



48  
49 **U14-009, MGT14-015, EIS14-012:** A Use Permit request by New Verde Mines, LLC for the  
50 construction and operation of a groundwater collection, conveyance, and treatment system to  
51 manage water draining from historical mine features; and a Management Plan to address  
52 potential impacts on riparian habitat and wetland habitat near the conveyance and treatment  
53 system. **LOCATION:** 12509 Allison Ranch Road, Grass Valley 95949 **ASSESSOR'S**  
54 **PARCEL NO's.:** 22-120-28, -35; 22-160-27; 29-290-26; 29-350-03, -04, - 16.  
55 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Mitigated Negative  
56 Declaration. **PLANNER:** Jessica Hankins, Senior Planner

57  
58 Jessica Hankins, Senior Planner, outlined the project with a Power Point presentation. She began  
59 her presentation with a brief description of the existing setting, zoning and background of the  
60 project before explaining the project details. The project is located south of the City of Grass  
61 Valley, generally along Allison Ranch Road which is on the western extent, with Wolf Creek  
62 being on the eastern extent of the project. The study area consisted of the entire 760-acre site.  
63 However the disturbance area would only be approximately 8.3-acres.

64  
65 Planner Hankins displayed the Zoning, Vicinity and Notice Map. She gave a detailed  
66 explanation of the CEQA noticing undertaken for the project. In the northern area of the project,  
67 notices were sent to property owners within 500' of the vicinity of the Drew Tunnel pump  
68 station; additionally, notification was sent to owners generally within 500' from the  
69 collection/conveyance system, though she noted that some additional parcels were added if it  
70 was felt that the parcels had access to Allison Ranch Road and might be affected by the project  
71 construction or be potentially affected by the operational components; beyond the southern  
72 extent of the property, notification was extended to properties a further ½ mile to include the  
73 residents that have access to Allison Ranch Road; and the notification was further expanded to  
74 the east to capture larger subdivisions such as the entire Carriage House subdivision.

75  
76 Planner Hankins stated that the Drew Tunnel pump station is proposed within City of Grass  
77 Valley limits and is zoned Public. The collection, conveyance and treatment pond areas are  
78 zoned IDR and are within the unincorporated County. The small construction staging area is  
79 located within the County and is zoned RA-1.5. She explained that uses in the northern area of  
80 the project are public and commercial; southerly are rural residential with some agricultural uses  
81 as well.

82  
83 Planner Hankins continued with a discussion on the background of the property. She stated that  
84 the North Star property is the former site of the Massachusetts Hill Mine, New York Hill Mine  
85 and North Star hard rock gold mines which created an extensive network of shafts, tunnels, and  
86 stopes and other similar types of features. The main tunnels often drained to nearby surface  
87 waters to aid in mine dewatering, as was the case with the Drew Tunnel cross-cut. Following  
88 closure of the mines when the groundwater was no longer being pumped out, the groundwater  
89 levels recovered resulting in groundwater draining to surface waters. As the water travels  
90 through these tunnels it picks up naturally occurring heavy metals, in the case of this project,  
91 iron, manganese and arsenic.

92

93 She referenced the displayed slide and pointed out that the Drew Tunnel cross-cut running from  
94 North Star, under Allison Ranch Road to the City's Wastewater Treatment Plan (WWTP) where  
95 the portal opens just above Wolf Creek.

96  
97 Planner Hankins explained that in 2000 the Drew Tunnel portal was exposed at the City's  
98 WWTP during improvements by the City to the WWTP, increasing the release of mine drainage  
99 to Wolf Creek. The Regional Water Quality Control Board (RWQCB) then required the City to  
100 route the water coming out of the Drew Tunnel to their WWTP for treatment before discharging  
101 it to Wolf Creek because of elevated levels of iron and manganese. In following years the  
102 RWQCB determined that Newmont, as successor to Empire Star Mines who had owned and  
103 operated portions of the North Star Mine, was responsible. She explained that ultimately a  
104 settlement agreement was reached between the City and Newmont that required Newmont to  
105 treat the Drew Tunnel water separately. In 2011 Newmont purchased the 760-acre North Star  
106 property to gain control over the property and implement the project. Approximately one year  
107 ago a temporary water treatment system was installed on City property. According to the  
108 agreement Newmont cannot keep the temporary facility on City property so part of the proposed  
109 project is to remove the temporary facility and construct a permanent system off City property.

110  
111 Also in 2014 the Water Board issued a Cleanup and Abatement Order for additional features, not  
112 just the Drew Tunnel at the north end, but also two mining features, the adit, and pipe culvert, as  
113 well as a spring. The spring is hydrologically connected to the adit and pipe culvert and they are  
114 all being fed by the Snyder Shaft which comes in off of the North Star property. These all need  
115 to be treated for iron, manganese and arsenic. According to the Order, Newmont must complete  
116 construction by December 31, 2015.

117  
118 Planner Hankins displayed a slide of the proposed project area and pointed out Allison Ranch  
119 Road, Wolf Creek, Pine Creek Shopping Center and the City for orientation purposes. She also  
120 noted the location of the pipeline and the pond area.

121  
122 Planner Hankins explained the three main components of the project. The first component is  
123 collection of the water. The water would be collected at two points, first at Drew Tunnel.  
124 Before the water reaches Wolf Creek, it would be pumped out of the tunnel and conveyed down  
125 a pipeline running down the side of Allison Ranch Road. The second pump station would pump  
126 water from the Snyder Shaft before that water reaches the mine adit, pipe culvert and spring. A  
127 pipeline would then convey the water through another pipeline along an existing dirt road. Both  
128 pipelines would be buried and would converge, conveying to the first treatment pond, then to the  
129 sedimentation pond, and then the wetland pond and limestone beds. Lastly it would be  
130 discharged into a seasonal tributary of Wolf Creek, ultimately ending up in Wolf Creek.

131  
132 Planner Hankins explained that surface water monitoring conditions would be written and  
133 enforced by RWQCB. RWQCB does not write a permit until the project has all the appropriate  
134 land use permits. However, the temporary Drew Tunnel permit requires monthly water quality  
135 monitoring. Staff expects the new permit to have similar requirements.

136  
137 She explained that Newmont and the successors to its company, if any, will be responsible for  
138 the project in perpetuity and that, it doesn't run with the land, but with the company. As long as

139 there is water getting into the tunnels it would continue to pick up the naturally occurring  
140 elements and would likely continue to exceed maximum contaminant levels. If the project were  
141 to be constructed it would operate in perpetuity.

142  
143 Planner Hankins provided details for the sedimentation pond. She presented a photo of the  
144 existing sedimentation pond for the Magenta Drain at Empire Mine. She noted that the treatment  
145 areas at Empire Mine are very similar to what is proposed by the Newmont project, though not in  
146 sizing. She explained that the sedimentation pond is proposed to be 2.3-acres, double-lined with  
147 a heavy duty liner. It would have a leak detection system between the two liners that would  
148 automatically and immediately notify operators. She explained that the passive treatment  
149 technology would use both physical and biological reactions to remove heavy metals through  
150 oxidation and precipitation. There would be no chemical inputs to the system, no electrical at the  
151 ponds and she stated that the passive treatment technology requires very little maintenance.  
152 Maintenance would include sediment removal every ten or so years. The removed sediment  
153 would be dried, characterized for hazardous materials, and disposed of at an appropriate waste  
154 facility.

155  
156 Planner Hankins stated that the water would be conveyed from the sedimentation pond to the  
157 wetland pond. The wetlands pond is proposed to have 2.5-acres of surface water. The pond  
158 would utilize aerobic wetland treatment to facilitate the natural oxidation and precipitation  
159 process, removing more of the heavy metals. It is proposed to be lined with a single 60-mil  
160 HDPE liner with two feet of growing material (soil) on top of the liner, and planted heavily with  
161 native wetland species. Water would flow from the wetlands pond to the approximately 1/3-acre  
162 limestone beds.

163  
164 Planner Hankins moved on to project impact analysis. She discussed the viewshed analysis that  
165 was completed as part of the project land use review. She explained that there would be no  
166 impact at the pump stations as they are proposed to be buried and thus not visible. Also, the  
167 pipelines and utilities will be buried. She explained that the wetland pond would be a very  
168 natural looking feature that would blend in with the vegetation of the surrounding area and thus  
169 was not considered a significant impact. The sedimentation pond and staging area was looked at  
170 more closely. The sedimentation pond would be in close proximity to residents on Mote Lane,  
171 Homeward Lane, and Allison Ranch Road, and would be visible to travelers on these roads.

172  
173 She explained that the residence that would be impacted the most would be 10675 Mote Lane  
174 which would be 150-feet from the home to the sedimentation pond, 30-feet from the property  
175 line to the edge of the pond, and 40-50 feet from the staging area to the edge of the property line.

176  
177 She presented a slide of the proposed landscaping plan prepared by licensed Landscape Architect  
178 Jo McProud. The approach of the plan is to leave existing vegetation in place where possible  
179 and to replant vegetation to bolster the visual buffer. She pointed out areas on the plan that  
180 depicted existing trees and understory planned to remain. She pointed out tree and plant symbols  
181 shown on the plan that depict proposed vegetation that would be planted, as developed with a  
182 biologist, which included cedars, coffeeberry and California bay laurel which are all self-  
183 supporting and highly adaptable to local site conditions. She noted an area of planned reseeding  
184 that would include native plant species, such as grasses, forbs, black oaks and ponderosa pines.

185 She also noted that there were areas where several small fires had happened after the Initial  
186 Study had been prepared that would also require reseeding.

187  
188 Planner Hankins outlined the project analysis of potential geologic hazards. She stated that there  
189 are quite a few geologic hazards on the property due to the past mining activities, though they are  
190 all mitigated in the MND. She explained that there is a history of landslide activity near Allison  
191 Ranch Road so the plan would take the pipeline above Allison Ranch Road in the vicinity of the  
192 existing bypass road that is considered more stable in terms of slopes. A mitigation measure is  
193 provided to ensure the pipeline in that area is designed to accommodate movement that may  
194 occur later. Another mitigation measure would require project facilities be designed to maintain  
195 a minimum 50-foot buffer from steepened slopes, areas of subsidence and seepage as well as any  
196 of the shallow mine remnants.

197  
198 Planner Hankins noted public concerns regarding the ponds relative to mosquito breeding  
199 habitat. She stated that Planning had worked closely with the Environmental Health  
200 Department's Vector Control Division to determine what those impacts might be. They had one  
201 record of a visit to the Empire Mine Magenta Ponds which had found no evidence of mosquito  
202 breeding. They returned to the Magenta Ponds given that they are similar in design to what the  
203 project proposes and took 25 plus samples. One sample taken from the wetland pond contained  
204 one mosquito larva, and none were found in the sedimentation pond or limestone beds. While  
205 only one larva was found, it does not preclude there being more on a different site. Vector  
206 Control indicated that a different site could have different conditions and/or it could be time-of-  
207 year dependent. A mitigation measure is proposed that would require monthly monitoring by  
208 Vector Control for the first two summers of pond operation. If they do find there is an issue with  
209 mosquito breeding then that site would be added to their list of sites for continued monitoring.

210  
211 Planner Hankins provided details regarding the project review relative to potential safety  
212 hazards. She stated that the sedimentation pond will be fenced. The wetland pond is 4 to 6-  
213 inches deep and heavily vegetated, and is located further inside the property with no homes in  
214 the immediate vicinity of the pond, so no fence was deemed necessary. The limestone beds only  
215 would carry about one inch of water so were not felt to present a potential safety hazard.

216  
217 Planner Hankins outlined the project analysis on noise impacts. The two types of noise  
218 generation noted were operational noise and construction noise. Typical noise impacts from  
219 ground disturbance activities would be expected, and standard noise mitigation measures are  
220 proposed to mitigate those noises. Operational noise would come from the pump stations. There  
221 would be no noise at the ponds, no moving parts at the ponds, and no electrical at the ponds. At  
222 the pump stations there would be the pumps and standby generators. The Drew Tunnel pump  
223 station is located below the grade of the road on the Wastewater Treatment Plant site where there  
224 are high ambient noise levels from both traffic and plant operation. Pump noises would be  
225 masked by these existing noises. The North Star pump station is proposed to be approximately  
226 500-feet from the nearest residence and consists of a submersible pump, meaning it would be at  
227 least 70-feet underground in the water. The only noise would be from water flowing in  
228 aboveground piping for a short distance. The standby generator would exercise 15 minutes bi-  
229 weekly only during regular business hours: Monday through Friday 8:00 to 5:00.

230

231 Planner Hankins outlined the project analysis of potential traffic impacts. A Traffic Control  
232 Management Plan is proposed as part of the mitigation. The Plan would require minimum  
233 standards for lane closures, hours, flaggers, notification, etc. This is standard mitigation used by  
234 Nevada County Department of Public Works (DPW) for public road and utility projects which  
235 would require review and approval by DPW.

236  
237 Planner Hankins moved on to the project analysis relative to biotic resources. Several potential  
238 impacts to special status and migratory bird species were noted during the biological resources  
239 portion of the project analysis. Since the time the Initial Study was distributed, several surveys  
240 were already conducted. Surveys for the Western Pond Turtle revealed their presence and  
241 mitigation is proposed to provide a biological monitor for Western Pond Turtle when there is  
242 construction in the area where it was found. Potential impacts to both the California red-legged  
243 frog and the Foothill yellow-legged frog were noted in the Initial Study but Planner Hankins  
244 noted that the project biologist had since completed protocol-level surveys which had been  
245 submitted to USFWS with a finding of no evidence of their presence. She mentioned a Staff  
246 Memo that was provided to the Commissioners with some changes to the mitigations for the  
247 nesting raptors and migratory birds. These changes were suggested by the project biologist. The  
248 changes would allow for clearing and grubbing activities up to January 1<sup>st</sup> as long as there are  
249 measures in place for erosion control, because migratory birds are not present here during that  
250 time period. Potential impacts to migratory birds would be mitigated by Mitigation Measure 4F  
251 which would require preconstruction nesting surveys and avoidance. Also, the requirement for  
252 401 or 404 permits was removed because no fill to wetlands is proposed and they would not  
253 apply. There would be no direct impacts to wetlands; however, there would be the potential for  
254 indirect impacts because it could possibly be drained, so proposed mitigation would require  
255 purchase of wetland credits for under 1/10 of an acre. Mitigation is also proposed for  
256 disturbance within 100-feet of the waterway setback.

257  
258 She outlined alternatives that were considered as part of the project analysis in response to the  
259 many public comments asking why the project couldn't be placed somewhere else on the 760-  
260 acre property. Staff looked very carefully at the issue and had many conversations with the  
261 applicant about why the particular site was selected. She referenced Attachment 10 of the Staff  
262 Report. She noted that the pond location was selected after technical studies were completed to  
263 ensure that all the sensitive resources and site constraints could be mapped in order to avoid  
264 those features where possible. Many of the project sites have extensive underground mining  
265 features and surface expressions, steep and/or unstable slopes, wetland areas, and another area  
266 which is clear would need to be accessed from private property. The entire western area of the  
267 property is at a higher elevation and use of it would result in higher energy demands, meaning  
268 more mechanical components and a greater risk of mechanical failure. The eastern side of  
269 Allison Ranch Road is subject to a conservation easement. The proposed site has fairly level  
270 topography allowing for greater constructability and access, avoids the sensitive resources and  
271 constraints and allows for the single pumps stations, resulting in lower electrical demands, less  
272 noise, less resource consumption, lower greenhouse gases considering that the project would  
273 operate in perpetuity. The alternative that was chosen is the best location because of the above.

274  
275 Commissioner Jensen asked if the alternatives took into account a more active system such as a  
276 treatment plant that would take less area.

277  
278 Planner Hankins replied that this was reviewed in the Initial Study. An active treatment system  
279 would require more chemical inputs, more maintenance and supervision and more mechanical  
280 parts which could present a greater risk of failure. Staff concluded that the passive treatment  
281 system provided the better, environmentally sensitive alternative.

282  
283 Commissioner Jensen asked if Staff recommended a passive system or if that was what was  
284 originally proposed.

285  
286 Planner Hankins replied that a passive treatment system was what was submitted.

287  
288 Planner Hankins outlined the environmental review process. She stated that the Initial Study was  
289 prepared, and then circulated for 30-days, it was routed through the State Clearinghouse, two  
290 agency comments and 17 public comments were received. The Initial Study identified the  
291 typical construction related impacts which are mitigated to less than significant levels with  
292 standard mitigation measures. The Initial Study identified many unique project impacts that  
293 were also mitigated. The Alternatives Analysis done as part of the process goes beyond the  
294 normal scope of an Initial Study. She also noted the preparation of the proposed Mitigation and  
295 Monitoring Plan which is Attachment 2 in the Staff Report.

296  
297 Planner Hankins noted that changes were made to the Initial Study after the initial distribution.  
298 This included a change to the project description. The original proposal included slats in the  
299 proposed pond fencing. Staff felt that slats would potentially draw more attention to the pond so  
300 Staff asked the applicant to remove them from the description. The Initial Study and landscaping  
301 plan were both updated based on fires that occurred after the IS was distributed. Analysis was  
302 added to noise, flooding and groundwater impact discussions; and clarifications were added to  
303 some of the biological measures.

304  
305 Planner Hankins stated that the City is deferring to the County for land use permits in the  
306 northern area of the site. She added that the pump station is allowed as a quasi-public use and  
307 that quasi-public uses are allowed within the IDR district with a Use Permit and stated that the  
308 project is considered a quasi-public use. Temporary construction staging areas are allowed  
309 within the RA district with approval of a Use Permit. She also stated that the project meets site  
310 development standards with the Management Plan which addresses the wetland encroachment.

311  
312 She concluded that with the amended conditions and memo provided to them, Staff  
313 recommended that the Commissioners adopt the revised Mitigated Negative Declaration and  
314 approve the Management Plan and Use Permit.

315  
316 Chair Duncan thanked Planner Hankins and asked her fellow commissioners if they had any  
317 questions for Staff.

318  
319 Commissioner James asked Ms. Hankins what the boundaries to Newmont are.

320  
321 Planner Hankins presented a slide of the zoning map and explained roughly the location of the  
322 property boundaries.

323  
324 Commissioner Aguilar asked Planner Hankins what would happen if Newmont goes bankrupt, or  
325 if the company is sold.

326  
327 Planner Hankins explained that the responsibility for the cleanup goes with the company, not the  
328 land, so if the company did not exist anymore and there were no successors, it would most likely  
329 become a US EPA site.

330  
331 Commissioner Aguilar asked where the water for irrigation would come from.

332  
333 Planner Hankins replied that there would be a tank with above-ground, temporary piping that  
334 would be removed after plant establishment.

335  
336 Commissioner Aguilar asked what would happen if Vector Control found mosquito larvae.

337  
338 Planner Hankins said that the mitigation measure specifies what would happen, and noted that  
339 Staff would like to avoid the addition of chemicals if possible. As a first option, Vector Control  
340 would look at mosquito fish. Mosquito fish are not allowed to be released in areas where they  
341 could get into waterways so if their use was not acceptable, Vector Control would look at the  
342 design of the ponds at the location of where larvae would be found. If for instance, the bank or  
343 sides were not steep enough to prevent the habitat, then they would be re-graded. If that doesn't  
344 work then the next step would be to use BTi.

345  
346 Commissioner Aguilar asked for clarification on the subject of something being drained then  
347 cleaned of heavy metals.

348  
349 Planner Hankins replied that the sedimentation pond would be cleaned about every 10 years.  
350 When sedimentation built up, which is not anticipated to be more often than 10 or so years, it  
351 would be dredged, placed in geo-tubes, and then it would be dried and characterized for  
352 hazardous qualities before being removed to a waste facility.

353  
354 Commissioner Poulter asked about the discussion in the Staff Report relative to the previous Use  
355 Permit and Reclamation Plan. It states that Staff is recommending the owner provide a letter.  
356 She wondered if that was a recommendation or a requirement.

357  
358 Planner Hankins clarified that all the conditions in the Staff Report are *recommendations* to the  
359 Planning Commission but if approved the condition would be a requirement of the applicant.

360  
361 Chair Duncan asked about the statement in the Staff Report "...any successors in interest of the  
362 property would be responsible..." She was unclear if that just pertained to the physical  
363 improvements.

364  
365 Planner Hankins explained that the statement was incorrect and was revised as part of the memo  
366 that was provided to the Commissioners.

367



368 Chair Duncan noted that the landscaping plan called for native plants which are typically slower  
369 growing. She understood that many of the public comments were about the visibility of the  
370 project. She asked if a requirement could be added to plant some sacrifice trees such as  
371 cottonwoods or another faster growing species to provide a quick buffer then taken out later  
372 when the natives grew in.

373  
374 Planner Hankins acknowledged that it was a good idea and thought that perhaps the landscape  
375 architect could address that.

376  
377 Chair Duncan noted that in the Staff Report it stated that it was recommended that the applicant  
378 fall timber outside of nesting times. She asked for clarification as to whether the condition was a  
379 hard requirement or a suggestion.

380  
381 Planner Hankins replied that nesting time is January 1 through August 15 and it would be ideal if  
382 they could try to avoid nesting time. However, as long as sedimentation controls are in place and  
383 nesting surveys had been performed then they could proceed with the clearing and grubbing  
384 outside the nesting season. She stated that it is a preference that is expressed in the Mitigation  
385 Measure to avoid nesting time. She read the measure and stated that it was written to state “if  
386 feasible, and where possible the applicant shall conduct tree removal and initial grading between  
387 August 15 and October 15 to avoid the nesting season and the wet season”. However,  
388 understanding that it isn’t always possible to do so, there are built in provisions that allow it to  
389 happen outside of that timeframe.

390  
391 Chair Duncan asked when Newmont was required to complete the project.

392  
393 Planner Hankins stated that it was the end of this year and confirmed that construction occurring  
394 from August 15 through December 31 would avoid the nesting season.

395  
396 Chair Duncan thanked Planner Hankins and commended her on her presentation and package  
397 preparation. She invited the applicant to present their materials.

398  
399 Mr. Bill Lyle, of Newmont and New Verde Mines, LLC introduced himself as project  
400 representative. He noted that Planner Hankins did a very good job presenting the proposal. He  
401 stated that various technical consultants were present and available to answer questions. He  
402 added that the project was a long process and that the application would fulfill the agreements  
403 and satisfies the commitments made with the City and RWQCB. He introduced Sherm  
404 Worthington and explained that he was the technical designer of the system and would be able to  
405 answer questions of that nature.

406  
407 Chair Duncan asked what other team representatives were present.

408  
409 Mr. Lyle asked the various project consultants to stand and state their name and specialty.

410  
411 Ms. Rebecca Bilodeau - permitting process.

412  
413 Mr. Adrian Juncosa - project biologist.

414  
415 Mr. Ron Dundas - KPFF Consulting Engineers.  
416  
417 Ms. Josephine McProud – Landscape Architect. She clarified that she worked on the screening  
418 aspects of the project, not the planting of the wetland ponds.  
419  
420 Chair Duncan asked Ms. McProud to sit at the podium.  
421  
422 Mr. Sherm Worthington - Principal Engineer of Worthington-Miller.  
423  
424 Eric Daniels - Operation Manager for Newmont.  
425  
426 Chair Duncan stated that the visibility issue is a concern and noted that the Empire Mine ponds  
427 were not a great example of what could be done to mitigate the concern. She acknowledged that  
428 natives are always preferable but asked if there was a quicker remedy that could be removed later  
429 once the natives had grown enough to limit visibility.  
430  
431 Ms. McProud agreed that there were lots of possibilities. She stated that she worked with Mr.  
432 Juncosa to develop a list of plants that would thrive in perpetuity without permanent irrigation.  
433 She also used evergreen plant material so it would screen the view year round. She stated that a  
434 condition could be added that non-native deciduous plants could be added then removed later  
435 upon establishment of the natives.  
436  
437 Mr. Juncosa stated that he collaborated with Ms. McProud and they developed the plan together.  
438 He explained that incense cedars are a fast growing native species that would be as fast, or faster,  
439 than other non-native choices. He was uncertain if a non-native species could be found that  
440 would grow faster in that setting. He noted that cottonwoods would not provide a better screen  
441 than what is proposed because they require full sun and ample water at all times in order to grow  
442 quickly. He couldn't think of anything offhand that would improve the screening in that area  
443 over the proposed incense cedar.  
444  
445 Chair Duncan asked if it was due to the soil conditions and lack of water.  
446  
447 Ms. McProud mentioned that lack of sunlight is a factor because of the existing pines that are  
448 between the ponds and the road that would shade and inhibit growth. She mentioned the earlier  
449 proposal of including slats in the fence, but agreed that the slats were more objectionable than  
450 seeing through to sky and water. She didn't want to suggest something that she didn't feel  
451 would meet the objectives.  
452  
453 Chair Duncan asked her to think about it during the hearing.  
454  
455 Commissioner Aguilar stated that he spends quite a bit of time at the Empire Mine for a variety  
456 of outdoor activities. He felt that the ponds there could have been screened much better. He  
457 noted that while it doesn't appear that there is movement in the water, there are never mosquitos  
458 there. He thought the lack of mosquitos was because of the sun; that the larvae didn't hatch  
459 there.

460  
461 Mr. Juncosa stated that to the best of his understanding mosquito larvae don't care whether there  
462 is sun or not, but if there is stagnant, standing water for any amount of time there will likely be  
463 mosquito activity. He acknowledged that the stated understanding was based on his time doing  
464 such things as delineating wetlands, not as an insect specialist. If there is standing water where  
465 he is working and it is the right time of year, he is besieged whether the water is in the sun or not.

466  
467 Commissioner Poulter asked what size trees are proposed to be planted.

468  
469 Ms. McProud stated that most of them are proposed to be 5-gallon size because larger trees are  
470 resistant to adapting. One-gallon trees would be too small, but 5-gallon would have a bit of  
471 presence to begin with and would adapt.

472  
473 Commissioner Poulter suggested that incense grow very quickly.

474  
475 Ms. McProud agreed that given water, they are fast growers.

476  
477 Commissioner James stated that he was still struggling with what would happen if Newmont no  
478 longer existed.

479  
480 Planner Hankins replied that it may become a superfund site.

481  
482 Commissioner James asked if a deed restriction could be placed on the property requiring a  
483 subsequent owner be responsible for maintaining and operating the system

484  
485 Planner Hankins said it is her understanding that the responsibility requirements are a part of the  
486 Water Board agreements. She added that a representative from the Water Board was present and  
487 could possibly address that question.

488  
489 Mr. Jeff Huggins introduced himself as a Water Resources Control Engineer with the Central  
490 Valley Water Board. He stated that he had been involved with the project since 2007 and 2008.  
491 He was also the Regional Board Staff Engineer for construction of the Empire Mine passive  
492 treatment system which is very similar to the proposed project. As authorized by the California  
493 Water Code the Central Valley Water Board is the primary agency responsible for coordination  
494 control of water quality on the North Star project. Their role is to ensure that treated water  
495 discharging from the North Star project meets water quality criteria outlined in the Basin Plan.  
496 This would be accomplished by issuing a permit for the North Star discharge based on the  
497 Central Valley Water Board's Basin Plan objectives for the protection of human health and  
498 aquatic life. They would review the monitoring data and would enforce the permit limitations.  
499 He stated that he was present to answer any questions about the construction and operation of the  
500 North Star passive treatment system. He stated that based on similar projects in the Central  
501 Valley Water Board area, that if Newmont sold the property or went bankrupt that the permit,  
502 because the permit is issued to Newmont and as it is written to require any successors to  
503 Newmont, would also pick up the responsibility for operation and maintenance of the facility in  
504 perpetuity. That is in the permit that Newmont or its successors would have to abide by. There  
505 are examples of companies going bankrupt in the Central Valley Water Board area. One option

506 in such cases is that the Regional Board would identify itself as a creditor and would establish a  
507 claim to any of the company's assets, then either set up a trustee or act as Trustee to oversee the  
508 operations and maintenance long-term. While it is a possibility that the site could become a  
509 superfund site, he believes that they would get a petition beforehand to act to ensure that there  
510 were assets and a party to operate the treatment system long-term.

511  
512 Commissioner Aguilar asked if Newmont was required to have a bond or construction bond.

513  
514 Planner Hankins stated that there is no bond required by the County.

515  
516 Chair Duncan asked for clarification regarding ownership. She questioned if New Verde Mines,  
517 LLC was the owner of the improvements and Newmont was the owner of property.

518  
519 Mr. Lyle stated that New Verde Mines, LLC is a subsidiary of Newmont. The property is owned  
520 by New Verde Mines, LLC but Newmont is responsible for the property. He agreed that if New  
521 Verde Mines was no longer in existence, then Newmont would be responsible. He also stated  
522 that he believed that Newmont is named as the permittee on the Drew Tunnel.

523  
524 Chair Duncan stated that the Water Board must be happy that the project was at this stage.

525  
526 Mr. Huggins agreed that it had been a long process.

527  
528 Chair Duncan opened the public hearing at 2:38 p.m.

529  
530 Mr. Leroy Bakelmun lives on Homeward Lane. He noted that he is near the planned staging  
531 area. His front door is 40' from the property line. He is concerned about the dust and chemicals  
532 that could affect him negatively as a patient recovering from lung cancer. He wanted to know  
533 why the process had taken a long time and asked what had happened between 2000 and 2009.  
534 He felt that someone had been dragging their feet. Now they had just a couple months of notice  
535 of the project. He wants to know what was going on during that time. It was his understanding  
536 that the City was suing Newmont and Newmont was fighting it. Now there is a rush to do the  
537 project just because Newmont is going to be fined if they do not finish in time. He hadn't seen  
538 evidence that an active system program wasn't the proper way to go. Added expense for that  
539 type of system would be Newmont's problem. He thought the most obvious, sensible and cost  
540 effective thing to do would be to just plug it up. It was plugged up before, why not now?  
541 Planner Hankins mentioned a double lining, and if the lining was breached that someone would  
542 be notified. Who would be notified? Neighbors or the City? This is toxic water and their wells  
543 are right there. He asked who would be responsible for the devaluation of their property. They  
544 have read reports that a project like this could adversely affect their property by as much as 30%.  
545 The people who own these homes now have to fight a massive corporation. Who would buy a  
546 home next to a huge toxic pond? Who would pay for that shortcoming? There is a huge 760-  
547 acre parcel yet they are led to believe that there is no other place on it that could be used. He  
548 wanted real proof of that. He asked if they could take Newmont representatives seriously as they  
549 depend on Newmont for their financial benefit. You get 55,000 hits if you Google Newmont  
550 lawsuits. They have lawsuits all over the world for their toxic contamination, how they treat  
551 communities and local governments, they are not a good corporation or a good neighbor. They

552 have been dragging their feet for 15 years. Just now with the foliage discussion it shows that  
553 they haven't thought it through. He asked the Commissions to think about the humans that live  
554 there.

555  
556 Zora Biagini lives on King Way, next to Mote Lane where the ponds are going in. She read a  
557 prepared statement, submitted via fax at 4:38 p.m. September 24<sup>th</sup>, 2015, that is now part of the  
558 public record.

559  
560 After approximately 10 minutes of reading, Chair Duncan asked if Ms. Biagini would wrap it up  
561 to allow others to speak.

562  
563 Ms. Biagini continued to read the prepared statement.

564  
565 After several more minutes, Chair Duncan thanked Ms. Biagini and asked that she give up her  
566 seat so that other audience members would have a chance to speak.

567  
568 Mr. Dewitt Hupp lives on Allison Ranch Road. He stated that as near as he can tell nearly every  
569 abandoned mine in the country is full of pollution. He felt sure that mankind could find a way to  
570 close up the tunnel that was accidentally opened by the City.

571  
572 Jason Petersen lives at the corner of Homeward Lane and Allison Ranch Road. He stated that he  
573 was asked to look into Newmont as a company and to paint a picture of them. However, he feels  
574 that the big theme amongst the residents is that the problem has to be dealt with and that it has  
575 existed for far too long. Newmont is being held responsible. He thought it was a little sad that in  
576 the 11<sup>th</sup> hour it was trying to be pushed along and wrapped up. The residents who will be  
577 directly affected only had a short window to have their emotional freak-out. He stated that  
578 property values were the big theme for everybody. There was no disclosure when he moved in  
579 in 2014. There was no documentation provided that supported the plan. The property behind  
580 him was owned by Robinson according to the title company, he didn't know if it took a while for  
581 documentation to flow through. He probably wouldn't have made the choice to move there. The  
582 wastewater treatment plant was a big factor, he hung out at the house, wondering about the smell  
583 and driving by it every day; but it is a beautiful neighborhood full of trees and now they have to  
584 deal with the project. The plan looks good on paper, topography makes sense and makes it  
585 economical, but sometimes the easiest cheapest way is not the best way, but they had waited too  
586 long and now had to push it through. He looked to the City of Grass Valley to figure out how  
587 neighbors would be financially affected by the project. He dumped everything he had into his  
588 house, maybe he'll lose 30%, it freaks him out. He noted that Jim Hemig wrote an article in the  
589 paper that rebutted some of the neighborhood concerns and stated that the few people that live  
590 nearby should take it on the chin for the good of the rest of the tax payers since Newmont is  
591 footing the bill. He wondered if he should look to Newmont for what he and his neighbors  
592 would lose in their property values. He would like to understand how they deal with that.

593  
594 Judy Connolly lives on King Way, a little way from the pond location. In 1995 the City of Grass  
595 Valley parcel number 29-290-26 Wastewater Treatment Plant was cited by the Water Board and  
596 Department of Toxic Substances Control Board which ordered the City to stop excavating for the  
597 expansion of the Wastewater Treatment Plant due to toxic levels of lead and mercury which were

598 uncovered during the grading process. The City was specifically ordered to contain,  
599 encapsulate, remove, dispose of the toxic soil, approximately 105 to 135 cubic feet. These  
600 processes were not to occur without specific permits obtained by the City of Grass Valley  
601 ensuring hazardous waste would not endanger the population, surrounding soil, waterways, and  
602 habitats. As of this date, there has been no containment, removal nor disposal of that toxic soil.  
603

604 Chair Duncan asked Ms. Connolly to please keep her comments to the proposed project.  
605

606 Ms. Connolly explained that it was relative to the project at hand. She showed a letter from  
607 the Governor's office to Planner Hankins regarding the North Star Water Treatment Plant. She  
608 stated that she believed that the City of Grass Valley was going to be selling a northerly portion  
609 of 29-290-26 to Newmont and on the back side of the August 11, 2015 letter from the  
610 Governor's Office of Planning & Research regarding the subject project the parcel number on  
611 the back was missing one digit. This was a deliberate omission and we need to address parcel  
612 number 29-290-26 that is being sold to Newmont to accommodate the North Star Treatment  
613 Plant. She said it has never been taken care of and the toxic soil parcel is going to be sold to  
614 Newmont. She did not think it is a good idea and felt that the whole project should stop based on  
615 that alone, not to mention that it would be 40-feet from Irma's front door.  
616

617 Chair Duncan thanked Ms. Connolly.  
618

619 Kathy Racz lives on Kensington Court in Grass Valley. She is the owner of the Courtyard Suites  
620 Hotel in Downtown Grass Valley. When she built that project, there was a huge outcry from the  
621 neighborhood for their building and construction of their project. She understands the "not in my  
622 backyard" mentality, however, people need to see the vision of a development and what assets  
623 they will bring to the immediate neighborhood and the entire community. The North Star project  
624 is under the gun to complete a treatment facility for contaminated water that is already running  
625 into Wolf Creek which affects the entire community. How many shafts, how much contaminated  
626 water is under the entire area? If the issues are not addressed, it will only get worse. It is not just  
627 this property, how many shafts and how much water is under the entire area. This is one thing  
628 that needs to go forward for the greater good. The neighborhood now loves her development. It  
629 has enhanced values; it has improved the neighborhood and provided taxes to the City. The  
630 community needs to see the overall picture of the improvements that Newmont is going to make.  
631 She has lived here for 37 years. She has seen a lot of growth and development. She believes the  
632 City and County have done a fabulous job maintaining the small town atmosphere while dealing  
633 with all the issues that started in the 1800's.  
634

635 Allen Frandsen lives in the Carriage House development (on the west side of Freeman Lane  
636 abutting the east side of Wolf Creek). He appreciates that the North Star pump is proposed to be  
637 underground which will be quiet. He understands that standby power will come on when  
638 necessary, however, from the presentation it sounded as if it would not operate on weekends.  
639 There is probably a 60-hour period on weekends when the standby system could be operating  
640 assuming that this is a 60-hour period when there is no PG&E power. If the standby generators  
641 operate day and night for a 60-hour period it would be a bit of a concern. He assumes pumps are  
642 intended to run day and night. He is glad someone is listening that they want quiet and he  
643 appreciates that. However, he wondered if the standby power system is turned off for 60-hours

644 over a weekend when there is no PG&E power and there happens to be a lot of rain what would  
645 happens to the overflow. Where would the water go? He presumed that the drainage would  
646 continue and go into the creek. He supposed if the pump was not working the water would go  
647 someplace. Sometimes the creek is very, very orange, he knows there is a problem and he is  
648 glad it will be addressed. He is concerned about what would happen if the pumps weren't  
649 working. He also felt there was a consistency issue regarding Vector Control involvement. In  
650 one place in the Staff Report it stated that Vector Control would be involved for 2 months to  
651 check things out, in another place it stated 3 to 4-months. In the presentation today it was during  
652 the summer. As long as it is adequate and that Vector Control professionals say that there is a  
653 possibility of some problem with mosquitos it should be checked, not based on some document.  
654 Whatever is needed is his recommendation. His final thought is that the property is owned by a  
655 mining company and it is conceivable that at some point they may want to reopen the mine. He  
656 asked what role the project played in whether or not the North Star mine is reopened. Is it  
657 planned to be re-opened, is it totally inadequate or what? He thanked the Commissions for  
658 listening.

659  
660 Simone Sasano lives on the Ridge. She stated that they have the same problem at Cisco Mine.  
661 The ponds there are chartreuse green and sometimes orange. There is no greenery or any living  
662 thing around those ponds. A block away they ship in drinking water to Grizzly Flats School.

663  
664 Chair Duncan asked Ms. Sasano to keep her comments to the project at hand.

665  
666 Ms. Sasano stated that she was doing a comparison.

667  
668 Mr. Bruce Ivy lives on Fifield Road. He stated that he is in the middle of a project with Planner  
669 Hankins and would like to know about the process. He followed what happened at Empire Mine.  
670 He is very inquisitive about new technologies that are helping with previous mining issues; he  
671 lives next door to one. It is a current application with the Planning Department and he spoke  
672 very highly of what Planner Hankins and the Planning Department did today and found it very  
673 informative. He stated that he promotes common sense on how to try to fix things. There are  
674 problems in the environment; he wants to see solutions that make sense. He likes seeing the  
675 technology at Empire. He wants to promote green, passive solutions and clean water. He is glad  
676 the project is finally coming to a head to be dealt with and hopes the Commission can bring  
677 everyone together.

678  
679 Ms. Debbe Blakemore lives on Mote Lane in Grass Valley. Their house is directly across from  
680 where one of the wetland ponds will be located. She expressed that the project is something that  
681 needs to be done. Instead of being labeled a toxic pond she is looking at it as being a clean pond.  
682 They have lived there for over 40-years and they have never consumed the water from their  
683 wells. They know for a fact that their groundwater is contaminated. She would rather see clean  
684 water going through her property. She would rather see the wetlands which is a natural looking  
685 visual. She thinks if someone were to sell their property it could be presented to a potential  
686 buyer as a green, passive project that makes sense. She can't speak to Newmont as a whole, but  
687 she stated that the individuals she has dealt with have been responsive and helpful whenever she  
688 has had concerns and asked them to come out and discuss the project in person.

689

690 Mr. Blakemore seconded her comments.

691

692 Chair Duncan closed the public hearing at 3:21 p.m.

693

694 Principal Planner Barrington asked for a ten minute break.

695

696 Chair Duncan resumed the meeting at 3:33.

697

698 Planner Hankins responded to questions from the comment period. She started with a response  
699 to Mr. Bakelmun's comments regarding dust and chemicals from the ponds. Dust should not be  
700 an issue of concern with the wetland pond due to the water within the pond as well as the  
701 vegetation that would be planted on the outer slopes of the wetland pond. There are no  
702 chemicals that would be used in the process. The heavy metals would be precipitated and settled  
703 to the bottom of the pond so release of heavy metals is not anticipated to occur as part of the  
704 project.

705

706 Planner Hankins responded to comments regarding the suggested alternative to plug some of the  
707 mining features. This was reviewed as an alternative as part of the Initial Study. There are  
708 hundreds of miles of underground mine features in the area. If the known features were plugged  
709 it would serve to back up that water to another hydrologically connected area and the water  
710 would then seep out into an unknown area with unknown consequences. It is the environmentally  
711 superior alternative to deal with the known areas where the water is coming out.

712

713 Planner Hankins noted that the potential for property devaluation due to the project is discussed  
714 in the Staff Report. Effects on property value due to a project is not a part of the Planning  
715 Department process, however, the purpose of the land use permitting process is to address  
716 potential impacts to property and to mitigate any found so that there aren't negative impacts to  
717 properties. Staff feels like it has been done to the extent possible.

718

719 In response to comments regarding Newmont as a company Planner Hankins agreed that they do  
720 have many mines around the world, but stated that is not relevant to this project.

721

722 Planner Hankins also responded to comments regarding insufficient project noticing. The  
723 noticing was expanded from what is required with the intent to notify people that could be  
724 directly affected by the project and the construction on Allison Ranch Road. Additionally, the  
725 Union published the project notice, the County has a project web page that she has been  
726 maintaining which stated the public hearing date once it was set and had the project documents  
727 available for public review. Additionally the County has a notification list that people can sign  
728 up for notification on specific projects, projects within a certain location and /or types of  
729 projects. In terms of noticing throughout the process and not having enough time to review the  
730 project, there was an initial distribution notification that was mailed in December 2014 to  
731 interested agencies and to anyone who had previously requested notification. Once the project  
732 description was completed the Initial Study was prepared and when it was finalized in July it  
733 went out for public review and was noticed in the newspaper as well. There was public notice  
734 for the hearing as well.

735



736 Planner Hankins presented a slide in response to comments made by Judy Connolly about the  
737 City of Grass Valley. One comment she had made was that the State Clearinghouse had  
738 provided a document to Planning in which the parcel number for the City lot that the Drew  
739 Tunnel pump station is proposed to be on was truncated by one digit. The document Ms.  
740 Connolly is referring to is a form that the State Clearinghouse provides to the lead agency after a  
741 project is distributed through the State Clearinghouse, and is not a form provided to notified  
742 agencies. The form shows the project description and who the Initial Study was distributed to  
743 and shows who responded to the Initial Study. Staff did have the complete Assessor's Parcel  
744 Number on the Initial Study itself, so anyone who received the project and reviewed the Initial  
745 Study would see that the full parcel number was included.

746  
747 In response to Ms. Connolly's comments regarding the clean-up site on the City parcel, Planner  
748 Hankins displayed a screenshot of the Department of Toxic Substances Control (DTSC)  
749 EnviroStor website that provides information on different clean-up sites within the entire State.  
750 Anyone could use the website and put in any address using their home computer. The screenshot  
751 showed the status of City WWTP site as a certified site. They did the clean-up and it was  
752 certified. The operation and maintenance refers to the fact that there is ongoing monitoring of  
753 the clean-up site. There was soil-bound mercury that was found in the southernmost area of that  
754 City lot. It is not a part of this project; it would not be disturbed as a part of the project; and it  
755 was not a part of the study area because the proposed project is in the northern area of the City  
756 parcel and has nothing to do with the project site. The mercury was encapsulated and DTSC  
757 certified that the remediation is complete with ongoing monitoring.

758  
759 In response to a comment by Mr. Frandsen, Planner Hankins clarified that the mitigation  
760 measure for the generators just refers to the exercising of the generators. Only the exercising of  
761 the generators would be limited to 8:00 to 5:00 Monday through Friday, but if there is an  
762 emergency they would kick-on and run as long as necessary. They are standby generators and  
763 the intention is to make sure that there is always power at the pumps so that there is no  
764 contaminated water leaking through the mining features and getting into Wolf Creek.

765  
766 Chair Duncan asked if that exercising the generators meant checking to see if they are working.

767  
768 Planner Hankins confirmed that as true.

769  
770 Principal Planner Barrington stated that the standard process is that they run for about 15 minutes  
771 every couple of weeks to ensure that they are continually lubricated and operational in case of a  
772 power failure.

773  
774 Planner Hankins responded to Mr. Frandsen's question about Vector Control. The Mitigation  
775 Measure is specific about the months that that would need to occur in. It states for the first two  
776 summers of project operation from May through October. In response to his questions about  
777 reopening the mine, she stated that the County has no information that there is any proposal to  
778 that effect.

779  
780 Planner Hankins responded to statements that an EIR should be prepared. The standard for an  
781 EIR is whether a fair argument can be made that there is an impact that cannot be mitigated to a

782 less than significant level. The Initial Study mitigates all impacts to a less than significant level  
783 so Staff feels that a Mitigated Negative Declaration is the appropriate CEQA document.

784  
785 Chair Duncan asked Planner Hankins to address Mr. Frandsen's question about what would  
786 happen if there were overflow due to no backup.

787  
788 Planner Hankins stated that there would always be power available because of the standby  
789 generator. She added that part of the question may be about potential flooding impacts which  
790 she had expanded on in the revised Initial Study. If there were to be a flood event, the  
791 sedimentation pond is designed for a 100-year storm event with 2-foot freeboard. The wetland  
792 pond has a spillway that would allow water to discharge into the tributary. If there is flooding  
793 from these ponds it would be treated to a certain extent prior to its release back into Wolf Creek.

794  
795 Commission Aguilar asked about the alarm sensor between the two layers of the double  
796 containment. Specifically, he wondered who would be notified if there was a leak.

797  
798 Planner Hankins stated that the project operator, whoever the contractor is that would be  
799 responsible for the maintenance of the site, would be notified. She was not sure who that was  
800 going to be. She suggested that the project engineer might be better situated to answer questions  
801 about that system. She added that there is a telemetric monitoring system on the pipelines as  
802 well which would notify the operator if a leak or breakage were to occur so that they could be  
803 fixed quickly.

804  
805 Commission Aguilar asked if heavy metals would go into the ground or the groundwater if there  
806 were to be a leak.

807  
808 Planner Hankins stated that the metals would precipitate and settle into the bottom of the pond.  
809 If there is overflow the cleaner water would be the overflow. She was not sure under what  
810 scenario the sediment were to leach into the soil however, if it were to happen her understanding  
811 was that the particular metals of issue are not very mobile in our soil conditions and they would  
812 not migrate very quickly.

813  
814 Commission Aguilar asked to see a map showing the location of the sedimentation and wetland  
815 pond location. He wondered why the sedimentation pond could not be moved closer to Allison  
816 Ranch Road to be further from the Homeward Lane residence, or be a different shape to allow it  
817 to be further from the residence.

818  
819 Chair Duncan asked if the project engineer could discuss how it would be managed after  
820 construction.

821  
822 Mr. Worthington stated that the sedimentation pond was proposed in that location because there  
823 is an existing PG&E powerline easement that runs N-S along the western side of the proposed  
824 area for the sedimentation pond so it could not be moved further to the left than where it is  
825 proposed. Also the location would provide as much vegetation screening as possible from  
826 Allison Ranch Road. In terms of the shape it is designed as two separate sedimentation ponds to  
827 provide operational flexibility because the flows from the mine drainages vary over the course of

828 the year. During the dry season the water would be contained in one pond, and in the wet season  
829 it would be in both. For precipitation of iron or the removal of iron in the sedimentation ponds,  
830 even though there would be continual movement in the ponds, it would provide for sediment of  
831 iron particulates and to some degree manganese particulates as the water is moving through the  
832 ponds. They want it to be a linear feature for efficiency of iron removal, also, because for  
833 installation of the double HDPE liner system you want them to be as square or rectangular as  
834 possible. An irregular shaped pond would have more seams which mean higher potential for  
835 leakage so a square or rectangular design would allow for the least amount of seams.

836  
837 Chair Duncan reminded Mr. Worthington to discuss long term management once it is  
838 constructed.

839  
840 Mr. Worthington said once it was constructed, maintenance would be performed on a regular and  
841 periodic basis, and inspections would be on foot once per week. No vehicle traffic would be on  
842 the sides of the ponds.

843  
844 Chair asked if a local agent would be performing the inspections.

845  
846 Mr. Worthington said that Newmont would contract with a local contractor to do those normal  
847 routine inspections. There would be an alarm system and, with a water meter, they would be  
848 able to manually determine if there is any water present between the two layers so would not  
849 have to totally rely on the alarm system. If water were detected, a pump could be installed in  
850 order to recirculate it into the sedimentation pond.

851  
852 Commissioner James asked if there would be some kind of insurance bond or deposit to  
853 guarantee that it would be constructed properly.

854  
855 Principal Planner Barrington stated that the Conditions of Approval would ensure it.

856  
857 Commissioner James asked what protocols would be in place to ensure that it is being done.  
858 How would it work if in 10 – 15 years a new Planner was to check to see if there was compliance  
859 with maintenance requirements? Would a plan be submitted to Planning or to the State so that  
860 there were protocols for operation and maintenance that could be reviewed to ensure that it was  
861 being done?

862  
863 Planner Hankins replied that if the project was approved then essentially the Water Board would  
864 become the primary regulatory agency, they would be responsible for monitoring water quality  
865 and making sure that the system is operating properly, and the County would not be involved in  
866 that.

867  
868 Commissioner James asked if Newmont would submit some form of maintenance manual or  
869 protocol that states what the equipment is and what they will do so that the Water Board can  
870 follow it and make sure it is happening.

871

872 Planner Hankins stated that the County's permit is for the ground disturbance and construction to  
873 make sure it is consistent with our zoning and the County's development standards, and beyond  
874 that the Water Board steps in and the project becomes the Water Board's responsibility.

875  
876 Chair Duncan thanked everyone. She stated that it has been a long process.

877  
878 Commissioner Aguilar stated that while he is extremely sympathetic, especially for the two  
879 neighbors that are adjoining to the proposed sediment pond, he believes the landscaping  
880 mitigation is going to help tremendously with that and it is extremely important. The project is  
881 sorely needed for the health of our County.

882  
883 **Motion by Commissioner Aguilar** to adopt the Mitigated Negative Declaration as modified  
884 pursuant to CEQA Sections 15074, 15074.1 and 15073.5; **second by Commissioner Poulter.**  
885 **Motion carried on a voice vote 5/0.**

886  
887 **Motion by Commissioner Aguilar** to approve the Management Plan, as modified, including an  
888 addition of some rapid landscaping plants.

889  
890 Principal Planner Barrington asked if the Commission would like an additional Condition of  
891 Approval added and read an augmentation to Condition A.7 that he drafted during the hearing  
892 after the discussion on that matter. "Temporary fast growing plants, shrubs and trees shall be  
893 incorporated into the final landscaping plan and installed following construction to augment the  
894 proposed planting plan. Following establishment of the proposed native planting plan, those  
895 temporary plants can be removed once adequate screening has been established."

896  
897 Commissioner Aguilar found that acceptable.

898  
899 **Second to approve the Management Plan by Commissioner Poulter. Motion carried on voice**  
900 **5/0.**

901  
902 **Motion by Commissioner Aguilar** to approve the Use Permit, as modified, **second by**  
903 **Commissioner Poulter. Motion carried on voice vote 5/0.**

904  
905 Chair Duncan stated that there was a 10-day appeal period on the action taken. She thanked the  
906 audience for coming and for their participation.

907  
908 Planning Director Foss updated the commission on the RCD and TTAD projects. The BOS  
909 heard and approved both unanimously on Tuesday. He thanked staff for their work on that. He  
910 noted that he provided a status update to the Board on the Fire Protection Policies prior to their  
911 discussion on the vegetation management ordinance that is still under construction.

912  
913 No projects are imminent in October.

914  
915 Commissioner James asked when the Housing Element would go to the Board.

916  
917 Planning Director Foss replied that it was scheduled for October 27.

918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932

**Motion by Commissioner Jensen; second by Commissioner James to adjourn. Motion carried on voice vote 5/0.**

There being no further business to come before the Commission, the meeting was adjourned at 4:08 p.m. to the next meeting to be next meeting to be held at a date and time yet to be determined in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

---

Passed and accepted this        day of        , 2015.

---

Brian Foss, Ex-Officio Secretary

DRAFT