

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department

1550 Harbor Blvd., Suite 100

West Sacramento, CA 95691 Phone (916) 373-3710

Email: nahc@nahc.ca.govWebsite: <http://www.nahc.ca.gov>

Twitter: @CA_NAHC



April 2, 2019

Stephanie Ulmer
Western Placer Waste Management Authority
3013 Fiddymment Rd.
Roseville, CA 95747

RE: SCH# 2019039087 Renewable Placer Waste Action Plan, Placer County

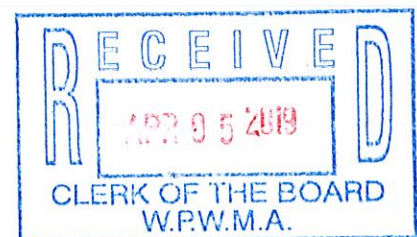
Dear Ms. Ulmer:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

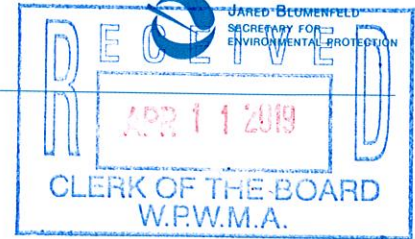
The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.





GAVIN NEWSOM
GOVERNOR



Central Valley Regional Water Quality Control Board

8 April 2019

Stephanie Ulmer
Western Placer Waste Management Authority
3013 Fiddymont Road
Roseville, CA 95747

CERTIFIED MAIL
7014 2120 0001 4292 3761

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, RENEWABLE PLACER WASTE ACTION PLAN PROJECT, SCH#2019039087, PLACER COUNTY

Pursuant to the State Clearinghouse's 18 March 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Renewable Placer Waste Action Plan Project, located in Placer County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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

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/

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_201805.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.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(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

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.

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.

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 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/

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently \$1,277 + \$8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

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) 464-4812 or Jordan.Hensley@waterboards.ca.gov.



Jordan Hensley
Environmental Scientist

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

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email

address: Katy.Sanchez@nahc.ca.gov.

Sincerely,



for
Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse



COUNTY OF PLACER

BOARD MEMBERS

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District 1

ROBERT M. WEYGANDT
District 2

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COUNTY EXECUTIVE
Todd Leopold, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603
TELEPHONE: 530/889-4030
FAX: 530/889-4023
www.placer.ca.gov

April 15, 2019

Stephanie Ulmer
Western Placer Waste Management Authority
3013 Fiddymment Road | Roseville, CA 95747
via email: NOPcomments@RenewablePlacer.com

Subject: Renewable Placer: Waste Action Plan

Dear Ms. Ulmer:

Placer County appreciates the opportunity to engage at this stage in the process. The County supports the Western Placer Waste Management Authority's planning efforts for its future expansion to serve the growing needs of all of its participating jurisdictions. County staff looks forward to working with the landfill staff throughout this endeavor. The County provides the following comments on the Notice of Preparation of a Environmental Impact Report for the Renewable Placer: Waste Action Plan:

Placer County Flood Control and Water Conservation District

The proposed project has the potential to create the following impacts:

- a) Increases in peak flow runoff downstream of the project area.
- b) Increases in volume of runoff downstream of project area.
- c) Overloading of the actual or designed capacity of existing stormwater and flood-carrying facilities.

Future EIRs must specifically quantify the incremental effect of the above impacts due to this project, and propose mitigation measures where appropriate.

Health & Human Services Environmental Health Division

- a) The project shall comply with all regulations required by the Local Enforcement Agency (LEA), CalRecycle, the Central Valley Regional Water Quality Control Board, and any other applicable regulations associated with the operation of a landfill and material recovery facility.
- b) The Environmental Impact Report (EIR) shall analyze all potential impacts related to hazards and hazardous materials associated with the project.

County Executive Office

Fire and Emergency Services

The formation of the County's Community Facilities District No. 2012-1 was based upon the land uses in the Sunset Area at the time and did not contemplate the need and funding for additional services related to the expansion of the landfill and intensification of uses. Impacts related to the increased demand on fire services and emergency services should be analyzed in the environmental impact report including but not limited to analysis on impacts to response times, personnel, equipment, etc. Appropriate mitigation measures should be provided to mitigate the impacts to County services which may include participation in County Service Area Zone of Benefit, Community Facilities District or other funding mechanism to offset impacts.

Road Maintenance

The expansion of the landfill facilities may create impacts on the County's roadway system including increased truck traffic along Athens Avenue and Fiddymment Road in particular. Analysis should identify preferred truck

traffic routes and impacts on those associated roadways. In addition, the analysis should propose mitigation of those impacts on the County's roadway system including participation in a county service area zone of benefit or CFD or other funding mechanism to contribute its fair share cost to maintain the roadway network.

Utilities

There is limited utilities in the area to support expanded landfill operations. The EIR should analyze impacts to sewer, water, recycled water, drainage, and wet utilities and propose appropriate mitigation measures to mitigate its impacts.

Odor

"Implementation of the proposed project could alter the source potential, intensity, and frequency of site odors." The master plan proposes increasing landfill capacity by 50% or doubling it depending upon the concept chosen. Expansion is proposed to the east and west of the existing landfill operations. In addition, the project description includes excavation of the northern closed and pre-Subtitle D lined portions of the existing land and expanded and redesigned compost operations. Combined these increase the potential of increased odor emanating from the landfill property. The EIR should analyze the impacts to adjacent property owners and identify feasible mitigation measures that utilize modern technology that may not have been in effect when the landfill began its operations, to mitigate odors.

Air Quality

The EIR should analyze the proposed project's potential impacts to air quality in light of the Sierra Club v. County of Fresno (Friant Ranch, L.P.) case. This analysis is relevant not only to the increase in trip traffic but also the potential increase in odors emanating from the landfill and the proposed excavation of the northern closed and pre-Subtitle D lined portions of the existing landfill.

Traffic

The potential shifts in ingress/egress as well as the proposed new road crossing for Plan Concept 1 must be analyzed to identify not only the direct but also the indirect impacts to other intersections these changes may cause.

Aesthetics

Plan Concept 1 and 2 propose peak landfill height on the eastern and western Property to be 325 feet. The area currently today is relatively flat. The EIR should analyze impacts to visual aesthetics in particular and proposed feasible mitigation to mitigate impacts identified.

Land Use

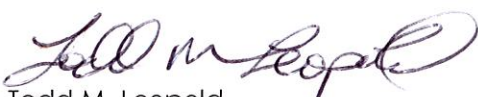
The proposed project proposes to increase the footprint of the landfill and may include expansion to the Eastern Property which is currently buffer property. This may result in additional land use conflicts both under the existing Sunset Plan as well as the proposed Sunset Area Plan Update and Placer Ranch Specific Plan. The EIR should analyze both.

Cumulative Impacts

The cumulative impacts analysis for both Plan Concept 1 and 2 must include and consider the proposed Sunset Area Plan Update and Placer Ranch Specific Plan ("SAPUPRSP"). In particular the NOP states the proposed projects will result in an increase in traffic. The cumulative analysis must consider this increase in traffic in light of the SAPUPRSP traffic analysis.

Thank you again for the opportunity to comment on the Notice of Preparation for the Renewable Placer: Waste Action Plan project. Should you have any questions, please contact Leigh Chavez, Environmental Coordinator at lchavez@placer.ca.gov or 530-745-3077.

Sincerely,



Todd M. Leopold
Placer County Executive Officer



T R A I N O R F A I R B R O O K
A T T O R N E Y S A T L A W

Charles W. Trainor
ctrainor@trainorfairbrook.com

April 15, 2019

Ms. Stephanie Ulmer
Western Placer Waste Management Authority
3013 Fiddymont Road
Roseville, California 95747
sulmer@placer.ca.gov
NOPcomments@RenewablePlacer.com

Re: Comments on the Notice of Preparation of a Draft Environmental
Impact Report for the Renewable Placer: Waste Action Plan

Dear Ms. Ulmer:

This law firm represents the United Auburn Indian Community ("UAIC"), the owner of the Thunder Valley Casino Resort ("Thunder Valley"), and other properties within two miles of the Western Regional Sanitary Landfill and Materials Recovery Facility. As a governmental entity, UAIC appreciates the opportunity to review the Notice of Preparation (NOP) for the Renewable Placer: Waste Action Plan Environmental Impact Report (EIR) and hereby submits the following comments in relation thereto.

Project Description

- The NOP states that complementary/programmatic elements (including the pilot study area, compatible manufacturing, university research area, and the landfill gas to compressed natural gas area) will be evaluated at a program level. The EIR should explain the future process for evaluating the project-level environmental impacts of these elements.
- The EIR should provide additional detail or examples of pilot projects, university research projects and compatible manufacturing industries. Without such detail, it is unclear how these areas would be evaluated at a program level.
- The project description should define whether windrow composting will continue to be used or whether other methods of composting are being considered for the expanded composting operations.

Ms. Stephanie Ulmer

Re: Comments on the Notice of Preparation of a Draft Environmental
Impact Report for the Renewable Placer: Waste Action Plan

April 15, 2019

Page 2

- The project description should define the source and method of daily cover or alternative daily cover.

Aesthetics

- The EIR should include visual simulations, particularly views from the east along Athens Avenue, to assess the impact of the proposed increase of 99 feet for the permitted landfill height. The visual simulation should incorporate the proposed method of daily cover, as well as any line of site mitigation to reduce the visual impact of the landfill.

Air Quality

- We agree with the NOP that the odors from the proposed project should be evaluated. This evaluation should consider impacts to surrounding uses, including the entertainment district in the proposed Sunset Area Plan.

Traffic

- The EIR should discuss the volume and distribution of trips from haul trucks under existing conditions and future conditions. If the first phase of Placer Parkway is not anticipated to be constructed when the project is implemented, the EIR should discuss future traffic impacts with and without the Parkway.
- The Sunset Area Plan proposes an entertainment district south of Thunder Valley which would increase the potential for pedestrian traffic across Athens Avenue. The EIR should discuss what measures will be implemented to prevent haul truck traffic on Athens Avenue in this area following development of Placer Parkway given its incompatibility with increased pedestrian activity. At such time as Placer Parkway is open for use, truck traffic to and from the landfill should be prohibited on Athens Avenue, and signage should be installed at the intersections of (a) Athens Avenue and N. Foothills Boulevard and (b) Athens Avenue and Industrial Avenue to that effect.

Cultural and Tribal Resources

- The DEIR should discuss the potential to impact cultural and tribal resources and the mitigation that will be employed during any proposed excavation activities.

Ms. Stephanie Ulmer

Re: Comments on the Notice of Preparation of a Draft Environmental
Impact Report for the Renewable Placer: Waste Action Plan

April 15, 2019

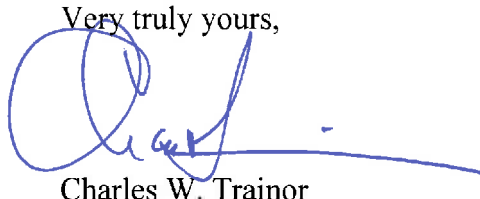
Page 3

Cumulative

- Cumulative impacts should consider the proposed buildout of the Sunset Area Plan, Placer Ranch and Placer Parkway.

We look forward to continuing discussions with WPWMA on this project of regional importance.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Charles W. Trainor', with a long horizontal flourish extending to the right.

Charles W. Trainor

CWT:skc

3671058.1757873.2

cc: Jennifer Wade Robertson

DEPARTMENT OF TRANSPORTATION**DISTRICT 3**

703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4286
FAX (530) 741-4248
TTY 711
www.dot.ca.gov/dist3



*Making Conservation
a California Way of Life.*

April 15, 2019

GTS# 03-PLA-2019-00425
03-PLA-065 PM 11.9
SCH# 2019039087

Stephanie Ulmer
Western Placer Waste Management Authority
3013 Fiddymont Rd.
Roseville, CA 95747

Renewable Placer Waste Action Plan

Dear Stephanie Ulmer:

Thank you for including the California Department of Transportation (Caltrans) in the environmental/application review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

The Renewable Placer Waste Action Plan is a long-term plan to identify and evaluate changes needed to Western Placer Waste Management Authority (WPWMA) facilities and operations. The plan addresses solid waste project elements including, landfill capacity expansion, composting, construction and demolition processing, and public facilities. Other elements include a university research area and a landfill gas to compressed natural gas area as well as recovered materials storage areas, stormwater ponds, road crossings, maintenance areas, administrative buildings, parking areas, an existing materials recovery facility, a household hazardous waste facility, and redesigned site entrances. The eastern property is approximately 155 acres and is used for cattle grazing and is not currently permitted for solid waste operations. The center property is approximately 314-acres and includes the Western Regional Sanitary Landfill (WRSL) and other associated solid waste infrastructure, including a public waste and recyclables drop-off area, compost area, construction and demolition (C&D) processing area, and household hazardous waste collection area. The western property, approximately 459-acres, is currently leased to the City of Lincoln for discharge of reclaimed water and a portion of which is leased for model airplane operations. The western property has undergone environmental review and has been permitted to operate as a landfill by the Placer County Planning Commission, however the property has not been fully permitted for waste disposal. The proposed project is located on 928 acres of WPWMA's properties near the intersection of Fiddymont Road and Athens Avenue east of State Route (SR) 65 in Placer County. The

following comments are based on the Notice of Preparation of a Draft Environmental Impact Report (NOPDEIR) received.

Highway Operations

The below comments are made by Caltrans Highway Operations on the Notice of Preparation (NOP) for the Renewable Placer Waste Action Plan Draft Environmental Impact Report (DEIR):

- Provide existing and project buildout vehicular and truck trip generations volumes, distribution patterns and comparison.
- Analyze SR 65 ramp intersections with Sunset Boulevard and Twelve Bridges Drive under both without and with project conditions. The analysis should include intersection delay Level of Service (LOS) and queue under existing and project buildout conditions, per Caltrans Traffic Impact Study Guide. Caltrans may request analysis of additional facilities or reduce scope based on the expected added volumes to State Highway System (SHS).
- Analyze the feasibility of the eastbound Twelve Bridges Drive direct on-ramp to southbound SR 65 construction, per the previously prepared cooperative agreement.
- Analyze without and with project Vehicle Miles Traveled (VMT).

Freeway Operations

Assuming the operation of a landfill, the proposed project will generate some number of trips in addition to some large truck trips; therefore, it will have an impact on the State Highway System (SHS). This landfill serves the cities of Roseville, Rocklin and Loomis. SR 65 often operates at or near capacity often. Therefore, Caltrans is requesting for a Transportation Impact Study (TIS) which should include the following:

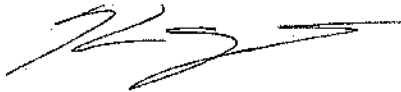
- The Caltrans future Route 65 HOV project (EA 03-1F170) should be included in the future analysis.
- Analysis of NB 65 and SB 65 offramp terminals at Galleria Blvd., Pleasant Grove Blvd., Blue Oaks Blvd., Sunset Blvd., Whitney Ranch Pkwy (NB only), Twelve Bridges Dr., Lincoln Blvd., and Ferrari Ranch Rd. interchanges.
- Include offramp queue length analysis for the Junction of Route 65 and I-80.
- Include offramp queue length analysis for Galleria Blvd., Pleasant Grove Blvd., Blue Oaks Blvd., Sunset Blvd., Whitney Ranch Pkwy (NB only), Twelve Bridges Dr., Lincoln Blvd., and Ferrari Ranch Rd. interchanges.
- Analysis of merge and diverge for the Junction of Route 65 and I-80.
- Analysis of merge and diverge for Galleria Blvd., Pleasant Grove Blvd., Blue Oaks Blvd., Sunset Blvd., Whitney Ranch Pkwy, Twelve Bridges Dr., Lincoln Blvd., and Ferrari Ranch Rd. interchanges.
- The TIS should include the VMT analysis which includes VMT per capita, and the average VMT per capita for the surrounding area.
- Evaluation of elements of multi-modal transportation system including bicycle paths, pedestrian and public transportation facilities.

Ms. Stephanie Ulmer, Western Placer Waste Management Authority
April 15, 2019
Page 3

Please provide our office with copies of any further actions regarding this project or future development of the property. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Vishal Ream-Rao, Intergovernmental Review Coordinator for Placer County, by phone (530) 741-5130 or via email to vishal.ream-rao@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Yount', with a stylized, sweeping flourish at the end.

KEVIN YOUNT, Branch Chief
Office of Transportation Planning
Regional Planning Branch—East