all of the elements of an Initial Study. Hereafter this document is referred to as an MND.

The City Council certified the Rancho Cordova General Plan EIR (GP-EIR) on June 26, 2006 (State Clearinghouse Number 2005022137). The GP-EIR was prepared as a Program EIR pursuant to State CEQA Guidelines Section 15168. According to Section 15168(a):

- (a) *General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as on large project and are related either:*
  - (1) *Geographically,*
  - (2) *As logical parts in the chain of contemplated actions,*

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- (3) *In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or*
- (4) *As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.*

The GP-EIR was intended to evaluate the environmental impacts of the General Plan to the greatest extent possible. The Program EIR is used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with projects in the City. State CEQA Guidelines Section 15168(c) establishes the requirement that the Lead Agency (the City) determine if subsequent projects require additional environmental analysis. According to State CEQA Guidelines Section 15168(c), additional review is required:

- (1) *If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or negative declaration.*

In addition to the rules governing the preparation and use of Program EIRs, other provisions of CEQA govern site-specific review of the proposed project. Public Resources Code Section 21083.3 limits CEQA review of certain projects consistent with an approved general plan, community plan, or zoning action for which an EIR was prepared to environmental effects that are "peculiar" to the parcel or to the project and which were not addressed as significant effects in a prior EIR, or which new information shows will be more significant than described in the prior EIR. The proposed project is a qualified project pursuant to Section 21083.3(a-b), which states:

- (a) *If a parcel has been zoned to accommodate a particular density of development or has been designated in a community plan to accommodate a particular density of development and an Environmental Impact Report was certified for that zoning or planning action, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior Environmental Impact Report, or which substantial new information shows will be more significant than described in the prior Environmental Impact Report.*
- (b) *If a development project is consistent with the general plan of a local agency and an Environmental Impact Report was certified with respect to that general plan, the application of this division to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior Environmental Impact Report, or which substantial new information shows will be more significant than described in the prior Environmental Impact Report.*

The proposed project was generally described in the GP-EIR. However, specific information about the proposed project was not known at the time of the preparation of the GP-EIR and the project-specific impacts resulting from implementation of the proposed project were not fully identified or mitigated in the GP-EIR. Therefore, additional analysis and potential mitigation of the environmental effects of the proposed project are required. State CEQA Guidelines Section

15183 provides guidance as to the scope of this subsequent analysis. State CEQA Guidelines Section 15183 states:

- (a) *CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.*
- (b) *In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those, which the agency determines, in an Initial Study or other analysis:*
  - (1) *Are peculiar to the project or the parcel on which the project would be located.*
  - (2) *Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent.*
  - (3) *Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
  - (4) *Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

This Initial Study/Mitigated Negative Declaration addresses project-specific impacts that were not fully addressed in the GP-EIR. Additionally, this IS/MND summarizes the findings of the City relating to the GP- EIR and how the criteria set forth in Guidelines Section 15183 have been met.

The GP-EIR analyzed the environmental effects of the General Plan and the twelve policy elements and the Land Use Map “implementation element”. The twelve policy elements concentrated on providing policy guidance in the following areas:

- Land Use
- Urban Design
- Economic Development
- Housing
- Circulation
- Open Space, Parks, and Trails
- Infrastructure, Services, and Finance
- Natural Resources
- Cultural and Historic Resources
- Safety
- Air Quality
- Noise

The “implementation element” concerned the new Land Use Map for the City which combines specific land use designations in some areas of the City and more general descriptions of land uses in special areas planned for future growth referred to as “Planning Areas”. The proposed project lies within one of these Planning Areas and is therefore only generally described in the General Plan and the GP-EIR.

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In adopting the General Plan and certifying the GP-EIR as complete and adequate, the City Council adopted findings of fact and a statement of overriding considerations for those impacts that could not be mitigated to less than significant levels.

Impacts deemed in the GP-EIR to be significant and unavoidable:

- Conflicts with applicable land use plans.
- Various impacts on agricultural land.
- Conflicts with Williamson Act contracts.
- Substantial population, housing, and employment growth.
- Deficient traffic level of service by 2030.
- Worsening of already unacceptable operations on US-50.
- Conflicts with the Regional Ozone Attainment Plan.
- Significant construction-based pollutant emissions.
- Significant operational pollutant emissions.
- Significant emissions of Toxic Air Contaminants.
- Creation of construction, traffic, and operational noise above standards.
- Creation of new noise-sensitive land uses within airport noise areas.
- Loss of availability of aggregate resources.
- Impacts on water supply (both availability of water and infrastructure required).
- Impacts to habitat and individuals of special status species.
- Impacts to raptors, migratory birds, and other wildlife.
- Impacts to jurisdictional waters of the U.S.
- Impacts to animal movement corridors.
- Loss of native and landmark trees.
- Disturbance of cultural resources and human remains.
- Environmental impacts resulting from the need for more wastewater infrastructure.
- Degradation of the existing visual character of the area.

The GP-EIR also identified several cumulative impacts that would be cumulatively considerable and significant and unavoidable. Those impacts included:

- Conflicts with area land use plans.
- Conversion of farmland to other uses and agricultural/urban interface conflicts.
- Substantial population, housing, and employment growth.
- Significant impacts to area traffic level of service.
- Increases in regional ozone and particulate matter emissions.
- Increases in regional traffic and operational noise.
- Cumulative loss of mineral resources.
- Increased regional demand for water supply and need for water infrastructure.
- Cumulative loss of biological resources.
- Cumulative loss of cultural resources.
- Increases in wastewater treatment capacity and infrastructure.
- Changes in area visual character and landscape.

Detailed information regarding both the project impacts and cumulative impacts identified above is included in the GP-EIR. The GP-EIR is available online at <http://gp.cityofranhocordova.org> and on request at the City at the following address:

City of Rancho Cordova  
Planning Department  
2729 Prospect Park Drive  
Rancho Cordova, CA 95670

In accordance with State CEQA Guidelines Section 15183, a discussion of each of the impacts found to be significant in the GP-EIR and the relative impact of the proposed project in each of those categories is provided in this MND.

This MND hereby incorporates the GP-EIR by reference. The Rancho Cordova General Plan received final approval by the City Council on June 26, 2006. The City Council certified the GP-EIR as adequate and complete on that date as well. As noted above, the GP-EIR is a Program EIR and the discussions of general issues included in the document are in some cases applicable to the proposed project.

## **1.2 FINAL MITIGATED NEGATIVE DECLARATION**

The original MND for the proposed project was released by the City for public comment on April 27, 2007. The review period for the MND ended May 29, 2007. The City continued to accept comments until June 1, 2007. Comments provided on the IS/MND by the California Regional Water Quality Control Board, the Department of Toxic Substances Control, and the property owner (Aerojet) that provided additional details and concerns for the proposed project.

In order to address this new information and concerns raised in the comments received, minor modification of the discussions, analysis, and mitigation measures included in the original MND were made. These changes are represented in this Final Mitigated Negative Declaration (Final MND). Textual deletions from the original MND are shown in this document as ~~striketrough~~. Textual additions are shown in underline.

### **SUMMARY OF CHANGES TO THE ORIGINAL DOCUMENT**

The following changes were made for this Final MND:

#### **Section 2**

##### Project Characteristics

Minor clarification as to the physical dimensions of the piles to be mined was added to the project description.

##### Required Project Approvals

The California Department of Toxic Substances Control (DTSC) and the Sacramento Count Water Agency have been added to the list of agencies whose approval may be required for the proposed project.

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### Section 3.2

#### Item 11

- The list of agencies whose approval may be required for the proposed project was modified to include DTSC and SCWA, consistent with Section 2.5 (above).

#### II. Agriculture Resources

- Discussion c) has been modified to account for the fact that, due to clarification of the project characteristics and current site use provided by the applicant and the property owner, the project is expected to affect ongoing cattle grazing in a temporary and limited manner.

#### III. Air Quality

- The estimated amount of the off-site operational mitigation fee required by mitigation measure **MM 3.1f** was added to discussion b).

#### IV. Biological Resources

- A sentence was inserted into discussion a) clarifying that the planned elderberry preserves on the project site were both included in areas earmarked to remain undisturbed by the proposed project.
- Mitigation measure **MM 4.1d** was modified to express the fact that the project will be required to prepare and receive approval for a Storm Water Pollution Prevention Plan (SWPPP).
- Additional information regarding the location and condition of cottonwood trees within the project area was added to discussion e).

#### V. Cultural Resources

- The original document erroneously stated that Aerojet was responsible for the rocket testing activities conducted on the project site in the past. Discussion a) has been modified to state that the Douglas Aircraft Company was responsible for such activities.

#### VI. Geology and Soils

- Original data described the level of groundwater below the project site as being more than 114 feet from the surface. New information provided by the property owner states 114 feet is the average groundwater depth, not the minimum. Discussion iii) was modified to reflect this new information.
- In order to provide greater clarity as to the existing condition of the site, a change was made to discussion b) categorizing the site's condition as "disturbed but largely undeveloped."

### VII. Hazards and Hazardous Materials

- The existing setting has been modified with the correct name of the McDonnell Douglas/Aerojet Inactive Rancho Cordova Test Site (IRCTS). Similar changes were made to discussion d) as well.
- The original MND erroneously stated that the Federal Environmental Protection Agency (EPA) was involved in remediation on the project site. Any mention of the EPA has been removed and the California Regional Water Quality Control Board (CRWQCB) has been inserted in its place.
- During the comment period, specific information as to the background trace minerals experienced on the project site was provided by the CRWQCB. Discussion of this information and its impact on the project site has been added to the Existing Setting. Discussion of the potential impact of this information was added to discussion a).
- Updated information regarding additional school sites planned within the Rio Del Oro Specific Plan area (and thus within the vicinity of the proposed project) was added to discussion c).
- The property owner provided the City with updated information during the comment period regarding the disposition of the environmental constraints areas described in discussion d) as well as additional information on groundwater contamination in the project vicinity and its source. This information has been incorporated into discussion d). CRWQCB has been added as an approving agency for work in the constraint areas, replacing Aerojet. The updated status and planned disposition of the constraints areas has been incorporated into **Table 4** and into mitigation measures **MM 7.2a** and **MM 7.2b**.
- Additional fire protection requirements have been incorporated into mitigation measure **MM 7.3** upon request by the property owner and consent of the project proponent.

### VIII. Hydrology and Water Quality

- Additional information regarding the existence and characteristics of Morrison Creek within and in the vicinity of the project area was added to the existing setting and discussion c).
- Clarification as to the source of known groundwater contamination in the project vicinity was made in the existing setting.
- Both DTSC and CRWQCB expressed concerns during public comment over the adequacy of the water supply for the project and its effect on the remediation of Sigma Complex. The City requested that the applicant secure a new source of water and the applicant committed to using water from the South Groundwater Study Area Groundwater Extraction and Treatment Plant (SGSA GET), previously installed by the Boeing Company in compliance with DTSC. Discussions a), b), and i) were modified to account for this new water source and its implications on water quality.

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### XVI. Utilities and Service Systems

- Discussions b) and d) were modified to account for the installation of infrastructure and use of the newly identified sources of water to be used by the project (the SGSA GET and Sacramento County Water Agency supply) as well as a temporary water connection to SCWA infrastructure located along the project boundary.

#### REGULATORY GUIDANCE FOR THE FINAL MND

CEQA provides specific guidance as to the requirement for recirculation of a document when modification of the original document is undertaken. State CEQA Guidelines Section 15073.5 (a-b) states:

*(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.*

*(b) A “substantial revision” of the negative declaration shall mean:*

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or*
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.*

The modifications described above and shown in the following sections of this Final MND are minor in nature and serve to both clarify previous statements and analyses presented in the original MND as well as to incorporate minor changes in the project characteristics. These modifications did not result in any new impacts, nor did these changes result in any previously impact becoming more severe than originally described. Specifically, State CEQA Guidelines Section 15073.5(c) states:

*(c) Recirculation is not required under the following circumstances:*

- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.*
- (2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.*
- (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.*
- (4) New information is added to the negative declaration which merely clarified, amplifies, or makes insignificant modifications to the negative declaration.*



Section 15073.5(c)(4) applies to the majority of changes made to the document. The modifications made to mitigation measures **MM 4.1d**, **MM 7.2a**, **MM 7.2b**, and **MM 7.3** would result in mitigation measures that are either more protective or as protective as those originally described in the MND, which complies with Section 15073.5(c)(1). In regards to the changes required in the document as a result of new information on background arsenic levels and the new water supply for the project, no new avoidable significant effects resulted from these changes and thus recirculation is not required, pursuant to Section 15073.5(c)(2).

Pursuant to State CEQA Guidelines Section 15073.5, the City has determined that the changes made to the original document in this Final MND constitute only minor modification of the previously circulated document and no recirculation, whole in or part, is required by CEQA. However, in order to ensure that all responsible agencies and commenting agencies are kept abreast of these minor changes, all responsible agencies and all agencies that provided comments on the original MND will be given a copy of this Final MND at least 10 days prior to the public hearing for the project. Likewise, the Final MND will be available on the City's website at least 10 days prior to the hearing.

### 1.3 LEAD AGENCY

The lead agency is the public agency with primary responsibility over a proposed project. Where two or more public agencies will be involved with a project, State CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. State CEQA Guidelines 15051(b) states:

- (b) If the project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.
  - (1) The lead agency will normally be the agency with the general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide public serve or public utility to the project.

As the project is to be carried out by a private construction company and as the City of Rancho Cordova has general governmental powers over the proposed project, the lead agency for the proposed project is the City of Rancho Cordova.

### 1.4 PURPOSE AND ORGANIZATION OF THE DOCUMENT

The purpose of this Mitigated Negative Declaration is to evaluate the potential environmental impacts of the proposed project.

This document is divided into the following sections:

- **1.0 Introduction** - Provides an introduction and describes the purpose and organization of this document.
- **2.0 Project Description** - Provides a detailed description of the proposed project.
- **3.0 Environmental Setting, Impacts and Mitigation Measures** - Describes the environmental setting for each of the environmental subject areas (as described in

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Appendix G of the State CEQA Guidelines), evaluates a range of impacts classified as “no impact,” “less than significant,” or “less than significant with mitigation incorporation” in response to the environmental checklist, and provides mitigation measures, where appropriate, to mitigate potentially significant impacts to a less than significant level.

- **4.0 Cumulative Impacts** - Provides a discussion of cumulative impacts of this project.
- **5.0 Determination** - Provides the environmental determination for the project.
- **6.0 Report Preparation and Consultations** - Identifies staff and consultants responsible for preparation of this document.
- **7.0 References** – Provides a list of references used to prepare the MND.

## 1.5 REGULATORY FRAMEWORK AND ASSUMPTIONS

The City of Rancho Cordova was incorporated July 1, 2003. At that time, the City adopted Sacramento County’s General Plan by reference until the formal adoption of its own General Plan. On June 26, 2006 the City adopted its first General Plan and certified the Environmental Impact Report for the General Plan at that time (State Clearinghouse Number 2005022137). The proposed project is subject to the policies and designations of the City of Rancho Cordova General Plan (hereafter referred to as the General Plan). Earlier draft versions of the General Plan are no longer valid and were not considered when determining the proposed project’s consistency with City Policies.

For the purposes of this document, GP-EIR refers to the entirety of the General Plan EIR, GP FEIR refers to the Final EIR for the General Plan, and GP DEIR refers to the Draft EIR for the General Plan.