



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

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**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo**

MEETING DATE:

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Public hearing to consider the appeal filed by Leroy Bakelmun, et al. ("Appellants") to the Planning Commission's actions on the North Star Water Treatment Project (U14-009, MGT14-015, EIS14-012) pertaining to the construction and operation of a groundwater collection, conveyance, and treatment system on property located at 12509 Allison Ranch Road (APNs 22-120-28, -35; 22-160-27; 29-290-26; 29-350-03, -04, and -016), Grass Valley, CA 95949. (District III)

RECOMMENDATION: Adopt the attached Resolution (Attachment 5) to deny the appeal, and uphold the decision of the Planning Commission to adopt Mitigated Negative Declaration (EIS14-012), and approve the Use Permit (U14-009) and Management Plan (MGT14-015) for the North Star Water Treatment project, including findings 1-19 as noted in the Resolution, subject to the modified conditions of approval in Exhibit "A" to the Resolution.

FUNDING: This hearing will have no impact on the General Fund. This will impact the Planning Department's FY 15/16 Budget for staff time.

ATTACHMENTS:

1. Appeal to the Board of Supervisors (with supplementary documents submitted by Appellants)
2. Public Notice and Vicinity Map
3. September 24, 2015 Planning Commission Staff Report (with attachments)
4. September 24, 2015, Planning Commission Meeting Minutes
5. Proposed Resolution to Deny the Appeal with Exhibit A, Revised Conditions of Approval
6. Revised Site Plan

BACKGROUND: On September 24, 2015, the Nevada County Planning Commission held a public hearing and took action on the North Star Water Treatment project. During

that meeting, a number of issues were raised by members of the public and the Planning Commission. After considering the issues, the Planning Commission on a 5-0 vote adopted a Mitigated Negative Declaration (MND) for the project and took action to approve the Use Permit and Management Plan applications for the project. Following the Planning Commission's actions, on October 5, 2015, neighbors of the project filed their appeal concerning the actions taken by the Planning Commission on the Use Permit and MND. On October 13, 2015, the Board of Supervisors found that the appeal had standing and was submitted in a timely manner, and subsequently scheduled a public hearing to consider the appeal for a date and time certain, being November 10, 2015, at 1:30 p.m. Under Land Use and Development Code (LUDC) Section L-II 5.12, the appeal hearing is to be considered a "full hearing de novo on the project, without limitation as to the issues that may be raised, or as to the evidence that may be received." It is within the purview of the Board to approve, deny, or modify the project, including the authority to change, delete or add to the conditions of approval.

This staff report will provide a brief background of the project, the specifics about the project, the issues identified in the appeal, and staff's responses to the issues raised in the appeal.

North Star Water Treatment Project: Pursuant to a Cleanup and Abatement Order from the Regional Water Board and a Settlement Agreement with the City of Grass Valley, in December 2014 the project proponent applied for a Use Permit application to construct and operate a groundwater collection conveyance and treatment system to manage water draining from the Drew Tunnel portal on the Grass Valley Waste Water Treatment Plant (WWTP) property at APN 29-290-26 ("Drew Tunnel pump station"), and from an adit, culvert, and spring on the North Star Property between Allison Ranch Road and Wolf Creek at APN 29-350-16 ("North Star pump station"). The conveyance system would run from these pump stations approximately 1.5 miles south, roughly along Allison Ranch Road, to a series of settling and treatment ponds off Mote Lane at 12509 Allison Ranch Road (APN 22-160-27). These drainages contain levels of iron and manganese that regularly exceed Secondary Maximum Contaminant Levels (MCLs) for aesthetic water quality issues such as odor, taste, and appearance, and, periodically, the North Star Pump Station drainages contain levels of arsenic that exceed the Primary MCL for public health. The treatment ponds would treat the mine drainage using passive methods of oxidization, precipitation, and pH balancing. Treated water would be discharged to a tributary of Wolf Creek under a Limited Threat NPDES Permit issued and monitored by the Regional Water Board. For an expanded discussion on the specific details of the project, please refer to Page 3 of the September 24, 2015, Planning Commission Staff Report in Attachment 3.

Project Setting: The 70-acre project area is comprised of portions of seven parcels located generally on or between Allison Ranch Road/Allison Ranch Bypass Road on the west and Wolf Creek on the east, from the City of Grass Valley WWTP in the north to Mote Lane 1.5 miles to the south.

THE APPEAL:

The appeal raises numerous issues, including concerns with (a) the physical impacts of the project and the MND, (b) economic impacts of the project, and (c) project processing. These issues are categorized as such and summarized below (shown in bold italic text), and each issue is followed by staff's responses. For the complete text of the appeal, as well as additional materials provided by the Appellants, see Attachment 1.

Physical Impacts of the Project (CEQA Analysis)

1. There was inadequate analysis of alternative locations and treatment solutions for the project, including lack of analysis of an active plant on the City property and re-plugging the mine drainages.

Alternative analysis is a mandated component only for EIRs because all impacts are mitigated to a less-than-significant level with MNDs (CEQA Guidelines Sec. 15126.6). However, given early public input on the need to address alternative sites and treatment solutions in the North Star Water Treatment Project analysis, staff conducted an alternatives evaluation in the Initial Study (pp. 93-95). Given the information provided by the project proponent, the proposed locations and treatment type appear to be the environmentally superior option.

Alternative Locations

The original location for treatment of the Drew Tunnel drainage was at the City of Grass Valley's WWTP. After inadvertently opening the Drew Tunnel portal during expansion of their treatment plant, the City routed the mine drainage to their plant and there treated the water. During the treatment process, however, the mine water impacted the functionality of the treatment plant by reducing the effectiveness of the biological system due to the cold temperature and low pH of the influent (Regional Water Board, Cease and Desist Order No. R5-2010-0050). This in turn caused effluent limitation exceedances and Clean Water Act violations at the plant. Additionally, the City property is already constrained by topography and size, and the City has indicated a need to reserve their remaining land for future expansion or modification.

Various locations were evaluated by the project applicant and by County Planning staff for siting the water treatment facility. The current location was selected by the applicant based on site constraints across the larger 740-acre site (see Attachment 10 to the Planning Commission staff report for a constraints map). The northern portion of the property west of Allison Ranch Road is underlain by extensive underground mine workings, and this area is unsuitable for siting the treatment facility due to surface and subsurface hazards associated with the mine features. Directly west of the approved treatment facility location and west of Allison Ranch Road, where topography would be more conducive to construction, the area is more visible from Allison Ranch Road and neighboring residents, and less amenable to natural screening. Based on field investigation, this area is also subject to near surface soil saturation and the presence of wetland vegetation that would preclude excavation for pond construction.

Areas more southerly and west of Allison Ranch Road have unfavorable topography in terms of limited accessibility and slope instability. Long-term operation and maintenance energy use associated with treatment west of Allison Ranch Road would be significantly greater than the proposed location because the greater vertical elevation difference and greater distance from the mine drainages would translate to larger pumps, additional pump stations, and consequently more noise and electricity consumption. The higher energy usage would reduce the long-term sustainability of the treatment system and result in greater greenhouse gas emissions. Additional mechanized components also result in increased risk of system failure.

Alternative Treatment Solutions

Active systems require chemical inputs such as sodium hydroxide and sodium hypochlorite to oxidize the water and involve routine supervision and management, as

well as additional electrical supply demands. These systems also require collection and storage ponds and additional resources to produce the electricity and chemicals, as well as the fuels for chemicals transportation, all of which affect the project's carbon footprint. Other processes such as reverse osmosis could treat the water, but this still requires greater energy consumption and waste material generation than the proposed project.

Prior to submittal of the North Star Water Treatment use permit application, several studies were prepared to evaluate mine water in the area and treatment options, both at the Drew Tunnel and at the Empire Mine Magenta Drain, which have similar water quality characteristics. Pilot testing was completed at both sites for active treatment, passive treatment, and at the Drew Tunnel for a combination of both types of systems (passive treatment with an active polishing component). Once construction of the Magenta Drain passive treatment system at Empire Mine was completed and there were sufficient data available, the project applicant was able to evaluate the technology in a full-scale system. The Magenta Drain system has operated effectively to treat the mine water to meet effluent limitations. This method was proposed for the North Star and Drew Tunnel waters because it would require minimal energy consumption, less maintenance, no chemical additions, and infrequent removal and disposal of sludge. Given the bench-, pilot-, and demonstration-scale data that supported the proposed passive treatment process, the Regional Water Board accepted this process as a feasible solution to bring the mine drainage below the MCLs for iron, manganese, and arsenic.

In 2004 the City of Grass Valley had a Design Investigation Workplan prepared to study the feasibility of a plug at the Drew Tunnel. In response the Regional Water Board provided a letter dated November 22, 2004, stating that plugging the tunnel was "unacceptable if such action would cause the wastewater to surface elsewhere." The proposal included a "pressure relief system," but there was no indication of whether or how this relief system would prevent the mine drainage from surfacing elsewhere, and how the pressure relief drainage itself would be treated. The Water Board thus eliminated plugging as an option early on as unfeasible given that the untreated mine water could become released in an uncontrolled manner at an unknown location.

2. APN 29-290-26 was deemed contaminated by the Department of Toxic Substances Control (DTSC) and is therefore unusable. This parcel should have been evaluated in the MND or other staff analyses. Additionally, interested and responsible agencies were not notified that this parcel was part of the project as shown in the Governor's Office letter to the Planning Department, dated August 11, 2015.

According to the Phase 1 Environmental Site Assessment (Worthington Environmental, December 2014), which was based in large part on the Preliminary Endangerment Assessment (Holdredge & Kull, 2006) for the previously proposed North Star development project, the Grass Valley WWTP has a Voluntary Cleanup Action (VCA) site for soilbound mercury that is now encapsulated. This information was disclosed in the Initial Study. As further described in the Initial Study, the area of contamination is outside the project area and would not be disturbed by the project (p. 69). As shown at the Planning Commission hearing, DTSC has declared the site "Certified/O&M," meaning that the cleanup has been certified by DTSC as being completed, and the site has ongoing monitoring and maintenance. There is also an existing land use covenant in place for APN 29-290-26 between the City and DTSC that precludes any development or earth disturbance on the site, or transfer of any portion of land from the parcel, without notification of DTSC. When Newmont installed the temporary green sand filtration

system on APN 29-290-26, DTSC required soil sampling and analysis, the results of which were submitted to DTSC for their review and approval prior to the temporary treatment plant construction. A similar process is presumed for the proposed Drew Tunnel pump station. Soil sampling was conducted very near to the proposed Drew Tunnel pump station site (approximately 50 feet) with no contamination detected. Furthermore, it should be noted that mercury is associated with historical gold ore processing operations, and the site of mercury contamination on APN 29-290-26 was known to contain a stamp mill. Evidence of stamp mills and other processing components typically include tailings and/or waste rock, and neither were found in the area of the Drew Tunnel pump station. All documents associated with the cleanup at APN 29-290-26 are available at DTSC's Envirostor website at www.envirostor.dtsc.ca.gov by typing the City's WWTP address into the search bar: 556 Freeman Lane, Grass Valley, CA.

The August 11, 2015, Governor's Office letter to the Planning Department is a form used by the Office of Planning and Research (OPR) to inform lead agencies of which entities responded to OPR with comments on the CEQA document (OPR is the entity that distributes the CEQA document for review to federal and state agencies). OPR sends the form not to distributed agencies but only to the lead agency at the end of the distribution period in order to summarize the list of commenting entities. The accuracy of information on this form is irrelevant because the Initial Study and Notice of Completion, the documents that are distributed to agencies for review, both contained accurate parcel numbers and site descriptions.

3. The project will result in air quality and noise impacts during construction.

Project construction activities have the potential to create short-term air quality and noise impacts, but these impacts are mitigated to a less-than-significant level with Mitigation Measures 3A, 3B, 3C, 16A (air quality), and 12A (noise).

Construction-related Air Quality Impacts

The Initial Study notes that if improperly managed or controlled, and depending upon the time of year and air conditions, the construction activities associated with this project may have the potential to produce off-site dust impacts and other construction vehicle emissions (p. 37-38, Impact Discussion 3a,c,e). Staff therefore conducted an analysis of project emissions using the CalEEMOD.2013.2.2 model to determine the specific impacts of the project. According to the model, PM10 emissions would not reach the NSAQMD significance threshold; nevertheless, Mitigation Measure 3A requires the use of appropriate dust control methods during construction to reduce short-term construction impacts. The project would exceed the NSAQMD threshold of 24 pounds per day (ppd) during construction for NO_x, with 28.93 ppd of NO_x during construction. Triggering the NSAQMD threshold during construction activities requires the implementation of dust control (already provided Mitigation Measure 3A), the use of grid power rather than diesel generators when feasible (provided in Mitigation Measure 3B), the prohibition of open burning (provided in Mitigation Measure 3C), and temporary traffic control and construction scheduled to direct traffic flow to off-peak hours as much as practicable (provided in Mitigation Measure 16A). Because all construction-related air quality impacts would be reduced to an acceptable level with implementation of the provided mitigation measures, this impact was considered less than significant.

Construction-related Noise Impacts

As noted on page 81 of the Initial Study (Impact Discussion 12a & d), construction would result in temporary noise impacts at the nearest residences primarily associated with

excavation and earthmoving equipment. Equipment and trucks used for construction would be equipped with mufflers and would utilize other noise control techniques recommended by the manufacturer. Although the County's Noise Ordinance standards (LUDC Sec. L-II 4.1.7.D.8) do not apply to the actual construction of projects, Mitigation Measure 12A was adopted by the Planning Commission to limit construction work to the hours of 7 AM to 7 PM Monday through Saturday and minimize noise at the nearest residence, located 30 feet from the staging area.

The project applicant now proposes to eliminate Saturday from the construction work schedule, which would reduce construction noise impacts to neighbors. This change is shown in the Revised Conditions of Approval in Exhibit "A" to Attachment 5 of this staff report. Because there is no new impact, and this change would be equal to or more effective than the original mitigation, the Mitigated Negative Declaration does not require re-circulation (CEQA Guidelines Sec. 15073.5.c).

4. The project will have permanent visual impacts.

With the exception of the sedimentation pond, project features would have no or very low visual impacts as described in the Initial Study (p. 31, Impact Discussion 1a & c). The proposed sedimentation ponds would be located within close proximity to Mote Lane (15 feet) and Allison Ranch Road (47 feet), as well as to residents situated on the three sides, to the east, west, and south.

A vegetative buffer of approximately 60 to 200 feet for the sedimentation pond from Allison Ranch Road would remain in place and provide filtered or negligible views of the pond. The nearest residences are arguably the most sensitive of those impacted because of the permanence of their viewshed. The sedimentation pond would be 30 feet from the property line with 10675 Mote Lane and 10545 Homeward Way. A California-licensed landscape architect has prepared a preliminary landscape and revegetation plan in coordination with the project biologist to minimize visual impacts and enhance natural screening of the sedimentation pond, while providing low-maintenance and microhabitat-appropriate plant species, including incense cedar, coffeeberry, and California bay tree. The landscape plan incorporates the retention of existing native trees on the western perimeter of the sedimentation pond to provide natural screening of project features from Allison Ranch Road. The plan also provides for a minimum 30-foot buffer of existing cedars to remain along Mote Lane at its eastern extent and a single row of trees approximately 12 feet wide along Mote Lane at its northern extent. Irrigation and maintenance requirements for these revegetated areas are provided in the preliminary landscape plan and would be required as conditions of approval on the project.

At the Planning Commission hearing, the Commission requested that the landscape plan be modified to include fast-growing species. Mitigation Measure 1A was amended to include fast growing species, and the Planning Commission concluded that with implementation of the landscape plan and retention of existing vegetation for screening purposes, the project's visual impacts would be less than significant on passersby and neighboring properties.

The project applicant also now proposes to eliminate the southernmost half of the staging area (approximately 18,500 square feet) to help reduce short-term visual and biological impacts. The removal of the southern half of the staging area would concentrate construction staging closer to the sedimentation ponds, reducing the overall footprint of the project. This change is shown in the Revised Conditions of Approval in Exhibit "A"

to Attachment 5, and in the Revised Site Plan in Attachment 6 to this staff report. Because there is no new impact, and this project design change would serve to enhance the mitigation, the Mitigated Negative Declaration does not require re-circulation (CEQA Guidelines Sec. 15073.5.c).

5. Because the ponds are highly toxic, the project could result in negative impacts to residential groundwater wells if the ponds were to leak.

As noted on page 76 of the Initial Study (Impact Discussion 9g-j), the treatment system is designed to be geotechnically stable through various operating conditions and to accommodate peak flows of 2,000 gpm from the Drew Tunnel and Snyder Shaft pumping stations. Sudden catastrophic releases of water from the pipeline are not anticipated because groundwater is not immediately recharged by surface precipitation events. The system is also outside the 100-year floodplain. In addition to accommodating the pumping station peak flows, the system is designed to contain and manage 100-year storm events, not allowing overtopping, and has 2 feet of freeboard capacity and an overflow spillway that would outfall to the tributary where effluent is already discharged. Thus, in a severe weather event or other catastrophic scenario, any waters that enter the sediment pond would flow to the wetland pond and enter the spillway. In severe precipitation events, mine waters currently seeping into the ground and discharging to Wolf Creek would continue to discharge to Wolf Creek and its tributaries and be absorbed into the ground, but with at least partial treatment.

In addition to design accommodations for flood events, the project also includes a cellular SCADA system that allows remote monitoring of flows and specific water quality constituents (e.g., pH, total dissolved solids, and total dissolved oxygen) and provides automated data relay and alarms to human system managers in the event of leaks or pipe breakages. The General NPDES permit requires a 24-hour notice to the Regional Water Board in the event of non-compliance or potential non-compliance (leaks or effluent exceedances of the MCLs for iron, manganese, and arsenic). The Water Board has protocols in place for determining when those events meet the threshold for immediate public notification, e.g., when there is a threat to human health. Occasional exceedances of MCLs would be part of the record as with any discharge permit but would likely not be reported to neighbors; as part of the record, however, members of the public have the right to request access to that information, and the Water Board can notify local agencies at their request if so desired.

It should also be noted that the primary constituents being treated are iron and manganese, which are found in native soils throughout the region and do not present a threat human health when consumed. Rather, they are aesthetic water quality concerns. Arsenic levels are only periodically exceeded at the North Star site, and would be diluted when mixed with the Drew Tunnel drainage water. Additionally, iron, manganese, and arsenic precipitate as solids and therefore cannot readily infiltrate into soils; instead, they would flow downgradient back to the creek if there were an overflow of the ponds, and would not migrate readily through the soil if there were a leak in the ponds.

6. The technical studies on the project evaluate only the affected parcels. Adjoining residential parcels should have been included in these studies.

While the technical studies used to support that analysis included only the project parcels, the Initial Study for the project evaluates all physical impacts of the projects, regardless

of the location of those impacts onsite or offsite. Therefore, the adopted CEQA document for this project is in compliance with the CEQA Guidelines.

7. An EIR is the appropriate environmental document for this project given the applicant's environmental record and the impacts to the City and surrounding areas.

Given that all identified project impacts were mitigated to a less-than-significant level, the Planning Commission adopted an MND for this project. An EIR is appropriate when a "fair argument" can be made that the project could result in significant impacts that cannot be mitigated to a less-than-significant level. The appellant has not indicated which specific impacts would be significant and unmitigable, necessitating an EIR, other than those listed above which are addressed in the MND.

Economic Impacts of the Project

8. The project will significantly devalue the neighboring homes.

As noted in the Planning Commission staff report on page 27, property valuation is not a typical component of land use projects, and to staff's knowledge has not been required for any land use projects in the County. However, one of the primary purposes of the planning process – including CEQA analysis, mitigation, and conditioning of projects to meet local ordinances – is to reduce both short- and long-term impacts to affected property owners, which would then serve to reduce impacts on property values. The Initial Study mitigates all impacts to a less-than-significant level.

The primary argument for property devaluation in the appeal documents is the location of the treatment ponds in close proximity to the surrounding residences. The alleged toxicity, the risk of pond failure, and adverse visual impacts appear to be the primary issues of concern. In terms of the toxicity of the ponds, as noted in items 5 and 8 above, the materials being treated in the ponds are not toxic but are iron and manganese, which are aesthetic issues and not a threat to public health. Risk of pond failure is addressed in item 5 above and was found to be a less-than-significant impact. In terms of adverse visual impacts, the project's landscaping plan, which includes retention of existing vegetation and replanting of resilient and fast-growing native species, would reduce visual impacts to a less-than-significant level as noted in item 4 above.

Project Processing Issues

9. Notification was inadequate for the far-reaching impacts of this project.

As noted in the Planning Commission staff report (p. 25), Government Code Section 65091(a)(4) requires notice of public hearing to be provided to property owners within 300 feet of the project site; the County's Land Use and Development Code Sec. L-II 5.13 requires additional noticing to owners within 500 feet of the project site if the minimum parcel size is 5 acres or greater. Surrounding properties consist of RA-1.5 and IDR zoning. Given the IDR zoning and larger parcel size in the project vicinity, County staff increased the original notification area to 500 feet for the initial distribution. Following comments on the initial distribution, staff responded to the request to expand the notification area by increasing the radius to 1,000 feet in the southern area of the project site. This notification list, consisting of 103 properties, was also used for the Initial Study distribution. Staff further increased the notification area for the public hearing to include

properties more than ½ mile (2,640 feet) south of the project area down Allison Ranch Road, resulting in notification of approximately 230 people. All people who submitted comments on the project have also been added to the notification list throughout the project process. Noticing thus far exceeded requirements, and was conducted in such a way as to capture all those who may be impacted by project operation and construction, including those impacted by construction traffic on Allison Ranch Road.

10. Newmont should have pulled the permit for the project, not Nevada County.

This issue was raised in Ms. Judy Connolly's October 11, 2015, letter to the Clerk of the Board of Supervisors. Newmont USA, Limited is the project applicant, not Nevada County. Nevada County's role in the project is as the government agency permitting the land use components of the project. As such, Nevada County would issue permits to Newmont on the project if the project approval is upheld, but is not itself the permittee.

11. The County should require bonding for the project.

Ms. Connolly also indicated in her October 11, 2015, letter that the County should require bonding for the project. The County Building Department requires a bond in the amount of \$2,000 for up to 1,500 cubic yards (cy), plus \$1 per cy beyond the first 1,500 cy, for all grading permits moving more than 500 cy of earth. Bond fees are used to ensure that grading work is performed and erosion control measures are in place if an applicant abandons a graded site before completing the work. The bond is released once a final grading inspection is completed and the permit is finalized.

Because this particular project is being driven by Clean Water Act regulations, the Regional Water Board's Compliance and Enforcement Division would be the enforcement agency for any noncompliance of operational conditions leading to water quality violations – including not completing the project. If the project were in noncompliance with Nevada County conditions of approval and mitigation measures, the County Code Compliance Division would work with the applicant or successor in interest to bring the project into compliance.

Other

Additional issues raised in Ms. Zora Biagini's 8-page letter attached to the appeal are addressed as follows:

- Concerns with Newmont's record and the City's management practices at its WWTP. These issues are not relevant to the approval of this project.
- Concerns that the project should not be processed without a comprehensive cleanup plan for the whole North Star property. The Water Board, the agency mandating the treatment of the various drainages involved, does not require an overall remediation plan for the site. The County's involvement extends only to the project's land use issues and not to a determination of the extent of remediation.
- Concerns that previous studies done by the City and Newmont should have been included in the MND. The letter is unclear about which studies should have been included in the MND; as a general response, staff would note that studies pertinent to the CEQA analysis were included and used in the project evaluation. Any other previous studies were simply not germane to the analysis of project impacts.

- Concerns about similarities between the Magenta Drain project at Empire Mine and the North Star Water Treatment Project, and a “disaster” that occurred in relation to the Magenta Drain project. To staff’s knowledge, the Water Board’s records indicate that all effluent limits have been met to date at the Magenta Drain treatment ponds.

APPEAL CONCLUSION:

As reflected in the meeting minutes, the staff report, and this appeal, all of the issues associated with this appeal were considered carefully by the Planning Commission. In response, changes were made to the final conditions of approval to add fast-growing plant species to the landscape plan in order to further mitigate visual impacts. The applicant is also now proposing two additional changes to further reduce impacts: 1) eliminate Saturday from the construction work schedule to reduce noise impacts on nearby residents, and 2) eliminate the approximate southern half of the staging area (approximately 18,500 square feet) to reduce short-term visual and biological impacts. Because these project changes serve to enhance the protection of the physical environment, the Mitigated Negative Declaration does not need to be recirculated (CEQA Guidelines Sec. 15073.5.c).

The Initial Study was reviewed by the appropriate state and local agencies and underwent revision in response to concerns prior to adoption. All of the project concerns have been amply considered and are resolved to sufficient levels. Notwithstanding, the project will result in some changes to the local area, but only at a limited level. There will be multiple opportunities for the County and other local and State agencies to inspect the operation to ensure its compliance with the required conditions of approval, the Clean Water Act, and other applicable laws to protect the water quality and local wildlife resources. If the operation is found to be out of compliance, both the County’s conditions of approval and the standards of the NPDES permit provide opportunities for compliance reviews and other enforcement actions by the Planning Commission and/or Water Board.

Staff is recommending that the Board deny the appeal and uphold the actions taken by the Planning Commission on September 24, 2015, with the proposed change to the staging area and the reduced construction days (Monday through Friday).

Item Initiated by: Jessica Hankins, Senior Planner

Approved by: Brian Foss, Planning Director