

From: McCready-Hoover, Karen@CalOES
Sent: Tuesday, October 8, 2019 10:30 AM
To: sadie.caldas@co.nevada.us
Subject: Nevada County 2019 Safety Element

Good morning Sadie,

I received your letter dated October 4, 2019 regarding the public review of Nevada County's 2019 Safety Element update. I coordinate AB 2140 compliance with local jurisdictions, so I reviewed the language in the safety element for language about the county's local hazard mitigation plan (LHMP). As I can see, the Safety Element does include language about the LHMP, and therefore will meet most of the requirements.

When the Safety Element has been adopted by the county's governing board, please e-mail me the following:

- Copy of the adoption resolution stating that the LHMP was adopted into the General Plan Safety Element. You may attach it to the e-mail
- Link to the updated General Plan page of the county's website
- Link to the 2018 LHMP page of the county's website

Once I determine that everything is in order, I will send you a letter of AB 2140 compliance. At that time, the county will be eligible for consideration of California Disaster Assistance Act (CDAA) match funding for recovery activities through the Public Assistance Branch after a disaster.

Feel free to contact me with any questions you may have.

Karen McCready-Hoover

Emergency Services Coordinator
Cal OES Mitigation Planning Division
3650 Schriever Avenue
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(916) 845-8177 Office
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Karen.McCready-Hoover@caloes.ca.gov

From: McCrink, Tim@DOC <Tim.McCrink@conservation.ca.gov>
Sent: Tuesday, October 22, 2019 5:15 PM
To: Sadie Caldas <Sadie.Caldas@co.nevada.ca.us>
Subject: RE: Geohaznotice_6-6-13.pdf

Hi Sadie,

I made some edits in red below. Two specific examples I can think of include damage to the waste water treatment plant on Gas Canyon Road (landslides fell onto the plant at the pit bottom in early 2000's) and the evacuation of houses along Mountain View Drive (landslides ~100-200 feet from the top of the pit in 2017). Probably cannot get those into the Safety Element but should be on the County's radar.

I hope my edits help.

Tim McCrink
Supervising Engineering Geologist
California Geological Survey
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Desk: (916) 324-2549
Mobile: (916) 747-6061

From: Sadie Caldas <Sadie.Caldas@co.nevada.ca.us>
Sent: Tuesday, October 22, 2019 2:32 PM
To: McCrink, Tim@DOC <Tim.McCrink@conservation.ca.gov>
Subject: RE: Geohaznotice_6-6-13.pdf

Good Afternoon Tim,

I was hoping to get a little more information about your comments on the Safety Element. We discussed on the phone that Nevada County has had a lot of hydraulic mining, which has caused landslide hazards.

This section of the Safety Element is under the landslide section and it briefly discusses hydraulic mining:

Triggers such as an earthquake, vegetation removal (potential results from a wildfire or development), heavy rainfall and human activities can set a landslide in motion. Mining is a human activity that can greatly increase the potential of a landslide. Nevada County contains many historic hydraulic mining sites, one of which, located northeast of Nevada City, is an area of over 20,000 acres. Because of the extreme methods used in hydraulic mining to "wash away" hillsides in the mid to late nineteenth century, **the remaining slopes are very steep and are capped by very expansive clay soils. The result is that** these areas are extremely prone to **damaging slope failure resulting in** landslides. In addition to

presenting risks to human life and property, landslides also present risks to the integrity of infrastructure such as water, sewer, gas lines and transportation corridors.

I believe this section includes the information that you commented on in the phone call. Please let me know if you have any other comments or feedback on this.

Thank you,
Sadie

Sadie Caldas

Associate Planner



Planning Department
County of Nevada
Community Development Agency

950 Maidu Ave. Suite 170
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*Making Conservation
a California Way of Life.*

October 25, 2019

GTS# 03-ED-2019-00135

Sadie Caldas, Associate Planner
Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Nevada County 2019 Safety Element Update – Public Review Draft

Dear Ms. Sadie Caldas:

Thank you for including the California Department of Transportation (Caltrans) in the public review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development - Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

The County has completed a public review draft of the updated Safety Element. The Safety Element update is required by Government Code Section 65302(g) upon the County's recent adoption of the Housing Element (2019) and the Local Hazard Mitigation Plan (2017). The Safety Element addresses potential and existing hazards in the County, which are outlined in the following categories: Emergency Preparedness, Geological Hazards/Seismic Activity, Flood Hazards, Airport and Military Airspace Hazards, Hazardous Material and Mining Hazards, Public Safety Services and Facilities, Fire Hazards and Protection, and Severe Weather Hazards. Among other updates, two additional categories for Climate Change Resiliency and Mitigation, and Environmental Justice have been added to the Safety Element.

The following comments are based upon the Public Notice for the Safety Element Update documents received.

Climate Change

We advise Nevada County to work with Caltrans District 3 for Climate Adaptation efforts. Caltrans District 3 has recently completed a Climate Change Vulnerability Assessment to provide estimated changes to climate stressors including Absolute Minimum Temperature, 7-Day Maximum Temperature Events, 100-Year Precipitation Event Depth, Wildfire Level of Concern, Sea Level Rise and Storm Surge from Sea Level Rise.

Ms. Sadie Caldas
October 25, 2019
Page 2

Though this assessment does not show Sea Level Rise or Storm Surge as concerns for State Highway facilities in Nevada County, Caltrans requires local assistance with identifying climate risks where State Highway facilities and Caltrans services would become resources to aid in the mitigation and management of areawide events, such as those that may call for evacuations.

Caltrans seeks to work with Nevada County to identify the conditions influencing potential directions of evacuation, the modeling of evacuation scenarios, and to determine any treatments or strategies to State Highway facilities to support community or regional evacuations should the need arise. In addition, Caltrans often administers discretionary grant programs to aid in various transportation studies including community Climate Change adaptation strategies and Vulnerability Assessments. One such example is the Town of Truckee, where local officials and Caltrans are developing an effective Climate Action Plan.

The State Highways in Nevada County are State Route (SR) 20, SR 49, Interstate 80 (I-80), SR 89, SR 174 and SR 267. Caltrans Climate Change maps forecasting to years 2025, 2055 and 2085 allow for evaluative approaches to infrastructure investments in preparation for resiliency in a prudent and cost-effective manner. Caltrans seeks partnerships with Nevada County to ensure a mutual benefit from the results of this kind of collaboration.

If you have any questions regarding these comments or require additional information, please contact Vishal Ream-Rao, Intergovernmental Review Coordinator for Nevada County, by phone (530) 741-5202 or via email to Vishal.Ream-Rao@dot.ca.gov.

Sincerely,



KEVIN YOUNT, Branch Chief
Office of Transportation Planning
Regional Planning Branch—East

From: McCreary, Gavin@DTSC <Gavin.McCreary@dtsc.ca.gov>
Sent: Friday, October 25, 2019 2:42 PM
To: Sadie Caldas <Sadie.Caldas@co.nevada.ca.us>
Cc: State.clearinghouse@opr.ca.gov; Planning <Planning@co.nevada.ca.us>; Jameson, Lora@DTSC <Lora.Jameson@dtsc.ca.gov>; Jones, Dick@DTSC <Dick.Jones@dtsc.ca.gov>
Subject: County of Nevada 2019 Safety Element Update

Ms. Caldas,

Thank you for the opportunity to comment on the Nevada County 2019 Safety Element Update. The Department of Toxic Substances Control only has one comment: the mining section on pages 10-14 and 10-15 should be updated to mention acid mine drainage. If you have any questions, please contact me at Gavin.McCreary@dtsc.ca.gov or (916) 255-3710.

Thank you.

Gavin McCreary
Project Manager
Department of Toxic
Substances Control
8800 Cal Center Drive
Sacramento, CA 95826
gavin.mccreary@dtsc.ca.gov
(916)255-3710

From: ksannar@nccn.net <ksannar@nccn.net>
Sent: Friday, December 13, 2019 11:38 AM
To: Sadie Caldas <Sadie.Caldas@co.nevada.ca.us>
Cc: dlandon@nccn.net
Subject: Draft Nevada County Safety Element

Hi Sadie

Thank you for the opportunity to review the Draft Nevada County Safety Element. I have reviewed the document and find it's policies to be consistent with the Nevada County Airport Land Use Compatibility Plan and the Truckee Tahoe Airport Land Use Compatibility Plan. If you have any questions, please do not hesitate to contact me.

Thank you,

Kena D Sannar
Transportation Planner



Nevada County Transportation Commission
101 Providence Mine Road, Suite 102, Nevada City, CA 95959
(530) 265-3202 / Fax: (530) 265-3260
<http://www.nctc.ca.gov>

From: Steve Monaghan <Steve.Monaghan@co.nevada.ca.us>
Sent: Tuesday, November 26, 2019 2:52 PM
To: Brian Foss <Brian.Foss@co.nevada.ca.us>; Caleb Dardick <Caleb.Dardick@co.nevada.ca.us>; Sean Powers <Sean.Powers@co.nevada.ca.us>
Subject: RE: Fire safety in General Plan

These items should include OES as they relate/are included in our Ready Nevada County initiative and Board objectives.

Policy FP-10.9.2 Increase public education and outreach on wildfire safety issues by utilizing the Fire Safe Council and collaborating with community and business associations.

Policy FP-10.9.3 Support the Fire Safe Council's public education efforts to inform and create a better understanding with the public and with the architectural and building industry, about the benefits of reducing vulnerabilities to wildfire risks through site design, defensible space and building material/design options available with ignition-resistant building materials.

Program FP-10.11.2 Support the Fire Safe Council as a significant contributor of providing fire safe education and information to the residents of the County by assisting in funding their services and programs.

Program FP-10.11.3 Coordinate with the Fire Safe Council in their efforts to update and maintain the Countywide Community Wildfire Protection Plan. These efforts include:

Items I did not clearly see that may warrant inclusion in the Safety Element:

- Pursue affordable residential green waste disposal opportunities/programs for the community. This is currently a barrier to more residential parcel vegetation management.
- Working with the State, address home owner fire insurance challenges. Policy FP-10.9.6 may relate to this affordability challenge.
- Working with OES and Fire Safe Council, support and promote existing and new Firewise communities.
- Related to evacuation routes, the County needs to perform traffic analysis in combination with fire/heat analysis to determine if there are issues with county roads designated as primary and secondary egress routes. We don't know now if based on CAL FIRE's most likely wildfire scenarios if the routes will have adequate evacuation capacity during an event. It certainly did not during the Lobo fire in Wildwood. Analysis needs to be done to identify/determine high risk egress routes, and then mitigation plans developed to address them.

"Routes designated on Nevada County General Plan Land Use Maps as interstates, freeways, highways, and other principal arterial routes are considered primary evacuation routes. Such routes provide the highest levels of capacity and contiguity and serve as the

primary means of egress during an evacuation from the County and ingress for emergency personnel. Routes designated on the General Plan Land Use Maps as minor arterial and major collector routes are considered secondary evacuation routes. These routes supplement the primary evacuation routes, and provide egress from local neighborhood and communities.”



Stephen T. Monaghan

Agency Director

Information and General Services Agency

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[Connect with me on LinkedIn](#)

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www.ReadyNevadaCounty.org

From: Greg Thrush <greg.thrush@sierrafund.org>
Sent: Wednesday, October 23, 2019 2:09 PM
To: Sadie Caldas <Sadie.Caldas@co.nevada.ca.us>
Subject: 2019 Safety Element Plan comments

Dear Sadie,

Thank you for the opportunity to comment on the 2019 Safety Element. The Sierra Fund is a tax-exempt non-profit organization located in Nevada City. Our mission is to restore ecosystem resiliency and build community capacity in the Sierra Nevada. We offer the following comments based on our expertise regarding the impacts of gold mining and other resource extraction in the region.

1. Mining. We suggest that the document include information about fish consumption advisories. As a result of the use of mercury to improve gold recovery in local mines there are fish consumption advisories issued for certain species of fish in the region. People catching and eating fish as a regular part of their diet should consult the California Office of Environmental Health Hazard Assessment website (<https://oehha.ca.gov/fish/advisories>).

In the section on Stationary Sources of Hazardous Materials, it might be worthwhile to add that the hydraulic mine sites which dot the landscape of Nevada County are sometimes discharge sediment-laden water after major storm events. Under certain conditions, hydraulic mine pits or surfaces become saturated and can release large amounts of silt and clay into surface flows, most of which eventually end up in our local watersheds. Due to the presence of mercury at these mine sites this sediment may include particulate bound elemental mercury that can cause water quality contamination.

2. With regards to climate change, it might be worthwhile to include wildfire smoke as another impact. Regional wildfires will continue to affect the air quality in nearby air basins. Vulnerable populations may be adversely affected because of an inability to recirculate air or lack of adequate clean air spaces.

3. With regards to EJ, one measure of vulnerable population is income. The California Department of Water Resources has identified "disadvantaged communities" in Nevada County including the City of Grass Valley.

I hope these comments are helpful.

Regards,
Greg

--

Greg Thrush
Environmental Justice Community Organizer

THE SIERRA FUND
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October 14, 2019

Sadie Caldas Associate Planner Nevada County, CA

RE; Comments on the 2019 Draft Safety Element Plan

Dear Associate Planner;

Thank you for the opportunity to comment on the Nevada County 2019 Draft Safety Element Plan. Nevada County Climate Action Now's mission is to further climate change understanding and action by Nevada County citizens to abate global warming, reduce greenhouse gas emissions, and seek just climate solutions. The Community Environmental Advocates (CEA) supports responsible land use and environmental protection policies and actions in Nevada County.

The proposed 2019 Safety Element is well-written and thorough. Our submitted comments are meant to suggest improvements that will address climate issues for our county. Though most of the Safety elements either directly or indirectly are affected by the impacts of climate warming, our comments will focus on the Fire Hazards and Protection Element and the Climate Change Resiliency and Mitigation Element.

Fire Hazards and Protection Element

From the plan:

"The number and severity of wildfires in California are projected to continue to face dramatic increases. The fire management constraints due to the increasing population trends within and adjacent to forests and other highly flammable vegetated landscapes, which also correlate to increased human ignition sources, establish conditions that have created circumstances that are most conducive to have large scale, extremely impactful wildfires."

Policy FP-10.8.5 Land use patterns and development standards shall minimize fire hazards, and shall be reviewed and revised, as needed, consistent with the five-year update of the Safety Element.

Fire protection comments

We ask that the County no longer permit new construction in fire-prone Cal Fire level 3 areas outside of the WUI, unless the buildings are off the grid, or serviced by undergrounded cable in the vicinity.

Given the recent power shutdown (triggered by potential fire danger) by the local electricity distribution and transmission utility (PG&E) and the likelihood of future shutdowns, the County should make sure all of their facilities will remain available during a shutdown.

The county already has recently installed a solar power station that provides almost all of its municipal building electricity needs. This should be augmented by adding battery storage to the facility that would be able to supply electricity during a shutdown. The county could then use its protected facilities such as the Helling Library as a place where residents could gather to receive information and recharge their devices to be able to be kept informed.

Climate Change Resiliency and Mitigation

From the Safety Element section on climate change:

From the north coast of California through the Sierra Nevada to the Mojave Desert, all of California will continue to experience effects of climate change in different ways, including increased likelihood of drought, flooding, wildfires, heat waves, severe weather and sea level rise. Senate Bill 379 requires the update to include a set of goals, policies and objectives based on a vulnerability assessment, identifying the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts.

Nevada County's Local Hazard Mitigation Plan includes a hazard identification assessment that lists the County's potential hazards. Based on the assessment results, mitigation strategies have been developed for reducing the County's risks and vulnerabilities to these hazards. (See the Local Hazard Mitigation Plan, Sections 4.1 and Chapter 5). Note: there is no section 4.1 in the plan.

Climate Change Resiliency and Mitigation comments

These assessments only deal with mitigating the risks of climate change and do not address mitigating climate change itself.

Policy CC-10 13.3 does suggest identifying strategies that deal with climate change itself: Nevada County shall identify, based on current and updated science, strategies to foster resiliency to climate change influences in both the built and undeveloped lands, including mitigation measures to reduce climate change causes and adaptation plans to decrease the effects of climate change, to protect residents and

businesses from increased risks of natural disasters, such as flooding, drought, severe weather events and wildfire.

i.e. Policy CC-10 13.3, “Nevada County shall identify...strategies to foster resiliency to climate change...” is a good first step, but merely ‘identification of strategies’ is not sufficient. There should be wording to support implementation of those strategies.

Similarly, with Policy CC-10.13.4, “Require new discretionary development to include and analysis...”, merely inclusion of an analysis of the potential effects of climate change is a good first step, but there are no guidelines for limiting such development.

Goal CC-10.14 The inclusion of an Environmental Justice section is very good. One critical aspect of the recent power outages has become more apparent: many people do not have the resources to respond to prolonged power outages. The possible nexus of a prolonged power outage and a long period of health threatening smoke can create a new and widespread crisis for even healthy people with respect to:

- **Food preservation and safety**
- **Food and medical access**
- **Excessive heat**
- **Respiratory health**

It seems provisions for dealing with these scenarios need more attention.

In 2019 Nevada County approved an Energy Action Plan. We suggest that strategies recommended in the EAP be strengthened and incorporated into the Safety Element:

Strategy 1.2: Improve compliance with current California Building Energy Efficiency Standards (Title 24, Part 6) by providing informational materials when available.

Strategy 1.2 should be added to this Safety Element and changed to require compliance with the 2019 building codes.

Strategy 2.1: Prepare for the inclusion of renewable energy systems in new construction and large retrofit projects in order to meet California Zero Net Energy Goals by providing informational material when available.

Strategy 2.1 should be added to this Safety Element and modified to require enforcement and monitoring of the requirements of the 2019 Building Codes in addition to providing informational materials.

A growing number of municipalities are turning to building codes and other local requirements to reduce greenhouse gas emissions, and observers say the trend is likely

to accelerate. A quarter of California's greenhouse gas emissions come from buildings, according to NRDC.

While California has its own set of clean-energy regulations that developers must meet, cities can go a step further by enacting reach codes-basically rules that "reach" beyond statewide sustainability thresholds by making zero-emission electric building the standard.

We ask that Nevada County consider a new "reach" code ordinance that includes the following:

- 1. Prohibiting natural gas infrastructure in new detached accessory dwelling units, single-family, and low-rise multi-family buildings starting January 1, 2020.**
- 2. Require all new multi-family buildings to include 70 percent electric vehicle capable spaces, and additionally at least 20 percent electric vehicle ready spaces**
- 3. Research funding, financing, and partnership opportunities that would offset the costs for:**
 - a) Installing solar and battery storage in new affordable housing construction**
 - b) Installing electric vehicle infrastructure in new affordable housing construction, like the California Electric Vehicle Infrastructure Project**
 - c) Purchasing electric appliances, such as induction stovetops, heat pump water heaters, and heat pump space heaters**
- 4. Consider options for potential fee and tax reductions for new all-electric multi-family and commercial building construction.**
- 5. Consider a policy prohibiting natural gas infrastructure in all new municipal construction, with exceptions allowed for emergency equipment or micro-grids providing energy resiliency in anticipation of extended blackouts and de-energization of the grid.**
- 5. Explore the opportunity to reduce parking requirements in exchange for electric vehicle supply equipment being included in projects.**
- 6. Consider a policy prohibiting natural gas infrastructure in all new municipal construction, with exceptions allowed for emergency equipment or micro-grids providing energy resiliency in anticipation of extended blackouts and de-energization of the grid.**

Conclusion

The cities, counties and states of the United States face an existential threat from unmitigated climate change. The 2019 Safety Element of the General Plan and the Local Hazard Mitigation plan are an opportunity to protect its citizens from this threat.

Thank you for considering our comments.

Donald L Rivenes

Donald L Rivenes, Chair
Nevada County Climate Action Now
108 Bridger Ct Grass Valley, CA 95945
rivenes@sbcglobal.net

Ralph Silberstein, President
Community Environmental Advocates Foundation



**SHINGLE SPRINGS BAND
OF MIWOK INDIANS**

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shinglespringsrancheria.com**



CULTURAL RESOURCES

October 17, 2019

Nevada County Planning Department
Sadie Caldas
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

RE: 2019 Safety Element Update

Dear Sadie Caldas,

Thank you for your letter dated October 4, 2019 in regard to the above mentioned project. Based on the information provided, the Shingle Springs Band Of Miwok Indians is not aware of any known cultural resources on this site. However, SSR would like to have continued consultation through updates, as the project progresses. This will foster a greater communication between the Tribe and your agency.

SSR would also like to request any and all completed record searches and or surveys that were done in or around the project area up to and including environmental, archaeological and cultural reports. If during the progress of the project new information or human remains are found, we would like to be able to go over our process with you to protect such important and sacred artifacts (especially near rivers and streams).

If such finds are made, please contact Kara Perry, Site Protection Manager, at (530) 488-4049 or kperry@ssband.org.

Thank you for providing us with this notice and opportunity to comment.

Sincerely,

Daniel Fonseca
Cultural Resource Director
Tribal Historic Preservation Officer (THPO)
Most Likely Descendant (MLD)



MIWOK United Auburn Indian Community
 MAIDU of the Auburn Rancheria

Gene Whitehouse
 Chairman

John L. Williams
 Vice Chairman

Calvin Moman
 Secretary

Jason Camp
 Treasurer

Gabe Cayton
 Council Member

October 23, 2019

Sadie Caldas
 County of Nevada
 950 Maidu Ave
 Nevada City, CA 95959



Subject: Public Draft Review of the Nevada County 2019 Safety Element Update

Dear Sadie Caldas,

Thank you for providing a draft of The Nevada County 2019 Safety Element Update. We have reviewed this document and believe that additional information is needed to address the effects of hazardous events on cultural resources of importance to the United Auburn Indian Community (UAIC). In 2015, the Native American Heritage Commission (NAHC) published a document titled: *Protecting California Native American Sites During Drought, Wild Land Fire, and Flood Emergencies. A Guide to Relevant Laws and Cultural Resources Management Practices*. This document provides useful information on how hazardous events impact Native American sacred places and sites of religious or ceremonial importance and how to protect these sites if such an event occurs.

Wild fires and floods can severely threaten, damage, or destroy Native American sacred places and sites of religious or ceremonial importance, as well as expose previously hidden sites, making them vulnerable to vandalism. The document referenced above provides agencies the tools needed to collaborate with California tribes in the protection of their fragile cultural resources in the event of flooding or wild land fire. We recommend incorporating this information into Nevada County's Safety Element Update.

We look forward to coordinating with the incorporation of the effects of hazards on cultural resources. Please continue to send us copies of the project's environmental documents. Thank you again for taking these matters into consideration, and for involving the UAIC in the planning process. Please contact Anna M. Starkey, Cultural Regulatory Specialist, at (916) 251-1565 or email at astarkey@auburnrancheria.com if you have any questions.

Sincerely,

Gene Whitehouse,
 Chairman

CC: Matthew Moore, UAIC Tribal Historic Preservation Officer

From: Wendy Cain <wendy@scottbrowne.com>
Sent: Thursday, January 9, 2020 11:28 AM
To: Planning <Planning@co.nevada.ca.us>; b.foss@co.nevada.ca.us
Subject: Jan. 9, 2020 Planning Comm. Hrg.

Mr. Foss,

Attached is a copy of a letter from Mr. Browne with comments regarding the update of the Nevada County General Plan Safety Element and Negative Declaration hearing on calendar for today. We apologize for getting this to you at the last minute, but we also intend to have one of our clients attend the hearing and present the letter in person as well today.

Several documents are referenced in this letter and they will also be provided on a flashdrive at the hearing with the letter, as well as there is a dropbox link below that you can access to download them.

<https://www.dropbox.com/sh/9r4tesgyyq96s1d/AADGoOg4eREHdNfk-CpL9HQda?dl=0>

Please confirm receipt of this email, letter and the documents, and please let me know if you have any problems downloading any files.

Thank you for your consideration.

Wendy J. Cain

Paralegal
Law Office of P. Scott Browne
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January 9, 2020

The Nevada County Planning Commission
950 Maidu Lane
Nevada City, CA 95959

VIA EMAIL and Delivery at Hearing

Re: Comments re Update of the Nevada County General Plan Safety Element and Negative Declaration

Dear Commissioners:

I am submitting these comments on behalf of my clients, Rich Lau, Steve Halpert, and Candice and Robert Suarez, all of whom are residents of Nevada County, living in Cascade Shores. All of them have been severely impacted by the 2017 landslide that occurred on hydraulically mined slopes on property owned by the County of Nevada. They do not want other unsuspecting Nevada County residents to experience the trauma and losses that they have experienced from such landslides. This is a continuing public safety danger that the County staff has known about since at least 2007, but which they have failed to disclose to the public or take any measures to mitigate. It is time for the Commission and the Board of Supervisors to demand that staff comply with the statutory requirements and map the multiple known areas of Nevada County threatened by landslides from hydraulically mined, unstable slopes.

Gov. Code, § 65302(g)(1) sets forth the requirements for a general plan Safety Element geologic and seismic safety component as follows:

A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

It is manifest that the above statute mandates that the County Safety Element map known geologic risks. The Safety Element fails to do that. While the Proposed Safety element generally recognizes the potential landslide risk posed by the many hydraulically mined slopes in the County, no maps of such known geologic hazards are included in the plan or in the County's Hazard Mitigation Plan.

Comments to the Planning Commission on Nevada County Safety Element Update

January 9, 2020

Page 2

Without maps that clearly delineate the areas at risk available online for the public to review, prospective homebuyers and residents don't know about the danger that these areas pose to life and property.

Accompanying this letter is a flashdrive that contains a series of geotechnical reports that the County of Nevada commissioned after the 2005 landslide that heavily damaged the Cascade Shores Wastewater Treatment Plant, and the 2017 landslide on the adjoining County property that damaged or destroyed my clients' properties. These reports document the high landslide risk of the oversteepened hydraulically mined slopes in the Cascade Shores-area and that the County has known of these risks since 2007.

We ask that all of the documents be included in the record of this proceeding, We apologize for submitting what is a considerable body of data at the hearing. We only discovered this item was being heard last week and have had to scramble to put together this letter and the accompanying support documents.

Also included on the flashdrive is a Geologic Hazard Notice that was issued in 2009 by the State Geologist advising of the danger of unstable smectite clay soils associated with the Lone geologic formations common in the Cascade Shores area and other areas of Nevada County. This notice was issued by the State at the prompting of the County's geologists and geotechnical engineers based on the knowledge they gained in studying the causes of the 2005 landslide. The Notice was sent to Nevada County but it is not mentioned in the draft Safety Element nor any effort made in the Element to address the Geologic Hazards the State identified.

The present version of the updated Safety Element, as well as the previous 2014 version contain the following policy GH-10.2.2:

Continue to cooperate with the State Department of Conservation – California Geological Survey, the State Office of Emergency Services and other appropriate Federal, State and local agencies and incorporate the most current data concerning the following as the basis for the County's Site Development Standards, and project site plan review:

a. geologic hazards; and

b. seismic hazard data for sensitive land uses such as schools, medical facilities, high-density residential uses, and intensive commercial uses.

The project review shall consider the need to mitigate development in such areas in accordance with Federal, State and local standards.

While the policy makes sense, this update of the Safety Element **fails to comply with its own policy!** The State in 2009 identified in a general fashion the areas of Nevada County containing geologic hazards. The County has failed to incorporate that information into Safety element either in 2014 or in this latest update. The Safety Element fails to discuss that Geologic Hazard notice nor respond to it by more specifically mapping the areas that the State has identified as containing geologic hazards. Unlike fire, or other transient safety hazards, geologic hazards can be identified ahead of time and are limited in their geographic extent. In that respect they are similar to flood hazards. In dealing with flood hazards the accepted public policy tool to mitigate flood hazard is through flood zone mapping.

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Such mapping allows limiting development within the mapped flood zones and construction of facilities within those zones to control flooding.

Mapping of the Geologic Hazard zones is similarly the key to reducing the risk of loss, or injury from geologic hazards. That is why it is required by state law, Section 65302. Yet no such mapping is included in the Safety Element.

To comply with the requirements of state law and to meet its obligation to warn the public of these risks, the Commission should add the following policies to the Safety Element:

GH-10.2.3 Mapping of Geologic Hazards

The County shall within one year of adoption of this Safety Element map the areas of Nevada County subject to significant landslide risk and place the map on the County's website and incorporate the data into the County's GIS mapping. Priority shall be given to first mapping the hazard zones created by hydraulically mined oversteepened slopes that are near homes or developable property. The mapping shall include all areas uphill or adjacent to the hazardous area that may be affected by landslides within the geologic hazard zone.

To provide a mechanism to mitigate such risks in populated areas, an additional policy should be added:

GH-10.2.4 Mitigation of Geologic Hazards in Populated Areas

Where Geologic Hazards are identified and mapped that affect a substantial number of properties or homes, the County shall consider creation of a Geologic Hazard Abatement District pursuant to Public Resources Code Section § 26525 et. seq. The County shall survey the residents and owners and initiate the process for creation of such a district if it appears creation of such a district is likely to be supported by a majority of the affected owners and/or residents.

CEQA COMPLIANCE

Turning to the CEQA compliance for this Safety Element Update, the initial study and proposed negative declaration of environmental impact are clearly defective. Section 7. Geology and Soils, Subsection a, iv. of the Initial Study questionnaire asks if the project will "a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: iv. Landslides." The "No Impact" box is checked for this question.

The discussion of this area completely ignores elephant in the living room-- the fact that the Safety element fails to include the required mapping for the known geologic hazards.

The stated purpose of the Safety Element is:

The purpose of the Safety Element is to reduce short and long-term loss of life, injuries, and damage to property resulting from natural and human-caused public safety hazards including flooding, geologic

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and seismic hazards, fire hazards, severe weather and the additional consequences of climate change.

As discussed above, mapping of Geologic Hazards is the key to reducing the risk of such hazards. Yet, the initial study completely fails to address the fact that the Safety Element is lacking this key requirement to make it effective in reducing the risks arising from Geologic Hazards.

The failure of the Initial Study to evaluate the environmental impacts arising from the Safety Element's failure to provide the necessary Geologic Hazard mapping makes it defective CEQA document. It is further defective in failing to require feasible mitigation measures such as the additional policies suggested above.

The Commission needs to send the Safety Element and Initial Study back for further review and revision based on these comments. If the superficial treatment in the Geologic Hazard section is any indication of the quality of the other parts of the Element, the entire Element should be overhauled.

It is time that the County takes seriously its duty to protect the public health and safety by full and honest assessment and disclosure of risks. Had it done so in prior Safety Elements by mapping the known Geologic Hazard risks, my clients would not have bought houses in the hazard area and would not have suffered the terrible losses they have endured. Don't let it continue to happen!

Sincerely,

LAW OFFICES OF P. SCOTT BROWNE



P. Scott Browne
Attorney for Rich Lau, Steve Halpert, and
Candice and Robert Suarez

cc: