

4.12 Public Services

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
12. PUBLIC SERVICES— Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
i) Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.12.1 Setting

Fire Protection

Fire protection agencies in the project area include the City of Grass Valley Fire Department, which provides service within the City of Grass Valley; the Nevada County Consolidated Fire District, which serves the area generally north, west, and south of the existing City of Grass Valley limits; and the Ophir Hill Fire District, which serves lands east of the Grass Valley City limits. In 1998, these agencies reached an Automatic Aid agreement that provides for a response by a minimum of two pieces of equipment anywhere in the City within four minutes, 24 hours per day. Otherwise, mutual aid from agencies state-wide is provided pursuant to the California Fire Service and Rescue Emergency Mutual Aid System via its Mutual Aid Plan (City of Grass Valley, 1999).

The Grass Valley Fire Department has 15 career personnel and 20 paid-call firefighters. The Fire Department covers an area of five square miles and protects a population of approximately 12,000 residents which is increased on any given weekend day by 2,000 to 5,000 tourists. The Department responds to approximately 2,300 incidents per year, 75 percent of which are calls for emergency medical response services (City of Grass Valley, 2006a).

The California Department of Forestry and Fire Protection (CDF) provides fire protection for wildland areas, and is only responsible for wildland fires; the CDF is not responsible for structural fires. Additional information regarding safety hazards is provided in Section 4.7, *Hazards and Public Safety*.

Police Protection

The Grass Valley Police Department provides police protection services within the incorporated boundaries of the City of Grass Valley. The headquarters building is located at 129 South Auburn Street in Grass Valley. The Grass Valley Police Department consists of 40 sworn and civilian staff, 6 reserve officers, and a 13-member volunteer program (City of Grass Valley, 2006b).

The Nevada County Sheriffs Department service area includes both the eastern and western sides of the Sierra Nevada mountain range encompassing approximately 980 square miles. An emergency services unit is located in Nevada City in the vicinity of the proposed project. It is responsible for responding to incoming telephone calls on a 24-hour per day basis. In 2003, the Nevada City Dispatch received 14,159 emergency 911 calls. The Sheriff's Department currently has 71 sworn sheriff/deputy sheriff staff members (Nevada County, 2006a).

Schools

School Districts

There are eleven school districts within the greater vicinity of the project area. **Table 4.12-1** provides a list of school districts within the vicinity, the area each district serves, grades served, and each district's existing enrollment.

**TABLE 4.12-1
PROJECT AREA SCHOOL DISTRICTS**

District	Area Served	Grades Served	Enrollment (students)
Chicago Park School District	Grass Valley	K-8	101
Clear Creek School District	Grass Valley	K-8	124
Grass Valley School District	Grass Valley	K-8	1,932
Nevada City School District	Nevada City	K-8	1,450
Nevada Joint Union High School District	Grass Valley	9-12	4,657
Pleasant Ridge Union School District	Grass Valley	K-8	2,071
Pleasant Valley School District	Penn Valley	K-8	662
Ready Springs Union School District	Penn Valley	K-8	376
Sierra Community College District	Grass Valley	Community College	20,500
Twin Ridges School District	North San Juan	K-8	1,329
Union Hill School District	Grass Valley	K-8	795

SOURCE: Nevada County Superintendent of Schools (2006)

Childcare Facilities

Childcare facilities within the City of Grass Valley are shown in **Table 4.12-2**. The only childcare facility in the immediate vicinity of the project sites is Creative Kids, located at 12108 E. Bennett Road in Grass Valley.

**TABLE 4.12-2
PROJECT AREA CHILDCARE FACILITIES**

State Licensed Facility	Location	Enrollment Capacity
A Child Garden Early Learning Center	501 South Auburn Street, Grass Valley	28
Bearcat Preschool	10879 Bartlett Drive, Grass Valley	94
Cornerstone Christian Preschool	10050 Wolf Road, Grass Valley	60
Country Preschool, The	10515 Alta Street, Grass Valley	60
Creative Kids	12108 E Bennett Rd, Grass Valley	45
Kinderland Preschool	12914 Colfax Hwy, Grass Valley, CA	30
Montessori House of Children	12509 Burma Road, Grass Valley	24
Our Kids Place	10846 Gilmore Way, Grass Valley Ca	26
Sierra College Child Development Center	250 Sierra College Drive, Grass Valley	71
Silver Springs Head Start Center	12338 McCourtney Road, Grass Valley	25
Tall Pines Nursery School, Inc	Nevada County Fair Grounds, Grass Valley	40

SOURCE: California Community Care Licensing Division (2006)

Parks

See Section 4.13, *Recreation*, for information regarding existing parks and recreation facilities and Section 4.9, *Land Use and Planning*, regarding proposed parks and recreation facilities.

4.12.2 Regulatory Context

Federal

Mine Safety and Health Act

The Federal Mine Safety and Health Act requires that the U.S. Department of Labor's Mine Safety and Health Administration inspect all mines each year to ensure safe and healthy work environments for miners. In addition to setting safety and health standards for preventing hazardous and unhealthy conditions, Mine Safety and Health Act's regulations establish requirements for:

- Immediate notification by the mine operator of accidents, injuries, and illnesses at the mine;
- Training programs that meet the requirements of the Mine Act; and
- Obtaining approval for certain equipment used in gassy underground mines.

The Mine Act covers all mine operators and miners throughout the United States (U.S. Department of Labor, 2006).

Mine Safety and Health Administration (MSHA)

The goal of MSHA is to reduce fatal and nonfatal injury incidences, reduce coal and silica mine dust exposure, and reduce noise exposures in an effort to protect the health of mine workers. The MSHA does this through enforcement of the Mine Safety and Health Act of 1977. Under this act, MSHA inspectors must issue a citation or order for each violation of a health or safety standard they encounter. Each issuance entails a civil penalty. These fines may range up to \$55,000 per violation.

State

California Occupational Safety and Health Act

All non-federal employees in California have the right to a safe and healthy working environment under the California Occupational Safety and Health Act. This law guarantees worker rights to a safe and healthy workplace and requires that employers take responsibility for ensuring workplace safety (California Department of Industrial Relations, 2006).

Senate Bill 50

Senate Bill 50 (SB 50) which provided a \$9.3 billion bond measure for school construction and revised the existing limitation on developer fees for school facilities was enacted as urgency legislation which became effective on November 4, 1998 as a result of the California voters approving the bond measure (Proposition 1A). SB 50 established a 1998 base amount of allowable developer fees (Level One fee) for residential construction (subject to adjustment) and prohibits school districts, cities, and counties from imposing school impact mitigation fees or other requirements in excess or in addition to those provided in the statute.

Local

Nevada County General Plan¹

The Nevada County General Plan contains the following objectives and policies that would be applicable to the proposed project:

- Objective 2.6: Within community regions, provide adequate public services and facilities to employment-generating uses.
- Policy 3.4: To enable public services to be provided with the greatest degree of efficiency and cost-effectiveness, development within Community Regions shall be encouraged at the maximum density under the respective land use designations shown on the General Plan Land Use maps, consistent with environmental, infrastructure and other site constraints.

¹ Under the proposed project, Nevada County plans and policies would only apply to the New Brunswick site, which would not be annexed into the City of Grass Valley as part of this proposed project.

- Policy 3.12: Encourage all other districts serving the County (including school, utility, cemetery, park, and fire districts) to develop and to regularly update a Master Service Plan based on realistic growth which specifies a district's policies and requirements for facilities based upon buildout of the County's General Plan. The County shall review all proposed facility sites in the districts' Facilities Master Plans for consistency with the General Plan.
- Policy 2.12: In support of the County Economic Policy, develop and implement a program that analyses the existing and potential public services available to all job-generating land uses. Where the analysis determines a lack of a facility or service that restricts development potential, an action program to provide the needed facility or service shall be implemented.

(Nevada County, 1996).

Nevada County Fire Plan

The intent of the Nevada County Fire Plan (NCFP) is to provide recommendations to the County Board of Supervisors to reduce impacts of wildland fires to life, property, and natural resources in Nevada County. The NCFP is based on the recognition of the danger brought about by the vast accumulation of wildland fuels in Nevada County, a problem that is compounded by a human desire to live in an environment where fire has historically been a part of the ecosystem. The plan focuses on reducing the impacts of large and damaging wildland fires through 42 specific recommendations. These recommendations were agreed upon through a formal prioritization process as well as stakeholder input from the public meetings. Those dealing with fuels management and the continuation of fuels reduction assistance programs were determined to be of highest priority. The primary goals of the Fire Plan are to:

1. Reduce Fire Severity and Intensity through Fuels Management
2. Enhance Public Safety and Improve Effectiveness of Emergency Services through Infrastructure Improvements
3. Reduce Risk to Life and Property through New or Revised Codes, Ordinances and Compliance Programs
4. Increase Community Awareness and Involvement to Promote Participation and Voluntary Compliance
5. Involve Fire Agencies, County Departments, Public and Private Land Managers, and the Fire Safe Council in Collaborating on County-Wide Goals and Plans to Consistently and Efficiently Implement Mitigation Measures.

(NCFP, 2004).

City of Grass Valley General Plan

The City of Grass Valley General Plan Safety Element provides the following goals and policies that would be applicable to the proposed project:

- Goal 4-SQ: Reduction of risk from exposure to structural and wildlife fires.

- Policy 6-SP: Incorporate fire hazard reduction considerations into land use plans/patterns, both public and private.
- Policy 10-SP: Adopt and implement appropriate standards for access roads, on-site driveway standards, fuel reduction and emergency water supply.
- Policy 11-SP: Maintain appropriate standards for water supply, pressure and distribution for fire suppression purposes.

(City of Grass Valley, 1999).

4.12.3 Impacts Discussion

Methods

The effort to identify public services in the project area included a review of existing documents, reference materials, and online resources. Existing documents reviewed and referenced for this MEA included both the Nevada County and City of Grass Valley General Plans, and the Nevada County Fire Plan. School service information was obtained by accessing the California Community Care Licensing Division, Nevada County Superintendent of Schools' Office and Sierra College websites. Information regarding police, fire, and public safety services in the vicinity of the proposed project was obtained by the use of the California Department of Industrial Relations and Mine Safety and Health Administration and Nevada County and City of Grass Valley official websites.

For a discussion of impacts to parks and recreation facilities, refer to Section 4.13, *Recreation*, and Section 4.9, *Land Use and Planning*.

Results

Impact 4.12-1: The proposed project could affect Grass Valley and Nevada County Fire Departments' ability to provide adequate fire suppression and emergency services. This would be a potentially significant impact.

Construction and operation of the proposed mining and processing operations could result in an increase in emergency medical and fire service calls to the project site which could reduce overall city and county response times. In the event of an emergency at the mine, the project applicant proposes to perform all mine rescue operations in accordance with the Mine Safety and Health Act (MSHA), CFR 30, Part 49 and California Occupational Safety and Health Act (Cal/OSHA), California Code of Regulations (CCR) Title 8, Article 30 Sections 7083 through 7086. Both the Mine Safety and Health Administration and Cal/OSHA would monitor rescue capabilities during periodic and mandatory enforcement inspections. Once mining operations are fully operational, the project applicant would have two mine rescue teams each consisting of a five-man team plus an alternate. A mine rescue station would be located on the surface for equipment storage and a training facility.

During the beginning phases of the mining operation there would be a small crew working underground. During that time, the project applicant would not be required, nor would it provide, two full mine rescue teams. For this “ramp up” phase, the project applicant would apply to the Mine Health and Safety Administration for the purpose of attaining “small and remote” status. If “small and remote” status is granted, the project applicant would train one mine rescue person for every 10 people underground and would affiliate with a cooperative mine rescue station. Two teams that the project applicant could affiliate with until project operations are large enough for independent mine rescue capabilities are: 1) Tuolumne County Sheriff Mine Rescue Team in Sonora, California and 2) Lassen County Sheriff Mine Rescue Team in Susanville, California. Both the Tuolumne County Sheriff Mine Rescue Team and the Lassen County Sheriff Mine Rescue Team have helicopter access and would be able to arrive at the project sites in less than two hours, as required by MSHA and Cal/OSHA. These two teams have been used in the past to fulfill the mine rescue requirement for “small and remote” mines in Nevada and Sierra Counties. Regardless, the project applicant will need to “affiliate” with one or both of these mine rescue teams and provide documentation that the rescue teams have agreed to the affiliation to complete this analysis. In addition, additional information regarding the criteria that is in place to be granted “small and remote” status and whether or not IMMC has applied for this “small and remote” status yet. It will also be necessary to know how long IMMC proposes to operate as “small and remote.” In addition, a more detailed emergency management plan that states specifically the expected demand on City of Grass Valley and Nevada County Fire Departments and any proposed mitigations to reduce those impacts to less than significant levels is necessary.

In addition, the project would result in the employment of up to 650 construction and operations employees. It is conservatively estimated that 224 employees would relocate to the City of Grass Valley with 403 dependents; total population increase for the City is estimated to be 627 persons. Thus, in addition to potential impacts to fire protection services that would result from operation of the mine, the proposed project would result in an indirect impact to fire services because fire services would be needed to provide services to an additional 627 residents. This would be a potentially significant impact.

Impact 4.12-2: Implementation of the proposed project could affect both the City of Grass Valley and Nevada County Police and Sheriff Department’s ability to provide police protection services to the project site and other areas under its jurisdiction. This would be a potentially significant impact.

When a new project or activity draws an increased number of persons to a given area, demands for police services increase. The number of traffic accidents, auto thefts, auto burglaries, police reports, and similar incidents increases correspondingly, resulting in greater demands on police services and resources. The Idaho-Maryland site would have ongoing security operations 24 hours per day, 7 days per week. The entire site perimeter would be secured with an 8-foot high chain link fenced topped with razor or barbed wire. Security forces would regularly patrol the property and building perimeters as well as the remainder of the property. A guard would be

stationed continuously in the security office located at the Main Gate and at the employee and visitors entrance off of Bennett Street. Closed circuit television cameras would be located at these entrances as well as at the entrances at the emergency accesses. “Private Property-No Trespassing” signs would be located at a minimum of 100-foot intervals along the property fence lines. The project applicant’s proposed onsite security measures would reduce the significance of increased onsite demands for police services by implementing measures that would reduce the likelihood of onsite vandalisms and trespassing. However, based on current service ratios of 1 officer per 260 residents and a projected maximum population increase in City population of 627 residents, the proposed project would generate the demand for 3 additional sworn police officers.

Impact 4.12-3: Increased school enrollments attributable to the proposed project could exceed available school capacities. This would be a less than significant impact.

The proposed project would not develop residential uses and therefore, would not be expected to directly generate new student enrollment in the local school districts. However, it is expected that of the up to 650 construction and operations employees that would be employed by the project, approximately 224 would relocate to the City, bringing with them approximately 403 dependents, which includes spouses and children. This population increase could indirectly result in an impact to local schools. However, courts have held that increased classroom enrollment resulting in school overcrowding is considered a social rather than a physical impact and is not, in itself, a significant environmental impact requiring mitigation under CEQA (*Goleta Union School District vs. Regents of University of California [2nd Dist. 1995]*). Instead, increased school enrollment may only lead to such an impact if the increased enrollment would ultimately require adverse physical changes in the environment. The duty of a lead agency to mitigate school impacts beyond the state-mandated fees arises only where there is a physical environmental impact involved beyond the mere addition of students to a school. Additionally, under SB 50, the capacity of any public school cannot be considered as the reason for denying a land use application. The impact fees collected per Senate Bill 50 requirements must be used by the impacted schools. Payment of the impact fee provides the legal mitigation measure for impacts to local school districts. It is expected that the project would contribute its fair share in student impact fees pursuant to SB 50 requirements. School impact fees are collected when building permits are issued.

Impact 4.12-4: Implementation of the proposed project could reduce the available capacity of childcare facilities in the area. This would be a less than significant impact.

Project operations are projected to employ up to 650 new construction and operations employees. While childcare facilities are located throughout the City of Grass Valley as well as neighboring cities within Nevada County, the proposed project could impact local childcare facilities. It is

projected that of the 650 employees, 224 are expected to relocate to the project area with 403 dependents. Because the 403 dependents include spouses and children over the age of 5, the number of children that would require use of childcare facilities in the project area as a result of the proposed project would be less than significant.

4.12.4 Data Gaps

1. A more detailed emergency management plan is necessary. The Plan should include proposed accident avoidance measures, evacuation plans, specific demand that would be placed on the fire department by operation of the mine, training of on-site personnel that would be qualified to assist in an emergency, etc.
2. Evidence of affiliation with the Lassen County and/or Tuolumne County mine rescue teams is necessary.
3. Additional information is needed regarding the criteria that are in place to be granted “small and remote” status and whether or not IMMC has applied for this “small and remote” status. What does IMMC propose to do if “small and remote” status is not granted? Similarly, if small and remote status is granted, what criteria would trigger operations to extend beyond the limits of “small and remote”? How long does IMM propose to operate as “small and remote”?

References – Public Services

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