



January 30, 2009

VIA EMAIL: CEQA.GHG@ca.gov

State of California
Office of Planning and Research (OPR)
PO Box 3022
Sacramento, CA 95812-3044

Re: Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions,
January 8, 2009

The California Construction and Industrial Materials Association (CALCIMA) offers the following comments and suggestions regarding OPR's Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions, dated January 8, 2009.

CALCIMA is the statewide trade association for aggregate, ready mixed concrete, and industrial minerals in California. Our members produce the materials to build California's roads, bridges, water systems, hospitals, and schools. There are over 100 member companies in CALCIMA, representing over 500 production facilities.

As our communities grow, the demand for aggregate resources also increases. However, in spite of existing laws and policies encouraging the protection and development of aggregate sources, the state is experiencing a severe shortage of permitted construction grade aggregate reserves. Even lands classified by the State Geologist as of statewide or regional significance (pursuant to Public Resources Code 2761) are often being lost to incompatible land uses approved by local governments.

The California Geological Survey has documented in its report, *Aggregate Availability in California* (Map Sheet 52, updated 2006), that the State has only roughly a 15 year supply of permitted aggregates available. This situation is particularly acute in certain regions, where aggregates are being hauled 60, 70, or more miles through congested urban areas to project sites. Or, in some areas, aggregates are being imported from overseas. In addition to increased costs for construction, this results in increased highway congestion and greenhouse gas emissions than would otherwise be the case if these materials were transported shorter distances. In effect, distance matters.



CALCIMA
DISTANCE MATTERS

1811 Fair Oaks Avenue ■ South Pasadena, California 91030 ■ Tel. 626.441.3107 ■ Fax 626.441.0649
1029 J Street, Suite 420 ■ Sacramento, California 95814 ■ Tel. 916.554.1000 ■ Fax 916.554.1042
www.calcima.org ■ www.distancematters.org

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CalCIMA proposes, therefore, the redline additions to the attached pages from the Draft CEQA Guideline Amendments, addressing this issue through an added “Mandatory Finding of Significance” in Section 15065 of the Guidelines, whenever a project will preclude or substantially and directly impede the use of lands for mineral extraction in an area that has been classified by the State Geologist as containing minerals of statewide or regional significance, and by requiring a determination of the effects of this under Section 15064.4, on the generation of greenhouse gas emissions from hauling such materials longer distances.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary W. Hambly", with a large, stylized flourish extending to the right.

Gary W. Hambly
President/CEO

cc: Cynthia.Bryant@gov.ca.gov
Patrick_Leathers@gualcogroup.com

CEQA GUIDELINES

SECTIONS PROPOSED TO BE ADDED OR AMENDED

PROPOSED AMENDMENTS TO 14 SECTIONS

OF THE CEQA GUIDELINES

ARE INDICATED BY REDLINE/STRIKEOUT TEXT

through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

(4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, 21083 and 21100, Public Resources Code; No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68; San Joaquin Raptor/Wildlife Center v. County of Stanislaus (1996) 42

Cal.App.4th 608; Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359; Laurel Heights Improvement Assn. v. Regents of the University of California (1993) 6 Cal.4th 1112; and Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98.

15064.4 Determining the Significance of Impacts from Greenhouse Gas Emissions

(a) A lead agency should consider the following, where applicable, in assessing the significance of impacts from greenhouse gas emissions, if any, on the environment:

(1) The extent to which the project could help or hinder attainment of the state's goals of reducing greenhouse gas emissions to 1990 levels by the year 2020 as stated in the Global Warming Solutions Act of 2006. A project may be considered to help attainment of the state's goals by being consistent with an adopted statewide 2020 greenhouse gas emissions limit or the plans, programs, and regulations adopted to implement the Global Warming Solutions Act of 2006:

(2) The extent to which the project may increase the consumption of fuels or other energy resources, especially fossil fuels that contribute to greenhouse gas emissions when consumed **such as, but not limited to, hauling construction aggregate materials longer distances to consumption areas than otherwise would be the case if deposits of such materials within areas classified by the State Geologist as containing minerals of statewide or regional significance are protected against premature development of incompatible land uses that preclude or substantially adversely affect the mining of such deposits:**

(3) The extent to which the project may result in increased energy efficiency of a reduction in overall greenhouse gas emissions from an existing facility:

(4) The extent to which the project impacts or emissions exceed any threshold of significance that applies to the project.

(b) A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions associated with a project, including emissions associated with energy consumption and vehicular traffic. Because the methodologies for performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

(3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

(5) The project will preclude or substantially and directly impede the use of lands for mineral extraction in an area that has been classified by the State Geologist pursuant to Public Resources Code Section 2761 as containing mineral deposits of statewide or regional significance.

(b)(1) Where, prior to the ~~commencement~~ ~~completion~~ of preliminary review of an environmental document, a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment specified by subdivision (a) or would mitigate the significant effect to a point where clearly no significant effect on the environment would occur, a lead agency need not prepare an environmental impact report solely because, without mitigation, the environmental effects at issue would have been significant.

(2) Furthermore, where a proposed project has the potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species, the lead agency need not prepare an EIR solely because of such an effect, if:

(A) the project proponent is bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan or natural community conservation plan;

(B) the state or federal agency approved the habitat conservation plan or natural community conservation plan in reliance on an environmental impact report or environmental impact statement; and

(C) 1. such requirements avoid any net loss of habitat and net reduction in number of the affected species, or

2. such requirements preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat and number of the affected species to below a level of significance.

(c) Following the decision to prepare an EIR, if a lead agency determines that any of the conditions specified by subdivision (a) will occur, such a determination shall apply to:

(1) the identification of effects to be analyzed in depth in the environmental impact report or the functional equivalent thereof,

(2) the requirement to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment,

(3) when found to be feasible, the making of changes in the project to substantially lessen or avoid the significant effects on the environment, and

(4) where necessary, the requirement to adopt a statement of overriding considerations.

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

IX. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

XI. MINERAL RESOURCES -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
- c) Preclude or substantively and directly impede the use of lands for mineral extraction in an area that has been classified by the State Geologist pursuant to Public Resources Code Section 2761 as containing mineral deposits of statewide or regional significance?

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XII. NOISE -- Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?