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STAFF ANALYSIS - JULY 2, 1984
SURFACE MINING PERMIT, SMP-17
OLIVER DE SILVA, INC.

JUL 2 1984

SMP-17 - Request of Oliver de Silva, Inc. for a Surface Mining Permit to mine 123 million tons of basalt for manufacture and sale of aggregate, asphaltic concrete, and concrete over an 80 year period located on a 680 acre leasehold on the 2,555 acre Apperson Ranch (a.k.a. Diamond A Ranch) on Apperson Ridge, approximately three miles southeast of I-680 and Vallecitos Road and one mile east of Calaveras Road, in the Sunol area, unincorporated Alameda County.

THIS REPORT SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROJECT EIR.

STAFF RECOMMENDATION

Review the Final EIR, hear from applicant and take public testimony. Subject to the foregoing, adopt the attached resolution certifying and adopting the Final EIR for the project and approving Surface Mining Permit, SMP-17, subject to the design, terms and conditions of Exhibit B (Proposed Access Road Traverse, Staging Plans, and Final Reclamation Plan, 10 sheets, prepared by Bissell and Karn, Inc., dated June 1983; Plan View and X-Section, prepared by Bissell and Karn, Inc., dated October 1983; Application dated July 1, 1983; and Geological Investigation for EIR, prepared by Cleary Consultants, Inc., dated September 21, 1983; as may be modified pursuant to the Conditions of Approval, and all plans and programs which are to be approved pursuant to the Conditions of Approval) and Exhibit C (Conditions of Approval).

PERTINENT FACTS

Project Description: Applicant's objective is to mine 123 million tons (49.2 million cubic yards) of basalt for manufacture and sale of aggregate, asphaltic concrete, and concrete over an 80 year period. The project includes the quarry; plants and facilities for production and retail sale of aggregate, asphalt, and concrete; equipment storage and maintenance facilities; and administrative offices and scalehouses. The quarry would be a combination open pit, hilltop, and sidehill operation. Mining is proposed to occur during daylight hours or between 6:00 a.m. and 6:00 p.m., Monday through Friday, whichever is longer, with infrequent operation on weekends with advance notice to the County of Alameda. Processing and secondary crushing of raw material is proposed to be done 24 hours a day. Mining would occur in 8 stages lasting about 10 years each. Access is proposed via a new road located generally in a private access easement which traverses approximately 2.8 miles of San Francisco Water-Department watershed lands from Calaveras Road to the Apperson Ranch boundary and 1.9 miles of the ranch to the quarry plant site. Further details concerning the proposal can be found in the project Environmental Impact Report.

Location and Setting: Project site is a 680 acre mining leasehold on the 2,555 acre Apperson Ranch located in the south-central portion of Alameda County approximately 3 miles southeast of I-680 and Vallecitos Road and one

mile east of Calaveras Road, near Sunol, Pleasanton Township. The mining leasehold is located roughly in the middle of the ranch.

I-680 freeway, extending north-south, provides regional access to the vicinity. Niles Canyon and Vallecitos Roads are nearby major arterials connecting urbanized areas to I-680.

Public lands abut the ranch on three sides. San Francisco Water Department watershed lands are to the northeast, north and northwest of the Apperson Ranch. San Antonio Reservoir impounds runoff in the watershed and is located 1/2 to 1 mile north-northwest of the ranch across the Hetch Hetchy aqueduct and a ridge which borders the site. Sunol Regional Wilderness abuts the ranch to the west and southwest. Maguire Peaks, landmarks in the park and general area, are approximately 2000 feet south of the ranch boundary and 4500 feet west of the area to be mined. Nearby private lands consist of 20 acre homesites along Welch Creek Road and other very large ownerships are located to the southeast.

Environmental Review: The Final EIR for the project has been completed and distributed for Commission and public review. It should be referred to for details of the project and its potential impacts, mitigation measures and possible alternatives.

PLANNING CONSIDERATIONS

Issues and Testimony: All significant testimony and issues are discussed in detail in the project EIR.

Need for the Project: The question of need for the project has been discussed at great length in the EIR and previous public hearings. In Staff's opinion, the definitive work on the subject is the State Division of Mines and Geology's 1983 report on aggregate materials for the San Francisco Bay Region (Special Report 146). The State summary of the report was included in the project EIR and a Planning Staff summary was distributed separately for the Commission's study session on the report. The Executive Director of the State Mining and Geology Board and a Senior Geologist and author of the report from the State Division of Mines and Geology participated in that study session.

Five years in the making, the State report evaluates both supply and demand of aggregate materials in the region and concludes that based on projected population and consumption rates and known reserves (areas with permits to mine), there will be a substantial shortage of available PCC (Portland cement concrete) quality aggregate in the region over the next 50 years. This shortage will have to be satisfied either through imports from other regions or development of new sources (reserves) in the region. If imported, the cost of aggregate will be substantially higher (as much as 2 to 3 times) than the

cost from other sources within the region. Applicant has noted that in the short term (in the next 5 years) at least three PCC aggregate quarries currently producing 2 + million tons of aggregate per year will be closing or be near closing, including San Leandro Rock Quarry in San Leandro, Dumbarton Quarry in Fremont and Hillside Quarry in San Jose. Thus, there is both a short and long term need for more PCC quality aggregate in the Bay Region.

Apperson Ridge is identified in the State report as the single, major component of known PCC quality aggregate resource in the region. Aside from its environmental sensitivity, thoroughly discussed in the EIR, the site is an otherwise good location for the quarry use as it is central to the regional market, makes optimum use of the State highway system for transport of its product, will not impact or disturb existing or planned future urban development and will not preclude the existing uses on site or in the vicinity.

Project Design: Recognizing the environmental conditions of the area, if a quarry is to be approved in this area to tap this significant mineral resource, it demands a sensitive design approach considerate of the area's other uses and features. In addition, it requires strict governmental regulation and enforcement to assure proper design and operation.

Applicant has made a concerted and good faith effort to minimize environmental impacts with features built into the project design to:

- . minimize sights, sounds and general disturbance perceivable from parklands to the west, south and southeast.
- . minimize effects on the environment including water quality, air quality, biotic conditions and traffic conditions.
- . provide staged mining and progressive reclamation.

Recognizing that the nature of project and sensitive character of the area will inevitably result in unavoidable adverse impacts on wildlife and wilderness qualities of the area, applicant has agreed to economic mitigations and compensation with the EBRPD, potentially the most affected property owner in the area, to dedicate up to 320 acres of land and pay in excess of \$10 million (present value) over the term of the project to the District.

Based on the project EIR and recommendations of various public and private organizations and individuals, Planning Staff has recommended that 55 design, mitigation and operation related conditions of approval be imposed to strictly regulate the project.

General Plan: General Plan policies are extensively discussed and analyzed in the project EIR. In balancing the various objectives of the Plan from environmental protection to economic development and utilization of needed

mineral resources, it is Staff's conclusion that the project, by mitigating impacts and providing compensation for unavoidable impacts, substantially conforms to the intent of the Plan.

CEQA Findings: The Planning Commission must make one or more of the following written findings for each significant effect of the project identified in the Environmental Impact Report, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

These findings must be supported by substantial evidence in the public record for the project. Planning Staff has developed a draft set of findings, included in the draft resolution of approval for the project. Finding 1) has been made for the majority of project impacts, because Staff recommended conditions of approval mitigate most of the identified impacts. Finding 2) has been made where another agency, such as the Bay Area Air Quality Management District, has jurisdiction by law. Finding 3) has been made where environmental impacts are identified in the final EIR as unavoidable (infeasible of mitigation). Recommended conditions of approval (mitigation measures) do not reduce these impacts to acceptable levels. In this case, the Commission must determine that specific alternatives are infeasible, giving specific social, economic or other reasons for its determination based on evidence in the record. The Planning Department Staff has prepared proposed statements of facts for this finding. The Commission should review all findings and statements of fact to determine that they are consistent with its assessment of the evidence in the record.

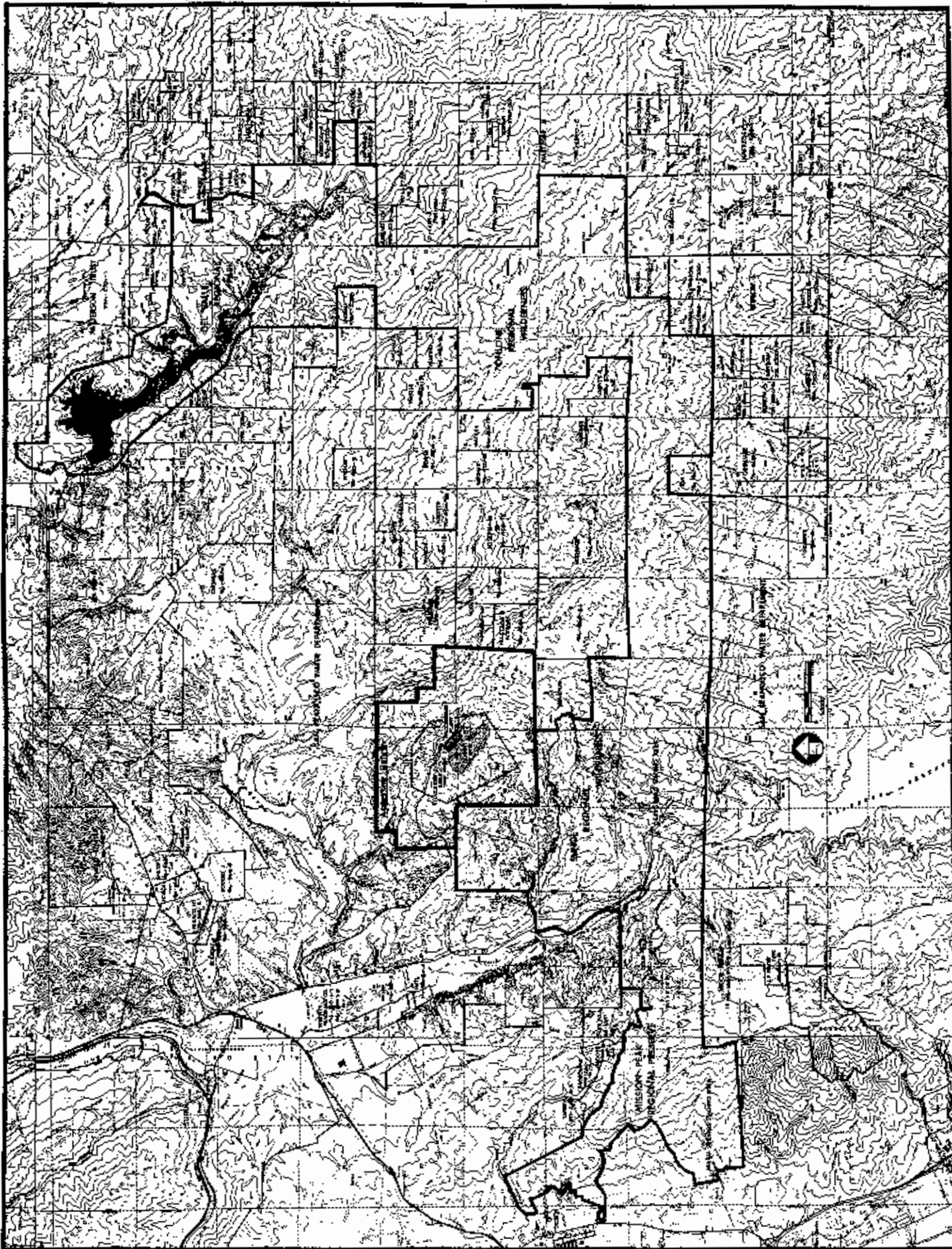
Overriding Considerations: The Planning Commission must balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve or disapprove the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." Where approval of the project would allow the occurrence of significant effects which are not substantially mitigated, the Commission must state in writing the specific reasons to support its action, based on evidence in the final EIR and/or other information in the record.

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Planning Staff has prepared a draft statement of Overriding Considerations, included as a part (Section C) of the draft resolution. Again, the Commission should review this statement for consistency with evidence in the public record, and to ensure that it adequately reflects the position of the Commission.

Alameda County Surface Mining Ordinance (ACSMO) Findings: As with CEQA findings, the ACSMO also requires that findings be made if a surface mining permit is to be granted. The findings relate to conformity with the ACSMO, General Plan and Specific Plan(s) and protection of the public health, safety and welfare. Planning Staff has suggested appropriate wording in the draft resolution. Again, the Commission should review this wording for consistency with evidence in the public record, and to ensure that it adequately reflects the position of the Commission.

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E.B.R.P.D. Wilderness Areas **FIGURE 1**
VISIONARY BOARD, FUND, LAND, SALON BOARD, THE WILSON PLATEAU
 COPY AS RECEIVED 1982 SCALE 1:1000
 USE BLACK VERTICAL SPACES TO LOCATE WILDERNESS AREAS TO CALIFORNIA RECORDS TO 1000 75

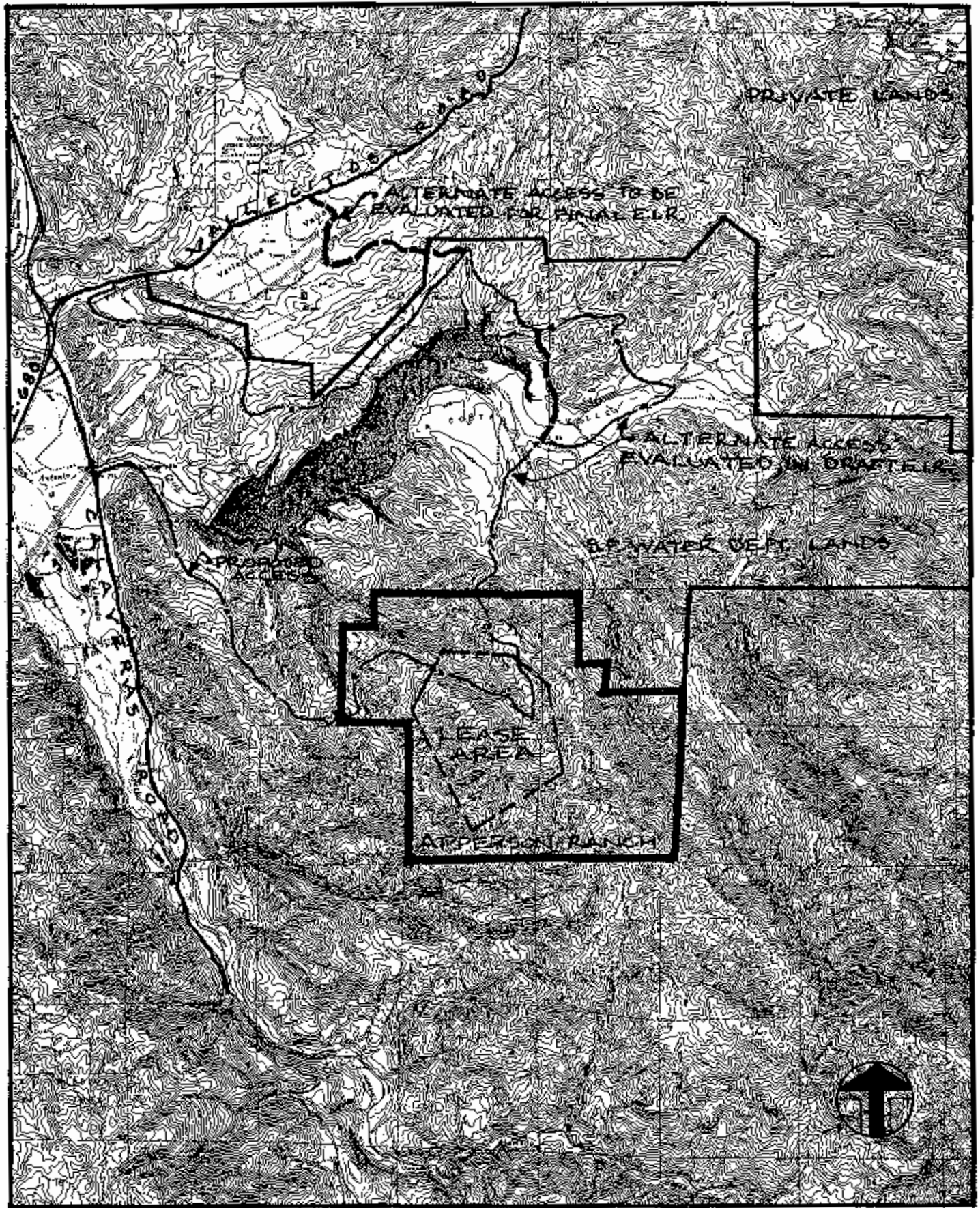


FIGURE 2
 ALTERNATE ACCESS ROUTE