

# **APPENDIX A**

## *NOP and Comments*





**CITY OF GRASS VALLEY**  
**Community Development Department**  
Thomas Last, Community Development Director

125 East Main Street  
Grass Valley, CA 95945

**Building Division**  
530-274-4340  
**Planning Division**  
530-274-4330

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**A CENTENNIAL CITY**

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February 11, 2016

To: See Attached Agency List

Re: **Notice of Preparation for an Environmental Impact Report** for the Dorsey Marketplace Project

The City of Grass Valley will prepare an Environmental Impact Report (EIR) for the **Dorsey Marketplace Project** (proposed project, project) and is issuing this Notice of Preparation (NOP) pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines. The City is requesting input from the public and your agency on environmental issues associated with development of the proposed project. As a responsible or trustee agency, your agency may need to use this EIR when considering issuance of a permit or other discretionary approval for the proposed project. Comments received during this public comment period will be used to focus the environmental analysis in the EIR.

**Project Location and Description**

The 26.9 acres are located at the southeast freeway interchange of Dorsey Drive and State Route 20/49 (SR 20/40) (**Figure 1, Regional Location Map**). Specifically in the southeast quarter of Section 23, and northeast quarter of Section 26, Township 16 North, Range 8 East, M.D.M The property contains three (3) Assessor Parcel Numbers, 35-260-62, 63, and 64.

The proposed Project consists of the following applications:

- 1) General Plan Amendment to change the land use designation on 26.9 acres from Business Park to 21.2 acres of Commercial and 5.7 acres of Residential Urban High Density;
- 2) Rezone from Corporate Business Park to 21.2 acres of C-2 and 5.7 acres of R-3;
- 3) Development Review application to review the site plan and architecture for 181,900 square feet of commercial and retail uses and 90 multifamily residential units; and
- 4) Use Permit to allow three (3) drive-through restaurants.

The commercial area is proposed to include nine buildings with multiple tenants ranging in size from 3,000 to 92,000 square feet. There would be four major tenant spaces ranging from 20,000 to 48,000 sq. ft. in size. The residential area is proposed to include six residential structures that are two or three stories in height, a 3,200 square foot clubhouse, and a pool.

### **Comment Period**

The NOP comment period commences on **February 16, 2016**, and will end on **March 17, 2016**. When submitting comments, please be specific in describing your environmental concerns. In particular, if there are changes to the project or measures you believe the City should take that would reduce the environmental impact of the project or address issues of concern, please include them in your response to this NOP. Please also include contact information so that the City can follow up with questions regarding comments if necessary. Comments must be sent to:

Thomas Last  
Community Development Director  
City of Grass Valley  
125 E. Main Street  
Grass Valley, CA 95945  
[toml@cityofgrassvalley.com](mailto:toml@cityofgrassvalley.com)

### **Scoping Meeting**

Two scoping meetings will be conducted on **March 2, 2016**, in the City of Grass Valley City Council Chambers at the address shown above. **The meetings will be at 3:00 p.m. (primarily for agencies) and 6:00 p.m. (primarily for the public).** Two meetings are being held to provide the greatest opportunity for both agency staff and members of the public to attend/participate. The scoping meeting will provide public agencies and the public with the opportunity to learn more about the proposed project and to discuss environmental issues. The scoping meeting will include a presentation of the proposed project and a summary of the environmental issues to be analyzed in the EIR. Comments provided during the scoping meeting will assist the City in scoping the potential environmental effects of the project to be addressed by the EIR.

### **Probable Environmental Impacts of the Project**

The City has determined that the proposed project will require preparation of an EIR. As permitted by CEQA Section 15060(d), the City will not prepare an Initial Study. The EIR will evaluate all of the topics in the CEQA checklist. Based on experience with similar projects, the City anticipates the project may result in the following significant environmental impacts:

**Aesthetics:** Though the site did contain the former Springhill Mine operation and is a Brownfield site, much of the site is now covered with vegetation. The project will alter the present visual character and views of the property. The EIR will evaluate the change in character along with the light and glare issues associated with the project. The EIR will also consider whether the economic activity generated at the project site could adversely affect other businesses in the City to the extent that the project could lead to urban decay conditions.

**Air Quality:** The proposed project will result in additional traffic traveling to and from the project area. This will result in air emissions that could impact the environment. The EIR will evaluate both the construction and operational air quality impacts associated with the proposed project.

**Biological Resources:** The proposed project could impact biological resources. The site does not contain any wetland or creek resources, but could contain special status species or sensitive natural communities. The EIR will evaluate these potential resources.

**Cultural Resources:** A cultural resources evaluation will be prepared to determine if there are any archeological or historic resources onsite and the EIR will evaluate potential impacts on any identified cultural resources.

**Geology, Soils, Seismicity:** The EIR will identify geologic, soils, and seismic conditions in the project area and evaluate whether the proposed development could result in adverse environmental effects associated with these conditions. This will include consideration of the areas of grading, cut and fill amounts, slopes, road grades, retaining walls, and driveway grading.

**Greenhouse Gases:** Construction and operation of the project would generate greenhouse gas emissions. The EIR will estimate the proposed project's potential to generate greenhouse gases, including those associated with mobile sources, natural gas and electricity usage, water supply, wastewater conveyance and treatment, and solid waste disposal. The EIR will identify measures contained in the California Building Code as well as existing policies in the General Plan that may reduce the proposed project's impacts related to greenhouse gases, and evaluate the significance of the project's contribution to greenhouse gas emissions.

**Hazardous Materials:** A majority of this property previously contained the Springhill Mine operations. Portions of the project area are known to have contamination created from historic mining operations and the property owner has received approval of a Removal Action Plan from DTSC. The EIR will review the hazards associated with the past mining in the area and the potential serpentine rock (containing asbestos).

**Hydrology and Water Quality:** The EIR will address potential downstream storm drainage impacts on Caltrans and City facilities and analyze the proposed onsite storm water detention and water quality measures.

**Land Use:** The EIR will consider whether the project, which includes a General Plan amendment and rezone, could lead to any land use conflicts and incompatibilities or inconsistencies with General Plan policies adopted for the purpose of avoiding environmental impacts.

**Noise:** The project has the potential to expose the public (apartments, hospital, and elder care facilities in vicinity) to additional noise levels on a temporary and permanent basis. Increases in vehicle traffic and the addition of new residential and commercial uses may result in an increase in ambient noise near the project site and along transportation routes leading to the project site. The EIR will estimate noise impacts associated with the construction and operation of the proposed project.

**Population/Employment/Housing:** The EIR will evaluate the degree to which the project could alter population density and the jobs/housing balance and whether those changes could result in physical environmental effects.

**Public Services and Utilities:** The EIR will evaluate the impact on city services such as wastewater treatment and storm drainage. Water supply impacts will be evaluated with the Nevada Irrigation District. Impacts to educational and recreational facilities will also be evaluated.

**Transportation:** Traffic associated with the proposed project may result in impacts on area roadways, intersections, and transportation facilities. Improvements are planned for some of the area roadways, however the timing, extent of improvements and financing may be uncertain. The EIR will evaluate impacts to the transportation network resulting from construction and operational phases of the proposed project.

If you have any questions, please call me at the number listed above.

Sincerely,

Thomas Last  
Community Development Director

Figure 1, Regional Location Map  
[Agency Distribution List]

**DEPARTMENT OF TRANSPORTATION  
DISTRICT 3**

703 B STREET  
MARYSVILLE, CA 95901  
PHONE (530) 741-4199  
FAX (530) 741-4245  
TTY 711  
www.dot.ca.gov/dist3



Serious drought.  
Help save water!

GRASS VALLEY

MAR 17 2016

Community Dev. Dept.

March 17, 2016

Mr. Thomas Last  
Community Development Director  
City of Grass Valley  
125 E. Main Street  
Grass Valley, CA 95945

**Dorsey Marketplace Project**

Dear Mr. Thomas Last:

Thank you for including California Department of Transportation (Caltrans) in the environmental review process for Dorsey Marketplace Project. 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 proposed project is located on 26.9 acres at the southeast freeway interchange of Dorsey Drive and State Route (SR) 20/49. The commercial area is proposed to include nine buildings with multiple tenants ranging in size from 3,000 to 92,000 square feet (sq. ft.). There would be four major tenant spaces ranging from 20,000 to 48,000 sq. ft. in size. The residential area is proposed to include six residential structures that are two to three stories in height, a 3,200 sq. ft. clubhouse, and a pool. The following comments are based on the Notice of Preparation (NOP) received:

***Transportation & Circulation***

We note that the City of Grass Valley recognizes that the proposed project may result in impacts on area roadways, intersections, and transportation facilities. We also note that the Environmental Impact Report (EIR) will evaluate impacts to the transportation network resulting from construction and operational phases of the proposed project. However, this proposed project will generate more than 100 PM peak hour trips onto the State facilities, it will be necessary to adequately assess impacts on the State Highway System (SHS) through a Traffic Impact Study (TIS).

The analysis should include the following:

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

Mr. Thomas Last  
March 17, 2016  
Page 2

- Dorsey Drive/SR 20/SR 49 Interchange –
  - Evaluate the potential for queuing on the off ramps which could back up onto the mainline and create a potential for collisions
  - Analyze ramp intersection interactions
  - Consider impacts from the existing Springhill Garden Apartments driveway
  - Include evaluation of transit connections in the vicinity
  - Address bicycle and pedestrian needs along the project frontage
  - Evaluate all intersections, including ramp intersections for the most effective intersection control solutions, such as roundabouts, signalization, etc.

In addition to the Dorsey Drive Interchange, impacts to all nearby interchanges from Brunswick Road to the Empire Street/SR 20 interchange should also be analyzed.

#### *Hydraulics/Hydrology*

We note that the EIR will include a drainage study to address potential downstream storm drainage impacts on Caltrans and City facilities. Please provide a copy of the drainage study for our review to the address below:

*Office of Transportation Planning  
703 B Street  
Marysville, CA 95901*

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.


We would be pleased to meet with the City of Grass Valley and the project proponent to further discuss our concerns.

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](mailto:jennifer.jacobson@dot.ca.gov).



Mr. Thomas Last  
March 17, 2016  
Page 3

Sincerely,

  
SUSAN ZANCHI, Branch Chief  
Transportation Planning—North

c: Scott Morgan, State Clearinghouse

## FW: Dorsey Marketplace

Tom Last <toml@cityofgrassvalley.com>

Mon 3/21/2016 8:15 AM

To: Katherine Waugh <kwaugh@dudek.com>; Trisha Tillotson <trishat@cityofgrassvalley.com>;

1 attachments (15 KB)

Technical Memorandum.docx;

This is a little strange I think this includes different issues from the letter sent last week.

### **Thomas Last | Community Development Director**

City of Grass Valley | Community Development [Department](#) | [125 E. Main Street](#) | [Grass Valley, CA 95945](#)

Phone: (530) 274-4711 Email: [toml@cityofgrassvalley.com](mailto:toml@cityofgrassvalley.com) | Web: [\[www.cityofgrassvalley.com\]](http://www.cityofgrassvalley.com)

[www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)

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**From:** Earles, Marty B@DOT [<mailto:marty.earles@dot.ca.gov>]

**Sent:** Monday, March 21, 2016 8:02 AM

**To:** Tom Last

**Subject:** FW: Dorsey Marketplace

Mr. Last,

You will have received the email from Jennifer Jacobson, signed by Susan Zanchi of our Transportation Planning office.

In case the engineers performing the traffic impact study would like a bit more detail, attached is my memo:  
My main concerns are:

That we have an early consultation on trip distribution, so there are no arguments and possible costly rework later.

There is no need to study the freeway mainline volumes and merging/diverging flows on this corridor.

There is no need to study queuing at off-ramps except at the Dorsey interchange.

The generic statement "In addition to the Dorsey Drive interchange, impacts to all nearby interchanges from Brunswick Road to the Empire Street/SR 20 interchange should also be studied" is limited to ramp intersections only.

The comment letter is the official correspondence. I'm just trying to clarify a few points so no unnecessary work is done. I hope that's helpful.

**Martin Earles**

**Associate Transportation Engineer**

**530-741-5744**

**Caltrans / District 3 / Highway Operations**  
**703 B Street / Marysville, CA 95901**

## FW: Dorsey Marketplace Project environmental concerns

TL

Tom Last &lt;toml@cityofgrassvalley.com&gt;

Fri 3/18/2016, 11:25 AM

Katherine Waugh

Reply all |

**Thomas Last | Community Development Director**City of Grass Valley | Community Development [Department](#) | [125 E. Main Street](#) | [Grass Valley, CA 95945](#)Phone: (530) 274-4711 [Email: toml@cityofgrassvalley.com](#) | Web: [\[www.cityofgrassvalley.com\]](#)  
[www.cityofgrassvalley.com](#)

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**From:** Dodie Johnston [mailto:dodieinchina@yahoo.com]**Sent:** Wednesday, March 16, 2016 2:50 PM**To:** Tom Last**Subject:** Dorsey Marketplace Project environmental concerns

Dear Mr. Last: I am very sorry I was not able to attend previous meetings regarding the Dorsey Drive development. Please accept my written concerns about the project, below.

I must leave the specialized topics of hydrology geology, hazardous materials and biological resources to the experts as I have no training in these areas. What I do have is a strong sense of our community as a small rural one, happy with its identity, and not wishing to become just another cluster of houses surrounded by malls and parking lots.

First, please thank the developer for not naming it after the trees, habitat or landscape features that will be destroyed in the building of this shopping/business center (like Whispering Pines, Pine Creek, Quail Ridge, for instance). Bad enough that enough that these things will disappear without trying to soothe customers with faux-natural names. I beg the EIR report to also concern itself with the amount and type of vegetation surrounding and maybe even dotted throughout the development. For reasons of efficiency (less need for fancy fertilizers and watering systems) the landscaping should be native tress and plants, yes, even the much maligned manzanita. It doesn't catch fire on its own, you know, it's people who are the fire danger, not the vegetation. Could not some of the existing vegetation be spared, rather than re-planted? Ceaothus, Digger pines, manzanita, toyon, wild honeysuckle....many of our native plants have lovely little flowers in spring and berries in the fall and would harmonize with the local hillsides so much better than palm trees and showy bushes that would not adapt as well to our weather and elevation. Carol Singer, who specializes in native plants, could be consulted about planting and that move alone might provide a bridge to more community approval.

I realize the owner doesn't need community approval to build this, but wouldn't it be nice?

I also hope that big corporate signs and storefronts visually blasting their presence can be avoided. No neon, no searchlights, no trails of balloons, no billboards along 49 hyping the thrill of shopping here. I and many others breathe a sign of relief when we leave Auburn and the road become lined with ranches and farms only to rev up again at the outskirts of GV where we're greeted by K-Mart and the Pineless Creekless Center.

Visual impacts can be kept to a minimum by limited signage and light pollution. Let's be discrete...we'll know where it is and what it's selling. The only sign I'd like to see in the parking lot is one to urge owners of big trucks and SUV's to turn off their engines while in the lot...I'm more concerned with the air quality of all of us than the temperature in an owner's vehicle.

You get the idea: I'd ditch the whole project if I could, but since I can't, I'd like it to generate as little visual, auditory, light and air pollution as possible. Vehicular trips to the center to cruise the shelves of clothes and kitchen gadgets, or pick up some little trinket for a birthday party, or buy dinner at the drive-through will naturally increase the traffic everywhere, contribute to air pollution and to our garbage dump where construction waste and made-in-China stuff ends up sooner rather than later. Any way to reduce traffic? I support any attempts to do so.

I could have done this in outline form and it would have made it simpler for you to read, but writing narrative makes me feel better. The fact that our chamber of commerces and our newspaper is urging more and more commercial growth doesn't. I have asked a few friends to contribute comments, too...hopefully they did and will populate future meetings with their bodies and their voices. Dorene Johnston, 11099 Nugget Lane, Grass Valley, CA 273-3639

Reply all | Delete Junk |

## FW: Dorsey Marketplace Project

TL

Tom Last <toml@cityofgrassvalley.com>

Thu 3/31/2016, 10:39 AM

Katherine Waugh

Reply all |

### **Thomas Last | Community Development Director**

City of Grass Valley | Community Development Department | 125 E. Main Street | Grass Valley, CA 95945

Phone: (530) 274-4711 Email: [toml@cityofgrassvalley.com](mailto:toml@cityofgrassvalley.com) | Web: [www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)

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**From:** Dan Landon [mailto:[dlandon@nccn.net](mailto:dlandon@nccn.net)]

**Sent:** Thursday, March 31, 2016 10:29 AM

**To:** Tom Last

**Subject:** Dorsey Marketplace Project

Tom,

This email is a written response to the Notice of Preparation for an Environmental Impact Report for the Dorsey Marketplace Project.

The inclusion of a traffic study in the EIR to evaluate the impacts of the proposed project is what the Nevada County Transportation Commission will need.

With regard to The Nevada County Airport Land Use Commission, the project is in urban overlay portion of Compatibility Zone D. Therefore, airspace concerns would generally be regarding any objects with height greater than 100 feet above the runway elevation. The maximum density in the urban overlay portion of Zone D is 20 units per acre for residential use and no limit for other uses. A recorded overflight notice is required for projects in this zone and children's schools, hospitals, and nursing homes are discouraged.

Please feel free to contact me if you need any further information.

Daniel B Landon  
Executive Director  
Nevada County Transportation Commission  
Nevada County Airport Land Use Commission  
530-265-3202



HIGH SIERRA ELECTRONICS  
*environmental monitoring solutions*

April 7, 2016

Mr. Tom Last  
Community Development Director  
City of Grass Valley

GRASS VALLEY

APR 08 2016

Community Dev. Dept. ISO 9001:2000

155 Springhill Drive, Suite 106  
Grass Valley, California 95945  
530.273.2080  
Fax: 530.273.2089  
[www.highsierraelectronics.com](http://www.highsierraelectronics.com)

I am following up with our conversation from the Dorsey Marketplace meeting at the Event Center.

My concerns involve the traffic impacts upon Spring Hill Drive in the current business park. My wife and I are the owners of two condos at 155 Spring Hill Drive comprising of 13,500 sq. ft. Our two principle tenants are High Sierra Electronics, Inc., and Body Logic, a physical therapy clinic. High Sierra Electronics is a company that we own and has 35 employees. We have been in this location since August of 2004.

The EIR consultant's traffic study will certainly have much to say about Spring Hill drive. So, I may be redundant. They might also overlook the actual conditions that sometimes exist. So I want to make sure we have them out in front of all of us.

- 1) Many of the commercial spaces cannot handle the long tractor/trailers that deliver to the area. It is very common for drivers who know the area to stop in the uphill lanes to unload items for CED (electrical distributor). Ernie's Van and Storage will occasionally have long trucks parked on the street. On the other side of the coin, some drivers are unfamiliar with the complexes and pull in where they do not have enough room to maneuver. They are backing out onto a steep drive blocking traffic.
- 2) Due to the abrupt change from the flat Idaho Maryland Drive grade to the steep grade of Spring Hill Drive one can observe numerous gouges in the pavement on Idaho Maryland Drive due to the rear bumper dragging. This adds to some drivers not turning left onto Idaho Maryland even though they have the right of way.
- 3) Parking is sometimes a problem along Spring Hill Drive, as it adds to the general congestion. The Christmas season sees Fed Ex expanding the number of employees parking on the street. The auto repair business Eagle Automotive and JM Offroad park their customer's vehicles on the street. Businesses like Body Logic will have their employee's park on the street, leaving their assigned parking spaces for customer use.
- 4) The friction of the road way should be of some concern due to the steepness of Spring Hill Drive. Because of its southern exposure and lack of trees, significant snow accumulation has been rare.

My recommendations for mitigation of the impacts upon Spring Hill from the Dorsey Marketplace project include:

- 1) Some method of directing more traffic from the complex up to Dorsey Drive and away from Idaho Maryland Drive. One suggestion would be to force the occupants of the apartment buildings leaving via the lower exit to make a right turn only. This could be just a concrete barrier between the uphill and downhill lanes in the bottom part of Spring Hill in the vicinity of the lower exit. Additionally I propose that drivers coming up the hill on Spring Hill not be allowed to make a right turn into the apartment complex. This is very similar to the design where the Carl's Jr Restaurant exits onto Freeman Lane in Grass Valley. There, the prohibition for turning left is painted double-double lines. Some vehicles still turn left.

- 2) Improve the capacity of the Spring Hill – Idaho Maryland intersection. I suggest that the bottom of Spring Hill be made into 3 lanes – an uphill lane, a downhill turning right, and a downhill turning left. I have observed many drivers waiting for eastbound traffic on Idaho Maryland to be clear before turning left, when they could have used the merge lane in the center. Possibly Centennial Drive could be realigned through the Hap Warnke sawmill into a new intersection (traffic circle?) with wolf creek running underneath it.

Finally, I can live with the additional impacts of the Dorsey Marketplace that have no easy mitigation,



James Slouber  
V.P. High Sierra Electronics, Inc.  
155 Spring Hill Drive, Suite 106  
Grass Valley, CA 95945

[jslouber@highsierraelectronics.com](mailto:jslouber@highsierraelectronics.com)

Work: (530) 273-2080 x14

Home: (530) 273-6534

Cell: (530) 362-0033





Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

Notice of Preparation

February 18, 2016

**GRASS VALLEY**

**FEB 25 2016**

Community Dev. Dept.

To: Reviewing Agencies

Re: Dorsey Marketplace Project  
SCH# 2016022053

Attached for your review and comment is the Notice of Preparation (NOP) for the Dorsey Marketplace Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Thomas Last  
City of Grass Valley  
125 East Main Street  
Grass Valley, CA 95945

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2016022053  
**Project Title** Dorsey Marketplace Project  
**Lead Agency** Grass Valley, City of

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**Type** NOP Notice of Preparation  
**Description** The proposed project consists of the following applications:

- 1) General Plan Amendment to change the land use designation on 26.9 acres from Business Park to 21.2 acres of commercial and 5.7 acres of Residential Urban High Density;
  - 2) Rezone from Corporate Business Park to 21.2 acres of C-2 and 5.7 acres of R-3;
  - 3) Development Review application to review the site plan and architecture for 181,900 sf of commercial and retail uses and 90 multifamily residential units; and
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**Lead Agency Contact**

<b>Name</b>	Thomas Last	
<b>Agency</b>	City of Grass Valley	
<b>Phone</b>	(530) 274-4330	<b>Fax</b>
<b>email</b>	toml@cityofgrassvalley.com	
<b>Address</b>	125 East Main Street	
<b>City</b>	Grass Valley	<b>State</b> CA <b>Zip</b> 95945

---

**Project Location**

<b>County</b>	Nevada				
<b>City</b>	Grass Valley				
<b>Region</b>					
<b>Cross Streets</b>	Dorsey Drive				
<b>Lat / Long</b>					
<b>Parcel No.</b>	35-260-62,63, 64				
<b>Township</b>	16N	<b>Range</b>	8E	<b>Section</b>	23, 26
				<b>Base</b>	MDB&M

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**Proximity to:**

**Highways** SR 20/49  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

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**Project Issues** Aesthetic/Visual; Air Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Other Issues; Toxic/Hazardous; Water Quality; Landuse; Noise; Population/Housing Balance; Public Services; Traffic/Circulation

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**Reviewing Agencies** Resources Agency; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 2; Native American Heritage Commission; California Highway Patrol; Caltrans, District 3 N; Air Resources Board; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Sacramento)

**Document Details Report**  
**State Clearinghouse Data Base**

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**Date Received** 02/16/2016

**Start of Review** 02/17/2016

**End of Review** 03/17/2016

# **NOP Distribution List**

County: Nevada

SCH# 2016022053

## Resources Agency

- ☒ **Resources Agency**  
Nadell Gayou
- ☐ **Dept. of Boating & Waterways**  
Denise Peterson
- ☐ **California Coastal Commission**  
Elizabeth A. Fuchs
- ☐ **Colorado River Board**  
Lisa Johansen
- ☐ **Dept. of Conservation**  
Elizabeth Carpenter
- ☐ **California Energy Commission**  
Eric Knight
- ☒ **Cal Fire**  
Dan Foster
- ☐ **Central Valley Flood Protection Board**  
James Herota
- ☒ **Office of Historic Preservation**  
Ron Parsons
- ☒ **Dept of Parks & Recreation**  
Environmental Stewardship Section
- ☐ **California Department of Resources, Recycling & Recovery**  
Sue O'Leary
- ☐ **S.F. Bay Conservation & Dev't. Comm.**  
Steve McAdam
- ☒ **Dept. of Water Resources**  
Resources Agency  
Nadell Gayou

- ☐ **Fish & Wildlife Region 1E**  
Laurie Harnsberger
- ☒ **Fish & Wildlife Region 2**  
Jeff Drongesen
- ☐ **Fish & Wildlife Region 3**  
Craig Weightman
- ☐ **Fish & Wildlife Region 4**  
Julie Vance
- ☐ **Fish & Wildlife Region 5**  
Leslie Newton-Reed  
Habitat Conservation Program
- ☐ **Fish & Wildlife Region 6**  
Tiffany Ellis  
Habitat Conservation Program
- ☐ **Fish & Wildlife Region 6 I/M**  
Heidi Calvert  
Inyo/Mono, Habitat Conservation Program
- ☐ **Dept. of Fish & Wildlife M**  
Becky Ota  
Marine Region

## Other Departments

☐ **Public Agency**  
Scott Schuler  
Dept. of Fish & Wildlife  
Agency

☐ **Dept. of Conservation**  
Elizabeth Carpenter

☐ **Dept. of Parks & Recreation**  
Environmental Stewardship  
Section

☐ **Dept. of Water Resources**  
Resources Agency  
Nadell Gayou

☐ **Delta Protection Comm.**  
Michael Machado

☐ **Delta Protection Comm.**  
Michael Machado

☐ **Delta Protection Comm.**  
Michael Machado

☐ **Delta Protection Comm.**  
Michael Machado

- ☐ **OES (Office of Emergency Services)**  
Marcia Scully
- ☒ **Native American Heritage Comm.**  
Debbie Treadway
- ☐ **Public Utilities Commission**  
Supervisor
- ☐ **Santa Monica Bay Restoration**  
Guangyu Wang
- ☐ **State Lands Commission**  
Jennifer Deleong
- ☐ **Tahoe Regional Planning Agency (TRPA)**  
Cherry Jacques

## Cal State Transportation Agency CalSTA

- ☐ **Caltrans - Division of Aeronautics**  
Philip Crimmins
- ☐ **Caltrans - Planning**  
HQ LD-IGR  
Terri Pencovic
- ☒ **California Highway Patrol**  
John Ikeuchi

## Cal State Transportation Agency Projects

- ☐ **District 1**  
Maurice
- ☐ **District 2**  
Gonzalez
- ☐ **District 3**  
Ficks - South  
nchi - North
- ☐ **District 4**  
Maurice
- ☐ **District 5**  
Newland
- ☐ **District 6**  
Navarro
- ☐ **District 7**  
Watson

- ☐ **Caltrans, District 8**  
Mark Roberts
- ☐ **Caltrans, District 9**  
Gayle Rosander
- ☐ **Caltrans, District 10**  
Tom Dumas
- ☐ **Caltrans, District 11**  
Jacob Armstrong
- ☐ **Caltrans, District 12**  
Maureen El Harake

## Cal EPA

## Air Resources Board

- ☒ **All Other Projects**  
Cathi Slaminski
- ☐ **Transportation Projects**  
Nesamani Kalandiyur
- ☐ **Industrial/Energy Projects**  
Mike Tollstrup
- ☐ **State Water Resources Control Board**  
Regional Programs Unit  
Division of Financial Assistance
- ☒ **State Water Resources Control Board**  
Karen Larsen - Asst Deputy  
Division of Drinking Water
- ☐ **State Water Resources Control Board**  
Student Intern, 401 Water Quality  
Certification Unit  
Division of Water Quality
- ☒ **State Water Resources Control Board**  
Phil Crader  
Division of Water Rights
- ☐ **Dept. of Toxic Substances Control**  
CEQA Tracking Center
- ☐ **Department of Pesticide Regulation**  
CEQA Coordinator

## Regional Water Quality Control Board (RWQCB)

- ☐ **RWQCB 1**  
Cathleen Hudson  
North Coast Region (1)
- ☐ **RWQCB 2**  
Environmental Document  
Coordinator  
San Francisco Bay Region (2)
- ☐ **RWQCB 3**  
Central Coast Region (3)
- ☐ **RWQCB 4**  
Teresa Rodgers  
Los Angeles Region (4)
- ☒ **RWQCB 5S**  
Central Valley Region (5)
- ☐ **RWQCB 5F**  
Central Valley Region (5)  
Fresno Branch Office
- ☐ **RWQCB 5R**  
Central Valley Region (5)  
Redding Branch Office
- ☐ **RWQCB 6**  
Lahontan Region (6)
- ☐ **RWQCB 6V**  
Lahontan Region (6)  
Victorville Branch Office
- ☐ **RWQCB 7**  
Colorado River Basin Region (7)
- ☐ **RWQCB 8**  
Santa Ana Region (8)
- ☐ **RWQCB 9**  
San Diego Region (9)

- ☐ **Other** \_\_\_\_\_
- ☐ **Conservancy**

## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



February 29, 2016

GRASS VALLEY

MAR 3 2016

Community Dev. Dept.

Thomas Last  
City of Grass Valley  
125 East Main Street  
Grass Valley, CA 95945

RE: SCH#2016022053, Dorsey Marketplace Project, Nevada County

Dear Mr. Last:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation

monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. **Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. **Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. **Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

#### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.



4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: [sharaya.souza@nahc.ca.gov](mailto:sharaya.souza@nahc.ca.gov).

Sincerely,



Sharaya Souza  
Staff Services Analyst  
cc: State Clearinghouse



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

## GRASS VALLEY

10 March 2016

MAR 14 2016

Community Dev. Dept.

Thomas Last  
City of Grass Valley  
125 East Main Street  
Grass Valley, CA 95945

CERTIFIED MAIL  
91 7199 9991 7035 8364 4929

### **COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, DORSEY MARKETPLACE PROJECT, SCH# 2016022053, NEVADA COUNTY**

Pursuant to the State Clearinghouse's 18 February 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environment Impact Report* for the Dorsey Marketplace 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,

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

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

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml).

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](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](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

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<sup>1</sup> 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](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](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](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/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto: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](mailto: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](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](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

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



Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

**Wolf Creek Community Alliance**  
“Grass Valley – A Creek Runs Through It”

**GRASS VALLEY**

March 15, 2016

MAR 17 2016

Thomas Last  
Community Development Director  
City of Grass Valley  
125 E. Main Street  
Grass Valley, CA 95945  
[toml@cityofgrassvalley.com](mailto:toml@cityofgrassvalley.com)

Community Dev. Dept.

Re: Scoping Comments for proposed Dorsey Marketplace Project

Thank you for inviting us to provide scoping comments.

- **Hydrology and Water Quality.**

Reinforce the importance of analyzing the proposed onsite storm water retention and water quality measures. This project is just a few parcels from the Wolf Creek riparian corridor, and directly uphill. Please analyze baseline data for existing water quality conditions, and provide for an on-going water quality monitoring program to verify success of proposed measures. The goal should be to eliminate any negative impact from the project into the creek or riparian area. Do not allow storm drains from the project site to be extended to the creek.

Verify existence of natural springs (after all, this is “Spring Hill”!) and identify measures to protect and enhance them in the project.

Several storm drains and runoff channels from the freeway, especially around the new Dorsey interchange feed directly onto the property. They have already caused erosion and cutting into the soil. They also direct a large amount of “freeway trash” onto the property. Please identify the extent of these impacts and propose methods for correction. Ideally the water should be detained on Caltrans property before it is directed onto the adjacent property; if not, then a special detention basin and ongoing trash removal system will need to be developed.

- **Greenhouse Gases/Climate Change.**

Besides the subjects of concern mentioned in the NOP, please address the loss of carbon sequestration caused by the removal of any vegetation, and the effect this will have on climate change. As mentioned in the NOP, the proposed project will generate greenhouse gases and have measurable impacts on global climate change. Once these negative impacts are identified and quantified (including the life-cycle cost of the built environment), please propose mitigation measures that will at least



**Wolf Creek Community Alliance**  
**“Grass Valley – A Creek Runs Through It”**

offset them. Mitigation measures can include on- or off-site solutions, such as tree planting, habitat restoration, and deed-restrictive development restrictions. Of course the City's best interests will be served if these mitigations are achieved on nearby properties in the City limits, and are designed to further the City's stated Goals and Objectives regarding open space, greenways, etc.

- **Biological Resources.**

The existing trees and other vegetation on this hilltop are an important visual community resource. Please identify how the project will improve and enhance this resource, and/or mitigate if any loss. In addition to the ponderosa and blue pine stands, there are several stands of McNab Cypress, a relatively rare and valuable species that exists in only a few spots within the City limits.

We understand the importance of cleaning up Brownfield sites caused by previous misuse; but the natural process of revegetation has already done significant reclamation of the site, adding soil and performing bioremediation of toxins. Please quantify how the proposed project will enhance the cleanup that has already occurred, and not set us back 60 years to “square one”. Please identify how this project site, at the end of its 60 to 100 year expected life, will be healthier than it is today.

- **Transportation.**

Besides the subjects of concern mentioned in the NOP, please address the impacts that this project will have on the City's stated Goals and Objectives regarding walking and bicycle trails. Please specify how this project will tie into and enhance non-vehicular traffic planning, specifically the Wolf Creek Parkway and the county-wide system of trails being implemented by the Bear Yuba Land Trust and others.

Again, many thanks for the opportunity to comment on this project.



Jonathan Keehn

For the Board of Directors  
Wolf Creek Community Alliance

## Tom Last

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**From:** calhounclan@yahoo.com  
**Sent:** Thursday, March 17, 2016 12:41 PM  
**To:** Tom Last  
**Subject:** Scoping Comments Dorsey Interchange

Thomas Last  
Community Development Director  
City of Grass Valley  
125 E. Main Street  
Grass Valley, CA 95945  
[toml@cityofgrassvalley.com](mailto:toml@cityofgrassvalley.com)

### Land Use Planning

New Urban Design favors infill in already established towns and villages. How does proposed development at Dorsey Drive fit into the expressed desire to promote thriving downtowns in Grass Valley and Nevada City. Many "for sale" signs are already appearing in our lovely historic downtowns. Throughout the US unfortunate planning decisions have turned unique towns into "anywhere USA". What will be the economic effect on our existing quaint and attractive community, including tourism as well as the effect on small independent family owned innovative businesses.

Will this development proposal provide space for innovation? Will it be yet another minimum wage punch the clock dulling down proposition. Traveling across the US there are many examples of box stores and fast food joints having killed the historic downtown. It is important that this phenomenon and its effects be studied and included in decision making on this proposal. Economic, environmental, social, and cultural effects.

Joy Waite.  
Grass Valley

**DEPARTMENT OF TRANSPORTATION  
DISTRICT 3**

703 B STREET  
MARYSVILLE, CA 95901  
PHONE (530) 741-4199  
FAX (530) 741-4245  
TTY 711  
www.dot.ca.gov/dist3



Serious drought.  
Help save water!

GRASS VALLEY

MAR 17 2016

Community Dev. Dept.

March 17, 2016

Mr. Thomas Last  
Community Development Director  
City of Grass Valley  
125 E. Main Street  
Grass Valley, CA 95945

**Dorsey Marketplace Project**

Dear Mr. Thomas Last:

Thank you for including California Department of Transportation (Caltrans) in the environmental review process for Dorsey Marketplace Project. 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 proposed project is located on 26.9 acres at the southeast freeway interchange of Dorsey Drive and State Route (SR) 20/49. The commercial area is proposed to include nine buildings with multiple tenants ranging in size from 3,000 to 92,000 square feet (sq. ft.). There would be four major tenant spaces ranging from 20,000 to 48,000 sq. ft. in size. The residential area is proposed to include six residential structures that are two to three stories in height, a 3,200 sq. ft. clubhouse, and a pool. The following comments are based on the Notice of Preparation (NOP) received:

***Transportation & Circulation***

We note that the City of Grass Valley recognizes that the proposed project may result in impacts on area roadways, intersections, and transportation facilities. We also note that the Environmental Impact Report (EIR) will evaluate impacts to the transportation network resulting from construction and operational phases of the proposed project. However, this proposed project will generate more than 100 PM peak hour trips onto the State facilities, it will be necessary to adequately assess impacts on the State Highway System (SHS) through a Traffic Impact Study (TIS).

The analysis should include the following:

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

Mr. Thomas Last  
March 17, 2016  
Page 2

- Dorsey Drive/SR 20/SR 49 Interchange –
  - Evaluate the potential for queuing on the off ramps which could back up onto the mainline and create a potential for collisions
  - Analyze ramp intersection interactions
  - Consider impacts from the existing Springhill Garden Apartments driveway
  - Include evaluation of transit connections in the vicinity
  - Address bicycle and pedestrian needs along the project frontage
  - Evaluate all intersections, including ramp intersections for the most effective intersection control solutions, such as roundabouts, signalization, etc.

In addition to the Dorsey Drive Interchange, impacts to all nearby interchanges from Brunswick Road to the Empire Street/SR 20 interchange should also be analyzed.

#### ***Hydraulics/Hydrology***

We note that the EIR will include a drainage study to address potential downstream storm drainage impacts on Caltrans and City facilities. Please provide a copy of the drainage study for our review to the address below:

***Office of Transportation Planning  
703 B Street  
Marysville, CA 95901***


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.

We would be pleased to meet with the City of Grass Valley and the project proponent to further discuss our concerns.

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](mailto:jennifer.jacobson@dot.ca.gov).

Mr. Thomas Last  
March 17, 2016  
Page 3

Sincerely,

  
SUSAN ZANCHI, Branch Chief  
Transportation Planning—North

c: Scott Morgan, State Clearinghouse

## FW: Dorsey Drive Development

TL

Tom Last &lt;toml@cityofgrassvalley.com&gt;

Fri 3/18/2016, 11:25 AM

Katherine Waugh

Reply all |

You forwarded this message on 3/18/2016 1:10 PM

Thomas Last | Community Development Director

City of Grass Valley | Community Development Department | 125 E. Main Street | Grass Valley, CA 95945

Phone: (530) 274-4711 Email: toml@cityofgrassvalley.com | Web: [www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)

-----Original Message-----

From: Shera Banbury [<mailto:shera3@comcast.net>]

Sent: Wednesday, March 16, 2016 3:41 PM

To: Tom Last

Cc: Larry Lund; Mike Murray; Yasemin Hellige; Joann Cartocelli

Subject: Dorsey Drive Development

Dear Tom,

I just found out how to send you a communication. I'm sure that I speak for many others who live near Dorsey Drive, East Main, and Sierra College Drive. I see that tomorrow, March 17th, is the last day for input.

Our homes have been inundated with traffic since the Dorsey Dr. exit off of Hwy 49 was completed. It is more than ten times worse than we thought it would be. Anyone who is around at noon or 5 p.m. can see the weekday daily congestion. There is a crazy 2-lanes that turns to one, competitive jams when people try to get into Golden Empire and turn onto 49, a foolish exit off of 49 coming from Nevada City that puts people in harms way trying to change lanes, a pile up in front of the shopping area and hospital streets, not enough lanes at the stoplight...and that's just on that side of Main Street.

Coming from BriarPatch, doctors offices, Sierra College, and CORR, there is almost always a line of cars that has to cross over the yellow line to turn. The traffic circle (that was there before the Dorsey exit) seems to be the only thing functioning well given the onslaught of traffic.

In front of our very nice housing area, The Highlands, on Main Street. We take our lives into our hands driving out into Main St. Other people pull out at the same time from the businesses on either side quite often, and none of us can see the fast traffic coming over the hill in time to react. Turning left is almost impossible and some are resorting to turning right (when we want to go left) even though it's hard to do that as well.

We see people walking from the College to Brunswick stores without proper sidewalks. When people cross Main St. and Hwy 49 there is no safe passage. I've seen several people almost hit, and I know of one

pedestrian that was hit by a turning car.

Okay... so that's the impact of poor planning.

So now we are faced with the new plan for Development of yet another shopping mall on the other side of 49 off of Dorsey. Many of the people who live in the housing area there are in jeopardy. They are generally people of low income and many are disabled. Generally, I see people walking at almost any time of the day in this area as well as in my area. I have heard of no plans to accommodate them and make them safe as they go to the stores and appointments.

That is a major concern I have. What is the safest possible pedestrian plan?

Other than that, I have to say that big stores, especially franchises, will overload this area with traffic. Take a look at Roseville and what has happened near Sierra College Drive. They have a lot more land, and are further away from housing developments.

I don't see any news about beautification and supporting the local people in the papers. (By the way, drainage is a major issue for The Highlands development, so I'm sure it will be for the plan you are reviewing. That's also one of the issues that Wolf Creek Choosing ran into.

I can be reached at 530-277-9390 if you'd like to talk further.

Thank you for addressing my concerns,  
Shera Banbury  
The Highlands HOA  
199 Highlands Court  
Grass Valley, CA 95945

