

## 5.0 CEQA TOPICAL ANALYSES

### 5.1 GROWTH INDUCEMENT

CEQA requirements for evaluation of growth-inducing impacts are set forth in Section 15126.2 (d) of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). CEQA requires that both direct and indirect impacts of all phases of a proposed project be considered. Growth-inducement is typically considered to be a direct or indirect effect of an action that either directly fosters growth or removes an obstacle to economic or population growth, or the construction of new housing. The CEQA Guidelines also require evaluation of new infrastructure and service facilities needed to serve growth induced by a project. The Guidelines note that “it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment”. Therefore, the nature of the effects of any induced growth also must be considered to determine if the impacts of that growth are potentially significant.

Some projects may be considered growth inducing while others may be growth accommodating (i.e. they are intended to accommodate planned growth, but do not induce that growth). The distinction here is primarily whether or not a project removes an obstacle to growth. It is sometimes argued that, if growth is already planned for in a jurisdiction’s General Plan, then infrastructure supporting that development is growth accommodating rather than growth inducing. However, CEQA is concerned with on-the-ground impacts to the environment. Therefore, if planned development cannot move forward absent a particular infrastructure project, or the development is substantially encouraged by that infrastructure, that project is generally considered growth inducing.

The CEQA Guidelines also state (Section 16064 (d)(3)) that an indirect physical change is to be considered only if that change is “a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable”.

The Dutch Slough Restoration Project includes wetland restoration and public access components. The wetland restoration components would not have any affect on growth, as they would not provide any new housing, infrastructure, or economic activity. It would not, however remove any obstacles to growth, expand infrastructure, or develop housing or economic activity.

The Related Projects also would not be growth inducing. Both the City Community Park and Iron-house projects would permanently remove potentially developable land from that use. Neither is expected to substantially induce demand for new residences or businesses in Oakley, although the Park would provide a new public amenity that would slightly increased the likelihood of a resident choosing to live in Oakley versus the surrounding communities.

Therefore this impact would be less than significant with respect to the Dutch Slough Restoration Project and the Related Projects.

## 5.2 UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

Under each resource topic, any unavoidable significant adverse impacts identified are analyzed in detail. Significant unavoidable impacts under Dutch Slough Restoration Project Alternatives 1, 2, or 3 include:

- Impacts to burrowing owls if they are present;
- Creation of habitat that benefits non-native fish species;
- Demolition of buildings and landscape features that contribute to the Rural Historic Landscape.

## 5.3 SUMMARY OF CUMULATIVE IMPACTS/MITIGATION

The Dutch Slough Project Restoration and Related Projects would be located in a rapidly growing area of eastern Contra Costa County. See Figure 5-1 for the relevant cumulative projects in the project area. A cumulative impact refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment, which results from incremental impacts of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period.

### Contra Costa County Projects

#### Mariner Estates LLC

The project involves Conditions of Approval (COA) for 62 remaining residential permits in the off-Island area, in Oakley. The project was approved in April 2005.

#### Delta Coves

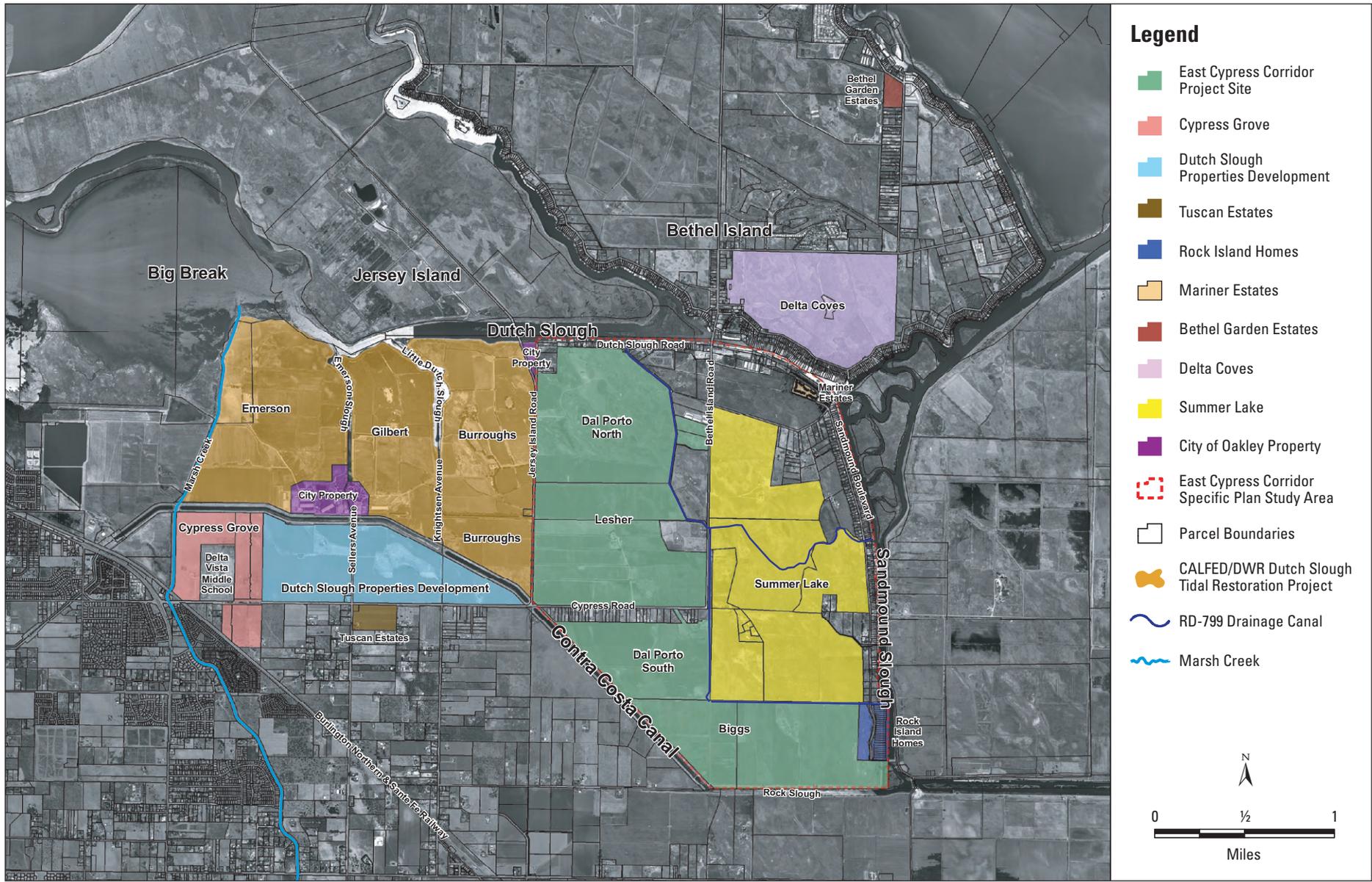
560 residential units are proposed on Bethel Island, including a marina. The project was approved in September 2005 and is under construction.

#### Han Yang International

An 18-hole golf course is proposed on Bethel Island. It is currently pending approval.

#### Bethel Island Bridge Replacement

The Bethel Island Bridge replacement is a proposed County capital improvement project. It was approved and scheduled for construction in 2008.



**Figure 5.3-1**  
**Cumulative Projects Map**

Source: Sycamore Associates, LLC

## **City of Oakley Projects**

### **City Community Park**

The City of Oakley is proposing a Community Park and Public Access Conceptual Master Plan (hereinafter referred to as “City Community Park Project”) for 55 acres adjacent to the wetland restoration project and four miles of levee trails on the perimeter of the DWR lands (See Figures 2-15 through 2-17). The City Community Park will provide parking and trailheads for the public access components of the Dutch Slough Restoration Project.

### **Ironhouse Project**

The Ironhouse Sanitary District (ISD) is proposing the West Marsh Creek Delta Restoration Project (hereinafter called the Ironhouse Project), a restoration of a portion of the Marsh Creek delta on an adjacent 100-acre parcel to the west of Marsh Creek, owned by the ISD (See Figure 2-14). The Ironhouse Project could support, and be linked to the Dutch Slough Restoration lands.

### **Cypress Grove**

The Cypress Grove EIR was certified by the City of Oakley in 2003. This development is under construction and will consist of 637 new residential units on approximately 147 acres. The project is adjacent to and south of the Contra Costa Canal and adjacent to and east of Marsh Creek.

### **Oakley Westerly Annexation**

In 2005, the Contra Costa County Local Agency Formation Commission approved annexation of approximately 80 acres south of East Cypress Road and east of Sellers Avenue to the city of Oakley. Subdivision 8904 (24 acres known as Tuscany Estates and formerly the Baldocchi property) is undergoing tentative map review. Tuscany Estates consists of 100 homes.

### **East Cypress Corridor Specific Plan and Summer Lake**

The City is preparing a Supplemental EIR for the East Cypress Corridor Specific Plan and anticipates it will release the Draft SEIR for public review in February 2008. The specific plan proposes the development of up to 5,759 residential units on an approximately 2,500-acre site adjacent to 1.5 miles of the Contra Costa Canal, from the Rock Slough trash rack to Cypress Road. The specific plan area is within the City of Oakley's sphere of influence. The City of Oakley is proposing to annex the entire specific plan area. Approximately 500 homes are in the East Cypress Corridor Specific Plan area. Most of the existing homes are along Sand Mound and Dutch Sloughs.

### **Summer Lake**

The Summer Lake subdivision (formerly Cypress Lake and Country Club) consists of 678 acres and 1,330 homes and is in the East Cypress Corridor Specific Plan area. It was approved in 2005.

### **Dutch Slough Properties Development**

The City is in the process of approving plans to develop approximately 1,342 residential units on approximately 300 acres immediately south of the Dutch Slough Restoration Project site between the Contra Costa Canal and Cypress Road. The future development area south of the Contra Costa Canal consists of 140 acres of the Emerson property, which is anticipated to have approximately 662 residential units; 120 acres of the Gilbert property, which the City certified an EIR and

approved a tentative map for 506 residential units in November of 2007; and 44 acres of the Burroughs property, which is anticipated to have approximately 174 residential units. This development is planned for construction in the next five years.

### **Ironhouse Sanitary District Expansion**

Ironhouse Sanitary District (ISD) is completing an accelerated capital improvement program to increase capacity to accommodate projected demand in ISD's service area (from 3.0 million gallons per day [MGD] to 8.6 MGD). ISD plans to eliminate land-based wastewater irrigation on "mainland" properties (i.e., near the Contra Costa Canal) and construct a surface water discharge with tertiary treatment at Jersey Point (on Jersey Island) as the least expensive and preferred alternative. ISD is also evaluating an expansion of its wastewater irrigation on Jersey Island and construction of lined storage ponds on its mainland property. The Central Valley Regional Water Board will work with ISD to determine the allowable location and relative amounts of land-based versus surface water application of wastewater. ISD began construction in 2007.

## **Other Local Projects**

### **Contra Costa Water District's Encasement of the Contra Costa Canal**

The Contra Costa Water District proposes to replace up to 3.97 miles of the unlined portion of the Contra Costa Canal with buried pipeline. The pipeline installation would extend from the intake/trash rack near Rock Slough and Pumping Plant No.1. A portion of this project is adjacent to the Dutch Slough Restoration Project, on the southern boundary. The first phase of this project, extending about 2000 feet from Pumping Plant No. 1 to Marsh Creek, is scheduled for construction in 2008.

## **Cumulative Impacts**

Each resource topic analyzed in this EIR includes an analysis of the cumulative impacts and identifies mitigation measures. The cumulative impacts identified in this EIR include issues regarding: hydrology and geomorphology, water quality, geology and soils, air quality, noise, aesthetics, land use, recreation, transportation/traffic, public services, utilities and service systems, and hazardous materials.

### **Hydrology**

If CCWD proceeds with its water supply encasement project, then any groundwater seepage from the Dutch Slough Restoration Project into the canal and its associated introduction of brackish water would no longer affect drinking water quality. Consequently, the project impact regarding groundwater seepage into the Contra Costa Canal would not occur. If CCWD fills in and eliminates the Contra Costa Canal concurrent with encasing the water supply, as proposed but not yet permitted, then the Dutch Slough Restoration Project may increase southward groundwater flux to the Cypress Grove and Dutch Slough Properties. Under current conditions, the Canal is a tidal water body that exerts a controlling factor on groundwater connectivity between lands to its north and south.

### **Water Quality**

During construction of the developments, there could be increased pollution. Due to a greater amount of impervious surfaces, these new housing developments will cause more stormwater runoff laden with the contaminants common in urban/suburban areas (i.e. pesticides, lawn fertilizers, hy-

drocarbons). The increased volume of municipal sewage from the new developments would introduce more pollutants to the waters. The method in which the treated wastewater is discharged would determine the severity of the impact to water quality. More pollutants will be introduced if the effluent is discharged to surface waters as opposed to being used for irrigation on Jersey Island.

The implementation of the Dutch Slough Restoration Project could affect these new housing developments through the impacts to drinking water quality listed above. However, the mitigations offered should reduce the impacts to less than significant levels. Contra Costa Water District's planned encasement of the Contra Costa Canal, described above, would eliminate the project's impact related to degradation of water quality due to increased salinity concentrations in the Contra Costa Canal (from elevated groundwater).

### **Geology and Soils**

Implementing the Dutch Slough Restoration Project would not result in cumulative impacts upon geology and soils as proper design and construction of levees and structures and adherence to building code regulations would reduce impacts to less than significant. These mitigated impacts are not additive in nature and do not produce cumulative impacts. Impacts of soil erosion are minor or temporary and can be effectively mitigated by using Best Management Practices at time of construction, as previously discussed. The potential flood hazard due to levee failure impacting residential and commercial developments located on subsided lands in historical floodplain is a concern throughout the Delta. The increase in residential development around Dutch Slough increases overall flood hazard potential in the event of levee failure. Negotiations are underway to determine the design of the proposed new Jersey Island Road levee which, if constructed, would be an improvement over the existing levee and offer greater flood protection than currently provided. The existing levees on the Emerson and Gilbert parcels would continue to be maintained and therefore implementation of the Dutch Slough Restoration Project would not increase likelihood of levee failure and would not add to cumulative impacts.

### **Biological Resources – Terrestrial and Wetland**

It is uncertain whether significant cumulative impacts related to loss of terrestrial habitats and seasonal wetlands associated with irrigated pastures (over 800 acres) can be mitigated by off-site compensatory mitigation measures or otherwise minimized with on-site development. It may be feasible to mitigate for these related cumulative impacts by offsite mitigation (protection, maintenance, and enhancement of offsite habitat as close as possible to the project site). Thus, there may be significant unmitigated cumulative impacts related to loss of terrestrial grassland habitats. Other cumulative impacts are likely to be fully mitigated by a combination of on-site mitigation measures to minimize, avoid, or rectify individual project impacts, and limited off-site mitigation.

### **Biological Resources – Aquatic Resources**

Proposed developments could have potential impacts on fishery resources in the Dutch Slough site and the greater project vicinity. The new housing developments would increase the human population in the area, leading to more recreation pressure at the site. Specific impacts to fisheries could include increased angling and littering. The increased volume of municipal sewage from the new developments would introduce more pollutants to the waters. The method in which the treated wastewater is discharged would determine the severity of the impact to aquatic organisms. More pollutants could potentially be introduced to the site if the effluent is discharged to surface waters as opposed to being used for irrigation on Jersey Island. However, the point of surface water discharge is planned to be located at Jersey Point on Gallagher Slough, which is on the opposite side of Jersey

Island from the Dutch Slough site. This would allow pollutants to be diluted and dispersed before they reach the site, thus reducing their potential impact on aquatic life. The aquatic resources in Gallagher Slough and potentially Big Break and Franks Tract would be more severely impacted.

Contra Costa Water District's proposal to encase up to almost four miles of the Contra Costa Canal in the vicinity of the project would eliminate any fishery resources currently in the canal. However, the project calls for fish relocation efforts prior to construction, which should mitigate for this impact.

None of the proposed developments involve wetland or fish habitat restoration, so the implementation of the Dutch Slough Restoration Project would not have any impact on other fish habitat restoration activities in the immediate vicinity.

### **Air Quality**

Construction emissions by trucks may have a possible cumulative impact by increasing ozone precursor emissions, by contributing to diesel exhaust particulate matter, and by competing with existing traffic in developed areas for available roadway capacity.

### **Aesthetics**

The proposed buildings and facilities would not be visible from public viewpoints at a similar elevation as the project site. Viewers from the second floors of proposed residential project to the south would have views into the project site over the Contra Costa Water District's existing levees, as well as its proposed embankment for the proposed encased pipeline, would screen the site. In addition, views of the park from adjacent houses would be expanded by implementation of the proposed removal of the CCWD canal levees as part of the CCWD's proposed encasement project. In addition, new levees are being planned for areas to the south and east of the project site, which would also screen views into the project site.

The potential increase in light and glare from the park project would contribute to cumulative light and glare impacts because the park would be visible from higher elevations, such as Mount Diablo; glare impacts from the lights could be exacerbated by the increased nearby residential receptors.

### **Land Use**

Conflicts between the new residential developments (planned or under construction) and the City's Community Park would be reduced through a vegetation perimeter buffer that would extend around the entire perimeter of the Park. This would serve to buffer both adjacent wildlife habitat areas within the marsh restoration project area as well as residences to the south from park activities.

### **Agricultural Resources**

The proposed Dutch Slough Restoration Project and Related Projects would result in conversion of approximately 1,274 acres of prime/unique farmland and farmland of statewide and local importance. The City of Oakley is undergoing significant development in the area surrounding the project site, which in combination with the proposed project would result in substantial acreages of agricultural land conversion. As described in Section 3.10, this potentially significant cumulative impact would be reduced to less than significant by implementation of the City's General Plan.

### **Recreation**

The proposed project would provide a variety of recreational facilities for both active and passive recreation and education. The proposed development surrounding the project site would be required to pay park and recreational fees to the City, which would be used to provide additional city

recreational facilities, including neighborhood parks and community trails. For example, a neighborhood access trail is planned along the south side of the Contra Costa Canal, outside of the project boundary. The combination of increased recreational facilities through the proposed action and surrounding development would result in a beneficial impact to recreational use.

A nearby City of Oakley project, the proposed Dutch Slough Access Park, proposes a boat ramp to Dutch Slough at the northeastern corner of the Dutch Slough Restoration Project site and Jersey Island Road bridge. (This project is not a part of the City's Community Park project, but rather is a separate 8-acre parcel.) The potential increase in watercraft from this boat ramp could increase potential conflicts with non-motorized watercraft in Emerson Slough, and Little Dutch Slough.

### **Cultural Resources**

Cumulatively, the buildings present on the sites of the City Community Park, Dutch Slough Properties Development, and the Dutch Slough Tidal Marsh Restoration Project (project), make up a Rural Historic Landscape. The impacts of the three projects on the Dutch Slough Rural Historic Landscape would result in a significant cumulative impact on historic resources. However, for the Dutch Slough Restoration Project, only the Burroughs property has buildings which contribute to the Rural Historic Landscape, so if the "no Burroughs" option is exercised, the project would have no impact on historic resources.

### **Transportation/Traffic**

The traffic generation from the park will essentially be the same throughout the life of the park activity. On Sellers Avenue, the traffic will be mixed with traffic from the adjacent residential developments, and from trips from the shopping area at the corner of Cypress and Sellers. On Cypress Avenue, the future estimated traffic averages about 35,000 vehicle trips per day (in 2025), based on the East County Traffic Model that is conducted by the Contra Costa Transportation Authority (CCTA). Fewer than 100 of these trips may be directly or indirectly related to the Dutch Slough Restoration Project. This is not a measurable impact on the traffic conditions, and would not result in a cumulatively considerable contribution to the overall traffic impact.

Cypress Road will have a growing level of traffic as a result of the development of new housing in the corridor. The total development in the corridor could be as many as 8,000 new residential units. The park traffic would not result in a cumulatively considerable contribution to this traffic.

### **Public Services, Utilities and Service Systems**

Cumulative impacts on public services and utilities are considered in the context of the service area of the service providers. The potential increase in demand for police services, fire services, water supply, wastewater treatment and disposal, electrical transmission, and gas transmission that could result from the proposed Dutch Slough Restoration Project would be a minor increment of the total demand. The primary demands would be from the numerous residential developments proposed, approved, or under construction in the project area. Services are made available as those developments proceed. Fees and taxes associated with those developments, as well as monthly utility charges, are intended to mitigate their impacts on services and utilities.

## **5.4 IRREVERSIBLE/IRRETRIEVABLE IMPACTS**

As described above, the Dutch Slough Restoration Project would permanently convert land to wetland and public access uses. The Dutch Slough Restoration Project also would irreversibly convert

upland and permanent and seasonal freshwater wetland habitat to aquatic and tidal wetland habitat. The Dutch Slough Restoration Project, in combination with the proposed City Community Park, would result in the loss of a locally unique historic agricultural landscape, including historic houses and dairy structures, a historic vineyard, and other agricultural lands. Construction of the Dutch Slough Restoration Project would result in the irretrievable use of natural resources including fuels and building materials.