1.0 INTRODUCTION

This Draft Program Environmental Impact Report (Draft PEIR) has been prepared for the California Department of Parks and Recreation (DPR) to evaluate the potential environmental effects of the Site Characterization and Remediation Project (Project) at Empire Mine State Historic Park (Park), located in Nevada County, California. In 2006, the California Department of Toxic Substance Control (DTSC) and the Central Valley Regional Water Quality Control Board (RWQCB) entered into a Joint Cleanup and Abatement Order, Imminent and/or Substantial Endangerment Determination and Partial Consent Order (Joint Order) with DPR and Newmont USA Limited (Newmont) (together, the Project Proponents) to oversee characterization, evaluation, and remediation at the Park. DPR is the present owner of the Park. Newmont is a successor in interest to a former owner and operator of some of the mines located at the Park, including the Empire Mine. New Verde Mines LLC, a subsidiary of Newmont, still retains certain mineral rights underlying the Park. The Project Proponents will be working together throughout the Project term to address the remediation of potentially hazardous substances at the Park. DPR is a state agency and will be the lead agency under the California Environmental Quality Act (CEQA), Public Resources Code (PRC) §21000 et seq., and CEQA Guidelines, Title 14 of the California Code of Regulations (14 CCR) §15000 et seq. This document has been prepared in accordance with CEQA Guidelines to evaluate the Project's potential environmental impacts.

1.1 PREPARATION OF A PROGRAM ENVIRONMENTAL IMPACT REPORT

As described in 14 CCR §15121(a), an EIR is a public information document that informs the public and agency decision-makers of the potential environmental effects resulting from a proposed project. In addition, an EIR considers reasonable alternatives and identifies ways to avoid or reduce adverse environmental impacts. Several types of EIRs can be considered, depending on the nature of the proposed project and the intended use of the EIR. However, all EIRs must meet the content requirements discussed in 14 CCR §15120. These requirements are discussed in more detail in Section 1.5, Organization and Scope of the Program EIR. While the most common type of EIR examines the environmental effects of a specific development project, others (e.g., Subsequent, Supplemental, Staged, Program, and Master EIRs) can be developed for unique or large, multi-faceted, projects.

1.1.1 PROGRAM ENVIRONMENTAL IMPACT REPORT

Program EIRs (PEIRs) are prepared for projects encompassing a series of actions that can be characterized as one large project. The various actions within the larger project generally are related in one or more of the following ways:

1. As geographically linked activities/actions;

2. As logical parts in a chain of contemplated actions;
3. In connection with issuance of rules, regulations, plans, or other general criteria that govern the conduct of a continuing program; or
4. As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways (14 CCR §15168 (a)).

This Project meets all of the 14 CCR §15168(a) criteria for a PEIR. Therefore, DPR determined that a PEIR is the most appropriate form of EIR for the Project.

The Project Proponents will implement a general suite of remediation measures to address elevated Constituents of Concern (COC) at the Park. The term "Program Actions" is used throughout this Draft PEIR to describe the range of characterization, evaluations, interim actions, and remediation that collectively constitute the Project. The Draft PEIR evaluates environmental impacts that could result from implementation of the Project, including these Program Actions.

1.1.2 TIERED IMPACT ANALYSIS

This Draft PEIR provides a "first tier" or "base" environmental document in compliance with 14 CCR § 15152. "Tiering" refers to the preparation of CEQA documents, by a lead agency, in a series of environmental documents whereby the first tier evaluates impacts that are general and broad in scope, and subsequent tiers include analyses of narrower, more area-specific considerations. Issues sufficiently evaluated in earlier, first tier environmental documents are not required to be evaluated in subsequent environmental documents. This approach eliminates repetitive discussion of the same issues. If either Program Actions or Project Actions are proposed beyond those provided in Section 2.6.3 of this Draft PEIR, DPR will independently assess potential impacts of those actions and prepare the appropriate subsequent environmental documents. It should be noted; however, that this Draft PEIR evaluates area-specific environmental impacts where possible. This approach could eliminate, or at least minimize, the need for subsequent second and third tier analyses.

1.1.3 PROJECT REQUIREMENTS, MITIGATIONS, AND FINDINGS OF SIGNIFICANCE

DPR has developed standard measures similar to "conditions" used by local agencies. These standard measures are called "Standard Project Requirements," which are actions that reduce and/or minimize project-related environmental impacts and are incorporated into all Park projects, as appropriate. In addition, Specific Project Requirements could be written for, and applied to, projects based on specific actions unique to a project and/or park. Project Requirements are identified and discussed in greater detail in Section 2.5.2 of this Draft PEIR. DPR has used both Standard and Specific Project Requirements for the Project to reduce the Project's environmental

impacts at the Park. If one or more impacts cannot be reduced to a less than significant level through the implementation of Project Requirements, DPR will implement mitigation measures to reduce such impacts. If, after use of Project Requirements and implementation of mitigation measures, there remains significant impacts to one or more environmental resource categories, DPR will adopt one or more findings of overriding consideration supporting its approval of the Project (14 CCR § 15093(b)).

If DPR identifies one or more significant and unavoidable impacts, CEQA requires DPR to balance, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable environmental risks when determining whether to approve the Project. If the specific economic, legal, social, technological, or other benefits of the Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (14 CCR § 15093(a)). The findings of overriding consideration must provide specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, that override the Project Requirements, mitigation measures or project alternatives identified in this Draft PEIR (14 CCR § 15091(a)(3)).

1.2 INDEPENDENT UTILITY – OSBORNE HILL PROJECT

Under CEQA, a project is defined as the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (14 CCR 15378(a); PRC § 21065). An agency generally is not permitted to ‘segment’ or ‘piecemeal’ a project into smaller parts if the effect is to avoid full disclosure of the environmental impacts of a project (or action). However, use of “independent utility” allows a lead agency to evaluate a small portion of a large project as a ‘stand alone’ project if the small project can be viewed as autonomous from the large project while still disclosing all environmental impacts. Using independent utility, DPR completed a mitigated negative declaration (MND) for the Osborne Hill Trail Network Project (Osborne Hill Project) to allow for completion of trail remediation activities prior to remediation activities for the rest of the Park.

The Osborne Hill Project properly falls under “independent utility” because its implementation does not rely on other components of the overarching Site Characterization and Remediation Project at the Park. The Osborne Hill Project had been planned prior to the Joint Order and included environmental degradation issues that required earlier treatment. The Conlon Mine Trail Segment, located within the Osborne Hill Trail Network and evaluated in the MND, is one of three trail segments identified for priority remediation because of elevated concentrations of COC. The remaining two segments are evaluated in Section 2.6.4.10, subsection entitled “Trails (Area 10),” of this Draft PEIR.

Section 5.0, Growth Inducing and Cumulative Impacts, of this Draft PEIR discusses Cumulative Impacts associated with the Osborne Hill Project in conjunction with other projects in the vicinity.

1.3 PUBLIC NOTICE OF PREPARATION AND REVIEW

A lead agency must prepare a Notice of Preparation (NOP) once the agency determines that an EIR is required, irrespective of the type of EIR proposed (14 CCR § 15082). The NOP is a request for assistance in "scoping" to ensure that the EIR evaluates the project's potential environmental impacts. The NOP is filed with the Governor's Office of Planning and Research/State Clearinghouse (OPR/SCH) if a state agency is a responsible agency or if a trustee agency is involved. The OPR/SCH distributes the NOP to applicable state agencies. The NOP is also sent to local agencies, and to anyone who has submitted a written request to be notified.

DPR filed a NOP for the Project with the OPR/SCH for the Draft PEIR (SCH #2008082066), on August 14, 2008 and distributed it to various local agencies and interested parties. Appendix A, Notice of Preparation Materials, contains a copy of the NOP, the NOP distribution list, and written comments received in responses to the NOP.

DPR filed this Draft PEIR and associated Notice of Completion (NOC) with the OPR/SCH, which distributed copies to interested state agencies. In compliance with CEQA Guidelines § 15087, DPR distributed a Notice of Availability (NOA) of the Draft PEIR to interested groups, organizations, the general public, and local newspapers and agencies to solicit comments and questions regarding the Project. Pursuant to CEQA Guidelines CCR §15105(a), the public review period extends for 45 days from the date the NOC is filed with the OPR/SCH. In addition, DPR posted the Draft PEIR and supporting documents on DPR's website at: http://www.parks.ca.gov/?page_id=981.
All inquiries regarding this PEIR should be addressed to:

Resource Design Technology, Inc.
c/o Bruce Steubing
4990 Hillsdale Circle, Suite 400
El Dorado Hills, CA 95762

Telephone: (916) 983-9193
Email: empirecomments@resourcedesign.biz
Fax: (916) 983-9194; **Attn:** Bruce Steubing
(**Subject Line:** Empire State Historic Park Site Characterization and Remediation Project)

Reviewers must submit their comments and inquiries in writing by regular mail, via email, or by fax to the address indicated above. Submissions must be postmarked or received by fax no later than October 13, 2009. The originals of any faxed document must be received by regular mail within 10 working days following the deadline for comments, along with proof of successful fax transmission during the designated comment period. Emailed submissions must include the author's full name and mailing

address. Comments received during the public review period will become part of the public record and will be included in the Final PEIR.

1.4 DISCRETIONARY APPROVAL

As described in Section 1.0, Introduction, the lead agency has primary approval authority over the Project. However, other public entities, known as responsible or trustee agencies, also could have jurisdiction and discretionary approval authority over all or part of project activities or resources potentially affected by a project.

The following agencies have, or could have, jurisdiction over aspects of the Project, requiring consultation, coordination, and/or permits before the Project can be approved and/or implemented:

- California Department of Fish and Game (CDFG);
- California Department of Forestry and Fire Protection (Cal Fire);
- California Department of Toxic Substances Control (DTSC);
- Central Valley Regional Water Quality Control Board (RWQCB);
- State Water Resources Control Board (SWRCB);
- United States Army Corps of Engineers (USACE);
- United States Fish and Wildlife Service (USFWS); and/or
- Northern Sierra Air Quality Management District (NSAQMD).

1.5 ORGANIZATION AND SCOPE OF THE PROGRAM EIR

The CEQA Guidelines (14 CCR §§15122-15132) identify the information that must be contained in an EIR. A Draft EIR (or in this case, the Draft PEIR) must include the following:

- Table of Contents;
- Summary of Proposed Actions and Consequences;
- Project Description;
- Environmental Setting;
- Consideration and Discussion of Environmental Impacts, Mitigation Measures, and Alternatives;
- Cumulative Impacts;
- Growth-Inducing Impacts; and
- Economic and Social Effects.

CEQA requires proponents of projects approved or implemented by public agencies to mitigate or avoid significant impacts and to identify significant impacts that cannot be avoided, growth-inducing impacts, impacts found not to be significant, and significant cumulative impacts (14 CCR §§ 15122-15132). This Draft PEIR analyzes the environmental effects of the Project, including Standard and Specific Project Requirements, and identifies and evaluates mitigation measures and alternatives to reduce or avoid significant environmental impacts resulting from the Project.

The environmental effects addressed in this Draft PEIR were established through review of the Project, including but not limited to, the scope, site evaluations, analysis of other projects in the general area, public agency responses to the NOP, and preliminary consultation with responsible and trustee agencies.

This document is organized as follows:

Table of Contents

The Table of Contents provides page numbers for sections, subsections, figures, tables, and lists appendices to the Draft PEIR.

Summary of the Project

This section provides a summary of key Project Requirements, evaluations, significance determinations, environmental mitigation, and findings of the Draft PEIR.

Section 1.0: Introduction

Section 1.0 provides an introduction to the Project, identifies CEQA requirements, and describes the purpose and organization of the Draft PEIR.

Section 2.0: Project Description

Section 2.0 describes the reasons for the Project, location, background, Project scope, objectives, implementation, and regulatory requirements.

Section 3.0: Alternatives to the Proposed Project

Section 3.0 identifies and provides analysis of reasonable alternatives for the Project, including a discussion of potential environmental impacts that could result from implementation of each alternative and a comparative analysis of each alternative. It also includes a discussion of those alternatives considered, but deemed infeasible.

Section 4.0: Environmental Analysis

Section 4.0 contains an analysis of the environmental topics and potential impacts identified during initial Project planning. Each subsection contains a description of the existing conditions as it relates to the specific topic; describes Project Requirements that have been incorporated into the Project, identifies and determines the significance of potential environmental impacts; and specifies mitigation measures, where appropriate, that would be implemented to reduce potential impacts to less than significance thresholds to the extent feasible.

The following is a list and descriptive summary of the environmental topics addressed in the Environmental Analysis:

- Aesthetics: Addresses visual impacts of the Project.
- Air Quality: Addresses the incremental effect the Project could have on the air quality in the vicinity of the Park and within the NSAQMD. Impacts of greenhouse gases on global climate change are also addressed.
- Biological Resources: Addresses potential impacts to the flora and fauna within the Park, as well as potential impacts to threatened and endangered species, jurisdictional wetlands, and habitat.
- Cultural Resources: Addresses potential impacts to historic and archaeological resources in the Park.
- Geology and Soils: Addresses geotechnical impacts associated with site development, including changes in topography, soil erosion, and potential geologic and seismic impacts of the Project.
- Hazards and Hazardous Materials: Addresses potential Project impacts resulting from transportation and/or use of hazardous materials and exposure to toxic materials. This section also evaluates the possibility of increased fire danger.
- Hydrology and Water Quality: Addresses changes in drainage patterns, absorption rates and runoff, surface water quality, and quality/quantity of groundwater at the Park.
- Land Use and Planning (including Agriculture and Mineral Resources): Addresses potential impacts to land uses within the Park and the surrounding community, including land use compatibility issues and consistency of the Project with existing land use, agriculture, and mineral resources plans and policies.
- Noise: Addresses the level of noise generated during the Project.
- Public Services, Utilities, and Recreation: Addresses potential impacts of the Project to local public services; availability of utilities (including community sewer, water, solid waste disposal facilities, and services); and recreational opportunities.

- Transportation, Circulation, and Traffic: Addresses the Project's impact on existing road conditions, vehicle circulation and flow, safety hazards, emergency access, and alternative modes of transportation.

Section 5.0: Growth-Inducing and Cumulative Impacts

Section 5.0 identifies and discusses ways in which the Project could induce growth either, locally or regionally, by increasing population, housing, and/or employment.

Cumulative impacts associated with the Project are identified and discussed. This includes both temporary and long-term impacts that, if combined with one or more other projects in the vicinity, could result in a significant cumulative environmental impact.

Section 6.0: Significance of Environmental Impacts

Section 6.0 identifies both direct and indirect significant effects of the Project on the environment. This includes significant environmental effects that cannot be avoided and significant irreversible environmental changes that would be caused if the Project is approved and goes forward.

Section 7.0: Report Preparation

Section 7.0 identifies those who contributed to and/or were responsible for the Draft PEIR preparation, distribution, and accuracy of the information contained in this document.

Section 8.0: References and Resources

Section 8.0 provides definitions of acronyms and abbreviations, a glossary that explains technical terminology, and identifies the references and resources used in the preparation of the Draft PEIR.

Appendices

The Appendices contain supportive documentation for information, evaluations, and determinations presented as part of this Draft PEIR. They include maps and graphic support documents, the NOP, public and agency responses, distribution and notification lists, and species lists. Technical appendices included within Appendices are on file with DPR and available on DPR's website at http://www.parks.ca.gov/?page_id=981.

1.6 FINDINGS

CEQA Guidelines § 15091 indicates that no public agency will approve or carry out a project, for which an EIR has been certified, that identifies one or more significant environmental effects of the Project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. Findings have been incorporated into this Draft PEIR at the end of each topic of Section 4.0, Environmental Analysis, which identifies potentially significant environmental impacts.