NEVADA COUNTY

CALIFORNIA ENVIRONMENTLA QUALITY ACT FINDINGS OF FACT

AND

STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE IDAHO-MARYLAND MINE – RISE GRASS VALLEY PROJECT

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE IDAHO-MARYLAND MINE RISE GRASS VALLEY PROJECT

The findings and determinations of Nevada County contained herein are based on competent and substantial evidence, both oral and written, contained in the record relating to the Rise Resources Idaho-Maryland Mine Project (the "**Project**") and the Draft and Final Environmental Impact Reports ("**EIR**") prepared for the Project. These findings and determinations constitute the independent findings and determinations by the County of Nevada ("**County**") in all respects and are fully and completely supported by substantial evidence in the record as a whole.

The findings below identify specific pages within the 2021 Draft EIR and the 2022 Final EIR in support of various conclusions reached below, and concurrently the County incorporates by reference and adopts as its own the reasoning set forth in the FEIR and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. The County further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by the County with respect to any particular subject matter of the Project shall be deemed made if it appears in any portion of these findings or any other findings elsewhere in the record.

INTRODUCTION

The County proposes to approve Rise Grass Valley, Inc.'s (the "**Applicant**" or "**Rise Resources**") application for a Rezone, Use Permit, Reclamation and Financial Assurance Cost Estimate, Variance to the Building Height Limits, Various Management Plans, Amendment to the Final Map for BET Acres, and a Boundary Line Adjustment.

In accordance with the California Environmental Quality Act ("**CEQA**") (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the County published the Draft Environmental Impact Report ("**DEIR**") for the Project in January of 2022, which assessed the potential environmental impacts of implementing the Project. The DEIR was circulated for public review and comment for a period of 91 days that began on January 2, 2022, and ended on April 4, 2022.

The County reviewed the comments on the DEIR to identify specific environmental concerns and to determine whether any additional environmental analysis would be required to respond to issues raised in the comments. The County then prepared a Final Environmental Impact Report ("FEIR"), which includes responses to the comments on the DEIR. The FEIR was released for public review and comment for a minimum of 10 days starting on December 16, 2022. (The DEIR and FEIR may be referred to collectively hereafter as the "**EIR**".)

Section 15132 of the CEQA Guidelines requires that a Final EIR consist of:

- The Draft EIR or a revision of the draft;
- Comments and recommendations received on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the lead agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the lead agency.

The County has reviewed the FEIR and has determined that it contains each of the items required by CEQA Guidelines Section 15132. The County certifies that the FEIR has been completed in compliance with CEQA. Following certification of the FEIR, the County will evaluate the action it will take regarding the Project, which could include approving the Project as proposed by the Applicant, approving the Project with modifications, approving an alternative to reflect changes or concerns identified as a result of this CEQA review, or denying the Project or any alternative thereto.

On [INSERT DATE], 2023, the Nevada County Planning Commission ("**Commission**") considered and heard testimony on the Project from the Project proponents, the general public, and County staff. The Commission on [DATE], 2023 voted to certify the EIR and to recommend that the Board of Supervisors approve the Project by the following vote:

AYES:	<insert names>
NOES:	<insert names>
ABSTAIN	<insert names>
ABSENT:	<insert names>

The documents and other materials that constitute the record of the proceedings on which the County's decision is based are located at the County of Nevada, Community Development Agency, 950 Maidu Avenue, Nevada City, California. The custodian for these documents and materials is Matt Kelley; Nevada County Planning Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

PROJECT DESCRIPTION

1. PROJECT LOCATION

The 175.64-acre Project site is located in an unincorporated area of western Nevada County. (DEIR, pp. 3.0-3-1.) The Project includes the Brunswick Industrial Site, the Centennial Industrial Site, and a 0.30-acre portion of East Bennett Road for off-site improvements associated with a potable water pipeline easement. (DEIR, pp. 3.0-3-1.) The project would also involve underground mining within an approximately 2,585- acre mineral rights boundary owned by the applicant. (DEIR, pp. 3.0-3-1.) The potable water pipeline easement would be located along East Bennett Road and would be contained within the existing right-of-way. (DEIR, pp. 3.0-3-1.)

The 119- acre Brunswick Industrial Site (Assessor's Parcel Numbers ["APNs"] 006-441-003, -004, -005, - 034; and 009-630-037, -039) is located southwest of the intersection of East Bennett Road and Brunswick Road and is accessible from Brunswick Road or East Bennett Road. (DEIR, pp. 3.0-3-1; Figure 3-3.) The 56.41-acre Centennial Industrial Site (APNs 009-550-032, -037, -038, -039, -040; and 009- 560-036) is located southwest of the intersection of Idaho Maryland Road and Centennial Drive. (DEIR, pp. 3.0-3-1; Figure 3-4.) The surface components on the Brunswick Industrial Site, Centennial Industrial Site, and East Bennett Road are located in the Nevada County Industrial ("**IND**") land use category. (DEIR, pp. 3.0-3-1; Table 3-1; Figure 3-5; Figure 3-6.) The Centennial Industrial Site and East Bennett Road ROW are defined as Light Industrial (M1); and the Brunswick Industrial Site is defined as Light Industrial, Site Performance Combining District (M1-SP). (DEIR, pp. 3.0-3-1.)

The majority of the Project is located on the Brunswick Industrial Site, which is partially located within the City of Grass Valley's long-term sphere of influence. (DEIR, pp. 3.0-3-1.) The southern portion of the Brunswick Industrial Site is outside of the City's sphere of influence. The Centennial Industrial Site is located within the City's near-term sphere of influence. (DEIR, pp. 3.0-3-1.)

2. PROJECT OBJECTIVES

The Project has the following objectives, broadly described herein and set forth in detail in the EIR (DEIR, p. 3.0-11 – 3.0-12):

1. Construct a commercially viable, financeable, major underground gold mine operation that will produce 1,000 tons per day (365,000 tons per year) of gold mineralization.
2. Locate the project on property that Rise Grass Valley, Inc. owns that provides existing access to the underground workings.

3. Utilize existing underground access points to limit new aboveground and underground surface disturbance.

4. Locate the facilities necessary to support dewatering, mining, and processing on land historically disturbed and zoned for similar industrial type uses.

5. Locate the majority of project facilities within a large property holding to provide buffer areas and minimize the potential for adverse environmental effects on neighboring properties.

6. Provide property owners along East Bennett Road a reliable and clean potable water source from the NID.

7. Provide jobs that provide a fair living wage for educated and skilled workers.

8. Increase the usable land area at the Centennial Industrial Site to allow its future use as industrial land.

9. Increase the usable land area at the Brunswick Industrial Site to allow its future use as industrial land.

10. Minimize impacts to wetlands, vernal pools, and other special-status species habitat located on the Brunswick and Centennial Industrial sites and, to the extent feasible, mitigate any such impacts identified.

3. PROJECT DESCRIPTION

The Project as proposed and evaluated in the EIR consists of the following:

- Rezone Application to Rezone the Parcels located at the Brunswick Industrial Site: The EIR considered environmental impacts associated with the granting of a rezone application to allow the Brunswick Industrial Site to be rezoned from M1-SP to Light Industrial with Mineral Extraction Combining District (M1-ME). (DEIR, p. 3-46.) This would allow for surface mining facilities related to the underground mining operations, pursuant to the Nevada County LUDC, Section L-II 2.7.3. (*Id*.)
- Use Permit for Uses and Facilities over the 80-Year Permit Life:

  The EIR considered environmental impacts associated with the granting of a use permit over the 80-year permit life consistent with the Project in regard to:

  - Operation of pumps and a water treatment facility to dewater the underground mine workings;
  - Construction of a water pipeline to transport treated water to an outfall located in South Fork of Wolf Creek;
  - Construction of the necessary aboveground facilities at the Brunswick Industrial Site (to include but not limited to, headframes and hoists, surface structures, a mineral processing plant) to support underground mining and mineral processing;

- Underground mining, including drilling, blasting, and gold mineralization removal;
- Gold mineralization and rock processing at the Brunswick Industrial Site off-site transport of gold concentrate;
- Transport of engineered fill from the Brunswick Industrial Site and placement at the Centennial Industrial Site;
- Transport of engineered fill from the Brunswick Industrial Site to off-site construction project;
- Placement of engineered fill at the Brunswick Industrial Site; and
- Construction of a potable water pipeline to supply residences along a portion of East Bennet Road.

- Reclamation Plan and Financial Assurance Cost Estimate:

  The EIR considered environmental impacts associated with reclamation of the Project site consistent with the California Surface Mining and Reclamation Act ("SMARA") as set forth in the proposed Reclamation Plan (Appendix C to the DEIR), and the associated Financial Assurance Cost Estimate. The Reclamation Plan would reclaim project-related surface disturbance to a condition suitable for industrial uses as allowed by Nevada County LUDC, Section L-II 2.5 – Industrial Uses, Table L-II 2.5 D – Light Industrial. (DEIR, p. 2-3, 3-42 to 3-46.)

- Variance to the Building Height Limits:

  The EIR considered environmental impacts associated with a height variance to allow the construction of several structures up to a height of 165 feet, where a maximum height of 45 feet is required, pursuant to the Light Industrial Zoning District (Nevada County LUDC, Section L-II 2.5 – Industrial Uses, Table L-II 2.5.E). (DEIR, p. 3-47, 4.1-15 to 4.1-23.) Specifically, the main headframe is designed to be 165-feet tall, which is consistent with modern headframe designs for underground mines. Likewise, the headframe for the service shaft is proposed to be 80-ft tall, and two hoist buildings associated with the mine shafts would be 50-feet tall. The Process Plant building requires a height of 64 feet to accommodate machinery required for mineral processing. Thus, the variance is necessary to implement those activities that are allowed within the Light Industrial (M1) with Mineral Extraction Combining District (M1-ME).

- Management Plans:

  The EIR considered the impacts associated with approval of various management plans as follows:

  Watercourse/Wetlands/Riparian Areas Management Plan for Centennial and Brunswick Sites: These management plans would allow and mitigate for development within the required 100-foot setback from the Riparian Area of a Perennial Watercourse, pursuant to the Nevada County LUDC, Section L-II 4.3.17, at the Brunswick and Centennial Industrial Sites. (DEIR, Appendices F.5 and F.8.)

Centennial Industrial Site Habitat Management Plan for the Pine Hill Flannelbush: This management plan would minimize the direct impact to special-status plant species, pursuant to the Nevada County LUDC, Section L-II 4.3.12, at the Centennial Industrial Site. (DEIR, Appendix F.4.)

Management Plans for Steep Slopes and High Erosion Potential for the Brunswick and Centennial Sites: These management plans allow and mitigate for development within locations of areas of steep slopes that are in excess of 30 percent and high erosion potential at both the Brunswick and Centennial Industrial Sites, pursuant to the Nevada County LUDC, Section L-II 4.3.13. (DEIR, Appendices H.3 and H.5.)

Management Plan for Potential Seismic Hazards: This management plan would allow and mitigate for development within a building setback fault zone at the Brunswick Industrial Site, pursuant to the Nevada County LUDC, Section L-II 4.3.8. (DEIR, Appendix H.2.)

Rise Grass Valley Inc. Floodplain Management Plan for Centennial Industrial Site: This management plan allows limited grading within the County's 100-foot buffer from the Wolf Creek 100-year floodplain boundary, subject to mitigations and conditions that must be complied with to ensure that the operations at the Centennial Industrial Site would not result in adverse effects to the 100-year floodplain associated with Wolf Creek. (DEIR, Appendix K.6.)

Asbestos, Serpentinite, and Ultramafic Rock (ASUR) Management Plan: This management plan will provide for the testing and control of potential release of dust and emissions of Asbestos, Serpentinite, and Ultramafic Rock. (DEIR, Appendix E.2.)

Amendment to the Final Map for Bet Acres recorded in February 1987 in Book 7 of Subdivision Maps at Page 75: This Amendment to the Final Map would remove the "200' Building Setback From Fault", as shown on Sheet 4 of Final Map #85-7. The geotechnical support for removing this setback is provided in Chapter 4.6, Geology, Soils, and Mineral Resources. (DEIR, Figure 3-20, page 2-4.)

Boundary Line Adjustment: This Boundary Line Adjustment to transfer approximately 46.27 acres for three separate parcels (APN: 009-630-039, 006-441-034, 006-441-003) to reconfigure the property lines to resolve an issue of the proposed buildings crossing property lines at the Brunswick Industrial Site. (DEIR, Figure 3-21, page 2-4, 4.9-22.)

- Additional County Entitlements and Approvals: For the Project to be implemented, the following County entitlements and permits would need to be obtained in addition to the above entitlements:

- Road encroachment permits form the Nevada County Public Works Department;
- CUPA permits from the County Environmental Health Department;
- Spill Prevention Control and Countermeasure Plan approval from the County Environmental Health Department;
- Issuance of a Septic System Permit from the County Environmental Health Department;
- Approval of well permits for all required monitoring wells by the County Environmental Health Department;
- County Improvement Plan Review and Approval;
- County issuance of building permits;
- County review and approval of a Construction Exhaust Emissions Minimization Plan;

- State Approvals: For the Project to be implemented, the following State approvals and permits would need to be obtained (DEIR, Table 3-11):
  - General Construction Activity Stormwater Permit; Notice of Intent (40 CFR Part 122) approved by Regional Water Quality Control Board;
  - National Pollutant Discharge Elimination System Permit (33 USC 1251 *et seq*.) approved by Regional Water Quality Control Board;
  - Waste Discharge Permit (Water Code 1300 *et seq*.) approved by Regional Water Quality Control Board;
  - 401 (Water Quality) Certification (Clean Water Act, 33 USC 1251: if the project requires Army Corps of Engineers 404 permit) approved by State Water Resources Control Board Division of Water Rights;
  - General Industrial Activity Stormwater Permit. Notice of Intent (40 CFR Part 122) approved by State Water Resources Control Board Division of Water Rights;
  - Spill Prevention Control and Countermeasures Plan (Health and Safety Code 25270 et seq.; 40 CFR Part 122) approved by State Water Resources Control Board Division of Water Rights;
  - Section 106, National Historic Preservation Act (16 USC 470; 36; CFR 62; 36 CFR 65) approved by State Office of Historic Preservation;

- Lake/Streambed Alteration Agreement approved by California Department of Fish and Wildlife;
- Incidental Take Permit approved by California Department of Fish and Wildlife;
- Annual Permit approved by California Occupational Safety and Health Administration (Cal- OSHA);
- Construction Permit approved by California Occupational Safety and Health Administration (Cal- OSHA);
- Issuance of Authority to Construct and Permits to Operate and approval of an Asbestos Dust Mitigation Plan from the Northern Sierra Air Quality Management District.

- Federal Approvals: For the Project to be implemented, the following Federal approvals and permits would need to be obtained (DEIR, Table 3-11):
  - Individual/Nationwide Section 404 Discharge Permit (Clean Water Act, 33 USC 1341) approved by U.S. Army Corps of Engineers;
  - Biological Assessment, Section 7 Consultation, Biological Opinion (Endangered Species Act, 16 USC 1531-1544) approved by U.S. Fish and Wildlife Service;
  - Section 106, (National Historic Preservation Act, 16, USC 470); Designation Survey, determination of effort approved by Advisory Council on Historic Preservation;
  - Purchase, Storage, or Transportation of Explosives Permit (27 CFR 55) approved by Bureau of Alcohol, Tobacco, and Firearms;
  - Notice of Commencement of Operations approved by Mine Safety and Health Administration;
  - Emergency Fire, Evacuation, and Rescue Plan approved by Mine Safety and Health Administration;
  - Legal Identity Report approved by Mine Safety and Health Administration;
  - Record of Inspection of Self- Propelled Equipment approved by Mine Safety and Health Administration;
  - Record of Testing the Resistance of Electrical Ground System approved by Mine Safety and Health Administration;
  - Miner Training Program approved by Mine Safety and Health Administration;

- MSHA Identification Number approved by Mine Safety and Health Administration.

RECORD OF PROCEEDINGS

In addition to this Statement of Findings, in accordance with Public Resources Code Section 21167.6(e), the record of proceedings for the Project includes, but is not limited to, the following elements:

- All Project application materials;
- All staff reports and related documents prepared by the County regarding its compliance with CEQA and regarding the action on the Project;
- All staff reports and related documents prepared by the County and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the County pursuant to Public Resources Code § 21000 et seq.;
- Any transcript or minutes of the proceedings at which the decision-making body of the County heard testimony on, or considered any environmental document on, the Project, and any transcript or minutes of proceedings before any advisory body to the County that were presented to the decision-making body prior to action on the environmental documents or on the Project;
- All notices issued by the County to comply with CEQA or with any other law governing the processing and approval of the Project;
- All written comments received in response to, or in connection with, environmental documents prepared for the Project, including responses to the notice of preparation;
- All written evidence or correspondence submitted to, or transferred from, the County regarding compliance with CEQA or regarding the Project;
- Any proposed decisions or findings submitted to the decision-making body of the County by its staff, or the Project proponent, Project opponents, or other persons;
- The documentation of the final County decision, including the final environmental impact report, and all documents cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA;
- Any other written materials relevant to the County's compliance with CEQA or to its decision on the merits of the Project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the Project and either made available to the public during

the public review period or included in the County's files on the Project, and all internal agency communications, including staff notes and memoranda related to the Project or to compliance with CEQA;

- The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation;
- Notice of Preparation for the 2021 Draft Environmental Impact Report, and all other public notices issued by the County in conjunction with the Project;
- Draft Environmental Impact Report for the Idaho Maryland Mine Project, December 2021 (State Clearinghouse No. 2020070378);
- Final Environmental Impact Report for the Project, December 2022;
- Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, staff reports, or other documents related to the Project prepared by the County, or consultants to the County, regarding the County's compliance with the requirements of CEQA and regarding the County's action on the Project;
- Economic Impact of the Proposed Idaho-Maryland Mine Project, Robert D. Niehaus, Inc., November 15, 2022;
- Development Agreement by and Between the County of Nevada and Rise Grass Valley, Inc.;
- All documents submitted to the County by other public agencies, by the Applicant or the Applicant's consultants, or members of the public in connection with the Project, up through the close of the public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

FINDINGS REQUIRED UNDER CEQA

These findings have been prepared in accordance with CEQA and the CEQA Guidelines. Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible

such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The principles in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects which require EIRs. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions, pursuant to CEQA Guidelines, Section 15091, that:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The County's findings with respect to the Project's significant effects and mitigation measures are set forth below. The discussion below does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the discussion provides a summary description of each potentially significant impact, describes the applicable mitigation measures identified in the EIR and adopted by the County, and states the County's findings on the significance of each impact after imposition of the adopted mitigation measures. In making these findings, the County ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR and the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

CEQA does not require a lead agency to make individual findings for impacts that are determined to be less than significant without mitigation. (CEQA Guidelines, § 15091(a).) Impacts deemed to be less than significant prior to mitigation are discussed in detail in the EIR. (See FEIR, Section 3 and 4; Table ES-1.)

The County has reviewed the DEIR and the FEIR. The FEIR contains responses to comments received on the DEIR and any text changes to the DEIR and additional clarifying information. The County has also considered the public record on the Project.

A. IMPACTS LESS THAN SIGNIFICANT PRIOR TO MITIGATION

The following impacts were determined to be less than significant prior to mitigation, and thus do not require individual findings under CEQA (CEQA Guidelines, § 15091(a)):

1. Aesthetics

Impact 4.1-1: Substantial adverse effect on a scenic vista. (DEIR, p. 2-10.)

Impact 4.1-3: Creation of substantial light or glare which would adversely affect day or nighttime views in the area. (DEIR, p. 2-12.)

Impact 4.1-5: Creation of substantial light or glare associated with the proposed project in combination with cumulative development. (DEIR, p. 2-12.)

2. **Land Use**

Impact 4.2-1: Conversion of prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. (DEIR, p. 2-12.)

Impact 4.2-2: Conflict with existing zone for agricultural use, or a Williamson Act contract. (DEIR, p. 2-13.)

Impact 4.2-3: Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, or result in the loss of forest land or conversion of forest land to non-forest use. (DEIR, p. 2-13.)

Impact 4.2-4: Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, or result in the cumulative loss of forest land or conversion of forest land to non-forest use. (DEIR, p. 2-13.)

3. **Air Quality and Greenhouse Gas Emissions**

Impact 4.3-3: Result in other emissions adversely affecting a substantial number of people. (DEIR, p. 2-21.)

Impact 4.3-4: Result in the inefficient or wasteful use of energy. (DEIR, p. 2-22.)

Impact 4.3-5: Conflict with a State or local plan for renewable energy or energy efficiency. (DEIR, p. 2-22.)

Impact 4.3-6: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an

applicable federal or state ambient air quality standard. (DEIR, p. 2-22.)

Impact 4.3-8: Conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. (DEIR, p. 2-30.)

Impact 4.3-9: Result in the inefficient or wasteful use of energy or conflict with a State or local plan for renewable energy or energy efficiency. (DEIR, p. 2-30.)

4. **Biological Resources**

Impact 4.4-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. (DEIR, p. 2-58.)

Impact 4.4-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands. (DEIR, p. 2-59.)

5. **Cultural Resources**

Impact 4.5-5: Cause a cumulative loss of historic resources. (DEIR, p. 2-63.)

Impact 4.5-6: Cause a cumulative loss of cultural resources. (DEIR, p. 2-63.)

6. **Geology, Soils and Mineral Resources**

Impact 4.6-5: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (DEIR, p. 2-74.)

Impact 4.6-6: 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 or of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. (DEIR, p. 2-74.)

Impact 4.6-7: Cumulative increase in the potential for geological related impacts and hazards. (DEIR, p. 2-74.)

7. **Hazards and Hazardous Materials**

Impact 4.7-3: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area. (DEIR, p. 2-77.)

Impact 4.7-4: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (DEIR, p. 2-78.)

Impact 4.7-5: Cumulative hazards to the public or the environment related to increases in the transport, storage, and use of hazardous materials. (DEIR, p. 2-78.)

8. **Hydrology and Water Quality**

Impact 4.8-6: Potential project conflict with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan. (DEIR, p. 2-90.)

Impact 4.8-7: Cumulative impacts related to the violation of water quality standards or waste discharge requirements, groundwater quality, management, and recharge, and impacts resulting from the alteration of existing drainage patterns. (DEIR, p. 2-90.)

9. **Land Use and Population and Housing**

Impact 4.9-1: Physically divide an established community. (DEIR, p. 2-90.)

Impact 4.9-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (DEIR, p. 2-90.)

Impact 4.9-3: Induce substantial unplanned population growth in an area, either directly or indirectly. (DEIR, p. 2-91.)

Impact 4.9-4: Cause a significant cumulative environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (DEIR, p. 2-91.)

Impact 4.9-5: Cumulative unplanned population growth. (DEIR, p. 2-91.)

10. **Noise and Vibration**

Impact 4.10-5: Exposure of people residing or working in the project area to excessive noise levels. (DEIR, p. 2-97.)

Impact 4.10-6: Generation of a substantial permanent increase in ambient noise and/or vibration levels associated with the cumulative noise and vibration from all sources of the proposed project. (DEIR, p. 2-98.)

11. **Public Services and Utilities**

Impact 4.11-1: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. (DEIR, p. 2-98.)

Impact 4.11-2: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services. (DEIR, p. 2-98.)

Impact 4.11-3: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or performance objectives for schools. (DEIR, p. 2-99.)

Impact 4.11-4: The Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks services. (DEIR, p. 2-99.)

Impact 4.11-5: The Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public services. (DEIR, p. 2-100.)

Impact 4.11-6: The Project Would Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (DEIR, p. 2-100.)

Impact 4.11-7: The Project Would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. (DEIR, p. 2-100.)

Impact 4.11-8: The Project would result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (DEIR, p. 2-101.)

Impact 4.11-9: The Project would generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, or conflict with federal, State, and local management and reduction statutes and regulations related to solid waste. (DEIR, p. 2-101.)

Impact 4.11-10: The Project would increase in demand for public services associated with the proposed project, in combination with cumulative development. (DEIR, p. 2-101.)

Impact 4.11-11: The Project would increase in demand for utilities and service systems associated with the proposed project, in combination with cumulative development. (DEIR, p. 2-102.)

12. **Transportation**

Impact 4.12-2: The Project would conflict with a program, plan, ordinance or policy addressing study roadway segments under EPAP Plus Project conditions. (DEIR, p. 2-103.)

Impact 4.12-3: The Project would conflict with a program, plan, ordinance or policy addressing intersection queues under the EPAP Plus Project scenario. (DEIR, p. 2-103.)

Impact 4.12-4: The Project would conflict with a program, plan, ordinance or policy addressing transit, bicycle, and pedestrian facilities. (DEIR, p. 2-103.)

Impact 4.12-5: The Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). (DEIR, p. 2-103.)

Impact 4.12-7: The Project would result in inadequate emergency access. (DEIR, p. 2-107.)

Impact 4.12-9: The Project would conflict with a program, plan, ordinance or policy addressing study roadway segments under Cumulative Plus Project Conditions. (DEIR, p. 2-107.)

13. **Wildfire**

Impact 4.13-1: The Project would substantially impair an adopted emergency response plan or emergency evacuation plan. (DEIR, p. 2-108.)

Impact 4.13-3: The Project would require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. (DEIR, p. 2-111.)

Impact 4.13-4: The Project would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (DEIR, p. 2-111.)

Impact 4.13-5: The Project would increase in wildfire risk attributable to the proposed project, in combination with cumulative development. (DEIR, p. 2-111.)

II. IMPACTS POTENTIALLY SIGNIFICANT PRIOR TO MITIGATION

After reviewing the public record, as composed of the aforementioned elements, the County hereby makes the following findings regarding the significant effects of the Project, pursuant to Public Resources Code Section 21081 and Section 15091 of the CEQA Guidelines.

1. AESTHETICS

Impact 4.1-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway; in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

Mitigation Measures:

MM 4.1-2

In conjunction with submittal of Improvement Plans, the applicant shall submit a final Landscape Plan, prepared by a licensed landscape contractor, landscape architect, landscape designer, or horticulturist, for review and approval by the Nevada County Planning Department. The final Landscape Plan shall include the information identified in Nevada County Land Use and Development Code Sec L-II 4.2.7(E), such as:

- all details depicted on the Preliminary plans and any modifications or additions included by conditions of approval;
- location of all required plant materials, evenly dispersed within each required planting area;
- legend listing the type, number, and size of plant materials, indicating both the required number and provided number, of each plant type;
- irrigation plan;
- if existing landscaping, including native vegetation, is to be retained, a note shall be provided on the plan stating that "any existing landscaping or native vegetation shown on the approved plan for retention, that is damaged or removed during construction, shall be repaired or replaced in kind with equivalent size";
- A Note on the Plan, certified by a Licensed Landscape Architect, Landscape Designer or Horticulturist, that trees are located on the Plan so as to cover 40% of the parking area with tree canopies within 15 years, consistent with Section 4.2.7.2.g of the Nevada County LUDC;

- Assurance that the property owner will be responsible for the replacement of landscaping that does not survive or that deteriorates due to neglect;
- All required trees shall be a minimum 15-gallon container size, with the trunk diameter no less than 1.5 inches for canopy trees, and 1-1.5 inches for understory trees, with the following exception: trees planting along project frontages for screening purposes shall include a mix of 15-gallon and 24-gallon trees. Shrubs shall be a minimum 5-gallon container size, and live groundcover plants shall cover bare ground.
- Varied trees and plant materials shall be used throughout the parking lot. No one species shall comprise more than 75% of the plantings within each of the following categories: canopy tree, understory tree and shrubs. Native vegetation shall be included in all required plantings unless confirmed by a licensed Landscape Architect that a native species will not satisfy a specific requirement;
- Planting areas within paved parking lots shall be separated from vehicular areas and street right-of-way by a permanently installed concrete or wooden perimeter curb at least 6" high and meet other requirements in Section 4.2.7.2.g.

Finding: Significant After Mitigation. Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible the mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts and Rationale in Support of Findings: Given the reasonable expectation that the substantial majority of existing trees on the Centennial Industrial Site will be removed independently of the proposed Project through the separate Centennial Clean-Up Project overseen by the Department of Toxic Substance Control, the site is not located within a State Scenic Highway, and the site does not contain any rock outcroppings or historic buildings, the proposed Project would not result in any significant impacts related to substantial damage to trees, rock outcroppings, or historic buildings within a State Scenic Highway. (DEIR, pp. 1-6, 4.1-21.)

The Centennial and Brunswick Industrial Sites are zoned for industrial development and there are existing industrial land uses in the vicinity of the Project sites. Nonetheless, the proposed Project would result in noticeable changes to the existing visual character of the Project sites, as viewed from public vantage points in the project vicinity. Landscape trees would be planted to mitigate impacts at strategic locations to partially screen Project elements when the trees reach maturity, however, the proposed structures and engineered fill pads are substantial in height and vegetation screening would not be sufficient to prevent a substantial degradation in visual character or quality of the sites and their surroundings when viewed from public locations. Several of the proposed structures require a building height Variance, subject to review and approval by the County pursuant to Nevada County LUDC Section L-X 2.29. (DEIR, p. 4.1-22.)

Based on the above considerations, the Project would substantially degrade the existing visual character or quality of public views of the project sites or the site surroundings, or conflict with applicable zoning and other regulations governing scenic quality. Based on the above, a significant impact would occur. (DEIR, p. 4.1-22.) Implementation of mitigation measure 4.1-2 would reduce the above significant impact by requiring more dense plantings along the project frontages to screen project structures to the maximum extent feasible. However, given the proposed heights of the structures and the permanent alteration of the views, the impact would remain significant and unavoidable.

Impact 4.1-4: Long-term changes in visual character associated with the proposed project in combination with cumulative development.

Mitigation Measures: See MM 4.1-2 above.

Finding: Significant After Mitigation. Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible the mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts and Rationale in Support of Findings: While the proposed project in conjunction with a number of the cumulative projects would generally cumulatively affect public views primarily from SR 49 and Brunswick Road, only the 500 Idaho Maryland Road project (which includes construction of two manufacturing buildings), Dorsey Marketplace (which includes construction of a commercial development, multi-family housing, and a clubhouse), and possibly the 130 Crown Point Circle project (which includes construction of a medical office building) would have the potential to affect any of the same viewpoints analyzed for the proposed project. For example, the 500 Idaho Maryland Road and Dorsey Marketplace projects would be visible from SR 49 looking southwest towards the Centennial Industrial Site, which could combine with the effects of the proposed project from Viewpoints 1 and 2. As concluded under Impact 4.1-2, changes to the visual character and quality of the Centennial Industrial Site associated with implementation of the proposed project, as viewed from Viewpoints 1 and 2, would be considered significant. Thus, the combined changes to the visual character and quality associated with the 500 Idaho Maryland Road and Dorsey Marketplace projects, in conjunction with the Centennial Industrial Site, as viewed from Viewpoints 1 and 2 or any other viewshed, would also be significant. (DEIR, p. 4.1-30.)

The cumulative buildout in the geographic area would result in a change in the visual character of the region, which would be considered a significant cumulative impact. As discussed under Impact 4.1-2 above, the proposed project would substantially degrade the character of the Centennial and Brunswick Industrial Sites, though they are zoned for industrial development and there are surrounding industrial land uses in the vicinity of the project sites. Therefore, the project's incremental contribution to the significant cumulative

impact would be cumulatively considerable and significant and unavoidable. (DEIR, p. 4.1-30.)

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Impact 4.3-1: Conflict with or obstruct implementation of the applicable air quality plan.

Mitigation Measures:

4.3-1(a)

Prior to the initiation of construction, the following requirements shall be noted on project improvement plans. Improvements plans shall be submitted to the Nevada County Planning Department for review and approval.

Mitigations for Use During Construction:
The following measures are from the Northern Sierra Air Quality Management District and are based on the significant threshold level of emissions.

For all Significance Level Thresholds (A, B, and C)

a. Alternatives to open burning of vegetative material shall be used unless deemed infeasible by the Northern Sierra Air Quality Management District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
b. Grid power shall be used (as opposed to diesel generators) for job site power needs where feasible during construction.

Additional Measures for Emissions at Level B Thresholds:

c. All controls discussed above (a and b) shall be implemented.
d. Temporary traffic control shall be provided during all phases of the construction to improve traffic flow as deemed appropriate by the local transportation agencies and/or the California Department of Transportation.
e. Construction activities shall be scheduled to direct traffic flow to off-peak hours as much as practicable.

4.3-1(b)

Construction Exhaust Emissions Minimization Plan.

Prior to the initiation of construction, Rise Grass Valley Inc. or its designee shall submit a Construction Exhaust Emissions Minimization Plan to Nevada County or its designated representative for review and approval. The Construction Exhaust Emissions Minimization Plan shall detail project compliance with the following requirements:

- Where access to alternative sources of power and alternative-fueled equipment are available, portable diesel engines shall be prohibited.
- All diesel-powered equipment with engines equal to or greater than 50 horsepower (hp) shall be powered by California Air Resources Board (CARB) certified Tier 4 Final engines. If 50 hp or greater engines that comply with Tier 4 Final emissions standards are not commercially available, then the project applicant shall ensure that all diesel-powered equipment equal to or greater than 25 hp shall have at least CARB-certified Tier 3 engines with the most effective Verified Diesel Emission Control Strategies available for the engine type, such as Level 3 Diesel Particulate Filters (Tier 4 engines automatically meet this requirement).

    a. For purposes of this mitigation measure, "commercially available" shall mean the availability of the Tier 4 Final equipment.
    b. The project applicant shall maintain and submit records to Nevada County concerning its efforts to comply with this requirement.

Finding: Less Than Significant After Mitigation. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant air quality effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Facts and Rationale in Support of Findings: As presented in Table 4.3-17 of the DEIR, emissions of ROG, NOx, and PM10 would be potentially significant under NSAQMD thresholds during construction, operations, and reclamation, and mitigation would be required in order for the project to comply with NSAQMD Criterion 1. Because the project would not comply with Criterion 1 without mitigation, implementation of the project could conflict with the Ozone Attainment Plan, and implementation of the project could create a conflict with or obstruct implementation of the applicable air quality plan related to the region's nonattainment status for ozone and PM10, resulting in a significant impact prior to implementation of mitigation. (DEIR, p. 4.3-73; FEIR, p. 3-47.)

The emission data presented in Table 4.3-17 of the DEIR (i.e., unmitigated emissions) reflect the reductions that would occur without implementation of applicant-proposed measures APM-AQ-1 and APM-AQ-2. Table 4.3-19 of the DEIR shows the estimated maximum daily mitigated emissions associated with construction, operation, and reclamation of the project, accounting for additional emissions reductions associated with

Mitigation Measure 4.3-1(b), which would result in a reduction in construction contractors' equipment exhaust criteria air pollutants during project construction (year 2021). Additional reductions could not be quantified for Mitigation Measure 4.3-1(a), which are the NSAQMD recommended mitigation measures that are applicable to the project. According to the NSAQMD, implementation of recommended mitigation measures for Level A and B thresholds (included as Mitigation Measure 4.3-1[a]) would reduce project impacts to a less-than-significant level during all years of project construction, operations, and reclamation. (DEIR, p. 4.3-73; FEIR, p. 3-47.)

Impact 4.3-2: Expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measures:

4.3-2

Asbestos Dust Mitigation Plan.

Prior to the initiation of any clearing, grading, or construction activities, Rise Grass Valley Inc. shall submit an Asbestos Dust Mitigation Plan (ADMP) to Northern Sierra Air Quality Management District (NSAQMD) for review and approval. The provisions of the ADMP shall be initiated at the beginning of the project (before clearing or grubbing) and maintained for the duration of the project. The Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (Title 17 of the California Code of Regulations [CCR] Section 93105) contains specific requirements for the preparation of an ADMP. Conditions of the ADMP shall include the following:

The provisions of this ADMP shall apply throughout construction, operation, and reclamation activities, except as specified otherwise.

- All visible track-out material (from vehicles leaving the work site) must be removed from all public roads at least once per day using wet sweeping or a HEPA-filter-equipped vacuum device. Sweeping or vacuuming on public roads shall be conducted so as to avoid peak AM and PM traffic hours.
- A gravel pad designed and maintained to effectively clean tires of exiting vehicles, or a wheel wash system, or a minimum of 50 feet of pavement must be placed between the construction area and any public road and must be used by all exiting vehicles (including personal vehicles and delivery trucks) throughout the duration of the project.
- All active storage piles shall be adequately wet or covered with plastic to ensure that no visible dust crosses the property boundary. Potential dust emissions from disturbed surface areas and storage piles that will remain inactive for more than seven days shall be controlled to completely prevent visible dust from crossing the

property boundary by at least one of the following methods (pursuant to [e][4][C] of the ATCM):

a. Keeping the surface adequately wetted;
b. Applying chemical dust suppressants or chemical stabilizers according to the manufacturer's recommendations and all applicable regulations;
c. Covering with tarp(s) or vegetative cover;
d. Installing wind barriers of 50 percent porosity around three sides of all storage piles; and/or
e. Installing wind barriers across open areas and between the project sites and any adjacent occupied residential or business property.

- The maximum vehicle speed on all unpaved parts of the project sites must be clearly posted and must not exceed 15 miles per hour.
- All areas where vehicles drive on the site, at all times when the area is subjected to vehicle or equipment traffic, shall be watered every two hours or kept adequately wetted to prevent visible dust emissions from leaving the property boundary, except where a gravel cover has been established that has a silt content of less than five percent and an asbestos content of less than 0.25 percent and is at least three inches thick.
- For all earthmoving activities, at least one of the following methods of dust control shall be implemented, pursuant to (e)(4)(E) of the ATCM:
  a. Pre-wetting the ground to the depth of anticipated cuts; and/or
  b. Suspending grading operations when visible dust emissions from any aspect of the grading (including tires, fans, and exhaust) cross the property line.
- Trucks used for hauling material off site shall be maintained such that spillage cannot occur from holes or other openings.
- All loads to be hauled off site shall be adequately wetted to prevent visible dust from escaping during transportation, pursuant to (e)(4)(F)2 of the ATCM, and shall either:
  a. be completely covered with tarps; or
  b. have at least six inches of freeboard on the sides of the bed of the vehicle, with no excavated material extending above the edges of the vehicle bed at any point.
- Upon completion of the project, disturbed surface areas shall be stabilized, pursuant to (e)(4)(G) of the ATCM, using one or more of the following methods:
  a. establishment of a vegetative cover;
  b. placement of at least three inches of material having an asbestos content of 0.25 percent asbestos or less as measured using an approved asbestos bulk test method; and/or
  c. paving.
- The NSAQMD's Air Pollution Control Officer may require bulk sampling at any time. If bulk sampling is required, the sampling shall be performed in accordance

with California Air Resources Board Test Method 435. Where Method 435 specifies "serpentine," this shall apply to gravel, decomposed ultramafic rock, and any other material as specified by the Air Pollution Control Officer.

- The NSAQMD's Air Pollution Control Officer may require air monitoring at any time, and may modify the ADMP on the basis of results of the monitoring. If required, provisions of air monitoring shall be determined in coordination with the NSAQMD.
- Before site disturbance (e.g., clearing, grubbing, or grading) begins, the NSAQMD shall be informed by telephone at (530) 274-9360 of the exact day on which site disturbance will commence.

Finding: Less Than Significant After Mitigation. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant ambient air quality effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Facts and Rationale in Support of Findings: Project emissions of air pollutants of concern are analyzed on pages 4.3-78 to 4.3-82 of the DEIR. Table 4.3-20 of the DEIR demonstrates that project-related CO emissions would not exceed the one-hour or eight-hour thresholds, and, as such, the project would not expose sensitive receptors to excess concentrations of CO. Table 4.3-21 of the DEIR demonstrates that emissions of Toxic Air Contaminants (TACs) would not result in health risks to nearby receptors in excess of NSAQMD thresholds. Furthermore, as analyzed on pages 4.3-78 to 4.3-82 of the DEIR, criteria pollutant emissions from project construction, operations, and reclamation would not expose receptors to substantial concentrations of pollutants. Implementation of the ASUR Plan would ensure that underground mining activities and use of project-generated fill would not result in the emission of asbestos containing dust. Nevertheless, an ADMP would be required pursuant to the CARB ATCM for Construction, Grading, Quarrying and Surface Mining Operations. Without implementation of an ADMP, the project could result in a significant impact with respect to exposing receptors to substantial concentrations. (DEIR, p. 4.3-82; FEIR, p. 3-49.)

Implementation of Mitigation Measure 4.3-2 would ensure project consistency with the CARB ATCM for Construction, Grading, Quarrying and Surface Mining Operations by requiring preparation and implementation of an ADMP, even though the ASUR Plan is specifically designed to prohibit significant levels of asbestos from reaching the surface. The following mitigation measure 4.3-2 would ensure that the potential impact would be less-than-significant. (DEIR, p. 4.3-82; FEIR, p. 3-49.)

<u>Impact 4.3-7</u>: Generation of GHG emissions that may have a significant impact on the environment.

Mitigation Measures:

4.3-7(a) Construction GHG Emissions Reductions.

To reduce greenhouse gas (GHG) emissions generated during project construction from construction equipment, the following measures shall be incorporated into the project construction drawings:

a. Properly tune and maintain all construction equipment in accordance with manufacturer's specifications;
b. Where feasible, employ the use of electrical or alternative fueled (i.e., non-diesel) construction equipment, including forklifts, concrete/industrial saws, pumps, aerial lifts, air compressors, and other comparable equipment types to the extent commercially available;
c. To reduce the need for electric generators and other fuel-powered equipment, provide on-site electrical hookups for the use of hand tools such as saws, drills, and compressors used for building construction;
d. Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes;
e. Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products utilized should be certified through a sustainable forestry program; and
f. Minimize the amount of concrete for paved surfaces or utilize a low carbon concrete option.

4.3-7(b) Carbon Offsets – Construction Emissions.

Rise Grass Valley Inc. (Rise) shall retire carbon offsets in a quantity sufficient to offset the project's construction greenhouse gas (GHG) emissions to below the 1,100 metric ton carbon dioxide equivalent (MT CO2e) per year construction threshold, consistent with the performance standards and requirements set forth below. Specifically, prior to Nevada County's (County) issuance of the project's first grading permit, Rise shall retire carbon offsets equaling 2,345 MT CO2e, which was calculated by subtracting 1,100 MT CO2e (threshold) from the construction emissions generated by the project.

Carbon Offset Standards – Eligible Registries, Acceptable Protocols and Defined Terms:

"Carbon offset" shall mean an instrument, credit or other certification verifying the reduction of GHG emissions issued by the Climate Action Reserve, the American Carbon Registry, or Verra (previously, the Verified Carbon Standard). This shall include, but is not limited to, an instrument, credit or other certification issued by these registries for GHG reduction activities within the Nevada County region. The Project shall neither purchase offsets from the Clean Development Mechanism (CDM) registry nor purchase offsets generated under CDM protocols. Qualifying carbon offsets presented for compliance with this mitigation measure may be used provided that the evidence required by the "Reporting and Enforcement Standards" below is submitted to the County demonstrating that each registry shall continue its existing practice of requiring the following for the development and approval of protocols or methodologies:

i. Adherence to established GHG accounting principles set forth in the International Organization for Standardization (ISO) 14064, Part 2 or the World Resources Institute/World Business Council for Sustainable Development (WRI/WBCSD) Greenhouse Gas Protocol for Project Accounting; and

ii. Oversight of the implementation of protocols and methodologies that define the eligibility of carbon offset projects and set forth standards for the estimation, monitoring and verification of GHG reductions achieved from such projects. The protocols and methodologies shall:

a. Be developed by the registries through a transparent public and expert stakeholder review process that affords an opportunity for comment and is informed by science;
b. Incorporate standardized offset crediting parameters that define whether and how much emissions reduction credit a carbon offset project should receive, having identified conservative project baselines and the length of the crediting period and considered potential leakage and quantification uncertainties;
c. Establish data collection and monitoring procedures, mechanisms to ensure permanency in reductions, and additionality and geographic boundary provisions; and,
d. Adhere to the principles set forth in the program manuals of each of the aforementioned registries, as such manuals are updated from time to time.
e. Be approved by the California Air Resources Board and be compliant with 17 CCR § 95972 and AB 32 (the California Global Warming Solutions Act of 2006) to the extent applicable to voluntary offsets.

Further, any carbon offset used to reduce the project's GHG emissions shall be a carbon offset that represents the past or forecasted reduction or sequestration of one MT of CO2e that is "not otherwise required" (CEQA Guidelines Section 15126.4[c][3]). Each carbon offset used to reduce GHG emissions shall achieve additional, real, permanent, quantifiable, verifiable, and enforceable reductions, which are defined for purposes of this mitigation measure as follows:

i. "Additional" means that the carbon offset is not in addition to: (1) any greenhouse gas emission reduction otherwise required by law or regulation; (2) any other GHG emissions reduction that otherwise would occur; and (3) is consistent with Health and Safety Code Section 38562(d)(2);

ii. "Real" means that the GHG reduction underlying the carbon offset results from a demonstrable action or set of actions, and is quantified under the protocol or methodology using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources and sinks within the boundary of the applicable carbon offset project, uncertainty, and the potential for activity-shifting leakage and market-shifting leakage;

iii. "Verifiable" means that the GHG reduction underlying the carbon offset is well documented, transparent and set forth in a document prepared by an independent verification body that is accredited through the American National Standards Institute (ANSI);

iv. "Permanent" means that the GHG reduction underlying the carbon offset is not reversible; or, when GHG reduction may be reversible, that a mechanism is in place to replace any reversed GHG emission reduction;

v. "Quantifiable" means the ability to accurately measure and calculate the GHG reduction relative to a project baseline in a reliable and replicable manner for all GHG emission sources and sinks included within the boundary of the carbon offset project, while accounting for uncertainty and leakage; and

vi. "Enforceable" means that the implementation of the GHG reduction activity must represent the legally binding commitment of the offset project developer to undertake and carry it out.

The protocols and methodologies of the Climate Action Reserve, the American Carbon Registry, and Verra establish and require carbon offset projects to comply with standards designed to achieve additional, real, permanent, quantifiable, verifiable and enforceable reductions. Additionally, the "Reporting and Enforcement Standards" below ensure that the emissions reductions required by this mitigation measure are enforceable against Rise,

as the County has authority to hold Rise accountable and to take appropriate corrective action if the County determines that any carbon offsets do not comply with the requirements set forth in this mitigation measure.

The above definitions are provided as criteria and performance standards associated with the use of carbon offsets. Such criteria and performance standards are intended only to further construe the standards under CEQA for mitigation related to GHG emissions (see, e.g., State CEQA Guidelines Section 15126.4(a), (c)), and are not intended to apply or incorporate the requirements of any other statutory or regulatory scheme not applicable to the project (e.g., the Cap-and-Trade Program).

Additionally, the County shall require that all carbon offsets purchased by the Project applicant shall originate from inside the state of California.

Reporting and Enforcement Standards:
Prior to issuance of requested grading permits, Rise shall submit a report to the County that identifies the quantity of emission reductions required by this mitigation measure, as well as the carbon offsets to be retired to achieve compliance with this measure. For purposes of demonstrating that each offset is additional, real, permanent, quantifiable, verifiable and enforceable, the report shall include: (i) the applicable protocol(s) and methodologies associated with the carbon offsets, (ii) the third-party verification report(s) and statement(s) affiliated with the carbon offset projects, (iii) the unique serial numbers assigned by the registry(ies) to the carbon offsets to be retired, which serves as evidence that the registry has determined the carbon offset project to have been implemented in accordance with the applicable protocol or methodology and ensures that the offsets cannot be further used in any manner, and information sufficient for the County to verify that the purchased offsets meet the requirements identified within this mitigation.

To ensure consistent and effective enforcement of this mitigation measure and to assist the County with its review of the report described above, an implementation process timeline and associated flow chart for the implementation and administration of this mitigation measure's requirements has been prepared and is attached as Appendix F to the FEIR.

If the County determines that the project's carbon offsets do meet the requirements of this mitigation measure, the offsets can be used to reduce project GHG emissions and project permits shall be issued. If the County determines that the project's carbon offsets do not meet the requirements of this mitigation measure, the offsets cannot be used to reduce project GHG emissions and project permits shall not be issued. Additionally, the County may issue a notice of non-consistency and cease permitting activities in the event that the County determines the carbon offsets provided to reduce project GHG emissions are not compliant with the aforementioned standards. In the event of such an occurrence, project

permitting activities shall not resume until Rise has demonstrated that the previously provided carbon offsets are compliant with the standards herein or have provided substitute carbon offsets achieving the standards of this mitigation measure in the quantity needed to achieve the required emission reduction. In the event that the project is out of compliance with this Mitigation Measure and fails to demonstrate compliance after receiving notice of said violation, the County shall have authority to impose administrative penalties, take legal action to force compliance, or to start proceedings to suspend or revoke the Project's permits.

Finding: Less Than Significant After Mitigation. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant ambient air quality effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Facts and Rationale in Support of Findings: Implementation of the project would contribute to increases of GHG emissions that are associated with global climate change during construction, operation, and reclamation. Construction of the project would result in GHG emissions primarily associated with use of off-road construction equipment, on-road hauling and vendor (material delivery) trucks, worker vehicles, and emergency generator testing and maintenance. Additionally, GHG emissions would be associated with PG&E-supplied electricity for the underground mine equipment, water treatment, and raise boring. Sources of GHG emissions generated during project operations would include off-road equipment, onroad vehicles, emergency generator testing and maintenance, underground blasting, electricity use associated with facility consumption, NID conveyance of water to residences along the potable water line, septic field treatment of wastewater, solid waste, and carbon emissions associated with tree removal. Emissions from reclamation activities would be associated with the use of off-road vehicles as well as employee commutes. (DEIR, p. 4.3-92.)

As shown in Table 4.3-23 of the DEIR, the project would not exceed the applicable threshold of 10,000 MT CO2e per year during operations and reclamation. However, the project would exceed the applicable 1,100 MT CO2e per year threshold during construction. As such the proposed project would not be considered to generate GHG emissions that would have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during operations and reclamation. However, project construction would have the potential to generate GHG emissions that could have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and the project's incremental contribution of GHG emissions would be cumulatively considerable before mitigation. (DEIR, p. 4.3-94.)

Implementation of mitigation measures 4.3-7(a) and 4.3-7(b) would ensure that construction related emissions would be reduced sufficiently to ensure that the project's incremental contribution of GHG emissions would be less than cumulatively considerable. (DEIR, p. 4.3-94; FEIR, p. 3-50 to 3.53.)

3. BIOLOGICAL RESOURCES

Impact 4.4-1: Have a substantial adverse effect to special-status plant species either directly or through habitat modifications.

Mitigation Measures:

4.4-1(a) Pine Hill Flannelbush

i. Prior to issuance of grading permits for the Centennial Industrial Site, the project applicant shall obtain an Incidental Take Permit (ITP) from CDFW for Project-related impacts to the Pine Hill Flannelbush. During the consultation process with CDFW, the Centennial Pine Hill Flannelbush Habitat Management Plan (Matuzak 2021) (HMP) shall be revised if required by CDFW, and must be approved by CDFW prior to implementation. This HMP shall include habitat enhancement and conservation easement requirements. If the USFWS determines that the plants within the Study Area are the federally endangered Pine Hill flannelbush prior to project implementation, then a USFWS Biological Opinion must also be secured, and the USFWS would also need to approve the HMP prior to implementation. Note that the measures outlined below are minimum measures, and additional measures may be required by CDFW to be included in the HMP during consultation.

Prior to issuance of grading permits for the Centennial Industrial Site, implement project-specific mitigation measures 1-3 outlined below consistent with the County and CDFW approved HMP, as well as the Habitat Enhancement and Conservation Easement. Project-specific mitigation measures generally include protective measures for the Pine Hill flannelbush within the on-site avoidance area. For project actions that will directly impact the Pine Hill flannelbush, measure 4 (monitoring) shall occur on an ongoing basis, and measure 5 depends upon the results of monitoring, and thus, measures 4 and 5 are not required prior to issuance of grading permits).

1. Seed Collection;

Collect seed for seed banking and for future replacement and recovery efforts pursuant to the requirements of Section 6.2 of the HMP.

2. Develop Transplantation Plan and Monitoring Plan;

The Transplantation and Monitoring Plan shall be developed in consultation with USFWS and CDFW, and shall, at a minimum, address location(s) for dormant season relocation, site selection for transplanting, and metrics of successful establishment (i.e., Section 6 of the HMP).

3. Transplanting;

Transplant the individuals of Pine Hill flannelbush that fall within the disturbance footprint to another site with similar soil, hydrologic, vegetation type and aspect. The transplantation site(s) selected shall extend the known population spatially, in other words, planting beyond the known perimeters of the existing population is preferable to maintain population coverage. Transplanting shall occur in the season deemed to have the greatest potential for success, generally the fall, after rains have commenced.

4. Transplant Monitoring; and

Transplants shall be monitored every month for the first six months, then subsequently, every two months for the first two years. After monitoring identifies successful establishment and flowering for the second season for each of the transplants, transplanting will have been deemed successful.

5. Alternative Measures to Transplantation and Seed Collection (if required pursuant to the criteria in the HMP)

If Steps 1-4 of the HMP are not successful in maintaining the Pine Hill flannelbush population numbers, then the following measures shall be taken:

- Individuals shall be grown from seed and transplanted out in a 100:1 ratio for those taken.
- Transplants of individuals grown from seed shall be planted with similar soil, hydrologic, vegetation type and aspect.
- Transplanting shall occur in the season deemed to have the greatest potential for success, generally the fall, after rains have commenced.
- Transplants shall be monitored every month for the first six months, then subsequently, every two months for the first two years.

ii. Habitat Enhancement: Prior to issuance of grading permits, pursuant to the HMP, the applicant shall enhance Pine Hill flannelbush habitat outside the disturbance footprint, which could include removal of invasive plants and conducting a pilot study by collaborating with CAL FIRE or other research facility to conduct prescribed fire in areas to enhance natural germination and recruitment, as Pine Hill flannelbush need fire for successful germination, and root sprouts.

iii. Conservation Easement: Prior to issuance of grading permits, the applicant shall record a Conservation Easement for the on-site Pine Hill flannelbush avoidance area or use a similar land protection mechanism that runs with the land in perpetuity, to protect the Pine Hill flannelbush plants within the avoidance area. The management guidelines for the Conservation Easement or similar mechanism shall require that the habitat be managed for the Pine Hill flannelbush and its associated habitat. Th applicant shall also record a Conservation Easement or use a similar land protection mechanism for any offsite areas not owned by the applicant where the transplants are to be located.

4.4-1(b) Other Special-Status Plant Species

Prior to issuance of grading permits for the Centennial Industrial Site and Brunswick Area (i.e., Brunswick Industrial Site and East Bennett Road ROW), focused plant surveys shall be performed according to CDFW and CNPS protocol (e.g., "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities", CDFW 2018), as generally described below. If special-status plant species (i.e., federal and/or state endangered, threatened, or proposed candidates for listing; CRPR Lists 1 or 2) are not found during appropriately timed focused surveys, then further mitigation is not necessary. The results of the surveys shall be submitted to the Nevada County Planning Department.

Prior to Improvement Plan approval for each phase of the project, focused surveys shall be performed by a qualified botanist during the appropriate early blooming period (April to May) for those special-status plant species identified in the Biological Resources Assessments as potential occurring within the Centennial Industrial Site and/or Brunswick Area. Furthermore, should additional plants having the potential to occur within these areas be given special status in the future, the qualified botanist shall also determine the presence/absence of such species. The survey(s) shall be conducted on-site as well as in any off-site improvement areas, as applicable for each phase, during the early identification periods (bloom periods) for all potentially occurring special-status plant species. If the special-status plant species are not found to be present during the focused survey(s), then no further action is required. The results of the focused surveys shall be submitted to the Nevada County Planning Department. If any special-status plant species are found, and

they are located in an area where impacts are proposed, then the special status plants shall be completely avoided until a Habitat Management Plan (HMP) is developed and approved by the Nevada County Planning Department. If the plant is listed on the federal or state Endangered Species lists or is state listed as rare, then development of this plan shall be conducted in consultation with USFWS and/or CDFW, respectively, and a BO and/or an ITP shall be obtained prior to impacts. The HMP shall include the avoidance, minimization, and mitigation measures outlined below as part of compliance with the Nevada County Land Use and Development Code, Section L-II 4.3.12.

Note that transplantation and monitoring specifics are examples only, and final details will be developed based on the species to be impacted, if any. At a minimum, the HMP shall include the following protective measures for special-status plant species with the potential to be impacted by the proposed disturbance:

- a map of the location of special-status species that may be disturbed or need to be protected;
- location of environmental protection fencing to be placed around the individual plants to be protected;
- identification of the location of protected plants on design and construction drawings;
- environmental awareness training for all personnel working on the project during initial site disturbance to discuss the location of the protected plants and the measures to be taken to avoid impacts to them; and
- a qualified biologist shall be onsite during all vegetation and ground disturbing activities that are within the vicinity of special-status plants and weekly monitoring of the protective fencing along fencing along the buffer zone.

Where individuals would be potentially affected directly by site disturbance and transplantation of individual plants is required to minimize and mitigate for impacts to such species, the following shall be integrated into the HMP:

- remove bulbs of individual plants to be directly impacted during the dormant season;
- relocate the bulbs to a site with similar soil, hydrologic, vegetation type and aspect as the portion of the project site where the plants are found; and
- identify the location(s) for dormant season relocation and site selection for transplantation.

The HMP would also include a requirement to meet the following criteria:

- metrics of successful establishment, which would include a minimum of 80 percent survival of the transplants after two years of transplanting the species.

If the 80 percent survival is not established after two years, transplants of individuals grown from seed shall be planted at a location with similar soil, hydrologic, vegetation type and aspect as the portion of the site where they are found. Transplantation shall occur in the season deemed to have the greatest potential for success, generally the fall, after rains have commenced. Transplants shall be monitored every month for the first six months, then every two months for a minimum of two years. After two summer seasons of monitoring identifies successful establishment of 50 percent of the initial transplants, transplant seedlings will be deemed successful.

Finding: Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: For the Centennial Site, special-status plant surveys were initially conducted in December 2018 and early January 2019, which is outside the blooming period for most special-status plant species with potential to occur within the Centennial Industrial Site. The blooming period for special-status plant species within the Centennial Industrial Site range between March and October. The Pine Hill flannelbush, a federally endangered and California Rare Plant was ostensibly identified based on the perennial nature of the plant and from the identification of dried flowers from earlier in 2018. The proposed placement of engineered fill at the Centennial Site would impact 18 Pine Hill flannelbush plants directly by requiring their removal as part of the Idaho-Maryland Mine Project. The remaining 42 individual Pine Hill flannelbush plants are located outside of the proposed engineered fill areas and therefore, they would not be directly impacted by the Idaho-Maryland Mine Project. However, four individual Pine Hill flannelbush plants would be located within 30 feet of the edge of the engineered fill material and could be subject to indirect effects from changes in topography, runoff, etc. that could occur as an edge effect on those individual plants. The four individual plants are located approximately 27, 26, 28, and 29 feet from the edge of the proposed engineered fill. Therefore, it is estimated that 18 individual Pine Hill flannelbush plants would be directly impacted, and potentially four additional Pine Hill flannelbush plants could be indirectly impacted by the Idaho-Maryland Mine Project. (DEIR, pp. 4.4-57 to 4.4-60.) Mitigation measure 4.4-1(a) would require seed collection for seedbanking and future replacement and recovery efforts, as well as transplant of individual Pine Hill flannelbush plants that fall within the disturbance footprint to another site with similar soil, hydrologic, vegetation type, and aspect. These measures would ameliorate harm to the effected Pine Hill flannelbush population, as well as potentially expand the population beyond the known perimeters of the existing population. (DEIR, 4.4-64 to 4.4-66.)

For the Brunswick site, special-status plant surveys were conducted in December 2018 and early January 2019, as well as July and August 2019, which is in the blooming period for most special status plant species with potential to occur within the Brunswick Area. The blooming period for special-status plant species within the Brunswick Area range between March and October. Special-status plants were not documented within the Brunswick Area during the site visits and surveys. However, as shown on Table 4.4-8, which identifies the acreage impacts to vegetation communities within the Brunswick Area, those vegetation communities have been identified to contain suitable habitat for special-status plant species. Therefore, proposed disturbance within those vegetation communities mapped within the Brunswick Area could impact special-status plant species if present during such disturbance. (DEIR pp. 4.4-61 to 4.4-63.)

An estimated 18 individual Pine Hill flannelbush plants would be impacted by proposed engineered fill placement at the Centennial Industrial Site. In addition, suitable habitat for other potentially occurring special-status plant species would be impacted at both the Centennial Industrial Site and Brunswick Area. Therefore, the proposed project would have a significant impact to special-status plant species either directly (e.g., threaten to eliminate a plant community) or through substantial habitat modifications. Implementation of mitigation measure 4.4-1(a) would reduce the potential impact to Pine Hill flannelbush to a less-than-significant level. Additionally, given the presence of and potential impacts to a FESA listed special-status plant species within the Centennial Industrial Site, the USFWS will develop a Biological Opinion (BO) if the Idaho-Maryland Mine Project is covered under a Section 7 FESA consultation, or if the Idaho-Maryland Mine Project is covered under a Section 10 FESA consultation, a HCP for the Pine Hill flannelbush would most likely be required. The BO or HCP covering impacts to this FESA listed species within the Centennial Industrial Site may contain additional requirements related to avoidance and minimization measures. Notwithstanding potential additional requirements that may be imposed by the USFWS under BO or HCP, Mitigation Measure 4.4-1(a) is considered sufficient to mitigate the project impact to Pine Hill flannelbush for the purposes of the County's CEQA review. Implementation of mitigation measure 4.4-1(b) would reduce the potential project impacts to other special-status plants to a less-than-significant level. (DEIR p. 4.4-66; FEIR pp. 3-60 to 3-63.)

<u>Impact 4.4-2</u>: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status wildlife species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Mitigation Measures:

4.4-2(a) Foothill Yellow-Legged Frog

Pre-construction Survey and Avoidance and Minimization Measures. A pre-construction survey shall be conducted by a qualified biologist following CDFW recommended Visual Encounter Survey (VES) methods no more than fourteen (14) days prior to disturbance within and directly adjacent to (i.e., riparian zone) the South Fork Wolf Creek and Wolf Creek. If the pre-construction survey does not detect foothill yellow-legged frog, a letter report documenting the results of the survey shall be provided to the Nevada County Planning Department, and additional measures are not required.

If this species is documented during pre-construction VES method surveys (egg masses, juveniles, or adults), disturbance to the stream and species shall be completely avoided given the species is listed as Threatened under CESA. If the species is documented during the pre-construction VES surveys, CDFW shall be contacted immediately. An Incidental Take Permit (ITP) may be required from CDFW as part of the development of conservation measures to ensure avoidance and minimization of potential impacts to any frogs identified within South Fork Wolf Creek and/or Wolf Creek. The ITP may allow a CDFW qualified wildlife biologist with a CDFW handling permit for the species to move individuals out of the disturbance areas to avoid impacting this species and/or other potential conservation measures to avoid and minimize impacts to the species.

Watercourse/Wetlands/Riparian Areas Management Plans. The applicant shall implement the mitigation measures identified in the Aquatic Resources Management Plans for the Centennial Industrial Site and Brunswick Area, pursuant to Mitigation Measure 4.4-3, which include measures designed to protect aquatic resources and the biological resources they support. Such measures generally include, but are not limited to, mitigation for encroachment into non-disturbance buffers, restoration of impacted areas within stream zones, implementation of Best Management Practices (BMPs) during construction, and post construction erosion control.

4.4-2(b) Western Pond Turtle

Pre-construction Survey and Avoidance and Minimization Measures. A pre-construction survey shall be conducted by a qualified biologist no more than seven (7) days prior to the proposed disturbance within 325 feet of perennial water sources at both the Centennial and Brunswick Industrial Sites. The survey(s) shall include a search of these suitable habitat areas for western pond turtle nests and mature adults. If the pre-construction survey does not detect western pond turtle, a letter report documenting

the results of the survey shall be provided to the Nevada County Planning Department, and additional measures are not required. If a western pond turtle is found, it should be allowed to move out of the way of the disturbance zone on its own or a qualified wildlife biologist with a CDFW handling permit for the species can move individuals out of the disturbance areas to avoid impacting this species. Work in the area shall cease and
fencing or other protective measures shall be employed to excluded and prevent access to the area until the identified turtle has cleared the area.

4.4-2(c) California Red-Legged Frog

Pre-construction Survey and Avoidance and Minimization Measures. A qualified wildlife biologist approved by USFWS shall conduct preconstruction surveys within areas of suitable habitat on both the Centennial and Brunswick Industrial Sites in accordance with The Revised Guidance on Site Assessment and Field Surveys for the California Redlegged Frog (USFWS Guidance, August 2005) to avoid disturbance and take of the species. This Guidance recommends a total of up to eight (8) surveys to determine the presence of CRLF at or near a project site. If the protocol surveys do not detect CRLF, a letter report documenting the results of the survey shall be provided to the Nevada County Planning Department, and additional measures are not required.

If CRLF are identified during the pre-construction surveys, coordination and consultations with the USFWS shall be required through a FESA Section 7 or Section 10 process. As part of the consultation process, specific avoidance, minimization, and mitigation measures shall be required to be implemented, which could include, but may not be limited to the following: additional pre-construction surveys and daily monitoring to ensure that the proposed site disturbance will not disturb individual CRLF, environmental awareness training to contractors working within or adjacent to CRLF
habitat, and exclusionary fencing installation between CRLF aquatic habitat and disturbance areas.

Additionally, a Habitat Management Plan (HMP) shall be required for any state or federally listed special-status wildlife species if documented within the Centennial or Brunswick Industrial Sites. The HMP would be developed for the special-status species as part of compliance with the Nevada County Land Use and Development Code, Section L-II 4.3.12 and it would include the avoidance, minimization, and mitigation measures outlined above and as part of any coordination or consultation with the USFWS compliance with the Nevada County Land Use and Development Code, Section L-II 4.3.12.

Watercourse/Wetlands/Riparian Areas Management Plans. The applicant shall implement the mitigation measures identified in the Aquatic Resources Management Plans for the Centennial and Brunswick Industrial Sites, pursuant to Mitigation Measure 4.4-3, which

include measures designed to protect aquatic resources and the biological resources they support. Such measures generally include, but are not limited to, mitigation for encroachment into non-disturbance buffers, restoration of impacted areas within stream zones, implementation of BMPs during construction, and post construction erosion control.

4.4-2(d) California Black Rail

Pre-construction Survey and Avoidance and Minimization Measures. Preconstruction surveys for California black rail shall be conducted by a qualified biologist prior to the implementation of any ground disturbance within or directly adjacent to any perennial marsh and wet meadow habitat within the Centennial and Brunswick Industrial Sites. The pre-construction surveys for this species shall occur no more than fourteen (14) days prior to any such disturbance within or directly adjacent to the species habitat. The pre-construction surveys shall include conducting call back/response surveys. This species is most active between two hours before and three hours after sunrise; therefore, surveys shall start at sunrise and continue no later than 0930. If evening surveys are to be conducted, they shall be paired with a morning survey, and all sites shall have surveys conducted at both time periods. The preferred method for conducting surveys via the call-back/response protocol of Evens et al (1991). If the pre-construction survey does not detect evidence of California black rail, a letter report documenting the results of the survey shall be provided to the Nevada County Planning Department, and additional measures are not required. If a positive call back is identified during the surveys, then the species is assumed to be present and the area shall be avoided from disturbance in order to avoid impacts to individuals of the species, if feasible.

Given the species is a CESA listed species, coordination with CDFW shall occur if a positive response to the call-back/response surveys occurs and if any proposed disturbance may impact the species. Any area containing this species would likely need to be avoided in order to avoid impacts to and take of this species, if feasible, or additional mitigation measures would be required in coordination with CDFW to minimize and avoid impacts to such species. Additional avoidance measures could include, but may not be limited to the following: environmental awareness training, daily construction monitoring by a CDFW qualified biologist when disturbance related activities occur within or directly adjacent to the species habitat, and exclusionary fencing installation between the species habitat and the proposed disturbance areas. Areas where no positive response to the call-back/response surveys are assumed to not contain individuals of the species and therefore, disturbance in those areas would have no impact on this species.

Watercourse/Wetlands/Riparian Areas Management Plans. The applicant shall implement the mitigation measures identified in the Aquatic Resources Management Plans for the Centennial and Brunswick Industrial Sites, pursuant to Mitigation Measure 4.4-3, which

include measures designed to protect aquatic resources and the biological resources they support. Such measures generally include, but are not limited to, mitigation for encroachment into non-disturbance buffers, restoration of impacted areas within stream zones, implementation of BMPs during construction, and post construction erosion control.

4.4-2(e) Coast Horned Lizard

Pre-construction Survey and Avoidance and Minimization Measures. A pre-construction survey shall be conducted by a qualified biologist no more than seven (7) days prior to disturbance within the areas of the Centennial and Brunswick Industrial Sites that contain disturbed or developed surfaces and annual grassland vegetation community. If the preconstruction survey does not show evidence of coast horned lizard, a letter report documenting the results of the survey shall be provided to the Nevada County Planning Department, and additional measures are not required.

If the species is documented during pre-construction survey(s), a qualified wildlife biologist (approved by CDFW) shall move individual coast horned lizards outside of the proposed disturbance area(s) in order to avoid an impact to this species. The qualified biologist shall have all required permits before commencing species specific surveys. Once the coast horned lizard(s) have been removed from the disturbance area(s) and out of harm's way, the proposed work would no longer pose a risk to individuals of the species.

4.4-2(f) Special-Status Bats

Pre-construction Survey and Avoidance and Minimization Measures. A pre-construction bat roosting survey shall be conducted by a qualified biologist no more than seven (7) days prior to disturbance of any structures or riparian and forested woodlands within the Centennial Industrial Site and Brunswick Area to identify the presence or absence of roosting bats. If the pre-construction survey does not show evidence of roosting bats, a letter report documenting the results of the survey shall be provided to the Nevada County Planning Department, and additional measures are not required.

If any Townsend's big-eared bats (or any other species of bat, including the hoary and pallid bat) are identified during roosting surveys, passive removal of the roosting bats prior to disturbance to structures and riparian and forested woodlands shall be implemented to avoid impacts to this species. Passive removal includes allowing roosting bats to freely leave the roost site (riparian and forested woodlands and any structure). Once the roosting bats have been passively removed from the structure(s) and riparian and forested woodlands, the structure(s) would be closed off from recurring bat roosting within the structure(s) and the proposed work within the structure(s) would no longer pose a risk to individuals of the species. For riparian and forested woodlands containing bat roosts, the

removal of trees associated with such woodlands would only occur once the bats leave the day roosts. Furthermore, if a maternal (breeding) roost is documented, no disturbance shall occur until a qualified bat biologist has determined the young bats are no longer roosting and the breeding roost has dispersed from the structure or riparian and forested woodlands they are found in.

4.4-2(g) Nesting Birds

Pre-construction Survey and Avoidance and Minimization Measures. Prior to initiation of ground-disturbing activities for any phase of project construction, if construction is expected to occur during the raptor nesting season (February 1 to August 31), a qualified biologist shall conduct a preconstruction survey prior to vegetation removal, including one daytime survey and one nighttime survey targeted at a California spotted owl, consistent with the USFWS (1992) California spotted owl survey protocol. The pre-construction survey shall be conducted within 7 days prior to commencement of ground-disturbing activities. The survey shall be conducted within all areas of proposed disturbance and all accessible areas within 250 feet of proposed disturbance. If the pre-construction survey does not show evidence of active nests, a letter report documenting the results of the survey shall be provided to the Nevada County Planning Department, and additional measures are not required. If construction does not commence within 7 days of the pre-construction survey, or halts for more than 14 days, an additional pre-construction survey shall be required. Removal of any trees within the Brunswick Area would occur between September 1st and January 31st to ensure that no nesting birds, raptors, or owls would be impacted by the proposed IMM project.

If any active nests are located within the proposed disturbance area, including active nests within riparian habitat for the yellow-breasted chat, willow flycatcher, yellow warbler, and olive-sided flycatcher, an appropriate buffer zone shall be established around the nests, as determined by the project biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone until the end of breeding season or the young have successfully fledged. Buffer zones are typically 100 feet for migratory bird nests and 500 feet for raptor nests. If active nests are found within the disturbance footprint, a qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. Guidance from CDFW shall be required if establishing the typical buffer zone is impractical and/or the willow flycatcher, a State listed species, is documented nesting during the pre-construction surveys for nesting birds. Additionally, an ITP could be required by CDFW if complete avoidance of willow flycatcher is not feasible. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. The

exclusionary buffer shall remain in place until the young have fledged or as otherwise determined by a qualified biologist.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: Both the Centennial Industrial Site and the Brunswick Area contain aquatic and other natural habitats that could support a variety of special-status wildlife species. The proposed project would result in disturbance to natural habitats as a result of activities, such as grading, placement of engineered fill, installation of outfalls (South Fork Wolf Creek), etc. As discussed above, for the Centennial Industrial Site, western pond turtle and CRLF would only be expected to occur within the large wetlands in the eastern portion of the property. The wetlands within the eastern section of the Centennial Industrial Site are anticipated to be removed during remediation activities under DTSC oversight, and thus, DTSC would require mitigation measures protective of western pond turtle and CRLF. In the event that the final RAP approved by DTSC includes modified disturbance limits, such that a portion of the easterly wetlands remain on-site, the proposed placement of engineered fill associated with the mining operations could have an adverse effect on western pond turtle and CRLF if present during fill activities at the Centennial Industrial Site. Thus, mitigation for western pond turtle and CRLF has been included for both the Centennial Industrial Site and Brunswick Area to cover all potential outcomes. (DEIR, p. 4.4-75.) For example, mitigation measures 4.4-2(b) and 4.4-2(c) require pre-construction surveys of both the western pond turtle and CRLF by a qualified wildlife biologist, and consultation with the USFWS to determine further mitigation measures to be taken if the species are found. (DEIR, pp. 4.4-76 to 4.4-77.)

Development of the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on wildlife species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. This is considered a significant impact prior to implementation of mitigation. (DEIR, p. 4.4-75; FEIR pp. 3-64 to 3-68.) Implementation of the following mitigation measures would reduce the above potential impacts to a less-than-significant level. Along with the western pond turtle and CRLF, the Foothill Yellow-Legged Frog and the California Black Rail would be protected by mitigation measures 4.4-2(a) to 4.4-2(d), which require implementation of measures identified in the Aquatic Resources Management Plans for the Centennial and Brunswick Industrial Sites. The measures include mitigation for encroachment into non-disturbance buffers, restoration of impacted areas within stream zones, and post-construction erosion control. (DEIR pp. 4.4-75 to 4.4-79.) The Foothill Yellow-Legged Frog and the California Black Rail will also be protected

by avoidance of disturbance if the species is documented by pre-construction surveys given both species are listed under CESA. (DEIR pp. 4.4-76, 4.4-78.)

Impact 4.4-3: Have a substantial adverse effect on riparian habitat or other sensitive natural community, or State or Federally protected wetlands through direct removal, filling, hydrological interruption, or other means.

Mitigation Measures

4.4-3(a)

4.4-3(a) Prior to initiation of ground-disturbing activities, the applicant shall provide a US Army Corps of Engineers (Corps) verification letter to the Nevada County Planning Department, indicating Corps' concurrence with the total acreage of jurisdictional waters that would be impacted within the Centennial Industrial Site and Brunswick Area as a result of the proposed project.

4.4-3(b)

The applicant shall implement the Watercourse/Wetlands/Riparian Areas Management Plans prepared for the Centennial Industrial Site and Brunswick Area, as approved in their final form by Nevada County. Specifically, the applicant shall implement the mitigation measures and conditions identified in the Management Plans, which include measures designed to protect aquatic resources and the biological resources they support. Such measures generally include, but are not limited to, the following and shall be implemented in accordance with their specified timing (e.g., either prior to, during, or after ground disturbance activities within non-disturbance buffers):

- Encroachment into the Non-Disturbance Buffers
    - Limit construction to periods of extended dry weather and the dry summer season, if feasible;
    - Establishing the areas around active stream channels and wetlands as Environmentally Sensitive Area where those areas will not be impacted by construction or thereafter;
    - No fill or dredge material will enter or be removed from any wetlands or streams except for those identified in Table 4.0 and Table 5.0 in the Management Plans during construction and thereafter;
    - Use appropriate machinery and equipment to limit disturbance within and directly adjacent to these areas;
    - Placement of soil erosion control devices (such as wattles, hay bales, etc.) between the protected aquatic resources (wetlands and streams) and the

areas to be graded and disturbed to limit potential runoff and sedimentation into such protected resources;

- Dewatering of any streams that will be required to occur as part of the proposed disturbance within the Brunswick Area must include a Water Diversion Plan and be approved by CDFW prior to the implementation of such dewatering activities; and Implement Best Management Practices during and following construction.

- Restoration of Areas Adjacent to Impacted Streams

  Centennial Industrial Site

  - Placement of rock and rip rap along the embankment of Wolf Creek should be avoided given the proposed Centennial Site Idaho-Maryland Mine Project will not encroach into Wolf Creek;
  - Some rock and rip rap can be placed at the top of the embankment of the ephemeral and intermittent streams within the Centennial Site Idaho-Maryland Mine Project, if needed, to protect the embankment(s) from erosion after construction is completed. This would potentially be implemented for ephemeral and intermittent streams that will not be completely filled or impacted and occur directly adjacent to the proposed fill of those streams; and
  - Plant willow cuttings from the adjacent willow trees and other native shrubs and riparian trees along the embankments of streams not being impacted and filled as needed. A revegetation plan will be a requirement of the CDFW Streambed Alteration Agreement that will include impacts to the bed and bank, of any stream within the Centennial Site Idaho-Maryland Mine Project Area. Implementation of General and Project Specific Conditions will be required for all permits for the proposed project.

  Brunswick Area

  - Placement of rock and rip rap along the embankment of the South Fork Wolf Creek should be minimized to reduce the footprint of such impacts to the perennial creek and its embankments;
  - Some of the rock and rip rap can be placed at the top of the embankment of the South Fork Wolf Creek to protect the embankment from further erosion during restoration of the riparian zone and embankment on the southern side of the perennial stream.
  - Plant willow cuttings from the adjacent willow trees and other native shrubs and riparian trees along the embankment and broadcast seed the embankment with local, native grass seed. A revegetation plan will be a requirement of the CDFW Streambed Alteration Agreement that will include impacts to the bed and bank, of any stream within the Brunswick

Area. Implementation of General and Project Specific Conditions will be required for all permits for the proposed project.

- Implement BMPs During Construction
  - Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of any streams and wetlands that will not be disturbed by project development. Place staging areas and other work areas outside of the 50-foot nondisturbance buffers of ephemeral and intermittent aquatic resources and 100-foot non-disturbance buffers of perennial aquatic resources.
  - The applicant shall exercise reasonable precaution to protect the aquatic resources within the Centennial Industrial Site and Brunswick Area, as well as the adjacent non-disturbance buffers of such aquatic resources, from pollution with fuels, oils, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
  - No equipment for vehicle maintenance or refueling shall occur within the 50-foot and 100-foot non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.

- Implement Post Construction Erosion Control
  - Exposed bare soil along the embankment of South Fork Wolf Creek, where the outfall and dissipation rip rap will occur, as well as the embankment of Wolf Creek and any exposed bare soil adjacent to the other mapped aquatic resources within the Centennial Industrial Site and Brunswick Area, including their 50-foot and 100-foot non-disturbance buffers, shall be protected against loss from erosion by the seeding of an erosion control mixture and restored with native grasses and mulching pursuant to Nevada County and regulatory agency guidelines. Nonnative species that are known to invade wild lands, such as orchard grass, velvet grass, rose clover, winter and spring vetch, and wild oats shall not be used as they displace native species.

4.4-3(c)

To the extent feasible, as determined by the qualified biologist in coordination with the Corps, the project shall be designed to avoid and minimize adverse effects to waters of the U.S. or jurisdictional waters of the State of California within the project area. Prior to initiation of ground-disturbing activities, a Section 404 permit for fill of any jurisdictional wetlands within the Centennial Industrial Site and Brunswick Area shall be acquired, and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the Corps "no-net-loss" policy, be provided at a minimum 1:1 ratio and be based on the final impact acreages verified by the Corps. Mitigation for impacts to both federal and State jurisdictional waters shall be addressed using these guidelines. Compensatory mitigation can include but is not limited to the following: onsite and/or offsite wetland creation and/or restoration, purchase or placement of conservation easements, payment of an in-lieu fee, and/or purchase of mitigation credits at an approved Corps wetland mitigation or conservation bank.

The applicant must also obtain a water quality certification from the RWQCB under Section 401 of the Clean Water Act (CWA). Written verification of the Section 404 permit and the Section 401 water quality certification shall be submitted to the Nevada County Planning Department.

4.4-3(d)

Prior to initiating of ground disturbing activities within the non-disturbance buffers for aquatic resources on the Centennial Industrial Site and Brunswick Area, the applicant shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW. Impacts to CDFW 1600 jurisdictional areas shall be outlined in the application and are expected to be in substantial conformance with the impacts to biological resources outlined in this EIR (see Tables 4.4-9 through 4.4-11). Impacts for each activity shall be broken down by temporary and permanent, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Minimization and avoidance measures within jurisdictional areas shall be proposed as appropriate and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas immediately adjacent to riparian areas with native seed, and installation of project-specific storm water BMPs. Mitigation may include restoration or enhancement of jurisdictional resources on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, off-site or on-site conservation easements, working with a local land trust to preserve aquatic or riparian areas, or any other method acceptable to CDFW. Mitigation shall be provided at a minimum 1:1 ratio.

A site revegetation plan would be required to be developed and approved by CDFW as part of a Streambed Alteration Agreement permit condition and native trees planned for removal with a diameter at breast height of 4 inches or greater would need to be mitigated for through planting of native riparian trees within adjacent stream zones not being impacted by the Idaho-Maryland Mine Project, with clear success criteria identified, monitoring and reporting required, and corrective actions to be taken if mitigation measures do not meet the proposed success criteria.

Written verification of the Section 1600 Lake or Streambed Alteration Agreement shall be submitted to the Nevada County Planning Department.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Findings: The proposed project could have a substantial adverse effect on riparian habitat and/or other sensitive natural communities and/or have a substantial adverse effect on State or Federally protected aquatic resources (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means at the Centennial Industrial Site and Brunswick Industrial Site, and East Bennett ROWs. Under baseline conditions that assume completion of the separate Centennial Industrial Site Clean-Up Project, the placement of engineered fill at the Centennial Industrial Site as part of the proposed Idaho-Maryland Mine Project is not anticipated to have any impacts on mapped wetlands within the Centennial Industrial Site, given that any fill or dredge of mapped wetlands within the Centennial Industrial Site would occur as part of the separate remediation project approved through DTSC, prior to the development of the proposed project. DTSC is the lead agency for a separate CEQA review of the remediation activities, and through such process, DTSC will require the applicant to mitigate impacts for wetlands, pursuant to federal and state laws governing such resources. (DEIR, pp. 4.4-80 to 4.4-81.) For example, mitigation measure 4.4-3(b) requires the restoration of areas adjacent to impacted streams through actions such as the placement placing rock and planting willow cuttings along embankments. (DEIR, pp. 4.4-88 to 4.4-89.) Mitigation measure 4.4-3(b) also includes implementation of post-construction erosion control such as seeding an erosion control mixture. (DEIR p. 4.4-90.)

Construction and grading related to the placement of engineered fill on the Centennial Industrial Site would cause permanent impacts to two mapped stream features (E-3 and E-4) and their associated 50-foot non-disturbance buffer zone. It is estimated that a maximum of approximately 0.033-acre of ephemeral streams would be permanently filled. Pre-

construction activities and grading near the toe of the engineered fill pad on the Centennial Industrial Site may cause temporary impacts to the 100-foot non-disturbance buffer of Wolf Creek (perennial creek). Temporary or permanent impacts would not occur to Wolf Creek from project development; however, the DEIR presumes a temporary impact in this area in the event that temporary encroachment within the Wolf Creek 100-foot non-disturbance buffer.. (DEIR, p. 4.4-81)

The proposed treated mine water discharge pipe outfall would be placed within or adjacent to South Fork Wolf Creek. Construction of the outfall may cause approximately 15 linear feet of permanent impact (approximately 0.01-acre) to the southern bank of the creek and may cause a "temporary impact" to the non-disturbance buffer zone during construction or placement of the pipeline. To ameliorate its effects on non-disturbance setback environments, the pipeline has been routed along an existing access road. (DEIR 4.4-85.) The deteriorated 48-inch buried culvert that runs underneath the Brunswick Industrial Site would be replaced and upgraded as part of the proposed project. It is estimated that the culvert replacement may have a temporary impact area of 40 foot x 40 foot (0.04-acre) within or adjacent to South Fork Wolf Creek. This would cause a temporary impact during replacement and existing conditions would be re-established once the culvert is replaced. (DEIR, p. 4.4-85.) However, Mitigation Measure 4.4-3(b) requires that in implementing applicable management plans, that disturbed areas within the stream as a result of the disturbance activities, including the pipeline and new culvert, must be restored immediately following construction using native vegetation. (DEIR, p. 4.4-87.)

The project includes excavation and reconstruction of a segment of the berm of the existing clay-lined pond within the 100-foot non-disturbance buffer zone of South Fork Wolf Creek. Additionally, the proposed treated mine water discharge pipe is an aboveground pipe that would be located along an existing access road that crosses the ephemeral stream feature E-1. A support structure would be constructed across the ephemeral stream (E-1) so that the pipe crosses over the two-foot-wide stream instead of through the stream, which may cause a temporary impact to approximately 16 linear feet of the stream. Grading of the site for construction preparation would cause a permanent impact to approximately 34 linear feet of the intermittent stream feature I-5, which has a 50-foot non-disturbance buffer zone pursuant to Nevada County LUDC. (DEIR, p. 4.4-85 to 4.4-86.)

The construction extents of the surface detention pond would cause a permanent impact to approximately 188 linear feet of ephemeral stream feature E-2, which has a 50-foot non-disturbance buffer zone pursuant to Nevada County LUDC. Construction and grading from surface facilities and the engineered fill industrial pad on the Brunswick Industrial Site would cause permanent impacts to ten (10) mapped wetland features (WM-1, WM-2, WM-3, MA-1, MA-2, MA-3, MA-4, MA-5, MA-6, and RI-1), which have a 100-foot non-disturbance buffer zone pursuant to Nevada County LUDC. The 10 wetland features

consist of three meadow wetlands, seven marsh wetlands, and one riparian wetland. It is estimated that approximately 0.57-acre of mapped wetlands would be permanently filled. Due to the fact that certain project improvements would encroach within the non-disturbance buffer zones required for aquatic features pursuant to Nevada County LUDC, Chapter II; Zoning Regulations, Section L-II 4.3.17 (Ordinance Number 2033), management plans have been prepared for the Centennial Industrial Site and Brunswick Area. These plans would require actions such as obtaining resource agency permits and complying with permit conditions, as well as implementing Best Management Practices concerning encroachment, including limiting the number and size of work areas for equipment near undisturbed streams or wetlands, removing construction debris immediately following completion, and immediately cleaning up any chemical spills with absorbent materials. (DEIR, pp. 4.4-87 to 4.4-89.) The plans would mitigate the effects of all activities disrupting the non-disturbance buffer zone, including the surface detention pond and the excavation and reconstruction of the berm segment. (DEIR, p. 4.4-87.)

Based on the discussion above, a significant impact could occur; however, implementation of mitigation measures 4.4-3(a) through 4.4-3(d) would reduce the impact to a less-than-significant level.

Impact 4.4-6: Cumulative loss of habitat for special-status species.

Mitigation Measures:

4.4-1(a-b), 4.4-2 (a-g), and 4.4-3(a-d) (text included above).

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts for Rationale in Support of Findings: The DEIR analyzed a cumulative list of projects that could produce related effects to biological resources in combination with the proposed project. (DEIR, Impact 4.4-6.) A total of 12 of the cumulative projects are located within the City of Grass Valley, the majority of which are consistent with the City's General Plan, and thus, cumulative biological resources impacts attributable to these projects have been accounted for in the City's General Plan EIR. The City of Grass Valley General Plan EIR found that while buildout of the General Plan would have the potential to result in significant impacts to biological resources, these impacts would be reduced to a less-than-significant level through compliance with the policies and standards identified in the General Plan. (Id.) The remaining eight cumulative projects are located within unincorporated Nevada County. The cumulative projects within unincorporated Nevada

County would be responsible for mitigating their incremental impacts associated with loss of sensitive habitats, the DEIR conservatively concludes that the combined effects on biological resources resulting from the cumulative list of projects could be considered significant. However, the proposed project's incremental contribution to the significant cumulative effect could be reduced with implementation of the mitigation measures required in this EIR. Without implementation of the required mitigation measures, the proposed project's incremental contribution to the potential significant cumulative effect could be considered cumulatively considerable and significant. Implementation of mitigation measures 4.4-1(a-b), 4.4-2 (a-g), and 4.4-3(a-d) for the reasons described in these Findings would reduce all project specific impacts to a less-than-significant level; and would therefore also reduce the project's incremental contribution to cumulative biological resources impacts to a less than cumulatively considerable level. (DEIR, p. 4.4-96.)

4. CULTURAL AND TRIBAL CULTURAL RESOURCES

<u>Impact 4.5-1</u>: Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, Section 15064.5

Mitigation Measures:

4.5-1(a)

Prior to issuance of building permits, the project applicant shall share the historical documentation of the Idaho-Maryland Mine Company in their possession with the public through one of the following libraries: the California State Library, the California Geology and Mining Library, or the Searls Library. The library shall consist of the following information:

- Surface Maps (5 maps) – Approx. year at 1956, Showing topography, buildings, roads, exploration trenches and drill holes, underground workings at surface, and geology;
- 103 Level Maps (103 maps) – Approx. year 1942, Showing mine tunnels, raises and shafts, survey stations, geology, and drill holes;
- Mine Geology Maps (61 maps) – Approx. year 1956, Showing geology on tunnels driven post WW2;
- Mine Stopping Maps (219 Maps) – Approx. year 1956, Showing mine stopping;
- Operation Reports 1919 to 1924 and 1926 to 1935, Providing monthly or annual reports on underground exploration and mine development;
- Monthly Development Reports – 1936 to 1956, Providing monthly reports on mine development;

- Geological Summary Reports – 1936 to 1942, Providing monthly reports on underground exploration;
- Underground Geology Photos – Collection of photos from 1940's of underground tunnels and geology; and
- A digital mine model, including a 2D and 3D digitization of historic mine tunnels available in AutoCAD dwg and dxf formats.

Proof of submittal to one of the above-listed libraries shall be provided to the Nevada County Planning Department.

4.5-1(b)

Following initial mine dewatering, and prior to commencement of underground mining, the project applicant shall retain a qualified historian meeting the Secretary of the Interior's standards, to perform a historical study of the underground mine workings in the areas deemed safe by a certified mining geologist. The historical study shall include but not be limited to an evaluation of the underground work environment, engineering, equipment, and practices, to the maximum extent feasible. The historical study shall be deposited at the same library selected in Mitigation Measure 4.5-1(a) and submitted to the Nevada County Planning Department.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Findings: The underground workings of the Idaho-Maryland Mine Company are a contributing element of the Idaho-Maryland Historic District, which is a potential historical resource. The proposed extraction efforts of the Idaho-Maryland Mine Project would alter the underground workings. As a result, the proposed project could result in a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, Section 15064.5, and a significant impact could occur. The underground workings of the Idaho-Maryland Mine Company are not currently accessible to historic preservation professionals and the public because the tunnels are flooded with groundwater. Notably, permission to study the underground geology of the Idaho-Maryland Mine Company was denied to the USGS for its 1940 professional paper on the gold quartz veins of Grass Valley. Therefore, information regarding the underground mine workings constructed after the year 1896 was never published and is not available to the public or government agencies. However, the project applicant possesses a private library of information that describes the underground mine workings of the Idaho-Maryland Mine in its entirety. Mitigation measure 4.5-1(a) requires

the project applicant share the historical documentation of the Idaho-Maryland Mine Company in their possession with the public. The project applicant also must retain a qualified historian to perform a historical study of the mine workings prior to commencement of mining activities to be made available to the public. (DEIR, p. 4.5-29.) A significant public and historic preservation benefit may be gained from sharing the library with the public. There have been few formal studies carried out regarding the underground work environment, engineering, equipment, and practices of hardrock mines. Historical references are the primary source of information that researchers rely on in studying such underground workings. (DEIR, pp. 4.5-29 to 4.5-30.) Documentation of underground workings will contribute material fact to this arena of inquiry. Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level. (DEIR pp. 4.5-22 to 4.5-29; FEIR, p. 3-68 to 3-69.)

Impact 4.5-2: Cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines, Section 15064.5.

Mitigation Measure:

4.5-2:

If cultural resources are discovered during construction or mining activities, pursuant to Nevada County LUDC Section L-II 4.3.6, all work shall cease within 200 feet of the find (based on the apparent distribution of cultural resources) and the County shall be immediately notified. Examples of cultural materials include midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.

A qualified archeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall assess the significance of the find and make recommendations for further evaluation and treatment as necessary to the satisfaction of the County. Further evaluation and treatment recommendations shall be consistent with CEQA Guidelines Section 15126.4(3) and may include processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts.

Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist shall be documented in the project record. Any recommendations made by these

experts that are not implemented must be documented and explained in the project record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the Nevada County Planning Department following coordination with cultural resources experts.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: Archeological resources have not been previously recorded within the project site area. Given the project site's history of disturbance through mining beginning in 1851, as well as the grading and construction of adjacent roadways, buildings, and mining infrastructure, the potential for buried archeological deposits to occur within the APE is low. However, due to known occurrences in the region, the possibility exists that previously unknown resources could be discovered within the APE during construction and/or operational mining activities. As such, the proposed project could cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5, and a significant impact could occur. Implementation of mitigation measure 4.5-2 would reduce the above potential impact to a less-than-significant level because it will ensure that any cultural resource discovered during construction or mining activities will immediately be assessed by a qualified archaeologist, who will make recommendations for treatment of the find. (DEIR, p. 4.5-30 to 4.5-31.)

<u>Impact 4.5-3</u>: Disturb any human remains, including those interred outside of dedicated cemeteries.

Mitigation Measure:

4.5-3

Any person who, in the process of project activities, discovers any human remains within the project area, shall cease from all project activities within at least 200 feet of the discovery. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: As noted on page 4.5-31 of the DEIR, ground-disturbing activities associated with the proposed project could disturb human remains, including those interred outside of dedicated cemeteries. Therefore, this analysis recognizes the potential for implementation of the proposed project to uncover undocumented human remains and to adversely affect such resources if not properly treated. As such, the proposed project could disturb human remains, including those interred outside of dedicated cemeteries, and a significant impact could occur. Implementation of mitigation measure 4.5-3 would reduce the above potential impact to a less-than-significant level by requiring, upon the discovery of any human remains, an immediate cease to all activities within at least 200 feet of the discovery and notification of the sheriff-coroner. (DEIR, p. 4.5-31.) By immediately ceasing all activities within the vicinity of the remains, the likelihood of disturbance is reduced.

Impact 4.5-4: Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe.

Mitigation Measures:

Mitigation Measures 4.5-2 and 4.5-3.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: Pursuant to AB 52 requirements, the County sent project notification letters with offers to consult to the Tsi Akim Maidu Tribal Council, Shingle Springs Band of Miwok Indians, Nevada City Rancheria Nisenan Tribe, and UAIC on November 25, 2019. The Tsi Akim Maidu Tribal Council, Shingle Springs Band of Miwok Indians, and Nevada City Rancheria Nisenan Tribe did not respond within the 30-day consultation period. The UAIC responded on December 18, 2019, and requested consultation and copies of the Cultural Impact Report, technical reports, requests for and results of records searches, and GIS SHP files. The County provided such information. In

addition, the UAIC noted that they are not aware of any Native American archaeological sites in or near the project site. (DEIR, p. 4.5-32.)

Additionally, records searches of the NAHC Sacred Lands File failed to indicate the presence of Native American sacred lands or traditional cultural properties within the project site vicinity or the proposed off-site improvement areas. Considering the results of the literature search and the prehistory and history of the area, the project site has a low probability for buried prehistoric or historic cultural resources, which could include tribal cultural resources. In addition, the proposed project site does not contain any known resources listed or eligible for listing in the CRHR or NRHP, or in a local register of historical resources as defined in PRC Section 5020.1(k) or determined to be significant pursuant to PRC Section 5024.1(c). (DEIR, p. 4.5-32.)

However, previously unknown tribal cultural resources associated with local tribes could potentially occur in the vicinity of the project site. Thus, ground disturbing activities associated with the proposed project could have the potential to cause a physical change which would affect unique cultural values or cause a substantial change in the significance of a Tribal Cultural Resource as defined in PRC Section 21074, and a significant impact could occur. Implementation of mitigation measures 4.5-2 and 4.5-3 to establish protective processes for unexpected discovery of resources would reduce the above potential impact to a less-than-significant level. (DEIR, p. 4.5-33.)

5. GEOLOGY, SOILS, AND MINERAL RESOURCES

<u>Impact 4.6-1</u>: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, and landslides.

Mitigation Measure:

4.6-1

Prior to approval of Improvement Plans, the design recommendations from the Brunswick Industrial Site Geotechnical Report (November 18, 2019) shall be incorporated into the Plans to the satisfaction of the Nevada County Building Department. Recommendations regarding slope stability and seismic criteria are set forth in Sections 5.1 and 5.2 of the Geotechnical Report, including but not limited to:

- Permanent cut slopes shall not be steeper than 2:1, horizontal to vertical (H:V).
- Fill slopes greater than 30 feet in height shall be terraced with surface drains that restrict surface runoff from travelling more than 30 feet continuously down the fill

slope face. The applicant shall retain NV5 to review fill slope configurations greater than approximately 10 feet in height, prior to fill placement.

- Fill shall be placed in horizontal lifts to the lines and grades shown on the grading plan. Slopes shall be constructed by overbuilding the slope face and then cutting it back to the design finished grade slope gradient. Fill shall not be constructed or extended horizontally by placing soil on an existing slope face and/or compacted by track walking.
- Building footings shall be trenched into competent native soil, weathered rock or compacted fill, and reinforced with a minimum of two No. 4 rebar reinforcement, one near the top of the footing and one near the bottom.
- Slab-on-grade floors shall be used and designed by a structural engineer with regard to the anticipated loading. Interior building concrete slab-on-grade floor shall meet minimum concrete slab thickness, steel reinforcement, rebar, and crushed rock or aggregate base layer specifications in Section 5.2.3 of the Geotechnical Report.
- Rock anchors or doweling shall be used to provide lateral and uplift resistance where shallow, competent rock limits footing excavation. Rock anchors should only be installed in competent rock.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Findings: Liquefaction is addressed in Impact 4.6-3 of the DEIR. Regarding rupture of a known earthquake fault, pursuant to the significance thresholds, the first criterion is whether the proposed project would directly or indirectly cause potential substantial adverse effects involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area (refer to Division of Mines and Geology Special Publication 42). The maps and documents all indicate the project site is not located within an (Alquist-Priolo) active fault zone. (DEIR, p. 4.6-29 to 4.6-30.)

According to the Geologic Map of the Grass Valley - Colfax Area (A. Tuminas, 1983) an inferred fault trends north-northwest through the Brunswick Industrial Site property approximately along the eastern shore of the pond and passing through the northern Site boundary. A Final Map for the previously proposed Bet Acres Subdivision, dated January 1987, was drawn up by A. W. Beeson and shows the location of where Anderson Geotechnical Consultants had believed a fault to be, based on their previous site investigations, and depicted it as a straight dashed line with two parallel lines located 200 feet either side, showing, presumably Anderson's suggested setback distances for building construction. The map shows the feature to strike north north-west, and to be dominantly

located in Lot 8, cutting across a portion of Lot 7. Anderson's previous reporting stated that the fault "appears to be present on the northern part of the lot", which ECM interprets to mean that the presence of the fault is "inferred" and its presence and location has not necessarily been proven. ECM believes that if the feature had been mapped in any detail, and confirmed by Anderson, that it would have been depicted on the map as a solid line instead of a dashed line. (4.6-30.)

According to ECM, based on the information that has been presented, there is likely a fault located on or near the site within 600 feet of the New Brunswick shaft. The nearby 5 to 23-million-year-old volcanics located over the inferred location of the fault show no fracturing, thus this is indicative that no movement had occurred more recently. From a modern perspective, the existing New Brunswick shaft and its various ancillary facilities have been in place for over 150 years, and have never reported any seismic damage, nor have any historic reports been found that might indicate modern seismic activity. Whether or not a fault might exist, there is no evidence that this area is now seismically active. Based upon this substantial evidence in the record, the project includes a request to amend the Final Map for Bet Acres recorded in February 1987 in Book 7 of Subdivision Maps at Page 75 to remove the "200' Building Setback From Fault", as shown on Sheet 4 of Final Map #85. (DEIR, p. 4.6-31.)

In addition, a management plan was prepared pursuant to Nevada County LUDC Section L-II 4.3.8 to address potential seismic hazards associated with the previously identified inferred fault alignment. It is NV5's professional opinion that the subject fault, identified on the property in Map 85-7, does not qualify as a seismically active area as defined by Nevada County LUDC Section L-II 4.3.8.B, and the proposed project development within the designated building setback fault zone is generally feasible from a geotechnical engineering standpoint, provided that the recommendations presented in the project geotechnical engineering report (NV5; November 18, 2019) are incorporated into the project plans. While the analysis shows that an active fault likely does not exist, out of an abundance of caution, the County has concluded that a significant impact could occur with respect to exposing people or structures to the risk of loss, injury, or death involving rupture of an earthquake fault, strong ground shaking, ground failure, liquefaction, or landslides. Implementation of mitigation measure 4.6-1would reduce the above potential impact to a less-than-significant level by incorporating the recommendations of the Brunswick Industrial Site Geotechnical Report (November 18, 2019) into the Project plans. Incorporation of the recommendations will ameliorate the impact by ensuring, for example, that slope steepness is less than 2:1 horizontal to vertical, fill slopes greater than 30 feet in height are terraced with surface drains, and building footings are trenched into competent soil and reinforced. (DEIR, pp. 4.6-32 to 4.6-33.)

<u>Impact 4.6-2</u>: Result in substantial soil erosion or the loss of topsoil

Mitigation Measure:

4.6-2

Prior to approval of Improvement Plans, the Plans shall incorporate the Mitigation Measures and Best Management Practices (BMP) included in Section 5 of the Management Plans for Steep Slope and High Erosion Potential (Centennial Industrial Site and Brunswick Industrial Site, 2020), as approved in their final form by Nevada County. Mitigation Measures and BMPs set forth in the Management Plans include but are not limited to:

- Incorporating the provisions of the Erosion and Sediment Control Plans (ECPs) (December 15, 2020) into the project design, including the "Notes" on the ECPs; including but not limited to the following:
    - The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the ECPs shall be verified by a civil engineer, and he/she shall so attest on the Plans, with proof provided to Nevada County prior to any project grading, clearing, or tree disturbance.
    - Soil stockpiling shall have proper erosion control measures applied to control runoff and prevent erosion.
    - All areas where construction activities have been completed between April 15th and October 15th shall be planted no later than November 1st. Land disturbance areas completed at other times of the year shall be planted within 15 days. If re-vegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds 2,500 square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required, as determined appropriate, to prevent increased sediment discharge.
- Obtaining coverage under the SWRQB NPDES Construction General Permit (Order No. 2009-0009-DWQ), including:
    - Submittal of a Notice of Intent (NOI) and payment of permit fee(s);
    - Preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for each Site;
- Performing earthwork in accordance with the grading recommendations presented in the Centennial Industrial Site and Brunswick Industrial Site Geotechnical Engineering Reports (NV5);
- Prohibiting disturbance of steep slopes (slopes of 30+ percent) beyond the area proposed to receive fill during that season (i.e., prior to the next anticipated storm event); Monitoring of Mitigation Measures in accordance with the Construction

General Permit monitoring requirements, as set forth in Section 5.3 of the Management Plans; and

- Implementation of remedial measures in the event that water quality standards set forth in the Construction General Permit are not being met.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: The proposed project would involve grading and construction activities at the Centennial and Brunswick Industrial Sites, as well as along East Bennett Road for installation of the potable water supply pipeline. During construction and engineered fill placement at the Centennial and Brunswick Industrial Sites, topsoils would be disturbed and stockpiled and could be subject to increased potential for erosion and loss of topsoil. (DEIR, p. 4.6-39.)

Construction work (e.g., grading) in each of these areas would result in disturbance of more than one acre of land. Thus, compliance with the State Water Resources Control Board (SWRCB) general permit to discharge storm water associated with construction activity is required. The general permit is known as the SWRCB, Order No. 2009-0009-DWQ (as amended by Orders 2010-0014-DWQ and 2012-006-DWQ), National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (Construction General Permit). The project applicant would be required to submit a Notice of Intent (NOI) for coverage under the Construction General Permit and prepare a construction SWPPP. (DEIR, p. 4.6-33.)

The proposed detention basins at each Site are intentionally located at the downstream toe of each fill site. This would be done so that they may be constructed and made functional relatively early in the process of the fill operations. Therefore, as the fill areas rise throughout the anticipated duration of this portion of the mining operation, flows would be directed to these facilities via the drainage pipes which proceed downhill from the surface of the fill, allowing the flows to be directed to the detention basins. These pipes in the proposed 3:1 slopes, at any given point in the process of placing the fills, would be extended up slope from the detention basins to the then-current surface. Interceptor ditches and catchment sumps would be formed at the surface, as indicated on the grading plans, and would be replaced periodically as the fill operation progresses and the surface elevation rises. By this strategy, site drainage would continually be positively controlled throughout the process of the engineered fill placement. (DEIR, p. 4.6-35.)

Potential sediment erosion is important to address given the presence of steep slopes on both Sites and high erosion hazard areas. According to Nevada County LUDC, management plans are required for work within areas of steep slopes (having gradients of 30 percent or greater) and high erosion hazard. (DEIR, p. 4.6-35.) Accordingly, Management Plans for Steep Slopes and High Erosion Potential were prepared for the Brunswick and Centennial Sites. Section 5 of each management plan provides mitigation measures that would ensure appropriate erosion and sediment control during disturbance within areas of steep slopes and high erosion hazard areas, including but not limited to implementation of the Erosion and Sediment Control Plans (ECP) prepared for the Centennial and Brunswick Industrial Sites. Pursuant to LUDC Section L-V 13.14, the ECPs were prepared with long-term erosion and sediment control as a primary consideration. The ECPs depict the long-term controls at final project development. The temporary Best Management Practices (BMPs) added to the plan are intended to provide short-term erosion and sediment controls until vegetation is established. The management plans also outline the ongoing monitoring that would be required pursuant to the State NPDES Construction General Permit. For example, the applicant will be required to conduct post rain event visual observations to (1) identify whether BMPs were adequately designed, implemented, and effective, and (2) identify additional BMPs and revise the SWPPP accordingly. (DEIR, p. 4.6-39.)

Without implementation of mitigation measure 4.6-2, including implementation of the Steep Slope and High Erosion Potential Management Plans, the proposed project could have a significant impact related to substantial soil erosion or the loss of topsoil. Implementation of mitigation measure 4.6-2 would reduce the above impact to a less-than-significant level. (DEIR, p. 4.6-39 to 4.6-40.)

<u>Impact 4.6-3</u>: Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil.

Mitigation Measure:

4.6-3

The Improvement Plan submittals shall include final geotechnical engineering reports produced by a California Registered Civil Engineer or Geotechnical Engineer. The Improvement Plans shall include the recommendations of the Geotechnical Engineering Reports, including but not limited to the following:

- Grading
- Import Fill
- Existing Fill

- Cut Slope Grading
- Engineered Fill Placement
- Fill Slope Grading

In accordance with the recommendations from the Geotechnical Engineering Reports (Geotechnical Engineering Report, Idaho-Maryland Mine Project – Brunswick Industrial Site. November 18, 2019; and Geotechnical Engineering Report, Idaho-Maryland Mine Project – Centennial Industrial Site. December 20, 2019), grading plan review and construction monitoring shall occur, as follows:

- Prior to construction, a licensed geotechnical engineer shall be retained at the applicant's expense to review the final grading plans to confirm whether the recommendations from the Geotechnical Engineering Reports have been adequately incorporated in the plans, and to provide additional and/or modified recommendations, if necessary; and
- The applicant shall retain a licensed geotechnical engineer to perform construction quality assurance (CQA) monitoring during all earthwork grading performed by the contractor to determine whether the recommendations of the Geotechnical Engineering Reports have been implemented, and if necessary, provide additional and/or modified recommendations. A CQA report demonstrating successful compliance with Geotechnical Engineering Report recommendations in all on-site earthwork shall be submitted to Nevada County periodically, but not less than once per quarter.

4.6-3(b)

In conjunction with submittal of Improvement Plans for the Brunswick Industrial Site, the applicant shall submit a grading plan, cross sections, and a slope stability analysis of proposed cut slopes for the new service shaft collar and the clay-lined pond dam repair work, for review and approval of the Nevada County Building Department. The submittal shall be prepared and stamped by a licensed geotechnical engineer. The grading plan and cross sections shall depict typical temporary cut slope gradients, excavation depths, maximum water surface elevation, and earthwork volume estimates, and any additional geotechnical engineering methods, such as shoring, to mitigate potential slope instability.

4.6-3(c)

In conjunction with submittal of Improvements Plans for the Centennial and Brunswick Industrial Sites, the applicant shall submit a physical closure evaluation of the following near surface mine features to the Nevada County Building Department:

- East Eureka Shaft (shall be closed prior to initial mine dewatering)

- East Eureka Drain (shall be closed prior to initial mine dewatering)
- Idaho Drain Tunnel (shall be closed prior to initial mine dewatering)
- Idaho Pump Shaft (shall be closed prior to initial mine dewatering)
- Idaho Shaft (shall be closed prior to initial mine dewatering)
- South Idaho Shaft (shall be closed prior to placement of engineered fill at the Centennial Industrial Site)

The evaluation shall be stamped by a licensed geotechnical engineer and identify methods of physical closure, based on overexcavation of surface soil in the areas of these features to determine where competent, native soil/rock is located and to identify the trend of any subsurface mining related structures. Closure methods could include but not be limited to the use of a cast-in-place concrete cap or plug supported by temporary false work and covered to the ground surface with engineered fill. The closure design shall include drainage piping for those near surface features that currently discharge groundwater, and closure shall occur prior to initial mine dewatering or, for the South Idaho Shaft, prior to the placement of engineered fill at the Centennial Industrial Site.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Findings: Both the Centennial and Brunswick Industrial Sites have geotechnical characteristics related to undocumented fill and thin lenses of expansive soils. Additional geotechnical issues are specific to each site. For the Brunswick Industrial Site, a portion of the existing clay-lined pond dam contains a layer of sawdust, thus compromising the geotechnical stability of the dam. The proposed installation of the new service shaft collar on the Brunswick Industrial Site would require temporary steep cut slopes that could become unstable. For the Centennial Industrial Site, the presence of the South Idaho Shaft poses a safety consideration for potential future on-site development. Other near-surface mine features require closure prior to initial mine dewatering to ensure that collapse does not occur. Therefore, a significant impact could occur with respect to being located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil. Implementation of mitigation measures 4.6-3(a) to 4.6-2(c) would reduce the above potential impacts to a less-than-significant level, by requiring improvement plans for the Project to comply with recommendations of the geotechnical engineering reports, to submit a grading plan, cross sections, and a slope stability analysis of proposed cut slopes for the new service shaft collar and the clay-lined pond dam repair work, and to submit a physical closure evaluation for near surface mine features. (DEIR, p. 4.6-41 to 4.6-47.)

Impact 4.6-4: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater

Mitigation Measure:

4.6-4

In conjunction with submittal of Improvement Plans, the project applicant shall submit a complete sewage disposal design report accounting for all sewage wastewater disposal per project buildout, for review and approval of the Nevada County Environmental Health Department. Unless otherwise determined in the sewage disposal design report, the Improvement Plans shall comply with the recommendations set forth in the septic system evaluation prepared for the Brunswick Industrial Site by Navo & Sons, Inc., including the following:

- Leach lines shall be installed 36 inches wide by 24 inches deep, with 12 inches of drain rock and 7-foot separation on center per line, installed level on contour.
- The leach shall be pressure dosed leach lines consisting of a minimum of four zones. The rotation of zones would allow the zones to rest in between doses and prevent over saturation of any one zone. In addition, if one zone has a problem, that zone could be isolated and repaired while other zones are working. This would result in little to no downtime and greatly reduce the possibility of sewage spills (surfacing).
- Duplex (two) pumps shall be used in the pump tank to ensure that if one pump fails, a backup exists. The pumps would alternate to the extent of their life unless one fails.
- Due to the distance and elevation between the proposed shower and laundry area to the leach field, the pump line would be running through a low area upgradient from potentially sensitive areas. The pump line shall be sleeved in this low area to avoid potential issues related to sensitive areas if the line were to rupture.
- During installation, existing trees shall be maintained in place to the extent feasible to avoid the creation of large holes in the leach area, help stabilize soil, and help absorb leaching effluent.
- The following setbacks shall be maintained:
    - 10 feet from developed property lines;
    - 50 feet from undeveloped property lines;
    - 50 feet from seasonal drainages;
    - 25 feet from center line of swales; and

- 100 feet from any perennial streams or domestic wells.
- The pressure dose septic system shall be maintained annually for the life of the system.
- The septic system shall be installed by a licensed contractor (A, C-34, or C-42) familiar with installation of the proposed system.
- A permit to install the septic system shall be obtained from the NCEHD.
- The pump screen shall be removed and rinsed annually. The pump, pump float, alarm float, and alarm shall be checked for proper operation annually.
- The primary and 100 percent repair area shall be protected from vehicular traffic, structures, or any other activity that may cause alterations such as grading, cuts/fills, etc.
- All drainage shall be diverted away from the septic tank, pump tank, and leach field. Irrigation in the area of the leach trenches shall be kept to a minimum to avoid saturation of the soil. Drip irrigation should be used.
- Water conservation is recommended to maximize the life expectancy of the absorption trenches.
- Any leaks shall be fixed immediately to avoid unnecessary saturation of the leach trenches.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: An on-site septic field system would be built at the Brunswick Industrial Site for the permanent toilets, sinks, and shower facilities planned. The proposed septic system would be required to comply with the County's OWTS and LAMP. In compliance with the OWTS and LAMP, a septic system permit would be required from the County in order to construct and operate the proposed septic system. As part of the permit application, an on-site soils evaluation is required to be prepared and submitted to the County for review and approval. Accordingly, a septic system evaluation was prepared for the proposed project by Navo & Sons, Inc. According to the septic system evaluation, a relatively large, acceptably permeable soil area has been identified within the proposed leach field area. The evaluation concludes that the project site is suited for a Pressure Dose sewage disposal system with a minimum of 1,935 lineal feet of leach line. A minimum 10,000-gallon septic pump tank with watertight risers over each lid and outlet effluent filter would be required. The pump tank would be oversized in order to accommodate for potential power loss, backups, and surge flows in the future. The septic system evaluation recommends annual pumping of the tanks, biannual inspection of the tanks to monitor solids and pumping when the tank reaches 25 percent capacity. The

evaluation includes a number of additional requirements and recommendations necessary to ensure that the design is adequate to handle the proposed project wastewater demands and obtain a permit from the County for the septic system. Without implementation of the requirements and recommendations set forth in the septic system evaluation, the proposed septic system could result in a significant impact to the environment. However, implementation of mitigation measure 4.6-4, which includes the requirements and recommendations specified in the septic system evaluation discussed above, would reduce the above potential impact to a less-than-significant level. (DEIR, p. 4.6-49.)

6. HAZARDS AND HAZARDOUS MATERIALS

Impact 4.7-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Mitigation Measure:

4.7-1(a)

The mine operator shall comply with all applicable federal and state regulations governing the transport, underground storage, and use of explosives, including MSHA (CFR Title 30, Part 57), OSHA (CFR Title 29, Part 1910 and 1926), and CCR (Title 8, Part 5251ff. and 5291).

4.7-1(b)

The mine operator shall prepare a Risk Assessment when the underground mine is accessible after initial dewatering and before storage of explosives underground, specifying the location of each magazine and its maximum storage capacity. The Risk Assessment shall be performed by a qualified professional (e.g., licensed engineer) in accordance with the Methods and Algorithms Used for Quantitative Risk Analysis of the Institute of Markers of Explosives and submitted to MSHA for their review. The Risk Assessment shall demonstrate protection of the public from hazards of explosives storage and be provided to the Nevada County Planning Department before underground storage of explosives.

4.7-1(c)

The mine operator shall ensure, through the enforcement of contractual obligations, that all contractors or suppliers transport explosives in a manner consistent with all applicable regulations and guidelines. Proof of the agreement between the operator and contractor or supplier transporting explosives shall be provided to the Nevada County Planning Department before transporting explosives to the site.

4.7-1(d)

Prior to the transport, storage, or use of hazardous materials or explosives at the site, the mine operator shall prepare a Hazardous Materials Business Plan (HMBP). The County

shall review and approve the HMBP prior to the use or storage of hazardous materials or explosives on-site.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, specifically related to construction activities, explosives, and use and storage of various chemicals. To mitigate these impacts, for construction activities, the project contractor would be required to comply with all California Health and Safety Code and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. Additionally, the project applicant would be required to submit a Notice of Intent (NOI) for coverage under the Construction General Permit and prepare a construction Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must include procedures that effectively address hazardous and nonhazardous spills. In addition, as part of the SWPPP, a spill response and implementation element shall be developed prior to commencement of construction activities. (DEIR, p. 4.7-22.)

As with the majority of hard-rock mines, the proposed project would involve the use of explosives to fragment mineralized rock so that the rock can be transported to the shaft and then to the surface for processing. (DEIR, p. 4.7-23.) To mitigate these impacts, hauling of explosives would occur using Brunswick Road to State Routes (SR) 20/49. Explosives would be transported directly to the site by licensed explosive suppliers that possess the requisite permits, including a CHP hazardous materials transportation license and U.S. DOT hazardous materials permits. State Routes 20 and 49 are designated as explosive transport routes by the CHP10. Additionally, the explosives supplier would be required to have a sufficient insurance policy. The suppliers would take all proper federally mandated precautions while transporting explosives, including driving on designated explosive routes, and would inspect tires at the beginning of each trip and each time the vehicle stops (49 CFR 397.17). (DEIR, p. 4.7-24 to 4.7-25.)

The transportation of explosives in the United States has an excellent safety record. A review of DOT incident reports for highway transportation of class 1.1B, 1.4B, 1.1D, and 1.5D materials shows 149 incidents over the past 30 years in the United States. The majority of these incidents were vehicle accidents resulting in no release or spillages. No fatalities were reported in any incidents and only 1 incident resulted in injuries. (DEIR, p. 4.7-26.)

To further mitigate any potential impacts, upon delivery to the project site, explosives and detonators would be immediately transported underground to designated storage facilities and placed in separate magazines pursuant to federal OSHA and MSHA regulations. MSHA (30 CFR 57.6160) requires that facilities storing detonators shall be separated at

least 25 feet from other storage facilities containing explosive material, and OSHA (29 CFR 1926.904) requires that permanent underground magazines containing detonators be located 50 feet or more from any magazine containing explosives. The project would comply with the more restrictive 50-foot distance required in the OSHA regulations. The underground storage facilities would be located in an area of the underground mine suitable for such storage use, and would consist of wooden, box-type containers equipped with covers or doors, or facilities constructed or mined-out to provide equivalent impact resistance and confinement, consistent with the composition of auxiliary facilities provided in 30 CFR 57.6161, subdivision (a). (DEIR, p. 4.7-26.)

Blasting activities are proposed to take place twice daily with blasting between shifts at 7AM and 7PM with 3 to 4 drift rounds blasted every 12 hours between shift changes and longhole blasts of approximately 3,300 tons of rock taking place once every 3-4 days. Explosives required for loading drift rounds or longhole blasts would be transported directly from the underground magazine to the working area and therefore explosives quantities in transit underground would be a maximum of approximately 500 pounds at any given location. No mining is proposed closer than 500 feet to surface; thus, explosives in transport would be at least this distance from the surface. The transportation, storage, and use of explosives used in furtherance of the project would be required to comply with applicable federal and State laws at all times. Compliance with such would help to ensure that a significant hazard to the public or the environment through the routine transport, use, or disposal of explosives would not occur. (DEIR, p. 4.7-28.)

Because the proposed project would involve the use and storage of a number of hazardous materials, the project applicant would be required to obtain a number of permits and approvals from regulatory agencies, as well as comply with all applicable federal, State, and local regulations for the handling, storage, and transportation of hazardous and toxic materials. For example, the project applicant would be required to register with the CUPA (in the case of the proposed project, NCEHD) for all applicable hazardous materials programs, including the hazardous materials business plan program and the above-ground petroleum storage program. As part of the hazardous materials business plan program, the project applicant would be required to obtain a permit from the NCEHD and prepare a hazardous materials business plan detailing facility information, a hazardous materials inventory, and an emergency response plan. As part of the above-ground petroleum storage program, a spill prevention control and countermeasures plan would be prepared, which would guide reporting, control, and cleanup activities in the event of a spill. (DEIR, 4.7-30.)

Compliance with applicable federal, State, and local regulations and the Mitigation Measures addressed above, would minimize the potential for the proposed project to result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, specifically related to transport, underground storage, and use of explosives. Nonetheless, because the project would include ongoing transport, underground storage and use of explosives, and because compliance with federal and State regulations is required, Mitigation Measures 4.7-1(a-d) are included out of an abundance of caution to ensure satisfaction with such standards and to minimize the potential for

hazards resulting from the proposed project to the maximum extent feasible. It is conservatively concluded that the proposed project could result in a significant impact related to the routine transport, storage, and use of explosives. (DEIR, p. 4.7-30 to 4.7-31.) Implementation of the following mitigation measures would minimize the risk from transport, underground storage, and use of explosives at the Brunswick Industrial Site to a less-than-significant level.

Impact 4.7-2: The Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment or be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Mitigation Measures:

4.7-2(a)

If disturbance of the mine waste beneath the southeastern paved area within the Brunswick Industrial Site is proposed as part of the project, the site-specific arsenic concentration data resulting from the Phase I/II ESA prepared by NV5 for the proposed project shall be furnished to the project contractor(s) so the contractor(s) can comply with applicable health and safety requirements accordingly. The project contractor(s) shall retain a Certified Industrial Hygienist to develop specific handling procedures for the mine waste, including dust mitigation. Mine waste shall not be removed from the site without regulatory approval by the RWQCB or DTSC. Verification of proper handling and disposal of the mine waste shall be provided to the Nevada County Planning Department.

4.7-2(b)

If unidentified or suspected contaminated soil or groundwater evidenced by stained soil, noxious odors, or other factors, is encountered during site improvements, work shall stop in the area of potential contamination, and the type and extent of contamination shall be identified by a Registered Environmental Assessor (REA) or qualified professional. The REA or qualified professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations, relevant Environmental Screening Levels for identified contaminants, whether the contaminants exceed Environmental Screening Levels, thus warranting remediation, and recommendations for appropriate handling and disposal. Site improvement activities shall not recommence within the contaminated areas until any necessary remediation identified in the report is complete. The report and verification of proper remediation and disposal shall be submitted to the Nevada County Planning Department for review and approval.

4.7-2(c)

Prior to commencement of any construction activities, the project applicant shall determine the location of all existing wells on the site. Prior to any ground disturbance activities within 50 feet of an identified well on the project site, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from the NCEHD for any wells that will no longer be used, and properly abandon the on-site wells, pursuant to Department of Water Resources Bulletin 74 81 (Water Well Standards, Part III), for review and approval by the NCEHD.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: The baseline condition for the Centennial Industrial Site has been adjusted for this analysis to reflect the post-remediation condition. Accordingly, potential RECs associated with the Centennial Industrial Site would not exist under the adjusted baseline condition given that such condition reasonably assumes DTSC will have issued a No Further Action letter following successful remediation in accordance with the RAP. Therefore, the proposed operations associated with the Centennial Industrial Site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. In addition, the Centennial Industrial Site is not listed on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (DEIR, p. 4.7-32.)

The former sawmill site was a PCP and tetrachlorophenol contaminated site; however, contaminated soil was excavated in 1989 and remediated in accordance with a remediation plan developed in coordination with regulatory agencies. Documentation suggests that 375 cubic yards of contaminated soil was excavated, with confirmation samples collected and analyzed to confirm that soil above the PCP remediation goal had been removed. Case closure was issued by the RWQCB for the impacted soils within the green chain area and a No Further Action letter was issued by the RWQCB on December 16, 2006, which determined that all VOCs remaining in groundwater do not pose a risk to human health, the environment or waters of the State, and that remaining VOCs show a downward trend and should reach nondetectable concentrations by 2015. (DEIR, p. 4.7-34.)

Implementation of the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, specifically related to elevated arsenic levels in the existing mixed soil and rock fill beneath the southeastern

paved area, should the area be disturbed as part of the proposed project, potentially encountering contaminated soils, the potential presence of petroleum contaminated soils, and the presence of monitoring wells. As a result, impacts would be considered significant. (DEIR, p. 4.7-35.) Mitigation measures 4.7-2(a) through 4.7-2(c) would reduce this potential impact to less than significant by including requirements for disturbance and handling of capped mine waste on the Brunswick site, requirements for encountering suspected contaminated soil, and requirements for abandoning existing onsite wells. (DEIR, p. 4.7-35.)

7. HYDROLOGY AND WATER QUALITY

Impact 4.8-1: Violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Mitigation Measure:

4.8-1(a)

The applicant shall submit a Notice of Intent (NOI) to the Central Valley Regional Water Quality Control Board (RWQCB) for coverage under the Limited Threat Discharge permit (General Order R5-2022-0006; NPDES No. CAG995002), at least six months prior to construction of the water treatment system; and the Notice of Applicability (NOA) shall be received before initial mine dewatering can begin and provided to Nevada County Planning Department. The NOI shall include evaluation of potential constituents of concern, including ammonia, arsenic, hexavalent chromium, iron, manganese, pH, total suspended solids, TDS, and cis- 1,2-DCE, and demonstrate that water treatment plant (WTP) design shall successfully treat mine water to meet the water quality standards and treatment goals identified in the Limited Threat Discharge Order. Upon construction of the WTP, sampling shall be provided to the RWQCB demonstrating that the treated water meets the water quality standards and treatment goals specified in the Order. Ongoing monitoring of treated water shall occur at a location specified by the State prior to the point of discharge at South Fork Wolf Creek. The owner shall be required to submit quarterly monitoring reports to the State Regional Water Quality Control Board, demonstrating compliance with the maximum daily effluent limitations specified in Section V of the NPDES permit. The applicant shall submit to the County a copy of the NOI and evidence of the applicant's receipt of the NOA specified above prior to initial mine dewatering. The applicant shall submit copies of sampling and monitoring reports to the County at the time such reports are submitted to the RWQCB.

The applicant shall also submit a Report of Waste Discharge (RoWD) and obtain Waste Discharge Requirements (WDRs) for use of the surface impoundment (i.e., Brunswick clay-lined pond) in the mine water treatment process. At a minimum, the liner of the clay-

lined surface impoundment shall be upgraded to include a synthetic liner meeting the specifications in Title 27, Section 22490(f), of the California Code of Regulations. Prior to initial mine dewatering, the applicant shall submit to the Nevada County Planning Department a copy of the RoWD and evidence of the applicant's receipt of WDRs, as well as evidence of the completion of modifications to the clay-lined pond in compliance with the requirements.

4.8-1(b)

Prior to commencement of construction activities, the applicant shall submit a Notice of Intent (NOI) to the Central Valley RWQCB for coverage under the Construction General Permit applicable for any site on which construction is to occur and prepare a Construction Stormwater Pollution Prevention Plan (C-SWPPP). The applicant shall submit a copy of the NOI and C SWPPP to the Nevada County Planning Department prior to the initiation of construction activities at a given site. C-SWPPP(s) shall be maintained and all BMPs and reporting requirements complied with until such time as terminated as a result of the completion of construction and permanent site stabilization or until an Industrial SWPPP becomes applicable to the site pursuant to Mitigation Measure 4.8-1(c).

4.8-1(c)

Prior to commencement of operations at the Brunswick Industrial Site, the applicant shall submit a Notice of Intent (NOI) to the Central Valley RWQCB for coverage under the Industrial General Permit for the Brunswick Industrial Site and prepare an Industrial Stormwater Pollution Prevention Plan (I-SWPPP). The applicant shall submit a copy of the NOI and I-SWPPP to the Nevada County Planning Department prior to termination of the C-SWPPP.

4.8-1(d)

Prior to placement of CPB in the mine, the applicant shall conduct strength, rheological, and geochemical testing using the final CPB formulation in order to confirm that no constituents (e.g., pH values or chromium) release above water quality standards from the final selected CPB formulation, as a result of the binder composition or the interaction between the binder and the tailings material. The applicant shall submit a RoWD to the Central Valley RWQCB for the use of CPB at least six months prior to the proposed initial use of CPB. The WDR permit shall be received by the applicant prior to initiating any mine backfilling using CPB. The applicant shall submit to the Nevada County Planning Department a copy of the RoWD and evidence of the applicant's receipt of WDRs prior to the use of CPB.

4.8-1(e)

The applicant shall submit a RoWD and obtain WDRs from the Central Valley RWQCB for construction of the engineered fill areas. The WDR permit shall be received by the applicant prior to initiating any engineered fill placement activities at the Centennial or Brunswick Industrial Sites. Proof of coverage shall be provided to the Nevada County Public Works Department. As part of this process, the RWQCB will determine the appropriate mining waste classification for the proposed engineered fill and will consider the following factors: (1) whether the waste contains hazardous constituents only at low concentrations; (2) whether the waste has no or low acid generating potential; and (3) whether, because of its intrinsic properties, the waste is readily containable by less stringent measures. The engineered fill areas shall be constructed in accordance with the Title 27 specifications, pursuant to the mining waste classification determined by the RWQCB. The applicant shall submit to the Nevada County Planning Department a copy of the RoWD and evidence of the applicant's receipt of WDRs prior to the placement of fill or fill site preparation disturbance at the Brunswick Industrial Site and Centennial Industrial Site. The RoWD must also include a report on the physical and chemical characteristics of the waste, in compliance with Water Code section 13260(k), that could affect its potential to cause pollution or contamination as well as a report that evaluates the potential of the discharge of mining waste to produce, over the long term, acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances. The WDR's will require continuous and routine characterization and classification (Cal Code regs Title 27 section 22480(b)) of the mining waste to evaluate any possible changes in the geological or geochemical nature of the waste. The applicant will prepare and implement a Waste Characterization Plan (Characterization Plan) which will be incorporated into the approved WDR. The purpose of the Characterization Plan is to continually evaluate the different forms of mining wastes and to appropriately classify these wastes as Group A, Group B, or Group C based on an assessment of the potential risk of water quality degradation posed by each waste. Through the WDR these wastes will be required to be managed, treated, stored, or disposed of in a manner that is protective of water quality. The applicant shall not sell or utilize waste rock and tailings from the Project for construction aggregate or fill purposes offsite (i.e., sites other than the applicants Brunswick and Centennial sites) unless such material has been tested and confirmed to qualify as Group C mining waste under California Code of Regulations Section 22480 and the approved WDR. The specific methods, volumes and frequency of characterization will be established in the approved WDR.

Finding. Less Than Significant Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: The proposed project's construction and operations involve multiple activities that could result in adverse effects to water quality, including but not limited to the discharge of mine water containing iron and manganese, discharge of construction area dewatering water, erosion and sedimentation associated with the placement of engineered fill at the Centennial and Brunswick Industrial Sites, and use of CPB in the underground workings. However, all of these sources are proposed to be managed in a manner that would minimize potential water quality impacts. Furthermore, these activities would be regulated and monitored through permitting by the RWQCB, which would be required prior to the onset of mine dewatering and construction. Although the project's proposed water management and treatment, and adherence to permit requirements, would avoid significant impacts to water quality, the impact is considered significant for the purposes of this analysis and mitigation, specifying requirements for regulatory compliance, is identified as necessary to reduce the impact to less than significant. (DEIR pp. 4.8-41 to 4.8-51.) As such, Implementation of mitigation measures 4.8-1(a) through 4.8-1(e) would reduce the above impact to a less-than-significant level. The project applicant will be required to submit quarterly monitoring reports to the SRWQCB demonstrating compliance with water quality standards. (DEIR, pp. 4.8-52.) They must also obtain WDRs for the use of the surface impoundment and CPB in the mine water treatment process, as well as for construction of the engineered fill areas. (DEIR, pp. 4.8-52 to 4.8-53.) These measures will ensure waste water quality levels remain within an allowed range to mitigate the project's impacts on water quality.

<u>Impact 4.8-2</u>: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Mitigation Measures:

4.8-2(a)

The project applicant shall implement the Groundwater Monitoring Plan (GMP) prepared by Itasca Denver, Inc. (February 2021), as approved by the County. Implementation of the GMP shall be initiated prior to the dewatering of the mine and on an ongoing basis. Pursuant to the GMP, a network of monitoring wells shall be installed to the satisfaction of the Nevada County Environmental Health Department. Prior to construction of any monitoring wells within the County or City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department of the respective agency. Groundwater-level and groundwater quality information shall be obtained from the project groundwater monitoring wells and collected on a quarterly basis, and submitted in report form to the Nevada County Environmental Health Department, and used to generate the following information:

1. Water-level and groundwater quality monitoring data for a minimum of 12 months before commencement of dewatering of the mine.

2. Water-level hydrographs for each well showing the water-level variations over the monitoring period and a comprehensive well hydrograph showing long-term water levels for each well over the entire monitoring period.
3. Potentiometric-surface contour maps showing the groundwater elevations across the site. These may be produced for a subset of the shallow wells and a second subset for the deeper wells if it is judged that the shallow and deep well systems are in separate water-bearing zones. Alternatively, a combined potentiometric map that includes both shallow and deep well pairs may be constructed if it is judged that the shallow and deep wells are installed within the same water-bearing zone.
4. A projected water-level impact assessment for individual domestic wells shall be performed once dewatering of the underground mine workings commences, based on responses of the measured groundwater levels of the project monitoring wells. The projected groundwater drawdown shall be estimated for each domestic well in the project area. This impact assessment shall be performed by tabulating the variation of the measured water levels from the project monitoring wells over the monitoring period and during the dewatering of the underground mine workings and mining operations. For each domestic well, a projected and seasonally averaged water level shall be estimated based on the domestic well location and the background potentiometric conditions, which will serve as a baseline groundwater level and shall be developed prior to the initiation of dewatering of the underground mine workings.

4.8-2(b)

If, based on the GMP, it is determined that mining operations are resulting in a significant impact to any well(s) (i.e., a 10 percent or greater reduction of the water column of any well), pursuant to Nevada County General Plan Policy 17.12, the project applicant shall be responsible for providing a comparable supply of water to such homes or businesses whose wells are significantly impacted, and if necessary, providing an immediate water supply until the source of the problem is determined and rectified. The comparable supply of water shall be provided to the satisfaction of the Nevada County Environmental Health Department. Such action could include extension of NID potable water or deepening of domestic water wells, in all cases paid for by the project applicant.

4.8-2(c)

Prior to commencement of initial mine dewatering, the project applicant shall implement the Well Mitigation Plan (February 2, 2021, Rise Grass Valley, Inc.) by connecting 30 properties in the East Bennett area to the NID potable water system (see Figure 1 and Table 1 of the Well Mitigation Plan for specific property locations). The project applicant shall be responsible for fully funding the following for each property connection:

1. Engineering and Permitting to NID and County standards.

2. Construction of main water piping, interconnecting the existing NID pipelines at E. Bennet Road and Whispering Pines Lane in accordance with NID standards and NID approved engineering design.
3. Construction of service lateral piping in accordance with NID standards and NID approved engineering design.
4. Installation of water meters at property line in accordance with NID standards and NID approved engineering design.
5. Connection of water meters to house (If requested and authorized by property owner)
6. Closure of domestic water wells (If requested and authorized by property owner)
7. NID installation and capacity charges for a 5/8-inch meter connection.
8. Reimbursement for water charges, for monthly fixed service charges and use of up to 400 gallons per day, will continue until the sooner of the following occurs: (i) The property is sold by the owner after the NID connection is accomplished and paid for by Rise; and (ii) The property is annexed into the City of Grass Valley.
9. Of the 30 properties, it is anticipated that only APN 009-600-012 is not eligible for water cost reimbursement as it is currently vacant. Existing NID customers will not be eligible for reimbursement of NID water charges and will be confirmed through consultation with NID during the design process.
10. All easements necessary for construction and ongoing maintenance of the new pipeline shall be acquired by the applicant and conveyed to NID prior to acceptance of the new potable line.

Proof of satisfaction of this measure shall be provided to Nevada County Environmental Health Department for each property identified in the Well Mitigation Plan.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: Groundwater is present within fractured bedrock throughout the region and there are numerous private supply wells in the area. The existing shafts act as passive wells such that groundwater in the fractures that intersect the shafts flows downward into the mine workings and eventually is discharged from the drains along Wolf Creek. Before exploration and mining can proceed, the water within the underground workings must be removed. Removal of the static water within the flooded

mine workings is referred to as the "initial dewatering". As the water level in the mine is lowered during the initial dewatering, groundwater would flow into the mine workings through fractures and contribute to the volume of water that must be pumped during the initial period. (DEIR, p. 4.8-54.) As dewatering occurs, the water level within the underground workings would decrease from its current depth of approximately 250 feet bgs down to the maximum depth of the New Brunswick shaft at about 3,460 feet bgs. (DEIR, p. 4.8-55.) Thus, the water level within the mine workings would eventually decrease as much as 3,200 feet due to the project. The transmissivity of the fractured bedrock decreases by several orders of magnitude at deeper depths, due to a reduction in the number of fractures and a decrease in the width of the fracture openings caused by increased lithostatic pressures at depth. As a result, dewatering of deeper tunnels and drifts would have less impact on groundwater levels in the fractured bedrock than would dewatering of shallower mine workings. (DEIR, p. 4.8-55.)

Based on the fractured bedrock aquifer properties and the maintenance dewatering rates, it is anticipated that the drawdown near the mine area would cause the water levels in several of the wells in the East Bennett area to be affected. (DEIR, p. 4.8-55.) Throughout the East Bennett area, the predicted drawdowns range from approximately five to 10 feet. (DEIR, p. 4.8-58.) For EMKO's analysis, a 100 percent factor of safety is applied to the potential reduction resulting in unstable conditions, such that a criterion of 10 percent of the water column is used to define wells that might be substantially affected by dewatering of the underground mine workings. Of the approximate 36 wells in the East Bennett and Bennett Industrial areas, there are three wells that have at least 10 percent reduction in the water column, under either the base case or most sensitive case. (DEIR, p. 4.8-58.) In addition, four wells are predicted to have a reduction in the water column of between 7.5 percent and 10 percent. (DEIR, p. 4.8-62.) In other areas around the perimeter of the mine workings, the projected maximum drawdown in private wells is less than two feet. In all cases, based on the information available through the well completion reports, the maximum potential additional drawdown in the perimeter areas is less than 10 percent of the available water column in individual wells. The maximum drawdown is also substantially less than the normal seasonal fluctuation in the groundwater levels of 10 feet to 30 feet or more. (DEIR, p. 4.8-62.)

The proposed mining operations could result in adverse effects to seven domestic water supply wells in the East Bennett area during the life of the mining operation. After reclamation, when the mine is allowed to flood, groundwater levels in the wells would recover to their approximate pre-project levels. the project would address this by installing a potable water supply line in East Bennett Road and providing individual well owners with a connection to the potable water line. While only seven wells are projected to be adversely affected, the applicant has prepared a Well Mitigation Plan that would connect up to 30 properties in the East Bennett area to the NID potable water system. The properties would have the option to be connected to the potable water system prior to commencement of initial mine dewatering. The Well Mitigation Plan will obligate the applicant to fund the engineering, permitting, construction, and installation of main water piping and water meters to each property, as well as NID water charges for ongoing water supply. Property

owners of vacant land or who are currently supplied by NID would not be eligible for reimbursement of NID water charges. (DEIR, p. 4.8-66.)

In addition, consistent with Itacsa's recommendations, a rigorous GMP will be implemented by the applicant to assess how the hydrogeologic system responds to mining, whether the measured results are within those modeled under the various scenarios discussed above. The GMP will select locations of the monitoring wells in order to provide spatial coverage throughout the project and adjacent areas. Monitoring well locations will range from within areas of higher predicted drawdowns to outlying areas with minimal predicted drawdowns. Monitoring wells in closer proximity to the mine will generally experience drawdowns before wells farther away. The measurements of water levels in the monitoring wells can be used to verify the groundwater drawdowns as dewatering progresses to provide sufficient time to predict adverse impacts to domestic wells before they occur so that appropriate mitigation measures can be implemented. (DEIR, p. 4.8-66.)

Without implementation of a groundwater monitoring program and Well Mitigation Plan, the project could result in a significant impact to groundwater supplies. Implementation of mitigation measures requiring connection of 30 properties to NID potable water groundwater, monitoring of groundwater levels and replacement of water for well owners due to unexpected groundwater impacts would reduce the above impact to a less-than-significant level. (DEIR, p. 4.8-66 to 4.8-67.)

<u>Impact 4.8-3</u>: The Project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) Result in substantial erosion or siltation on- or off-site? ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? iii) Create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? iv) Impede or redirect flood flows.

Mitigation Measures:

4.8-3

As part of the Improvement Plan submittal process, the applicant shall submit a Final Drainage Report to the Nevada County Planning Department for review and approval. The Final Drainage Report may require more detail than that provided in the preliminary report and will be reviewed in concert with the Improvement Plans to confirm conformity. The report shall address the Centennial and Brunswick Industrial Sites, be prepared by a Registered Civil Engineer, and shall, at a minimum, include narrative describing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site

improvements to accommodate flows from this project, including treated mine water discharge and stormwater runoff. The Final Drainage Report shall demonstrate that the on-site storm drain systems are sized such that site runoff (in addition to treated mine discharge for the Brunswick Industrial Site) under the post-development condition will not exceed predevelopment levels in the downstream channel(s) during the design storm events.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: The drainage analysis provided on pages 4.8-69 to 4.8-75 of the DEIR concluded that the project would not significantly alter the drainage patterns of the Project sites in a manner which would result in substantial erosion or siltation on- or off-site, nor substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, nor create or contribute to runoff water which would exceed the capacity of existing stormwater drainage systems, nor impede or redirect flood flows. West Yost's independent peer review concurs with this conclusion. The combined flows from the treated water discharge and existing base flow in South Fork Wolf Creek would be below the levels that could potentially result in erosion or sediment transport. Peak storm flows at both the Centennial and Brunswick Industrial Sites would be reduced to levels less than existing conditions peak storm flows due to the detention basins that would be constructed below the engineered fill areas. The reduction in peak storm flows would reduce the potential for erosion and sedimentation within South Fork Wolf Creek and reduce utilization of existing capacity of storm drain systems under the City of Grass Valley. Although the project's proposed stormwater facilities design would avoid significant impacts associated with the potential to result in or contribute to runoff water in excess of storm drain system capacity, the impact is considered significant for the purposes of this analysis and mitigation, specifying requirements for regulatory compliance, is identified as necessary to reduce the impact to less than significant. Implementation of mitigation measure 4.8-3 would reduce the above potential impact to a less-than-significant level by requiring submittal of a final drainage report to demonstrate that onsite storm drain systems are properly sized. (DEIR, pp. 4.8-69 to 4.8-75.)

<u>Impact 4.8-5</u>: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Mitigation Measure:

4.8-5

The applicant shall implement the Floodplain Management Plan prepared for the Centennial Industrial Site, as approved in its final form by Nevada County. Specifically, the applicant shall implement the mitigation measures and conditions identified in the Floodplain Management Plan, which include measures designed to mitigate the impact of development on the floodplain. Such measures generally include, but are not limited to, the following and shall be implemented in accordance with their specified timing (e.g., either prior to, during, or after ground disturbance activities within the 100-foot floodplain buffer):

- Grading and land disturbance within the limits of the SFHA (100- year floodplain) of Wolf Creek shall be avoided.
- Prior to commencing construction, the 100-year floodplain boundary shall be delineated by appropriate means on the Centennial Industrial Site to ensure that construction activities remain outside the 100-year floodplain.
- As early as practicable once the engineered fill development has begun, the detention basin proposed in the Preliminary Drainage Analysis & Detention Study by Nevada City Engineering, Inc. shall be installed and made operational. During the grading operation, erosion control measures should be maintained in place on the fill pad to avoid silt and runoff from the pad proceeding down the fill slope towards Wolf Creek, and to direct all runoff to the detention basin which is to be constructed at the northwest corner of the fill area. During this time all potential runoff from the engineered fill pad area shall concurrently be directed to this basin for both its detention and de-siltation benefits.
- No significant increase in impermeable surfaces shall occur within 100 feet of the 100-year floodplain. The only added impervious surface shall be approximately 520 lineal feet of concrete V-ditch at the toe of the engineered fill slope. This will have no measurable impact on drainage runoff or flooding.
- Areas within 100 feet of the 100-year floodplain, which are disturbed due to construction activity, shall be regraded to a smooth, natural contour resembling their pre-development configuration, with the exception of approximately 0.55-acre of engineered fill located on the northeast corner of the proposed Centennial Industrial Site. Grading shall be done in such a manner as to smoothly convey flows through the property without accelerating their transit to downstream areas. All disturbed areas shall be subject to erosion control measures and protection during and after the engineered fill placement operation in order to stabilize any disturbed

soil, thus eliminating the likelihood of increased erosion exiting the site toward downstream properties.

- Temporary disturbance of vegetation within 100 feet of the 100- year floodplain due to construction shall be remediated by appropriate replacement plantings as recommended by the project biologist and as pursuant to the project Reclamation Plan.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: Due to its distance from the ocean and other large, enclosed bodies of water, the project is not located in an area that would be subject to tsunamis or seiches. According to the FEMA flood hazard maps for the project area, Maps 06057C0631E, 06057C0632E, 06057C0633E, 06057C0650E (FEMA, 2019), the only part of the project site that is located within a Special Flood Hazard Area (SFHA) is the northern edge of the Centennial Industrial Site along Wolf Creek. This SFHA encompasses 2.31 acres on the Centennial Industrial Site, as shown on Figure 4.8-16. Approximately 0.55-acre of the engineered fill placement encroaches into the County of Nevada mandated 100-foot zone beyond the 100-year floodplain limit, necessitating a Floodplain Management Plan. Limited use of heavy equipment for engineered fill placement within the 100-foot floodplain setback could result in a risk of release of pollutants should leaks from heavy equipment occur and the area becomes inundated. (DEIR, p. 4.8-76.)

A Floodplain Management Plan was prepared pursuant to Section L-II 4.3.3.C of the Nevada County LUDC. The Floodplain Management Plan includes recommended mitigations and conditions that must be complied with to ensure that the operations at the Centennial Industrial Site would not result in adverse effects to the 100-year floodplain associated with Wolf Creek. With respect to flood flows in Wolf Creek, as discussed in Impact 4.8-4, the Centennial Industrial Site design incorporates a stormwater detention pond, which has been sized to ensure that, under the post-project condition, the project would result in a net decrease in flows exiting the project site into Wolf Creek during the storm events analyzed. Nevertheless, the proposed ground disturbance within the 100-foot buffer zone from the SFHA 100-year floodplain could result in significant impact. Implementation of mitigation measure 4.8-5, requiring implementation of the Floodplain Management Plan would reduce the above impact to a less-than-significant level because this mitigation measure restricts the activities allowed within the vicinity of the SFHA, including requiring the applicant to avoid grading and land disturbance within the SFHA, as well as prohibiting a significant increase in impermeable surfaces within 100 feet of the

SFHA. (DEIR, pp. 4.8-78 to 4.8-79.) Moreover, any disturbance of areas within 100 feet of the SFHA must be regraded and remediated through placement of appropriate vegetation. (DEIR, p. 4.8-79.)

8. NOISE AND VIBRATION

Impact 4.10-1: Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, due to initial construction activities.

Mitigation Measure:

4.10-1

The following noise reduction measures shall be implemented during construction of the potable water line along East Bennett Road and shall be included on Improvement Plans for installation of the potable water line to the satisfaction of the Nevada County Planning Department.

- Provide advanced notification of pipeline construction dates and durations to each of the residences located along the construction corridor.
- Ensure that all equipment utilizing internal combustion engines is fitted with working mufflers in good repair.
- Utilize the quietest equipment capable of performing the required construction.
- Locate construction staging areas as far as feasibly possible from existing residences.
- If portable generators or air compressors are to be used, locate that equipment as far as feasibly possible from existing residences and, if possible, shield them from view of those residences using intervening topography or vehicles.
- All mobile equipment shall be fitted with broad band "growler" type back-up warning devices rather than the conventional "beeper" devices.

Finding. Significant and Avoidable After Mitigation: Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible the mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Finding: Site preparation activities at both the Brunswick and Centennial Industrial Sites will include site clearing, grading, paving, and building construction. In addition, construction of the potable water pipeline along East Bennett Road will include trenching, pipeline installation, and compaction activities. (DEIR, p. 4.10-27.)

Construction activities associated with development of the aboveground facility at the Brunswick Industrial Site are anticipated to occur over approximately 18 months. Construction activities at the Centennial Industrial Site would be limited (e.g., driveway entrance and left-turn lane improvements) and are anticipated to take 1-2 months to complete. Construction of the potable water pipeline is anticipated to take approximately four months to complete. The aforementioned activities would lead to a temporary increase in ambient noise levels in the project vicinity and are discussed in further detail below. (DEIR, p. 4.10-27.)

As demonstrated in Table 4.10-11, the construction activities could result in substantial temporary increases in daytime noise exposure at eight receptors in the project vicinity (Receptors 9 through 16), when compared to the baseline ambient noise levels at these locations, shown in Table 4.10-6. The substantial increase in noise levels at such locations would be due to the installation of the potable water pipeline along East Bennett Road. As noted above, construction noise is exempt from the Nevada County LUDC noise standards (Section L-II 4.1.7.D.8), thus the project's construction noise would not be in violation of the County noise standards. Nevertheless, the predicted construction noise level increases at Receptors 9 through 16 would still be considered substantial pursuant to CEQA. (DEIR, pp. 4.10-29 to 4.10-30.)

Construction noise impacts associated with construction activities at the Centennial Industrial Site and Brunswick Industrial Site would be less than significant. However, installation of the potable water pipeline in East Bennett Road is considered a significant impact during duration of daytime construction. Implementation of the following mitigation measure would reduce the temporary construction-related noise impact associated with installation of the potable water pipeline. However, because the noise reductions that would be achieved by the measures cannot be definitively determined to confirm that noise levels would be reduced to below a level of significance, the impact is considered significant and unavoidable for the purposes of this CEQA evaluation. (DEIR, p. 4.10-30.)

<u>Impact 4.10-2</u>: Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other

agencies, due to fill placement, compaction, off-site traffic, and related activities.

Mitigation Measure:

4.10-2:

Haul truck operators shall be required to operate their trucks in such a manner so as to not require the use of jake brakes along the project haul routes. The project applicant shall post signage at the exits of both the Centennial Industrial Site and Brunswick Industrial Site informing drivers that the use of jake brakes is not permitted. Additionally, drivers directly employed by the project applicant, as well as any contract drivers, shall be required to abstain from use of jake brakes as a company policy. Proof of sign postage (e.g., photographic documentation) and a copy of the company policy language shall be provided to the Nevada County Planning Department prior to commencement of hauling. In the event that jake brake usage associated with project-related heavy truck traffic is observed, the project applicant shall implement additional measures to educate drivers regarding the safe operation of their vehicles without the use of jake brakes or take disciplinary action, if required, to the satisfaction of the Nevada County Planning Department. In addition, haul trucks shall be fitted with broadband "growler" type back-up warning devices rather than the conventional "beeper" devices.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Findings: Placement and compaction of engineered fill at the Centennial Industrial Site would occur over approximately five years, and placement and compaction of engineered fill at the Brunswick Industrial Site would occur over approximately six years. Movement of fill from the Brunswick Industrial Site to the Centennial Industrial Site would involve an increase of heavy truck traffic along off-site roadways, which could increase local noise levels. The aforementioned activities would lead to a temporary increase in ambient noise levels in the project vicinity. (DEIR, p. 4.10-31.) While the placement of engineered fill is anticipated to occur over an extended period of time, these operations would not occur over the life of the project. For example, it is estimated that engineered fill placement may occur for approximately five years at the Centennial Industrial Site and six years at the Brunswick Industrial Site. This is in contrast to the operational life of the mine, which could occur up to 80 years, pursuant to the Conditional Use Permit. As a result, placement and compaction activities at both the

Brunswick Industrial and Centennial Industrial Sites are evaluated in this construction noise impact discussion. (DEIR, p. 4.10-31.)

Implementation of the proposed project would include an estimated five years of temporary hauling of engineered fill from the Brunswick Industrial Site to the Centennial Industrial Site, and engineered fill placement and compaction at the Centennial Industrial Site, which would result in temporary increases in ambient noise levels in the vicinity of the project site. Based on the above referenced noise analysis, all noise generated from engineered fill placement and compaction, and noise associated with haul truck operation (excepting potential jake brake use) and worker trips during this period, would remain below the applicable noise standards. However, noise generated from hauling fill from the Brunswick Industrial Site to the Centennial Industrial Site could exceed local standards if jake brakes are used. Therefore, the project could result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, and a significant impact could occur. (DEIR, p. 4.10-35.) Implementation of mitigation measure 4.10-2 would reduce the potential for jake brake use during hauling material between the Brunswick Industrial Site and the Centennial Industrial Site and would reduce the potential impact to a less-than significant level.

<u>Impact 4.10-3</u>: Generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measures:

4.10-3

The following conditions shall be met, subject to review and approval by the Nevada County Planning Department:

1. All on-site mobile equipment shall be fitted with broadband "growler" type back-up warning devices rather than the conventional "beeper" devices.
2. comprehensive noise monitoring program shall be conducted of each facet of the operation to both verify the modelling assumptions of the project noise analysis (Bollard Acoustical Consultants, Inc. Noise and Vibration Analysis, Idaho Maryland Mine, Nevada County, California BAC Job #2018-203. March 8, 2021) and to ensure that compliance with the applicable Nevada County noise standards is being achieved at nearby sensitive receptors. The noise monitoring program shall evaluate noise

levels at a minimum of five receptor locations surrounding the Brunswick Industrial Site. The noise monitoring system shall consist of the installation of permanent noise monitors at three to five locations on the Brunswick Industrial Site, and one site at the Centennial Industrial Site, to be determined by a third-party noise consultant under contract with the County, in coordination with the applicant. The permanent monitors shall be provided with a continual power source, and shall include internet connectivity technology, to enable electronic retrieval of noise monitoring data at any time by the County's third-party noise consultant.

a. Within 30 days of installation and operation of mine-related equipment at the Brunswick Industrial Site, the County's third-party noise consultant shall retrieve and evaluate noise monitoring data to evaluate whether mine-related operational noise levels are in compliance with County noise standards at the pre-determined Receptor locations, using noise level data and noise attenuation calculations accounting for distance to the receptor locations. The results shall be submitted to the Nevada County Planning Department within one week from evaluation of the noise data. If the results indicate that the County noise standards are being exceeded either by individual equipment or processes, or cumulative noise generation of the entire facility, operations shall cease until additional engineering controls can be implemented as needed. Such measures could take the form of noise barriers, installation of sound absorbing materials, use of additional silencers, etc. After implementation of any recommended measures, follow-up noise level data evaluation shall be conducted to demonstrate that the resultant operational noise levels comply with the County noise level standards at nearby sensitive receptors.

b. After the initial noise monitoring evaluation described under "a", the County's third-party noise consultant shall evaluate permanent noise monitoring data at the pre-determined receptor locations as follows: i) on a quarterly basis during the first five years of project operation; ii) once per year thereafter for the life of the project; and iii) in response to public noise complaints. If the results indicate that the County noise standards are being exceeded, then the actions

described in "a" shall be implemented to the satisfaction of the County.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen some effects of the permanent increase in ambient noise level. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Findings:

Operations of the proposed mine would involve several components that would result in the long-term/permanent generation of noise, specifically the following: Long-Term Off-Site Traffic; Mineral Processing; Shaft Ventilation; Exterior Pumps; Water Treatment Plant; Backup Generators; Mine Compressor; Brunswick Shaft Skipping; Parking Lot; Blasting. Each of the aforementioned components were analyzed on pages 4.10-37 to 4.10-50 for potential noise-related impacts. In addition, the DEIR includes an analysis of the potential for several components to combine and result in additive noise-related impacts. (DEIR, p. 4.10-37.)

As shown in Table 4.10-16 of the DEIR, the traffic noise level increase from the transport of fill from the Brunswick Industrial Site to the highway and from employee commutes would not exceed the applicable thresholds of significance at any of the receptors. Therefore, noise-related impacts from off-site heavy trucks and employee traffic would be less than significant. (DEIR, p. 4.10-38.)

Based on the data presented in Table 4.10-17 of the DEIR, the mineral processing operations would generate noise levels below the applicable nighttime standards of significance at each of the nearest sensitive receptor locations. As such, noise-related impacts from mineral processing would be less than significant. (DEIR, p. 4.10-38.) As shown in Table 4.10-18 of the DEIR, the shaft ventilation fan is predicted to generate noise levels below the applicable nighttime standards of significance at each of the nearest sensitive receptor locations. As such, noise-related impacts from shaft ventilation would be less than significant. For the various on-site pumps, predicted pump noise levels would be below the most restrictive nighttime noise criteria, noise-related impacts from exterior pumps would be less than significant. (DEIR, p. 4.10-42.) The estimated noise level from operations of the water treatment plant would be well below the applicable daytime, evening, and nighttime thresholds of 62, 60, and 55 dB Leq, respectively. As such, the noise-related impacts from the water treatment plant would be less than significant. (DEIR, p. 4.10-43.) Predicted generator, compressor, and shaft-skipping noise levels are below all applicable noise standards; therefore, the noise-related impacts from the backup generators would be less than significant. (DEIR, p. 4.10-43.) Additionally, the average and maximum noise generation of the employee parking lot activities would be below those average and maximum noise criteria, noise-related impacts from the parking lot would be less than significant. (DEIR, p. 4.10-44.) The range of

predicted worst-case blasting noise levels of 52 to 57 dBA Lmax is below the daytime, evening, and nighttime dBA Lmax criteria at the nearest. (DEIR, p. 4.10-45.)

As shown in Figure 4.10-7 and Figure 4.10-8, as well as Table 4.10-19 and Table 4.10- 20 of the DEIR, the combined project noise exposure from combined sources at the Brunswick site is expected to fall below both the daytime and nighttime noise criteria at the nearest receptors. (DEIR, p. 4.10-45.)

Based on the analysis presented on pages 4.10-37 to 4.10-45, none of the individual activities associated with long-term operations of the proposed project would generate noise in excess of the applicable noise standards. Furthermore, combined project noise impacts are not anticipated for the proposed project. Nonetheless, because the project would include multiple processes which generate noise, and because compliance with the Nevada County Noise Standards is required, Mitigation Measure 4.10-3 is included out of an abundance of caution to ensure satisfaction with such standards and to reduce the potential for annoyance resulting from the proposed project to the maximum extent feasible. It is conservatively concluded that the proposed project could result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and the project's noise impacts could be significant. Implementation of mitigation measures would reduce the above potential impact to a less-than-significant level.

Impact 4.10-4: Exposure of people to or generate excessive ground borne vibration or ground borne noise levels.

Mitigation Measure:

4.10-4

The project applicant shall conduct a project-specific Ground Vibration Monitoring Program, as set forth in this mitigation measure. As part of the Ground Vibration Monitoring Program, the mine shall employ between eight and ten seismographs, which shall be installed prior to any onsite blasting, and used during all blasting of levels above the 1,000-foot level. The seismographs shall be placed at the following locations:

- One at the Brunswick Shaft;
- One at each of the four corners of the Mine Property;
- One in the Whispering Pines Industrial Park;
- Two at nearby residences; and
- Two travelling seismographs which can change location depending on the weekly/monthly mining plan.

After the mine has stopped blasting at the proposed shaft and above the 1,000-foot level, only five seismographs would be required for the Ground Vibration Monitoring Program. One seismograph shall be located at the Brunswick Shaft and one in each of the four corners of the mine property. The five seismographs would collect relevant data throughout the entire operation to understand how the ground is transmitting vibration in these areas.

Once mining operations commence, the project applicant shall hire a blast consultant to assist with the development of a 95 percent confidence level equation for the site-specific ground vibration. The blast consultant shall assess the data acquired by the seismographs using a linear regression and log-log confidence model to develop an equation that the mine can use to modify blasting, as needed, to ensure vibration levels remain below 0.4 in/s at sensitive receptors.

Results of the Ground Vibration Monitoring Program and the equation for site-specific ground vibration shall be submitted to the Nevada County Planning Department, on a monthly basis, for review.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen some effects of exposure to excessive groundborne vibration or groundborne noise levels. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Findings:

Implementation of the proposed project could result in the generation of ground borne vibration from construction activities, heavy truck traffic, and underground blasting. Construction activities associated with the proposed project would have the potential to result in varying degrees of temporary ground vibration depending on the specific construction equipment used and operations involved. The nearest receptor to where the most significant vibration would be generated is approximately 350 feet away. By applying a standard vibration attenuation calculation, the vibration level at the nearest sensitive receptor would be 0.002 in/s PPV, or approximately 58 VdB, which falls below the selected criteria for vibration impacts on structures (90 VdB) and annoyance to residential land uses (72 VdB). Therefore, construction associated with the proposed project would result in a less-than significant impact related to ground borne vibration. (DEIR, p. 4.10-51.)

Vibration would be generated by heavy truck traffic transporting engineered fill material from the Brunswick Industrial Site to the Centennial Industrial Site and/or off-site. The truck traffic vibration levels would be below the thresholds for both annoyance and damage to structures, and

heavy truck traffic associated with the proposed project would result in a less-than-significant impact related to ground borne vibration. (DEIR, p. 4.10-52.)

As part of the project, an extensive network of tunnels would be constructed throughout the lifetime of the proposed mine. New underground tunnels would be created as necessary to access potential ore veins or to provide the necessary infrastructure, ventilation, and escape routes. The largest types of blasting that would occur for tunnel expansion would be drift development and long-hole stope blasting. The Idaho-Maryland Mine has already been extensively mined to 1,600 feet below surface, but the possibility exists that gold ore is located in the upper levels of the mine as well. Therefore, the analysis conducted by PBS assumed that mining by drift rounds and long-hole blasts could take place as shallow as 500 feet below the ground surface. (DEIR, p. 4.10-52.)

As shown in Table 4.10-22 and Table 4.10-23, all ground borne vibrations calculated for blasting of both drift round and long-hole stopes, respectively, fall below the USBM recommendations and the levels at which structural damage to buildings is possible. Drift development blasts at the shallowest depth considered of 500 feet would be barely perceivable to the general population and undetectable by instrumentation below 900 feet in depth. Larger longhole stopping blasts at the shallowest depth considered of 500 feet would be 0.23 in/s, which is also well below the threshold level of vibration (0.4 in/s) about which less than eight percent of the population complains. The calculated ground vibration is considered insignificant. At depths below 800 feet, the ground vibration becomes unnoticeable to the general population. Untraceable vibration would occur at a depth of approximately 1,500 feet. At depths below 1500 feet, it would be expected that ground vibration would be unnoticeable. As such, underground blasting associated with the proposed project would result in a less-than-significant vibration related impact to sensitive receptors in the project vicinity. (DEIR, p. 4.10-54.)

Analog Devices, Inc., located along Crown Point Circle, is a business that works with sensitive electronic equipment and microscopes placed on vibration dampeners. According to PBS, based upon research, it is reasonable to assume such equipment can withstand vibration levels up to 0.5 in/s without affecting the function of these devices. In the vicinity of the Analog Devices building, the shallowest depth that underground mining and blasting is likely to occur is 1,000 feet. below 0.1 in/s (i.e., vibration level that is perceivable). Underground blasting on the 1,400-foot level and below would not be traceable. Therefore, underground blasting associated with the proposed project would result in a less-than-significant vibration-related impact to Analog Devices. (DEIR, pp. 4.10-54 to 4.10-55.)

Overall, the proposed project is not anticipated to result in the exposure of persons to our generation of excessive groundborne vibration levels. Nonetheless, in order to ensure that actual mining operations would generate vibration levels as expected, a Ground Vibration Monitoring Program is required by Mitigation Measure 4.10-4. Without quantitative evidence and regular monitoring from the Ground Vibration Monitoring Program, a significant impact related to the

generation of ground borne vibration could occur. (DEIR p. 4.10-58; FEIR, p. 3-76.) Mitigation Measure 4.10-4 requires a Ground Vibration Monitoring Program to determine the actual levels of ground vibration that occur, assess ground vibration, and modify blasting, if needed. Implementation of mitigation measure 4.10-4 would ensure the above potential impact is less than significant.

9. TRANSPORTATION

Impact 4.12-1: Conflict with a program, plan, ordinance, or policy addressing study intersections under EPAP Plus Project Conditions. Based on the analysis below, impacts to all study intersections under EPAP Plus Project Conditions would be less than significant, with the exception of the Brunswick Road/Idaho Maryland Road, Brunswick Road/SR 174, and Idaho Maryland Road/Centennial Drive intersections.

Mitigation Measures:
4.12-1(a)

Brunswick Road/Idaho Maryland Road – Prior to issuance of building permits, the applicant shall pay the GVTIF to the City of Grass Valley. Proof of payment shall be submitted to the Nevada County Community Development Agency.

4.12-1(b)

SR 174/Brunswick Road – The project applicant shall enter into a Traffic Mitigation Agreement with the County regarding the SR 174/Brunswick Road intersection. The Agreement shall require the applicant to pay the project's fair share contribution toward the improvements necessary to improve intersection operations to an acceptable level. The Agreement shall include the fair share calculations and total payment amount. Based on the Caltrans methodology to assess fair share, it is estimated that the fair share percentage is 14.9%.

4.12-1(c)

Idaho Maryland Road/Centennial Drive - Prior to issuance of building permits, the applicant shall pay the GVTIF to the City of Grass Valley. Proof of payment shall be submitted to the Nevada County Community Development Agency.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen some of the significant traffic effects on the environment for all study intersections, with the exception of the Brunswick Road/Sr 174 intersection, through Mitigation Measures 4.12-

1(a) and 4.12-1(c). (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible the other traffic mitigation measures or alternatives identified in the EIR, as to impacts at the SR 174/Brunswick Road intersection. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts and Rationale in Support of Findings: The traffic level of service (LOS) impacts of the proposed project were identified in the DFEIR by superimposing project traffic onto existing plus approved projects (EPAP) conditions. The DEIR's analysis addresses two proposed project scenarios, where Scenario #1 considers transport of engineered fill to the Centennial Industrial Site and Scenario #2 considers transport of engineered fill to construction sites accessible via SR 49. (DEIR, p. 4.12-56.)

Seven intersections would meet the peak hour signal warrant under EPAP Plus Project Scenario #1 Conditions during the 3:30 to 4:30 PM project traffic hour scenario. However, only the Brunswick Road/Idaho Maryland Road intersection, the SR 174 at Brunswick Road intersection, and the Idaho Maryland Road at Centennial Drive intersection would operate below the accepted LOS D threshold under Scenario #1. (DEIR, p. 4.12-61.)

Under the EPAP Plus Project Scenario #2, seven intersections would meet the peak hour signal warrant; however, only the Brunswick Road/Idaho Maryland Road intersection, the SR 174 at Brunswick Road intersection, and the Idaho Maryland Road at Centennial Drive intersection would operate below the accepted LOS D threshold. (DEIR, p. 4.12-61.)

Under both Scenarios #1 and #2 the proposed project would increase traffic through three intersections already identified as operating unacceptably under Existing and EPAP Conditions. Thus, a significant impact to the Brunswick Road/Idaho Maryland Road, Brunswick Road/SR 174, and Idaho Maryland Road/Centennial Drive intersections would occur under the EPAP Plus Project Conditions. (DEIR, p. 4.12-61.)

Payment of the GVTIF for improvements to the Brunswick Road/Idaho Maryland Road intersection and the Idaho Maryland/Centennial Drive intersection, as required by mitigation measures 4.12-1(a) and 4.12-1(c) would reduce the project's impacts at these intersections to a less-than-significant level. (DEIR, p. 4.12-66.) However, payment of the project's 14.9% fair share contribution to necessary improvements at the SR 174/Brunswick Road intersection as required by mitigation measure 4.12-1(b) is not guaranteed to mitigate the project's impact at the time the project commences because the County may not have received the remaining necessary funds for the traffic improvement at that time. Accordingly, despite payment of its proportional fair share for the necessary

traffic improvements at the SR 174/Brunswick Road intersection, the project's impact at this intersection is considered significant and unavoidable due to the uncertainty surrounding timing and implementation of the improvements. (DEIR, p. 4.12-66.)

<u>Impact 4.12-6</u>: Substantially increases hazards to vehicle safety due to a geometric design feature or incompatible uses.

Mitigation Measures:

4.12-6(a):

Prior to the commencement of construction and issuance of Encroachment Permits, construction signing, and traffic control plans shall be provided to the Nevada County Public Works Department and the City of Grass Valley for review and acceptance. The construction signing and traffic control plans shall include (but not necessarily be limited to) items such as:

- Guidance on the number and size of trucks per day entering and leaving the project site;
- Identification of arrival/departure times that would minimize traffic impacts;
- Approved truck circulation patterns;
- Locations of staging areas;
- Locations of employee parking and methods to encourage carpooling and use of alternative transportation;
- Methods for partial/complete street closures (e.g., timing, signage, location, and duration restrictions);
- Criteria for use of flaggers and other traffic controls;
- Preservation of safe and convenient passage for bicyclists and pedestrians through/around construction areas;
- Monitoring for roadbed damage and timing for completing repairs;
- Limitations on construction activity during peak/holiday weekends and special events;
- Preservation of emergency vehicle access;
- Coordination of construction activities with construction of other projects that occur concurrently to minimize potential additive construction traffic disruptions, avoid duplicative efforts (e.g., multiple occurrences if similar signage), and maximize effectiveness of traffic mitigation measures (e.g., joint employee alternative transportation programs);
- Removing traffic obstructions during emergency evacuation events; and
- Providing a point of contact for residents and guests to obtain construction information, have questions answered, and convey complaints.

The construction signing and traffic control plans shall be developed such that the following minimum set of performance standards is achieved throughout project construction.

- All construction employees shall park in designated lots owned by the project applicant or on private lots otherwise arranged for by the project applicant.
- Roadways should be maintained clear of debris (e.g., rocks) that could otherwise impede travel and impact public safety.

4.12-6(b)

Prior to any hauling of project materials (e.g., engineered fill, soil, rocks, etc.) on County or City roads, the project applicant shall enter into separate road maintenance agreements with Nevada County and the City of Grass Valley to provide the project's fair share of funding for maintenance of roadways commensurate with the project's impact to pavement conditions on both Nevada County and Grass Valley roadways including Brunswick Road between E. Bennett Road and SR 49 and E. Bennett Road between project driveway and Brunswick Road.

4.12-6(c)

Prior to approval of an Encroachment Permit for driveway construction at the intersection of E. Bennett Road/Millsite Road, the Nevada County Public Works Department shall review and approve the improvement plans for the E. Bennett Road/Millsite Road intersection which need to include pavement widening and designation that only right-hand turns are allowed from the project site at this location. Prior to commencement of project operations, the E. Bennett Road/Millsite Road intersection shall be improved to the satisfaction of Nevada County Public Works Department, at the expense of the project applicant.

4.12-6(d)

Prior to the County issuing any permits for work on the Centennial Industrial Site: 1) the project applicant shall submit plans to the Grass Valley Engineering Division and receive approval from the City of Grass Valley for widening of Whispering Pines Lane along the Centennial Industrial Site's frontage for purposes of facilitating adequate truck turn movements into and out of the Site. The plans shall reflect a 12-foot two-way-left-turn-lane (TWLTL), a 12-foot travel lane, and a six-foot bicycle lane; 2) In addition, the applicant shall designate and record a landscape easement to mitigate sight distance concerns. The plans shall be approved by the City of Grass Valley and the project applicant shall be responsible for 100 percent of the cost for this improvement.

4.12-6(e)

Prior to commencement of operations, the project applicant shall obtain an encroachment permit from Nevada County and install: 1) W51 "Slow Trucks" road sign along Brunswick

Road, about 500 feet north of the E. Bennett Road intersection; 2) A second sign shall be installed at the applicant's expense just south of the crest of the grade, warning truck drivers of the transition in grade and presence of the downgrade Loma Rica Drive intersection.

4.12-6(f)

Prior to the County issuing any permits for work on the Brunswick Site, the project applicant shall remove any landscaping over 2 feet in height inside the sight line from the project driveway to Brunswick Road.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen some of the significant traffic effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts and Rationale in Support of Findings: Without proper planning of construction activities, short-term construction traffic and potential street closures could interfere with existing roadway operations during the construction phase. In addition, the additional project truck traffic would result in a shorter lifespan of the pavement or increased maintenance at a number of study roadway segments, and pavement improvements would be required at the E. Bennett Road/Millsite Road intersection to ensure adequate truck turning movements. Therefore, the proposed project could substantially increase hazards to vehicle safety due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) associated with the proposed project, and a significant impact could occur. Implementation of mitigation measures 4.12-6(a) through 4.12-6(f) would reduce the above impacts to a less-than-significant level by requiring cooperation between the project applicant and public agencies. (DEIR, p. 4.12-90; FEIR, p. 3-95.) For example, Mitigation Measure 4.12-6(b) requires the project applicant enter into separate road maintenance agreements with Nevada County and the City of Grass Valley prior to commencement of engineered fill hauling. (DEIR, p. 4.12-91.) Mitigation Measures 4.12-6(a), 4.12-6(c), and 4.12-6(e) require Nevada County and the City of Grass Valley review and approve specific actions of the project applicant. (DEIR, pp. 4.12-90 to 4.12-91.)

<u>Impact 4.12-8</u>: Conflict with a program, plan, ordinance, or policy addressing study intersections under Cumulative Plus Project Conditions.

Mitigation Measures:

4.12-8(a)

SR 174/Brunswick Road – Implement Mitigation Measure 4.12-1(b).

4.12-8(b)

Sutton Way/Dorsey Drive - Prior to issuance of building permits, the applicant shall pay the GVTIF to the City of Grass Valley. Proof of payment shall be submitted to the Nevada County Community Development Agency.

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant traffic effects on the environment for the Sutton Way/Dorsey Drive intersection through Mitigation Measure 4.12-8(b). (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible the other traffic mitigation measures or alternatives identified in the EIR related to impacts at the SR 174/Brunswick Road intersection. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).); and

Facts and Rationale in Support of Findings: The cumulative traffic section of the DEIR (Impact 4.12-8) evaluated two proposed project scenarios, where Scenario #1 considers transport of engineered fill to the Centennial Industrial Site and Scenario #2 considers transport of engineered fill to construction sites accessible via SR 49. (DEIR, p. 4.12-93.) under both Scenarios #1 and 2 the proposed project would increase traffic through two intersections already identified as operating unacceptably under Cumulative No Project Conditions. Thus, the proposed project's incremental contribution to the significant cumulative impact to the Brunswick Road/SR 174 and Sutton Way/Dorsey Drive intersections would be considered cumulatively considerable and significant and unavoidable. (DEIR, p. 4.12-93.)

Signalization or a roundabout would improve the Brunswick Road/SR 174 intersection to acceptable LOS conditions. Under Cumulative Plus Project Scenarios #1 and #2, the project is expected to add 10 additional vehicles through the intersection during the 3:30 to 4:30 PM time period. NCTC removed this intersection from their RTMF program in their 2016 Nexus Study, while Caltrans has the intersection identified as a planned, but unfunded improvement in their SR 174 TCR. Mitigation Measure 4.12-1(b) requires the project applicant to enter into a traffic mitigation agreement with Caltrans and provide the project's fair share contribution toward the improvements needed to improve intersection operations to an acceptable level. (DEIR, p. 4-12-98.) Because the remaining funds for the intersection improvements are unknown, in terms of timing and contributing parties, the successful implementation of the intersection improvements is uncertain. Therefore, the

project's incremental impact to the SR 174/Brunswick Road intersection is significant and unavoidable. (DEIR, p. 4.12-98.)

As part of the Dorsey Marketplace project, the Sutton Way/Dorsey Drive intersection will be realigned to create two three-legged intersections. Construction of this project is slated to begin in Spring 2021. The City of Grass Valley has noted that signalization is not anticipated for this intersection and that stop controls are to be determined. The proposed Idaho-Maryland Mine Project is expected to generate two additional vehicles in a total of 1,936 vehicles passing through the intersection during the 3:30 – 4:30 PM period. Mitigation Measure 4.12-8(b) requires the applicant to pay the GVTIF to the City of Grass Valley, given that the needed intersection improvement is included in the City's TIF. Thus, payment of the GVTIF would reduce the impact to a less-than significant level. (DEIR, p. 4.12-103.)

<u>Impact 4.10-12</u>: Conflict with a program, plan, ordinance, or policy addressing intersection queues under the cumulative scenario

Mitigation Measure:

4.12-10

Prior to commencement of project operations, the Brunswick Road/Sutton Way intersection shall be re-timed to the satisfaction of the City of Grass Valley, at the expense of the project applicant. Based on the Caltrans methodology to assess fair share percentage, the fair share is 8.5 percent. Final payment amount shall be determined by the City of Grass Valley and shall represent the reasonable cost of re-timing the intersection.

Finding. Significant After Mitigation: Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. (Pub. Resources Code, § 21081, subd. (a)(2); 14 Cal. Code Regs. § 15091, subd. (a)(2).)

Facts and Rationale in Support of Findings: The proposed project would result in longer queue lengths at several study intersections under both Scenario #1 and Scenario #2. Under both scenarios, queue lengths in excess of the 25-foot increase threshold would occur only for the northbound left at the Brunswick Road/Sutton Way intersection during the 3:30-4:30 PM hour. Therefore, the impact to study intersection queues under the Cumulative Plus Project Condition would be considered significant. (DEIR, p. 4.12-116.) Implementation of mitigation measure 4.12-10 would reduce the above potential impact to a less-than significant level. However, because the intersection is within the jurisdiction of the

City of Grass Valley, Nevada County does not have legal authority to impose this mitigation measure and ensure its eventual outcome. As a result, the impact is conservatively determined to be significant and unavoidable. (DEIR, p. 4.12-116.)

10. WILDFIRE

Impact 4.13-2: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Mitigation Measure:

4.13-2

In conjunction with submittal of Improvement Plans, the applicant shall submit a comprehensive Vegetation Management Plan, inclusive of the Centennial and Brunswick Industrial Sites, for the review and approval by the County Fire Marshall's Office. The applicant shall implement all provisions of the Vegetation Management Plan during the project construction, operations, and reclamation activities. The Vegetation Management Plan shall include but not be limited to:

- description of existing vegetative fuel sources;
- description of vegetation removal during initial construction and inventory of equipment to be used;
- requirement that exhausts of all equipment powered by gasoline, diesel, or other hydrocarbon fuel shall be equipped with effective spark arrestors designed to prevent the escape from the exhaust of carbon or other flammable particles over 0.0232 inches. Motor trucks, truck tractors, and passenger vehicles shall not be subject to this provision if their exhaust systems are equipped with mufflers;
- requirement that all welding rigs shall be equipped with a minimum of one 20-pound or two 10-pound fire extinguishers;
- description of proposed landscape planting types;
- description and graphical presentation of defensible space zones;
- long-term maintenance schedule and safety practices, addressing at a minimum:
    - Removal of fire prone fuels and dead material.
    - Removal of branches beneath large trees.
    - Maintenance of live plants, bushes, shrubs, and trees.
    - Removal of needles and leaves and other combustible debris and litter from roofs and gutters. Annual grasses and forbs shall be cut down to a maximum height of four inches within 100 feet of structures and on engineered fill slopes.

- Trimming of vegetation within specified horizontal distances from roadways and overhead power line(s), the latter of which may be implemented by PG&E as the service provider, consistent with clearance requirements in PRC Sections 4292 and 4293.
- Seasonal removal of all dead and dying vegetation to reduce vegetation volume and ladder fuels.
- Coordination with adjacent property owners, as applicable, to maintain tree canopies, vegetation, and ladder fuels on an annual basis.
- Horizontal and vertical spacing among shrubs and trees shall be created using the "Fuel Separation" method, the "Continuous Tree Canopy" method or a combination of both to achieve defensible space clearance requirements. Spacing shall be done in accordance with the State Board of Forestry and Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006."

Finding. Less Than Significant After Mitigation: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen some of the significant traffic effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).);

Facts and Rationale in Support of Findings: The Centennial and Brunswick Industrial Sites have limited steeply sloping topography that is known to exacerbate wildfire risk and spread. Prevailing wind conditions within the surrounding area are from the North-East and South-West directions, both of which have forest lands. The incorporation of defensible space around proposed structures at the Brunswick Industrial Site, as well as designing buildings in conformance with Chapter 7A of the CBC, would help to slow the spread of wildfire moving through the area. In addition, proposed improvements at both Sites would reduce the vegetation fuel load in the area. Nevertheless, vegetation would remain on both Sites and would need to be managed on an ongoing basis. In addition, use of hydrocarbon powered heavy equipment on-site could exacerbate wildfire risk. To ameliorate these risks, Mitigation Measure 4.13-2 requires implementation of a comprehensive vegetation management plan, including descriptions of existing vegetive fuel sources and vegetation removal during construction, as well as a long-term maintenance schedule and safety practices addressing removal and trimming of vegetation, among other actions. (DEIR, pp. 4.13-22 to 4.13-23.) Without implementation of a vegetation management plan, the proposed project could have a significant impact related to exacerbating wildfire risks, and thereby exposing project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (DEIR, p. 4.13-12.)

11. CUMULATIVE IMPACTS

The EIR evaluated the potential for cumulative impacts within each of the Project-specific environmental impacts identified in the EIR. In its Cumulative Impact analysis, the County also identified the following past, present and reasonably foreseeable probable future projects that could result in cumulative impacts for the resource areas affected by the Project: (1) Gilded Springs; (2) 740 Maltman Drive; (3) 500 Idaho Maryland Road; (4) River Valley Bank; (5) 634 Town Talk Road; (6) 130 Crown Point Circle; (7) Loma Rica Ranch Specific Plan; (8) Dorsey Marketplace; (9) South Woodlands (10) Tranquility Lane Estates; (11) 12836 Greenhorn Road; (12) 12615 Charles Drive (Zap Manufacturing); (13) 12897 Loma Rica Drive (Event Helper); (14) Campora Propane Service; (15) West Olympia Hotel; (16) The Pines of Grass Valley; (17) Chapa-De Indian Health Office Building; (18) Timberwood Estates; (19) Housing Element Rezone Site 3; (20) Housing Element Rezone Site 5. (DEIR, pp. 5.4 – 5.7; Figure 5.1.) As analyzed in the EIR, the significant and unavoidable Project impacts (as discussed above in these Findings) have also been determined to be cumulatively considerable, consisting of the following:

- Cumulative Impact 4.1-4: Project would lead to long-term changes in visual character associated with the proposed project in combination with cumulative development;
- Cumulative Impact 4.12-8: Conflict with a program, plan, ordinance or policy addressing study intersections under Cumulative Plus Project Conditions.

a. Cumulative Impacts to Visual Character

See discussion of Impact 4.1-4 above.

b. Cumulative Traffic Impacts Under Cumulative Plus Project Conditions

See discussion of Impact 4.12-8 above.

12. GROWTH INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires an evaluation of growth inducing impacts that may result from a proposed project. There are two types of growth inducing impacts that a project may have: direct and indirect. Direct growth inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. Projects that physically remove obstacles to growth, or projects that indirectly induce growth are those, which may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

Direct Growth Inducing Impacts

The Project would employ approximately 312 people. (DEIR, p. 5-1.) and Rise Grass Valley estimated that approximately two-thirds of the workforce can be recruited locally. Rise has established local recruitment targets that they intend to achieve through the implementation of a training program. A total of 162 positions have been designated for trainees with no previous experience. Rise estimates that approximately 51 additional workers, with previous experience and training in mining, engineering, electrical or other trades, are available for local area recruitment. Therefore, at least 213 workers (approximately 68 percent of the mine's workforce) are estimated to be sourced from the immediate Nevada County area. It is anticipated that approximately 99 workers (32 percent of workforce) would be recruited from outside the local area; these positions require extensive experience in underground mining which are less likely to be possessed by persons currently residing in the immediate local area. Nevada County had 53,745 total housing units with a 22.5 percent vacancy rate (12,098 vacant housing units). The unincorporated area of Nevada County had a total of 32,182 housing units with 4,645 vacant housing units (14.4 percent vacancy rate). Therefore, the addition of 312 people as a result of the proposed project would not impact the existing housing stock for Nevada County. (DEIR, p. 5-2.) As discussed in Section 5.2 of the EIR, this level of employment is not expected to result in a substantial increase in population or the demand for housing. (DEIR, p. 5-2.) Although these jobs would provide an economic benefit to the County, 312 new jobs are not expected to result in a substantial growth inducement effect within the Project area because the project applicant estimates that approximately two-thirds of the workforce can be recruited locally, from people who already reside in the immediate Nevada County area, and sufficient vacant housing exists for the expected workforce. (*Id*.)

Indirect Growth Inducing Impacts

A potable water supply line in E. Bennet Road to deliver Nevada Irrigation District (NID) potable water would be limited to existing residents whose wells may be impacted by the proposed project. (DEIR, p. 5-2.) The potable water pipeline would serve existing residents and is not intended to serve new residents or provide stubs to vacant properties for potential future potable water service. (*Id*.) Thus, the Project would only affect a small number of existing residents and would not result in a significant impact concerning growth inducement. (*Id*.)

13. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code §21100(b)(2)(B) and CEQA Guidelines §15126.2(c) require that the EIR discuss significant irreversible environmental changes that would be caused by the Project. According to Guidelines §15126.2(c):

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly,

> secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

An irreversible environmental change would be considered significant if any of the following would occur:

- The project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses (e.g., a highway provides access to a previously remote area);
- The project involves uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The phasing of the proposed consumption of resources is not justified (e.g., the project involves a wasteful use of energy).

The proposed project would likely result in, or contribute to, the irreversible environmental changes listed below. The items listed below are considered significant irreversible environmental changes, but are not considered significant adverse environmental impacts under CEQA:

- Mining of a non-renewable local resource; Irreversible consumption of energy and natural resources associated with the proposed dewatering (initial and ongoing) and water treatment; underground tunnelling, production blasting, and rock crushing; and above-ground processing and engineered fill operations; and
- Construction of a 44-acre engineered fill pad on the Centennial Industrial Site and 31-acre engineered fill pad on the Brunswick Industrial Site for potential future industrial development.

E. MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code Section 21081.6(a)(1) states:

> When making the findings required by paragraph (1) of subdivision (a) of Section 21081 [that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment] . . . [a] public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

The County will use the Mitigation Monitoring and Reporting Program (FEIR, p. 4-1, et seq.) **[need cite]** to track and enforce compliance with Project mitigation measures and conditions of

approval. The final Mitigation Monitoring and Reporting Program is attached to and incorporated into the County's CEQA FEIR Certification Resolution and is hereby approved in conjunction with certification of the EIR and adoption of these CEQA findings.

F. NO RECIRCULATION OF DRAFT EIR WAS REQUIRED

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines § 150885(a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (Id.)

In this Project, the County recognizes that the 2022 FEIR incorporates information which amplifies or clarifies analyses included in the 2022 DEIR. For example, modifications or clarifications to various mitigation measures were implemented to further reduce environmental impacts and to respond to comments. The changes and clarifications in the FEIR are clearly identified through the use of underlined and strikethrough text, are summarized in Section 3 of the FEIR (FEIR, pp. 3-1 to 3-106), and include: 1) revisions to Table 2-1 to reflect edits to the mitigation measures; 2) revisions to Section 3.7 to clarify that APM-AQ-1 and APM-AQ-2 are mandatory conditions of approval; 3) clarifications to the air quality-related mitigation measures in Section 4.3 of the DEIR; 4) clarifications to discussions of special status species and revision to biological mitigation

measures in Section 4.4 of the DEIR based on comments; 5) clarifications to mitigation measure 4.5-1(a) in Section 4.5 of the DEIR; 6) clarifications to emergency response and evacuation discussions and removal of soda ash use in Section 4.7 of the DEIR; 7) clarifications to analysis and mitigation measures in Section 4.8 of the DEIR to add groundwater quality monitoring and update the applicable NPDES permit order; 8) corrections to various tables and clarification in MM 4.10-4 in Section 4.10 of the DEIR; 9) clarifications to the VMT discussion, corrections to various tables, and clarification to MM 4.12-6(b) in Section 4.12 of the DEIR, and 10) inclusion of conditions of approval to mandate certain design elements of the project and to mandate a domestic well monitoring program.

None of the information added to the FEIR involve "significant new information" triggering recirculation. The additional information did not result in any new significant environmental effects, nor any substantial increase in the severity of any previously identified significant effects, and would not otherwise trigger recirculation. Instead, the modifications made were either environmentally beneficial or environmentally neutral and were included to respond to comments, or for clarification purposes. Likewise, the clarified EIR language and revised mitigation measures do not require recirculation of the FEIR because the additional information included in these studies did not result in any new significant environmental effects, nor any substantial increase in the severity of any previously identified significant effects.

The minor changes and revisions included in the FEIR represent the kinds of positive changes that CEQA envisions and which commonly occur as the environmental review process works towards its conclusion and the lead agency properly responds to public and responsible agency comments. In fact, many of the changes in the FEIR were made in direct response to commenter input as envisioned by CEQA. For all of the above reasons, the County finds that none of the circumstances exist requiring recirculation of the DEIR. (See CEQA Guidelines, § 15088.5.)

G. FINDINGS REGARDING PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, regarding such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. (See, e.g., *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 445.)

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Italics added.) Section 21002 further states that "in the event [that] specific economic, social, or other conditions

make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal and technological factors." (Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364.) Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6(f)(1).) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165-1166.) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (*City of Del Mar v. City of San Dieg*o (1982) 133 Cal.App.3d 410, 417.)

Where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Pub. Resources Code, § 21002; *Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) Thus, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project alternatives are not required, however, where such changes are infeasible. (Pub. Resources Code, § 21002.)

As noted in the preceding discussion regarding Project impacts, the County finds that most of the significant effects identified in the EIR have been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures. However, there are no feasible mitigation measures available that will avoid or substantially lessen the following significant unavoidable impacts of the Project: (1) in a nonurbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality; (2) long-term changes in visual character associated with the proposed project in combination with cumulative development; (3) generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, due to initial construction activities; (4) conflict with a program, plan, ordinance, or policy addressing study intersections under EPAP plus project conditions; (5)

conflict with a program, plan, ordinance or policy addressing study intersections under cumulative plus project conditions; (6) conflict with a program, plan, ordinance or policy addressing intersection queues under the cumulative scenario; (7) cumulatively considerable impacts related to long-term changes in visual character associated with the proposed project in combination with cumulative development; and (8) cumulative traffic impacts under cumulative plus project conditions.

Thus, as a legal matter, the County, in considering alternatives in these findings, shall determine whether any alternatives are environmentally superior regarding those significant and unavoidable impacts to aesthetics, construction noise, and traffic. If any alternatives are superior regarding those impacts, the County is then required to determine whether the alternatives are feasible. If the County determines that no alternative is both feasible and environmentally superior regarding the unavoidable significant impacts identified in the EIR, the County may approve the Project as mitigated, after adopting a statement of overriding considerations.

CEQA does not require an evaluation of all possible alternatives, only an evaluation of "a reasonable range of potentially feasible alternatives" so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6(a).) "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness." (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286.)

The County has considered the Project alternatives presented and analyzed in the EIR and presented during the comment period and public hearing process. In considering the Project alternatives, the County considered not only the relative environmental impacts and the feasibility of the alternatives, but also the ability of the alternatives to achieve the stated objectives and purposes of the Project.

The Project has ten distinct objectives, which are listed in Chapter 3 of the DEIR. (DEIR, pp. 3-11 – 3-12) and are reiterated herein at pages 4-5. Chapter 6 of the DEIR contains an evaluation of the alternatives. The project alternatives evaluated in detail in the EIR are:

- Alternative 1 - No Project Alternative
- Alternative 2 – Elimination of Centennial Industrial Site
- Alternative 3 – Expansion of Centennial Engineered Fill Pile and Elimination of Brunswick Engineered Fill Pile
- Alternative 4 - Reduced Throughput

For the reasons stated below, it is the finding of Nevada County that there is no feasible, environmentally superior alternative to the Project. Thus, the Project may be approved as mitigated, along with a Statement of Overriding Considerations (see Section I below.)

1. ALTERNATIVES CONSIDERED AND REJECTED FROM DETAILED EVALUATION

CEQA requires that the lead agency identify any alternatives that were considered but rejected as infeasible during the scoping process, and briefly explain the reasons underlying the infeasibility determination. (CEQA Guidelines, § 15126.6(c).) Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental impacts. The RDEIR included the following alternatives that were considered but dismissed from detailed consideration.

Six alternatives to the Project were considered and rejected during the scoping process: (1) Off-site Alternative; (2) No Project (Alternative Use); (3) Reduced Hours; (4) Night Trucking; (5) No Use of E. Bennet Road; and (6) Forestation of Slopes on Engineered Fill Piles. (DEIR, p. 6-8 – 6-15.) Reasons for eliminating these alternatives include failure to meet (a) basic Project objectives, (b) infeasibility, or (c) the fact a particular alternative would not avoid significant environmental impacts. (*Id*.)

1. Off-Site Alternative

The CEQA Guidelines § 15126.6(f)(2)(b) states that "If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a geothermal plant or mining project which must be in close proximity to natural resources at a given location." (14 CCR § 15126.6(f)(2)(b).) Based on this language, the State recognizes that there are certain instances where a project is directly tied to a certain project location due to the presence of resources on which the project depends. (DEIR, p. 6-9.) Such is the case for the Project, given the specific location of valuable mineral resources. (*Id*.)

A majority of the Project site mining locations are positioned in the MRZ-2b(h-10) area. (DEIR, p. 6-9.) The State defines MRZ-2b as areas that are underlain by mineral deposits where geologic information indicates that significant inferred resources are present. (*Id*.) Areas classified as MRZ-2b contain discovered mineral deposits that are either inferred reserves as determined by limited sample analysis, exposure, and past mining history or are deposits that presently are subeconomic. (*Id*.)

The Mineral Land Classification of Nevada County, California[1] identifies the mineral deposits in the project area as superscript 'h' for deposits formed by hydrothermal processes. (*Id*.) The majority of the proposed mining areas are within MRZ-2b and have an accompanying superscript reference number of 10, which is used to identify and reference specific MRZ areas discussed in

[1] California Department of Conservation, Division of Mines and Geology (Ralph Loyd and John Clinkenbeard). Mineral Land Classification of Nevada County, California. Special Report 164. 1990.

the report and displayed on the maps. (*Id*.) The MRZ-2b(h-10) area is described as an area encompassing a complex system of cavity-filling quartz veins that occupy a network of faults and fissures situated between the Grass Valley and Weimar fault zones. (DEIR, p. 6-11.) Furthermore, the California Department of Conservation states that, though many veins have been mined to great depth, significant amounts of gold are likely to exist at deeper levels. (*Id*.) Additionally, it is stated that significant gold resources are likely to exist along some sections of the vein system which were previously uneconomic or never explored. (*Id*.)

The Project site locations, specifically the Brunswick Industrial Site, contain existing mine shaft infrastructure and access at the Brunswick Shaft. (*Id*.) Utilizing previous underground tunneling minimizes the need for duplication of effort and unneeded energy expenditure to construct above ground and underground mining infrastructure, which would be required at an alternative location where none is currently present. (*Id*.) As a result of these factors, feasible alternative locations to the overall project site do not exist. (*Id*.)2.

2. No Project (Alternative Use)

The CEQA Guidelines state in part that:

> If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed. In certain instances, the no project alternative means 'no build,' wherein the existing environmental setting is maintained. However, where failure to proceed with the project would not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment. (CEQA Guidelines § 15126.6[e].)

Under Nevada County Ordinance 1853, adopted by the County and effective February 1994, the Brunswick Industrial Site is currently zoned as M1-SP. (DEIR, p. 6-11.) Nevada County Ordinance 1853 designates zone M1-SP as land to be developed as business and industrial centers. (*Id*.) Development of the Brunswick Industrial Site, consistent with the current M1-SP zoning, could reasonably be expected to result in above-ground uses that are more intensive in certain respects than the proposed project. (*Id*.) The EIR estimates that up to approximately 534,000 square feet, would be constructed on the site under this alternative. (*Id*.) This approximate includes totals of 54,000 square feet of business park, 242,000 square feet of service business light manufacturing, and 238,00 square feet of industrial buildings. (*Id*.) Additionally, the EIR determines that the site would likely be a major employer in the area. (*Id*.)

Business Park Area

The EIR states that under this rejected no project alternative, a business park would be built and located on the northern portion of the property, generally in the area east of the pond proposed as the process plant location for the Project. (DEIR, p. 6-12.) The Business Park would be a total size of 5.4 acres, pursuant to Nevada County Ordinance 1853, and accessed from E. Bennett Street. (*Id*.) A building intensity of 10,000 square feet per acre would allow 54,000 square feet of buildings. (*Id*.)

The primary uses in business parks located in Nevada County include office administration and research. The EIR further stipulates that the Business Park would include sales displays and meeting rooms that can host luncheons, dinner events, and lectures. Secondary uses of Business Parks include: incidental light manufacturing for products produced on-site, i.e.; laboratories, service and repair, and research facilities.

Business Park permitted uses are included on page 6-12 of the DEIR

Service Business Light Manufacturing Area

The EIR states that a service business light manufacturing area would be located on the center portion of the property, generally in the area southeast of the pond proposed as the office location for the IMM Project. (DEIR, p. 6-12.) The Service Business Light Manufacturing area would be a total size of 18.6 acres, pursuant to Nevada County Ordinance 1853. (*Id*.) A building intensity of 13,000 square feet per acre would allow 242,000 square feet of buildings, including large buildings requiring up to 60,000 square feet. (*Id*.)

The primary uses in service business light manufacturing areas located in Nevada County include service maintenance and repair, manufacturing and processing, warehousing and distribution facilities. (DEIR, p. 6-12.) Secondary uses include office, professional, and conference facilities. (*Id*.)

Service business light manufacturing area permitted uses are listed on pages 6-12 to 6-13 of the DEIR.

Industrial Area

The EIR states that an industrial area would be located on the south portion and extending to the border of the property, generally in the area proposed as the engineered fill area for the IMM Project. (DEIR, p. 6-13.) The Industrial area would be a total size of 18.3 acres, pursuant to Nevada County Ordinance 1853. (*Id*.) The EIR does not state a building intensity, but using an intensity of 13,000 square feet per acre would allow 238,000 square feet of industrial buildings. (*Id*.) The

primary uses of industrial areas located in Nevada County include uses that are site and labor intensive with minimal customer activity. (*Id*.)

Industrial area permitted uses are included on page 6-13 of the DEIR. Intense uses such as auto dismantling yards, wholesaling and distribution facilities are permitted without the need for a discretionary County permit. (DEIR, p. 6-13.) As such, under existing zoning, uses are allowed by right that potentially could cause substantial noise, traffic, aesthetic and air quality impacts without the need for further CEQA review or mitigation. (*Id*.) Notably, distribution facilities and other permitted uses, such as office use and professional use, would likely have substantial traffic impacts. (*Id*.) Permitted uses including auto dismantling yards and milling and planing facilities would potentially create noise impacts similar or greater to the proposed project. (*Id*.)

The development of the Brunswick Industrial Site with industrial uses, consistent with the current M1-SP zoning, could reasonably be expected to result in above-ground uses that are more intensive in certain respects than the proposed project. (*Id*.) This would be contrary to CEQA's objectives for an alternative, which is to avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines § Section 15126.6(f)). Therefore, this alternative is rejected from further consideration. (*Id*.)

3. Reduced Hours

The EIR addresses the project alternative of operating the mine and plant on the Brunswick Industrial Site during day shift hours only (7 AM-7 PM). (DEIR, pp. 6-13 to 6.14.) This project alternative would eliminate most noise during nighttime hours, however, reducing mine run time to 12 hours a day would result in all the machinery and intensity of activities being doubled to maintain the same production rate. (DEIR, p. 6-13-6-14.) Reducing the mine run time would substantially increase capital and operating costs, which would likely make the project economically infeasible. (DEIR, p. 6-14.)

Further, traffic impacts would increase due to greater number of employees working during the same hours. Moreover, as determined in Chapter 4.10, Noise and Vibration, noise during nighttime hours for the project is anticipated to be below County noise standards; therefore, this alternative would not be anticipated to reduce a significant impact. As discussed above, pursuant to Section 15126.6(f) of CEQA Guidelines, alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Therefore, this alternative is rejected from further consideration.

4. Night Trucking

The EIR addresses the project alternative of increasing trucking of trucking of engineered fill to the Centennial Industrial Site and local construction markets via SR 49 to 24 hours a day, rather

than from 6AM to 10PM. (DEIR, p. 6-14.) If trucking is to occur from 6AM to 10PM, there would be an average of 50 trucks per day, which is 3 trucks per hour, with a maximum of 100 trucks per day, which is approximately 6 trucks per hour. (*Id*.) Increasing trucking times would reduce traffic impacts and result in approximately 2 trucks per hour. (*Id*.) However, due to the lower ambient noise level at night, the increased trucking hours are anticipated to generate a significant noise increase at a residence along Whispering Pines Lane, when compared to the applicable criteria (i.e., FICON). (*Id*.) This alternative is similar to the proposed project with respect to extent (e.g., use of Centennial and Brunswick Industrial Sites) and operations; thus, proposed project impacts would not be lessened or avoided. (*Id*.) As discussed above, pursuant to Section 15126.6(f) of CEQA Guidelines, alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. (*Id*.) Therefore, this alternative is rejected from further consideration. (*Id*.)

5. No Use of E. Bennet Road

The EIR addresses the project alternative of Project truck traffic entering from the main entrance on Brunswick Road and exiting the site at E. Bennett Road. (DEIR, p. 6-14.) Trucks exiting the site turn right onto E. Bennett Road and then left onto Brunswick at a four-way stop sign. (*Id*.) The closest residence on the section of E. Bennett Road to be used by trucks is approximately 150 feet from the road. (*Id*.) Project noise impacts from trucks have been determined to be less than significant, however, noise at this residence could be reduced if trucks exited from the Brunswick Road gate versus the E. Bennett Road gate. (*Id*.) With this being said, if trucks were to exit from the Brunswick Road gate, turning left onto Brunswick Road, they could impede traffic on Brunswick Road due to the inability to accelerate quickly enough. (*Id*.) To alleviate the contemplated traffic impediment, a light was added to the intersection this issue could be resolved but at the expense of slowing traffic on Brunswick Road, which is a County arterial road. (*Id*.) While this alternative would reduce noise impacts from trucks for one residence, these impacts are not considered significant, and this alternative could cause new or increased traffic impacts.](*Id*.)

6. Forestation of Slopes on Engineered Fill Piles

The Project includes placement of six inches of topsoil and planting native grasses on the slopes of the Centennial and Brunswick engineered fill piles for erosion control. (DEIR, pp. 6-14 to 6-15.) Under this alternative, the plantings of native trees and bushes on the slopes would decrease aesthetic impacts of the engineered fill piles, especially at the Centennial Industrial Site. (*Id*.) To ensure that forestation does not increase fire hazard, spacing would be done in accordance with the State Board of Forestry and Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006". (*Id*.) Based on the guidelines and 33% slope, trees would be separated horizontally by 20 feet and shrubs by 4 times its height. (*Id*.) The spacing of trees for fire considerations would also result in a greater ability to patrol the site and identify homeless encampments. (*Id*.) A certified landscape architect would design the planting to achieve the best aesthetic result and consideration of wildfire safety. (DEIR, p. 6-14-6-15.)

This alternative would result in a minor decrease in the GHG emissions of the project. (DEIR, p. 6-15.) The slope of the Centennial Industrial Site has an area of approximately four acres and at the Brunswick Industrial Site, the slope area is approximately 10 acres. (*Id*.) Assuming a net benefit of 60 tonnes CO2 per acre, total greenhouse gasses for the project would be reduced by 840 tonnes. (*Id*.) However, the EIR has determined that the project's operational GHG emissions would be below the applicable GHG significance threshold, and while the project's construction-period GHG emissions were determined to be significant, a reduction of 840 tonnes would not reduce the impact to below the applicable threshold. (*Id*.) In addition, while the planting of trees along the slopes of the Centennial and Brunswick engineered fill piles would reduce the proposed project's aesthetic effects by adding screening, the substantial slopes would not be fully screened due to the required tree spacing. (*Id*.) With this being said, the aesthetic impact would be anticipated to remain significant and unavoidable. (*Id*.) Therefore, this alternative would not be anticipated to avoid or substantially lessen a significant impact identified for the project. (*Id*.) Given the limited efficacy of this alternative, it is rejected from further consideration. (*Id*.)

2. ALTERNATIVES CONSIDERED FOR DETAILED EVALUATION

The following range of alternatives were considered and evaluated in Section 6 of the DEIR:

- Alternative 1: No Project (No Build) Alternative;
- Alternative 2: Elimination of Centennial Industrial Site and Expansion of Brunswick Fill Pile;
- Alternative 3: Expansion of Centennial Engineered Fill Pile and Elimination of Brunswick Engineered Fill Pile; and
- Alternative 4: Reduced Throughput.

Each of the project alternatives is described in detail below, with a corresponding analysis of each alternative's impacts in comparison to the proposed project. While an effort has been made to include quantitative data for certain analytical topics, where possible, qualitative comparisons of the various alternatives to the project are primarily provided. Such an approach to the analysis is appropriate as evidenced by CEQA Guidelines Section 15126.6[d], which states that the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. The analysis evaluates impacts that would occur with the alternatives relative to the significant impacts identified for the proposed project. When comparing the potential impacts resulting from implementation of the foregoing alternatives, the following terminology is used:

- "Fewer" = Less than Proposed Project;
- "Similar" = Similar to Proposed Project; and
- "Greater" = Greater than Proposed Project.

When the term "fewer" is used, the reader should not necessarily equate this to elimination of significant impacts identified for the proposed project. For example, in many cases, an alternative

would reduce the relative intensity of a significant impact identified for the proposed project, but the impact would still be expected to remain significant under the alternative, thereby requiring mitigation. In other cases, the use of the term "fewer" may mean the actual elimination of an impact identified for the proposed project altogether. Similarly, use of the term "greater" does not necessarily imply that an alternative would require additional mitigation beyond what has been required for the proposed project. To the extent possible, this analysis will distinguish between the two implications of the comparative words "fewer" and "greater". (DEIR, pp. 6-15 to 6-16.)

(a) No Project Alternative

Evaluation of the No Project Alternative is required under CEQA Guidelines §15126.6(e). The No Project Alternative must include consideration for what could be expected to occur in the reasonably foreseeable future, given the existing zoning and General Plan land use designations for the site. Under the No Project Alternative, no mining would occur and the Centennial Industrial Site would still be remediated under DTSC oversight, given that the clean-up effort is a separate project. (DEIR, p. 6-16.) The EIR estimates that approximately half of the Centennial Industrial Site would consist of graded and revegetated areas under the post-remediation condition. (*Id*.) Additionally, an engineered fill pad would be located along the eastern portion of the Centennial site. (*Id*.) With the exception of Project Objective 10, which is focused on minimizing impacts to sensitive habitats and species, the No Project (No Build) Alternative, would not meet any of the project objectives. (*Id*.)

Aesthetics

Under the No Project Alternative, no underground mining operations would occur on the Brunswick Industrial Site, and thus, no waste rock or sand tailings would be generated, eliminating the need to place engineered fill at the Centennial Industrial Site. (DEIR, p. 6-17 to 6-18.) While this would substantially improve the aesthetic condition of the Centennial Industrial Site, it is important to note that vegetation removal and earthmoving would still take place on the Centennial Industrial Site as a result of the separate Centennial Clean-Up Project. (DEIR, p. 6-18.) Thus, the visual character or quality of the Centennial Industrial Site will change regardless of the proposed project. (*Id*.) Based on these considerations, the significant and unavoidable aesthetic impacts identified in the Project (i.e., the waste rock or sand tailings) would be eliminated in the No Project Alternative, resulting in fewer impacts than the Project. (*Id*.)

Air Quality Greenhouse Gas Emissions, and Energy

The No Project Alternative would not involve construction activities and, therefore, would not result in construction emissions and would not generate ROG, NO_x, and PM_{10} emissions in exceedance of the NSAQMD's significance thresholds. (DEIR, p. 6-18.) In addition, the Alternative would not result in the generation of ROG, NO_x, and PM_{10} emissions in excess of the NSAQMD's significance thresholds during the operational and

reclamation phases of the proposed project. (*Id*.) The No Project Alternative would not disturb naturallyoccurring asbestos or result in a significant GHG impact. (*Id*.) Thus, the impacts identified for the proposed project related to air quality and GHG emissions would not occur under the No Project Alternative. (*Id*.)

Biological Resources

The No Project Alternative would not have the potential to impact special-status plants, foothill yellow-legged frog, western pond turtle, California red-legged frog, California black rail, coast horned lizard, special-status bats, and non-special status raptors and migratory birds. (DEIR, p. 6-18.) In addition, the Alternative would not result in any substantial adverse effects on riparian habitat and/or other sensitive natural communities and/or have a substantial adverse effect on federal or State protected aquatic resources. (*Id*.) Thus, there would be no biological resources impacts as a result of the No Project Alternative. (*Id*.)

Cultural and Tribal Cultural Resources

The No Project Alternative would not pursue underground mining and, therefore, would not have a substantial adverse effect on the underground mine workings, which were determined to be historically significant pursuant to the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) criteria A/1 and C/3. (DEIR, pp. 6-18 to 6-19.) Thus, there is no potential of impacts to cultural resources as a result of the No Project Alternative. (*Id*.)

Geology and Soils

The No Project Alternative would not create substantial soil erosion, since the Alternative would not include underground mining and generation of engineered fill, grading or other ground-disturbing activities. (DEIR, p. 6-19.) The Alternative would not pose a significant effect to potential seismic hazards at the Brunswick Industrial Site and slope stability associated with temporary steep cut slopes at the new service shaft collar. (*Id*.) However, the Project would fix safety concern related to the presence of the South Idaho Shaft on the Centennial Industrial Site and an unstable portion of the clay-lined pond dam on the Brunswick Industrial Site, which would remain under this Alternative. (*Id*.) Overall, the impacts related to Geology and Soils would be fewer under the No Project Alternative compared to the Project. (*Id*.)

Hazards and Hazardous Materials

The No Project Alternative would not introduce new hazards or hazardous materials to the Project site. (DEIR, p. 6-19.) With this being said, the Brunswick Industrial Site has an elevated arsenic presence in the southeastern paved area. (*Id*.) While this Alternative would not include development that could disturb, and potentially, exacerbate the aforementioned hazard, the Alternative would not remove the hazard from the Brunswick Industrial Site, as would be the case under the Project due to the mitigation required in the EIR. (*Id*.) Despite the hazard remaining on the Brunswick Industrial Site, the No Project Alternative would result in fewer impacts related to hazards and hazardous materials as compared to the Project. (DEIR, p. 6-20.)

Hydrology and Water Quality

The No Project (No Build) Alternative would not result in on-site construction disturbance or operations such that the following project-related significant impacts to water quality would not occur: Centennial Industrial Site: engineered fill pad construction; Brunswick Industrial Site: operations within industrial area, underground placement of Cement Paste Backfill, use of clay-lined pond for water treatment process purposes, engineered fill pad construction, and treated water discharge in South Fork Wolf Creek. (DEIR, p. 6-20.) In addition, the No Project (No Build) Alternative would not necessitate dewatering of the mine. (*Id*.) Further, the No Project (No Build) Alternative would not result in the substantial alteration of drainage patterns, and for the Centennial Industrial Site, risk release of pollutants in a flood hazard area. (*Id*.) The proposed project's detention systems on both the Centennial and Brunswick Industrial Sites would reduce peak flows in Wolf Creek and South Fork Wolf Creek, respectively, below predevelopment levels. Overall, the impacts identified for the proposed project related to hydrology and water quality would not occur under the No Project (No Build) Alternative.

Noise and Vibration

The No Project Alternative would not involve construction and operational activities, with the exception of temporary activities on the Brunswick Industrial Site, such as the firewood program. (DEIR, p. 6-20.) Unlike the Project, the Alternative would not result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity, nor a substantial permanent increase in ambient noise levels in the vicinity of the Project. (*Id*.) Thus, there is no potential of noise impacts as a result of the No Project Alternative. (*Id*.)

Transportation and Circulation

The No Project Alternative would not generate construction traffic or operational vehicle traffic on local roadways and, thus, unlike the Project, the Alternative would not result in

a significant construction traffic impact. (DEIR, p. 6-21.) In addition, the General Plan LOS policy conflicts would not occur under the EPAP Plus Project conditions to the intersections of Brunswick Road/Idaho Maryland Road, Brunswick Road/SR 174, and Idaho Maryland Road/Centennial Drive; and under the Cumulative Plus Project scenarios to the intersections of Brunswick Road/SR 174 and Sutton Way/Dorsey Drive. (*Id*.) The significant transportation impacts contemplated by the Project would not occur under the No Project Alternative. (*Id*.)

Wildfire

The No Project Alternative would not utilize the above-ground machinery at the Project sites, with the exception of limited equipment use associated with the senior firewood program at the Brunswick Industrial Site. (DEIR, p. 6-21.) The potential for vegetation fires associated with on-site equipment operations would be substantially reduced under this Alternative. (*Id*.) However, whereas the Project would reduce on-site fuel sources by removing on-site forest land, such would not be the case for the Alternative. (*Id*.) With this being said, it is anticipated that the No Project Alternative would result in fewer wildfire hazards as compared to the proposed project. (*Id*.)

Finding:

Based on the whole record, the County finds that the No Project Alternative would result in fewer overall environmental impacts than under the proposed Project. The County also finds that the No Project Alternative would only meet one of the ten Project objectives (i.e., the minimization of impacts to sensitive habitats and species) and, as such, it is rejected from further consideration.

(b) Elimination of Centennial Industrial Site and Expansion of Brunswick Fill Pile

The Project proposes to transport from the Brunswick Industrial Site approximately 1,600,000 tons of engineered fill to be placed at the Centennial Industrial Site in order to create 31 acres of flat usable industrial land at that site. (DEIR, p. 6-21.) Under the Elimination of Centennial Industrial Site and Expansion of Brunswick Fill Pile Alternative ("Alternative 2"), the Centennial Industrial Site would be excluded from the proposed project as the equivalent amount of engineered fill could be placed by increasing the height of the planned engineered fill area at the Brunswick Industrial Site. (*Id.*) Alternative 2 would continue placing fill within the existing Brunswick fill pole footprint to an elevation of ~2,880 ft msl, or approximately 50 feet higher than under the Project, as shown in Figure 6-2 and Figure 6-3 of the DEIR. The placement of this additional fill would add additional volume of approximately 30 million cubic feet, or approximately 1.7 million tons, and allow for the replacement of storage lost from the elimination of the Centennial Industrial Site. The additional fill would have an area at the base elevation at 2,830 ft msl of approximately 18.5 acres

and at the top 2,880 ft msl elevation of approximately 6.5 acres. The intensity of activity related to construction of the larger engineered fill pad under this Alternative would not increase, but the duration of the activity would be lengthened due to the increase in material volume. Other aspects of the proposed project would remain unchanged. (DEIR, p. 6-21-6-22.)

Project Objectives 1 through 7 and 10 would be achieved with this Alternative 2 and operating costs decreased due to the elimination of trucking from the Brunswick to Centennial Industrial Site. Project Objectives 8 and 9, related to increasing usable land for future industrial use at the Centennial and Brunswick Industrial Sites, respectively, would not be achieved. Under this Alternative, the indirect economic benefit from the creation of 52 acres of flat industrial land would be lost. (DEIR, p. 6-21-6-22.)

Aesthetics

Unlike the Project, where waste rock and sand tailings ("**engineered fill**") would be placed at the Centennial Industrial Site, Alternative 2 would place substantially more engineered fill on the southern portion of the Brunswick Industrial Site. (DEIR, p. 6-22.) Alternative 2 would add additional volume of approximately 30 million ft^3, or approximately 1.7 million tons, and increase the Brunswick Industrial Site's engineered fill pad 50 feet higher than what is proposed in the Project. (*Id*.) The expanded fill pad would increase the severity of the significant and unavoidable aesthetic impact identified in the EIR for the Brunswick site but would eliminate aesthetic impacts for the Centennial site. (*Id*.) Overall, Alternative 2 would be considered to have fewer aesthetic impacts as compared to the Project, given the elimination of the significant and unavoidable aesthetic impact at the Centennial Industrial Site. (DEIR, p. 6-25.) It is recognized, however, the severity of the significant aesthetic impact at the Brunswick Industrial Site would be increased under this alternative. (*Id*.)

Air Quality, Greenhouse Gas Emissions, and Energy

Under Alternative 2, the overall initial construction activity would be reduced given that the Centennial Industrial Site would not need to be prepared in any way. (DEIR, p. 6-25.) As with the Project, Alternative 2 would still be expected to generate a significant temporary air quality and GHG construction impact. (*Id*.) As haul truck use from the Brunswick Industrial Site to the Centennial Industrial Site would be eliminated under Alternative 2, sensitive receptors along this haul route would not be exposed to diesel particulate matter. (*Id*.) In addition, the elimination of the Centennial Industrial Site, under Alternative 2, will reduce the emission of asbestos dust related to on-site ground disturbing activities. (*Id*.) Overall, the air quality, GHG, and energy impacts associated with Alternative 2 could be fewer as compared to the Project. (*Id*.)

Biological Resources

Alternative 2 would eliminate the Project's use of the Centennial Industrial Site, thus, the potential adverse effects to special-status plants, the foothill yellow-legged frog, western pond turtle, California red-legged frog, California black rail, coast horned lizard, special-status bats, and non-special status raptors and migratory birds related to the Centennial Industrial Site would be reduced. (DEIR, p. 6-26.) These effects would still potentially occur at the Brunswick Industrial Site. (*Id*.) The project impacts to the Pine Hill flannelbush are specific to the Centennial Industrial Site; thus, they would be avoided under Alternative 2. (*Id*.) In addition, the EIR determined that the Project would result in approximately 0.033-acre of impact to mapped streams within the Centennial Industrial Site. (*Id*.) This 0.033-acre of impact would be avoided under Alternative 2. (*Id*.) Thus, the biological resources impacts associated with Alternative 2 would be fewer when compared to the Project. (*Id*.)

Cultural and Tribal Cultural Resources

Under Alternative 2, the significant but mitigable impact to unknown archaeological resources and Tribal Cultural Resources, as defined in Public Resources Code, Section 21074, would be eliminated at the Centennial Industrial Site. (DEIR, p. 6-26.) Thus, Alternative 2 would result in reduced impacts to cultural/tribal cultural resources when compared to the Project. (*Id*.)

Geology, Soils, and Mineral Resources

Alternative 2 would result in the elimination of soil erosion related to stockpiles, engineered fill slopes, and general site disturbance during construction; presence of undocumented fill; and thin lenses of expansive soils at the Centennial Industrial Site. (DEIR, p. 6-26.) Although these effects would still occur at the Brunswick Industrial Site, Alternative 2 would result in reduced impacts to geology, soils, and mineral resources in comparison to the Project. (*Id*.)

Hazards and Hazardous Materials

The EIR identified hazards and hazardous materials impacts to occur at the Brunswick Industrial Site, but did not identify any significant project-related impacts concerning hazards and hazardous materials at the Centennial Industrial Site. (DEIR, p. 6-27.) As Alternative 2 would only eliminate the Centennial Industrial Site, the hazards and hazardous materials impacts identified for the Project will remain in Alternative 2. (*Id*.) Thus, Alternative 2 would have similar impacts related to hazards and hazardous materials when compared to the Project. (*Id*.)

Hydrology and Water Quality

Implementation of Alternative 2 will avoid the potential construction and operational impacts related to water quality at the Centennial Industrial Site (e.g., engineered fill pad construction); risk release of pollutants in flood hazard area associated with Wolf Creek; and substantial alteration of drainage patterns. (DEIR, p. 6-27.) Thus, Alternative 2 will result in reduced hydrology and water quality impacts in comparison to the Project. (*Id*.)

Noise

The EIR determined that the majority of project-related significant noise and vibration impacts would occur as a result of operations at the Brunswick Industrial Site. (DEIR, p. 6-27.) In addition, the significant and unavoidable construction noise impact, which would result from installation of the potable water line along E. Bennett Road, would still occur as part of Alternative 2. (DEIR, p. 6-28.) The potential use of Jake brakes would further increase the noise associated with haul truck operation. (DEIR, p. 4.10-35.) This potential increase would be mitigated by Mitigation Measure 4.10-2, requiring haul truck operators to operate their truck in such a manner as to not require the use of jake brakes. (DEIR, 4.10-37.) With this being said, the noise impact related to potential use of Jake brakes along the haul route connecting the Brunswick and Centennial Industrial Sites would be avoided under Alternative 2. (DEIR, p. 6-28.) Thus, Alternative 2 would result in slightly fewer noise impacts when compared to the proposed project. (*Id*.)

Transportation and Circulation

While this Alternative 2 would reduce the amount of truck travel on local roads due to the elimination of trips to the Centennial site, the significant intersection impacts identified for the proposed project would remain with implementation of this Alternative because the intersection impacts are a result of project employee commute trips. (DEIR, p. 6-28.) A similar situation exists for the Cumulative Plus Project intersection queue impact at Brunswick Road/Sutton Way. (*Id.*) This location is unaffected by project truck traffic, so this significant impact would remain with implementation of this Alternative 2. Alternative 2 would eliminate the pavement impacts, until the haul truck traffic commences to the highway when the design height of the Brunswick fill pad is achieved, at Brunswick Road northbound between E. Bennett Road and Whispering Pines Lane and E. Bennett Road between Project Driveway and Brunswick Road (eastbound). (DEIR, p. 6-28-6-29.) In addition, Alternative 2 would also eliminate the truck turning movements along Whispering Pines Lane into the Centennial Industrial Site driveway; thus, widening along the Centennial Industrial Site's frontage for purposes of facilitating adequate truck turn movements into and out of the Project Site would not be required for this Alternative. (DEIR, p. 6-29.) Thus, Alternative 2 would result in slightly fewer impacts to transportation

when compared to the Project, though the significant and unavoidable transportation impacts identified for the proposed project would remain. (*Id*.)

Wildfire

The EIR determined that implementation of the proposed project would result in a significant impact related to exacerbating wildfire hazards at both the Centennial and Brunswick Industrial Sites prior to mitigation. (DEIR, p. 6-29.) Given that Alternative 2 would eliminate the use of the Centennial Industrial Site, the overall potential for wildfire hazards would be reduced for the Project as a whole. (*Id*.) Thus, Alternative 2 would result in fewer wildfire hazards than the Project. (*Id*.)

Finding:

Based on the whole record, the County finds that the Elimination of Centennial Industrial Site and Expansion of Brunswick Fill Pile Alternative would moderately reduce a number of impacts caused by the Project, but would not substantially avoid or lessen any potentially significant impacts. The significant and unavoidable impacts to aesthetics, noise and vibration, and transportation would remain despite a selection of this Alternative. Therefore, this Alternative would not be considered environmentally superior to the Project. The Elimination of Centennial Industrial Site and Expansion of Brunswick Fill Pile Alternative meets some of the Project objectives, but to a lesser degree than the Project. (DEIR, p. 6-29.) This Alternative would fail to meet objectives number 8 and 9, which relate to increasing usable land for future industrial use at the Centennial and Brunswick Industrial Sites. Failure to meet these objectives will reduce the County's ability to provide economically viable lands for further industrial development in the County. Meeting of objectives 8 and 9 will require an increase in workforce to accommodate the commercial development planned at the Centennial and Brunswick Industrial Sites. If this Alternative were to proceed, the County would lose out on the addition of these jobs to its workforce. Given these considerations, the Elimination of Centennial Industrial Site and Expansion of Brunswick Fill Pile Alternative is rejected.

(c) Expansion of Centennial Fill Pile and Elimination of Brunswick Fill Pile

Under the Expansion of Centennial Fill Pile and Elimination of Brunswick Fill Pile Alternative ("Alternative 3") the engineered fill pile at the Brunswick Industrial Site and any related impacts would be eliminated, while the Centennial engineered fill pile would be higher with reduced usable area. (DEIR, p. 6-29.) The proposed Project would create 31 acres of land suitable for future industrial use at Centennial, whereas this alternative would create approximately 17.8 acres. Similarly, the project would create 21 acres of land suitable for future industrial use at Brunswick, whereas this alternative would create 15

acres. (DEIR, p. 6-30.) The Alterative 3 plan would continue placing fill within the existing footprint to an elevation of approximately 2,580 ft msl as shown in Figure 6-4. The placement of this additional fill would add additional volume of approximately 41 million cubic ft, or approximately 2.3 million tons, and allow for the replacement of storage lost from the elimination of the fill pile at Brunswick Industrial Site. The additional fill would have an area at the top 2,580 ft msl elevation of approximately 17.8 acres. (DEIR, p. 6-30.)

Aesthetics

Under Alternative 3, the engineered fill that would have been placed on the Brunswick Industrial Site would instead be placed at the Centennial Industrial Site, thus adding substantially more fill (approximately 2.3 million tons) to the Centennial Industrial Site than is proposed for the Project. (DEIR, p. 6-30.) The Centennial Industrial Site would be increased in height from 20-60 feet and, therefore, the Project's significant and unavoidable aesthetic impact at the Centennial Industrial Site would be substantially increased. (*Id*.) On the other hand, the severity of the aesthetic impacts at the Brunswick Industrial Site would be lessened by this Alternative, and for those public viewpoints along Brunswick Road where only the engineered fill pad would be visible, the proposed project's aesthetic impact would be eliminated. (*Id*.) Alternative 3 would have similar or slightly fewer aesthetic impacts as compared to the proposed project, given it would reduce the severity of significant aesthetic impacts at the Brunswick Industrial Site, but substantially increase the severity of the significant aesthetic impact at the Centennial Industrial Site. (*Id*.)

Air Quality, Greenhouse Gas Emissions, and Energy

Given that the Brunswick Industrial Site fill pad area would not need to be prepared in any way, the overall initial construction activity would be reduced for Alternative 3. (DEIR, p. 6-30.) With this being said, Alternative 3 would be expected to generate a significant temporary air quality and GHG construction impact. (DEIR, p. 6-32.) While the Brunswick fill pile would be eliminated under Alternative 3, the engineered fill that would have been placed at the Brunswick site would need to be deposited at the Centennial Industrial Site. (*Id*.) This would create a similar or higher level of overall operational activities associated with placement of engineered fill as the Project. (*Id*.) The amount and duration of haul truck use from the Brunswick Industrial Site to the Centennial Industrial Site would increase under this Alternative, given that the duration would essentially double (approximately 5 years of trucking to Centennial under the proposed Project scenario vs. approximately 11 years for Alternative 3). (*Id*.) This would result in exposing sensitive receptors along the haul route to more diesel particulate matter, which could translate to increased cancer risk, as compared to the Project, for which the EIR determined a less-than- significant TAC-related impact would occur. (*Id*.) Given the elimination of the Brunswick engineered fill pad and associated ground disturbance within the fill pad's

footprint, the potential disturbance of Centennial mine tailings could be reduced under Alternative 3. (*Id*.) Similar mitigation (e.g., Asbestos Dust Mitigation Plan) would be required for Alternative 3 to ensure the impact is less than significant. (*Id*.) Thus, the air quality, greenhouse gas emissions, and energy impacts of Alternative 3 would be similar to the Project. (*Id*.)

Biological Resources

Compared to the Project, the elimination of the fill pile at the Brunswick site under Alternative 3 would avoid removal of an additional 15.7 acres of Sierran Mixed Conifer habitat, and approximately 15 acres of currently open/disturbed areas, as compared to the Project. (DEIR, p. 6-32.) The alternative would also preserve 0.34-acre of wetlands (WM-1, WM-2, WM-3 and MA-2) within the southern portion of the Brunswick Site (i.e., where the fill pad would otherwise be located). (*Id*.) The elimination of the Brunswick Industrial Site fill pad would reduce effects to special-status bats, coast horned lizards, and nesting birds. (*Id*.) Thus, biological resource effects would be reduced under Alternative 3. (DEIR, p. 6-33.)

Cultural and Tribal Cultural Resources

The EIR determined that, at both Sites, implementation of the proposed project could result in a significant but mitigable impact to unknown archaeological resources and Tribal Cultural Resources, as defined in Public Resources Code, Section 21074. (DEIR, p. 6-33.) The elimination of the Brunswick Industrial Site would reduce such impacts, but not eliminate them. (*Id*.) The potential impact to the historic underground workings would still occur under Alternative 3. (*Id*.) Overall, Alternative 3 could result in fewer impacts to cultural and tribal cultural resources when compared to the Project. (*Id*.)

Geology, Soils, and Mineral Resources

Alternative 3 would reduce, but not eliminate, significant impacts to soil erosion related to stockpiles, engineered fill slopes, and general site disturbance during construction; presence of undocumented fill; and thin lenses of expansive soils at the Brunswick Industrial Site. (DEIR, p. 6-33.) In addition, the majority of steep slopes (greater than 30 percent) located at the Brunswick Industrial Site would not be graded under Alternative 3. (*Id*.) With this being said, the potential geology and soils impacts that could occur at the Centennial Industrial Site during construction and operational activities would likely increase given the substantial increase in the size of the engineered fill pad that would occur at the Centennial Industrial Site. (*Id*.) Thus, Alternative 3 would result in fewer impacts to geology and soils when compared to the Project.

Hazards and Hazardous Materials

The EIR determined that significant hazards and hazardous materials impacts could occur related to activities on the Brunswick Industrial Site. (DEIR, p. 6-33.) These impacts include elevated arsenic in the southeastern paved area, potential residual petroleum contamination in a few locations, and presence of groundwater monitoring wells of unknown status. (DEIR, p. 6-33 to 6-34.) The EIR requires mitigation in order to ensure that these impacts are reduced to less-than-significant levels. (DEIR, p. 6-34.) The noted impacts associated with construction and operational activities at the Brunswick Industrial Site would also occur as part of Alternative 3. (*Id*.) Given that these significant hazards and hazardous materials impacts would occur under Alternative 3, Alternative 3 would have similar impacts to the Project. (*Id*.)

Hydrology and Water Quality

The EIR determined that implementation of the Project at the Centennial Industrial Site could result in potential construction and operational impacts related to water quality at the Centennial Industrial Site (e.g., engineered fill pad construction); risk release of pollutants in flood hazard area associated with Wolf Creek; and substantial alteration of drainage patterns. (DEIR, p. 6-34.) These significant project-related effects would still occur with the implementation of Alternative 3 and could possibly increase due to the placement of substantially more fill. (*Id*.) Impacts to water quality associated with operations within the industrial area, underground placement of Cement Paste Backfill, use of clay-lined pond for water treatment process purposes, treated water discharge in South Fork Wolf Creek, and substantial reduction in groundwater supplies due to operation of the mine would still occur at the Brunswick Industrial Site under Alternative 3. (*Id*.) Additionally, the elimination of the Brunswick fill pad would reduce, but not eliminate, the project's significant impacts related to substantial alteration of drainage patterns and water quality effects associated with engineered fill pad construction. (*Id*.) Thus, Alterative 3 would result in similar impacts to hydrology and water quality when compared to the Project. (*Id*.)

Noise

The EIR determined that the majority of project-related significant noise and vibration impacts would occur as a result of operations at the Brunswick Industrial Site; these operations would also occur with implementation of this Alternative. (DEIR, p. 6-34.) Furthermore, the EIR conservatively concludes that the combined operational noise sources at the Brunswick Industrial Site could result in a significant noise impact. (*Id*.) In addition, the significant and unavoidable construction noise impact, which would result from installation of the potable water line along E. Bennett Road, would still occur as part of Alternative 3. (DEIR, p. 6-35.) Alternative 3 would cause haul truck traffic from Brunswick to Centennial to potentially increase from 5 years to 11 years. (*Id*.) This would

increase the severity of the ambient noise impact related to the use of Jake brakes along the haul route connecting the Brunswick and Centennial Industrial Sites. (*Id*.) Thus, Alternative 3 would result in slightly greater noise impacts when compared to the Project. (*Id*.)

Transportation and Circulation

Alternative 3 would result in the Centennial Industrial Site receiving deliveries of engineered fill for 11 years, rather than the 5 years under the Project. (*Id*.) As discussed for Alternative 2, the intersection (i.e., level of service conflicts) and queue impacts identified in the EIR would occur at locations that are unaffected by Project truck traffic. (*Id*.) Alternative 3 would also result in pavement impacts on Brunswick Road northbound between E. Bennett Road and Whispering Pines Lane and E. Bennett Road between Project Driveway and Brunswick Road (eastbound). (*Id*.) These impacts would last for an additional 6 years when compared to the Project. (*Id*.) Alternative 3 would also require widening along the Centennial Industrial Site's frontage for purposes of facilitating adequate truck turn movements into and out of the Site. (*Id*.) Thus, Alternative 3 would result in greater impacts to transportation when compared to the Project. (*Id*.)

Wildfire

The EIR determined that implementation of the proposed project would result in a potentially significant impact related to exacerbating wildfire hazards at both the Centennial and Brunswick Industrial Sites. (DEIR, p. 6-35.) The EIR requires mitigation in order to ensure that the aforementioned impact is reduced to a less-than-significant level. (*Id*.) Elimination of the Brunswick fill pad would reduce the overall potential for wildfire hazards to be exacerbated by reducing the use of equipment in close proximity to vegetation. (*Id*.) However, a significant impact, prior to mitigation, would still occur under Alternative 3. (*Id*.) Thus, Alternative 3 would result in fewer impacts related to exacerbating wildfire hazards when compared to the Project. (*Id*.)

Finding:

Based on the whole record, the County finds that the Expansion of Centennial Fill Pile and Elimination of Brunswick Fill Pile Alternative would create a similar number of impacts contemplated by the Project but would not substantially avoid or lessen any potentially significant impacts. The significant and unavoidable impacts to aesthetics, noise and vibration, and transportation would remain despite a selection of this Alternative. Therefore, this Alternative would not be considered environmentally superior to the Project. The Elimination of Centennial Industrial Site and Expansion of Brunswick Fill Pile Alternative meets some of the Project objectives, but to a lesser degree than the Project. This alternative would fully meet Project Objectives 1 through 7 and 10; however,

operating costs would increase due to the additional trucking from the Brunswick to Centennial Industrial Site. Project Objectives 8 and 9, related to increasing usable land area at the Centennial and Brunswick Industrial Sites to allow future industrial use, while being met with this alternative, would be better met by the proposed project. This is because the proposed project would create 31 acres of land suitable for future industrial use at Centennial, whereas this alternative would create approximately 18 acres. This Alternative would fail to meet objectives number 8 and 9, which relate to increasing usable land for future industrial use at the Centennial and Brunswick Industrial Sites. Failure to meet these objectives will reduce the County's ability to provide economically viable lands for further commercial development in the County. Meeting of objectives 8 and 9 will require an increase in workforce to accommodate the commercial development planned at the Centennial and Brunswick Industrial Sites. If this Alternative were to proceed, the County would lose out on the addition of these jobs to its workforce. Given these considerations, the Expansion of Centennial Fill Pile and Elimination of Brunswick Fill Pile Alternative is rejected by the County.

(d) Reduced Throughput

Under the Reduced Throughput Alternative ("Alternative 4") the proposed mine's production of 1,000 tons per day (365,000 tons per year) of gold mineralization would be reduced to 500 tons per day (182,500 tons per year) of gold mineralization. (DEIR, p. 6-35.) With this being said, the underground mining methods and aboveground production methods and facilities would remain substantially similar. (*Id*.) The life of the mine would be extended from 80 years to between 130-160 years to accommodate reduced daily and annual tonnage and still allow the underground resources to be fully developed. (*Id*.) In addition, the proposed engineered fill pads on both the Centennial and Brunswick Industrial Sites would still be constructed, as proposed, but it would take approximately double the amount of time, from 5-6 years to 10-12 years, respectively for each stockpile area to reach the proposed design capacities and elevations. (*Id*.)

Aesthetics

Alternative 4 would result in the engineered fill pads at either Site would have the same maximum height as proposed by the project; it would just take longer for these heights to be achieved due to reduced throughput at the mine. (DEIR, p. 6-37.) Thus, Alternative 4 would result in the same significant and unavoidable aesthetic impacts that would be generated by the Project. (*Id*.)

Air Quality, Greenhouse Gas Emissions, and Energy

As the proposed mine's production of 1,000 tons per day (365,000 tons per year) of gold mineralization would be reduced to 500 tons per day (182,500 tons per year) of gold

mineralization under Alternative 4, reduction in daily throughput would reduce the level of daily heavy equipment activity related to placement of engineered fill. (DEIR, p. 6-37.) This reduction would lead to a reduction in air quality emissions over the course of a day. (*Id*.) With this being said, the lower air quality emissions of Alternative 4 would still be expected to exceed the District's thresholds (lbs/day), thus, requiring mitigation similar to that which is required in the EIR. (*Id*.) In addition, the amount/duration of haul truck use from the Brunswick Industrial Site to the Centennial Industrial Site would be less intense over the course of each day but would occur for a longer period of time (i.e., approximately 5 years of trucking to Centennial under the Project vs. approximately 10-12 years for Alternative 4). (DEIR, p. 6-38.) This lengthened period would result in exposing sensitive receptors along the haul routes to a similar amount of diesel particulate matter (DPM). (*Id*.) The Alternative would, also, disturb a similar amount of ground surface over time, as compared to the Project, and thus, could result in similar emissions of asbestos dust related to on-site ground disturbing activities having the potential to expose receptors to substantial concentrations of asbestos. (*Id*.) Overall, the air quality and GHG impacts associated with this Alternative 4 could be fewer as
compared to the proposed project.

Biological Resources

The EIR determined that, at both the Centennial and Brunswick Industrial Sites, implementation of the Project could result in potential significant adverse effects to special-status plants, foothill yellow-legged frog, western pond turtle, California red-legged frog, California black rail, coast horned lizard, special-status bats, and non-special status raptors and migratory birds. (DEIR, p. 6-38.) Due to the fact that Alternative 4 would result in the same areal extent of ground surface over time as the Project, none of the biological resources impacts resulting from the proposed project would be avoided. (*Id*.) Thus, the biological resources impacts associated with Alternative 4 would be similar when compared to the Project. (*Id*.)

Cultural and Tribal Cultural Resources

The EIR determined that, at both Sites, implementation of the Project could result in a significant but mitigable impact to unknown archaeological resources and Tribal Cultural Resources. (DEIR, p. 6-38.) In addition, the EIR determined that the Project would have a significant adverse effect on the underground workings of the Idaho- Maryland Mine. (*Id*.) Given that Alternative 4 would result in the same areal extent of ground surface over time as the Project, the potential for Alternative 4 to impact archaeological and/or Tribal Cultural Resources would be similar to the Project. (*Id*.) In addition, Alternative 4 would impact the same extent of underground workings over the life of the mine, when compared

to the Project. (DEIR, p. 6-39.) Thus, Alternative 4 would result in similar impacts to Cultural and Tribal Cultural Resources when compared to the Project. (*Id*.)

Geology, Soils, and Mineral Resources

Given that the areal extent subject to disturbance and development would be the same as the Project, the geology, soils, and mineral impacts of Alternative 4 would be similar to those identified for the Project in the EIR. (*Id*.)

Hazards and Hazardous Materials

Given that the areal extent subject to disturbance and development would be the same as the Project, the hazards and hazardous materials impacts of Alternative 4 would be similar to those identified for the Project. (*Id*.) The EIR also determined that the Project could have a significant impact related to transport, underground storage and use of explosives at the Brunswick Industrial Site. (*Id*.) Alternative 4, however, would extend this impact from 80 years to 130-160 years. (*Id*.) Given that Alternative 4 would reduce the quantity of explosives that are routinely transported, stored and used underground on the Brunswick Site, Alternative 4 would result in fewer impacts related to hazards and hazardous materials when compared to the Project. (DEIR, p. 6-40.)

Hydrology and Water Quality

The EIR determined that the Project could result in potential construction and operational impacts related to water quality at the Centennial Industrial Site (e.g., engineered fill pad construction); risk release of pollutants in flood hazard area associated with Wolf Creek; and substantial alteration of drainage patterns. (DEIR, p. 6-40.) These impacts would still occur under Alternative 4 and for the water quality impact related to engineered fill pad construction, this impact could possibly increase due to the extended period of time that placement of fill would occur (approximately 5 years versus 10-12 years). (*Id*.) In addition, Alternative 4 would extend the period of impacts to water quality associated with operations within the Brunswick Industrial Site (i.e., the underground placement of Cement Paste Backfill (CPB), use of clay-lined pond for water treatment process purposes, treated water discharge in South Fork Wolf Creek, and substantial reduction in groundwater supplies due to operation of the mine). (*Id*.) Thus, Alternative 4 would lead to greater impacts to hydrology and water quality than the Project. (*Id*.)

Noise

Alternative 4 would reduce intensity but extend the period of project-related significant noise and vibration impacts as a result of operations at the Brunswick Industrial Site from

80 years to 130-160 years. (DEIR, p. 6-40.) The significant and unavoidable construction noise impact, which would result from installation of the potable water line along E. Bennett Road, would still occur as part of Alternative 4. (DEIR, p. 6-41.) In addition, the potential impact related to potential use of Jake brakes along the haul route connecting the Brunswick and Centennial Industrial Sites would be in increased in severity with the implementation of Alternative 4 due to the increased period of trucking. Overall, this Alternative could result in slightly greater noise impacts when compared to the proposed Project. (*Id*.)

Transportation and Circulation

Alternative 4 would reduce the daily throughput at the mine by 50 percent, from 1,000 tons per day to 500 tons per day of gold mineralization. The reduced production levels would reduce the demand for on-site labor. (DEIR, p. 6-41.) As a result, Alternative 4 could be expected to support fewer employees, which would reduce commute traffic to/from the Centennial and Brunswick Industrial Sites. (*Id*.) While vehicle miles travelled (VMT) associated with employee commute would be reduced on a daily basis, the life of the mine would be extended from 50-80 years, which would have the effect of substantially increasing VMT over the life of the mine. This could result in a significant VMT impact. However, depending upon the level of traffic reduction, Alternative 4 may avoid one or more of the intersection/queue impacts identified in the EIR for the proposed project. (*Id*.) Thus, Alterative 4 could result in similar or slightly fewer impacts to transportation when compared to the Project. (*Id*.)

Wildfire

The EIR determined that implementation of the Project would result in a potentially significant impact related to exacerbating wildfire hazards at both the Centennial and Brunswick Industrial Sites, prior to implementation of mitigation. (DEIR, p. 6-41.) Reduced throughput could be expected to reduce the use of on-site equipment to some degree, but not enough to substantially reduce wildfire risk, as compared to the Project. (*Id*.) Thus, Alterative 4 would result in similar impacts related to exacerbating wildfire hazards when compared to the Project. (*Id*.)

Finding:

Based on the whole record, the County finds that the Reduced Throughput Alternative would result in higher environmental impacts than under the Project, and thus the Project is considered to be environmentally superior to this Alternative. In addition, the Reduced Throughput Alternative fails to meet Project Objectives 1 and 7. Lastly, the extension of the life of the Project significantly delays rehabilitating the Centennial Industrial Site and

increasing the usability of the Brunswick Industrial Site to a future use of industrial. As such, the Reduced Throughput Alternative is rejected as not a feasible alternative.

3. THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE IS THE REDUCED ANNUAL PRODUCTION ALTERNATIVE

CEQA Guidelines Section §15126.6(e)(2) requires that an EIR identify the environmentally superior alternative. Additionally, if the environmentally superior alternative is the No Project Alternative, the EIR must also identify an environmentally superior alternative from the remaining alternatives. The alternative that would appear to reduce or eliminate the greatest degree of impacts at the Project site is the No Project Alternative. This Alternative meets only one of the basic Project Objectives. Under this Alternative, the mine would not be operated at the Brunswick Industrial Site, and as a result, engineered fill would not be hauled to the Centennial Industrial Site. (DEIR, p. 6-42.) In general, no significant project-related impacts to the physical environment would occur under this Alternative. (*Id*.) Excluding the No Project Alternative, the County concludes that Alternative 2, the Elimination of Centennial Industrial Site Alternative, is the environmentally superior alternative due to the ability of Alternative 2 reduce the greatest number of project impacts. Alternative 2 would reduce the Project's significant environmental impacts in 9 of the 10 categories. (*Id*.) Alternatives 3 and 4 would not reduce as many impacts, and in two cases, impacts would be greater when compared to the Project. (*Id*.)

H. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this Planning Commission adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, legal, social and other benefits of the Project.

An approval by the Nevada County Planning Commission ("Planning Commission") of the Idaho-Maryland Mine Project ("IMM Project"), will result in significant adverse environmental effects which cannot be mitigated or avoided notwithstanding that the Commission has adopted all feasible mitigation measures and most of the environmental impacts resulting from the Project have been mitigated to a level of less than significant.

Despite these expected effects, the Commission, in accordance with Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, has balanced the benefits of the proposed Project against the unavoidable adverse impacts associated with the proposed Project and has adopted all feasible mitigation measures. The Commission has also (i) independently reviewed the information in the DEIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible by adopting the mitigation measures as identified in the EIR; and (iii) balanced the Project's benefits against the Project's significant unavoidable impacts. The Commission has also examined alternatives to the proposed Project and has determined that adoption and implementation of the

proposed Project is the most desirable, feasible, and appropriate action. The Commission has chosen to approve the Project EIR because in its judgement, it finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the Project's significant effects on the environment. Substantial evidence supports the various benefits and can be found in the preceding CEQA findings, which are incorporated by reference into this Statement, the DEIR, the FEIR, and the documents which make up the record of proceedings.

1. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Based on the information and analysis set forth in the DEIR and the record of proceedings, construction of the proposed Project would result in the following significant unavoidable impacts even with the implementation of all feasible mitigation measures:

Aesthetics

1. **Impact 4.1-2:** Development of the IMM Project site as proposed would reinitiate underground mining and gold mineralization processing over an 80-year permit period. In a non-urbanized area, the IMM Project would substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point). While the Centennial and Brunswick Industrial Sites are zoned for industrial development and there are existing industrial land uses in the vicinity of the project sites, the proposed project would result in noticeable changes to the existing visual character of the project sites, as viewed from public vantage points in the project vicinity, even after mitigation. (DEIR pp. 4.1-14 to 4.1-23.)

2. **Impact 4.1-4:** Long-term changes in visual character associated with the proposed project in combination with cumulative development. The IMM Project site is located in an area zoned for industrial development. Cumulative buildout in the geographic area would result in a change in the visual character of the region, which would be considered a significant cumulative impact. The project's incremental contribution to this significant cumulative impact is cumulatively considerable and significant and unavoidable. (DEIR pp. 4.1-29 to 4.1-31.)

Noise

3. **Impact 4.10-1:** Development of the IMM Project would generate a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, due to initial construction activities. Construction activities could result in substantial increases in daytime noise exposure at eight receptors in the project vicinity, when compared to the baseline ambient noise levels at these locations. While the Project's construction noise would not be in violation of the County noise standards, the predicted construction noise level increases would still be considered substantial and unavoidable. (DEIR pp. 4.10-27 to 4.10-30.)

Traffic

4. **Impact 4.12-1:** Development of the IMM Project would conflict with a program, plan, ordinance, or policy addressing study intersections under Existing Plus Approved Projects (EPAP) Plus Project Conditions. While the applicant would enter into a traffic mitigation agreement with the County to provide needed improvements, the remaining funds for the intersection improvements are unknown, in terms of timing and contributing parties. Therefore, even after mitigation, the project's impact to the Brunswick Road/SR 174 intersection would be significant and unavoidable. (DEIR pp. 4.12-56 to 4.12-67.)

5. **Impact 4.12-8:** Development of the IMM Project would conflict with a program, plan, ordinance or policy addressing study intersections under Cumulative Plus Project Conditions. Even after mitigation, the project's incremental contribution to the significant cumulative impact at the Brunswick Road/SR 174 intersection would be cumulatively considerable and significant and unavoidable for the reasons described in Impact 4.12-1. (DEIR pp. 4.12-93 to 4.12-103.)

6. **Impact 4.12-10:** Development of the IMM Project would conflict with a program, plan, ordinance or policy addressing intersection queues under the cumulative scenario. Even with implementation of mitigation, to re-time the intersection, improve operations, and shorten queue length, the mitigation measure requires approval from the City of Grass Valley, which cannot be guaranteed. Therefore, a conservative estimation concludes that the impact would remain significant and unavoidable. (DEIR pp. 4.12-105 to 4.12-116.)

2. Statement of Overriding Considerations

Pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant and unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The decision-making agency must balance the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. (14 C.C.R. § 15093(a).) If the specific benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." (*Id*.) The Statement of Overriding Considerations shall be supported by substantial evidence, and is subject to adoption by the County's decision-makers along with the Findings of Fact. (14 C.C.R. § 15093(b).) The Idaho-Maryland Mine Project would result in significant and unavoidable impacts related to the following: substantially degrade the existing visual character or quality of the site and its surroundings (Impact 4.1-2); long-term changes in visual character (Impact 4.1-4); generation of a substantial temporary increase in ambient noise levels in the project vicinity (Impact 4.10-1);

and conflicts with a program, plan, ordinance, or policy addressing study intersections (Impacts 4.12-1, 4.12-8, and 4.12-10). Thus, a Statement of Overriding Considerations must be adopted if the project is approved.

The following statement of overriding considerations identifies why, in the Planning Commission's judgement, the Project and its benefits to Nevada County outweigh its unavoidable significant project specific and cumulative environmental impacts. The Commission has determined that any one of these considerations override, on balance, the significant negative environmental impacts of the Project. The substantial evidence supporting these various considerations is found in the following findings based on the EIR and/or the contents of the record of proceedings for the Project:

1. The Project will create economic benefits to Nevada County.

    a. The creation of approximately 312 long-term jobs benefitting local residents employed at a fair and living wage would be a catalyst for economic stimulus in Nevada County, providing economic vitality, hundreds of additional local indirect jobs, and economic stability. (DEIR p. 3-36.)

    b. The Project will generate substantial property tax revenue for the County due to the increase in value to the Project properties, and will generate ongoing sales tax revenue as well as state and federal taxes from which the County will receive a portion of its annual revenues.(DEIR, pp. 4.11-30 to 4.11-31; Economic Impact of the Proposed Idaho-Maryland Mine Project ["Economic Impact Report"], pp. 50 - 55.)

    c. The Project would help support the local economy and drive substantial additional local job creation indirectly due to dollars spent locally by Project operations, employees, vendors and contractors within Nevada County. (Economic Impact Report, pp. 7, 10.)

2. The Project will provide vital infrastructure for the County.

    a. The Project will help fund the construction of and improve the existing regional system of roads and streets through payments of Nevada County, City of Grass Valley, and regional traffic improvement fees, to accommodate growth and improve the current transportation network. (DEIR, p. 4.12-66.)

    b. The Project will provide long-term local roadway maintenance funds under an ongoing per-ton fee to the County. (Development Agreement § 3.1.7.)

c. The Project will provide new fire protection equipment (fire engine and associated equipment) via a payment of $1,000,000 at the commencement of mine dewatering. (DEIR, p. 4.11-23; Development Agreement § 3.1.4(h).)

d. The Project will provide ongoing, long-term funding for three new full-time fire protection personnel for the Ophir Hill Fire Protection District, providing up to $240,000 per year of ongoing, much needed local fire protection funding (adjusted by the CPI Index based on equivalent dollars at January 2022) at the commencement of commercial production. (DEIR, p. 4.11-23; Development Agreement § 3.1.4(h).)

e. The Project will improve fire protection along Brunswick Road by installing much needed fire hydrants and extending the water line service. (DEIR, p. 4.11-32.)

f. The Project will provide the land and will construct an emergency helicopter landing site on the Brunswick site to serve emergency use and medical evacuations, benefiting the local community. (Development Agreement § 3.1.4(i).)

g. The Project will provide land and facilities for staging of emergency services to serve the community to combat wildfires and address natural disasters in the County. (Development Agreement § 3.1.4(j).)

3. The Project will provide other benefits to the County.

a. The Project will provide a local source of aggregate to reduce infrastructure construction and maintenance costs of public and private projects in the County. (DEIR, p. 1-7; Final EIR, p. 2-8; Development Agreement § 3.1.4(a).)

b. The Project will provide a local 24-person professional rescue team, tradespeople (electricians, mechanics, millwrights), engineers, and professional managers which could assist emergency services during wildfires and other natural disasters and emergencies in the surrounding area. (DEIR, p. 3-42; Final EIR p. 2-8023.)

c. The Project offers to monitor domestic water wells at no charge to the community for approximately 378 properties. (DEIR, p. 4.867.)

d. The Project will provide ongoing funding to help improve regional and local air quality, including funding for a new Air Pollution Control Specialist for

the Northern Sierra Air Quality Management District, providing up to $100,000 each year (adjusted by the CPI Index based on equivalent dollars at January 2022) at the commencement of Mine Dewatering. (Development Agreement § 3.14(p).)