3.17 MANDATORY FINDINGS OF SIGNIFICANCE

The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per State CEQA Guidelines § 15065):

<table>
<thead>
<tr>
<th>MANDATORY FINDINGS OF SIGNIFICANCE –</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to 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?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; 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 past, present and probable future projects)?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

3.17.1 Impact Analysis

a) Does the project have the potential to 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, 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?
Less than Significant with Mitigation. As is discussed in Section 3.4, Biological Resources, potentially significant impacts on biological resources could occur during the deconstruction of the MOT. However, implementation of MM BIO-1a through MM BIO-5, MM WQ-1, MM WQ-2, and MM HAZ-1b would reduce impacts on biological resources to less than significant.

b) Does the project have impacts that would be individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than Significant with Mitigation. The Project is the deconstruction of an existing inoperable MOT. As documented in Section 3.3, the Project would have no impact in the areas of Aesthetics, Agricultural Resources, Cultural Resources, Geology and Soils, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems; accordingly the Project does not have cumulatively considerable impacts for those resource areas.

The Project would have less than significant impacts in Hydrology and Water Quality, Land Use and Planning, and Noise, and would have less than significant with mitigation incorporated impacts in Air Quality, Biological Resources, Hazards and Hazardous Materials, Transportation and Traffic, and Recreation. As documented in Section 3.3, the nature of the potential impacts in these resource areas would be localized and of short duration.

Consequently, for these impacts to act cumulatively on any past, present, or reasonably foreseeable future projects (hereafter called “cumulative projects”), the cumulative projects would have to have individual impacts in the same resource areas at the same time and in the same localized area as the Project. Available planning records for Contra Costa County and local media were researched to identify any cumulative projects located within a 0.5-mile radius of the Project site (0.5 mile is the furthest extent that the Project would have an incremental unmitigated noise impact; Project-related impacts in the other resource areas would be unlikely to be distinguishable at any greater distance). The only cumulative project within a 0.5-mile radius of the Project area is the planned conversion of the former TXI brick plant and property as a continuation of the Carquinez Regional Shoreline Park. Before this land is opened to the

3 For air quality, the BAAQMD CEQA Guidelines state that for any project that does not individually have significant air quality impacts, the determination of a significant cumulative impact should be based on an evaluation of the consistency of the project with the local general plan and of the general plan with the regional air quality plan. As demonstrated in Section 3.3, the Project would be consistent with the adopted clean air plan and the Ozone Strategy and would not result in an operational air quality impact. In addition, the Project would be consistent with the air quality policies in Contra Costa County. As such, the Project would not result in a cumulatively considerable impact for Air Quality.
public, the EBRPD, which recently acquired the property, would develop a recreational
plan and accompanying CEQA environmental document for whatever recreational uses
are proposed. Since the Wharf deconstruction would result in temporary less than
significant impacts with mitigation and the Park may result in beneficial air quality,
biological, hazards and hazardous materials, and transportation impacts, it is unlikely
that the Project as mitigated would have any cumulatively considerable adverse effects.

c) Does the project have environmental effects that would cause substantial
adverse effects on human beings, either directly or indirectly?

Less than Significant with Mitigation. As discussed in Section 3.3 above, the
deconstruction of the MOT as well as material recycling activities at the contractors
shore base for the Project could result in substantial adverse impacts on human beings
either directly or indirectly. Some of these potential impacts would occur through air
emissions released by construction equipment and activities. Implementation of MM
AIR-1a through MM AIR-1d would reduce potential construction-related air quality
impacts to less than significant. Potential impacts due to the transport, use, or disposal
of hazardous materials and/or the accidental spilling or discharge of debris from the
deconstruction process could endanger workers and/or residents adjacent to the Project
area. These potential impacts would be reduced to less than significant through
implementation of MM HAZ-1a and MM HAZ-1b. Although it would be less likely, the
potential discharge of hazardous materials into the bay waters could contaminate
fisheries, which in turn if the contaminated fish were consumed could pose a substantial
adverse impact on humans. However, implementation of MM WQ-1, MM HAZ-1b, MM
BIO-2, and MM BIO-3 would reduce impacts on these biological resources to less than
significant.