



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION OF THE COUNTY OF NEVADA CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR11-001 STATE CLEARINGHOUSE NO. 2012022024) FOR THE BOCA QUARRY EXPANSION PROJECT (U11-008), RECLAMATION PLAN (U11-001) AND DEVELOPMENT AGREEMENT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND MAKING CERTAIN FINDINGS CONCERNING ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND ALTERNATIVES TO THE PROJECT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, IN CONNECTION WITH APPROVAL OF THE PROJECT CONTEMPLATED BY THE FINAL ENVIRONMENT IMPACT REPORT

WHEREAS, The County of Nevada is the Lead Agency pursuant to Public Resources Code section 21067 as it has the principal responsibility to approve and regulate the project; and

WHEREAS, based on the nature of the proposed Project, including the potential for new significant impacts as a result of the proposed Project, the County determined that an Environmental Impact Report (EIR) was required for the proposed Project; and

WHEREAS, the County exercised its independent judgment in accordance with Public Resources Code section 20182.1, in retaining the independent consulting firm Helix Environmental, Inc., to prepare the EIR, and Helix Environmental prepared the Final EIR under the supervision and at the direction of the County's Planning Director; and

WHEREAS, on February 8, 2012, the County, as the lead agency, published a Notice of Preparation (NOP) of an EIR for the proposed Project; and

WHEREAS, the NOP provided notice of the county's determination, and solicited public input on the proposed scope and content of the EIR for the proposed Project; and

WHEREAS, the County, through Helix Environmental, the draft EIR was originally circulated in September/October 2012 for a 45-day review by responsible and trustee agencies and the public and the California State Clearinghouse for review and comment, and the County received six written comment letters and two individuals provided oral comments at the Planning Commission hearing on the adequacy of the Draft EIR; and

WHEREAS, the project was placed on hold at the request of the Applicant; and

WHEREAS, on May 22, 2019, the County Planning Department circulated the Draft Environmental Impact Report prepared by Helix Environmental for public comment; and

WHEREAS, the draft EIR was made available for review to affected local stakeholders and to regional and state agencies and sent to the California State Clearinghouse to distribute to State agencies, and was released for a 45-day public review period, commencing on May 22, 2019, and ending July 8, 2019; and

WHEREAS, on June 27, 2019, the Planning Commission held a public hearing to take public comment on the adequacy of the draft EIR; and

WHEREAS, the EIR analyzes all of the potential environmental impacts of the proposed Project and found that most would be mitigated to a less-than-significant level with implementation of the recommended Mitigation Measures and Reporting Program (MMRP), with the exception of impacts associated with air quality emissions, aesthetics, and transportation and circulation; and

WHEREAS, within the resource categories of air quality, aesthetics and transportation and circulation, the three areas of impact have been disclosed to be significant and unavoidable, requiring an adoption of Findings of Fact and a Statement of Overriding Consideration, see Exhibit A, by the Board of Supervisors, prior to action on the certification of the Final EIR; and

WHEREAS, the Final EIR includes copies of all comments on the Draft EIR, County responses to the comments pursuant to Section 15089, clarifying edits, and the MMRP; and

WHEREAS, the County proposes to approve and adopt the Project as analyzed by the Final EIR; and

WHEREAS, on August 22, 2019, the Planning Commission held a public hearing on the proposed Project in which the Commission reviewed the Final EIR together with all comments received during the public review period, the Project conditions and MMRP, and the Findings of Fact and Statement of Overriding Considerations and recommended certification of this same EIR before making a recommendation to the Board on the proposed Use Permit (U11-008) and Reclamation Plan (RP11-001); and

WHEREAS, the County Planning Commission recommended that the Board of Supervisors adopt the Findings set forth in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors having reviewed and considered the recommendation of the Planning Commission, has independently reviewed the Final EIR (EIR11-001), together with all comments received during the public review period, and hereby adopts the proposed FEIR pursuant to Sections 15088.5, 15090, 150091, 15092 and 15093 of the California Environmental Quality Act Guidelines and determines as follows:

1. That the proposed Environmental Impact Report reflects the independent judgment and analysis of the Board of Supervisors; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels;
2. The agency has eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under section 15091, and determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093;
3. The Board of Supervisors in its decision-making responsibility has balanced, as applicable, the economic, legal, social, technological, or other benefits, including region-wide benefits; such as regional reduction in VMT, Nevada County location of high quality aggregate to supply local roadway and construction sites, local employment both direct and indirect, Development Agreement commitments to improve safety risks along Stampede Meadow Road; of the proposed project and find that these other considerations outweigh the unavoidable adverse environmental effects, and the adverse environmental effects are considered acceptable;
4. That the Findings set forth in Exhibit A and incorporated by this reference are hereby adopted as the County's findings under the California Environmental Quality Act (CEQA), Public Resources Code Sections 2100, et seq., and the CEQA guidelines, Cal. Code Regs., Title 13, sec. 15000, et seq., relating to the Project. The findings provide the written analysis and conclusions of the Board regarding the Projects' environmental impacts, mitigation measures and alternatives to the Project.

5. The Mitigation Monitoring and Reporting Program for the Final EIR (MMRP) is contained in the Final EIR and is attached to this resolution as Exhibit B, incorporated by this reference. The MMRP identifies impacts of the project, corresponding mitigation, any reporting requirements, designation of responsible agency and timing/schedule for implementation. The Board hereby adopts the MMRP.

6. The Final EIR contains additions, clarifications, modifications and other information in its responses to the comments on the Draft EIR for the Project and also incorporates information obtained by the County since the Draft EIR was issued. This Board hereby finds and determines that such changes and additional information are not significant new information as the term is defined under the provisions of the CEQA, because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the proposed Project and do not reflect any substantial increase in the severity of any environmental impacts of the Project; and no feasible alternatives considerable different from those analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the proposed Project. Accordingly, this Board hereby finds and determines that recirculation of the Final EIR for further public review and comment is not warranted; and

7. The documents and materials constituting the record of the proceedings on which this decision is based are located and in the custody of the Nevada County Planning Department at 950 Maidu Avenue, Nevada City, California.

8. The Board of Supervisors does hereby make the foregoing findings with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting certification of the Final EIR, which full administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commenters to the Draft EIR and were not certified as part of the Final EIR are hereby expressly rejected for the reasons stated in the responses to the comments set forth in the Final EIR and elsewhere in the record.

9. The Final EIR and all findings contained herein represent the independent judgement of the County of Nevada; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby certifies the Boca Quarry Expansion Project Final Environmental Impact Report (EIR11-001, SCH No. 2012022024) for the Use Permit (U11-008) Reclamation Plan (RP11-001) and Development Agreement.

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to file a Notice of Determination pursuant to CEQA Guidelines Section 15094 within five working days after adoption of this resolution and approval of the proposed Project.