



# FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

FOR THE

2016 NEVADA COUNTY  
REGIONAL TRANSPORTATION PLAN  
(SCH: 1999072038)

OCTOBER 2017

*Prepared for:*

Nevada County Transportation Commission  
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D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm





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The Nevada County Transportation Commission (NCTC) is the Regional Transportation Planning Agency (RTPA) for Nevada County, which includes the Cities of Grass Valley and Nevada City, the Town of Truckee, and the County of Nevada. The NCTC, serving as the RTPA, is made up of seven Commissioners and four staff. The Commission is made up of the following representatives: Four members are appointed by the Board of Supervisors and three are appointed by the incorporated municipalities in the County. The Board of Supervisors appoints two members of the Board of Supervisors and two county at-large representatives. The municipalities appoint the other three city/town representatives, one each from Grass Valley, Nevada City and the Town of Truckee. Together, these Commissioners represent the transportation interests of the region as a whole.

State law requires that the RTP be updated and submitted to the California Transportation Commission (CTC) every five years. The RTP needs to be updated in order to demonstrate the progress made toward implementing the 2010 RTP, to reflect any changing conditions, and to determine if changes are warranted to the NCTC's policies, programs, and projects for the next 20 years.

The purpose of the Regional Transportation Plan (RTP) is to establish transportation policy and to document the short-term (2015-2025) and long-term (2025-2035) regional transportation needs covering the RTP horizon and to set forth an effective, cost-feasible Action Plan to meet these needs.

A key focus of the 2016 RTP is to transform the document to a performance-based planning approach that will bring a more systematic method of using information on transportation system performance. This approach will assist NCTC in developing investment priorities and will guide outcomes for the transportation plan and related planning documents. The update is also intended to create a better alignment of performance monitoring and transportation planning between state agencies, NCTC, and its regional partners.

The RTP contains three primary elements: Policy Element, Action Element, and Financial Element.

## 1.1 PURPOSE AND INTENDED USES OF THE EIR

### CEQA REQUIREMENTS FOR A FINAL EIR

This Final Supplemental Environmental Impact Report (FEIR) for the 2016 RTP has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- the Draft Supplemental Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

## 1.0 INTRODUCTION

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In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

### PURPOSE AND USE

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The NCTC, as the lead agency, has prepared this FEIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from adoption and implementation of the proposed 2016 RTP. Responsible and trustee agencies that may use the Draft EIR are identified in Chapter 1.0 of the Draft EIR.

The environmental review process enables interested parties to evaluate the 2016 RTP in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This document and the Draft EIR, as amended herein, constitute the FEIR, which will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the 2016 RTP. Subsequent actions that may be associated with the 2016 RTP are identified in Chapter 2.0, Project Description, of the Draft EIR.

This SEIR provides a review of environmental effects associated with implementation of the 2016 RTP. Agencies considering approval of subsequent activities under the 2016 RTP project would utilize the 1999 Program EIR, and 2001, 2005, and 2010 amendments, as well as the 2016 SEIR, as the basis in determining potential environmental effects and the appropriate level of environmental review of a subsequent activity.

## 1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

### NOTICE OF PREPARATION AND INITIAL STUDY

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The NCTC circulated a Notice of Preparation (NOP) of an EIR for the proposed project on February 23, 2017 to trustee and responsible agencies, and the State Clearinghouse (SCH# 1999072038), and the public. The NOP and comments are presented in Appendix A of the DEIR.



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## NOTICE OF AVAILABILITY AND DRAFT EIR

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Concurrent with the NOC, the NCTC provided a public notice of availability for the Draft SEIR, and invite comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 1999072038) and the County Clerk, and was published in a regional newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from August 7 through September 20, 2017. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

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## RESPONSE TO COMMENTS/FINAL EIR

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The NCTC received one (1) comment letter during the Draft EIR public review period. No additional oral or written comments were received. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document and the Draft EIR, as amended herein, constitute the Final EIR.

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## CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

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The NCTC will review and consider the Final EIR. If the NCTC finds that the Final EIR is "adequate and complete", the NCTC may certify the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Upon review and consideration of the Final EIR, the NCTC may take action to approve, revise, or reject the project. A decision to approve the 2016 RTP, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

### 1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

#### CHAPTER 1.0 – INTRODUCTION

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Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead, agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

#### CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

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Chapter 2.0 provides a list of commentors, copies of written comments made on the Draft EIR (coded for reference), and responses to those written comments.

#### CHAPTER 3.0 - ERRATA

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Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR, as well as minor staff edits. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

#### CHAPTER 4.0 – FINAL MMRP

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Chapter 4.0 consists of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is presented in a tabular format that presents the impacts, mitigation measure, and responsibility, timing, and verification of monitoring.

## 2.1 INTRODUCTION

The NCTC received one (1) comment letter during the Draft EIR 45-day public review period. Acting as lead agency, the NCTC has prepared a response to the Draft EIR comments. Responses to comments received during the comment period do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

## 2.2 LIST OF COMMENTORS

Table 2-1 lists the comments on the Draft EIR that were submitted to the NCTC. The assigned comment letter number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed.

**TABLE 2-1 LIST OF COMMENTORS**

| RESPONSE LETTER/ NUMBER | INDIVIDUAL OR SIGNATORY | AFFILIATION                          | DATE       |
|-------------------------|-------------------------|--------------------------------------|------------|
| A                       | Stephanie Tadlock       | Regional Water Quality Control Board | 09-13-2017 |

## 2.3 COMMENTS AND RESPONSES

### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that consider an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need to only respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commentor, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commentors provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies any revisions to the Draft EIR.

## RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Comments received are represented by a lettered response. Each letter is lettered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revision marks (underline for new text, ~~strike-out~~ for deleted text).



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**Central Valley Regional Water Quality Control Board**

13 September 2017

Mike Woodman  
 Nevada County Transportation Commission  
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 Nevada City, CA 95959

CERTIFIED MAIL  
 91 7199 9991 7035 8360 3803

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, NEVADA COUNTY REGIONAL TRANSPORTATION PLAN UPDATE PROJECT, SCH# 1999072038, NEVADA COUNTY**

Pursuant to the State Clearinghouse's 7 August 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Nevada County Regional Transportation Plan Update 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,

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

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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.

A-1 Cont

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.*

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*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

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(SWPPP).

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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.

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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.

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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).

<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.

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**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 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.

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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 (i.e., discharge of dredge or fill material) 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.

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**Waste Discharge Requirements (WDRs)**

*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.

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*Land Disposal of Dredge Material*

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

*Local Agency Oversight*

Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency's management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board's website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/owts/sb\\_owts\\_policy.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf)



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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).

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**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.

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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/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/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

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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.

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#### **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.

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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)

#### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

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For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

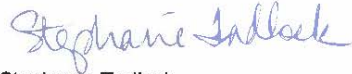
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

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



Stephanie Tadlock  
Environmental Scientist

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

**Response to Letter A: Stephanie Tadlock, Regional Water Quality Control Board**

**Response A-1:** The commentor notes the Basin Plan for the Central Valley Region and provides a link to access additional information regarding the Water Quality Control Plan for the Sacramento San Joaquin region. This comment is noted. There are no new significant impacts or “significant new information” that needs to be addressed in the SEIR; therefore, no response is required herein.

**Response A-2:** The commentor notes the State Water Boards Antidegradation Policy requirements and provides a link to access additional information regarding requirements. The NCTC has noted these comments on the RTP. As addressed in the Initial Study, the proposed project would not result in any new significant adverse impacts beyond those addressed in the 1999 RTP PEIR and SEIR’s from the 2001, 2005 and 2010 RTP’s. Each individual improvement project would require a specific level of environmental review, and are required to comply with RWQCB policy and permitting requirements when necessary. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. There are no new significant impacts or “significant new information” that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-3:** The commentor notes the Construction Storm Water General Permit requirements and provides a link to access additional information regarding the permit requirements. As addressed in the Initial Study, the proposed project would not result in any new significant adverse impacts beyond those addressed in the 1999 RTP PEIR and SEIR’s from the 2001, 2005 and 2010 RTP’s. Individual improvement projects would require a Storm Water Pollution Prevention Plan that would be submitted to the Regional Water Quality Control Board for review and approval prior to issuance of a General Permit for storm water discharge. The proposed project does not provide detailed engineering and drainage plans for any of the potential improvements because they will be completed at a project specific level at a later date once they are funded and up for approval. This comment is noted by the NCTC. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. The Regional Water Quality Control Board (RWQCB) is identified in Section 1.0 of the DEIR (pg. 1.0-5) as an agency responsible for subsequent permits and approvals. There are no new significant impacts or “significant new information” that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-4:** The commentor notes the Phase I and II Municipal Separate Storm Sewer System (MS4) Permit requirements and provides a link to access additional information regarding the permit requirements. This comment is noted by the NCTC. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. There are no new significant impacts or “significant new information” that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-5:** The commentor notes the Industrial Storm Water General Permit requirements and provides a link to access additional information regarding the permit requirements. The NCTC has noted these comments on the RTP. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. There are no new significant impacts or “significant new information” that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-6:** The commentor notes the Clean Water Act Section 404 Permit requirements and provides a USACE phone number to obtain additional information. The commentor also notes the Streambed Alteration Agreement requirements. As stated in the Initial Study the proposed project would not result in any new significant adverse impacts beyond those addressed in the 1999 RTP PEIR and SEIR’s from the 2001, 2005 and 2010 RTP’s. The U.S. Army Corps of Engineers (USACE) is responsible for issuing permits for the placement of fill, or discharge of material into, waters of the United States. These permits are required under Section 404 of the Clean Water Act. Individual projects that involve instream construction, such as bridges, trigger the need for these permits and related environmental reviews by USACE. Subsequent environmental review, design review, and the Clean Water Act permitting requirements would be required for individual improvement projects as they are brought forward. This comment is noted by the NCTC. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with including Section 404, and USFW 1600 Streambed Alteration Agreements. There are no new significant impacts or “significant new information” that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-7:** The commentator notes the Clean Water Act Section 401 Water Quality Certification requirements. As stated in the Initial Study, the proposed project would not result in any new significant adverse impacts beyond those addressed in the 1999 RTP PEIR and SEIR's from the 2001, 2005 and 2010 RTP's. The U.S. Army Corps of Engineers (USACE) is responsible for issuing permits for the placement of fill, or discharge of material into, waters of the United States. Individual projects may, trigger the need for these permits and related environmental reviews by USACE. Subsequent environmental review, design review, and the Clean Water Act permitting requirements would be required for individual improvement projects which may require 401 Water Quality Certification from the RWQCB. As stated previously, the Regional Water Quality Control Board (RWQCB) is identified in Section 1.0 of the DEIR (pg. 1.0-5) as an agency responsible for subsequent permits and approvals. This comment is noted by the NCTC. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. There are no new significant impacts or "significant new information" that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-8:** The commentator notes Waste Discharge requirements and provides a link to access additional information regarding the permit requirements. Each individual improvement project would require a specific level of environmental review, and are required to comply with RWQCB policy and permitting requirements as necessary. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. There are no new significant impacts or "significant new information" that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-9:** The commentator notes the Dewatering permit requirements and provides a link to access additional information regarding the permit requirements. Each individual improvement project would require a specific level of environmental review, and are required to comply with RWQCB policy and permitting requirements as necessary. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. There are no new significant impacts or "significant new information" that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-10:** The commentator notes regulatory compliance requirements for commercially irrigated agriculture. This comment is noted. The NCTC RTP projects do not include irrigated agriculture. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with as necessary. There are no new significant impacts or "significant new information" that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-11:** The commentor notes Low or Limited Threat General NDPS permit requirements and provides a link to access additional information regarding the permit requirements. As stated in the Initial Study prepared for the proposed Project, individual improvement projects would be required to comply with NPDES Permit requirements. Subsequent environmental review, design review, and NPDES permitting requirements would be required for individual improvement projects. This comment is noted by the NCTC. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. There are no new significant impacts or “significant new information” that needs to be addressed in the SEIR; therefore, no additional response is required herein.

**Response A-12:** The commentor notes NDPS permit requirements and provides a link to access additional information regarding the permit requirements. As stated in the Initial Study prepared for the proposed Project, individual improvement projects would be required to comply with NPDES Permit requirements. Subsequent environmental review, design review, and NPDES permitting requirements would be required for individual improvement projects. This comment is noted by the NCTC. The comment from the RWQCB presents existing regulations, which all future RTP projects must comply with. There are no new significant impacts or “significant new information” that needs to be addressed in the SEIR; therefore, no additional response is required herein.

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Revisions made to the Draft EIR are identified below. Changes to the Draft EIR text are identified with revision marks (underline for new text, ~~strike-out~~ for deleted text). None of the revisions identify new significant potential impacts, nor do any of the revisions result in substantive changes to the Draft EIR.

### 3.1 REVISIONS TO THE DRAFT EIR

The re-numbering of impact statements within the GHG section on pages 3.2-17, and 3.2-18. This correction is to provide clarity and remedy a numbering sequence error.

~~Impact 3.2-3~~ Impact 3.2-2: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (less than significant)

~~Impact 3.2-4~~ Impact 3.2-3: Project implementation may result in the inefficient, wasteful, or unnecessary use of energy resources (less than significant)

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This document is the Mitigation Monitoring and Reporting Program (FMMRP) for the 2016 RTP. This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this FMMRP.

## 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR. Agencies considering approval of subsequent activities under the 2016 RTP project would utilize this EIR as the basis in determining potential environmental effects and the appropriate level of environmental review of a subsequent activity.

The agencies responsible for implementing the mitigation measures (implementing agency) will be the lead agency for the individual RTP project. The implementing agency for individual projects will vary by individual project, but will involve one of the following: Caltrans District 3, Nevada County, City of Grass Valley, City of Nevada City, and the Town of Truckee. The implementing agency will be responsible to monitor mitigation measures that are required to be implemented during the operation of the project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR, in the same order that they appear in the Draft EIR.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring took place.

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**TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM**

| ENVIRONMENTAL IMPACT   | MITIGATION MEASURE   | MONITORING RESPONSIBILITY | TIMING                   | VERIFICATION (DATE/INITIALS) |
|--|--|---------------------------|--------------------------|------------------------------|
| AIR QUALITY  |  |                           |                          |                              |
| Impact 3.1-2: Short-term - Conflict with, or Obstruct, the Applicable Air Quality Plan, Cause a Violation of Air Quality Standards, Contribute Substantially to an Existing Air Quality Violation, or Result in a Cumulatively Considerable Net Increase of a Criteria Pollutant in a Non-Attainment Area (less than significant with mitigation). | <p><b>Mitigation Measure 3.1-1:</b> The implementing agency for any construction activities, including dismantling/demolition of structures, processing/moving materials (sand, gravel, rock, dirt, etc.), or operation of machines/equipment, shall prepare a dust control plan in accordance with NSAQMD Rule 226. The dust control plan shall use reasonable precautions to prevent dust emissions, which may include: cessation of operations at times, cleanup, sweeping, sprinkling, compacting, enclosure, chemical or asphalt sealing, and use of wind screens or snow fences, and other recommended actions by the AQMD.</p> <p><b>Mitigation Measure 3.1-2:</b> The implementing agency shall consult and coordinate with the NSAQMD prior to the construction of each RTP project, to ensure that all applicable and appropriate criteria pollutant control measures are taken. Projects that are especially large or in special circumstances (such as near schools or other sensitive receptors), additional measures (e.g. limits on active disturbance area or grading areas) may be required, as directed by the NSAQMD.</p> | Implementing Agency       | Prior to Design Approval |                              |
| Impact 3.1-3: Occasional Localized Carbon Monoxide Concentrations from Traffic Conditions at Some Individual Locations (less than significant with mitigation).  | <p><b>Mitigation Measure 3.1-3:</b> The implementing agency shall screen individual RTP projects at the time of design for localized CO hotspot concentrations and, if necessary, incorporate project-specific measures into the project design to reduce or alleviate CO hotspot concentrations.</p>  | Implementing Agency       | Prior to Design Approval |                              |
| Impact 3.1-5: Potential to release asbestos from earth movement or structural asbestos from demolition/renovation of existing structures (less than significant with mitigation).  | <p><b>Mitigation Measure 3.1-4:</b> Prior to construction of RTP projects, the implementing agency should assess the site for the presence of asbestos including asbestos from structures such as road base, bridges, and other structures. In the event that asbestos is present, the implementing agency should comply with applicable state and local regulations regarding asbestos, including ARB's asbestos airborne toxic control measure (ATCM) (Title 17, CCR § 93105 and 93106), to ensure that exposure to construction workers and the public is reduced to an acceptable level. This may include the preparation of an Asbestos Hazard Dust Mitigation Plan to be implemented during construction activities.</p>   | Implementing Agency       | Prior to Design Approval |                              |

| ENVIRONMENTAL IMPACT  | MITIGATION MEASURE  | MONITORING RESPONSIBILITY | TIMING         | VERIFICATION (DATE/INITIALS) |
|---|---|---------------------------|----------------|------------------------------|
| GREENHOUSE GASES AND CLIMATE CHANGE   |   |                           |                |                              |
| <p>Impact 3.2-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (less than significant with mitigation).</p> | <p><b>Mitigation Measure 3.2-1:</b> The NCTC should explore the feasibility of a transportation pricing policy for the transit system and selected portions of the road network to encourage people to drive less and increase use of transit, walking and bicycling modes. Such a policy may include: free or reduced transit fares during high pollution days; fare-free zones on the transit system; transit vouchers; days on which transit is free; congestion pricing options for portions of the road system, such as tolls on freeways and highways; and parking fees to park in certain high-traffic areas served by public transit.</p> <p><b>Mitigation Measure 3.2-2:</b> The NCTC should consider a complete streets policy with a strong focus on identifying opportunities to create more active transportation within the region (i.e. bike and pedestrian facilities), in accordance with the following Statewide programs:</p> <ul style="list-style-type: none"> <li>• The Complete Streets Act of 2008 (AB 1358); and</li> <li>• Active Transportation Program (SB 99 and AB 101).</li> </ul> <p><b>Mitigation Measure 3.2-3:</b> Consistent with Appendix F of the CEQA Guidelines, the agencies implementing RTP projects should:</p> <ul style="list-style-type: none"> <li>• Promote measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. As the individual RTP projects are designed there should be an explanation as to why certain measures were incorporated in the RTP project and why other measures were dismissed.</li> <li>• Site, orient, and design projects to minimize energy consumption, increase water conservation and reduce solid-waste.</li> <li>• Promote efforts to reduce peak energy demand in the design and operation of RTP projects.</li> <li>• Promote the use of alternate fuels (particularly renewable ones) or energy systems for RTP projects.</li> <li>• Promote efforts to recycle materials used in the construction (including demolition phase) of RTP projects.</li> </ul> <p><b>Mitigation Measure 3.2-4:</b> The NCTC should coordinate with local and regional agencies to assist in efforts to develop local and regional CAPs (Climate Action Plans) that address climate change and greenhouse gas emissions. Local and regional CAPs should include the following</p> | <p>NCTC</p>               | <p>Ongoing</p> |                              |

| ENVIRONMENTAL IMPACT   | MITIGATION MEASURE  | MONITORING RESPONSIBILITY | TIMING                   | VERIFICATION (DATE/INITIALS) |
|--|---|---------------------------|--------------------------|------------------------------|
|  | <p><i>components:</i></p> <ul style="list-style-type: none"> <li>• <i>Baseline inventory of GHG emissions from community and municipal sources.</i></li> <li>• <i>A target reduction goal consistent with AB 32.</i></li> <li>• <i>Policies and measures to reduce GHG emissions.</i></li> <li>• <i>Quantification of the effectiveness of the proposed policies and measures.</i></li> <li>• <i>A monitoring program to track the effectiveness and implementation of the CAP(s).</i></li> </ul> <p><i>NCTC's role in the development of local and regional CAPs should include:</i></p> <ul style="list-style-type: none"> <li>• <i>Assistance in seeking and securing funding for the development of local and regional CAPs.</i></li> <li>• <i>Collaboration with local and regional agencies throughout their respective planning processes.</i></li> </ul> <p><b>Mitigation Measure 3.2-5:</b> <i>NCTC should assist local agencies with the development of an Alternative Fuel Vehicle and Infrastructure Policy. The policy should include provisions that address best practices, and standards related to saving energy and reducing GHG emissions through AFV use, including:</i></p> <ul style="list-style-type: none"> <li>• <i>A procurement policy for using AFV by franchisees of these cities, such as trash haulers, green waste haulers, street sweepers, and curbside recyclable haulers. Such AFVs should have GHG emissions at least 10 percent lower than comparable gasoline- or diesel- powered vehicles.</i></li> <li>• <i>A fleet purchase policy to increase the number of AFVs (i.e., vehicles not powered strictly by gasoline or diesel fuel) for municipally owned fleets.</i></li> <li>• <i>A public education policy to encourage the use of alternative fuel vehicles and development of supporting infrastructure.</i></li> </ul> |                           |                          |                              |
| <b>LAND USE AND POPULATION</b>   |   |                           |                          |                              |
| Impact 3.3-1: Physical Division of an Established Community (less than significant with mitigation). | <b>Mitigation Measure 3.3.1:</b> <i>Prior to approval of RTP projects, the implementing agency shall consult with local planning staff to ensure that the project will not physically divide a community. The consultation should include a more detailed project-level analysis of land uses adjacent to proposed improvements to identify specific impacts. The analysis should consider new road widths and specific project locations in relation to existing roads. If it is determined that a project could physically divide a community, the implementing agency shall redesign the</i>   | Implementing Agency       | Prior to Design Approval |                              |

| ENVIRONMENTAL IMPACT  | MITIGATION MEASURE  | MONITORING RESPONSIBILITY | TIMING                   | VERIFICATION (DATE/INITIALS) |
|---|---|---------------------------|--------------------------|------------------------------|
|   | <p><i>project to avoid the impact, if feasible. The measures could include realignment of the improvements to avoid the affected community. Where avoidance is not feasible, the implementing agency shall incorporate minimization measures to reduce the impact. The measures could include: alignment modifications, right-of-way reductions, provisions for bicycle, pedestrian, and vehicle facilities, and enhanced landscaping and architecture.</i></p>   |                           |                          |                              |
| TRANSPORTATION AND CIRCULATION  |   |                           |                          |                              |
| <p>Impact 3.4-5: Result in inadequate emergency access (less than significant with mitigation).</p>   | <p><b>Mitigation Measure 3.4.1:</b> <i>The implementing agencies shall develop a traffic control plan for construction projects to reduce the effects of construction on the roadway system throughout the construction period. As part of the traffic control plan for individual projects, project proponents shall coordinate with emergency service providers to ensure that emergency routes are identified and remain available during construction activities.</i></p>   | Implementing Agency       | Prior to Design Approval |                              |
| TRIBAL CULTURAL RESOURCES   |   |                           |                          |                              |
| <p>Impact 3.5-1: Cause a substantial adverse change in the significance of a Tribal cultural resource, pursuant to Assembly Bill 52, and Impact 4.6: Cumulative Impact on Tribal Resources (less than significant with mitigation).</p> | <p><b>Mitigation Measure 3.5.1:</b> <i>Prior to approval of individual RTP projects, the implementing agency shall consult with local tribes who have requested consultation per AB 52 to ensure that the project will not substantially impact tribal resources. Tribal consultation shall specifically include, but not be limited to, consultation with the United Auburn Indian Community (UAIC). The tribal consultation should include a more detailed project-level analysis of proposed improvements to identify specific impacts. Additionally, projects literature and data including cultural reports, records searches, and maps prepared for the project should be provided to local tribes as requested to help facilitate the identification and potential mitigation for resources present.</i></p> <p><i>If cultural resources are discovered during project-related construction activities, all ground disturbances within a minimum of 50 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to the lead agency to either further investigate or mitigate adverse impacts. If the find is determined by the lead agency in consultation with the Native American tribe traditionally and culturally affiliated with the geographic area of the project site to be a tribal cultural resource and the discovered archaeological resource cannot be avoided, then applicable mitigation measures for the resource shall be discussed with the geographically affiliated tribe. Applicable mitigation measures that also consider the cultural values and meaning of the discovered tribal cultural resource, including confidentiality if requested by the tribe, shall be completed (e.g.,</i></p> | Implementing Agency       | Prior to Design Approval |                              |



| <i>ENVIRONMENTAL IMPACT</i> | <i>MITIGATION MEASURE</i>  | <i>MONITORING RESPONSIBILITY</i> | <i>TIMING</i> | <i>VERIFICATION (DATE/INITIALS)</i> |
|-----------------------------|--|----------------------------------|---------------|-------------------------------------|
|                             | <i>preservation in place, data recovery program pursuant to PRC §21083.2[i]). During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project site.</i> |                                  |               |                                     |

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NEVADA COUNTY TRANSPORTATION COMMISSION

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