



Sierra Nevada Group

(Mother Lode Chapter)

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Dear Planning Commission,

The Sierra Nevada Group of the Sierra Club Mother Lode Chapter appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Idaho-Maryland Mine Project. Our organization has 1,385 members in Western Nevada County, Sierra County and portions of Yuba and Sutter County. There are 148 members living in the City of Grass Valley and another 352 members living within the Planning Area for the City.

We learned at a recent meeting with IMMC officials that they will also be submitting public comments on this DEIR. Therefore, we request that the comment period be reopened to allow us to take this additional information into account.

General Comments

In general, the areas considered for analysis appear to be adequate. However, the discussions and conclusions of each of these areas are deficient in the following ways:

- 1) There is little or no quantification as to what constitutes a significant impact for this project. Certain impacts are considered less than significant, without showing what threshold of significant impact was not reached. In certain cases, there may be significant impacts to a certain class of people (residents in the vicinity of the mine, commuters using impacted routes, citizens already with health risks, nearby visitors, loss of public park space in the vicinity of the mine, children in schools along the truck route, etc.) while overall impacts may seem insignificant. No mitigation is suggested in these cases.
- 2) Mitigations of significant impacts sometimes include phrases such as “where feasible” or “where practical” or “where possible,” without documenting to what extent or whether it would completely mitigate the problem. [1]
- 3) Mitigations of significant impacts sometimes call for plans to be developed such as the Mineral Management and Reclamation Plan, Landscape Plans, Offsite Air Emission Reduction Plan, Dust Control Plan, Hazardous Substance Control and Emergency Response Plan, Health and Safety

Plan and Worker Environmental Awareness Plan. Until those plans are produced, there is no guarantee that the plan will actually mitigate the particular impact. [2]

- 4) The Mineral Management and Reclamation Plan in this document is only addressed by saying it must be approved by the California Department of Conservation, Mining, and Geology Board. Section 2.9.1 refers to general concepts to be included in Reclamation along with figure 2-11 as illustration, but no specific details are included. This is a key document that must be included in the DEIR.
- 5) Mitigations of significant impacts sometimes call for monitoring to be performed by the applicant to ensure compliance with federal and state laws, county regulations, and mitigation conditions. It is not always clear what penalties will be assessed for non-performance. Is “red tagging” to stop the project an option? More controls must be instituted up front to ensure that the problem proposed for monitoring does not occur.
- 6) Surveys are proposed for biological resources prior to construction. These must be required before the project is approved. Under California Environmental Quality Act (CEQA) Guidelines section 15065, a project can have significant impacts regardless of whether the affected resource is rare or endangered. Specifically, section 15065 provides for a mandatory finding of significance where the project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels” Without complete surveys this cannot be determined.

The DEIR also fails to mention recognized Significant Impacts as noted in the City of Grass Valley General Plan:

- 1) Emissions of non-attainment air pollutants will increase
- 2) Overall road network will increase strain on emergency services
- 3) Increase of traffic at build out of 2020 plan
- 4) Build out of plan will strain facilities for movement of goods
- 5) Growth and development will increase pressure to develop open space.

The City of Grass Valley General Plan also noted these potential impacts

- 1) Local water distribution system will be strained and create demand for expanded services/facilities
- 2) Physical improvements to infrastructure and roadways will conflict with adjacent land uses
- 3) Wildland fire hazard will increase
- 4) Exposure to naturally occurring asbestos in soil will increase.

These are all current impacts to be considered in addition to any impacts that might be caused by the Idaho-Maryland mine project.

Specific Comments

The Sierra Club's members and supporters are more than 1.3 million of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The Club is America's oldest, largest and most influential grassroots environmental organization. Therefore most of our specific comments address deficiencies in Section 4 of the DEIR, Environmental Analysis.

4.1 Aesthetics

Less than Significant Impacts

This section is deficient because it does not adequately address the following:

- “Existing trees bordering the Idaho-Maryland site would be retained to the extent feasible.” (page 4.1-27). This must be determined in a landscape plan prior to permitting, rather than “landscape plans submitted for review and approved by the City of Grass Valley prior to construction.” Mitigation measure (page 4.1-4a ES-10).
- The visual impacts to existing housing as well as future housing on medium to high density parcels adjacent to the mine must be considered.
- The project would operate 24/7 requiring lighting for the entire time. This impacts the night sky, even if the lights are directed downward. (page 4.1-40).
- “IMMC would reduce or eliminate the potential for adverse effects from glare generated by the project by treating surfaces with non-reflecting treatments as feasible.” This provides no guarantee that anything will be done. (page ES-9)

Less than Significant Impacts With Mitigation

This section is deficient because it does not adequately address the following:

- 1,180 trees are estimated to be removed. Mitigation would only replant 335 trees, which will take decades to grow to the height of the current trees. Planting these trees does not “reduce the visual intrusion during construction.” (page 4.1.31)
- “Construction areas would be sited, where feasible, to take advantage of natural staging opportunities.” (page ES-9) We request that this sentence be restated more strongly. It should read “construction areas shall be sited to take advantage of natural staging opportunities.”
- “Removal of 36 Ponderosa Pines from the Round Hole site could result in a potentially significant conflict with the Whispering Pines Specific Plan. This impact would be mitigated by requiring the applicant to replace any removed trees.” (page ES-10). Nothing is specified as to size, species or location of these trees.

4.2 Air Quality

Less than Significant Impacts

This section is deficient because it determined the project would have less than significant impacts from localized carbon monoxide emissions at intersections and roadways in the project vicinity. (page 4.2-28). However, it did not analyze the impacts at intersections in downtown Grass Valley, where diesel fumes would accumulate from the truck traffic waiting at new traffic signals and existing stop signs. This is also true of odorous emissions. “Since trucks would pass by the nearest receptors without stopping, and would not idle their engines nearby, the exhaust emissions and associated odors would disperse before affecting a substantial number of people.” (page 4.2-28) This DEIR ignores that the haul route passes by Hennessey Elementary School, a sensitive receptor. The haul route also passes through downtown Grass Valley where there are nursing and retirement homes, also sensitive receptors.

Less than Significant Impacts With Mitigation

This section is deficient because:

- A Dust Control Plan is not required until “prior to construction.” There is no guarantee that this plan will reduce air quality emissions to an insignificant level. This plan must be available to the City and the public prior to permitting the project.
- The same requirement must apply to the Asbestos Dust Mitigation Plan and the Offsite Air Emission Reduction Plan, even though the Northern Sierra Air Quality Management District (NSAQMD) does not have a current Offsite program in place, an attempt must be made to quantify reductions from mitigations.
- All costs must be quantified associated with stated cancer risks (page 4.2-27) to fairly compare the fiscal impacts of this project compared to the No Action alternative (Appendix G). This is also true of other health risks such as asthma. A survey also must be done to determine potential

lost city income from property taxes due to citizens leaving or not coming to the area due to degraded air quality.

- Table 4.2.7 on page 4.2.29 estimates carbon monoxide levels at intersections only in the vicinity of the project. However, about 10 trucks per hour, 24 hours per day, will be traveling both north and southbound out of the project site. The lack of addressing the effects of truck traffic outside of the project site is a significant omission. These effects will be listed in our comments on Transportation and Traffic.

Significant after Mitigation

- This section is deficient (page 4.2-32) because it does not quantify the impacts due to the increased greenhouse gas emissions of the project. It also recommends but does not require replanting all trees removed by the project. Previous mitigation only plans to replant one third of the trees.
- Cumulative impacts did not consider the projected growth of population in Grass Valley, which will add air quality impacts to those of the mine. (page 4.2-33).
- To suggest that a cleaner future mix of vehicles will offset these additional emissions does not mitigate the air quality problems that will exist until and if that happens. (page 4.2-33).
- The amount of greenhouse gases the project will generate in its lifetime far exceeds the limits of 25 metric tons per year by three and four times. The amounts by which the project conflicts with State goals in AB32 are significant and shocking. A total of 740,000 metric tons over the project lifetime when the standards would suggest 500,000 must not be ignored.
- Odors associated with diesel fuel-operated southbound trucks are not measured. The downtown business area of Grass Valley is located in a valley. The trucks will stop at intersections with a current level of service – D (LOS D), the lowest acceptable delay without mitigation, so they will idle. However, no attempt has been made to address this aspect of air quality. This is an inadequacy of the DEIR.

4.3 Biological resources

Less than Significant Impacts With Mitigation

This section is deficient because:

- Wetland mitigation measure 4.3-1a uses terms like “to the greatest extent practicable,” and “where feasible,” and “minimize disturbance.” The DEIR proposes to develop a “wetlands mitigation and monitoring plan.” (page 4.3-38) This plan must be in place prior to permitting so the city can guarantee that no net loss to wetlands will occur.
- All wildlife surveys must be conducted prior to any permitting. This is standard policy when approving any land development within the county. These surveys and the appropriate protocol must be followed including conducting surveys in all appropriate seasons.
- Payment in lieu of planting must be accompanied by a plan defining where equivalent planting will occur.

4.6 Hazards and Hazardous Materials. Significance Criteria.

According to CEQA Guidelines Appendix G, the proposed project would result in a significant hazard or hazardous materials impact if it would:

- “Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

The DEIR neglects to analyze the above possibilities as the trucks carrying hazardous materials northbound on SR 49, a heavily traveled road from Auburn to the Golden Center Freeway, and past Hennessy School. That stretch of SR 49 is already dangerous and produces numerous fatal car accidents even before this project adds up to 10 trucks per hour 24 hours per day, 7 days/week. If we add employee travel and various business vehicles the total is 60 vehicles per hour. This is a deficiency in the DEIR. Instead the DEIR states on page 4.6-12, "Therefore there would be no impacts related to the project's proximity to a school . . . As such, these impacts will not be addressed further in the EIR."

Mitigation Measure 4.6-1b Hazardous Substance Control and Emergency Response Plan.

Once again this mitigation pertains only to the on-site use and storage of hazardous materials. It does not address the transporting of hazardous materials or emergency measures in the event of an accident involving a truck on the north and southbound roads that are in the haul route. This is a deficiency in the DEIR. Both SR 49 and SR 20 have long stretches of two lanes, and are very busy. Even now there are fatal accidents on them.

Further, on SR 49 coming into Grass Valley, there are several trailer parks where a high concentration of elderly people reside, another location of sensitive receptors. Therefore, this is an inadequacy in the DEIR.

Less than Significant Impacts

This section is deficient because it assumes that extensive regulatory oversight means that no additional mitigations are required for the transport, use or disposal of hazardous materials and potential impacts would be less than significant. Given such incidents as the Exxon-Valdez and the TVA coal sludge spill, it must be assumed that accidents happen even with regulations in place. Training of workers may be inadequate. Independent truckers may not follow project standards. The DEIR must evaluate the potential risk and costs for this project, which can then be compared to the No Action alternative.

The regional impacts extend far beyond the immediate Grass Valley area. These impacts are not addressed.

Less than Significant Impacts With Mitigation

This section is deficient because:

- Various plans must be available prior to permitting – Hazardous Substance Control and Emergency Response Plan, Health and Safety Plan, Worker Environmental Awareness Program, and Business Plan (material safety sheets).
- A coordinated fire plan must be available prior to permitting.

4.7 Hydrology and Water Quality

Another missing piece is review of the water pipeline. In a letter dated October 12, 2007 from Nevada Irrigation District (NID) in the Appendix Book 1 of 2, NID stated that if the IMMC says that they will use NID water as a mitigation for the possible dewatering of wells, they must perform a study of the relevant water pipelines. This study is missing. This is a deficiency in the DEIR.

No Impact

This section is deficient because it does not show that recycling of extracted water during dewatering will have no impact. Just stating this is not proof of no impact.

Less than Significant Impacts

This section is deficient because:

- “Release of contaminants and sediments associated with the construction activities could lead to a temporary adverse effect on water quality in Wolf Creek.” (page 4.7-23) The Storm Water Pollution Prevention Plan has not been prepared prior to permitting. To prevent these problems, Best Management Practices (BMPs) “could include silt fences..., existing vegetation would be retained where possible, areas would be revegetated as practicable.” There is no guarantee this will happen. What are the costs if not implemented?
- Reporting and monitoring does not specify by whom, how often, and what happens if standards are exceeded. (page 4.7-24)

Less than Significant Impacts With Mitigation

This section is deficient because

- The design of the wastewater treatment plant for liquid waste from the gold mill process must be done prior to permitting (Mitigation measure 4.7-2). Other construction activities including the ceramics plant could be completed before finding out that the waste treatment plant will not meet requirements.
- The mitigation measures (page 4.7-37) associated with the potential well dewatering are not sufficient because they have not monitored enough of the surrounding wells. They also do not require restitution of water to the well owner in an adequate length of time, and don’t consider all of the permitting time restraints.
- Mitigation measure 4.7-5 requires the applicant to monitor periods of high flow. Who will monitor the applicant? Will periods of low flow also be monitored?

4.8 Land Use and Planning

There is no discussion in this section of the impact to the General Plan goals of the proposed Land Use changes of this project. The General Plan Land Use Map has identified some of these parcels for a Business Park (56.41 acres) and some as urban medium density housing (45.31 acres). The DEIR states that this area is within 1.5 miles of downtown Grass Valley and part of future infill.

If the business park, which is currently in the General Plan, were to be built out, it is projected to provide 800 employees. If the ceramics factory does not come to be, then the 400 promised jobs will go down to 200. Even if the original estimate of 400 jobs remains, it is still less than if the City were to continue with its original General Plan for the Business Park where the mine expects to be located.

Appendix H addresses some of the issues that are involved in the change of this zoning to a Manufacturing-Industrial area. It estimates that 272 housing units currently zoned Urban Medium Density (UMD) would be lost due this change, assuming that 6 units per acre would be built. The actual zoning allows up to 8 units per acre or 360 units. Also, the Business Park designation allows up to 4 units per acre for a potential of 224 more units. In addition surrounding Business Park areas and other UMD areas could result in another 534 housing units not being built because of proximity to the mine. Finally, the County proposed that 4 of these adjacent UMD parcels be zoned Urban High Density to comply with Regional Housing Need Planning for an additional 344 units potentially being lost because of the mine. All of these units could benefit from the nearby Business Park.

The point is that the City of Grass Valley General Plan identified this area as infill to meet its future urban growth needs to remain the economic hub of Nevada County. The DEIR is deficient in failing to analyze the environmental impacts of resultant sprawl in the County, of definite housing loss from rezoning the mine parcels, and the potential loss of housing in adjoining areas,

There is no discussion in the DEIR of possible lowered property values due to negative impact of the project on the quality of life in Grass Valley and consequent reduction of tax revenue.

Less than Significant Impacts With Mitigation

This section is deficient because:

- No survey is presented to determine if a historical display/park is an adequate replacement for the planned Neighborhood/Pocket Park. Compensation for a park at another location does not provide this area's population with equivalent facilities.
- It has been mentioned earlier that the proposed replacement trees at the Round Hole area will not mitigate the impact to the wooded atmosphere of the site for many years (page 4.8-26).

4.9 Noise

Less than Significant Impacts With Mitigation

This section is deficient because:

- It did not consider the noise impact of trucks to tourist related activities in downtown Grass Valley, the Hennessey Elementary School and the new Holiday Inn.
- There are issues of noise on the route the trucks would be taking. There are stop signs and traffic signals along their route, which are already rated at a LOS D, so they will idle. If they were traveling only through rural, deserted roads, it might be of less significance, but they will be traveling through a city with thousands of residents. This issue is not addressed in the DEIR and is another deficiency.
- The southbound route on SR 49 from Idaho Maryland is a steep incline, which will require the trucks to use their brakes when they are fully loaded with rock. The impact of this noise on the guests at the Holiday Express Hotel, as well as on the elementary school children at Hennessy School needs to be addressed.
- Northbound on SR 49 there is a significant incline so the noise as the diesel engines labor to haul their loads of explosive materials and sodium cyanide up to the mine site will be loud.

4.10 Population and Housing

The DEIR fails to analyze the impacts on very low- and low-income housing requirements that may occur with the requested rezoning of parcels associated with the mine. It also fails to analyze the effect on very low- and low-income housing of adjacent parcels that might not be built as medium or high density because of mining environmental impacts. The air quality impact is considered significant.

- Both Nevada County and the City of Grass Valley are required to meet their fair share of very low- and low-income housing requirements assigned by the Regional Housing Needs Allocation Plan (RHNA).
 - Because of sewer requirements, Nevada County cannot meet its very low- and low-income housing needs (1,183 units in 2007-2014) unless the City of Grass Valley annexes lands and designates them for medium and high density housing. The rezoning of parcels for mining and the proximity of other urban parcels would restrict this opportunity.
 - Page III-5 of Table III-2 of the City of Grass Valley Housing Element shows the vacant land permitting residential uses in the 5-year Sphere of Influence. Only two parcels are shown as zoned for very low-income housing. Thus, the City of Grass Valley may not be able to identify enough very low- and low-income housing for its 2007-2014 RHNP allocation of 380 units without the availability of the parcels associated or adjacent to the Idaho-Maryland mine site.
Note: it would only be speculation as to whether the proposed SDAs, if approved, will be providing any very low-or low-income housing.
- Page 4.10.7 of the DEIR indicates that 118 employees would be relocating to Grass Valley. The upper income limit for low-income families based on the latest State Income Limits for 2008 (February 28, 2008 Memorandum Division of Housing Policy Development) is \$55,350 for Nevada County. Without salary data being provided we cannot determine whether the mine project is inducing a

demand for additional very-low and low-income housing that cannot be met.

4.11 Public Services

Less than Significant Impacts With Mitigation

This section is deficient because it doesn't assess the risk and cost to the community of having hazardous materials and explosives on site. An act of vandalism or terrorism using those materials could result in significant damage to the environment or the community.

4.12 Recreation

Less than Significant Impacts With Mitigation

This section is deficient because:

- It has not sufficiently analyzed the truck traffic impact on the Wolf Creek Parkway. Is a 100-foot setback sufficient to buffer diesel fumes, particulate matter and engine noise from people who are there for recreation?
- Nevada County Transportation Commission's Bikeways Plan, June 2007 proposed a bikeway along Idaho Maryland Road. There is no mention of this proposed bikeway in the Recreation Section of the DEIR. How would the truck traffic affect the bikeway and what would the diesel fumes and road dust do to the would-be bicyclists? This is missing in the DEIR and is another deficiency.

4.13 Transportation and Traffic

The DEIR only addresses roadway wear on Idaho-Maryland road. There are many other roads that will be affected by the heavy truckloads. Roadway wear and mitigation on those roads also must be addressed.

Less than Significant Impacts With Mitigation

This section is deficient because:

- It fails to provide an analysis of disposal of waste rock if the ceramics plant is not built or does not succeed as an enterprise. Additional truck trips will have to travel either to Reno or Marysville to hazardous or toxic waste dumps.
- It fails to provide a Traffic Management Plan.
- It fails to analyze road impacts beyond the immediate area and on county and state highways.
- It fails to provide new traffic controls until Phase III of the project.
- It fails to analyze impact of engine noise on SR 49 as the trucks labor up the incline through Grass Valley.
- It fails to model the number of increased accidents on both SR 49 from Auburn to the Golden Center Freeway and SR 20 from Nevada City toward Marysville and toward Interstate 80.
- It fails to provide a hazardous spill plan in the event of an accident on SR 49 and SR 20 during their two-lane road sections, which are many miles long and pass through residential areas.

4.14 Utilities and Services Systems

Less than Significant Impacts

This section is deficient because:

- It fails to quantify the reduced number of Equivalent Dwelling Units (EDUs) available for new housing units

4.15 Energy

Less than Significant Impacts With Mitigation

This section is deficient because:

- All Mitigation measures that require the applicant to develop an Energy Conservation Plan and/or a Greenhouse Gas Reduction Plan before the issuance of building permits must require the plans to be developed and approved before any permits are granted.

8.2.3 Mitigation Compliance Responsibility

- Who has the specific responsibility to monitor compliance to protect the health and quality of life of the people living in or visiting Grass Valley and Nevada County? We would expect the prudent answer to be the elected officials of the City and County. Where are the designation, assignment and delineation of responsibility to monitor this very paramount health risk? A health risk will adversely affect the elderly (half of Grass Valley residents are over 65 years old.) The County population is over 50% retired. All of these citizens are at a higher health risk particularly affecting the lungs. Over the life of the project, newborn babies will come in to an un-healthy atmosphere, that is, if all of the childbearing adults have not fled to a healthier climate.
- We are concerned that there is no one on staff with the expertise to monitor the project for compliance with the Surface Mining and Reclamation Act (SMARA) on behalf of the lead agency (the City of Grass Valley.) There are so many references in the DEIR that this or that will be monitored that it sounds as if it would be a job for more than one employee.
- This is not a simple situation. It appears that even Nevada County (a larger entity than the City of Grass Valley) is out of compliance with the Surface Mining and Reclamation Act (SMARA) and may lose its status as a “lead agency.” If so, the responsibility then has to revert to the State. Therefore, this is an issue to take seriously and to address in the DEIR.

5.1. Comparison of Alternatives

The DEIR is deficient in not offering an alternative that includes the mine, but does not include the ceramics plant. This appears to be a possible scenario, either by its location elsewhere, or if it does not succeed as an operation. Though this is not a preferred alternative by the applicant, it would enable the City of Grass Valley and the public to ascertain the impacts or risks involved if that were to happen.

It should be noted that the No Project Alternative has less environmental impact than the Environmentally Superior Alternative and also any of the other alternatives. The DEIR is deficient by not clearly showing why the proposed project alternative is preferred to the No Action Alternative, and in particular, neglects to discuss the impact of the high volume of truck traffic on a 24/7 basis.

Appendix H. Idaho-Maryland Mine Economic and Fiscal Analysis

Appendix H contains an analysis of the proposed project compared to the No Action Alternative. Though strictly not part of the environmental analysis, it does provide insight as to whether the significant impacts and less than significant impacts are worth any proposed benefit to the City of Grass Valley.

One item in particular is worth noting. During the years 2012-2029, there is an estimated \$42,000,000 a year in local sales revenues from the sale of tiles in the City of Grass Valley (Table A-6). This is based on the production of 1,200 tons of tile a day for 350 days with 400 tiles per ton at \$2.50 per tile (assuming 10% of the tiles sold locally). To put this in perspective, this is 48,000 tiles sold each day in Grass Valley. If they were one square foot tiles, this would mean covering an acre of land every day with tiles. This also assumes no competitor is selling tile.

This is important because based on \$42,000,000 in revenue, it was estimated that sales tax revenue at 1% is \$420,000 per year. This is more than half of the \$742,000 in net profit to be generated by this project (Table 12). If this figure is considerably less, the No Action alternative (Table 13) is much closer in projected profit (\$193,000) without most of the environmental impacts (This also assumes there are only 272 housing units built, whereas has been shown earlier it is more likely there would be 584 housing units).

This analysis should be redone based on accurate sales figures and housing units, and based on surveys of how many will move away or not move here because of the mine.

Conclusions

In particular, the DEIR fails to adequately evaluate and mitigate the Project's impacts on global climate change and air quality; it uses an unduly narrow scope for its analysis of cumulative impacts; it fails to provide baseline data for properly analyzing impacts to biological resources; it fails to provide various reference plans for review; and it over-utilizes a finding that impacts are less than significant and unavoidable as a substitute for conducting an adequate analysis and requiring feasible mitigation for these impacts.

After a thorough analysis of the provided documents, we do not believe that the DEIR for the Project complies with the requirements of CEQA. In particular, we find that the DEIR is inadequate in its discussions of the environmental impacts and proposed mitigations of impacts that it has found to be significant, and in several sections is severely deficient.

Under CEQA, "[a] lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification."

For example, recirculation is required where the final EIR discloses a "new significant impact" or a "substantial increase in the severity of an environmental impact." [6] In view of the many inadequacies in the DEIR, it must be revised to reflect any new analysis that is required. This analysis will almost certainly result in the identification of new significant impacts. In addition, some of the impacts that the DEIR failed to identify as significant are in fact significant.

To comply with CEQA's mandate that all of the potentially significant impacts of a project and feasible mitigation measures be subject to public comment and agency response, the DEIR must be revised and be re-circulated so that the Planning Commission members and citizens of Grass Valley and the affected surrounding area can review the re-circulated document and make appropriate comments.

We do not take a position on the project itself at this time, only on the DEIR.

Sincerely

G B Tucker, Chair
Sierra Nevada Group

Trudy Boardman, Vice-Chair
Sierra Nevada Group

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References

1. Pub. Res. Code section 21081.6(b) (mitigation must be feasible and enforceable over the life of the project.); Federation of Hillside & Canyon Ass'ns. v. City of Los Angeles, 83 Cal. App. 4th 1252, 1261 (2000) (agency must ensure that mitigation measures will actually be implemented.)
2. In San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, the Court of Appeal struck down mitigation measures that called for the formulation of management plans developed in consultation with state and federal wildlife agencies after project approval.
3. Nevada County Housing Element (2003-2009) Nevada County General Plan Amended Vol 1 Section 2: Community Development Chapter 8 Housing Dec 2004 Final Page 106
4. Nevada County Housing Element (2003-2009) Nevada County General Plan Vol 2: Background Data and Analysis Section 2 Housing Amended Dec 2004 Appendix 3 Housing Production Opportunities Page 51
5. CEQA Guidelines § 15088.5; see also Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112 (requiring recirculation where the new information changes to the EIR “in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect”).
6. CEQA Guidelines § 15088.5(a)(1) & (a)(2).