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# 4.0.1 Introduction to the Analysis

Chapter 4 of this Draft Subsequent Environmental Impact Report contains individual subchapters that describe the environmental resources and potential environmental impacts of the Proposed Program. Each subchapter (4.1 through 4.10) describes the existing setting and background information for the resource to help the reader understand the conditions that could be affected by the Program. In addition, each subchapter includes a discussion of the criteria used in determining the significance levels of the Program's environmental impacts. Finally, each subchapter provides a description of environmental impacts and makes a significance conclusion relative to the significance criteria.

# 4.0.2 Significance of Environmental Impacts

According to CEQA, an EIR should define the threshold of significance and explain the criteria used to determine whether an impact is above or below that threshold. Significance criteria are identified for each environmental category to determine whether implementation of a project would result in a significant environmental impact when evaluated against the environmental setting/baseline conditions. The significance criteria vary depending on the environmental category. Where appropriate, CDFG has used custom significance criteria to assist in better evaluating impacts given the characteristics of the Program, and to bring as much specificity and/or clarity to the impact discussions as possible. It is within CDFG's discretion to use significance criteria which deviate from those contained in the Appendix G checklist due to its inherent authority under OPR's directive that significance determinations should be "based to the extent possible on scientific and factual data." (Cal. Code Regs., tit. 14, §15064, subd. (b).) "Such thresholds can be drawn from existing environmental standards, such as other statutes or regulations. "[A] lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and resolution." (Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th 1099, 1107, quoting Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 111.) "In preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect." (Protect the Historic Amador Waterways, supra, 116 Cal.App.4th. at p. 1109.) Thus, under certain circumstances, such as the ones involved in the Proposed Program, CDFG has the discretion to deviate from the Appendix G checklist and develop custom thresholds that more accurately consider the relevant scientific and factual data involved in the Proposed Program.

In general, impacts are identified as either significant (above threshold) or less than significant (below threshold). In some cases, a significant impact may be identified as significant and unavoidable if no feasible mitigation measure(s) is/are available to reduce the impact to a less-than-significant level. If a project is subsequently adopted despite identified significant impacts that would result from the project, CEQA requires the lead agency to prepare and disclose a statement of overriding considerations describing the social, economic, and other reasons for adoption.

In determining significance, the analysis assumes compliance with the proposed regulations. In other words, dredging requirements that are explicitly included in the proposed regulations (e.g., restoration requirements), and therefore fall under CDFG's enforcement authority, were assumed to be complied with in the vast majority of cases because any enforcement activities would be within CDFG's jurisdiction and authority to implement. For requirements that are under the jurisdiction of another agency (e.g., handling of hazardous materials), the analysis assumed some level of non-compliance where there was evidence (including anecdotal) to suggest that such non-compliance occurs.

## 4.0.3 Sections Eliminated from Further Analysis

Six CEQA checklist resource areas have been eliminated from further analysis based on the nature and scope of the Proposed Program. A brief summary and description of these resource areas follows below.

Note also that socioeconomic effects are not considered environmental impacts under CEQA, unless they have relevance to a physical impact. The impact discussion under each individual resource topic cites socioeconomic information/effects as appropriate where such a nexus exists.

#### **Agricultural Resources**

The Program Area covers the entire state of California. Farmland and agricultural uses may be located in proximity to the rivers or waterways where suction dredge mining would occur; however, all suction dredge mining activities take place within water channels. As such, areas where suction dredge mining would occur do not contain lands designated or used for agriculture. In addition, the Proposed Program would not involve the development or redevelopment of lands. Therefore, the Proposed Program would not have the potential to convert prime farmland, unique farmland, or farmland of statewide importance, or lands under a Williamson Act contract to non-agricultural uses. Therefore, these impacts are not applicable.

### **Air Quality**

During the preliminary analysis, three potential impacts were identified for the Air Quality resource topic for this DSEIR. This included potential exposure to mercury vapor and cumulative emission contributions for areas in non-attainment and/or greenhouse gasses. While these effects are still under consideration for the Program, they have been separated for analysis under more appropriate resource topics of this SEIR. Effects regarding potential

exposure to mercury vapor are discussed in Chapter 4.4, *Hazards and Hazardous Materials*, while cumulative air pollutant emission contributions are covered in Chapter 5, *Other Statutory Considerations*.

#### **Land Use**

As a permit issuance program, the Proposed Program would not result in the creation of any permanent structures or barriers that could divide an established community, nor would it result in a conflict with any land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. The regulations under the Program may specify location and seasonal restrictions on operations; however, they would not provide authorization to operate on any public or private lands where such activity is not otherwise allowed.

The suction dredging regulations resulting from the Program would have no impact on land use plans as they would not override any existing laws or policies governing land uses on public or private lands which are under the jurisdiction of another agency or protected under conservation plans. All individuals participating in suction dredging activities would be responsible for obtaining any necessary authorizations from the relevant land use authority or property owner and complying with any applicable laws or policies specific to the area.

While the Proposed Program would have no impact on these *Land Use* issues, the topic of consistency with the federal mining laws received numerous comments during the scoping period. Though the *Land Use* resource area has been eliminated from this DSEIR, the topic of federal mining law consistency is not dismissed. Rather, this discussion is located in Chapter 4.10, *Mineral Resources*.

#### **Population and Housing**

A project would have an effect on population and housing if it induces growth directly (through the construction of new housing or increasing population) or indirectly (by increasing employment opportunities or eliminating existing constraints on development).

As a permitting program, the Proposed Program does not involve new development or infrastructure installation that could directly induce population growth in the Program Area. Additionally, the Program would not involve construction of new housing, create a demand for additional housing, or displace any existing housing units or persons. Furthermore, the Proposed Program would not result in measurable increases in population growth as it would not require additional staff to implement the proposed regulations.

Therefore, the Proposed Program would have no impact on population growth or housing demand.

#### **Public Services**

A project would have an effect on public services if it would result in substantial adverse physical impacts associated with the creation of new or physically altered governmental

facilities, or a need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Suction dredge mining is primarily a recreational activity that occurs on both public and private lands. When conducted on public land, this and all recreational activities are required to abide by any applicable regulations and guidelines that generally provide for the protection of the land and its natural resources. Public land managers (including the BLM, USFS, and CDFG) provide enforcement of regulations in public recreation areas to encourage protection of natural resources. When responding to calls, these agencies often work in cooperation with the local authorities, including sheriff and police departments.

All suction dredgers are responsible for obtaining permission from the operating land-managing agency or landowner and for being aware of any applicable laws or rules prior to entering and mining. The regulations resulting from the Proposed Program would not override any existing laws or policies related to the use of suction dredges on public or private lands (or associated activities) under the jurisdiction of another agency. Violations of laws or policies, while a concern, are a common issue for all recreational activities occurring in the state.

As described in the 2009 Initial Study, violations of laws or policies by suction dredgers are not believed to comprise a significant portion of the overall enforcement effort provided by local, state, or federal authorities. And while enforcement and protection services will remain an important factor in providing for the safety of the public and land, the proposed regulations would not impose a substantially greater demand for these services beyond that which already exists for recreational users overall. As such, the Proposed Program would not result in a need for altered or new facilities to provide law enforcement or fire protection services. The impact on police and fire protection is considered to be less than significant.

- Furthermore, since the Proposed Program would not increase population or housing, it would have no effect on schools or other public facilities.
- The Program's potential effects on park facilities are discussed in Chapter 4.8 of this DSEIR, *Recreation*.

#### **Utilities and Service Systems**

A project would have an effect on utility systems if it would affect potable water, wastewater treatment, stormwater, or solid waste facilities either directly (new or expanded facilities planned) or indirectly (result in new generation source, and/or demand that would exceed the capacities of existing facilities).

While sewage, gray water, and trash may be produced as a result of suction dredging activities, like all recreationalists, miners are responsible for the proper containment, disposal, and treatment of any such wastewater and/or solid waste. Furthermore, given the number of permits issued by CDFG in recent years, suction dredgers are not anticipated to generate sufficient waste or wastewater that would exceed the capacity of existing systems or wastewater standards. Impacts to these facilities would be less than significant.

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Similarly, potable water needs by suction dredge miners would not exceed that of any other recreational activity. During extended excursions, miners are responsible for providing their own personal water supplies when a public source is unavailable. Otherwise, water may be available from any number of sources, including the public facilities that are provided by local, state, or federal land managers at recreation and park areas. The number of individuals that would participate in the Proposed Program are not likely to increase water demand beyond existing capacity. Furthermore, the Program does not involve the construction of any new water treatment facilities. As such there would be no impact on water supply and treatment facilities.

Lastly, the Proposed Program does not involve the creation of any new impervious surfaces that would result in new sources of stormwater runoff, nor does it propose or require the creation of any new or permanent stormwater drainage facilities. Therefore, the Program would have no impact on stormwater facilities.