

4.8 LAND USE AND PLANNING (INCLUDES AGRICULTURE AND MINERAL RESOURCES)

This section provides information on land use and planning conditions and issues, as well as agriculture and mineral resources that occur or could occur within the Park, and could be impacted by Program Actions of the Project. Section 4.0, Environmental Analysis, provides a description of DPR's analytical methodology that is applied to each resource category, including land use and planning, from a program and area-specific perspective.

4.8.1 LAND USE AND PLANNING

4.8.1.1 Existing Conditions

Section 4.0 provides a regional overview of the Park's existing conditions. A brief reiteration of regional features affecting the Park's land use and planning conditions and issues, as well as agriculture and mineral resources, is included below.

The majority of the Park is located south of the Grass Valley City (City) limit in Nevada County (County). The Park falls within the municipal Planning Area of the City and is considered part of the Grass Valley Community Region by the County (DPR 2009).

Nevada County

The County General Plan (Nevada County 1996) land use designations include commercial, industrial, single and multi-family housing, agriculture/timberlands, and public lands. Land use in the County reflects a resource-based, rural economy. Agriculture and timberlands are significant to the County's economy and contribute to the rural quality of the area (Nevada County 1996).

While much of the County remains rural, a transition has occurred over the past 20 years towards development of more industrial and commercial uses. These changes in land use are centered predominately in, and near, the City of Grass Valley and Nevada City. In addition to these land uses, housing in the County is primarily classified as single-family residential, with the majority of multi-family units located in the City.

Public lands fall under the designation of Open Space in the Nevada County General Plan. The County General Plan describes goals, objectives, and policies for the Open Space designation that limit uses to those having a minimal impact on "the natural character and environmental features of the land" (Nevada County 1996). Public lands in the County are primarily managed by the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), and contribute significantly to the County land use pattern, rural character, and total

land area. Other public lands include, but are not limited to, park units managed by DPR, the County, and local municipalities, such as Grass Valley and Nevada City.

City of Grass Valley

The Park is within the Grass Valley Planning Area and is designated as Parks/Open Space in the 2020 General Plan Update Background Report (Quad Knopf 1999). Open Space is defined in Section 65560b of the City Government Code as “any parcel or area of land or water which is essentially unimproved and devoted to an open space use.” Open space land uses include the preservation of natural resources; managed production of resources such as forest lands, rangeland, agricultural land, and other areas of economic importance; and outdoor recreation (Quad Knopf 1999).

Empire Mine State Historic Park

The Park is a unit of the California State Park. The California State Park and Recreation Commission (Commission) classified Empire Mine as a State Historic Park in September 1976, in conformity with the PRC §500.5(e) (DPR 1978). The Park was listed on the National Register of Historic Places (NRHP) as a historic district in December of 1977 (Selverston 2008). See Section 4.4, Cultural Resources, for additional historic information.

A comprehensive planning program for the Park, as well as other units of the State Park System, is authorized by PRC §540 and 541. DPR completed a General Development Plan (General Plan) for the Park, which provides general guidelines for management and development of the Park, in December 1977 (DPR 1978). DPR prepared an Amendment to the General Plan for underground interpretive facilities in 1996 (DPR 1996). General guidelines for development within the Park reflect its classification as a State Historic Park where the emphasis of development is related to preservation of historic resources for the citizens of California. Specific goals and objectives include, but are not limited to, identifying cultural, natural, and recreational resources in the Park and determining visitor activities/land uses that are compatible with the historic nature of the Park (DPR 1996).

4.8.1.2 Regulatory Setting

State

As a state agency, DPR is exempt from local regulations, including general plans, specific plans, and zoning ordinances, to the extent that such requirements conflict with DPR's own General Plan for the Park (California Constitution Article XI Section 7). However, DPR must comply with the Park's General Plan, as well as applicable state and federal rules and regulations governing historic buildings, structures, and districts and any local regulations applicable to impacts located outside the Park boundaries.

Empire Mine State Historic Park Resource Management Plan, General Development Plan

The Commission adopted the General Plan and EIR in 1977 (DPR 1978, Resolution 61-77). The purpose of the General Plan is to provide long-term general guidelines for all Park development in accordance with the Park's historic designation.

The specific goals and objectives of the Plan are to:

1. Identify the cultural, natural, and recreational resources of the Park;
2. Establish policies for the management, protection, and interpretation of these resources;
3. Determine visitor activities and land uses that are compatible with the purpose of the Park, the available resources, and the surrounding area;
4. Determine the potential environmental impact of these visitor activities and land uses;
5. Establish guidelines for the sequence of Park developments;
6. Identify lands outside the existing Park boundary that would be valuable additions to the unit;
7. Make recommendations for additional studies beyond the scope of this document; and
8. Provide an informational document for the public, the legislature, park personnel, and other government agencies (DPR 1978).

4.8.1.3 Thresholds of Significance

The following thresholds have been prepared based on the State CEQA Guidelines (Appendix G) and Section 15065 of the State CEQA Guidelines. The Project would have a significant impact on land use resources if it will:

- Physically divide an established community;
- Conflict with the applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

4.8.1.4 Environmental Impacts and Mitigation Measures

This section summarizes the thresholds of significance for land use and planning, and it describes the land use and planning environmental impacts and mitigation measures from both a programmatic and area-specific perspective for the 10 Remediation Areas.

Program and Area-Specific EIR Impact Assessment

To identify potentially significant impacts resulting from Program Actions, each proposed Program Action was assessed against the significance thresholds listed in Section 4.8.1.3. Table 4.0-1, Proposed Program Actions and Anticipated Project Actions at the Park, summarizes the results of the impact analysis, and assesses reasonably foreseeable impacts that could occur to each of the identified environmental resources. The Program Actions are described in detail in Section 2.6 of the Draft PEIR. The discussion below lists each type of potential land use impact and provides an analysis of potential impacts from each Program Action, assesses the significance of each impact, and if necessary, identifies measures that would mitigate impacts to a level below significance. In the course of the impact analysis, it became apparent that program and area-specific impacts do not differ for Land Use. Therefore, the impacts discussed below apply to both Program Actions and area-specific activities.

Impact 4.8-1: Program Actions Could be Inconsistent with the General Plan's Goals and Objectives

The Project would comply with seven of the eight specific Goals and Objectives of the General Plan; the sixth goal/objective is not applicable to the Project. An analysis of the

Project's compliance with the General Plan is provided below:

1. Identify the cultural, natural, and recreational resources of the Park.

The environmental evaluation of the Project includes extensive literary research of a variety of historic documents and materials and includes reconnaissance surveys to catalogue cultural, archeological, natural, and recreational resources at the Park.

DPR contracted with the Anthropological Studies Center of Sonoma State University (ASC) to prepare the following reports:

- Historic Context for Empire Mine Historic District Report; and
- Intensive Cultural Resources Survey of Empire Mine Historic District Report.

These reports, which are included as appendices F-1 and F-2 to this Draft PEIR, complete the recordation of cultural resources at the Park to assess the eligibility of cultural resources for the National Register of Historic Places (NRHP). These studies further this objective as well as provide existing condition information to support the Draft PEIR.

2. Establish policies for the management, protection, and interpretation of these resources.

The Project does not establish policies for the management, protection, and interpretation of the cultural, natural, and recreational resources of the Park. However, the ultimate goal of the Project is to remediate Constituents of Concern (COC) at the Park so that cultural resources will be managed, protected, and interpreted to a greater extent than is possible under existing conditions by either implementing protection measures (e.g., additional exclusionary measures) or greater access (e.g., opening areas that have been successfully remediated), as applicable.

3. Determine visitor activities and land uses that are compatible with the purpose of the Park, the available resources, and the surrounding area.

The purpose of the Project is to characterize and remediate areas within the Park with COC, thereby allowing visitors use consistent with the purposes of the Park, available resources, and surrounding area. At the conclusion of the Project, more historic and recreational features will be open for visitors to use.

4. Determine the potential environmental impact of these visitor activities and land uses.

While the General Plan EIR evaluated potential environmental impacts of visitor activities and land uses described in the General Plan, the Draft PEIR evaluates the potential environmental impacts of the implementation of the Project. One of those impacts will be to visitor activities and land uses both during Project implementation and after Program Actions are complete. Visitor activities could be curtailed somewhat during Project implementation because of institutional controls that are, and will likely continue to be, used to prohibit access to portions of the Park. Once Program Actions have been implemented, specified areas of the Park would become available for visitor activities without exposing visitors to COCs.

5. Establish guidelines for the sequence of Park developments.

The guidelines that apply to the sequence of Park developments will be influenced by the implementation of the Project remedies.

6. Identify lands outside the existing park boundary that would be valuable additions to the unit.

This goal/objective is not applicable to the Project.

7. Make recommendations for additional studies beyond the scope of this document.

Many of the technical studies that support the Program EIR provide significant data beyond those studies supporting the General Plan. ASC has conducted an extensive survey and evaluation of the cultural resources at the Park.

8. Provide an informational document for the public, legislature, park personnel, and other government agencies.

This Draft PEIR is available to the public, legislature, Park personnel, and other government agencies as a public information document.

With the implementation of Standard and Specific Project Requirements and mitigation measures that reduce potential impacts to cultural, natural, and recreational resources, the Project would have a less than significant impact on the goals and policies of the General Plan.

4.8.1.5 Effects Considered No Impact Or Less Than Significant Without Project Requirements

The following describes environmental effects that were determined to be less than significant without Project Requirements or no impact; therefore, they are not discussed in detail in the Draft PEIR.

4.8.2 AGRICULTURE

The purpose of the Agricultural Resources section is to determine whether implementation of the Project would result in significant environmental impacts to agricultural resources.

4.8.2.1 Existing Conditions

The Park is located at the site of the Empire Mine, which was in operation for over 100 years. Mining operations changed the topography of the site, making commercial farming impractical. The Park does not support agricultural operations or farmland, nor is it designated as farmland in the General Plan (DPR 1978).

4.8.2.2 Regulatory Setting

State

California Department of Conservation

The California Department of Conservation, Division of Land Resource Protection (DLRP) provides assistance to landowners, local governments, and researchers in determining whether impacts to agricultural resources are significant environmental effects. Various programs track, evaluate, and assist in the conservation of California's farmland and are authorized or regulated by the following codes and acts:

- The California Farmland Conservancy Program Act (PRC §10200 *et seq.*);
- Agricultural Land Stewardship Program (14 CCR § 3000 *et seq.*);
- Government Code §65570(b) – Requires collection of information on use and disposition of farmland;
- PRC §612 – Requires preparation of Farmland Series Maps and other soils and land capability information;
- PRC §21060.1 (CEQA) – Defines agricultural lands for the purpose of assessing environmental effects using the Farmland Mapping

and Monitoring Program (FMMP) Important Farmland Map categories; and

- California Land Conservation Act of 1965 (Williamson Act).

Lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (DOC 1997) as an optional model for use in assessing impacts on agricultural and farmland.

4.8.2.3 Thresholds of Significance

The following thresholds have been prepared based on the State CEQA Guidelines (Appendix G) and Section 15065 of the State CEQA Guidelines. The Project would have a significant impact on agricultural resources if it will:

- Convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use or a Williamson Act contract; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

4.8.2.4 Environmental Impacts and Mitigation Measures

Program and Area-Specific EIR Impact Assessment

To identify potentially significant impacts resulting from Program Actions, each proposed Program Action was assessed against the significance thresholds listed above. Table 4.0-1, Proposed Program Actions and Anticipated Project Actions at the Park, summarizes the results of the impact analysis, and assesses reasonably foreseeable impacts that could occur to each of the identified environmental resources. The Program Actions are described in detail in Section 2.6.3 of the Draft PEIR. The discussion below provides an analysis of potential impacts from each Program Action and assesses the significance of each impact.

Based on the results provided in Table 4.0-2, Summary of the Results of Area-Specific Impact Findings for the 10 Remediation Areas, the potential agricultural impacts to the Park is low; an area-specific evaluation is therefore not warranted for impacts to agricultural.

4.8.2.5 Effects Considered No Impact or Less than Significant Without Project Requirements

Program Actions would focus on areas within the Park's boundaries, which, as mentioned above, do not support agricultural operations. In addition, no land adjoining the Park is used for agricultural purposes, as defined by the United States Department of Agriculture land use inventory and monitoring criteria (modified for California). Therefore, Program Actions within the Park would not hinder agricultural production on abutting properties. Any off-site impacts (e.g., Project-related traffic) would not adversely impact agricultural operations in the vicinity of the Project.

4.8.3 MINERALS

Minerals are valuable resources to local communities as well as the state. The primary goal of Mineral Resource section is to recognize and protect, where feasible, valuable mineral resources for current and future generations.

4.8.3.1 Existing Conditions

The Park is located at the site of Empire Mine, which extracted extensive mineral resources during its 100 years of operation. The Park and surrounding area have been given a Mineral Resource Designation of MRZ-2 in compliance with the Surface Mining and Reclamation Act of 1975 (SMARA). MRZ-2 classification is given to areas having significant mineral deposits that are known or inferred to be present based upon geologic information.

SMARA mandates the State Geologist with the task of classifying mineral land in order to help identify and protect mineral resources. Classification is especially important in areas within the state subject to urban expansion or other irreversible land uses that would preclude mineral extraction. Newmont is the current owner of mineral rights under the Park.

4.8.3.2 Regulatory Setting

Mineral resource extraction is not permitted at any State Park in California under PRC §5001.65. In addition, the Park's General Plan requires retention of historic authenticity and access to the public for appropriate open space and recreational uses, neither of which are compatible with mineral extraction (DPR 1978).

4.8.3.3 Thresholds of Significance

The following thresholds have been prepared based on the State CEQA Guidelines (Appendix G) and Section 15065 of the State CEQA Guidelines. The Project would have a significant impact on mineral resources if it will:

- Result in the loss of availability of a known mineral resource that is or would be of value to the region and the residents of the state; or
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

4.8.3.4 Environmental Impacts and Mitigation Measures

Program and Area-Specific EIR Impact Assessment

To identify potentially significant impacts resulting from Program Actions, each proposed Program Action was assessed against the significance thresholds listed above. Table 4.0-1, Proposed Program Actions and Anticipated Project Actions at the Park, summarizes the results of the impact analysis, and assesses reasonably foreseeable impacts that could occur to each of the identified environmental resources. The Program Actions are described in detail in Section 2.6.3 of the Draft PEIR. The discussion below provides an analysis of potential impacts from each Program Action and assesses the significance of each impact.

Based on the results provided in Table 4.0-2, Summary of the Results of Area-Specific Impact Findings for the 10 Remediation Areas, the potential for mineral impacts to the Park is low; an area-specific evaluation is therefore not warranted for impacts to minerals.

4.8.3.5 Effects Considered No Impact or Less than Significant Without Project Requirements

The Project would occur entirely within the Park and would not require a change in land use activities on- or off-site that may hinder future mineral extraction in the event that PRC §5001.65 is modified to allow mineral extraction within California State Parks. Therefore, implementation of the Project would not result in the loss of availability of known mineral resources or a locally important mineral resource recovery site.

4.8.4 FINDINGS

Impacts to Land Use and Planning, Agricultural, and Mineral Resources associated with the Project are either non-existent or less than significant.