

# Appendix A

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Notice of Preparation and  
Comment Letters



**CITY OF GRASS VALLEY**  
**Community Development Department**  
 Thomas Last, Community Development Director

125 East Main Street  
 Grass Valley, CA 95945

**Building Division**  
 530-274-4340  
**Planning Division**  
 530-274-4330  
 530-274-4399 fax

August 28, 2020

To: See Attached Agency List

Re: **Notice of Preparation for a Subsequent Environmental Impact Report** for the Amendment to the Southern Sphere of Influence Planning and Annexation Project

The City of Grass Valley will prepare a Subsequent Environmental Impact Report (EIR) for the **Southern Sphere of Influence Planning and Annexation Project** (proposed project, project) and is issuing this Notice of Preparation (NOP) per Section 15082 of the California Environmental Quality Act (CEQA) Guidelines. The City is requesting input from the public and your agency on environmental issues associated with development of the proposed project as described in this NOP. As a responsible or trustee agency, your agency may need to use this EIR when considering issuance of a permit or other discretionary approval for the proposed project. Comments received during this public comment period will be used to focus the environmental analysis in the EIR.

**Project Location**

The project is located along State Route (SR) 49, immediately south of the existing City of Grass Valley limits and within the City of Grass Valley Planning Area in the central/western portion of Nevada County (**Figure 1, Regional Location Map**). The project spans both the east (industrial side) and west (Berriman Ranch) sides of SR 49, beginning in the vicinity of McKnight Road and extending south along SR 49 and La Barr Meadows Road 9 (**Figure 2, Annexation Area Map**). As shown in **Table 1**, the project includes 55 Nevada County Assessor's Parcel Numbers.

**Table 1**

APN	Size (Acres)	Existing Use	Existing City Land Use Designation	Proposed Land Use Designation	Existing Pre-Zoning	Proposed Prezoning
009-620-003 <sup>+</sup>	5.26	Vacant	UED	M/I		M-2 *
009-620-010 <sup>+</sup>	5.47	Vacant	UED	M/I		M-2
009-620-012	19.1	Vacant	UMD	UMD	R-2	R-2
022-031-009 <sup>+</sup>	20.54	Vacant	UED	M/I		M-2 *
022-140-005	1.5	Grange Hall	M/I	M/I	M-1	M-1
022-140-008	5.4	Industrial	M/I	M/I	M-2 *	M-2 *
022-140-010	10.1	Industrial	M/I	M/I	M-2 *	M-2 *
022-140-011	1.5	Industrial	M/I	M/I	M-2 *	M-2 *
022-140-012	1	Rental Yard	M/I	M/I	M-2 *	M-2 *
022-140-021	2.8	Industrial	M/I	M/I	M-2 *	M-2 *
022-140-022	6.9	Industrial	M/I	M/I	M-2 *	M-2 *
022-140-025	3.03	Industrial	M/I	M/I	M-2 *	M-2 *

APN	Size (Acres)	Existing Use	Existing City Land Use Designation	Proposed Land Use Designation	Existing Pre-Zoning	Proposed Prezoning
022-140-035 <sup>#</sup>	36.63	Vacant	M/I	M/I	M-1 *	M-2 *
022-140-036	2.8	Mini Storage	M/I	M/I	M-2	M-2
022-140-038	2.2	Veterinary Hospital	M/I	M/I	M-2	M-2
022-140-041	2.5	Dismantling Yard	M/I	M/I	M/I	M-2
022-140-043	2.6	Landscape Material	M/I	M/I	M-2	M-2
022-140-050	2.2	Dog Kennel	M/I	M/I	M-2	M-2
022-140-051	0.04	Wireless Tower	M/I	M/I	M-2	M-2
022-140-053 <sup>#</sup>	59.88	Vacant	UMD/OS/C	UL,M,HD/OS	C2/R2/OS	R-1,2,3/OS
022-140-057 <sup>#</sup>	15.47	Vacant	C/OS	UMD/M/I,OS	C-2/OS	M-1/OS/R-2
022-140-058	1.94	Plumbing Supply	M/I	M/I	M-1	M-1
022-150-003	0.2	Vacant	M/I	M/I	M-1	M-1
022-150-004	0.3	Vacant	M/I	M/I	M-1	M-1
022-150-008	0.02	Right-of-Way	M/I	M/I	M-1	M-1
022-150-009	0.1	Auto Repair	M/I	M/I	M-1	M-1
022-150-010	0.5	House	M/I	M/I	M-1	M-1
022-150-011	0.05	Vacant	M/I	M/I	M-1	M-1
022-150-015	0.7	Auto Repair/ Commercial	M/I	M/I	M-1	M-1
022-150-016	0.3	House	M/I	M/I	M-1	M-1
022-150-017	0.4	Vacant	M/I	M/I	M-1	M-1
022-150-018	0.4	House	M/I	M/I	M-1	M-1
022-150-021	1.2	House	M/I	M/I	M-1	M-1
022-150-022	3	House	M/I	M/I	M-1	M-1
022-150-023	0.26	Vacant	M/I	M/I	M-1	M-1
022-150-024 <sup>+</sup>	1.99	C&D	C	M/I	C-2	M-1
022-150-026 <sup>#</sup>	0.43	House	C	UMD	C2	R-2
022-150-027 <sup>#</sup>	0.54	House	C	UMD	C2	R-2
022-150-028	0.3	Residential/ Commercial	M/I	M/I	M-1	M-1
022-150-029 <sup>#</sup>	0.44	House	C	UMD	C-2	R-2
022-150-030	7.8	Vacant	M/I	M/I	M-1	M-1
022-150-032	0.5	House	M/I	M/I	M-1	M-1
022-150-033	0.03	Vacant	M/I	M/I	M-1	M-1
022-160-003 <sup>#</sup>	25.78	Vacant	OS/UED	OS	OS/RE	OS
022-160-004	11.3	Landscape Material	M/I	M/I	M-2	M-2
022-160-005 <sup>#</sup>	10	Vacant	M/I	M/I	M-1	M-2 *

APN	Size (Acres)	Existing Use	Existing City Land Use Designation	Proposed Land Use Designation	Existing Pre-Zoning	Proposed Prezoning
022-160-006	25.5	Vacant	M/I	M/I	M-2	M-2
022-160-033	8.3	Vacant	M/I	M/I	M-2	M-2
022-200-036 <sup>#</sup>	14.6	Vacant	OS	M/I	OS	M-2 *
022-200-037 <sup>#</sup>	7.3	Vacant	OS	M/I	OS	M-2 *
022-200-066 <sup>#</sup>	7.53	Vacant	OS	M/I	OS	M-2 *
022-230-010 <sup>#</sup>	2.3	Vacant	UMD	M/I	R-2	M-2 *
022-230-052 <sup>#</sup>	42.9	Vacant	OS/UMD	M/I	OS/R-2	M-2 *
022-230-053 <sup>#</sup>	5.74	Vacant	OS	M/I	OS	M-2 *
029-350-012 <sup>#</sup>	11.4	Vacant	BP	C	CBP	C-2

Source: SCO Planning and Engineering, August 2020

Notes: + = New properties not included in 2014/2016; # = proposed zone change; \* = Southeast Industrial Combining Zone

Most of the project area is vacant or developed at less than the anticipated density and intensity in the Grass Valley General Plan. There are several existing businesses and homes within the plan area. The types of businesses and uses on each parcel are noted above.

### Project Overview

In 2014, the City completed an extensive general plan and prezoning planning process for the Southern Sphere of Influence Planning and Annexation Project that included approximately 420 acres of land south of the City limits for the sphere of influence (SOI). The City certified an EIR for this project (2014 SOI EIR). In 2016, the City amended the project to include a combining or overlay zone on several industrial properties and prepared an addendum to the EIR. Existing general plan land use designations and zoning in the plan area are depicted in **Figure 3, Existing General Plan Map** and **Figure 4, Existing Zoning Map**, respectively.

With the proposed project, the City is seeking to amend the Southern Sphere of Influence Planning and Annexation Project to include: 1) an amendment to the General Plan land use designations on 237 of the 400 acres; 2) a prezone of 237 of the 400 acres to various zone districts consistent with the proposed General Plan amendments; 3) an amendment to add 31 acres to the City's SOI; and 4) the annexation of approximately 400 acres (**Figure 5, Proposed General Plan Map, Figure 6, Prezoning Map**). The proposed General Plan land use designations and zoning changes would decrease the total development potential by up to 18 residential dwelling units and increase the total development potential of nonresidential uses by approximately 361,000 square feet. (Note: The City annexed approximately 32 acres of the 416-acre planning area analyzed in the 2014 SOI EIR in 2015. In addition, the current proposal does not include approximately 20 acres of land analyzed in the 2014 SOI EIR that is now owned by Nevada County, a portion of which contains the County's Corporation Yard.)

The project also includes General Plan land use redesignation and rezoning of approximately 17 acres of land area within the current City limits.

Because the action is linked to the past project, the City is preparing a Subsequent EIR in accordance with CEQA and the State CEQA Guidelines Section 15162. The Subsequent EIR will incorporate the results of additional technical studies completed since approval of the 2016 Addendum. In addition, the Subsequent EIR will address two site-specific areas within the project: a 10- to 15-acre area of residential land on the west side of Highway 49 and the expansion area for Hansen Brothers Enterprises (HBE) operations east of La Barr Meadows Road and south of the existing operations. No specific development is proposed as part of this project.

### **General Plan Amendment**

The Grass Valley General Plan designates the project area as Urban Estate Density (UED), Urban Low Density (ULD), Urban Medium Density (UMD), Commercial (C), Business Park (BP), Manufacturing/Industrial (M/I), and Open Space (OS). The proposed project would change the General Plan designations to include a range of residential, commercial, and manufacturing land uses as shown in **Table 1**. See **Figure 3, Existing General Plan Map** and **Figure 5, Proposed General Plan Map** for the location of the existing and proposed land use designations within the project area.

### **Prezoning**

As part of the proposed project the City would prezone the properties consistent with the revised general plan. Prezoning is a required component of the annexation process. The California Government Code Section 65859 allows the City to adopt an ordinance zoning land outside of the City. The provisions of the prezone and zoning districts would not become effective until the property is annexed. Until the property is annexed the properties are subject to the existing County zoning. **Table 1** lists the existing parcel zoning for land within the project area, and the anticipated zoning as part of the proposed project. (See also **Figure 6, Proposed PreZoning**.) The proposed zoning would be consistent with both the amended General Plan land use designations and the existing business and manufacturing uses found within the project area.

### **SOI Amendment**

The City proposes to add approximately 31 acres of land to its existing SOI. The land is between the existing SOI and the Empire Mine State Park boundaries.

### **Annexation**

The intent of the prezoning is to provide for annexation of 400 acres of the project area. This will involve seeking approval of the annexation from the Local Agency Formation Commission. The EIR will be designed to meet the Local Agency Formation Commission requirements for annexation.

### **Comment Period**

The NOP comment period begins on **September 1, 2020 to October 1, 2020**. When submitting comments, please be specific in describing your environmental concerns. In particular, if there are changes to the project or measures you believe the City should take that would reduce the environmental impact of the project or address issues of concern, please include them in your response to this NOP. Please also include contact information so that the City can follow up with questions regarding comments if necessary. Comments must be sent to:

Thomas Last, Community Development Director  
City of Grass Valley  
125 E. Main Street  
Grass Valley, CA 95945  
[toml@cityofgrassvalley.com](mailto:toml@cityofgrassvalley.com)

### **Scoping Meeting**

A virtual scoping meeting will be conducted on **September 23, 2020. The meeting will be at 3:00 p.m.** The scoping meeting will provide public agencies and the public with the opportunity to learn more about the proposed project and to discuss environmental issues. The scoping meeting will include a presentation of the proposed project and a summary of the environmental issues to be analyzed in the EIR. Comments provided during the scoping meeting will assist the City in scoping the potential environmental effects of the project to be addressed by the EIR.

### **Meeting Access Information:**

#### ***Join from a PC, Mac, iPad, iPhone, or Android device:***

Please click this URL to join.

<https://zoom.us/j/91034981807?pwd=MmwwVUZ6RDhtQIRFL0ZBdzhTWGx2Zz09>

Passcode: Ssm92320!

#### ***Or join by phone:***

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 910 3498 1807

Passcode: 403221714

International numbers available: <https://zoom.us/j/91034981807?pwd=MmwwVUZ6RDhtQIRFL0ZBdzhTWGx2Zz09>

### **Anticipated Significant Environmental Impacts**

The analysis in the Subsequent EIR will build on the 2014 SOI EIR and rely on the conclusions and determinations that remain applicable to the proposed project. The 2014 SOI EIR determined that the Southern Sphere of Influence Planning and Annexation Project would result in less-than-significant impacts (no mitigation required) in the following resources and issue areas: aesthetic resources; geology, soils, and mineral resources; land use, agriculture and forestry resources; population and housing; and public services and recreation. Given the similarities between the original project and the proposed project, and the relatively similar circumstances that exist today, it is unlikely that new features of the proposed project would result in new significant impacts or a substantial increase in severity of previously identified significant impacts in these areas. Therefore, the discussion of these topics is anticipated to include a summary of the conclusions of the 2014 SOI EIR with a brief, supplemental discussion substantiating the applicability of the 2014 SOI EIR analysis to the amended project.

Other resource areas (including hazards and hazardous materials, hydrology and water quality, noise, and public utilities and energy) may be also be adequately addressed through the analysis and mitigation measures identified in the 2014 SOI EIR but will be re-evaluated in the Subsequent EIR. The 2014 SOI EIR analysis will be updated to address the change in land use designations, zoning, and the addition of approximately 31 acres to the City's SOI and any relevant updates to the existing setting.

Finally, the City has identified the following primary issues that will be fully analyzed in the Subsequent EIR.

### **Transportation**

The project could result in increased vehicle travel and associated vehicle miles traveled. An analysis of vehicle miles traveled will be conducted. Based on an analysis of the trip making characteristics of the proposed project, the Nevada County Travel Demand Model, and area demographics, the total number of vehicle trips and directional trip distribution of the project-generated traffic will be estimated. The analysis will also address potential vehicle, bicycle, and pedestrian safety impacts associated with changes in traffic conditions.

### **Air Quality**

The 2014 SOI EIR found that reasonably foreseeable future development would have the potential to create significant air quality emissions both in the construction and operational phases. The air quality analysis in the Subsequent EIR will analyze reasonably foreseeable construction and operational impacts related to proposed project changes. The impact analysis will address whether the proposed project would result in any new or substantially worse significant air quality effects as compared with the approved project.

### **Climate Change and Greenhouse Gas Emissions**

The 2014 SOI EIR found that reasonably foreseeable future would have the potential to create significant greenhouse gas (GHG) emissions. The GHG analysis will include a brief discussion of the current state of the science (e.g., Intergovernmental Panel on Climate Change's Fifth Assessment Report), along with applicable regulatory framework and relevant local, state, and federal guidance. The GHG and climate change analysis in the Subsequent EIR will focus on the reasonably foreseeable construction and operational changes since the analysis provided in the 2014 SOI EIR.

### **Cultural and Tribal Cultural Resources**

The Subsequent EIR will evaluate the potential effects of the SOI expansion on cultural resources (i.e., archaeological and historic architectural resources) and tribal cultural resources. This will include issues identified during the tribal consultation conducted under the requirements of Assembly Bill 52.

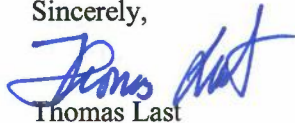
### **Biological Resources**

The 2014 SOI EIR found that reasonably foreseeable future development under the 2014 SOI project would have the potential to cause a significant impact on special-status plants, coast horned lizard, nesting migratory birds and raptors, riparian habitat and federally protected waters. Since the adoption of the 2014 SOI EIR, the regulatory status of some wildlife species has changed (e.g., foothill yellow-legged frog is now a state listed species). The biological resources section will be updated to include the current special-status species that could be affected by the project and other recent regulatory changes, such as State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State and the Navigable Waters Protection Rule.

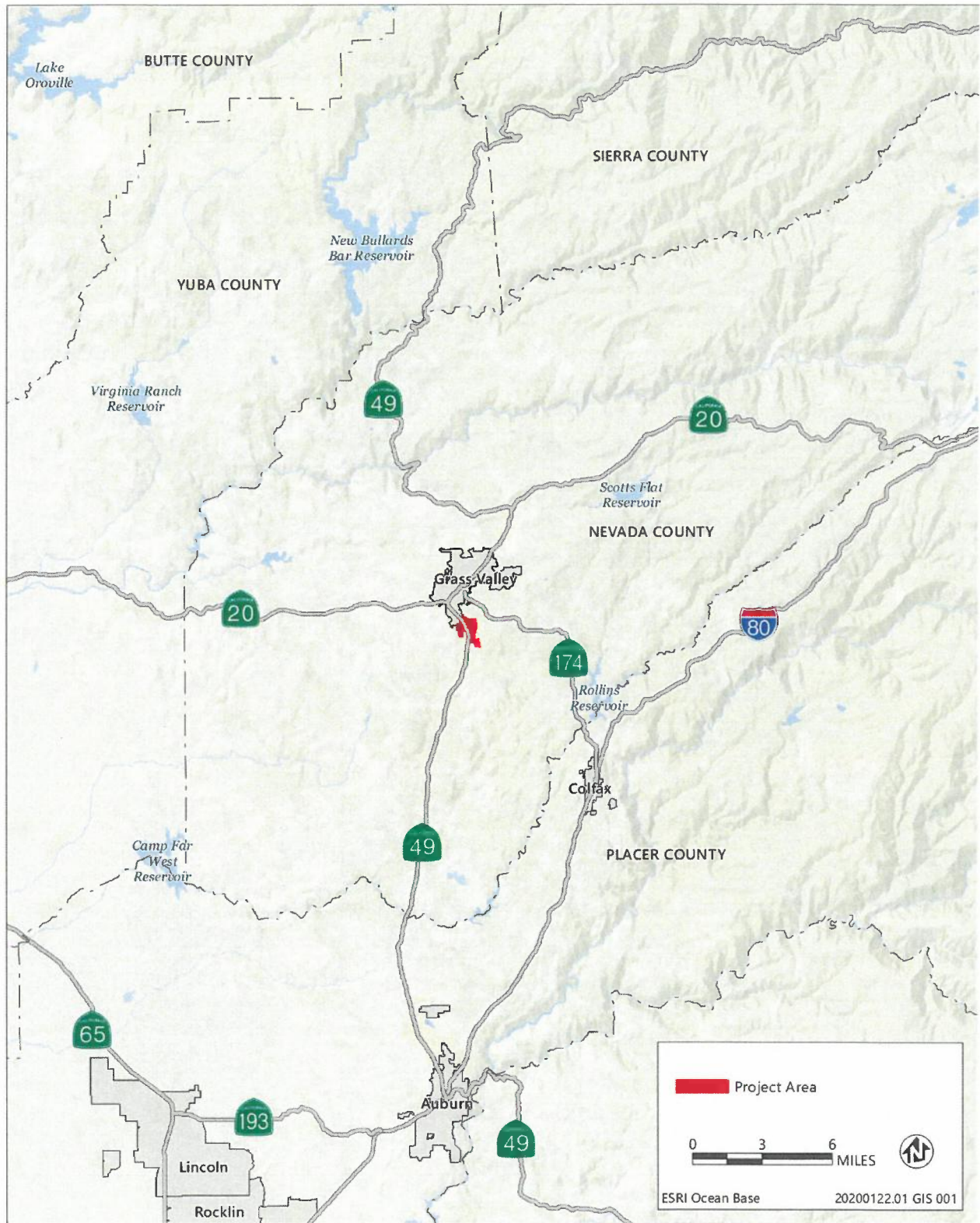
### **Wildfire**

Although wildfire is addressed in the 2014 SOI EIR (see Impact 3.11.2, Wildland Fire Hazards), the Subsequent EIR will include a section evaluating the potential effects related to wildfire using the updated questions in Appendix G of the CEQA Guidelines. Any new significant impacts will be discussed, and mitigation will be proposed, if required.

Sincerely,

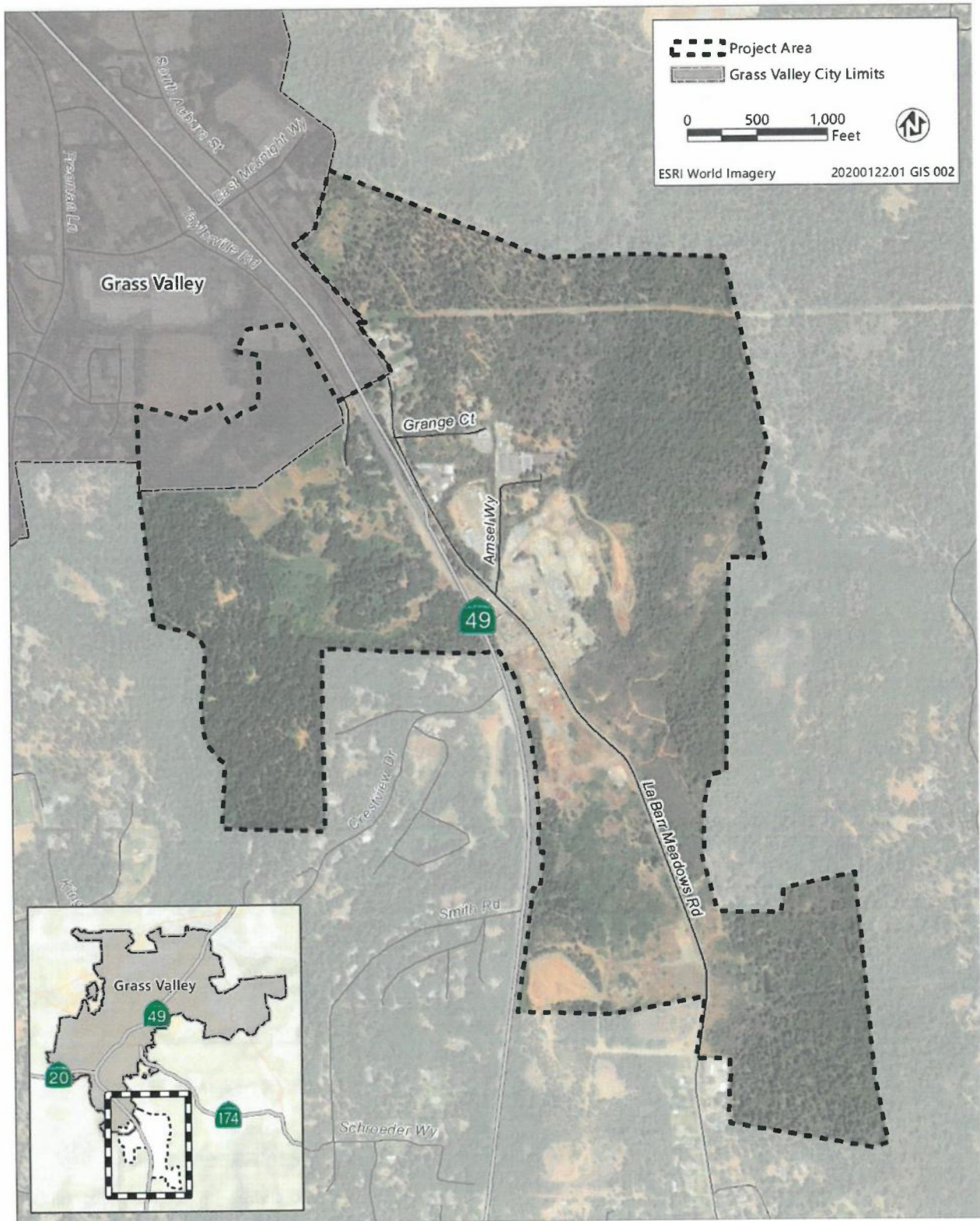


Thomas Last  
Community Development Director



**Figure 1, Regional Location Map**





**Figure 2, Annexation Area Map**

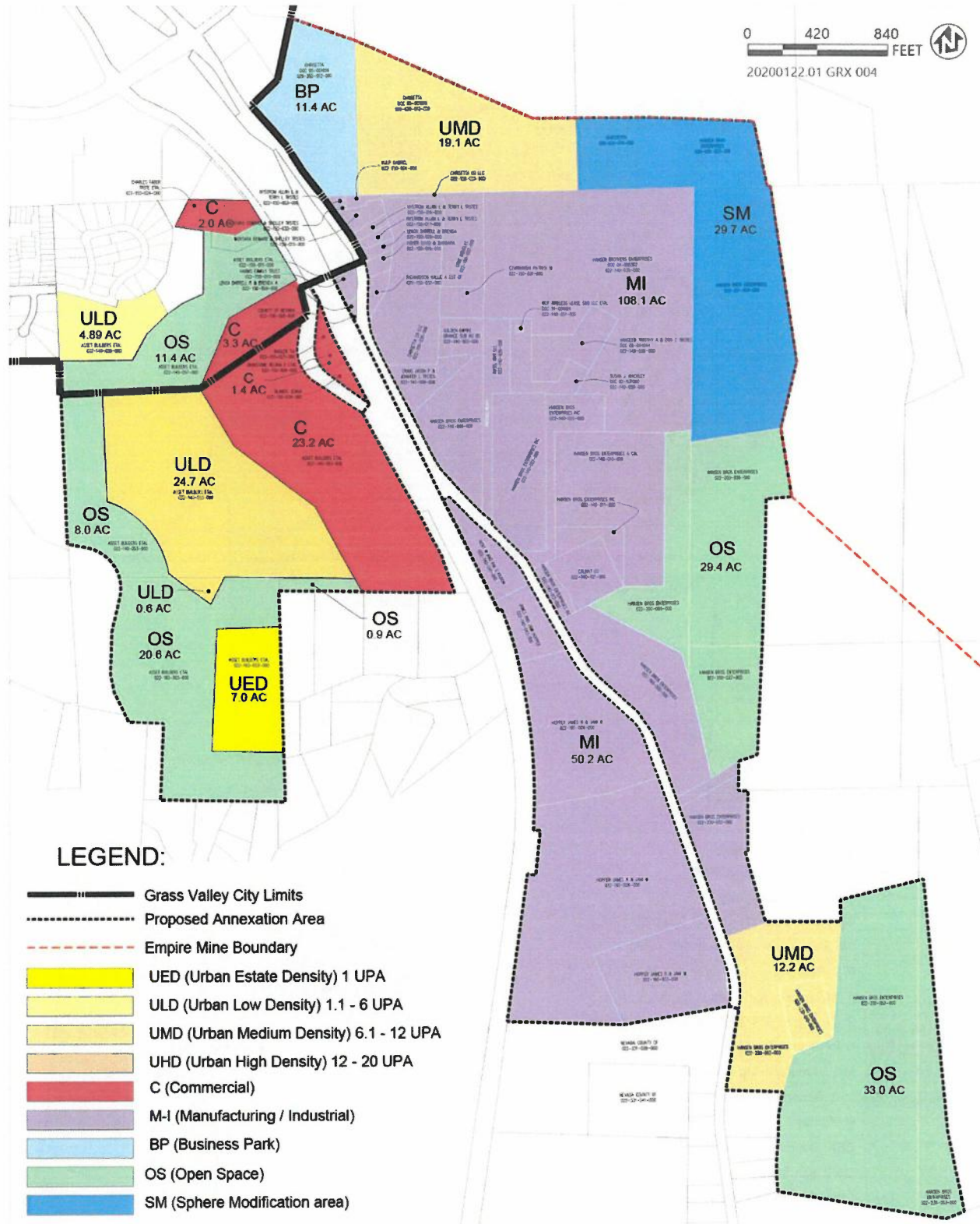


Figure 3, Existing General Plan Map

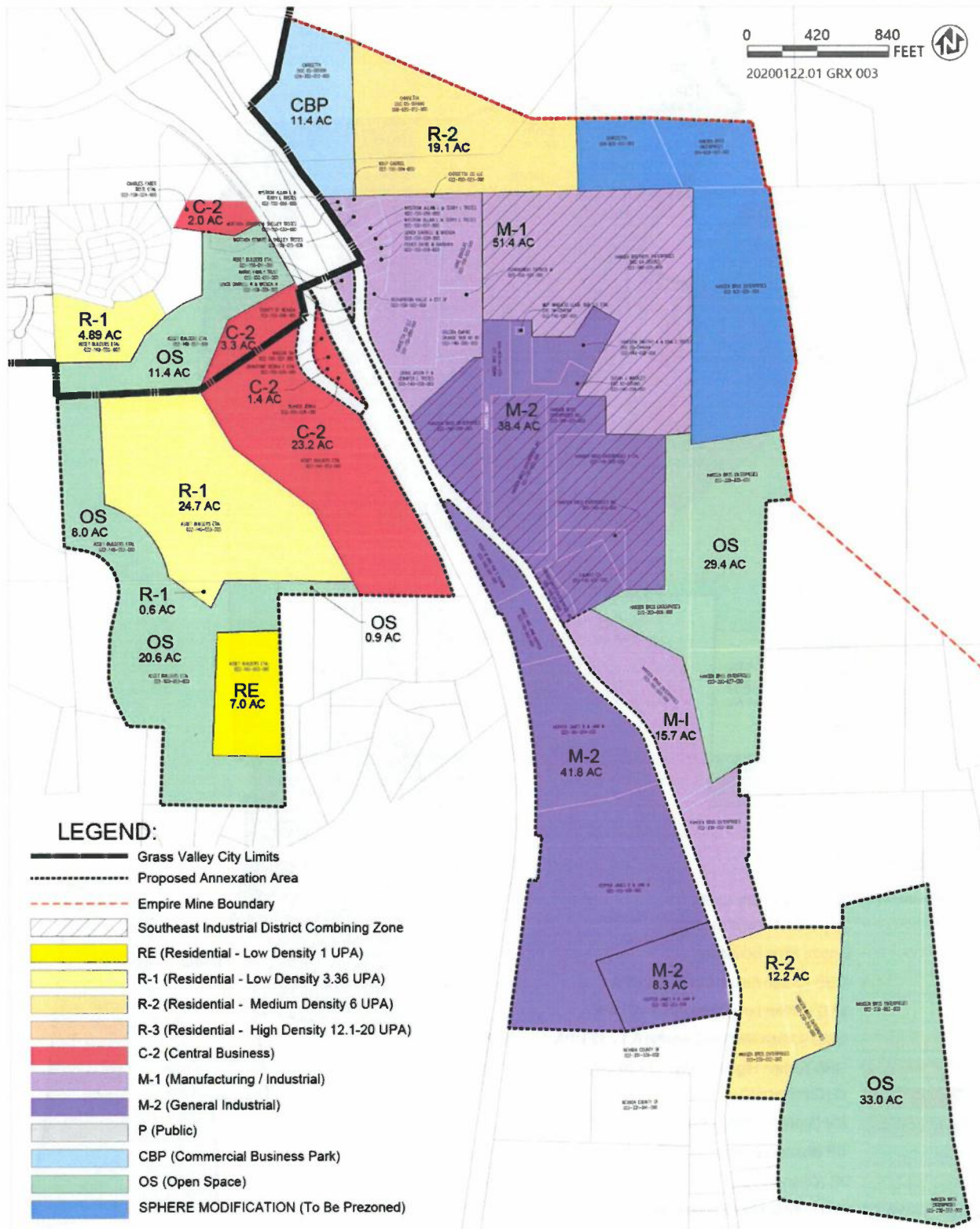


Figure 4, Existing Zoning Map

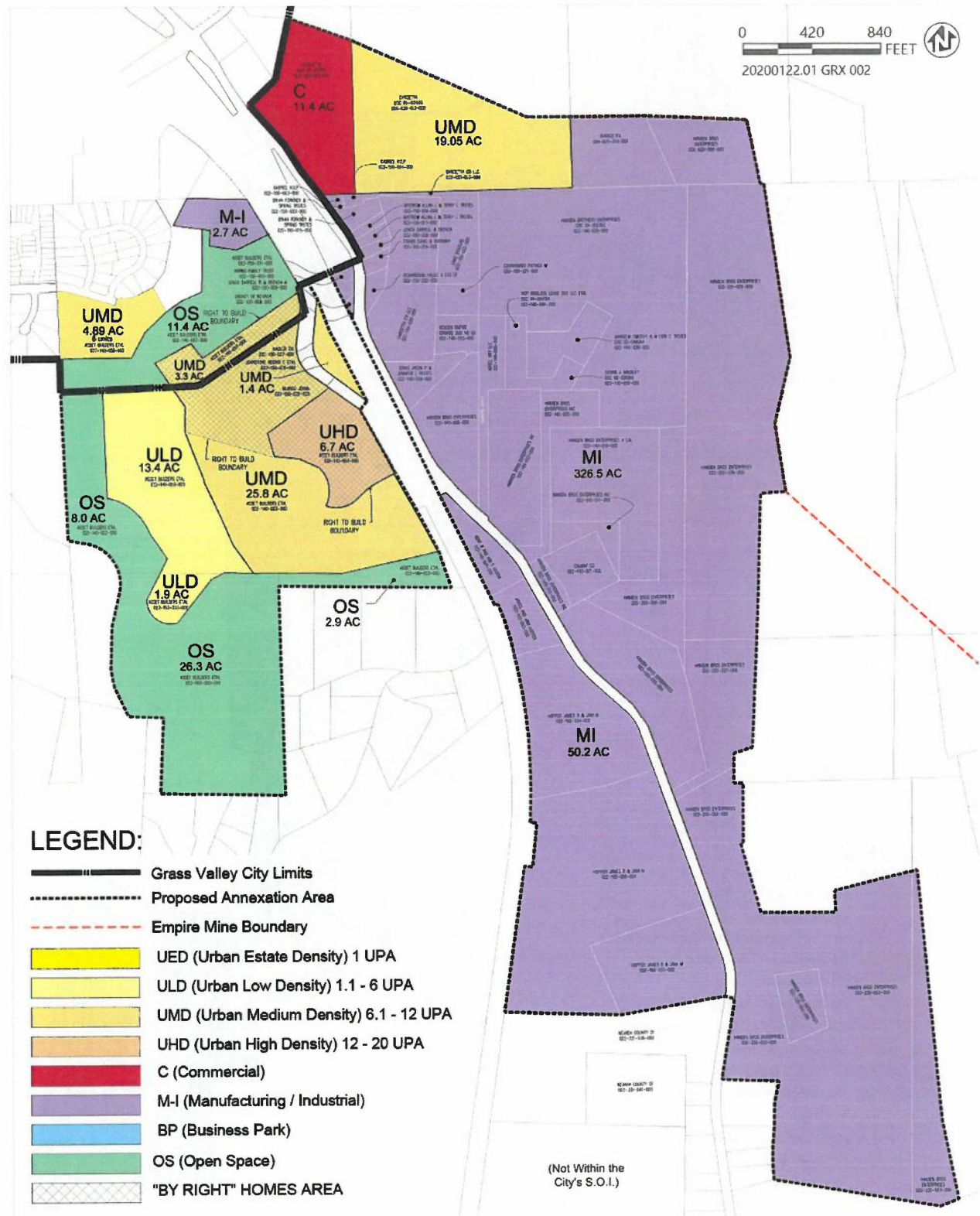


Figure 5, Proposed General Plan Map

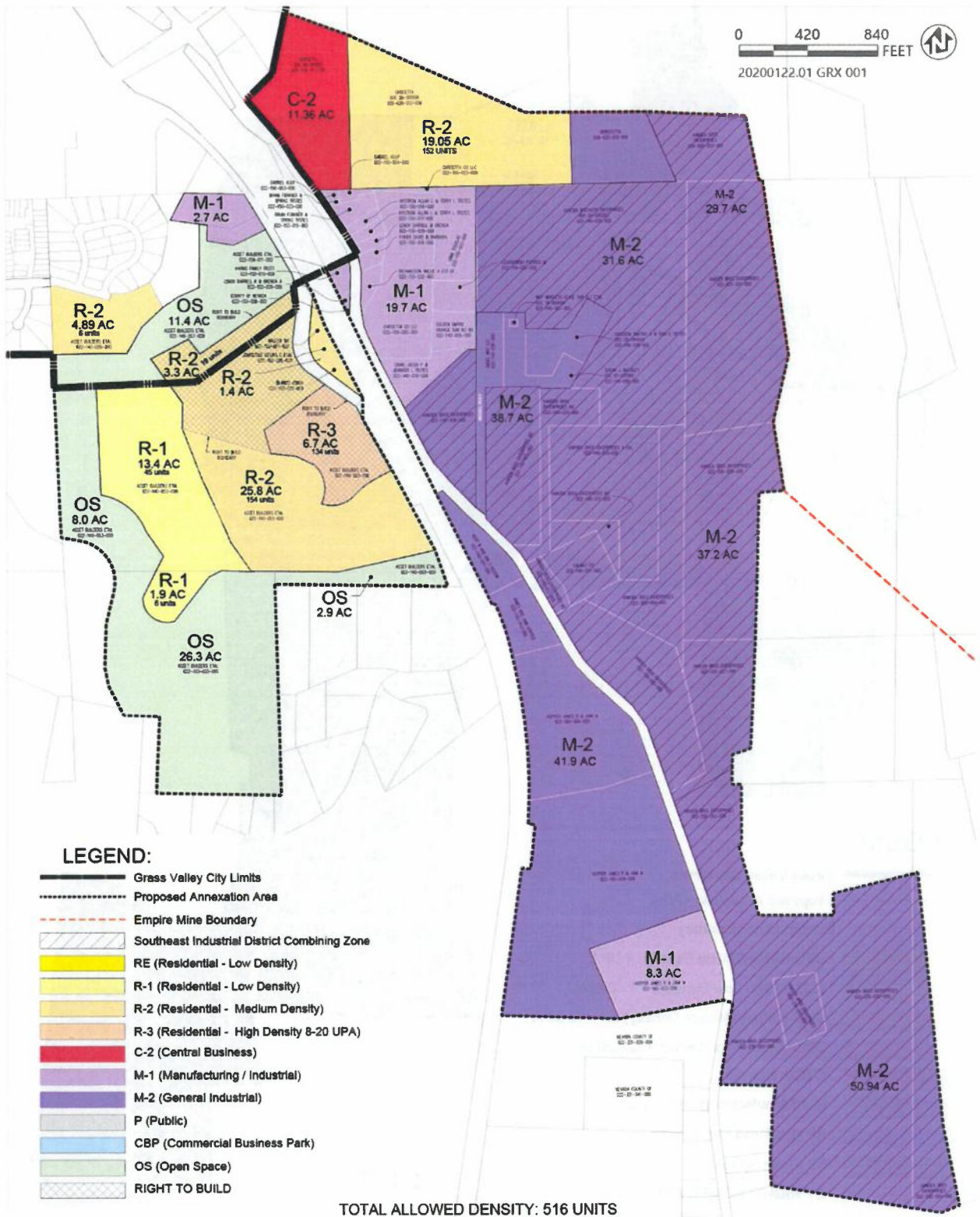


Figure 6, Proposed Prezoning Map

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## Central Valley Regional Water Quality Control Board

28 September 2020

Thomas Last  
City of Grass Valley  
125 East Main Street  
Grass Valley, CA 95945

### **COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, AMENDMENT TO THE SOUTHERN SPHERE OF INFLUENCE PLANNING AND ANNEXATION PROJECT, SCH#2013052057, NEVADA COUNTY**

Pursuant to the State Clearinghouse's 31 August 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Subsequent Environmental Impact Report* for the Amendment to the Southern Sphere of Influence Planning and Annexation Project, located in Nevada County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.



Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wgo/wgo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wgo/wgo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

### **Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4709 or [Greg.Hendricks@waterboards.ca.gov](mailto:Greg.Hendricks@waterboards.ca.gov).



Greg Hendricks  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
**DEPARTMENT OF PUBLIC WORKS**  
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617  
(530) 265-1411 FAX (530) 265-9849 [www.mynevadacounty.com](http://www.mynevadacounty.com)

Sean Powers  
Community Development Agency Director

Trisha Tillotson  
Director of Public Works

October 1, 2020

Attn: Thomas Last, Community Development Department Director  
City of Grass Valley  
125 E. Main Street  
Grass Valley, CA 95945

**VIA EMAIL: [toml@cityofgrassvalley.com](mailto:toml@cityofgrassvalley.com)**

Re: Subsequent EIR for Amendment to the Southern Sphere of Influence Planning and Annexation Project

Dear Mr. Last:

Thank you for the opportunity to review the Notice of Preparation for a Subsequent EIR for the Amendment to the Southern Sphere of Influence Planning and Annexation Project. This project would remove the Nevada County Corporation Yard at 12350 La Barr Meadows Road (APN 022-331-039) from the Sphere of Influence Planning and Annexation Project. The Nevada County Public Works Department has the following comments on the NOP for the Subsequent EIR:

1. The annexation area borders the Nevada County Corporation Yard. There is an existing agreement that allows PG&E to use the Nevada County parcel to access a log storage deck on the north part of the County's property. Nevada County requests that the EIR include a land use compatibility analysis to determine whether the proposed land uses would remain compatible with the County's Corporation Yard and its uses.

Although not necessarily a part of the environmental analysis, the following additional comments on the project are also provided for the record:

1. Maintenance responsibilities for La Barr Meadows Road in the annexation area should be re-designated to the City of Grass Valley.
2. Please provide information to the County as to whether the project would require the County to give up any utility franchise agreements with royalties.

Page 2 of 2

If you have any questions, please contact Jessica Hankins at (530) 265-1254 or [Jessica.Hankins@co.nevada.ca.us](mailto:Jessica.Hankins@co.nevada.ca.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Hankins', with a long horizontal flourish extending to the right.

Jessica Hankins  
Public Works Project Manager



# NATIVE AMERICAN HERITAGE COMMISSION

September 1, 2020

**GRASS VALLEY**

**SEP 9 2020**

**Community Dev. Dept.**

Thomas Last  
City of Grass Valley  
125 East Main Street  
Grass Valley, CA 95945

**Re: 2013052057, Amendment to the Southern Sphere of Influence Planning and Annexation Project, Nevada County**

Dear Mr. Last:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
**Russell Atebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain Apache

COMMISSIONER  
**Julie Tumamait-Stenslie**  
Chumash

COMMISSIONER  
**[Vacant]**

COMMISSIONER  
**[Vacant]**

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
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[NAHC.ca.gov](http://NAHC.ca.gov)

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

**8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

**9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

**10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
  - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
  - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - i.** Protecting the cultural character and integrity of the resource.
  - ii.** Protecting the traditional use of the resource.
  - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

**11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.



- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
  
- 3.** Contact the NAHC for:
  - a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Cultural Resources Analyst

cc: State Clearinghouse

## Jessica Babcock

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**From:** Tom Last <toml@cityofgrassvalley.com>  
**Sent:** Friday, October 2, 2020 7:49 AM  
**To:** Jessica Babcock; Pat Angell  
**Subject:** FW: City of Grass Valley-Planning Dept-review & comment on NOP Amendment to the Southern Sphere

Another one

### **Thomas Last | Community Development Director**

City of Grass Valley | Community Development Department | 125 E. Main Street | Grass Valley, CA 95945

Phone: (530) 274-4711 [Email: toml@cityofgrassvalley.com](mailto:toml@cityofgrassvalley.com) | [Web: www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)

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**From:** Sam Longmire <saml@myairdistrict.com>  
**Sent:** Thursday, October 1, 2020 5:22 PM  
**To:** Tom Last <toml@cityofgrassvalley.com>  
**Cc:** Gretchen Bennitt <gretchenb@myairdistrict.com>  
**Subject:** City of Grass Valley-Planning Dept-review & comment on NOP Amendment to the Southern Sphere

The Northern Sierra Air Quality management District (NSAQMD) has reviewed the "City of Grass Valley-Planning Dept-review & comment on NOP Amendment to the Southern Sphere" planning document.

The NSAQMD's main concern with the rezone project is the proposed conversion of a large amount of open space and other land uses to industrial land uses. Industrial-zoned areas frequently involve land uses that emit more air contaminants than open space and other land use designations, and the location is immediately upwind from the City of Grass Valley under prevailing daytime wind patterns. Western Nevada County is federally designated as Nonattainment for ozone, with a Serious classification that is likely to be increased to Severe if ozone concentrations are not reduced quickly. The federally sanctioned monitor is on Litton Drive, on the downwind side of Grass Valley. Therefore, the NSAQMD recommends that alternatives and stipulations be included, or at least evaluated, to minimize the emissions of air contaminants, especially ozone precursors (NOx and VOCs), in the project area. The planning approach of placing land uses that tend to have the greatest air quality impacts on the upwind side of a city has caused long-term problems in many other jurisdictions.

Also, the project should take into account the cumulative impacts of other proposed and approved projects in and around the City of Grass Valley, including the proposed Rise Grass Valley mine at the currently abandoned Idaho-Maryland and New Brunswick mine sites and the Dorsey Marketplace project.

Please contact me with any questions.

Sincerely,

Sam Longmire, APCS