



**State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION**

NOTICE OF PREPARATION

**Empire Mine State Historic Park
Site Characterization and Remediation Project**

Draft Program Environmental Impact Report

The California Department of Parks and Recreation (DPR) is the Lead Agency for the Site Characterization and Remediation Project (Project) at Empire Mine State Historic Park (Park), as defined by the California Environmental Quality Act (CEQA). DPR is preparing a Draft Program Environmental Impact Report (Draft Program EIR) for the Project. We are inquiring about views of interested persons/agencies as to the scope and environmental requirements relevant to your concerns and/or agency's statutory responsibilities, in connection with the proposed Project. This Notice of Preparation (NOP) includes the Project Location, Project Description, Constituents of Potential Concern Found at the Site, Potential Remediation Activities, and Possible Effects and Mitigations.

Project Location

The Park is located in Nevada County on the western slope of the north-central Sierra Nevada. It is approximately 50 miles northeast of Sacramento and is adjacent to and southeast of the City of Grass Valley (See Figure 1, Regional Location and Transportation Routes). The Park is operated by DPR's Sierra District. DPR offices for the Park are located at 10556 East Empire Street, Grass Valley, California.

Project Description

The Project consists of remediation activities required to abate risks in areas of the Park addressed under a Cleanup and Abatement Order and an Imminent and/or Substantial Endangerment Determination and Partial Consent Order that DPR and Newmont USA Ltd. (Newmont) entered into with the Department of Toxic Substance Control and Central Valley Regional Water Quality Control Board. The Draft Program EIR will evaluate potential environmental impacts from anticipated remediation activities in areas of the Park southwest of Highway 174. DPR is preparing a separate document to comply with CEQA to evaluate a remediation implementation plan for the Osborne Hill Trails area.

Constituents of Potential Concern Found at the Site

Previous evaluations determined that soils in the area below the former cyanide plant contain elevated levels of metals (arsenic, lead, mercury, and cadmium) that are

hazardous substances listed in Title 40, Code of Federal Regulations (40 CFR Section 302.4, Table 302.4). These soils, including the constituents listed above, are defined as “wastes” in Water Code Section 13050. Soils containing elevated metals also occur at other locations within the Park. In addition, the Park contains at least one point source of pollutants, the Magenta Drain, as defined in the federal Clean Water Act to waters of the State and navigable waters of the United States.

Site Characterization

Characterization activities, including previous and on-going work, are directed towards, but not limited to, identifying and characterizing the nature, extent and chemical characteristics of waste materials, impacted soils and surface and subsurface water quality.

Potential Remediation Activities

While the Draft Program EIR will provide a more detailed and specific discussion of the anticipated remediation activities, examples of such activities include (but are not limited to) one or a combination of the following:

Buildings:

- **Removal (Selective or Complete) of Dust from Interior Buildings.** Dust containing elevated metals may be removed from selected or entire areas of building interiors.
- **Use of Institutional Controls to Prevent Public Access.** Controls may be constructed to prevent public access to certain interior portions of buildings.
- **Building Removal.** Buildings or structures may be removed. The buildings may be replaced as necessary.

Soils:

- **Removal (Either Selective or Complete) of Contaminated Materials.** Selected portions of surface material may be removed and replaced with clean fill.
- **Placement of Covers over Selected Area(s).** An engineered cover containing clean fill and infiltration barriers may be applied on top of contaminated materials.
- **Surface Stabilization.** Areas may be graded, vegetated with native plant species, or stabilized with rock or other materials to reduce erosion of contaminated materials.
- **Storm Water Diversions.** Diversions may be constructed to reduce contact of surface water with contaminated materials.
- **Use of Institutional Controls to Prevent Public Access.** Fences may be constructed around contaminated areas to prevent public access. Signs would be posted warning the public that the area is closed.

Surface and Sub-Surface Water:

- **Water Treatment.** Water treatment using implementation of Best Management Practices (BMPs), active treatment (e.g., water treatment plant), passive treatment (e.g., constructed wetlands), or a combination thereof would be implemented, as necessary.
- **Hydrologic Controls.** Water management controls, such as storm water diversions or BMPs may be constructed to reduce contact with and erosion of contaminated materials.
- **Sediment Removal.** Contaminated sediment may be removed from water courses.

Contaminated materials would be managed either on-site or at one or more off-site facilities, depending on the material and metal characteristics.

Possible Effects and Reduction Techniques

The Draft Program EIR will evaluate the potential environmental impacts of the proposed remediation actions in this Project. The anticipated remediation activities may affect visual/aesthetic, biological, surface and sub-surface water, air quality, noise, transportation, and cultural resources. The Project will incorporate standard reduction techniques to reduce potential impacts. Where appropriate and feasible, BMPs will be used to minimize surface water impacts, reduce emissions and fugitive dust levels, minimize short-term impacts to transportation routes, reduce noise, and minimize visual impacts. The Draft Program EIR's Project Description and impact evaluations will provide a detailed discussion of these techniques, but for purposes of this NOP, the following are some, but not all, possible effects, reduction techniques, and mitigations:

Surface Water: Grading and excavation during remediation may release surface material into Little Wolf Creek. Reduction techniques will be provided in the Draft Program EIR.

Biological Resources: Grading and excavation activities may temporarily impact sensitive plant and wildlife species. Reduction techniques may include identification and monitoring to avoid sensitive species and habitats.

Visual/Aesthetics: Fence and sign installation could impact the landscape qualities of the Park. Reduction techniques will be provided in the Draft Program EIR.

Air Quality: Grading and excavation activities may temporarily impact local air quality through creation of fugitive dust and equipment emissions. Reduction techniques may include watering, limitation of activities during windy days, and freeboard limitations.

Noise: Construction activities (e.g., grading and excavation) may temporarily impact noise levels. Reduction techniques may include restricting activities to 8:00 - 5:00 p.m., Monday through Friday, unless there is an emergency.

Transportation and Traffic: Contaminated material removal to appropriate off-site waste facilities, as well as importing clean fill materials, labor and equipment may temporarily impact local transportation and traffic (See Figure 2, Local Transportation Network).

Reduction techniques may include limiting lane closures, developing a Traffic Control Plan, scheduling trips to avoid peak traffic times, posting notices of pending construction, and alerting emergency service providers.

Cultural Resources: Remediation could impact cultural resources. Reduction techniques may include identification and recordation, capping, signage and monitoring for avoidance of cultural resources.

Responses to this NOP

Due to the time limits mandated by State law, responses must be submitted to the address provided below no later than thirty (30) calendar days after this notice is filed with the Governor's Office of Planning and Research/State Clearinghouse (August 15)

Review Period: August 15-September 13, 2008

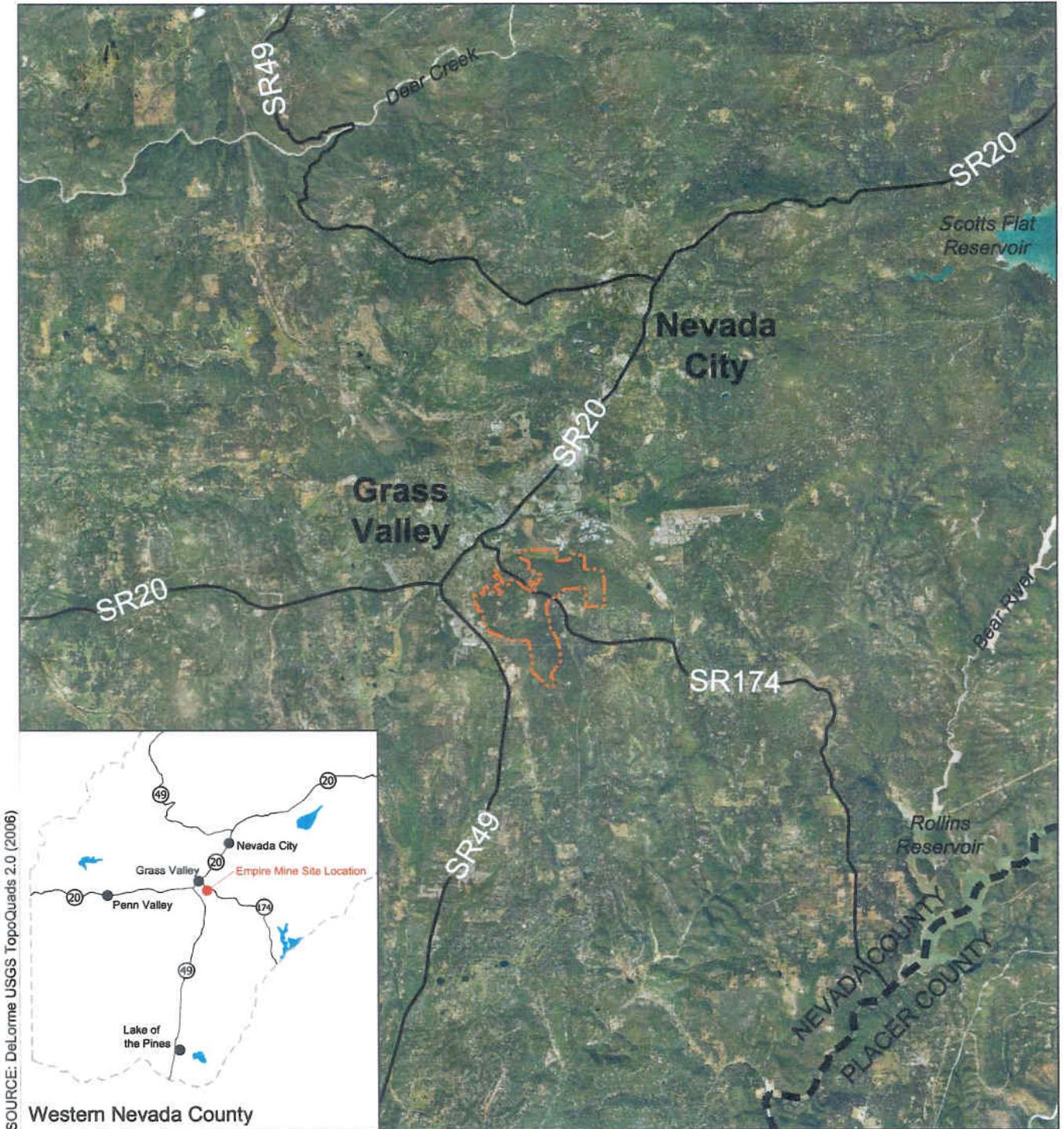
Please include the full name, telephone number with area code, and email address of a contact person with each submittal.

Submit Comments To:

Resource Design Technology, Inc.
Attn: Therese M. Schmidt, AICP – Project Manager
4990 Hillsdale Circle, Suite 400
El Dorado Hills, CA 95762
Telephone: (916) 983-9193 Fax: (916) 983-9194
Email: tschmidt@resourcedesign.biz (Subject Line: Empire Mine State Historic Park)

Signature: _____


R. Bruce Steubing

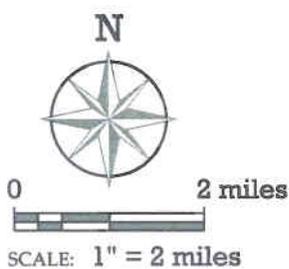


SOURCE: DeLorme USGS TopoQuads 2.0 (2006)

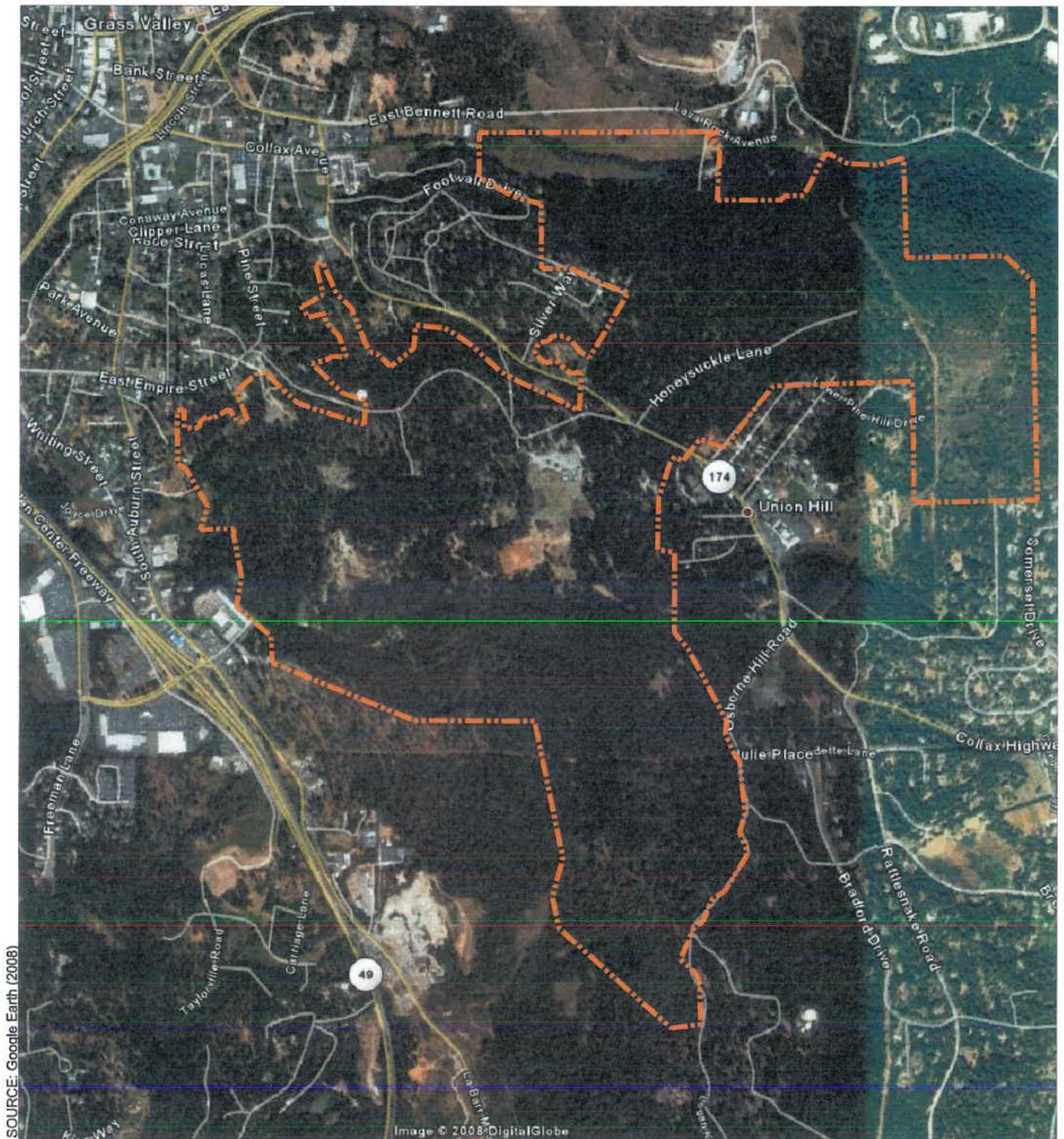
Western Nevada County

----- Empire Mine
 State Historic Park Boundary

Figure 1
Regional Location
and Transportation Routes
 EMPIRE MINE
 STATE HISTORIC PARK



RESOURCE DESIGN
 TECHNOLOGY, INC.



----- Empire Mine
State Historic Park Boundary

Figure 2
Local Transportation Network
EMPIRE MINE
STATE HISTORIC PARK



0 1500'
SCALE: 1" = 1500'-0"

RESOURCE DESIGN
TECHNOLOGY, INC.

***Appendix A-2:
Notice of Preparation Distribution List***

Empire Mine NOP Distribution List – Mailed August 19, 2008

John Spencer
District 3 County Supervisor
950 Maidu Ave
Nevada City, CA 95959

Mayor Gerard Valley
City of Grass Valley
125 East Main Street
Grass Valley, CA 95945

City Manager Gene Haroldson
City of Grass Valley
125 East Main Street
Grass Valley, CA 95945

Ronald S. Nelson
Nevada Irrigation District
1036 West Main Street
Grass Valley, CA 95945

Wesley Nicks
Dept. of Environmental Health
950 Maidu Ave.
Nevada City, CA 95959

Dr. Terrance McAteer
Nevada County Superintendent of Schools
112 Nevada City Hwy.
Nevada City, CA 95959

Jon Byerum
Grass Valley School District
10840 Gilmore Way
Grass Valley, CA 95945

Stephanie Pope
Hennessy School
114 South Auburn Street
Grass Valley, CA 95945

Rod Fivelstad
Union Hill School District
10679 Bartlett Drive
Grass Valley, CA 95945

Eric Fredrickson
Union Hill School
11638 Colfax Hwy.
Grass Valley, CA 95945

Tom Last
Grass Valley Planning Department
125 East Main Street
Grass Valley, CA 95945

Paul Aguilar
Nevada County Planning Dept.
950 Maidu Ave.
Nevada City, CA 95959

Greg Burke
Grass Valley Fire Department
125 East Main Street
Grass Valley, CA 95945

Tucker Eslinger
Ophir Hill Fire Department
P.O. Box 940
Cedar Ridge, CA 95924

Captain Tom Hostetter
Nevada County Fire Planner
950 Maidu Ave.
Nevada City, CA 95959

President CEO, Katherine Medeiros
Sierra Nevada Memorial Hospital
156 Glasson Way
Grass Valley, CA 95945

Ryan McCarthy
Water Education Foundation
717 K Street, # 317
Sacramento, CA 95814

Laura Brown
Grass Valley Union
464 Sutton Way
Grass Valley, CA 95945

Allen Stahler
KVMR
401 Spring Street
Nevada City, CA 95959

KNCO
1255 E. Main Street, Suite A
Grass Valley, CA 95945

Susan Levitz
YubaNet.com
21050 New Rome Rd.
Nevada City, CA 95959

Deb Self
Baykeeper
785 Market St., Suite 850
San Francisco, CA 94103

Sej Alchoksi
Baykeeper
785 Market St., Suite 850
San Francisco, CA 94103

Susan Fitch-MacNiel
Byers Lead Guard Gutters
11773 Slow Poke Lane
Grass Valley, CA 95945

Dan and Karen Wheat
659 Colfax Hwy.
Grass Valley, CA 95945

Mary Ann Mueller
Grass Valley Chamber President
248 Mill Street
Grass Valley, CA 95945

Frank Ribiero
Sierra Trail Blazer
664 A Freeman Lane, PMB 205
Grass Valley, CA 95949

Jim and Pat Coe
12869 Chatsworth Lane
Grass Valley, CA 95945

Jerry Pressler
P.O. Box 1014
Cedar Ridge, CA 95924

Jane Hall
Empire Mine State Historic Park
10556 E. Empire Street
Grass Valley, CA 95945

Empire Mine NOP Distribution List – Mailed August 19, 2008

Julie Clark
Empire Mine State Historic Park
10556 E. Empire Street
Grass Valley, CA 95945

Wolf Creek Community Alliance
P.O. Box 477
Grass Valley, CA 95945

Jonathan Keehn
11741 Alta Vista Ave.
Grass Valley, CA 95945

Rick Sanger
Wolf Creek Alliance
664 A Freeman Lane, PMB 888
Grass Valley, CA 95949

Lisa Zea
Senator Sam Aaestad's Office
200 Providence Mine, Ste. 108
Nevada City, CA 95959

John C. Spencer
Eric Rood Administrative Center
950 Maidu Ave.
Nevada City, CA 95959

Sam Aaestad
200 Providence Mine, Ste. 108
Nevada City, CA 95959

City of Grass Valley
City Hall
125 E. Main Street
Grass Valley, CA 94945

Assemblyman Rick Keene's Office
Attn: David Cox
State Capital, Room 2158
Sacramento, CA 95814

Al Windslow
Empire Mine Association
10787 East Empire Street
Grass Valley, CA 95945

Vern Browning
11585 Alta Vista Ave.
Grass Valley, CA 95945

John Gardiner
13103 Bradford Drive
Grass Valley, CA 95945

Note: Emailed Bill Blount @
willie531@sbb.com - requested
mailing address. We exchanged
emails; but he never gave his
mailing address. 8/18/08

mailed By: Katharina Ehresmann

K. Ehresmann

***Appendix A-3:
Written Comments to the Notice of Preparation***



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

11 September 2008

Patricia DuMont
California Department of Parks and Recreation
One Capital Mall, Suite 410
Sacramento, CA 95814

NOTICE OF PREPARATION FOR SITE CHARACTERIZATION AND REMEDIATION PROJECT, DRAFT ENVIRONMENTAL IMPACT REPORT, EMPIRE MINE STATE HISTORIC PARK, NEVADA COUNTY

We have reviewed the 15 August 2008 Notice of Preparation for the Site Characterization and Remediation draft Environmental Impact Report (EIR) for the Empire Mine State Historic Park (EMSHP) in Nevada County. The Central Valley Regional Water Quality Control Board (Regional Water Board) and the Department of Toxic Substances Control Board (DTSC) are the agencies responsible for regulating the current Site Characterization and Remediation activities at the EMSHP.

As such, all correspondence including CEQA documents for Regional Water Board should be directed to:

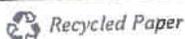
Victor Izzo, Senior Engineering Geologist
Land Disposal Program
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

If you have any questions, please contact me at (916) 464-4639.

JEFF HUGGINS
Water Resources Control Engineer
Title 27 Permitting and Mining

cc: Dan Millsap, California Department of Parks and Recreation, Sacramento
Jim Tjosvold, Chief Northern California Central Cleanup Operations Branch,
Department of Toxic Substances Control, Sacramento - Attention: Perry Myers

California Environmental Protection Agency





Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

September 9, 2008

Ms. Patricia DuMont
California Department of Parks and Recreation
One Capitol mall, Suite 410
Sacramento, California 95814

STATE CLEARINGHOUSE (SCH) #2008082066 NOTICE OF PREPARATION,
EMPIRE MINE STATE HISTORIC PARK, 10556 EAST EMPIRE STREET, GRASS
VALLEY, CALIFORNIA 95945

Dear Ms. DuMont:

The Department of Toxic Substances Control (DTSC) has received the Notice of Preparation (NOP) for the Site Characterization and Remediation Project draft Environmental Impact Report (EIR) for the Empire Mine State Historic Park (Site) located at 10566 East Empire Street, Grass Valley, California. DTSC has no comments on the NOP but requests we receive all future notices related to the EIR at the contact information listed below:

Perry Myers
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

If you have any questions regarding this correspondence, please contact me at (916) 255-3708 or pmyers@dtsc.ca.gov.

Sincerely,

Perry Myers, P.E.
Project Manager

cc: See next page.

Ms. Patricia DuMont
September 9, 2008
Page 2

cc: State Clearinghouse
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613

Resource Design Technology, Inc.
Attn: Ms. Therese M. Schmidt
AICP – Project Manager
4990 Hillsdale Circle, Suite 400
El Dorado Hills, California 95762

NID Nevada Irrigation District

1036 W Main St • Grass Valley, CA 95945 • (530) 273-6185
From Auburn & Lincoln: 1-800-222-4102 FAX: 477-2646 www.nid.dst.ca.us

August 27, 2008

Ron Munson, Superintendent
Sierra Gold Sector
10556 East Empire St.
Grass Valley, CA 95945

Re: Notice of Preparation – Draft EIR
Empire Mine State Historic Park
Site Characterization and Remediation Project

Dear Mr. Munson:

Thank you for the opportunity to review the referenced document.

The District has no existing or anticipated facilities on the project. It should be noted that a tributary to Wolf Creek flows through the project. The District diverts water from Wolf Creek for our customers, downstream from the confluence of this tributary with Wolf Creek. The District is concerned that adequate protection/safeguards be considered as they pertain to this project that could affect water quality in any manner by the construction of the proposed development. Mitigating measures are required to insure the water quality within this facility will not be compromised.

If you have any questions please don't hesitate to call me at 530-273-6185.

Sincerely,



Bill Gann
Business Coordinator

Cc: Central file, w/a file

The District will provide a dependable, quality water supply, strive to be good stewards of the watersheds and conserve the available resources.