



FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

JACKSON GENERAL PLAN UPDATE
(SCH: 2022110545)

SEPTEMBER 2023

Prepared for:

City of Jackson
Community Development Department
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Prepared by:

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D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



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FINAL EIR

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INTRODUCTION

The City of Jackson (City) has determined that a program-level environmental impact report (EIR) is required for the proposed General Plan (General Plan, or project) pursuant to the requirements of the California Environmental Quality Act (CEQA). CEQA requires the preparation of an EIR prior to approving any project, which may have a significant impact on the environment. For the purposes of CEQA, the term "Project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

A Program EIR is an EIR which examines the environmental impacts of an agency plan, policy, or regulatory program, such as a general plan update. Program EIRs analyze broad environmental impacts of the program, with the acknowledgement that site-specific environmental review may be required for particular aspects of the program, or particular development projects that may occur in the future.

Jackson circulated a Notice of Preparation (NOP) of an EIR for the proposed project on November 23, 2022 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on December 5, 2022 at the City of Jackson City Hall Council Chambers.

Subsequently, Jackson published a public Notice of Availability (NOA) for the Draft EIR on June 30, 2023, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2022110545) and was published in the Amador County Clerk's office and the Ledger Dispatch, pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from November 23, 2022 through December 27, 2022. The Public Draft General Plan was also available for public review and comment during this time period.

This Final EIR was prepared to address comments received in response to the Draft EIR. The City has prepared a written response to the Draft EIR comments, and made textual changes to the Draft EIR where warranted. The responses to the comments are provided in this Final EIR in Section 2.0, and all changes to the text of the Draft EIR are summarized in Section 3.0. Responses to comments received during the comment period for the Draft EIR 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.

PROJECT DESCRIPTION

The Jackson General Plan Update is the overarching policy document that guides land use, housing, transportation, open space, public safety, community services, and other policy decisions throughout Jackson. The General Plan includes the elements and topics mandated by State law, to the extent that they are relevant locally, including: Circulation, Conservation, Land Use, Noise, Open Space, and Safety. The Housing Element will be updated separately as part of the Amador Countywide 6th Cycle Housing Element. The General Plan sets out the goals, policies, and actions in

each of these areas, serves as a policy guide for how the City will make key planning decisions in the future, and guides how the City will interact with San Joaquin County, surrounding cities, and other local, regional, State, and Federal agencies.

The General Plan contains the goals and policies that will guide future decisions within the City. It also identifies implementation programs, in the form of actions, that will ensure the goals and policies in the General Plan are carried out. As part of the Jackson General Plan Update, the City and the consultant team prepared several support documents that serve as the building blocks for the General Plan and analyze the environmental impacts associated with implementing the General Plan.

Refer to Chapter 2.0 (Project Description) of the Draft EIR for a more comprehensive description of the details of the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR are briefly described as follows:

- **Alternative 1: No Project Alternative.** Under the No Project Alternative, the City would not adopt the General Plan Update. The existing Jackson General Plan would continue to be implemented and no changes to the General Plan, including the Land Use Map, goals, policies, or actions would occur. Subsequent projects, such as amending the Municipal Code (including the zoning code/map) and master plans, would not occur. The existing General Plan Land Use Map is shown on Figure 5.0-1.
- **Alternative 2: Land Use Buffer Alternative.** The Land Use Buffer Alternative would be identical to the proposed project in terms of land uses within the City limits and the SOI. The only differences would be that the Land Use Buffer Alternative would incorporate a 200 foot-wide agricultural and open space buffer along the inner perimeter of the southern and western portion of the SOI and the southwest portion of the City. This portion of the City and SOI currently abuts County agricultural lands that are used for grazing. In the future, should these lands be converted to more active agricultural uses such as vineyards or other crops, there could be additional conflicts between these uses and Residential Suburban uses proposed in the SOI. The buffer in this area would also provide aesthetic benefits, as the open space and agricultural appearance of lands in the southern area would be retained. The northern and eastern portions of the SOI would not have a buffer as these areas are adjacent to County lands that are developed with large lot residential development. As a result, the potential for conflicts with agricultural uses is less of an issue in the northern area of the City and SOI. This alternative would also include a buffer prohibiting development within the portion of the SOI encompassed by Safety Area 3 (Overflight Zone) for Westover Field. This buffer could reduce land use and noise impacts associated with Westover Airport and would also reduce visual impacts associated with development in the northern area of

SUMMARY

the SOI. It is anticipated that development in the northern area of the SOI would be reduced; however, overall development in the City and SOI would not be significantly reduced under this alternative, but rather be clustered in areas that remain available for development.

- **Alternative 3: Reduced Intensity Alternative.** The Reduced Intensity Alternative would consist of a reduction in the amount of development proposed in the City and SOI. In terms of residential uses, only the amount of single-family uses/intensities would be reduced while the amount of multi-family would remain unchanged in both the City and SOI. The majority of the reduction in single-family uses would be occurring within the SOI. Shopping Center Commercial, General Commercial and Office FAR would all be reduced as part of the Reduced Intensity Alternative. The majority of reductions would occur within the City limits rather than the SOI for the commercial uses. All reductions in Office would occur only within the City limits. For the purposes of this analysis it is assume that these reductions would result in 341 fewer residential units, and a reduction in non-residential development by 150,000 square feet.

Alternatives are described in detail in Section 5.0 of the Draft EIR. As summarized in Table 5.0-4 of the Draft EIR, Alternative 3 is the environmentally superior alternative, as it is the most effective in terms of overall reductions of impacts compared to the proposed General Plan and all other alternatives. As such, Alternative 3 is the environmentally superior alternative for the purposes of this EIR analysis. Information related to alternatives and their respective impacts are described in Chapter 5.0 of this DEIR.

COMMENTS RECEIVED

The Draft EIR addresses environmental impacts associated with the proposed project that were known to the City, raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. This Draft EIR addresses the potentially significant impacts associated with aesthetics, agriculture and forest resources, air quality, biological resources, cultural and tribal cultural resources, geology, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, land use planning and population/housing, mineral resources, noise, public services and recreation, transportation, utilities and service systems, wildfire, and cumulative impacts.

NOP Comments

During the NOP process, the City received comments from the following public agencies, organizations, or individuals:

- Native American Heritage Commission (November 30, 2022)
- Koyo Land Conservancy dba Colfax Todds Valley Consolidated Tribe (December 8, 2022)
- Shingle Springs Band of Miwok Indians (December 13, 2022)
- California Governor's Office of Emergency Services (December 22, 2022)

- Department of Fish and Wildlife (December 22, 2022)
- Department of Toxic Substances Control (December 23, 2022)
- California Department of Transportation (December 27, 2022)

Draft EIR Comments

During the Draft EIR review process, the City received comments from the following public agencies, organizations, or individuals:

- Gregoria Ponce, Department of Transportation, Office of Rural Planning (August 8, 2023)
- John C. Johnson, Resident of Jackson (August 9, 2023)
- Peter Minkel, Central Valley Regional Water Quality Control Board (August 14, 2023)

Acting as lead agency, the City of Jackson has prepared a response to the Draft EIR comments. The responses to the comments are provided in this Final EIR in Section 2.0 (Comments on Draft EIR and Responses) and all changes to the text of the Draft EIR are summarized in Section 3.0 (Errata).

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Jackson is the lead agency for the environmental review of the Jackson General Plan (General Plan, General Plan Update, or Project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and adoption of the Jackson General Plan and responds to comments received on the Draft EIR.

The Jackson General Plan Update is the overarching policy document that guides land use, housing, transportation, open space, public safety, community services, and other policy decisions throughout Jackson. The General Plan includes the seven elements mandated by State law, to the extent that they are relevant locally, including: Circulation, Conservation, Housing, Land Use, Noise, Open Space, and Safety with the exception of the Housing Element, which was updated separately. The City may also address other topics of interest. The Jackson General Plan includes all of the State-mandated topics and elements. The General Plan sets out the goals, policies, and actions in each of these areas, serves as a policy guide for how the City will make key planning decisions in the future, and guides how the City will interact with San Joaquin County, surrounding cities, and other local, regional, State, and Federal agencies.

The General Plan contains the goals and policies that will guide future decisions within the City. It also identifies implementation programs, in the form of actions, that will ensure the goals and policies in the General Plan are carried out. As part of the Jackson General Plan Update, the City and the consultant team prepared several support documents that serve as the building blocks for the General Plan and analyze the environmental impacts associated with implementing the General Plan.

Refer to Chapter 2.0 (Project Description) of the Draft EIR for a more comprehensive description of the details of the proposed project.

1.1 PURPOSE AND INTENDED USES OF THE EIR CEQA REQUIREMENTS FOR A FINAL EIR

This FEIR for the Jackson General Plan 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 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.

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

1.0 INTRODUCTION

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 projects, and obligates them to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Jackson, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval and implementation of the General Plan. Responsible and trustee agencies that may use the EIR are identified in Chapter 1.0 of the Draft EIR.

The environmental review process enables interested parties to evaluate the proposed project 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 EIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the proposed project. Subsequent actions that may be associated with the proposed project are identified in Chapter 2.0 (Project Description) of the Draft EIR. This EIR may also be used by other agencies within Amador County, including the Amador Local Agency Formation Commission (LAFCO), which may use this EIR during the preparation of environmental documents related to annexations, Municipal Service Reviews, and Sphere of Influence decisions in the Jackson Planning Area.

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

The City of Jackson circulated a Notice of Preparation (NOP) of an EIR for the proposed project on November 23, 2022 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on December 5, 2022 at the City of Jackson City Hall Council Chambers. During the 30-day public review period for the NOP, which ended on December 27, 2022, seven comment letters were received on the NOP. A summary of the NOP comments is provided in Section 1.8 of the Draft EIR. The NOP and all comments received on it are presented in Appendix A of the Draft EIR.

NOTICE OF AVAILABILITY AND DRAFT EIR

The City of Jackson published a public Notice of Availability (NOA) for the Draft EIR on June 30, 2023 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2022110545) and was published in the Amador County Register pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from June 30, 2023 through August 14, 2023. The Public Draft General Plan was also available for public review and comment during this time period.

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.

RESPONSE TO COMMENTS/FINAL EIR

The City of Jackson received three comment letters regarding the Draft General Plan and Draft EIR from public agencies, organizations, and members of the public during the 45-day review period.

In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0 (Errata). This document and the Draft EIR, as amended herein, constitutes the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The Jackson City Council will review and consider the Final EIR. If the City Council finds that the Final EIR is "adequate and complete," then it may certify it 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 Jackson City Council may take action to approve, revise, or reject the project. A decision to approve the Jackson General Plan, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093.

Policies and actions to minimize potential environmental impacts have been incorporated into the project, to the extent feasible. No additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Draft EIR. The annual report on general plan status required

pursuant to the Government Code will serve as the monitoring and reporting program for the project.

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

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 DRAFT EIR AND RESPONSES

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

CHAPTER 3.0 – ERRATA

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

2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the proposed Project, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.

Sections 2.0 and 3.0 of this Final EIR include information that has been added to the EIR since the close of the public review period in the form of responses to comments and revisions.

2.2 LIST OF COMMENTERS

Table 2.0-1 lists the comments on the Draft EIR that were submitted to the City of Jackson (City) during the 45-day public review period for the Draft EIR. The assigned comment letter or number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. Letters received are coded with letters (A, B, etc.). During the 45-day review period for the Draft EIR from November 23, 2022 to December 27, 2022, the City received three comment letters. These letters include Letters A through C.

TABLE 2.0-1 LIST OF COMMENTERS ON DRAFT EIR

<i>RESPONSE LETTER</i>	<i>INDIVIDUAL OR SIGNATORY</i>	<i>AFFILIATION</i>	<i>DATE</i>
A	Gregoria Ponce	Department of Transportation, Office of Rural Planning	8-8-23
B	John C. Johnson	Resident of Jackson	8-9-23
C	Peter Minkel	Central Valley Regional Water Quality Control Board	8-14-23

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 regard 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 only to respond to significant environmental issues associated with the proposed Project and do not need to provide all the information requested by the commenter, 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 commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the

proposed Project and ways to avoid or mitigate the significant effects of the proposed Project, and that commenters 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 all revisions to the Jackson General Plan Update 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:

- Each letter is lettered or numbered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

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August 8, 2023

Susan Peters
City of Jackson
33 Broadway
Jackson, CA 95642



AMA-49/88 Citywide
City of Jackson
Draft Environmental Impact
Report (DEIR)
SCH: 2022110545

Ms. Peters,

California Department of Transportation (Caltrans) appreciates the opportunity to review and respond to the City of Jackson's Draft Environmental Impact Report (DEIR) on its comprehensive update to its existing General Plan. The City of Jackson's current General Plan has been periodically amended, including updates to the Housing Element in 2015, the Land Use and Circulation Element in 2008, updates to the Noise and Open Space and Conservation Elements in 1987 to the Safety Element in 1981. The City's General Plan includes a broad goal policy framework that guides land use and planning decisions within the City. The overall purpose of the General Plan is to create a policy framework that articulates a vision for the City's long-term physical form and development while preserving and enhancing the quality of life for residents and increasing opportunities for high-quality local job growth and housing options. The key components of the General Plan will include broad goals for the future of Jackson and specific policies and actions that will help implement the stated goals.

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The City of Jackson is located in the central portion of Amador County, at the intersection of SRs 49 and 88 (SR 49/88) in the Sierra Nevada foothills.

Caltrans has the following comments:

General Comments

If any construction related activities will encroach into State Right of Way (ROW), the project proponent must apply for an Encroachment Permit to the Caltrans District 10 (D10) Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste

A-2

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locations, scenic highways, and/or other environmental resources within State ROW, at the project site(s).

If any future project activities encroach into State ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans D10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within State ROW at the project site(s). For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

If any proposed site development is adjacent to the State Route (SR), the developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State ROW, it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. If historical undeveloped topography shows drainage from this site did not flow into the State ROW, then it will not be allowed to flow into the State ROW at this time.

For future developments, we would like to review the pre- and post- construction runoff calculations and drainage plans to understand flow patterns.

Greenhouse Gases, Climate Change, and Energy

Section 3.7 - Compact, higher floor area ratio, walkable, mixed-use mixed-income land use development that gives residents transportation options beyond dependency on single-occupancy vehicles is a planning strategy that will contribute to lower greenhouse gas (GHG) emissions. More can and must be done to reduce GHG emissions than only phasing out internal combustion engine (ICE) vehicles and replacing them with electric or hydrogen vehicles.

Planting and maintaining shade trees that sequester carbon dioxide in built environments while lowering stress levels for pedestrians is another strategy that can contribute to lower GHG emissions.

Caltrans supports local agency efforts to lower vehicle miles travelled (VMT) and reduce GHG emissions through investments in accessible pedestrian and bicycling infrastructure and transit efforts to expand mode choice for residents beyond the use of single-occupancy vehicles. Compact, higher floor area ratio, mixed-use mixed-income, and walkable land-use development in built environments are integral to the functioning of a transportation system that is not dependent on car use for commuting, shopping, going to school, recreation, or accessing other goods and services.

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A-2 Cont.

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Land Use, Population and Housing
Section 3.7

Will the Amador-Alpine Travel Demand Model be updated to incorporate the updates of Jackson General Plan?

A-4

What is the Existing Year and Future Year of this updated General Plan?

Transportation and Circulation
Section 3.14

Impact 3.14-2: General Plan implementation may conflict with a program, plan, policy, or ordinance addressing the circulation system, including transit, bicycle, and pedestrian facilities (Less than significant)

The last paragraph on page 3.14-2 mentions a good amount of information for SR 104, with the paragraph also stating that SR 104 "provides an alternate route for trucks and Jackson Rancheria Casino patrons instead of using SR 88 through Jackson." Along with SR 104, Ridge Road is also part of this alternate route for trucks and Jackson Rancheria patrons. Based on this, would it be beneficial to show traffic volumes on SR 104 and Ridge Road in the figure on page 3.14-33?

Also, in the first paragraph on page 3.14-2, to avoid ambiguity, it should be clearly mentioned that SR 104 ends at the intersection of SR 49. At the same time, Ridge Road (without the SR 104 designation) continues east of SR 49.

Related to the first comment, the last paragraph on page 3.14-3 states that "Figure 13.4-2 displays the average daily traffic (ADT) volumes for the major roadways within the study area." "Figure 13.4-2" needs to be corrected as Figure 3.14-2, as shown on page 3.14-33.

A-5

The first paragraph on page 3.14-5 states that "The ACTC model is a traditional three-step model (trip generation, distribution, assignment) that covers the entirety of Amador County and Alpine County." Based on this, has the process of modal split been fully excluded from the operations of running the ACTC model?

The third paragraph on page 3.14-8 states that "Figure 13.4-5 displays existing pedestrian facilities within the City of Jackson." "Figure 13.4-5" needs to be corrected as Figure 3.14-4, as shown on page 3.14-37.

On pages 3.14-7 to 3.14-8, the section Bike Facilities can also incorporate Class IV Bikeway (Separated Bike Lanes / Cycle Tracks). The Class IV Bikeway has gained more popularity in recent years. Many cities and counties in California have listed it in their bike and pedestrian plans. Caltrans also has design guidance for it: Design Information Bulletin (DIB) 89-02 "Class IV Bikeway Guidance," updated in February 2022.

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The first paragraph on page 3.14-8 states that "*Existing bicycle facilities within the City of Jackson are displayed on Figure 13.4-4 and described below.*" "*Figure 13.4-4*" needs to be corrected as Figure 3.14-3, as shown on page 3.14-35.

On pages 3.14-20 to 3.14-21, the section Mitigation/Minimization states that "the effectiveness of many of these strategies in a rural/suburban setting would diminish because of the long trip distances between land uses and limited availability of non-auto modes." What can the City do to increase the availability of non-auto modes? The previous pages present the policies that will improve transit services and bike and pedestrian facilities. Summarizing them in this section as Mitigation and Minimization would be beneficial.

On page 3.14-33, some traffic volumes for SRs 49 and 88 shown in Figure 3.14-2 appear to be too high when compared to the traffic volumes shown in the Caltrans Traffic Volumes book for year 2019.

- SR 88 just west of SR 49 shows a volume of 16,500, however the Caltrans Traffic Volumes book for year 2019 shows 8,800.
- SR 49 just south of French Bar Road shows 14,700, however the Caltrans Traffic Volumes book for year 2019 shows 8,300.
- SR 49 just north of French Bar Road shows 18,900, however the Caltrans Traffic Volumes book for year 2019 shows 7,300.

Please contact Paul Bauldry at (209) 670-9488 (email: paul.bauldry@dot.ca.gov), or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov) if you have any questions or concerns.

Sincerely,
Gregoria Ponce'

Gregoria Ponce', Chief
Office of Rural Planning

cc: State Clearinghouse

A-5 Cont.

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Response to Letter A: Gregoria Ponce, California Department of Transportation

Response A-1: The commentor provides introductory text to the comment letter. No further response to this comment is warranted.

Response A-2: The commenter requests that future development projects that may impact state transportation facilities, including encroachment into State Right of Way (ROW) and pre- and post- construction runoff calculations and drainage plans, be submitted to Caltrans for review and comment. The City of Jackson is committed to working with the California Department of Transportation to improve the transportation system and to address future transportation impacts. These comments are noted, and will be forwarded to the City Council for review and consideration. This comment does not address the adequacy of the Draft EIR, and no further response is required. No changes to the Draft EIR text are required.

Response A-3: The commentor states that they recommend compact, higher floor area ratio, walkable, mixed-use mixed-income land use development; phasing out internal combustion engine (ICE) vehicles; planting and maintaining shade trees; and promoting bicycle and pedestrian connectivity between travel destinations.

This comment is noted. This comment does not directly relate to CEQA. Rather, it is a comment regarding the nature of the City of Jackson General Plan itself. Nevertheless, it should be noted that the City of Jackson General Plan Update heavily promotes bicycle and pedestrian connectivity within the Planning Area, consistent with this comment. As discussed in section 3.14 of the Draft EIR. Implementation of the proposed general plan will not result in modifications to the transit, bicycle, or pedestrian network that would disrupt existing facilities/services or interfere with the implementation of planned facilities/services contained in adopted programs, plans, policies, or ordinances, such as the Amador Countywide Pedestrian and Bicycle Plan. Several policies, including CIRC-6.1 “Implement best practices to improve the pedestrian and bicycle environment” and CIRC-6.9 “To encourage biking and walking, provide amenities including pedestrian-scale lighting, bicycle parking, shade trees, and landscaping” will help facilitate the development of improved facilities for walking and bicycling. Several different policies are geared toward improving the quality of transit service and facilities. Implementation of the proposed general plan would enable the City to improve bicycle and pedestrian programs and infrastructure consistent with the Amador Countywide Pedestrian and Bicycle Plan. The proposed general plan also contains additional policies and implementing actions that support accessibility and the provision of amenities to bicyclists and pedestrians. The proposed general plan includes policies designed to reduce vehicle travel and VMT. This comment does not address the adequacy of the Draft EIR, and no further response is required. No changes to the Draft EIR text are required.

Response A-4: The traffic analysis and forecasting performed for the Jackson General Plan Update required minor changes to the ACTC travel demand model. They primarily consisted of minor land use updates within several parts of the City of Jackson. The City is willing to provide the model files to ACTC if desired. The base year of the model corresponds to 2014 conditions. As described in the DEIR, the cumulative year corresponds to 2040. This comment does not address the adequacy of the Draft EIR, and no further response is required. No changes to the Draft EIR text are required.

Response A-5: This comment consists of 11 paragraphs. Each paragraph is summarized briefly below followed by a response.

Paragraph #1: This is a restatement of Impact 3.14-2. No response is required.

Paragraph #2: The comment suggests that traffic volumes should be shown on SR 104 and Ridge Road on Figure 3.14-2. These two roadways are situated a considerable distance north of the city limits of Jackson. Figure 3.14-2 displays traffic volumes within the city limits and on primary routes used to enter/exit the City. SR 104 and Ridge Road are not located within the City Limits and do not provide direct access to the City. Accordingly, it is not necessary to report volumes on these roadways.

Paragraph #3: This FEIR shows the suggested text change related to the termination of SR 104 at SR 49. Please refer to Chapter 3.0, Errata.

Paragraph #4: This FEIR shows the correction on page 3.14-3 when it references Figure 3.14-2. Please refer to Chapter 3.0, Errata.

Paragraph #5: This comment pertains to whether the ACTC travel demand model has a mode split component to it. The comment is correct in that the ACTC travel demand model does not include a mode split step. This is a common practice for models built for suburban/rural settings where non-auto mode split is low. The DEIR does include a discussion of existing transit service, walking and biking that is available within the City of Jackson. The comment does not identify any specific environmental concerns; thus, no further response is warranted.

Paragraph #6: This FEIR shows the correction on page 3.14-8 when it references Figure 3.14-4. Please refer to Chapter 3.0, Errata.

Paragraph #7: This comment relates to whether Class IV bikeways should have been discussed on Page 3.14-8 of the DEIR. The Class I, II, and III bikeway facility descriptions shown on that page were obtained directly from the Amador Countywide Pedestrian and Bicycle Plan (2017). Class IV facilities were not discussed in that report and thus not included when that report was referenced. This FEIR includes a discussion of Class IV facilities on page 3.14-8. As shown in Chapter 3.0, Errata, the following text has been added:

Although not listed in the Amador Countywide Pedestrian and Bicycle Plan (2017), many agencies are now implementing a fourth type of bikeway treatment. These Class IV facilities are commonly known as either separated bike lanes or cycle tracks. They are generally located within the street and have their own dedicated space which is physically separated from adjacent travel lanes.

Paragraph #8: This FEIR shows the correction on page 3.14-8 when it references Figure 3.14-5. Please refer to Chapter 3.0, Errata.

Paragraph #9: The discussion of Impact 3.14-1 on pages 3.14-16 through 3.14-21 lists the numerous policies and actions within the City of Jackson General Plan that support bicycling, walking, and taking transit, as well as other strategies to reduce VMT. As noted previously, bus service is provided within the city. The aforementioned pages in the DEIR describe the various planned bicycle and pedestrian improvements. The commentor's specific comment appears to relate to the ability to increase access to non-auto modes. Though it is acknowledged that like most foothill communities, Jackson does not have the diversity of non-auto modes found in large, dense environments (e.g., Light Rail, Streetcar, Bus Rapid Transit, eBikes and eScooters, and other micro-mobility options). Those modes can be very pricy to construct and operate, and also challenging to receive funding through grant programs. Additionally, some of the services are privately operated, and those companies have discretion over which communities they choose to place their products. Nevertheless, Jackson is committed (through General Plan Policy 8.3) to embracing and implementing new transportation technologies that benefit the multimodal transportation system.

Paragraph #10: The comment indicates that the traffic volumes on segments of SR 49 and SR 88 on Figure 3.14-2 are too high and references a different set of volumes on three distinct roadway segments from the 2019 Caltrans Traffic volume book.

The Average Daily Traffic (ADT) estimates on SR 49 and SR 88 shown on Figure 3.14-2 of the DEIR were obtained directly from Figure 4B of the Amador County Regional Transportation Plan (RTP) (2020). Page 37 of that report indicates that those volumes were collected in 2015.

The State Route 49 Transportation Concept Report (TCR) (Caltrans, 2013) shows 2007 ADT on various segments of SR 49 within and near the City of Jackson. In 2007, SR 49 north of SR 88 (North Junction) carried 18,100 ADT, SR 49 north of SR 88 (South Junction) carried 21,550 ADT, and SR 49 south of SR 88 (South Junction) carried 17,300 ADT. These values are each within 2,000 ADT of the volumes shown on Figure 3.14-2. The independently collected ACTC count data and the TCR traffic data each affirm that SR 49 carries considerably more traffic than the 7,300 to 8,300 ADT the comment suggests is correct.

The comment states that the ADT on SR 88 west of SR 49 should be 8,800 vehicles. Unlike the prior evaluation of traffic data on SR 49, there are no known available data sources

(beyond the 2020 RTP figure) to compare against this suggested value. However, an evaluation can be performed for SR 88 west of SR 104. The 2020 RTP shows about 15,000 ADT on that segment. A Caltrans PeMS count station is situated on SR 88 just east of the Sunnybrook Railroad at-grade railroad crossing (3 miles west of SR 104). Although the counter was malfunctioning in the westbound direction, the eastbound direction was functionally properly and revealed between 6,400 and 6,800 vehicles per day during weekdays in October 2021 and March 2022. Since daily traffic is typically equal in each direction on most roadways, this implies this segment of SR 88 was carrying 12,800 to 13,600 ADT west of SR 104. This is in the same range as the 2020 RTP ADT estimate of 15,200, providing further evidence that use of that resource yields reasonable existing ADT values. In summary, the comment offers no evidence as to why the volumes on Figure 3.14-2 are incorrect. This response has provided empirical evidence to demonstrate their accuracy. Thus, no modifications to Figure 3.14-2 are warranted.

Paragraph #11: This paragraph provides the commentor's contact information.

August 9, 2023

From: John C. Johnson
123 Eva Way
Jackson, CA 95642

To: Susan Peters, AICP
City of Jackson
33 Broadway
Jackson, CA 95642
GeneralPlan@ci.Jackson.ca.us

Re: City of Jackson General Plan Update EIR - Public Comment

Reference: APN-020-367-001, Northwest Corner of Highway 49 and Schober Avenue

Note: The actual size of this parcel is ~ 6,970 square feet.

Because of its size, this parcel is substandard and non-compliant for all Commercial uses according to The City of Jackson Municipal Code Section 17.12.020, Part D as a C - Commercial parcel, which states, "The "C" designation is applied to those areas of the City where retail, commercial and professional business services are acceptable. **Minimum lot size** is 8,000 square feet. Residential uses are allowed only with a Conditional Use Permit."

Further, the parcel does not comply with any of the other four Commercial, Office, and Industrial designations under Section 17.12.020 due to either its deficient size of under 8,000 square feet, or in the specific case of the Land Use designation Historic Commercial (HC), because it is neither historical, nor is it in the Old Downtown area of the City.

During the July 17, 2023 City of Jackson Planning Commission Meeting and Public Hearing on the Draft General Plan & Draft Environmental Impact Report Public Hearing, in response to my verbal comments on this issue, consultant Susan Peters stated she believed this parcel had been "Grandfathered" as a designated Commercial (C) Land Use parcel. Peters also cited that the neighboring parcel to the north of the subject parcel did have a business located within it at one time. While that may be true, I can say having lived at my neighboring address there has not been a business or any type of commercial use in that house or any other parcel on Schober Avenue since I moved into my home in 2005. In fact, all the homes on Schober Avenue and everywhere else in the Peek Hill neighborhood are exclusively Residential.

The history of APN-020-387-001 as I know it based on my research and collective knowledge related to me by my Peek Hill neighbors is as follows:

At some time, decades ago, there was a printing shop of some type and a machine/metal shop of some type located on the parcel. Both have long since been vacated. The history about these two businesses I have heard from a number of my old, long time neighboring residents of the Peek Hill neighborhood is that there have been reports that there is significant toxic contamination of the soils on the parcel resulting either from the operations of the printing shop and/or the machine/metal shop from metal stripping and metal plating operations.

At one point, sometime prior to September 2005, when I moved into my home on Eva Way in Jackson, CalTrans acquired the parcel (I presume by eminent domain) to

provide right-of-way to accommodate widening of State Highway 49. CalTrans used a major portion of the parcel to fulfill its right-of-way requirements. Sometime prior to 2020, CalTrans surplussed and offered the remaining portion (~ 6,970 square feet) for sale. Sometime thereafter, CalTrans sold the surplus parcel to real estate speculator Lee Scundi. I believe Mr. Scundi was done a disservice by CalTrans as the parcel was featured for sale by CalTrans as Commercially Zoned without disclosing the parcel no longer met minimum lot size requirements for Commercial development in accordance with City of Jackson Municipal Code. The City of Jackson may have also been derelict in it's duty to intervene in the process of CalTrans' surplus sale by not asserting the parcel was no longer of sufficient size to comply with its' Municipal Code's minimum lot size requirement for Commercial (C) Land Use.

After purchasing the parcel Mr. Scundi came forward to the City of Jackson with two consecutive and separate development proposals for drive-thru coffee shops, one in November 2019, which was rejected by the City of Jackson Planning Commission, and then and the second one in June 2020, which was also rejected by the City Planning Commission. The Planning Commission determined that both proposals were inappropriate uses for the location. Both of these development proposals were strongly opposed by a significant number of the property owners and residents of the adjacent Peek Hill neighborhood on the grounds that the proposed high intensity commercial business would create safety issues related to detrimental impacts to traffic for already significantly restricted ingress and egress to and from the Peek Hill neighborhood for its residents. This problem would be particularly problematic for rapid egress from the neighborhood during a firestorm or other such emergency situations requiring rapid evacuation by neighborhood residents should such an emergency occur during peak operation hours of the proposed business. Apparently, the City of Jackson also neglected to advise Mr. Scundi of the parcel's size deficiency for Commercial development, because in both of his development proposals he asked for a number of variances and General Plan Amendments as well, but did not request variances specific to the deficient lot size. The neighborhood opposition was also prompted by the likely significant nuisances the drive-thru coffee shop would have created for the nearby residential properties including but not limited to noise, litter, and light pollution.

The main functional issue which makes the subject parcel incompatible for a high intensity Commercial use is the geometry and topography of the lot. If the parcel were to be considered to be developed for a high intensity use, it would need to be configured to accommodate vehicle ingress and egress to and from Highway 49, on which the parcel fronts to the east. This would be the only way to avoid the incompatible vehicle ingress and egress from the business to and from Schober Avenue. To provide for access to and from Highway 49 to the business, the lot would have to be significantly cut to closely match the elevation of Highway 49, and would likely require a significant engineered retaining wall on the parcel's west boundary to allow for maintaining the current alignment and slope of Schober Avenue. In all cases, any sort of high intensity commercial use would create problematic traffic impacts on Highway 49 and its intersection with Schober Avenue. This reach of Highway 49 is already very dangerous as many accidents involving vehicles and pedestrians have occurred there.

All of the above considered, in the current Draft City of Jackson General Plan Update the Land Use for this parcel should be changed from Commercial with unlimited Commercial development potential. It may be suitable for several other designations including Limited Commercial (LC), Professional Office (PO) or Residential Single Family (RSF), but even these designations will likely require the City of Jackson to consider and approve significant variances for the parcel to be developed. The only other option would be for the City of Jackson to purchase and acquire the parcel and find some low intensity beneficial municipal use, or leave the parcel undeveloped.

Questions and comments I request to be addressed:

1. In general, please respond and address all the issues raised above as appropriate, as part of this Public Hearing and Public Comment process.
2. If the City of Jackson takes the position for this General Plan Update and this corresponding EIR, that the parcel has been "grandfathered" as having the Commercial (C) Land Use designation, please address this and the following 3 numbered items (Numbers: 2, 3, 4 and 5.) Does the City of Jackson have documentation related to the purported "grandfathering" of the parcel for the Commercial (C) Land Use Designation?
3. Does the City of Jackson have a formal policy or procedure for "grandfathering" Land Use designations and/or issues related to Land Use designations? What are the specific provisions of any City of Jackson "grandfathering" policies or procedures that exist in writing, or otherwise, by the City of Jackson?
4. If the City of Jackson does have documentation related to the purported "grandfathering" of the parcel as Commercial (C), since it was purchased and acquired by CalTrans, please provide the documentation for public disclosure as part of this Public Hearing and Public Comment process.
5. If the parcel was "grandfathered" as Commercial (C) Land Use at any time otherwise, either in writing or verbally; please provide information as to who officially representing the City of Jackson "grandfathered" the parcel, to whom the "grandfathered" designation was ordained, on what specific date and by what authority it was done?
6. Was the City of Jackson engaged by CalTrans or involved in any way in the CalTrans' process of surplussing and selling the parcel? Were there written correspondences between the City of Jackson and CalTrans, or between the City of Jackson and Mr. Lee Scundi related to CalTrans' surplussing and selling the parcel?
7. How is the issue of purported historical toxic contamination of the soils on the parcel to be addressed and resolved by the City of Jackson, either as part of this General Plan Update and its' EIR, or as a requisite part of any future development proposals for APN-020-367-001?

In conclusion, I must emphatically assert that the Commercial (C) Land Use designation is inappropriate for the property/parcel APN-020-367-001. And, it is most appropriate for the City to rectify this issue now, as part of the current City of Jackson General Plan Update EIR process, rather than repeatedly accepting and processing future development proposals with requests for inappropriate variances and de facto General Plan amendments that could compromise community safety and, as a result, also subject neighboring citizens and residential property owners to endure the agony of having to come out in opposition repeatedly as has occurred in the past several years.

Respectfully Submitted,



John C. Johnson
123 Eva Way
Jackson, CA 95642

(209) 601-5193
h2oreclaim@comcast.net

Response to Letter B: John C. Johnson, Resident of Jackson

Response B-1: The commentor states that the parcel designated as APN 020-367-001 does not comply with applicable zoning and development standards applied to the C – Commercial zoning district. The commentor includes a brief overview of the planning entitlement history and City of Jackson Planning Commission decisions relating to the parcel and use of the site. The commentor states that Commercial uses at the subject parcel are incompatible due to geometry and topography of the parcel and would need to be configured to accommodate vehicle ingress and egress to and from Highway 49. The commentor states that with all of the above considered, the land use designation of the parcel should be redesignated, city acquire the parcel, or the parcel be left undeveloped.

This comment is noted. As noted in Section 4.0 of the Draft EIR, the proposed General Plan sets policies and actions for build-out of the City, but it does not envision or authorize any specific development project. Because of this, the site-specific details of potential future development projects are currently unknown and analysis of potential impacts of such projects is not feasible and would be speculative. However, each future development and infrastructure project is required to undergo review by engineering and public works departments of the City, with the applicable implementation of a detailed project specific traffic control plan. Further, land use or zoning development decisions are determined by review of City staff, City Council, or Planning Commission during project site-specific review. The analysis of the DEIR anticipates development to occur in the Planning Area, consistent with the proposed Land Use Map. The commentor is referred to Chapter 5.0 of the Draft EIR. Specifically, the commentor is referred to Alternative 1, No Project Alternative, wherein the City would not adopt the General Plan Update, and the Land Use Map would remain unchanged. The commenters concerns are noted, and will be forwarded to the City Council for review and consideration. This comment does not address the adequacy of the Draft EIR, and no further response is required.

Response B-2: This comment serves as a conclusion to the letter. The commentor provides a brief paragraph describing opposition to the land use designation of parcel APN 020-367-001, and also provides personal contact information. The commentor does not identify the specific environmental concerns, or provide further detail, other than an opposition statement that is due to the land use designation of the above mentioned parcel.

This comment is noted. The comment will be provided to the City for consideration. No further response to this comment is warranted.



Central Valley Regional Water Quality Control Board

14 August 2023

Governor's Office of Planning & Research

Susan Peters
 City of Jackson
 33 Broadway
 Jackson, CA 95642
 GeneralPlan@ci.jackson.ca.us

Aug 14 2023
STATE CLEARINGHOUSE

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, JACKSON GENERAL PLAN UPDATE, SCH#2022110545, AMADOR COUNTY

Pursuant to the State Clearinghouse's 29 June 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Jackson General Plan Update, located in Amador 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

C-1

C-2

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

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Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

C-2 Cont.

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 Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.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.

C-3

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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

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

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Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

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

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

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

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 (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic

¹ 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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General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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 Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat 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

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For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

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 *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface 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. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

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

C-4 Cont.

Response to Letter C: Peter Minkel, Central Valley Regional Water Quality Control Board

Response C-1: This comment is noted. This comment serves as an introduction to the letter and does not warrant a response. No further response is necessary.

Response C-2: The comment provides background information regarding the responsibilities of the Central Valley Regional Water Quality Control Board (RWQCB). This information further elaborates on regulatory setting information provided in Section 3.9, Hydrology and Water Quality, of the Draft EIR. The Water Quality Control Plan for the Central Valley Region (Basin Plan) is the guiding document for water quality and sustainable groundwater management in the region. This comment is noted. No further response is necessary.

Response C-3: The comment provides information regarding “Antidegradation Considerations,” including the Basin Plan’s policy and analysis requirements for National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirement (WDR) permitting. Project impacts to groundwater and surface water quality are addressed in Section 3.9, Hydrology and Water Quality, of the Draft EIR. Impacts were determined to be less than significant or less than significant with mitigation. The Draft EIR adequately analyzes the potential impacts to groundwater and surface water quality.

Response C-4: The commenter identifies construction storm water permit requirements for projects that disturb one or more acres of soil or are part of a larger plan that in total disturbs one or more acres of soil. The commenter also discusses construction storm water permits, MS4 permits, industrial storm water general permits, Sections 404 and 401 permits, WDRs, dewater permits, limited threat general NPDES permits, and NPDES permits.

As described in Section 3.9, Hydrology and Water Quality, of the Draft EIR, future development project applicants must submit the Storm Water Pollution Prevention Plan (SWPPP) with a Notice of Intent to the CVRWQCB to obtain a General Permit. The CVRWQCB is an agency responsible for reviewing the SWPPP with the Notice of Intent, prior to issuance of a General Permit for the discharge of storm water during construction activities. The CVRWQCB accepts General Permit applications (with the SWPPP and Notice of Intent) after specific projects have been approved by the lead agency. The lead agency for each specific project that is larger than one acre is required to obtain a General Permit for discharge of storm water during construction activities prior to commencing construction (per the Clean Water Act). Therefore, future development project applicants would comply with the General Construction Stormwater Permit from the Central Valley RWQCB. The Draft EIR adequately reflects the information provided in the comment.

Additionally, as described in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the City is classified as a Phase II city by the State Water Resources Control Board. As such, the City, and consequently future development, is required to comply with the State Board’s storm water NPDES permit for Phase II cities.

Further, As noted in Section 3.9 of the Draft EIR, the proposed General Plan sets policies and actions for build-out of the City, but it does not envision or authorize any specific development project. Because of this, the site-specific details of potential future development projects are currently unknown and analysis of potential impacts of such projects is not feasible and would be speculative. However, each future development and infrastructure project is required to prepare a detailed project specific drainage plan, Water Quality Management Plan, and a SWPPP that will control storm water runoff and erosion, both during and after construction. If the project involves the discharge into surface waters the project proponent will need to acquire a Dewatering permit, NPDES permit, and Waste Discharge permit from the CVRWQCB. It is noted that, should groundwater be encountered during future construction and dewatering become necessary, the future development project applicant would be required to seek the proper NPDES permit for dewatering activities.

This chapter includes minor edits to the EIR. These modifications resulted from responses to comments received during the Draft EIR public review period.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike-out for deleted text~~.

3.1 REVISIONS TO THE DRAFT EIR

EXECUTIVE SUMMARY

No changes were made to the Executive Summary of the Draft EIR (DEIR).

1.0 INTRODUCTION

No changes were made to Chapter 1.0 of the DEIR.

2.0 PROJECT DESCRIPTION

No changes were made to Chapter 2.0 of the DEIR

3.1 AESTHETICS AND VISUAL RESOURCES

No changes were made to Section 3.1 of the DEIR.

3.2 AGRICULTURAL AND FOREST RESOURCES

No changes were made to Section 3.2 of the DEIR.

3.3 AIR QUALITY

No changes were made to Section 3.3 of the DEIR.

3.4 BIOLOGICAL RESOURCES

No changes were made to Section 3.4 of the DEIR.

3.5 CULTURAL AND TRIBAL RESOURCES

No changes were made to Section 3.5 of the DEIR.

3.6 GEOLOGY

No changes were made to Section 3.6 of the DEIR.

3.7 GREENHOUSE GAS, CLIMATE CHANGE AND ENERGY

No changes were made to Section 3.7 of the DEIR.

3.8 HAZARDS AND HAZARDOUS MATERIALS

No changes were made to Section 3.8 of the DEIR.

3.9 HYDROLOGY AND WATER QUALITY

No changes were made to Section 3.9 of the DEIR.

3.10 LAND USE PLANNING, POPULATION, AND HOUSING

No changes were made to Section 3.10 of the DEIR.

3.11 MINERAL RESOURCES

No changes were made to Section 3.11 of the DEIR.

3.12 NOISE

No changes were made to Section 3.12 of the DEIR.

3.13 PUBLIC SERVICES AND RECREATION

No changes were made to Section 3.13 of the DEIR.

3.14 CIRCULATION

The following change was made to page 3.14-2 of Draft EIR.

East of SR 49, SR 104 becomes Ridge Road, extending. SR 104 terminates at SR 49. The roadway continues east of SR 49 as Ridge Road, extending

The following change was made to page 3.14-3 of Draft EIR.

~~Figure 13.4-2~~ Figure 3.14-2

The following change was made to page 3.14-8 of Draft EIR.

~~Figure 13.4-4~~ Figure 3.14-4

The following change was made to page 3.14-8 of Draft EIR.

Although not listed in the Amador Countywide Pedestrian and Bicycle Plan (2017), many agencies are now implementing a fourth type of bikeway treatment. These Class IV facilities are commonly known as either separated bike lanes or cycle tracks. They are generally located within the street and have their own dedicated space which is physically separated from adjacent travel lanes. Existing bicycle facilities within the City of Jackson are displayed on Figure 13.4-4 and described below:

The following change was made to page 3.14-8 of Draft EIR.

Figure 13.4-5 Figure 3.14-5

3.15 UTILITIES AND SERVICE SYSTEMS

No changes were made to Section 3.15 of the DEIR.

3.16 WILDFIRE

No changes were made to Section 3.15 of the DEIR.

4.0 CUMULATIVE/OTHER CEQA-REQUIRED TOPICS

The following change was made to page 4.0-19 of Draft EIR.

~~impacts associated with wastewater treatment and compliance with waste discharge requirements are less than significant. The proposed General Plan's incremental contribution to cumulative wastewater impacts would be less than cumulatively considerable.~~

5.0 ALTERNATIVES

No changes were made to Chapter 5.0 of the DEIR.

6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the DEIR.

7.0 REFERENCES

No changes were made to Section 7.0 of the DEIR.

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