

Central Valley Regional Water Quality Control Board

15 August 2016

RECEIVED

AUG 17 2016

COMMUNITY DEVELOPMENT AGENCY

Patricks Dobbs
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

CERTIFIED MAIL

91 7199 9991 7035 8422 2997

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF AVAILABILITY OF PUBLIC REVIEW AND NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION, SODA SPRINGS AREA PLAN - GP14-003, GP16-004, Z16-005, ORD14-002 & EIS14-004 PROJECT, NEVADA COUNTY

Pursuant to the Nevada County Planning Department's 22 July 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Availability of Public Review and Notice of Intent to Adopt a Negative Declaration* for the Soda Springs Area Plan – GP14-003, GP16-044, Z16-005, ORD14-002 & EIS14-004 Project, located in Nevada County.

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

I. Regulatory Setting

Basin Plan

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

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

amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

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

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

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

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to

restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

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

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the

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

United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

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

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

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

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be

covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

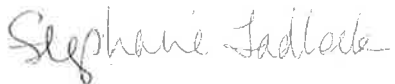
NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

DEPARTMENT OF TRANSPORTATION**DISTRICT 3**

703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4286
FAX (530) 741-4245
TTY 711
www.dot.ca.gov/dist3



*Serious drought.
Help save water!*

August 22, 2016

Mr. Patrick Dobbs
Senior Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Soda Spring Area Plan

Dear Mr. Dobbs:

Thank you for including California Department of Transportation (Caltrans) in the Negative Declaration (ND) and Draft Soda Springs Area Plan. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the state's mobility goals that support a vibrant economy, and build communities, not sprawl.

The Area Plan is located on Donner Summit in eastern Nevada County. The Area Plan covers an area of approximately 141 acres running 1.2 miles along Donner Pass Road, from Soda Springs/Norden Interstate 80 exit to Bunny Hill Road. The following comments are based on the ND and draft plan received:

Transportation & Circulation

The first topic in Chapter 4, Section A, is titled "Roadways." Interstate 80 and the Soda Springs interchange should be addressed in this section. Any new trips added to the already-congested roadways during peak travel times must be addressed and mitigated when the time comes to perform a traffic study. A two-way left-turn lane in the Soda Springs commercial district may be needed to accommodate turning movements and minimize queuing onto the freeway to the interchange.

Within the same chapter and section as referenced above, the third topic is titled "Pedestrian Improvements." Information regarding wayfinding, which can help supplement the topic, can be found in the California Manual on Uniform Traffic Control Devices, Section 2D.50—Community Wayfinding Signs. The document can be found at:

<http://www.dot.ca.gov/trafficops/camuted>

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Mr. Patrick Dobbs
August 22, 2016
Page 2

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any question regarding these comments or require additional information, please contact Jennifer Jacobson, Intergovernmental Review Coordinator for Nevada County, by phone (530) 741-5435 or via email to jennifer.jacobson@dot.ca.gov.

Sincerely,



KEVIN YOUNT, (Acting) Branch Chief
Office of Transportation Planning
Regional Planning Branch—North

cc: Scott Morgan, State Clearinghouse

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Chapter 4

Public Services

A. EXISTING PUBLIC SERVICE FACILITIES

ROADWAYS



Donner Pass Rd. is the major east-west roadway through Soda Springs, connecting communities like Cisco Grove and Kingvale to the Summit and Donner Lake and Truckee. Soda Springs Road heads south from the middle of the Rural Center to the nearby Serene Lakes community and

Royal Gorge resort. Local streets serve the adjacent residential neighborhood. Donner Pass Road is the only way through town and the high winter weekend traffic volumes emphasizes the importance of a well-functioning transportation system. Traffic backups of six or more miles long create gridlock on peak ski days. Many residents would like to see the speed limit along Donner Pass Rd. reduced from 35 MPH to 25 MPH. Strategically placed flashing speed limit signs could be a good deterrent for speeding drivers. Future development may require project level traffic analysis of the local roadways and the Interstate 80 and Soda Springs interchange, and could require a traffic study that could identify specific mitigation measures such as a two-way left turn lane, bike lanes, and other intersection upgrades on Donner Pass Road to improve local circulation.

Patrick Dobbs

From: [REDACTED]
Sent: Tuesday, August 23, 2016 7:17 AM
To: Patrick Dobbs
Subject: Soda Springs Area Plan
Attachments: Public Review Draft Soda Springs Area Plan with Comments.pdf

Patrick,

Thanks for the response. I sent comments from the Caltrans Highway Operations perspective to Jennifer Jacobson last week. I noticed she incorporated my concerns about the mentioning the Soda Springs interchange into the official comments.

I have been reviewing a variety of documents related to development and redevelopment for over a decade. Whoever wrote the Soda Springs Area Plan did an outstanding job. It's the perfect combination of optimism and hope for the future, concern for the existing residents and their way of life, a reasonable perspective on the proper scale and type of proposed development, and concern for the existing environmental resources. It was a pleasure to read, and I hope the residents of the Soda Springs area see an economic revival. Attached is a copy of the Plan with a few editorial comments. I normally don't go to this level of detail, but I can tell the writer was striving for excellence, so I wanted to help achieve it. These are not official Caltrans comments; they are from me, a Nevada County resident. Or preferably, from an anonymous Nevada County resident.

Regards,

[REDACTED]
From: Patrick Dobbs [<mailto:Patrick.Dobbs@co.nevada.ca.us>]
Sent: Tuesday, August 16, 2016 8:47 AM
To: [REDACTED]
Subject: RE: LD-IGR GTS# 03-NEV-2016-00003

Mr. [REDACTED]
Attached is a copy of the Area Plan. Let me know if you need anything else.
Thanks,
Patrick

Patrick Dobbs
Senior Planner



950 Maidu Ave. Suite 170
Nevada City, CA 95959

Planning Department
County of Nevada
Community Development Agency

office 530.265.1423 fax 530.265.9851
<http://www.mynevadacounty.com/nc/cda/planning/Pages/Home.aspx>



MIWOK United Auburn Indian Community
 MAIDU of the Auburn Rancheria

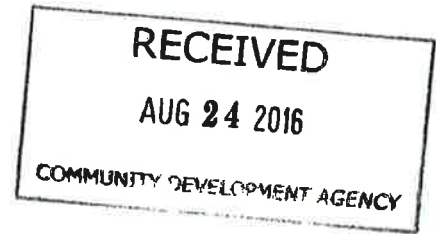
Gene Whitehouse
 Chairman

John L. Williams
 Vice Chairman

Danny Rey
 Secretary

Jason Camp
 Treasurer

Calvin Moman
 Council Member



August 8, 2016

Patrick Dobbs
 Senior Planner
 County of Nevada
 950 Maidu Ave
 Nevada City, CA 95959

RE: AB 52 Consultation Request for Proposed Soda Springs Area Plan Project (GP14-003, GP16-005, Z16-005, ORD14-002, & EIS14-004) Project, Nevada County, CA

Dear Senior Planner Patrick Dobbs,

The United Auburn Indian Community (UAIC) received a letter from County of Nevada dated 7/22/2016, formally notifying us of a proposed project, the Soda Springs Area Plan Project (GP14-003, GP16-005, Z16-005, ORD14-002, & EIS14-004) Project in Nevada County, and an opportunity to consult under AB 52. This letter is notice that UAIC would like to initiate consultation under AB 52.

We would like to discuss the topics listed in Cal. Public Resources Code section 21080.3.2(a), including the type of environmental review to be conducted for the project; project alternatives; the project's significant effects; and mitigation measures for any direct, indirect, or cumulative impacts the project may cause to tribal cultural resources. As consultation progresses, we may also wish to discuss design options that would avoid impacts to tribal cultural resources; the scope of any environmental document that is prepared for the project; pre-project surveys; and tribal cultural resource identification, significance evaluations and culturally-appropriate treatment.

This letter is also a formal request to allow UAIC tribal representatives to observe and participate in all cultural resource surveys, including initial pedestrian surveys for the project. Please send us all existing cultural resource assessments, as well as requests for, and the results of, any records searches that may have been conducted prior to our first consultation meeting. If tribal cultural resources are identified within the project area, it is UAIC's policy that tribal monitors must be present for all ground disturbing activities. Finally, please be advised that UAIC's strong preference is to preserve tribal cultural resources in place and avoid them whenever possible. Subsurface testing and data recovery must not occur without first consulting with UAIC and receiving UAIC's written consent.

In the letter Senior Planner Patrick Dobbs is identified as the lead contact person for consultation on the proposed project. Marcos Guerrero, our Cultural Resources Manager, will be UAIC's point of contact for this consultation. Please contact Mr. Guerrero by phone at (530) 883-2364 or email at mguerrero@auburnrancheria.com to begin the consultation process.

Thank you for involving UAIC in the planning process at an early stage. We ask that you make this letter a part of the project record and we look forward to working with you to ensure that tribal cultural resources are protected.

Sincerely,



Gene Whitehouse,
Chairman

CC: Mathew Moore, UAIC Tribal Historic Preservation Officer
Marcos Guerrero, UAIC Cultural Resources Manager



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

August 23, 2016

Patrick Dobbs
Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959



Subject: Soda Springs Area Plan (File No. GP14-003, GP16-004, Z16-005, ORD14-002 & EIS14-004)
SCH#: 2016072059

Dear Patrick Dobbs:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on August 22, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016072059
Project Title Soda Springs Area Plan (File No. GP14-003, GP16-004, Z16-005, ORD14-002 & EIS14-004)
Lead Agency Nevada County

Type Neg Negative Declaration
Description The project is a proposal to the Board of Supervisors to adopt an Area Plan for the Donner Summit Area. The Soda Springs Area Plan is a focused policy and design plan that includes land use designation and zoning changes, as well as specific development guidelines and standards, and would serve as the comprehensive land use and zoning plan for the Soda Springs Rural Center.

Lead Agency Contact

Name Patrick Dobbs
Agency Nevada County
Phone (530) 265-1423 **Fax**
email
Address 950 Maidu Avenue, Suite 170
City Nevada City **State** CA **Zip** 95959

Project Location

County Nevada
City Truckee
Region
Lat / Long 39° 19' 24" N / 120° 22' 45" W
Cross Streets Donner Pass Rd (1.4 mi from Soda Springs exit on I 80 E to Bunny Hill Rd)

Parcel No.
Township 17N **Range** 14E **Section** 21/22 **Base** MD

Proximity to:

Highways 80
Airports
Railways UPRR
Waterways South Yuba River
Schools
Land Use Urban single family, urban medium density, highway commercial, recreation

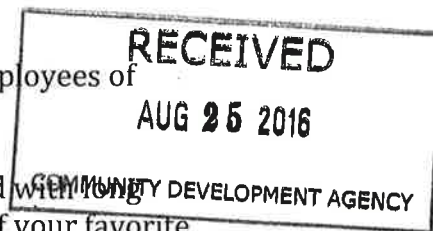
Project Issues Aesthetic/Visual; Archaeologic-Historic; Biological Resources; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 N; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Native American Heritage Commission; Public Utilities Commission

Date Received 07/22/2016 **Start of Review** 07/22/2016 **End of Review** 08/22/2016

August 21, 2016

To: Members of the Nevada County Planning Commission, the Employees of Nevada County, and the Public-At-Large



Take a moment to imagine Donner Summit as a gorgeous face framed with flowing hair of dense alpine green of healthy trees, a beautiful nose of your favorite mountain, curving brows of ridge tops, earth-skin freckled with the amazing bio-diversity of wildlife, blushed by gorgeous seasonal blooms framing wide spread smiling lips of a high dam front holding in the life-giving-waters of many creeks forming the headwaters of the rushing South Fork of the Yuba River (SFYR) flowing deep into the body and heart of the Soda Springs community.

However, the most beautiful and precious of all are the deep set and radiant crystal clear blue eyes of Lake Van Norden and long lashes of wetlands reflecting the soul of the Summit now crying for its impending lost beauty as the heavy lids close upon the end of a bright future of life. The soul begins to feel the menacing dryness, the elevated temperatures, the drop in humidity, the future scorching heat of wildfire flames, the lost joy of tickling Western toads by the millions, and the lack of summer waters to refresh the mind, the body, and the soul of every individual passing through. Beseeched hair of bark beetle brown and burned snags, over plucked ridge tops, chaffed skin of invasive plant growth with wrinkles of eroded streambeds, gaping mouth, and dimmed puddles of murky waters no longer able to cry and nourish the body of the community or the desperate needs of resident or migratory wildlife.

Why even bother to pretty the face of a nearly dead body? Would it not make more sense to scrape the flesh of the entire community body off the map and return it to the rock, rough pathways, rutted roadbeds, and wilds it was some 175 years ago?

Yet with the will and synergism of individuals, agencies, non-profits, and others, monies can be found like previously when some \$15 million was raised not long ago, to revitalize, sustain, and bring back the life-giving-waters of Donner Summit's precious Lake Van Norden, Dam AND meadow. Modern mechanisms of instrumentation can regulate and control the flows of SFYR to our other watershed reservoirs, while maintaining a substantial lake AND dry meadow acreage for a few months out of the year behind a renovated, jurisdictional dam meeting the needed safety standards. Let us join together to make this happen now, or forever carry the guilt of the scarring and death of Lake Van Norden whose shadow will only remain on many maps for future generations to wonder, "Where has this once gorgeous, huge lake and abundance of wildlife disappeared to and why?"

Please accept my written comments and questions to review and consider deeply. Our Summit community of Soda Springs and surrounding townships, need to include Lake Van Norden, Dam and meadow as an essential and vital aspect of this area in planning. Please do not let it disappear or be ignored.

Respectively submitted,

A handwritten signature in blue ink that reads "Uheffernon".

Ursula Heffernon, Vice President of the Soda Springs Station Homeowners Association

uheffernon@me.com

530-304-6538

August 22, 2016

To: Nevada County Planning Commission
Mr. Brian Foss, Ex-Officio Secretary
Ms. Tine Mathiasen, Clerk to the Planning Commission
Mr. Patrick Dobbs, Senior Planner

Response to NOTICE OF PUBLIC HEARING, scheduled for Thursday, August 25, 2016, 1:30 pm at the Truckee Town Hall Council Chambers, Truckee, CA, the Nevada County Planning Commission pertaining to the consideration of the Rural Area Plan for the Donner Summit Area, File N0's: GP14-003, GP16-004, Z16-005, ORD14-002 & EIS14-004

Upon reviewing the Draft Soda Springs Area Plan, Initial Study/Negative Declaration, etc. on the Nevada County website, I am expressing my following observations, comments and questions:

- P. 3 **SITE DESCRIPTION:** Second paragraph: a correction concerning "Soda Springs Station" – it is not "Soda Springs Lodge". Likewise, on p. 24.
- P. 5 Table 1: Land Use: Rural Center (RC), etc. paragraph: It expresses "Preserve mountain, forest, and meadow public views from Donner Pass Road". It should include views of Lake Van Norden.

Additionally:

- There is no mention of forest fire suppression or defensible space requirements.
 - Wildlife secure garbage facilities should be mandatory for residential, commercial, and all public places.
 - There is no mentioning of how the intersection at Donner Pass Road and Soda Springs Road will be improved. Will there be any eminent domain action to the properties on any side of the intersection?
 - With rezoning of two parcels on the north side of the intersection to "high density R3", will trailers/trailer parks be allowed? Or would this type of housing be considered "commercial" particularly if it were used for affordable housing?
- P. 7: Defining *High Density* on two lots being rezoned from R2 to R3 at an already unsafe and heavily trafficked area seems impractical with the additional traffic volume it would generate at the intersection. These lots would better serve the community as snow storage areas in winter, and additional township parking in the summer. Or be rezoned as R1. Remember too, how many times per day, long trains impact the traffic flow creating traffic jams at the intersection particularly in the winter months with high ski traffic volumes.

Additionally, it would better suit the community to establish affordable housing next to existing affordable housing, i.e., the Summit Lodge owned by Sugar Bowl or to have Sugar Bowl or other ski resort owners build employee housing on their own property rather than at an unsafe intersection and for practical community/public transportation options.

P. 22: Attachment #1: R2-PD-RC (Urban Med. Density)

There is no mention of Unit#19 at 21501 Donner Pass Road owned by Norm Saylor under residential. His unit/parcel is mentioned under C2-RC (Commercial Rural Center Combined). Is his unit residential or commercial?

Additionally, should it read "Donner Spitz, Inc." instead of "Donner Spitz Inn Inc." in second to last box on p. 22?

P. 24: **Relationship to Other Projects**

In regards to "There are no pending project applications submitted...." excludes the Truckee Donner Land Trust Lake Van Norden and Dam project that is underway which affects this community immensely. This should be included in these Rural Area Center improvements and documents.

P. 30 & 32: **Environmental Factors Potentially Affected Chart:**

#1: Aesthetics: Here it is mentioned the "sensitive aquatic and riparian habitats" of the headwaters [Lake Van Norden] of the S. Yuba River, which has been drained and has essentially wiped out the established habitats except for dry meadow and mud flat. A substantial dam and lake is needed to bring back and sustain the aquatic and riparian habitats not only for the sake of wildlife but also for the community scenic vistas and aesthetics. **Potential Significant Impact-Not Less or No Impact.**

#12: Noise: Substantial noise at railroad crossing should be included-it's a significant impact if the county(s) do not work with the community to suppress train whistles between 10pm and 6 am. What are the decibels of the prolonged whistle blasts? **Potential Significant Impact-Not Less or No Impact.**

#15: Recreation: If the community loses a substantial Lake Van Norden (LVN) there will be no opportunity for any aquatic recreation, which will impact the communities economic base. **Potential Significant Impact-Not Less or No Impact.**

P. 32: **1.b.** Why is the discussion referring to Interstate 80 when our community is on Highway 40 and not on I-80? Blight should also include buildings that are in disrepair, i.e., needing paint, new roofs, refurbished siding, etc. not just metal containers, equipment, etc. How are owners going to be motivated by the county to aesthetically improve their properties?

P. 41: **4. BIOLOGICAL RESOURCES**

Where do you think these species will go when Lake Van Norden is permanently drained? The established flora and fauna will not survive with out ample water supply; succession will occur which means dry meadow being overgrown by trees in a couple of decades and the loss of the current high level of biodiversity. One of the most crucial species to be lost is the California Western Toad population along with the last of the largest high alpine wetlands that have been established over the last 100 years.

Note: Meadow does not equal wetlands. Lakes and wide flowing creeks and rivers create and sustain wetlands, not dry meadows with nearly no-flow creeks in it. The CEQA Environmental Checklist should be rewritten to reflect **Potential Significant Impact-Not Less or No Impact with the loss of Lake Van Norden.** When will its "project-level environmental review and permitting" going to take place?

P. 44 Impact Discussion 4c: NCR2.2 and NCR 2.4-how will flood management of the S. Yuba River be secured without a dam? Protect BOTH native vegetation (how will invasive species be handled?) and native fauna?

P. 55 f. There is a potentially significant impact on properties edging the S. Yuba River if the river channel is changed causing substantial erosion when there is no dam to control the outflow of water when significant monsoon rains and fast snow meltdown periods hit.

P. 55 & 57. h. There is a potentially significant impact from wildland fires if there is no water in Lake Van Norden lakebed and the uncontrolled encroachment of dense forests continues, both in the lakebed, surrounding community properties and structures.

P. 58 b. Without LVN the recharge will be far less, especially to wells downstream from central Soda Springs. **Potential Significant Impact.**

P. 59 c) Altering the streambed with an increased rate of water flow without the dam regulating the flow will have a **Potential Significant Impact.**

f) Plus an increase in siltation of the river with uncontrolled water flows.

i) Increased flooding potential for people and structures with uncontrolled water flows

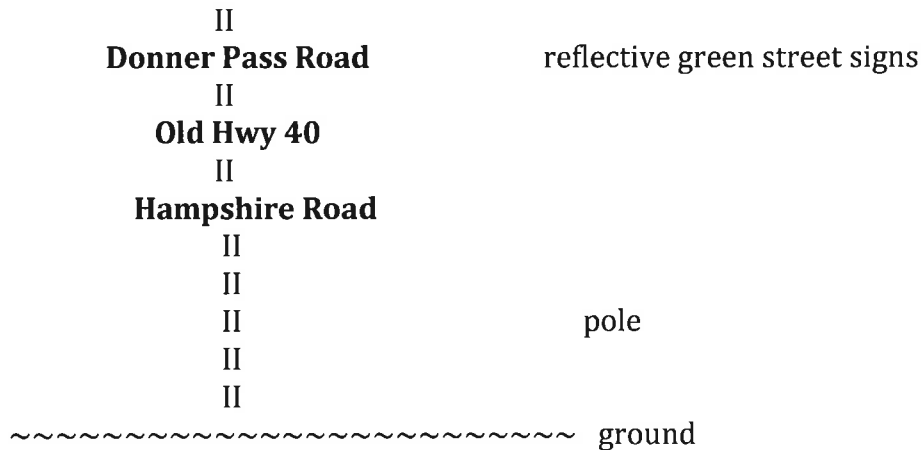
g) The 100-year floodplain is determined with the dam in situ and valve regulating flow at crucial times.

P. 64 Converting parcels #47-380-24 and #47-380-27 from R1 to R3 at the hazardous intersection of Donner Pass and Soda Springs Roads would potentially impact traffic flow substantially, particularly in the winter months with high volume ski traffic, roadside snow removal equipment, and icy roads. Access and egress to high-density housing would be hazardous. Additionally, these two parcels are located right next

to electrical power lines, which would add an additional hazard. R3 zoning should be located only in vicinity of existing high-density housing or on the properties of ski resorts.

P. 74 & 75: 15a) Various recreational opportunities are mentioned but not Lake Van Norden opportunities (scenic, swimming, boating, fishing, etc.) which implies that the lake and dam have already been eliminated.

P. 76: Old Hwy 40 extends to Cisco Grove not just to Big Bend. A simple street/road signage solution would clarify this - a triple sign on a pole installed where needed:



Will Truckee still provide public transportation around the Summit in winter? Will there be an expansion of the schedule particularly with events to get more visitors up to the Summit?

P. 161 - 164

Goal NCR-1- 4:

What about retaining and refurbishing Lake Van Norden and Dam to meet these goals/policies? LVN is just as historic and part of the Summit as wagon train trails & passes, the China Wall, railroad tunnels, etc. are. It needs to be focused on, cared for, and retained by our community for the betterment of our rural community and our watershed. Otherwise, why have a community at the Summit at all?

Additionally, in these plans, there is no mention of introducing a modern communication system such as high speed internet or the possibility of underground utilities which would enhance the township and promote desirability for businesses and individuals to locate here.

Respectively submitted,

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