

1 **3.17 MANDATORY FINDINGS OF SIGNIFICANCE**

2 The lead agency shall find that a project may have a significant effect on the
 3 environment and thereby require an EIR to be prepared for the project where there is
 4 substantial evidence, in light of the whole record, that any of the following conditions
 5 may occur. Where prior to commencement of the environmental analysis a project
 6 proponent agrees to mitigation measures or project modifications that would avoid any
 7 significant effect on the environment or would mitigate the significant environmental
 8 effect, a lead agency need not prepare an EIR solely because without mitigation the
 9 environmental effects would have been significant (per State CEQA Guidelines §
 10 15065):

MANDATORY FINDINGS OF SIGNIFICANCE –	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project 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 past, present and probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11 **3.17.1 Impact Analysis**

12 ***a) Does the project have the potential to degrade the quality of the environment,***
 13 ***substantially reduce the habitat of a fish or wildlife species, cause a fish or***
 14 ***wildlife population to drop below self-sustaining levels, threaten to eliminate a***
 15 ***plant or animal community, reduce the number or restrict the range of a rare or***
 16 ***endangered plant or animal, or eliminate important examples of the major periods***
 17 ***of California history or prehistory?***

1 **Less than Significant with Mitigation.** As is discussed in Section 3.4, Biological
2 Resources, potentially significant impacts on biological resources could occur during the
3 deconstruction of the MOT. However, implementation of **MM BIO-1a** through **MM BIO-**
4 **5, MM WQ-1, MM WQ-2,** and **MM HAZ-1b** would reduce impacts on biological
5 resources to less than significant.

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

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

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

23 Consequently, for these impacts to act cumulatively on any past, present, or reasonably
24 foreseeable future projects (hereafter called “cumulative projects”), the cumulative
25 projects would have to have individual impacts in the same resource areas at the same
26 time and in the same localized area as the Project.³ Available planning records for
27 Contra Costa County and local media were researched to identify any cumulative
28 projects located within a 0.5-mile radius of the Project site (0.5 mile is the furthest extent
29 that the Project would have an incremental unmitigated noise impact; Project-related
30 impacts in the other resource areas would be unlikely to be distinguishable at any
31 greater distance). The only cumulative project within a 0.5-mile radius of the Project
32 area is the planned conversion of the former TXI brick plant and property as a
33 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.

1 public, the EBRPD, which recently acquired the property, would develop a recreational
2 plan and accompanying CEQA environmental document for whatever recreational uses
3 are proposed. Since the Wharf deconstruction would result in temporary less than
4 significant impacts with mitigation and the Park may result in beneficial air quality,
5 biological, hazards and hazardous materials, and transportation impacts, it is unlikely
6 that the Project as mitigated would have any cumulatively considerable adverse effects.

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

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

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