



# *County of Yuba*

## **Community Development & Services Agency**

915 8<sup>th</sup> Street, Suite 123, Marysville, CA 95901

### **Planning Department**

Phone: (530) 749-5470

Web: [http:// www.co.yuba.ca.us](http://www.co.yuba.ca.us)

#### **DEVELOPMENT REVIEW COMMITTEE STAFF REPORT**

**MEETING DATE:** November 03, 2022

**TO:** DEVELOPMENT REVIEW COMMITTEE

**FROM:** Maggie Scarpa, Planner I

**RE:** TENTATIVE PARCEL MAP TPM 2021-0011 (Rishe)

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**REQUEST:** The applicant is requesting approval of a tentative parcel map to create two parcels from a 40.13 acre property located at 8311 Intanko Lane in the community of Camp Far West. (Assessor's Parcel Number 015-040-045).

**RECOMMENDATION:** Staff recommends that the Development Review Committee (DRC) adopt the Initial Study/Mitigated Declaration and Mitigation Monitoring Plan (Attachments 3 and 4) pursuant to California Environmental Quality Act (CEQA) Article 6 et seq. and approve Tentative Parcel Map (TPM) 2021-0011 subject to making the necessary findings and the conditions of approval contained herein (Attachment 2).

**BACKGROUND/DISCUSSION:** The project consists of a tentative parcel map that would create two twenty (20) acre parcels from a 40.13-acre property. Specifically, proposed parcels one & two will be 20.06 acres in size (Attachment 1). The project site is located outside of the County's Valley Growth Boundary (VGB). The project site is located at 8311 Intanko Lane in the community of Camp Far West. The 2030 General Plan designates the land use as Rural Community (RC) and the zoning as Rural Residential, with a ten-acre minimum lot size (RR-10). Access to the proposed parcels would be from Intanko Lane, which is a private road that is not County maintained. Monarch Trail stems from the County maintained road of Camp Far West Road.

Parcel 1 is currently undeveloped with one outbuilding and Parcel 2 is currently undeveloped. Approval of the proposed tentative map would permit single-family residences to be built on parcels 1 & 2 in accordance with the current zoning. Furthermore, a septic system would be required to be constructed on each parcel for future water and wastewater needs. Any potential future development on proposed parcels 1 & 2 would be required to meet all Yuba County Development Code and Environmental Health and septic standards.

The proposed parcels are consistent with the 2030 General Plan *Rural Community* land use designation and the *Rural Residential*, with a minimum of 10 acre parcel size (RR-10), zoning district as both parcels are proposed to be 20 acres in size. Additionally, the proposed parcels are large enough to meet the 30 foot State Responsibility Area setback requirements for any future development.

**SURROUNDING USES:**

	GENERAL PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
Subject Property	Rural Community	RR-10	Vacant
North	Rural Community	RR-10	Rural Residential
East	Rural Community	RR-10	Rural Residential
South	Rural Community	RR-10	Rural Residential
West	Rural Community	RR-10	Rural Residential

Surrounding properties range in size from 540± acres to 10± acres in size. The surrounding area is considered a Rural Community, adjacent properties are all zoned as *Rural Residential*, with a minimum of 10 acre parcel size (RR-10). The surrounding properties are shown on the General Plan Land Use Diagram as having a General Plan designation of Rural Community.

**GENERAL PLAN/ZONING:** The project site is located in the unincorporated area of Yuba County and is designated as *Rural Community* on the 2030 General Plan Land Use diagram. The *Rural Community* land use classification is intended to provide rural residential opportunities with supportive services & tourism oriented uses consistent with the General Plan & community plans. Appropriate uses for this classification include, but are not limited to; residential use, grazing, agricultural use, local retail & commercial services, & other types of open space-oriented uses & public infrastructure. The project complies with the following General Plan Policies:

1. *Policy CD2.1: The County will encourage infill development and redevelopment of vacant and underutilized properties within existing unincorporated communities.*

The proposed project is located on a 40.13 acre parcel & proposes to create two (2) parcels that meet the acreage requirement for its respective zone. The creation of two (2) parcels promotes infill & development of an otherwise underutilized property.

2. *Policy CD9.1: Foothill and mountain development projects shall be designed to preserve the existing rural character.*

The proposed parcels will maintain the rural nature of the site because it complies with the minimum lot size and will not disturb existing biological and cultural resources.

3. *Policy CD9.2 Rural development should be located and designed to preserve and provide buffers around native oak trees and other healthy and attractive native vegetation, cultural resources, biological features, mineral deposits, active agricultural operations, unique landforms, historic structures and landscapes, and other natural resources.*

A Mitigated Negative Declaration and a Mitigation Monitoring Plan was prepared to preserve the all potential environmental resources on the proposed parcels.

4. *Action NR5.3 Wetlands and Riparian Buffers: Through review of proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width.*

Due to the projects proximity to a seasonal drainage canal, Staff has required a Condition of Approval for any new development to maintain a 150 foot setback to reduce impacts to potential Biological and Tribal Cultural Resources.

In relation to zoning, the property is zoned as *Rural Residential*, with a minimum of 10 acre parcel size (RR-10). Pursuant to Chapter 11.06 *Rural Community Districts* of the Yuba County Development Code, the purpose of the *Rural Residential* zoning district is to allow appropriate low density/large lot single-family homes while preserving the character of existing rural residential areas & ensuring future development is compatible with the surrounding community. All proposed parcels from this tentative map are consistent and meet the intent of the general plan land use designation & “RR-10” zoning designation.

ENVIRONMENTAL REVIEW: Staff has prepared an Initial Study/Mitigated Declaration for the project and subsequent Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Section 15070, (b) (1). This study discusses and provides mitigation for the following impacts on: Air Quality (construction dust mitigation), Biological Resources (water way avoidance), Cultural and Tribal Cultural Resources (setbacks from existing tribal cultural and historical resources and protection over inadvertent discovery of human remains and cultural material), Hazards and Hazardous Materials (fire safety), Hydrology and Water Quality (NPDES and SWPP).

On August 11, 2021 the County contacted the United Auburn Indian Community (UAIC) by sending formal notification and information for Assembly Bill 52 (AB 52). Consistent with the UAIC request, all relevant project information documents were provided for review. The UAIC responded on September 14, 2021 stating no further action was needed for the project. Per their comment letter, the UAIC requested a mitigation measure to address avoidance and preservation to (tribal) cultural resources that was incorporated into the conditions of approval for the subject map, as well as the Mitigated Negative Declaration.

The environmental document was circulated for the required 20-day review period and comments received to date are listed in the Department and Agency Review section of this staff report.

**COMMENTS:** Planning staff has received the following comment letters during the early consultation process (Attachment 5):

- County Staff – The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.
- United Auburn Indian Community – Comment letter with mitigation measures.

**FINDINGS:** Projects are evaluated for consistency with the County’s General Plan, conformance with the County’s Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area surrounding the project. In the case of addressing project impacts to health, safety, and welfare, specific findings need to be met for each entitlement. Below are the findings for each project entitlement needed for project approval.

**Tentative Parcel Map:**

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, this Code, and other applicable provisions of the County Code. A proposed subdivision shall be considered consistent with the General Plan or a specific plan only when the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan;*

The project site is designated as Rural Community on the 2030 General Plan Land Use diagram and is within the “RR-10” Zoning Designation. The proposed project is consistent with the character of the General Plan and Zoning Designation (See General Plan/Zoning Section above for consistency).

2. *The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act; and*

The orientation and size of the proposed lots will allow opportunity to align the residence to have a southern exposure and shade/prevaling breezes.

3. *Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.*

The proposed development does not include more than 500 dwelling units.

Report Prepared By:

Reviewed by:

*Margaret Scarpa*

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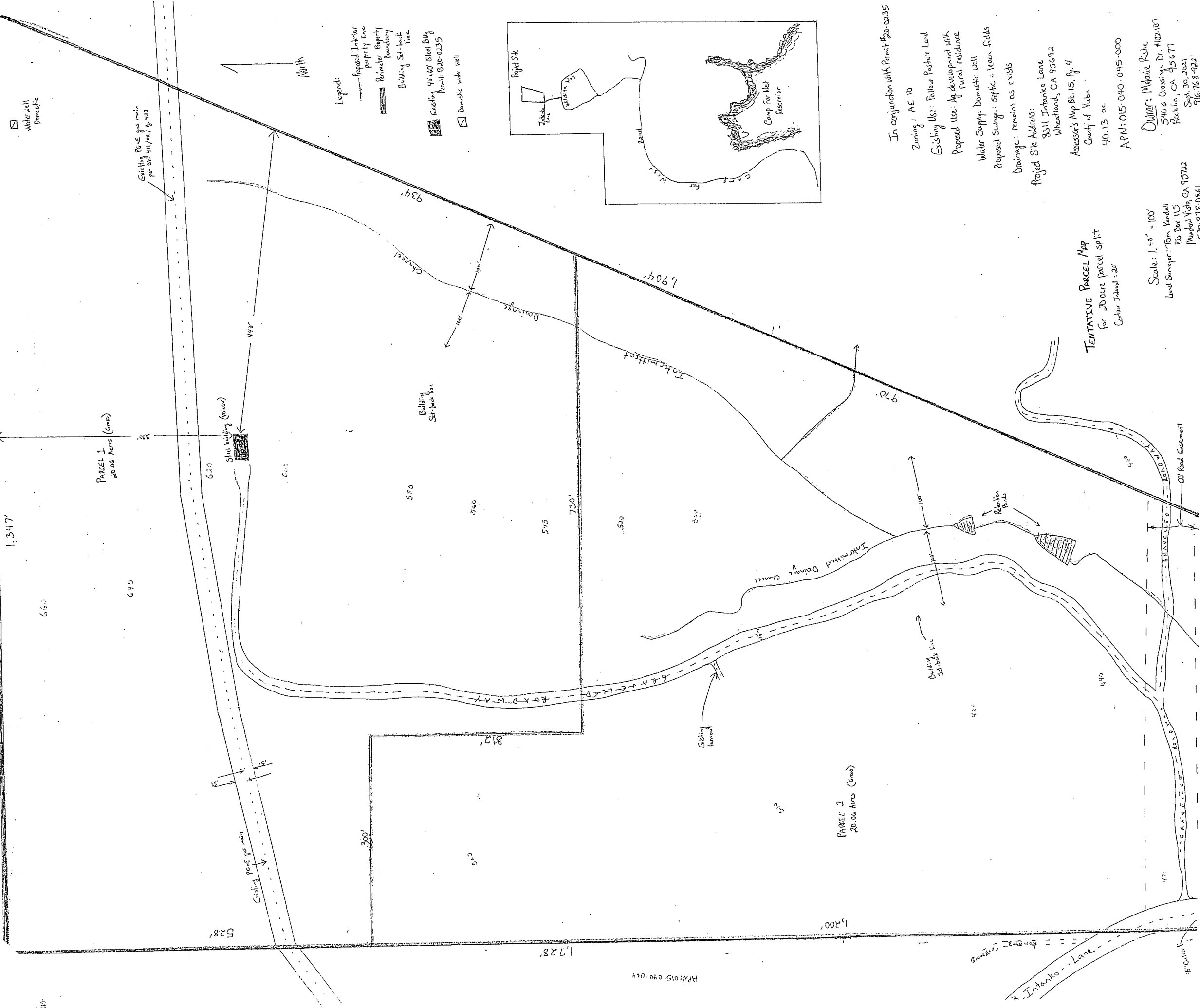
Maggie Scarpa  
Planner I

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Kevin Perkins  
Assistant CDSA Director

ATTACHMENTS:

1. Tentative Parcel Map
2. Conditions of Approval
3. Mitigated Negative Declaration
4. Mitigated Monitoring Plan
5. Comment Letters



In conjunction with Permit #20-0235

Zoning: AE 10

Existing Use: Follow Pasture Land

Proposed Use: Agricultural development with rural residence

Water Supply: Domestic well

Proposed Sewage: Septic + leach fields

Drainage: remains as exists

Project Site Address:  
9311 Intanko Lane  
Wheatland, CA 95692

Assessor's Map Bk. 15, Pg. 4  
County of Yuba

40.13 ac

APN: 015-040-045-000

Owner: Melvina Rishie  
5406 Cousins Dr. #102107  
Rocklin, CA 95677  
Sept 30, 2021  
916-768-9221

TENTATIVE PARCEL MAP  
for 20-acre parcel split  
Contour Interval = 20'

Scale: 1" = 100'  
Land Surveyor: Tom Kendall  
P.S. Box 115  
Meadow Vista, CA 95722  
(916) 475-0561

APN: 015-040-024

**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Applicant/Owner: Melanie Rishe  
APN: 015-040-045-000**

**Case Number: TPM2021-0011**

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**ACTIONS FOR CONSIDERATION:** Staff recommends that the Development Review Committee take the following actions:

- I. After review and consideration, staff has prepared an initial study for the project and subsequent Mitigated Negative Declaration and Mitigation Monitoring Plan pursuant to California Environmental Quality Act (CEQA) Section 15070 (b)(1) (DECISION TO PREPARE A MITIGATED NEGATIVE DECLARATION).
- II. Approve Tentative Parcel Map 2021-0011 subject to the conditions below, or as may be modified at the public hearing, making the findings made in the Staff Report, pursuant to County of Yuba Title XI Sections 11.40.040 and 11.57.060.

**STANDARD CONDITIONS**

- 1) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
- 2) As a condition for project approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
- 3) Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements provided by Chapter 11 of the Yuba County Development Code.
- 4) Tentative Parcel Map TPM 2021-0011 shall be designed in substantial conformance with the approved tentative map (Attachment 1) filed with the Community Development & Services Agency and as conditioned or modified below. Minor modifications to final configuration of the Final Map may be approved by the Community Development & Services Agency Director; however, the number of parcels shall not exceed that shown on the approved tentative map.
- 5) This Tentative Parcel Map may be effectuated at the end of the ten (10) day appeal period which is November 13, 2022.
- 6) This tentative parcel map shall expire 36 months from the date of approval November 03, 2025 unless extended pursuant to Chapter 11.40.050 of the Yuba County Development Code.
- 7) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.

**PUBLIC WORKS DEPARTMENT:**

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- 8) The Public Works Director may reasonably modify any of the Public Works conditions contained herein.
  - 9) All existing or proposed driveways within this subdivision shall conform to the current Yuba County Standards for a Rural Driveway (Drawing No. 127) under permit issued by the Department of Public Works, prior to the issuance of a Certificate of Occupancy.
  - 10) All existing or proposed driveway aprons onto Intanko Lane shall conform to the current Yuba County Standards for a Driveway Apron (Drawing No. 128) under a grading permit issued by the Department of Public Works.
  - 11) Owner shall contribute a fair share cost for improvements to the roadways within CSA 14 to a paved roadway status. Such fair share cost has been determined by the Public Works Department to be \$6000 for parcel 1 (\$6,000 per created parcel). Such monies are to be placed in a trust of County Service Area No. 14 for the future required improvement so the access roads until such time as enough funding is accumulated in the trust from this and all other divisions in CSA 14 to construct the required improvements. Such monies are to be used strictly for new pavement or chip sealing and cannot be used for regular maintenance.
  - 12) All road and drainage construction required by these conditions of approval shall be inspected in compliance with Section 4 of the Yuba County Standards and approved by the Yuba County Department of Public Works. Owner's contractor shall meet on-site with the Public Works Department representative prior to the commencement of work to discuss the various aspects of the project
  - 13) Owner, heirs or assigns of this property, or portions thereof, shall remove and/or relocate any fence(s) located within dedication(s) or offer(s) of dedication required by this division or within existing County easement(s) or right(s)-of-way which lies within or are adjoining this property. Such fence removal or relocation is deferred until such time as the then owner is directed by the Public Works Department of Yuba County to remove or relocate the fence(s). Any new fences installed shall be constructed outside the limits of dedications or offer(s) of dedication required by this division, existing County easements or right-of-ways.
  - 14) Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Game, and pre-construction surveys for special status species.
  - 15) Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. Coverage under the General Permit must be obtained prior to any construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>. Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention



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- Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.
- 16) Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
  - 17) Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the parcel map.
  - 18) Owner shall be responsible for giving (60) days notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.
  - 19) Approximate centerlines of all perennial streams or ditches within this division shall be shown on the parcel map.
  - 20) Should a fire suppression system be required by the responsible fire protection authority for compliance with the Yuba County Fire Safe Standards and the Uniform Fire Code, which facilities may include a community water supply system, wells, water storage tanks, etc., Owner shall provide easements as necessary for such system for the benefit of each lot within the parcel map.
  - 21) Owner shall provide public service easements as necessary for any existing overhead or underground utilities, sewer lines, waterlines, etc. which may provide service to any or all of the parcels being created by this parcel map. Such easements shall have a minimum width of 10 feet or larger as may be required by the service provider and shall be clearly identified by metes and bounds on the parcel map. Any relocation or rearrangement of the public service provider's facilities to accommodate this project shall be at the Owner's expense.
  - 22) Owner shall be required to pay all taxes, past and current, including those amounts levied as of January 1, but not yet billed, on the property prior to filing the parcel map.
  - 23) Owner shall submit a current Preliminary Title Report or Parcel Map Guarantee, in favor of Yuba County, two (2) check prints of the parcel map, calculations, supporting documentation and map checking fees to the County Surveyor, Department of Public Works for checking, approval and filing of the parcel map. An updated Parcel Map Guarantee shall be provided 1 week prior to filing the parcel map with the Yuba County Recorder.
  - 24) Owner shall have the property surveyed and have corner monuments placed at all parcel corners in conformance with requirements of the County Surveyor, chapter 11.41 of the Yuba County Ordinance Code and the California Subdivision Map Act (Government Code section 66410 and following).

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- 25) Prior to commencing performance of any public improvement or facility to be dedicated to County, and subject to approval by the Public Works Department, Owner shall acquire and present proof of general and automobile liability and Workers Compensation and Employers Liability insurance. Such general and automobile liability insurance shall name the County and its agents as additional insured.
  - 26) All easements of record that affect this property are to be shown on the parcel map.
  - 27) Prior to submitting the parcel map to the Recorder's Office for filing, all outstanding County fees due to the Community Development and Services Agency departments shall be paid in full.
  - 28) Owner shall submit a copy of the parcel map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the parcel map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the parcel map is found to be in conformity with the Department's conditions of approval, mitigation measures and requirements shall be received by the County Surveyor.
  - 29) Owner shall submit a copy of the parcel map to the Plumas-Brophy Fire Protection District or to the appropriate Fire Protection Authority to determine compliance with the conditions of approval, the Yuba County Fire Safe Ordinance and the Uniform Fire Code requirements. Before the parcel map can be filed with the Yuba County Recorder, a letter from the Fire Protection Authority shall be submitted to the County Surveyor which states that the Fire Safe requirements have been met and that there are no objections to filing the final map.

**ENVIRONMENTAL HEALTH DEPARTMENT:**

- 1) Owner shall submit a file map to Environmental Health showing that parcel(s) 1 and 2, contains the minimum useable sewage disposal area as established by the Yuba County Sewage Disposal Ordinance, 7.07, and the precise location of all existing sewage disposal systems, and shall clearly identify the location of all soil mantles and percolation tests. This file map shall also show contour, slope, all bodies of water (seasonal and year-round), water wells, and all existing structures. Furthermore, a 100' septic exclusion area (as measured from the seasonal high water line) shall be delineated around all rivers, streams, and ponds.
- 2) Prior to Final Map recordation, owner shall submit for Environmental Health review and approval the results of soils studies for parcel(s) 1 and 2, conducted in accordance with the Yuba County Sewage Disposal Ordinance, Chapter 7.07.
- 3) All soil profiles must be witnessed by Environmental Health Department staff. Schedule soil profile appointments with Environmental Health Department staff in advance of the testing.
- 4) The total minimum useable sewage disposal area shall be delineated for parcel(s) 1 and 2, on a separate document (Yuba County Health Certificate), recorded and cross referenced to the recorded final map.

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- 5) The design and location of wells and sewage disposal systems shall be in conformance with standards established by Yuba County Environmental Health. Each lot must be self-reliant for domestic water and sewage disposal unless public utilities are available.
  - 6) Septic systems crossing ditches, drainages, or creeks will need to meet all Environmental Health or other agency (i.e. DFG, Army Core, etc.) requirements prior to approval.
  - 7) All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
  - 8) All existing trash and debris shall be removed from the subject site.
  - 9) All abandoned or inactive wells on the subject site shall be destroyed or maintained in accordance with "Water Well Standards: State of California Bulletin 74-81".
  - 10) All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
  - 11) The following shall apply to all land divisions where domestic water is to be supplied by individual wells:

Prior to final map wells will be required on 10% of the parcels to be developed that meet or exceed the requirements for creation of new parcels as outlined in Ordinance 1400, as it amends chapter 7.03 of Title VII of the Yuba County Ordinance Code regarding water wells.

All wells drilled to meet this requirement shall have a minimum yield of 2 gallons per minute if tested with the airlift method and 3 gallons per minute if a production test is run. If a well is drilled that does not meet these standards it can be destroyed or placed inactive until used and a replacement well drilled. Before approval of test wells, a well log, a drillers report on production and lab tests must be submitted for each test well.

**The following statement shall also apply to this division:**

"There is no assurance that underground water sources exist within the limits of the hereon shown parcel(s) which will be adequate in sufficient quantity or quality to meet future needs. Developer(s) of the parcel(s) herein created will be responsible for demonstrating that adequate on-site water is available for the proposed use of the parcel(s).

**Surface water (i.e. Springs, Creeks, Irrigation ditch's, etc.) is not an approved domestic potable water source."**

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**BUILDING DEPARTMENT:**

- 12) All new development must meet applicable requirements of most current adopted version of the California Code of Regulations, Title 24, and Yuba County Ordinance Code Title X, which includes, but is not limited to: Building, Plumbing, Electrical, Mechanical, Accessibility and fire code requirements.
- 13) All new buildings and structures must obtain a building permit prior to construction.

**PLANNING DEPARTMENT:**

- 46) Minor modifications to the final site configuration may be approved by the Community Development & Services Agency Director.
- 47) Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense or as agreed by PG&E. There shall be no building of structures under or over any PG&E facilities or inside any PG&E easements that exist within the subject area.
- 48) Owner shall meet all requirements of the Feather River Air Quality Management District.
- 49) Prior to the issuance of any building final occupancy permits, landscaping shall be installed in compliance with Chapter 11.24 Landscape of the Yuba County Development Code.

*Margaret Scarpa*

Maggie Scarpa  
Planner I

**MITIGATION MONITORING PLAN**  
**TPM 2021-0011 (RISHE)**

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<b>MM 3.1 FRAQMD:</b> <ul style="list-style-type: none"><li>Implement FRAQMD Fugitive Dust Plan</li><li>Implement FRAQMD standard construction phase mitigation measures. (<a href="https://www.fraqmd.org/ceqa-planning">https://www.fraqmd.org/ceqa-planning</a>)</li></ul>		
<b>Timing/Implementation</b> <i>Upon start of construction activities.</i>	<b>Enforcement/Monitoring</b> Yuba County Public Works Department	
<b>Performance Criteria</b> Permit verification , or clearance documents, from FRAQMD	<b>Verification Cost</b> N/A	
		<b>Date Complete</b> (If applicable)

**MITIGATION MONITORING PLAN**  
**TPM 2021-0011 (RISHE)**

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**MM 4.1 Aquatic Buffers**

1. Any aquatic resource (wetlands, intermittent streams, lakes, creeks, sloughs, riparian areas) or any open water courses that could host the above special-status fish and crustaceans, there will be a buffer of 150 in width, to preserve and maintain the hydrologic integrity of the aquatic resource.

<b>Timing/Implementation</b> <i>Upon start of project design and start of construction activities.</i>	<b>Enforcement/Monitoring</b> Yuba County Planning Department	
<b>Performance Criteria</b> N/A	<b>Verification Cost</b> N/A	
		<b>Date Complete</b> (If applicable)

**MITIGATION MONITORING PLAN**  
**TPM 2021-0011 (RISHE)**

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**MM 4.2 Valley Elderberry Longhorn Beetle Impact Minimization**

1. Activities that may indirectly damage or kill an elderberry shrub (trenching, paving, etc.) with one or more stems measuring 1 inch in diameter or greater at ground level would require an avoidance area of at least 20 feet. If a Valley Elderberry Longhorn Beetle is observed within the Project Area then Yuba County will be notified which will consult with CDFW for further guidance.

**Timing/Implementation**

*Upon start of project design and start of construction activities.*

**Enforcement/Monitoring**

Yuba County Planning Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

**MITIGATION MONITORING PLAN**  
**TPM 2021-0011 (RISHE)**

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**MM 4.3 Tri-colored Blackbird**

1. The most vulnerable life history stage of the tri-colored blackbird is during the nesting season when this species gathers in large colonies to breed. Prior to impacts, additional surveys are recommended. If observations of tri-colored blackbirds are made during subsequent surveys, avoidance and minimization measures are recommended.
2. Any construction activities should begin outside of the avian breeding season (September 1 – February 28) so as to avoid potential impacts to nesting tri-colored blackbirds or deter tri-colored blackbirds from potentially nesting within or near Prairie Creek. If construction activities cannot commence prior to the avian breeding season (March 1 – August 31) then a pre-construction survey for tri-colored blackbird nesting colonies shall be conducted no later than fifteen (15) days prior to the start of construction activities by an approved biologist in areas of the Project Area where suitable tri-colored nesting habitat occurs. If a tri-colored blackbird nesting colony is observed within 250 feet of the Project Area then Yuba County will be notified and additional avoidance and minimization measures will be implemented. If a tri-colored blackbird nesting colony is observed within the Project Area then Yuba County will be notified which will consult with CDFW for further guidance. If for any reason construction stops for a period of 10 days or longer within the avian breeding season, an additional tri-colored blackbird nesting colony survey shall be conducted fifteen (15) days prior to the continuation of construction activities.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Planning Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)



**MITIGATION MONITORING PLAN**  
**TPM 2021-0011 (RISHE)**

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**MM 4.4 Foothill Yellow-Legged Frog Impact Minimization**

1. If observations of the Foothill Yellow-Legged Frog are made, avoidance and minimization measures are recommended.

If a Foothill Yellow-Legged Frog army is observed within 20 feet of the Project Area then Yuba County will be notified and additional avoidance and minimization measures will be implemented.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Planning Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

**MITIGATION MONITORING PLAN**  
**TPM 2021-0011 (RISHE)**

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**MM 4.5 Migratory Birds**

The following are avoidance and minimization measures for California avian species of special concern and species protected under the MBTA and the CFWC. Any vegetation removal and/or ground disturbance activities should begin during the avian non-breeding (September 1 – February 28) season so as to avoid and minimize impacts to avian species. If construction is to begin within the avian breeding season (March 1 – August 31) then a migratory bird and raptor survey shall be conducted within the Project Area by a qualified biologist. A qualified biologist shall: Conduct a survey for all birds protected by the MBTA and CFWC no later than fifteen (15) days prior to construction activities; map all nests located within 250 feet of construction areas; develop buffer zones around active nests as recommended by a qualified biologist. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored at least twice (2) per week and a report submitted to the Yuba County monthly. If construction activities stop for more than ten (10) days then another migratory bird and raptor survey shall be conducted no later than fifteen (15) days prior to the continuation of construction activities.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Planning Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

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**MM 5.1      Inadvertent Discovery Of Human Remains**

Consultation in the event of inadvertent discovery of human remains: In the event that human remains are inadvertently encountered during trenching or other ground- disturbing activity or at any time subsequently, State law shall be followed, which includes but is not limited to immediately contacting the County Coroner's office upon any discovery of human remains.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Planning Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

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**MM 5.2          Inadvertent Discovery Of Cultural Material**

Consultation in the event of inadvertent discovery of cultural material: The present evaluation and recommendations are based on the findings of an inventory- level surface survey only. There is always the possibility that important unidentified cultural materials could be encountered on or below the surface during the course of future development activities. This possibility is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance activities (e.g., road grading, livestock grazing, etc.) have partially obscured historic ground surface visibility, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Planning Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

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**MM 8.1      National Pollution Discharge Elimination (NPDES) Permit**

Prior to the County's approval of a grading plan or site improvement plans, the project applicant shall obtain from the Central Valley Regional Water Quality Control Board a National Pollution Discharge Elimination (NPDES) Permit for the disturbance of over one acre. Further, approval of a General Construction Storm Water Permit (Order No. 99-08-DWQ) is required along with a Small Construction Storm Water Permit. The permitting process also requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction activities. The SWPPP is used to identify potential construction pollutants that may be generated at the site including sediment, earthen material, chemicals, and building materials. The SWPPP also describes best management practices that will be employed to eliminate or reduce such pollutants from entering surface waters.

**Timing/Implementation**

*Prior to the approval of a grading plan or site improvement plans.*

**Enforcement/Monitoring**

Yuba County Public Works Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

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**MM 9.1      Accidental Spill of Pollutants**

Construction specifications shall include the following measures to reduce potential impacts in the project area associated with accidental spill of pollutants (eg., fuel, oil, grease):

- A site-specific spill prevention plan shall be implemented for potentially hazardous materials if there is an accidental spill. The plan shall include the proper procedures for cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface water features.
- Equipment and hazardous materials shall be stored a minimum of 50 feet away from surface water features.
- Vehicles and equipment used during construction shall receive proper and timely maintenance to reduce the potential for mechanical breakdowns leading to a spill of materials. Maintenance and fueling shall be conducted in an area at least 50 feet away from waterways and the Sicard Flat Ditch or within an adequate fueling containment area.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Environmental Health Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

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**MM 9.2      Vegetation Clearance**

Prior to any final occupancy for any new construction on this map, vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a fire break by removing and clearing away all brush, flammable vegetation or combustible growth up to 100 feet from structures or to the property line, whichever is closer. Clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Additional clearing may be required by the Fire inspector if extra hazardous conditions exist.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Public Works Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

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**MM 18.1 Inadvertent Discoveries Of TCRs**

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied.

<b>Timing/Implementation</b> <i>Prior to the start of, and during, construction activities.</i>	<b>Enforcement/Monitoring</b> Yuba County Planning Department	
<b>Performance Criteria</b> N/A	<b>Verification Cost</b> N/A	
		<b>Date Complete</b> (If applicable)



## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION



### INITIAL STUDY/MITIGATED NEGATIVE DECLARATION TPM 2021-0012 (Rishe)

**Project Title:** Tentative Parcel Map TPM 2021-0011 (Rishe)

**Lead Agency Name and Address:** County of Yuba  
Planning Department  
915 8<sup>th</sup> Street, Suite 123  
Marysville, CA 95901

**Project Location:** Assessor's Parcel Number: 015-040-045

**Applicant/Owner**

<b>Applicant:</b>	<b>Owner:</b>
Melanie Rishe	Melanie Rishe
5406 Crossings Dr #102-107	8311 Intanko Ln
Rocklin, CA 95677	Wheatland, CA 95692

**General Plan Designation(s):** Rural Community

**Zoning:** "RR-10" Rural Residential (10 acre minimum)

**Contact Person:** Maggie Scarpa, Planner I

**Phone Number:** (530) 749-5470

**Date Prepared** August 2022

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### Project Description

The project consists of a tentative parcel map that would create two parcels from a 40.13 acre property; Parcel 1 is proposed to be approximately 20.06 acres and Parcel 2 is proposed to be approximately 20.06 acres in size. The project site is located at 8311 Intanko Lane, with the southwest corner encompassing Intanko Lane, in the community of Camp Far West (APN: 015-040-045-000). The 2030 General Plan designates the land use as Rural Community and the zoning is “RR-10” Rural Residential-10 acre minimum lot size.

Parcel 1 is currently undeveloped with one outbuilding and Parcel 2 is currently undeveloped. A septic system would be required to be constructed for future water and wastewater needs. Access to the project site is located off an existing 60’ wide ingress and egress easement which connects to Intanko Lane.



Figure 2. Regional Location Map

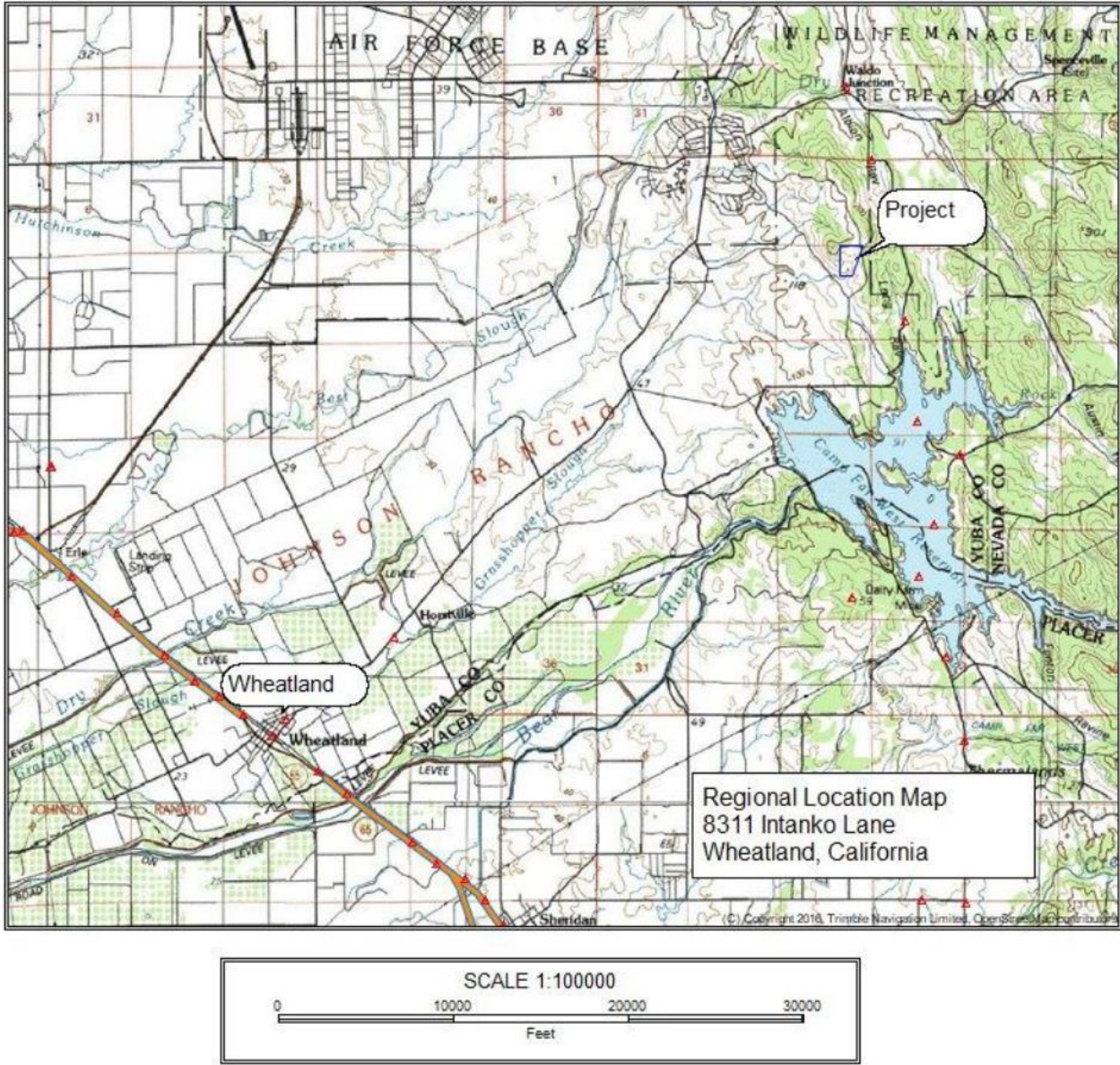
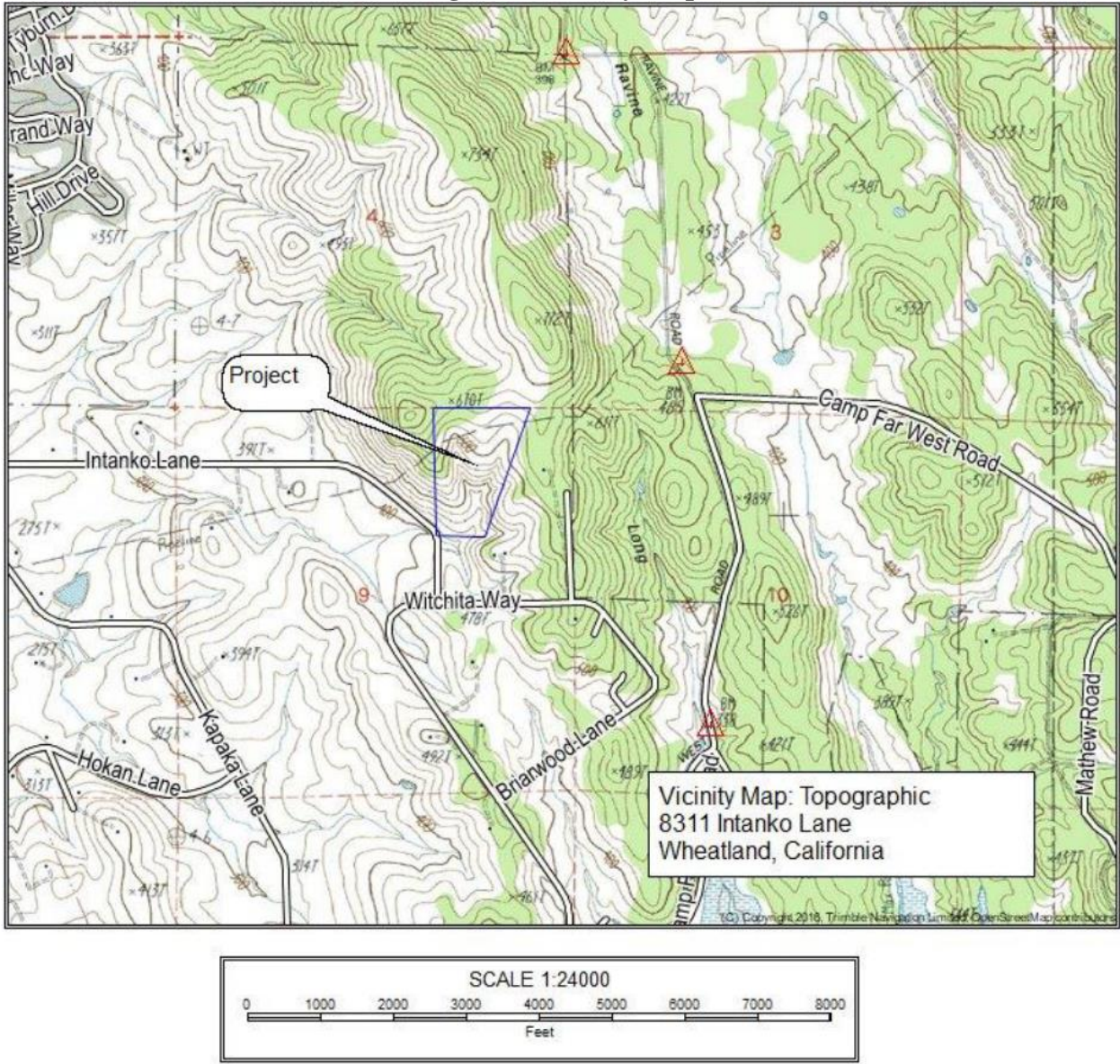
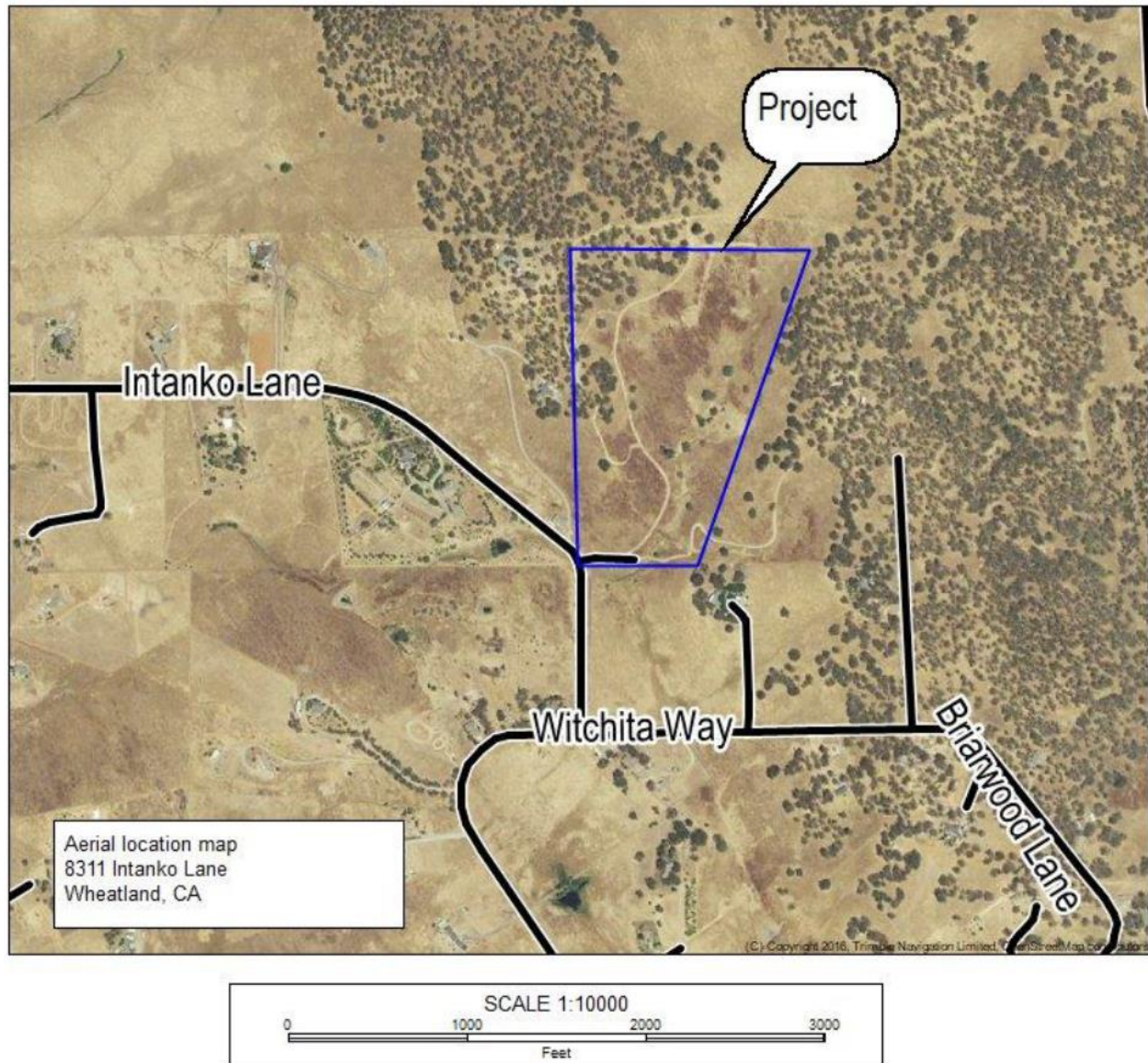




Figure 3. Vicinity Map





**Figure 4. Aerial Map**

### Environmental Setting

The project area is within a semi-rural area that is approximately 7.5 miles northeast of Wheatland, 1.5 miles north of Camp Far West Reservoir and 4 miles southeast of Beale Air Force Base. Local terrain is typically mild to steeply rolling hills covered in annual grassland and blue oak savanna with live oak in protected locations with better water availability. Vegetation on the property is mostly annual grassland although blue oak woodland does occur in the northwest portion of the property. Scattered grazing, agriculture, rural residential sites, recreation, military installation and wildlife management are the primary land uses in the proximity of the project.

Two seasonal drainages run southward through most of the project, with a confluence of the drainages near the southern border. The remains of the two earthen placer gold mining dams are located south of the confluence. These dams remain efficient at retaining downstream water as vegetation within their pools were dominated by hydrophytic species. During a topographic review of the regional terrain and water sources, noted were numerous intermittent to perennial streams originating from near steep hilltops, possibly arising from underground seeps. These stream flow through relatively flat lowland areas between slopes, and would have flowed into the Bear River approximately 2 miles south of the project. At one time, the onsite seasonal drainage probably was a tributary to the Bear River, but that water from the local watershed is now captured for private stock ponds.

Topography within the project site ranges from 440 to 660 feet above sea level. The Camp Far West area has a Mediterranean climate characterized by hot, dry summers and mild, rainy winters. Data collected at a weather station located in the Camp Far West area (at the UC Sierra Foothill Research Extension Center) shows that annual precipitation generally ranges from 9 to 52 inches. Average annual precipitation is 28 inches. The average annual temperature ranges from 51-75°F, with the hottest temperatures occurring in July, reaching on average a maximum of 94°F.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

- Regional Water Quality Control Board (for grading over 1 acre in size)
- Yuba County Building Department (building, electrical and plumbing permits)
- Yuba County Public Works Department (roadways and other public improvements)
- Yuba County Environmental Health Department (well and septic improvements)
- Feather River Air Quality Management District (fugitive dust control plan)

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

### Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources    | <input checked="" type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Energy  |
| <input checked="" type="checkbox"/> Geology/Soils           | <input type="checkbox"/> Greenhouse Gas Emissions         | <input checked="" type="checkbox"/> Hazards & Hazardous Materials      |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning                | <input type="checkbox"/> Mineral Resources                             |
| <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing               | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic           | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Wildfire                         | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

### DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Planner's Signature  
Margaret, Planner I

Date

Applicant's Signature  
Melanie Rishe

Date



## PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Tentative Parcel Map TPM 2021-0011 (Rishe), as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

## EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, development code). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## I. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Both natural and created features in a landscape contribute to its visual character and quality. The project site and surrounding vicinity are dominated by annual grasslands and blue oak-foothills. The land uses surrounding the project site are grazing, agriculture, low-density rural residential development, military installation, and wildlife management. Rural residential development is increasing in the foothill landscape.

### Regulatory Setting

#### The California Scenic Highway Program

The California Scenic Highway Program was established by the State of California through Senate Bill 1467. This legislation established The California Scenic Highway Program to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of adjacent lands.

#### Yuba County General Plan

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- NR9.3: Developments in Rural Communities should be designed to preserve important scenic resources, landmarks, and icons that positively contribute to the rural character.
- New buildings in areas of natural and scenic beauty should be placed and designed in a way that preserves scenic vistas available from public rights-of-way, parks, and other public viewing areas.

### Environmental Impacts

#### *a) Have a substantial adverse impact on a scenic vista?*

There are no officially designated scenic vistas within or near the project site, so there is no impact on a scenic vista. Therefore, there will be ***no impact***.

- b) *Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project site consists of rolling hills, seasonal and annual drainages, and various oak trees. Parcel 1 is currently undeveloped with one outbuilding and Parcel 2 is currently undeveloped. Given the large parcel sizes being proposed and proposed development are two residential dwellings, scenic resources will not greatly alter the existing visual character of the site. There are no state scenic highways in the vicinity on the proposed site, and so there will be no visual alteration or degradation of a state scenic highway. Thus, the impact is ***less than significant***.

- c) *In nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings?*

Given the large parcel sizes being proposed and proposed development are two residential dwellings, scenic resources will not greatly alter the existing visual character of the site. The impact is ***less than significant***.

- d) The future development has the potential to add new sources of light and glare into the area if outdoor lighting is proposed in conjunction with a residential use. Since the project is proposing to create two large parcels, the added light associated with future rural residential use would not create an adverse effect to either day or nighttime views in the area. The impact will result in a ***less than significant impact***.

## II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Environmental Setting**

Agricultural production within Yuba County has been a pillar of the local economy and culture, and is the most extensive land use in the county. Cropland and grazing lands account for approximately 60% of the County's total land area (Yuba County General Plan).

In the County, most forests are in the foothills and mountain areas of eastern and northeastern Yuba County, including some portions of the Tahoe National Forest and Plumas National Forest. Timber production and harvesting is a major component of the local economy.

### **Regulatory Setting**

The Williamson Act

The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use.

Farmland Mapping and Monitoring Program

The California Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP) was established in 1982 to further the efforts begun by the U.S. Soil Conservation Service to map agricultural areas based on soil quality and land use. The FMMP designations include Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Grazing Land, Urban and Build-Up Land, and Other Land.

Yuba County General Plan

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- New residential development shall provide multi-use buffers and site plans designed to avoid pressure to convert long-term planned agriculture, mining, and forestry lands to urban development.

Environmental Impacts

a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?* The 2018 Yuba County Important Farmland Map prepared by the Department of Conservation's Farmland Mapping and Monitoring Program, the project site is classified as "Grazing Land", which is land on which the existing vegetation is suited to the grazing of livestock. The property is not used for grazing and there will be no conversion of any protected agricultural lands such as Prime Farmland or Statewide Importance. Therefore, ***no impact*** to agricultural lands is anticipated.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act Contract?* The property is zoned Rural Residential, which allows for both residential and agricultural uses. The project does not conflict with the zoning that allows for agricultural use. In addition, there is no Williamson Act contract for the subject property. The project would result in ***no impact*** to Williamson Act contracts or existing agricultural uses.

c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?* In Yuba County zoning for forest land is Resource Preservation and Recreation, and zoning for timberland production is Timberland Production. The project site is zoned Rural Residential. The project is not zoned for forest land or timberland production, and the project is not causing a rezone of forest land or timberland production. The project would result in ***no impact***.

d) *Result in the loss of forest land or conversion of forest land to non-forest use?* The Yuba County zoning designation for forest land is Resource Preservation and Recreation. The property is zoned Rural Residential. As the property is not zoned for or used as forestry land, the project will not result in a loss of forest land or conversion of forest land to non-forest use. The project would result in ***no impact***.

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non agricultural use or conversion of forest land to non-forest use?* The project will not involve any changes to the existing environment which could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use as the property is not zoned for agricultural or forest land. The project would result in ***no impact***.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Environmental Setting

The California Air Resources Board (CARB) divides California into regional air basins based on topographic and meteorological features. The project site is in Yuba County, which is in the Sacramento Valley Air Basin (SVAB), more specifically Northern Sacramento Valley Air Basin. The SVAB includes the Coast Ranges, a portion of the Cascade Range and the Sierra Nevada, which creates a physical barrier to the locally created air pollution and the pollution that gets transported north from the Sacramento area (FRAQMD PM2.4 Redesignation Request/Maintenance Plan 2013).

In 2018, an update to the 2010 Air Quality Attainment Plan was prepared for the Northern Sacramento Valley Air Basin (NSVAB), which includes Yuba County. The plan proposes rules and regulations that would limit the amount of ozone emissions, in accordance with the 1994 State Implementation Plan (SIP) for ozone. The 2018 update summarizes the feasible control measure adoption status of each air district in the NSVAB, including the Feather River Air Quality Management District (FRAQMD). The 2018 update was adopted by the FRAQMD, and development proposed by the project would be required to comply with its provisions. The Air



Quality Attainment Plan also deals with emissions from mobile sources, primarily motor vehicles with internal combustion engines. Data in the Plan, which was incorporated in the SIP, are based on the most currently available growth and control data.

Summer conditions in the SVAB are dry and warm, with prevailing winds from the south. Summer temperatures for the Yuba County area are 94 Fahrenheit as a maximum and 66 degrees Fahrenheit as a minimum. When the weather is warm and winds are light, a vertical downward motion of air and natural cooling form an inversion that traps pollutants, and prevent the dilution of pollutants. Temperature inversion layers allow air pollution to rise to unhealthy levels. Summer subsidence inversions occur on summer days and intensify in the afternoon, while winter radiation inversions winter nights but are usually destroyed by daytime heating (Triennial Attainment Plan 2018).

### Criteria Air Pollutants

Air pollutants emitted into the air by stationary and mobile sources are known as criteria air pollutants, which are categorized as primary and/or secondary pollutants. Primary air pollutants are those emitted directly from sources. Carbon monoxide (CO), reactive organic gasses (ROG), nitrogen oxide (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), fine particulate matter (PM<sub>2.5</sub>), and (Pb) are primary air pollutants. ROG and NO<sub>x</sub> are criteria pollutants that form secondary pollutants such as ozone (O<sub>3</sub>). 6 air pollutants have been identified by the U.S. Environmental Protection Agency and the California Air Resources Board as being a concern that may adversely impact human health, reduce visibility, damage property, and reduce the productivity of crops and natural vegetation. The pollutants are ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter equal or less than 10 micrometers in diameter (PM<sub>10</sub>) and equal to or less than 2.5 micrometers in diameter (PM<sub>2.5</sub>) These are considered criteria air pollutants, as they are the most prevalent air pollutants known to be harmful to human health and extensive health effects criteria documentation are available for them (Triennial Attainment Plan 2018).

### Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. This includes children, the elderly, the ill, specifically those with cardiovascular and respiratory diseases. Sensitive receptors include residences, schools, hospitals and daycares.

### Existing Air Quality Conditions

The US and the State of California designate areas of the State as attainment, nonattainment, maintenance, or unclassified pursuant to the Federal Clean Air Act and the California Clean Air Act. Yuba County is currently designated as an attainment area for all pollutants for the National Ambient Air Quality Standards, and is a nonattainment-transitional area for the 1- and 8-hour ozone based on the California Air Ambient Quality Standards and nonattainment area for the PM<sub>10</sub> California Ambient Air Quality Standards.

**Regulatory Setting****Federal Clean Air Act**

The Federal Clean Air Act is the primary federal law governing air quality and is regulated by the US Environmental Protection Agency, which sets standards for the concentration of pollutants in the air. These standards are called the National Ambient Air Quality Standards and are set at levels that protect public health with a margin of safety.

**California Clean Air Act**

The Clean Air Act is the primary state law governing air quality and is regulated by the California Air Resources Board (CARB) and the regional air quality management districts. For Yuba County and Sutter County, the air quality management district is the Feather River Air Quality Management District. CARB is responsible for establishing the California Ambient Air Quality Standards.

**Feather River Air Quality Management District**

The Feather River Air Quality Management District administers and regulates local, state and federal air quality programs for Yuba and Sutter Counties.

**Environmental Impacts and Mitigation Measures**

a) *Conflict with or obstruct implementation of the applicable air quality plan?* In 2018, an update to the 2010 Air Quality Attainment Plan was prepared for the Northern Sacramento Valley Air Basin (NSVAB), which includes Yuba County. The plan proposes rules and regulations that would limit the amount of ozone emissions, in accordance with the 1994 State Implementation Plan (SIP) for ozone. The 2018 update summarizes the feasible control measure adoption status of each air district in the NSVAB, including the Feather River Air Quality Management District (FRAQMD). The 2018 update was adopted by the FRAQMD, and development proposed by the project would be required to comply with its provisions. The 2018 Plan is available here: <https://www.fraqmd.org/california-air-quality-plans>.

The Air Quality Attainment Plan also deals with emissions from mobile sources, primarily motor vehicles with internal combustion engines. Data in the Plan, which was incorporated in the SIP, are based on the most currently available growth and control data. The project would be consistent with this data. As is stated in the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. FRAQMD has established a significance threshold of 130 single-family homes, which is the number estimated to generate emissions of 25 pounds per day of ROG and 25 pounds per day of NOx. It is expected that motor vehicle traffic, the main source of ozone precursor emissions, generated by this limited addition of residential development would not substantially add to the ozone levels to the extent that attainment of the objectives of the Air

Quality Attainment Plan would not be achieved. Therefore, impacts to air quality plans would be *less than significant*.

b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* The California Air Resources Board provides information on the attainment status of counties regarding ambient air quality standards for certain pollutants, as established by the federal and/or state government. As of 2019, Yuba County is in non-attainment-transitional status for state (one and eight hour) air quality standards for ozone, and state standards for particulate matter less than 10 microns in diameter (PM10). The County is in attainment or unclassified status for all other pollutants for which standards have been established. Yuba County was re-designated as Nonattainment for the CAAQS for ozone in 2019.

Under the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. ROG and NOx are ingredients for ozone. Also, FRAQMD has established a significance threshold of 130 single-family homes, which is the number estimated to generate emissions of 25 pounds per day of ROG and 25 pounds per day of NOx. For PM10, it is estimated by FRAQMD that 4,000 homes must be built in order to reach the 80 pounds per day threshold. The proposed parcel map is well below the FRAQMD thresholds. However, FRAQMD does recommend the following standard construction phase Standard Mitigation Measures for projects that do not exceed district operational standards:

### **Mitigation Measure 3.1**      **FRAQMD**

- Implement FRAQMD Fugitive Dust Plan
- Implement FRAQMD standard construction phase mitigation measures.  
(<https://www.fraqmd.org/ceqa-planning>)

### **Mitigation Measure 3.2**      **Fugitive Dust Control for Construction**

1. Water inactive construction sites and exposed stockpile sites at least twice daily.
2. Pursuant to California Vehicle Code, all trucks hauling soil and other loose material to and from the construction site shall be covered or should maintain at least 6 inches of freeboard (i.e. minimum vertical distance between top of load and the trailer).
3. Any topsoil that is removed for the construction operation shall be stored on-site in piles not to exceed 4 feet in height to allow development of microorganisms prior to replacement of soil in the construction area. These topsoil piles shall be clearly marked and flagged. Topsoil piles that will not be immediately returned to use shall be revegetated with a non-persistent erosion control mixture.
4. Soil piles for backfill shall be marked and flagged separately from native topsoil stockpiles. These soil piles shall also be surrounded by silt fencing, straw wattles, or other sediment barriers or covered unless they are to be immediately used.
5. Equipment or manual watering shall be conducted on all stockpiles, dirt/gravel roads, and exposed or disturbed soil surfaces, as necessary, to reduce airborne dust.

These mitigation measures are to be incorporated as part of the project to reduce dust emissions associated with construction of the project and implementation of these mitigation measures would reduce project impacts on air quality standards would be ***less than significant with mitigation***.

c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* As previously noted, the project consists of a tentative parcel map that would allow the creation of two rural residential properties. Therefore, the project would not exceed the thresholds for ROG and NOx, which have been equated with the construction of 130 single-family homes. The project also would not exceed the 80 pounds per day threshold for PM10, as that would require approximately 4,000 homes. The project is not expected to generate a significant quantity of air pollutant emissions.

Construction associated with future development is expected to generate a limited amount of PM10, mainly dust and possible burning of vegetation. Rule 3.16 of FRAQMD Regulations requires a person to take “every reasonable precaution” not to allow the emissions of dust from construction activities from being airborne beyond the property line. Reasonable precautions may include the use of water or chemicals for dust control, the application of specific materials on surfaces that can give rise to airborne dust (e.g., dirt roads, material stockpiles), or other means approved by FRAQMD. FRAQMD Regulations Rule 2.0 regulates the burning of vegetation associated with land clearing for development of single-family residences. Enforcement of these rules would reduce the amount of PM10 that would be generated by residential development on the project site. Additionally with mitigation measure, **MM3.1**, prior to the issuance of any grading, improvement plan, or building permit a Fugitive Dust Permit will be required to be obtained from FRAQMD. Therefore, construction related impacts to the air would be ***less than significant with mitigation***.

d) *Expose sensitive receptors to substantial pollutant concentrations?* The proposed subdivision is located in an area of agricultural and rural residential development with an allowable density of one dwelling unit per parcel. The possible addition of up to two single family residences is not expected to generate pollutant concentrations at a sufficient level to be noticed by any nearby rural residence nor affect any nearby schools. It is probable that any pollutants generated as a result of proposed future development would dissipate before it reached any sensitive receptors. Therefore, impacts to sensitive receptors would be ***less than significant***.

e) *Create objectionable odors affecting a substantial number of people?* Development proposed by the project is not expected to create objectionable odors. The project does not propose activities that generate odors, such as an industrial plant or an agricultural operation. Therefore, there would be ***no impact*** related to odors.

#### **IV. BIOLOGICAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Environmental Setting**

The surrounding area consists primarily of rural residential housing, blue oak woodlands, and annual grasslands. The Project Area is surrounded on all sides by rural residential properties with the top northeast corner of Parcel 1 containing a portion of Prairie Creek. Habitat types inside the Project Area consists primarily of mixed oak woodlands, annual non-native grasslands and unnamed seasonal/ephemeral drainages.

Several biological resource databases were queried, including the California Department of Fish and Wildlife's California Natural Diversity Database and Information for Planning and Consultation, the United States Fish and Wildlife Critical Habitat Mapper, and the California Native Plant Society online Inventory of Rare and Endangered Vascular Plants of California. List of resources under U.S. Fish and Wildlife Service jurisdiction that could occur in the project vicinity were obtained from the Information for Planning and Conservation (IPaC) website.

### Non-native Annual Grasslands

Non-native annual grasslands characterize the majority of the Project Area not dominated by oak woodlands. Annual grassland habitats are open grasslands composed primarily of annual plant species.

Non-native annual grassland habitats and species composition depend largely on annual precipitation, fire regimes, irrigation, and grazing practices (Mayer and Laudenslayer 1998).

### Blue Oak-Foothill Pine Woodland

Blue Oak-Foothill Pine woodlands comprise the majority of the Project Area. These woodlands have a diverse mix of hardwoods, conifers, and shrubs, and widely variable overstories. Foothill pine and blue oak typically form most of the overstory of this highly variable habitat type. Blue oak are usually most abundant, although foothill pine is taller and dominates the overstory. In the Sierra Nevada foothills, interior live oak and California buckeye are often associated with this type.

### Critical Habitats

There are no critical habitats at this location (United States Fish and Wildlife Service Critical Habitat for Threatened and Endangered Species Mapper).

### Sensitive Biological Resources

From the U.S. Fish and Wildlife Information for Planning and Consultation created threatened, endangered, proposed and candidate species, there were 5 species that the proposed project site may encompass, and 14 migratory birds of conservation concern.

### **Fish**

#### **Delta Smelt**

The Delta Smelt, or *Hypomesus transpacificus* is a small fish, endemic to California (California Department of Fish and Wildlife [CDFW]). This species is threatened, or likely to become endangered within the foreseeable future throughout all or a significant portion of its range under the California and Federal Endangered Species Act. The causes for decline include reduction in freshwater outflows, entrainment losses to water diversion, high outflows, changes in food organisms, toxic substances and disease, competition and predation.

#### **Chinook Spring Run Salmon**

Chinook Salmon, or *Oncorhynchus tshawytscha* are a large species of Pacific salmon that are found in the Sacramento-San Joaquin River system. Spring-run Chinook Salmon enter the Sacramento River from late March through September. Adults hold in cool water habitats through the summer, then spawn in the fall from mid-August through early October. Threats include mining, water diversions, dam construction and climate change. They are listed as threatened under California and the Federal Endangered Species Act (CDFW).

### **Insects & Crustaceans**

### Monarch Butterfly

The black and orange monarch butterfly is known for long-distance annual migration and reliance on milkweed at its larval host plant (CDFW). The population has declined over the past twenty years due to habitat loss in breeding and overwintering sites, habitat degradation, disease, pesticide exposure, and climate change. The monarch is a candidate species and not yet listed or proposed for listing under the Federal Endangered Species Act. Monarchs are included on the CDFW Terrestrial and Vernal Pool Invertebrates of Conservation Priority list and identified as a Species of Greatest Conservation Need in California's State Wildlife Action Plan (US Fish and Wildlife Service).

### Valley Elderberry Longhorn Beetle

The Valley Elderberry Longhorn Beetle, or *Desmocerus californicus dimorphus* is a medium sized, red and dark green insect. The beetle has been in decline due to loss and fragmentation of habitat due to agricultural and urban development, destruction of host shrub, the elderberry, due to construction of levees and highways, drought and flooding and invasive plants that outcompete the elderberry shrub. The beetle is threatened under the Federal Endangered Species Act (US Fish and Wildlife Service).

### Vernal Pool Fairy Shrimp

The Vernal Pool Fairy Shrimp, or *Branchinecta lynchi* is a small, freshwater crustacean that is found in vernal pools in California. The biggest threats to the species include habitat loss, fragmentation, and degradation from development and agriculture, predation by nonnative bullfrogs and mosquito fish, non-native plants and grasses, pesticides, climate change and drought. The shrimp are threatened under the Federal Endangered Species Act (US Fish and Wildlife Service).

### Vernal Pool Tadpole Shrimp

The Vernal Pool Tadpole Shrimp, or *Lepidurus packardii* is a small, freshwater crustacean that is found in vernal pools in California. The biggest threats to the species include habitat loss, fragmentation, and degradation from development and agriculture, predation by nonnative bullfrogs and mosquito fish, non-native plants and grasses, pesticides, climate change and drought. The shrimp are endangered under the Federal Endangered Species Act (US Fish and Wildlife Service).

### Foothill Yellow-legged Frog

The Foothill yellow-legged frog, or *Rana boylei* is a small to medium-sized frog that lives in foothill and mountain streams. Threats include altered flows related to water infrastructure, competition and predation by non-native species and disease. The species is listed as endangered under the California Endangered Species Act (CDFW).

## Birds

### Tri-colored Blackbird

Tri-colored blackbirds (*Agelaius tricolor*) are a species of special concern in the state of California. They range from southern Oregon through the Central Valley, and coastal regions of California into the northern part of Mexico. Tri-colored blackbirds are medium size birds with black plumage and distinctive red marginal coverts, bordered by whitish feathers. Suitable



habitat includes open grasslands, agricultural fields, blackberry brambles and marshes. Tri-colored blackbirds nest in large colonies within agricultural fields, marshes with thick herbaceous vegetation or in clusters of large blackberry bushes. Current threats facing tri-colored blackbirds include loss of habitat due to land conversion, increased predation through human disturbances, and fluctuating water regimes (Churchwell et al. 2005).

## **Aquatic Resources**

### **Wetlands**

There are no wetlands on the site (US Fish and Wildlife Service National Wetlands Inventory).

### **Non-wetland Other Waters of the United States**

Non-wetland, Other Waters of the U.S (OWUS) within the Project Area consist of one unnamed seasonal and ephemeral drainage.

### **Relative Permanent Waters**

There are no relative permanent waters within or near the Project Area.

## **Regulatory Setting**

### **Endangered Species Act (ESA)**

The ESA provides protective measures for federally listed, threatened and endangered species, including their habitats from unlawful take. The ESA defines take to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct”. Title 50, § 222, of the C.F.R. (50 C.F.R. § 222) further defined harm to include an act that actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including feeding, spawning, rearing, migrating, feeding, or sheltering.

### **Migratory Bird Treaty Act of 1918 (MBTA)**

Nesting birds are protected under the MBTA (16 USC 703) and the CFWC (3503). The MBTA (16 USC §703) prohibits the killing of migratory birds or the destruction of their occupied nests and eggs except in accordance with regulations prescribed by the USFWS. The bird species covered by the MBTA includes nearly all of those that breed in North America, excluding introduced (i.e. exotic) species (50 Code of Federal Regulations §10.13). Activities that involve the removal of vegetation including trees, shrubs, grasses, and forbs or ground disturbance has the potential to affect bird species protected by the MBTA. The CFWC (§3503.5) states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks, eagles, and falcons) or Strigiformes (all owls except barn owls) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Take includes the disturbance of an active nest resulting in the abandonment or loss of young. The CFWC (§3503) also states that “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto”.

### **Executive Order 13112 – Invasive Species**

EO 13112 directs all federal agencies to refrain from authorizing, funding, or carrying out actions or projects that may spread invasive species.

#### California Endangered Species Act (CESA)

Under CESA, the California Fish and Wildlife (CDFW) is responsible for maintaining a list of endangered and threatened species. An agency reviewing a proposed project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present and determine whether the project would have a potentially significant impact on such species. Proposed Project-related impacts on species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of the CESA.

#### California Fish and Game Code – Native Plant Protection Act

The Native Plant Protection Act prohibits taking, possessing, or sale of any plants with a state designation of rare, threatened, or endangered.

#### Yuba County General Plan

The Natural Resources Element of the Yuba County General Plan (Yuba County 2011a) was adopted June 7, 2011, and includes policies to protect and promote the restoration of native and sensitive species and habitats. Those that are applicable to the Proposed Project are included below.

Action 5.3 Wetlands and Riparian Buffers: The County requires a buffer to protect proposed projects near wetlands and riparian areas, between 33 and 150 feet.

#### Environmental Impacts and Mitigation Measures

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as **a candidate, sensitive, or special status species** in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

#### Special-status Fish & Crustaceans

The following special-status fish species and crustaceans have the potential to occur on the site: Delta Smelt, Spring-Run Chinook Salmon, Vernal Pool Fairy Shrimp and Vernal Pool Fairy Shrimp. This would be a potentially significant impact. **MM4.1** and **MM4.2** have been developed to address this impact.

#### **Mitigation Measure 4.1 Minimize Disturbance Footprint**

During development for the Proposed Project, ground disturbance and vegetation clearing footprints would be reduced to the smallest area feasible. All areas to be avoided during construction activities would be fenced and/or flagged as close to construction limits as feasible.

#### **Mitigation Measure 4.2 Aquatic Buffers**

Any aquatic resource (wetlands, intermittent streams, lakes, creeks, sloughs, riparian areas) or any open water courses that could host the above special-status fish and

crustaceans, there will be a buffer of 150 in width, to preserve and maintain the hydrologic integrity of the aquatic resource.

#### Valley Elderberry Longhorn Beetle

Valley Elderberry Longhorn Beetles have the potential to occur on the site. This would be a potentially significant impact. **MM4.1** and **MM4.3** have been developed to address this impact.

#### **Mitigation Measure 4.3 Valley Elderberry Longhorn Beetle Impact Minimization**

Activities that may indirectly damage or kill an elderberry shrub (trenching, paving, etc.) with one or more stems measuring 1 inch in diameter or greater at ground level would require an avoidance area of at least 20 feet. If a Valley Elderberry Longhorn Beetle is observed within the Project Area then Yuba County will be notified which will consult with CDFW for further guidance.

#### Tri-colored Blackbird

Tri-colored Blackbirds have the potential to occur on the site. This would be a potentially significant impact. **MM4.1** and **MM4.4** have been developed to address this impact.

#### **Mitigation Measure 4.4 Tri-colored Blackbird Impact Minimization**

If observations of tri-colored blackbirds are made, avoidance and minimization measures are recommended.

Any construction activities should begin outside of the avian breeding season (September 1 – February 28) so as to avoid potential impacts to nesting tri-colored blackbirds or deter tri-colored blackbirds from potentially nesting on the site. If construction activities cannot commence prior to the avian breeding season (March 1 – August 31) then a pre-construction survey for tri-colored blackbird nesting colonies shall be conducted no later than fifteen (15) days prior to the start of construction activities by an approved biologist in areas of the Project Area where suitable tri-colored nesting habitat occurs. If a tri-colored blackbird nesting colony is observed within 250 feet of the Project Area then Yuba County will be notified and additional avoidance and minimization measures will be implemented. If a tri-colored blackbird nesting colony is observed within the Project Area then Yuba County will be notified which will consult with CDFW for further guidance. If for any reason construction stops for a period of 10 days or longer within the avian breeding season, an additional tri-colored blackbird nesting colony survey shall be conducted fifteen (15) days prior to the continuation of construction activities.

#### Monarch Butterfly

Monarch butterflies have the potential to occur on the site. This would be a potentially significant impact. **MM4.1** and **MM4.6** have been developed to address this impact.

#### Foothill Yellow-legged Frog

Foothill Yellow-legged Frog have the potential to occur on the site. This would be a potentially significant impact. **MM4.1** and **MM4.5** have been developed to address this impact.

#### **Mitigation Measure 4.5 Foothill Yellow-Legged Frog Impact Minimization**

If observations of the Foothill Yellow-Legged Frog are made, avoidance and minimization measures are recommended.

If a Foothill Yellow-Legged Frog army is observed within 20 feet of the Project Area then Yuba County will be notified and additional avoidance and minimization measures will be implemented.

#### Migratory Birds

The site may contain migratory birds that are special-status. This would be a potentially significant impact. **MM4.1** and **MM4.6** have been developed to address this impact.

#### **Mitigation Measure 4.6 Migratory Birds**

The following are avoidance and minimization measures for California avian species of special concern and species protected under the MBTA and the CFWC. Any vegetation removal and/or ground disturbance activities should begin during the avian non-breeding (September 1 – February 28) season so as to avoid and minimize impacts to avian species. If construction is to begin within the avian breeding season (March 1 – August 31) then a migratory bird and raptor survey shall be conducted within the Project Area by a qualified biologist. A qualified biologist shall: Conduct a survey for all birds protected by the MBTA and CFWC no later than fifteen (15) days prior to construction activities; map all nests located within 250 feet of construction areas; develop buffer zones around active nests as recommended by a qualified biologist. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored at least twice (2) per week and a report submitted to the Yuba County monthly. If construction activities stop for more than ten (10) days then another migratory bird and raptor survey shall be conducted no later than fifteen (15) days prior to the continuation of construction activities.

The impacts are *less than significant with mitigation measures incorporated*.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

There is no riparian habitat or sensitive natural community on the site. Therefore, there is ***no impact***.

c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There are no wetlands found on site. There is an unnamed seasonal and intermittent stream on the Project site, which is considered a Waters of the United States (WOTUS). **MM 4.7** has been developed to address this impact.

#### **Mitigation Measure 4.6 Waters of the United States Permitting**

If impacts to this stream are anticipated in the future, a §401 Water Quality Certification permit, §1602 Streambed Alteration Agreement and a section §404 Nationwide permit would be required.

Project implementation will not result in alterations (removal) of natural plant or wildlife communities. The proposed split of this property will not interfere with the movement of any native resident or migratory fish or wildlife species, or result in impacts to established native resident or migratory wildlife corridors.

The project will not affect the use of native wildlife nursery sites due to **MM4.2**. **MM4.2** is derived from General Plan Action NR5.3 states that any development shall maintain a setback of 150 feet from any open water courses, such as the intermittent stream. This standard mitigation measure reduces the potential impacts for Biological Resources that are found in wetlands and riparian areas.

*d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Essential fish habitat (EFH) means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Fishery Conservation and Management Act (MSA) §3). The intermittent stream could provide "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity," or special-status fish species managed under a fishery council (i.e chinook and coho). With the implementation **MM4.2**, no EFH or the need for federal fisheries consultation. Thus, the impact is ***less than significant***.

*e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

There would be no conflicts with General Plan policies regarding Mitigation of biological resources. Action NR5.3 protects potential biological resources in the project area.

*f) No Impact – No habitat conservation plans or similar plans currently apply to the project site. Both Yuba and Sutter Counties recently ended participation in a joint Yuba-Sutter Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The project site was not located within the proposed boundaries of the former plan and no conservation strategies have been proposed to date which would be in conflict with the project.*

## V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Yuba County contains many documented historic, indigenous, and prehistoric cultural resources. This project is identified in the 2030 Yuba County General Plan as an area of high concern for cultural or prehistoric resource sensitivity. Chapter V. Cultural Resources (this section) will encompass the archeological, prehistoric, and historic resources, and Chapter XVII. Tribal Cultural Resources will encompass the indigenous and tribal resources.

Cultural Resources are defined as buildings, sites, structures, or objects that may have historic, architectural, archeological, cultural, or scientific importance. CEQA defined a “historical resource” as any resource listed in or determined to be eligible for listing in the California Register of Historical resources (CRHR).

#### Prehistoric Setting

The brief overview of the prehistory is adapted from summary and analysis of the Yuba County 2030 General Plan Cultural Resources Background Report.

**Paleo-Indian Period** (8,000 to 12,000 years ago) saw the first entry and spread of humans into California. Occupation sites are situated along lake shores, and a developed milling tool technology may have existed at this time. Characteristic artifacts of this time include fluted projectile points and chipped stone crescents. People of this time were big game hunters.

**Lower Archaic Period** (5,000 to 8,000 years ago) happened with the mid-Holocene climatic change and drier conditions that dried the pluvial lakes. Diets consisted of plant foods over hunted foods. Most tools were manufactured of local materials and exchanged. Artifacts of this time were large dart points, the milling slab, and handstones.

**Middle Archaic Period** (3,000 to 5,000 years ago) began at the end of the mid-Holocene period when the climate became similar to present-day conditions. Cultural change was in response to environmental technological factors. Economies diversified and there was the introduction of acorn technology. Hunting remained an important source of food. Artifacts characterized by the time include the bowl mortar and pestle and the use of large projectile points.

Around this time, evidence of Native Americans in northern and central Sierra Nevada appears. The Martis Complex, thought to date from 2000 BC to AD 500 and based on projectile point types, use of basalt for stone tools and use of mano and metate is seen at sites in and around the Tahoe Basin region. A cultural complex has been seen in the Oroville region, from AD 1500 to Euro-American contact. The Mesilla Complex occupied the mountains of eastern Yuba County along the western slopes of the Sierra Nevada, and may have been the wave of immigration of Penutian-speaking people who settled in the Central Valley and became known as Nisenan.

**Upper Archaic Period** (1,500 to 3,000 years ago). The development of status differentials based upon wealth was seen. There was a greater complexity of exchange systems. Shell beads gained significance as possible indicators of personal status and important trade items. Artifacts characterized by the time include large dart points of different styles, and the bowl mortar and pestle replace the milling stone and handstone.

**Emergent Period** (200 to 1,500 years ago) was framed by technological and social changes. The bow and arrow were introduced at this time, replacing the dart and atlatl. Group boundaries were established. Distinction in social status could be linked to wealth. Exchange of goods was through trading. The clam disk bead served as a monetary unit for exchange and increasing quantities of goods moved greater distances.

#### Ethnographic Setting

Yuba County is situated on lands occupied and traditionally used by the Nisenan, sometimes referred to as the Southern Maidu. The language of Nisenan which includes several dialects is classified within the Maiduan family of the Penutian linguistic stock. The western boundary of Nisenan was the western bank of the Sacramento River, and the eastern boundary was in the Sierra Nevada Mountains. Major villages were located near the confluence of the Feather and Bear Rivers, near the now City of Marysville. Villages along the Feather River were made up of up to 200 people. Houses were dome structures and covered in earth and tule or grass. Larger villages often had semisubterranean dance houses.

The Nisenan occupied permanent settlements with task groups to harvest the seasonal boundary. The Valley Nisenan economy involved riparian resources, in contrast to the Hill Nisenan, which primarily involved acorn and game. Acorns were carefully managed, and deer, rabbit, and salmon were chief sources of animal protein.

#### Historic Setting

In 1808, Spanish explorer Gabirel Moraga led expedition to the northern Sacramento Valley. The first Euro-American settlement in the region was established with the land grants by the Mexican government. John Sutter obtained the first grant in 1841, New Helvetia Rancho.

#### **Agriculture**

Ranching and agriculture were the primary industries of the region, starting on the New Helvetia and Johnson Ranchos in the early 1840s. The Gold Rush of 1848 sparked growth in agriculture and ranching. Recurring floods impacted the viability of agriculture and settlement in the Yuba-Feather-Bear River floodplain.

In 1907, citizens of Yuba County formed Reclamation District to build levee and drainage systems to control floodwaters. Reclamation efforts promoted settlement and development of land between Rio Oso and Marysville.

### **Gold Rush**

Yuba County lies within the Sierra Nevada geomorphic province, which has the highest quantities of gold. The alluvial deposits in quartz gravels and in and along stream channels have been mined by hydraulic, hard rock, and dredge mining.

Mining communities sprang up around the river above Marysville. In 1905, the Yuba Consolidated Goldfields began operations 9 miles east of Marysville, in the Hammonton Gold District. Browns Valley, Brownsville, Camptonville, Clipper Mills, Dobbins, and Smartsville mining districts were all established in the County.

### **Cultural Report**

A Cultural Report, a technical letter and intensive pedestrian survey to determine historic and prehistoric resources and impacts from the project was prepared for the project pursuant to AB52. Through the Cultural Report prepared for the project, a record request was sent to the North Central Information Center (NCIC). The NCIC reported that there is one recorded historic site located within the project, and seven historic or prehistoric sites were found outside the project boundary but within a half-mile radius. The site was a Placer mining site with multiple earthen dams and canal segments, with the majority extending beyond the project boundary. On July 27, 2021, an intense pedestrian survey of the site was undertaken by Mary Bailey of Golden Hills Consulting, and no additional historic resources were located. The Placer mining site within the project was relocated.

### **Regulatory Setting**

#### **National Historic Preservation Act**

Section 106 of the NHPA requires federal undertakings to consider the effects of the action on historic properties. Historic properties are defined by the ACHP regulations and consist of any prehistoric or historic archaeological site, building, structure, historic district, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior.

#### **California Register of Historic Resources**

The term historical resource includes any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of Public Resources Code (PRC) (PRC Section 5020.1[j]). To be considered a historical resource for the purpose of CEQA, the resource must also have integrity, which is the authenticity of a resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance.

#### **Yuba County General Plan**

Chapter 7 of the Yuba County General Plan details six policies (Policies NR6.1 – NR6.6) aligning Yuba County's efforts to identify, protect, and preserve important prehistoric and



historic resources with state and federal regulations (Yuba County 2011a). Implementation of these policies is codified through Action NR6.1 (Environmental Review and Mitigation) that acknowledges that new development projects could have a significant adverse impact on the environment. Action 6.1 details the Yuba County steps to identify, avoid and mitigate cultural resources.

**Environmental Impacts and Mitigation Measures:**

a) *Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?*

According to the NCIC's records, there is one recorded historic site located within the project, and seven historic or prehistoric sites were found outside the project boundary but within a half-mile radius. An intense-level pedestrian survey of the entire site successfully relocated all previously recorded resources. With the mitigation measures below, the impact is *less than significant*.

Pursuant to General Plan Goal NR6, Cultural Resources, and the potential to discover cultural and prehistoric resources in the project area, the following general provisions are considered appropriate:

**Mitigation Measure 5.1      Inadvertent Discovery Of Human Remains**

Consultation in the event of inadvertent discovery of human remains: In the event that human remains are inadvertently encountered during trenching or other ground-disturbing activity or at any time subsequently, State law shall be followed, which includes but is not limited to immediately contacting the County Coroner's office upon any discovery of human remains.

**Mitigation Measure 5.2      Inadvertent Discovery Of Cultural Material**

Consultation in the event of inadvertent discovery of cultural material: The present evaluation and recommendations are based on the findings of an inventory- level surface survey only. There is always the possibility that important unidentified cultural materials could be encountered on or below the surface during the course of future development activities. This possibility is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance activities (e.g., road grading, livestock grazing, etc.) have partially obscured historic ground surface visibility, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?*

No archeological resources within the site were found at the site. Implementing MM 5.1 and MM 5.2 above would reduce the potential impact related to discovery of unknown archaeological resources because the find would be assessed by a qualified archeologist and the treatment or investigation would be conducted in accordance with CCR Section 15064.5. The impact would be ***less than significant with mitigation incorporated.***

c) *Disturb any human remains, including those interred outside of formal cemeteries?*

No human remains were found on the project site during the 2021 pedestrian survey and none were identified during the records search. If human remains are present in areas subject to project-related ground disturbance, they could be encountered during project construction activities. This would be a potentially significant impact. MM 5.1 above has been developed to address this impact. Therefore, the impact would be ***less than significant impact with mitigation incorporated.***

**VI. ENERGY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

PG&E supplies electric power and natural gas to Yuba County. In 2020, Yuba County residually consumed approximately 251.86 GWh in electricity, and 7.17 Millions of Therms of gas (California Energy Commission 2020).

**Regulatory Setting****California Global Warming Solutions Act of 2016**

The California Global Warming Solutions Act of 2016 was established to expand upon Assembly Bill 32 in order to reduce GHG emissions. The Act would require the state board to ensure that statewide emissions are reduced to 40% below the 1990 level by 2030.

**California Clean Energy and Pollution Reduction Act (Senate Bill 350)**

The California Clean Energy and Pollution Reduction Act established clean air and energy, and GHG reduction goals by reducing 40 percent below 1990 levels.

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- Policy NR7.1: New developments shall address energy conservation in landscaping methods, materials, and design.
- Policy NR7.2 New buildings shall meet state standards for energy efficiency and should provide renewable energy development and use, to the greatest extent feasible
- Policy NR7.6 New developments should consider energy conservation in building-site orientation and construction, with articulated windows, roof overhangs, appropriate insulation materials and techniques, and other architectural features that improve passive interior climate control.

**Environmental Impact and:**

a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

The proposed project would consist of the development of two new lots and a single family residence on each respective lot. Project related construction would comply with all local, state and federal requirements for control of air pollutant emissions and reduction of greenhouse gas emissions. Operations of the proposed project would result in two additional residential households' energy consumption. The addition of two residential households would not result in a significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources. Therefore, the project creates a ***less than significant impact***.

b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

There is no local plan for renewable energy or energy efficiency. The proposed project is a rural residential project, creating two new lots that would not impact energy resources and conflict with state plans for energy. Therefore, the project creates a ***less than significant impact***.

## VII. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1803.5.3 to 1808.6 of the 2010 California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

The project area is located in the Sierra Nevada geologic province. Paleozoic and Mesozoic accretion and subduction events along the western margin of the North American land mass build up the Sierra crest with surface volcanic rock and subsurface granitic plutons. These volcanic eruptions resulted in contact metamorphism and the creation of the Sierra gold deposits. Subsequent middle-Tertiary orogenic events extruded andesites, andesitic mud flows, and associated volcanic sedimentary rocks in the Bear River Basin. Late Quaternary glacial stages in the northwestern Sierra Nevada and uplift along the eastern Sierra Nevada shaped the landscape that is seen today.

The Spenceville Fault, of the Foothills Fault System, trends northwest-southwest and occurs just to the east of the project area. The Spenceville Fault was active during the Late Quaternary

period of past 700,000 years (California Department of Conservation 2015). The proposed project area is not located within an Earthquake Fault zone and has not within an area with a known liquefaction hazards or seismic landslides hazards (California Department of Conservation 2016).

Soils in the project area are composed of the Sobrante-Auburn. These soils are moderately deep or shallow and well drained. They form in material weathered from basic metavolcanic rocks, found on foothills. The soils are used for livestock, grazing, woodland and homesites. The site is not located in a mineral resource zone (2030 Yuba County General Plan Geology and Soils Background Report 2011). The potential for expansive soils is low in the Proposed Project area is considered low (2030 Yuba County General Plan Geology and Soils Background Report 2011).

### **Regulatory Setting**

#### **Earthquake Hazard Reduction Act**

In 1977, the US Congress passed the Earthquake Hazards Reduction Act to reduce the risks to life and property from future earthquakes in the United States. The act established the National Earthquake Hazard Reduction Program. The purpose of this program is to reduce the risks to life and property in the United States from earthquakes through the establishment and maintenance of an effective national earthquakes risk reduction program.

#### **Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning Act was enacted in 1972 to reduce the risk to life and property from surface fault rupture. The law prohibits the construction of buildings used for human occupancy on the surface trace of active faults. The law addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards. There are established regulatory zones known as Earthquake Fault Zones around the surface traces of active faults and published appropriate maps.

#### **Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act of 1990 directs the California Geological Survey to identify and map areas that are prone to liquefaction, landslides and ground shaking resulting from seismic events. The state established Zones of Required Investigation and published Seismic Hazard Zone maps. The act requires a site-specific geotechnical investigation to identify potential seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy within zones of required investigation.

#### **Storm Water Pollution Prevention Plan**

In 2009 the State Water Resource Control Board adopted the new statewide Construction General Permit, Order 2009-0009-DWQ. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb one or more acres of soil are required develop a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPP Developer.

#### **Yuba County Development Code**

The Development Code is a regulatory document that includes all development-related regulations and implements goals and policies of the General Plan relating to land use and development. The following plan and policies are relevant to the proposed project:

- Chapter 11.23: regulates grading, drainage, and other earthwork activities within the unincorporated areas of Yuba County to preserve and safeguard public welfare, health and property. A grading permit is required for any grading and/or construction activity with ground disturbance of more than one acre.

### **Environmental Impacts and Mitigation Measures:**

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

(i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The proposed project is not located within an Alquist-Priolo Earthquake Fault Zone (California Department of Conservation 2015). No active faults have been mapped on the proposed project area. Therefore, the project would not result in substantial adverse effects, including risk of loss, injury, or death involving rupture of a known earthquake fault. As a result, ***no impact*** would occur.

(ii) *Strong seismic ground shaking?*

The Spencerville Fault, which occurs just to the east of the Proposed Project area, was active during the Late Quaternary period of past 700,000 years (California Department of Conservation 2015). The proposed project is located within an area of low potential for ground shaking during an earthquake (California Department of Conservation 2016). Therefore, the Proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic ground shaking. As a result, a ***less than significant impact*** would occur, and no mitigation would be required.

(iii) *Seismic related ground failure, including liquefaction?*

Liquefaction can occur when an earthquake turns loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking. The proposed project area is not located within a liquefaction zone. Therefore, the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. As a result, a ***less than significant impact*** would occur.

(iv) *Landslides?*

The slope of the project site is approximately 12.1%, which is of moderate slope. The proposed project area is not located within a landslide zone (California Department of Conservation 2019). Therefore, the proposed project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving landslides. As a result, ***no impact*** would occur.

b) *Result in substantial soil erosion or the loss of topsoil?*

Ground disturbance, grading, and other construction activities during the development of the two single family dwellings on each respective new parcel could remove ground cover and disturb soil. This could be a potentially significant impact. As part of the project, if the construction disturbs more than one acre, it would be required that a Grading Permit be applied for with Yuba County in concurrence with a Stormwater Pollution Prevention Plan. Mitigation Measure 10.1 has been developed to address the impact. Thus, the impact is ***less than significant with mitigation***.

**Mitigation Measure 8.1 Grading Permit and National Pollution Discharge Elimination Permit.**

Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. Coverage under the General Permit must be obtained prior to any construction. More information may be found at [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html). Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

The project site is not within an Alquist-Priolo Earthquake Fault Zone. Additionally, there are no active faults in the project vicinity (i.e., faults showing evidence of displacement within the last 11,700 years). The proposed project area is not located within an Earthquake Fault zone and has not within an area with a known liquefaction hazards or seismic landslides hazards (California Department of Conservation 2016). Therefore, there is ***no impact***.



d) *Be located on expansive soil, as defined in Section 1803.5.3 to 1808.6 of the 2010 California Building Code, creating substantial risks to life or property?*

The potential for expansive soils is low in the Proposed Project area is considered low (2030 Yuba County General Plan Geology and Soils Background Report 2011). Therefore, there would be ***no impact*** to life or property.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The project site is surrounded by rural residential properties and has the potential to be used for rural residential purposes. The Yuba County Environmental Health Department has adopted a Sewage Disposal Ordinance 7.07.440 through 7.07.530 that regulates the installation, design and type of septic system required. Additionally, the County Environmental Health Department has standard conditions that address the soil adequacy for the project. Perc and mantel testing have indicated the project site contains suitable soils for this purpose. Therefore, the impact would ***be less than significant***.

**VIII. GREENHOUSE GAS EMISSIONS**

<b>Would the project:</b>	Potentially Significant Impact	Less Significant Mitigation Incorporated	Than With	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

Human-produced GHG emissions are created primarily by the burning of fossil fuels for energy. Human sources include emissions associated with transportation, industrial/manufacturing, utility, residential, commercial and agricultural sectors. Evidence has shown that GHG emissions from locations around the world are projected to contribute to global climate change. Climate change refers to the long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system.

Changes to the global climate system are expected to affect future occurrences of natural hazards in and around Yuba County, including extreme heat and increasing temperatures, extreme storms, wildfire, drought, and flooding (Yuba County Safety Element Update 2021). These anthropogenic GHG emissions are widely accepted in the scientific community as contributing to climate change. Climate change refers to the long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system.

The Yuba County 2030 General Plan approach to climate change addresses transportation-related emissions, as well as electricity, agriculture, solid waste and other sectors (Yuba County 2011). There currently is no Greenhouse Gas Reduction Plan, however the General Plan states that the County will prepare and adopt a plan to reduce emissions.

GHGs are emitted as a result of activities in residential buildings when electricity and natural gas are used as energy sources. New California buildings must be designed to meet the building energy efficiency standards of Title 24, also known as the California Building Standards Code. Title 24 Part 6 regulates energy uses including space heating and cooling, hot water heating, ventilation, and hard-wired lighting that are intended to help reduce energy consumption and therefore GHG emissions.

**Regulatory Setting**

The following regulations, plans, and policies provide relevant definitions and regulatory context for the impact discussion that follows:

**Executive Order S-3-05**

Former Governor Schwarzenegger issued Executive Order (EO) S-3-05 in June 2005, which established the following GHG emissions reduction targets: reduce GHG emissions to 2000 levels by 2010, reduce GHG emissions to 1990 levels by 2020, and reduce GHG emissions to 80 percent below 1990 levels by 2050.

Assembly Bill 32 (Global Warming Solutions Act)

In 2006, the Legislature enacted the California Global Warming Solutions Act of 2006, also known as Assembly Bill 32 in response to EO S-3-05. Assembly Bill 32 required that statewide GHG emissions to be reduced to 1990 levels by 2020. California met its 2020 reduction goal in 2018.

AB 32 Scoping Plan

In 2008, the California Air Resources Board (CARB) adopted the Scoping Plan for AB32. The Scoping Plan identifies specific measures to reduce GHG emissions to 1990 levels by 2020, and requires ARB and other state agencies to develop and enforce regulations and other initiatives for reducing GHGs. The Scoping Plan also recommends, but does not require, an emissions reduction goal for local governments of 15% below “current” emissions to be achieved by 2020 (per Scoping Plan current is a point in time between 2005 and 2008). The Scoping Plan also recognized that Senate Bill 375 Sustainable Communities and Climate Protection Act of 2008 (SB 375) is the main action required to obtain the necessary reductions from the land use and transportation sectors in order to achieve the 2020 emissions reduction goals of AB 32.

SB 375

SB 375 complements AB 32 by reducing GHG emission reductions from the State’s transportation sector through land use planning strategies with the goal of more economic and environmentally sustainable (i.e., fewer vehicle miles travelled) communities. SB 375 requires that the ARB establish GHG emission reduction targets for 2020 and 2035 for each of the state’s 18 metropolitan planning organizations (MPO). Each MPO must then prepare a plan called a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its SB 375 GHG reduction target through integrated land use, housing, and transportation planning.

The Sacramento Area Council of Governments (SACOG), the MPO for Yuba County, adopted an SCS for the entire SACOG region as part of the 2035 Metropolitan Transportation Plan (MTP) on April 19, 2012. The GHG reduction target for the SACOG area is 7 percent per capita by 2020 and 16 percent per capita by 2035 using 2005 levels as the baseline. Further information regarding SACOG’s MTP/SCS and climate change can be found at <http://www.sacog.org/2035/>.

While AB32 and SB375 target specific types of emissions from specific sectors, and ARBs Scoping Plan outlines a set of actions designed to reduce overall GHG emissions it does not provide a GHG significance threshold for individual projects. Air districts around the state have begun articulating region-specific emissions reduction targets to identify the level at which a project may have the potential to conflict with statewide efforts to reduce GHG emissions (establish thresholds). To date, the Feather River Air Quality Management District (FRAQMD) has not adopted a significance threshold for analyzing project generated emissions from plans or development projects or a methodology for analyzing impacts. Rather FRAQMD recommends that local agencies utilize information from the California Air Pollution Control Officers Association (CAPCOA), Attorney General’s Office, Cool California, or the California Natural Resource Agency websites when developing GHG evaluations through CEQA.

### Executive Order B-30-15

On April 20, 2015, former Governor Brown signed EO B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. California's emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent below 1990 levels by 2050.

### Senate Bill 32

Senate Bill 32 was signed into law in 2016 and expanded Assembly Bill 32 to reduce greenhouse GHG emissions. It sets into law the mandated GHG emissions target of 40 percent below 1990 levels by 2030.

### Thresholds of Significance

The FRAQMD has not yet established thresholds of significance especially for GHG emissions, but recommends that local lead agencies use state and local-level resources from organizations, offices and agencies including, but not limited to, the California Air Pollution Control Officers Association, Office of the Attorney General, Lawrence Berkeley National Laboratory, California Energy Commission, CoolCalifornia.org, and the California Natural Resources Agency when developing GHG evaluations through the CEQA process (FRAQMD 2010).

### **Environmental Impacts and Mitigation Measures:**

a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Based on the project description, the project would generate additional vehicle trips in conjunction with the potential up to two single family residences. Although the project will have an impact on greenhouse gas emissions, the impact would be negligible. The impact related to greenhouse gas emissions would result in ***less than significant***.

b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The County has no applicable greenhouse gas reduction plan currently. The project is consistent with the Air Quality & Climate Change policies within the Public Health & Safety Section of the 2030 General Plan and therefore, the project has ***no impact*** with any applicable plan, policy or regulation.

**IX. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

A search of all the data sources included in the Cortese List was conducted for the project site and vicinity, including the GeoTracker database, a groundwater information management system maintained by the State Water Resources Control Board (SWRCB), the Hazardous Waste and Substances Site List (the EnviroStor database) maintained by DTSC, and the EPA's Superfund site.

No schools are present within .25 mile of the project site. The nearest school is the Lone Tree School and Wheatland Charter Academy, located on the Beale Air Force Base approximately 2 miles northwest from the project site.

EnviroStor is the Department of Toxic Substances Control's (DTSC) data management system for tracking cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there may be reasons to investigate further. A review of the EnviroStor database Hazardous Waste and Substances Site List (Cortese) indicated that there are no hazardous sites on or in the vicinity of the project area (DTSC 2022).

GeoTracker is the SWRCB's data management system for sites that impact or have the potential to impact water quality with an emphasis on groundwater. No sites are present within 25 miles of the project. The nearest site is the Beale Air Force Base – Beale – Capehart Service Station, approximately 2 miles northwest of the project site on the Beale Air Force Base.

According to the California Department of Forestry and Fire Protection (CalFire) responsibility maps, the project is located in a moderate to very high fire hazard safety zone in a State Responsibility Area (California State Geoportal 2020).

### **Regulatory Setting**

#### **Resource Conservation and Recovery Act**

The Resource Conservation and Recovery (RCRA) of 1976 established the federal regulatory program for hazardous substances and gives the USEPA the authority to regulate the generation, transport, treatment, and disposal of hazardous substances in a “cradle to grave” system. Under the RCRA, USEPA regulates the generation, transportation, treatment, storage, and disposal of hazardous substances.

#### **Occupational Safety and Health Administration**

The Occupational Safety and Health Act of 1970 created the federal Occupational Safety and Health Administration (OSHA), which is responsible for protecting the health of workers in events such as during the storage and handling of hazardous materials. OSHA has created regulations to set federal standards of workplace safety, including exposure limits, mandatory workplace training, accident and injury reporting, and safety procedures.

#### **Hazardous Materials Transportation Act**

The US Department of Transportation regulates the interstate transport of hazardous materials and wastes through implementation of the Hazardous Materials Transportation Act. This act specifies driver-training requirements, load labeling procedures, and container design and safety specifications. Transporters of hazardous wastes must also meet the requirements of additional statutes, such as RCRA.

#### **Hazardous Waste Control Act**

The Hazardous Waste Control Act created the state's hazardous waste management program. It is similar to, but more stringent than the RCRA. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste.

#### **California Environmental Protection Agency**

The California Environmental Protection Agency (CalEPA) was created to better coordinate state environmental programs, reduce administrative duplication, and address the greatest environmental and health risks.

#### Cortese List

The Hazardous Waste and Substances Sites (Cortese) List was created through California Government Code section 65962.5. The Cortese List is a planning document used by the State, local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. The list is distributed to each city and county in which sites are located. The list can be found on the DTSC's EnviroStor data management system.

#### California Public Resources Code Sections 4201-4204

CPR Sections 4201 – 4204 required CALFIRE to reclassify fire hazard severity zones with State Responsibility Areas. Lands within State Responsibility Areas are classified in accordance with the severity of fire hazard present to identify measures to be used to retard the rate of spreading and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

#### **Environmental Impacts and Mitigation Measures:**

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project site does not contain known hazardous materials, but construction activities involved with the construction of one single family dwelling on each new parcel could include the use and storage of small amounts of hazardous substances such as fuels, lubricants and oils that are necessary for construction equipment operation. Because of their limited quantity, these materials would present only a minor hazard and only if spillage occurs. Standard spill prevention and control measures will be maintained by the contractor. Any potentially contaminated areas, if encountered during Project construction, will be evaluated by a qualified hazardous material specialist in the context of local, state, and federal regulations governing hazardous waste. The impact would be *less than significant with mitigation incorporated* with implementation of **Mitigation Measure 9.1**

#### **Mitigation Measure 9.1      Accidental Spill of Pollutants**

Construction specifications shall include the following measures to reduce potential impacts in the project area associated with accidental spill of pollutants (eg., fuel, oil, grease):

- A site-specific spill prevention plan shall be implemented for potentially hazardous materials if there is an accidental spill. The plan shall include the proper procedures for cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface water features.
- Equipment and hazardous materials shall be stored a minimum of 50 feet away from surface water features.
- Vehicles and equipment used during construction shall receive proper and timely maintenance to reduce the potential for mechanical breakdowns leading to a spill of materials. Maintenance and fueling shall be conducted in an area at least 50 feet away

from waterways and the Sicard Flat Ditch or within an adequate fueling containment area.

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The project site does not contain known hazardous materials, but construction activities involved with the construction of one single family dwelling on each new parcel could include the use and storage of small amounts of hazardous substances such as fuels, lubricants and oils that are necessary for construction equipment operation. Spills of these materials could potentially occur, and **Mitigation 9.1** would ensure that impacts from spills would be limited and not a significant risk to the environment. The impact would be *less than significant with mitigation incorporated*.

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?*

There are no schools located within one-quarter mile of the project area. Therefore, the project would not emit hazardous emissions or handle hazardous materials within one-quarter mile of a school. As a result, **no impact** would occur, and no mitigation is required.

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project site is not located on a site that is included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a result, **no impact** would occur.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

The nearest airport to the project area are the Yuba County Airport, located XXX northwest of the project area. The project would not result in a safety hazard for people residing or working in the project area of an airport land use plan, or within two miles of a public airport or public use or a private airstrip. Therefore, **no impact** would occur.

f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

No new roads or road improvements are proposed for this project that would interfere with the existing road system. Since there would be no major physical interference to the existing road system, there would be *a less than significant impact* with an emergency response or evacuation plan.



g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The project is located in a very high wildlife fire hazard severity zone, as reported by the Cal Fire 2008 Fire Hazard Severity Zones map. Additionally, the project has the potential to increase the risk of wildfire on-site, once Parcel 1 is developed, because it will generate traffic and hence introduce gasoline and petroleum products onto the site in greater degrees than previously experienced. The impact would be ***less than significant with mitigation incorporated***.

**Mitigation Measure 9.1      Vegetation Clearance**

Prior to any final occupancy for any new construction on this map, vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a fire break by removing and clearing away all brush, flammable vegetation or combustible growth up to 100 feet from structures or to the property line, whichever is closer. Clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Additional clearing may be required by the Fire inspector if extra hazardous conditions exist.

**X. HYDROLOGY AND WATER QUALITY**

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting****Surface Water**

Two seasonal drainages run southward through most of the project, with a confluence of the drainages near the southern border. Numerous intermittent to perennial streams were found on the site, and would have flowed into the Bear River. The onsite seasonal drainage probably was a tributary to the Bear River but with development the water has been captured for private stock ponds. The property site is within the Bear River Watershed (Cultural Report).

The Bear River originates 20 miles west of the crest of the Sierra Nevada in northern Placer County within the boundaries of the Tahoe National Forest. The Bear River near the project site enters into the Camp Far West Reservoir, the largest water body in the Bear River Watershed. The Bear joins the Feather River south of Yuba City/Marysville. The Bear River contains a large volume of mining sediment stored in its main channel that is subject to continual erosion. The high volume of mining sediment, in combination with restricting levees, has caused the Lower Bear channel to become deeply incised. Areas of the watershed have been severely degraded by historic mining and mercury contamination. Five waterways within the watershed are listed under the Clean Water Act Section 303(d) list of impaired waterbodies for mercury contamination which includes Camp Far West.

### Groundwater

The project site is near the Sacramento Valley – South Yuba Groundwater Subbasin (#5.021.161). The general groundwater flow in Yuba County is from east to west, from the mountain front recharge regions to the Central Valley discharge region (YCWA 2010). The project site is not located within a groundwater basin designated as “High Priority” or “Critically Overdrafted” (DWR 2019). The project site is within the planning area of the Yuba County Water Agency Groundwater Management Plan and the Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan, which was the Groundwater Sustainability Plan developed for the project area, in compliance with the Sustainable Groundwater Management Act. The plan is in coordination with the Cordua Irrigation District, the Yuba Water Agency, and the City of Marysville, which are the Groundwater Sustainability Agencies for the subbasins. The groundwater levels for the South Yuba Subbasin has been stable or increasing since the early 1980’s. The project site is also located within the Yuba County Integrated Regional Water Management Plan Area. There is a groundwater well on site, and with the dividing of the parcel into two, the second parcel would need to have another well installed. There are two nearby groundwater monitoring well. The closest, maintained by the USGS California Water Science Center (014N006E09C001M), approximately .3 miles east of the property. The second nearest documented groundwater monitoring well (YCWA-23; CALWR\_WQX-14N05E11K001M) is approximately 4.27 miles southwest of the property on Ostrom Road west of the Lofton Cemetery. The documented depth to groundwater at this location varies from approximately 110 to 140 feet (YCWA GSP 2022).

### Camp Far West Reservoir

The Camp Far West Reservoir was constructed in 19634 as part of the California State Water Project to control flooding in the Central Valley and to provide hydroelectric power to the surrounding area. It is owned and operated by the South Sutter Water District, and serves the South Sutter Water District and the Camp Far West Irrigation District. Camp Far West Reservoir has a capacity of 93,737 acre-feet, and fill in the winter and spring from rainfall and snowmelt, and is drawn down in the summer and fall.

## **Regulatory Setting**

### Clean Water Act

The Clean Water Act (CWA) regulates discharges to and quality of waters of the United States. Section 401 of the CWA requires water quality certification from the California State Water Quality Control Board (SWQCB) when a project requires a CWA Section 404 to regulate the

discharge of dredged and fill material into waters of the United States (WOTUS), including wetlands. Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit program for the discharge of pollutant into WOTUS. All projects that disturb greater than 1 acre of area are subject to the California general Permit for Discharges of Storm Water Associated with Construction Activity.

#### Porter-Cologne Water Quality Control Act of 1969

Through the Porter-Cologne Act, the SWRCB and the nine Regional Water Quality Control Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of water in California. The Water Quality Division of the SWQCB develop statewide water protection plans, including the Inland Surface Waters, Enclosed Bays and Estuaries (ISWEBE) Plan. This plan includes statewide water quality objectives for sediment, toxicity, mercury, trash provisions, bacteria, as well as definitions of State wetlands and procedures for discharge of dredged or fill material to waters of the state. The proposed project is located within the Central Valley RWQCB and is covered by the Water Quality Control Plan for the Sacramento and San Joaquin River Basin.

#### Sustainable Groundwater Management Act (SGMA)

SGMA was established in 2014, and created a new structure for managing the state's groundwater resources at the local subbasin level. SGMA requires the Groundwater Sustainability Agencies (local agencies managing groundwater) to develop Groundwater Sustainability Plans and reach a sustainable yield of groundwater by 2040.

#### Storm Water Pollution Prevention Plan

In 2009 the State Water Resource Control Board adopted the new statewide Construction General Permit, Order 2009-0009-DWQ. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb one or more acres of soil are required develop a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPP Developer.

#### Environmental Impacts and Mitigation Measures:

a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Direct and indirect discharges resulting from project related construction ground disturbance could cause surface water to be contaminated by soil or construction-related substances. Construction related activities could temporarily impair water quality if disturbed material, petroleum products, or constructed-related waste are discharged into surface drainages or onto the ground, where they could be carried into receiving waters. Accidental spills of construction-related substances, such as oils and fuels, could contaminate both surface water and groundwater. Mitigation Measure 10.1 and Mitigation Measure 10.2 has been developed to address the impact. Thus, the impact is *less than significant with mitigation*.

#### Mitigation Measure 10.1 Accidental Spill of Pollutants

Please refer to Mitigation Measure 9.1, in "Hazards and Hazardous Materials", for the full text of this mitigation measure.

**Mitigation Measure 10.2 Grading Permit and National Pollution Discharge Elimination Permit.**

Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. Coverage under the General Permit must be obtained prior to any construction. More information may be found at

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html).

Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.

*b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The project will utilize ground water wells for water supply. The development of these two parcels into single family residences and use of the property as rural residential would decrease groundwater supplies a nominal amount. It is expected that there will be one residential well installed into each new parcel. Conformance with the California Building Code will ensure, prior to the issuance of building or occupancy permits, that adequate water supply is available on site for sanitation and firefighting purposes. The groundwater basin that the water would be extracted is not overdrafted and has had stable or increasing groundwater levels since the early 1980's. The applicant will also have to submit evidence to the Yuba County Environmental Health Department that the site can adequately support a well. There is no indication that the project would interfere with groundwater recharge and impede sustainable groundwater management of the basin. There would be a ***less than significant impact***.

*c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

*i) Result in a substantial erosion or siltation on- or off-site;*

The development of these two parcels into single family residences with potential accessory buildings would not result in a substantial erosion or siltation on- or off-site. The project would not alter existing drainage patterns, and would add a small amount impervious surfaces. There would be a ***less than significant impact***.

ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*

The addition of two single family residences on the resulting two parcels with potential accessory buildings on 40.13 acres would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. There would be a ***less than significant impact***.

iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*

The addition of two single family residences on the resulting two parcels with potential accessory buildings would not create substantial water runoff. There would be an increase in impervious surfaces, but would increase the impervious surfaces a small amount. The water runoff would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. There would be a ***less than significant impact***.

iv) *Impede or redirect flood flows?*

The development of these two parcels into single family residences with potential accessory buildings would not impeded or redirect flood flows. The project will not cause erosion or an increase in runoff. There would be a ***less than significant impact***.

d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

The project is not located within a 100-year flood plain, it is located within a 500-year flood plain. A 500-year floodplain (0.2%) is considered to have a moderate flood risk. It is an area that is expected to be inundated by a 50-year flood, a flood event having a 0.2% change of happening in a given year. The project does not contain any hazardous waste and will consist of one single family house for each approximately 20 acre parcel. There will not be a substantial risk of pollutants being released due to project inundation. Yuba County is an inland area not subject to seiche or tsunami. Mudflow is not an identified issue at this location; therefore, there would result in a ***less than significant impact*** from flooding, mudflow, seiche, or tsunami.

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The development of one additional single family residence each for the two new parcels will utilize ground water wells for water supply. The groundwater utilized for two single family residential parcels will be a nominal amount, and will not conflict with the Yuba Subbasins

Water Management Plan. The project could result in minor, localized water quality impacts, but would not conflict with or obstruct implementation of a water quality control plan. Therefore, there result in a *less than significant impact*.

## XI. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

The proposed project is located in the Rural Community land use designation in the Yuba County General Plan, and is located within the Rural Residential 5 Acre (RR-5). Minimum zoning designation within the Yuba County Development Code. The Rural Residential zoning designation is focused on allowing development of very low density, large-lot single family homes and related uses, and preserving and protecting the character of existing rural residential areas. The Rural Community General Plan designation is intended to focus on rural residential opportunities with supportive services and tourism oriented uses consistent with the General Plan.

### Regulatory Setting

#### California State Planning and Zoning Law (Gov. Code 65000-66037)

The California State Planning and Zoning Law delegates most of the state's local land use and development decisions to the respective city or county and describes the laws that pertain to the land use regulations set by the local government's general plan requirements, specific plans and zoning.

#### Yuba County General Plan

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- Policy CD3.3: New residential development shall provide multi-use buffers and site plans designed to avoid pressure to convert long-term planned agriculture, mining, and forestry lands to urban development
- Policy CD9.1: Foothill and mountain development projects shall be designed to preserve the existing rural character
- Policy CD13.1 Growth should be phased from developed areas and existing infrastructure outward in a logical, efficient manner, and in a way that avoids premature conversion of agricultural lands, changes in rural character, and unnecessary loss of other land-based natural resources
- Policy CD13.2: The County will not induce growth by supporting the provision of services or infrastructure in areas not planned for development
- Unincorporated County development between present and 2030 will be focused within the Valley Boundary and Rural Communities



- Policy CD15.3: New developments will be required to designate lands in appropriate locations, sizes, and free of constraints to accommodate public facilities and infrastructure needed to serve such development and/or pay a fair-share fee for land acquisition

### Yuba County Development Code

The Development Code is a regulatory document that includes all development-related regulations and implements goals and policies of the General Plan relating to land use and development. The zoning designation that the proposed site falls into is Rural Commercial, and the Development Code designates the zoning district to allow for the appropriate development of very low-density, large-lot single family homes and related uses in the rural community areas of the County. The Development Code creates standards to preserve and protect the character of existing rural residential areas and ensure that the future rural residential development is compatible with the surrounding community.

### Environmental Impacts and Mitigation Measures

#### a) *Physically divide an established community?*

The project site is within the Camp Far West Reservoir area, which is considered an unincorporated community in Yuba County. Because it is considered an unincorporated community in Yuba County, it cannot be considered an established community. The proposed land division will not create any physical division of an established community. Therefore, the development would result in ***no impact*** or division of an established community.

#### b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The project is consistent with the goals and policies of the Rural Residential, 10 Acres Minimum (RR-10) zone and the Rural Community General Plan designation by creating parcels that are greater than 10 acres in size. The project consists of a tentative parcel map that would create two parcels from a 40.13 acre property; Parcel 1 is proposed to be approximately 20.06 acres and Parcel 2 is proposed to be approximately 20.06 acres in size. The proposed project is consistent with the local land use policies outlined in the Yuba County General Plan and Development Code. There is no habitat conservation plan or natural community conservation plan exists for or near the project site. Therefore, there would be ***no impact***.

**XII. MINERAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

California established guidelines for classification and designation of mineral lands per the requirement of the Surface Mining and Reclamation Act of 1977. Classification is designated into mineral resource areas (MRZs), which is based on both on geologic and economic factors without regard to existing land use and ownership. The established guideline defines the following MRZs:

- MRZ-1: Areas where adequate geologic information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence.
- MRZ-2: Areas where geologic information indicates the presence of significant concrete aggregate resources.
- MRZ-3: Areas containing or inferred concrete aggregate resources of undetermined mineral resource significance.
- MRZ-4: Areas where available geologic information is inadequate to assign to any other mineral resource zone category.

The mineral land classification identified for the proposed project area are MRZ-4, an area where available geologic information is inadequate to assign to any other mineral resource category.

The closest mine to the project site is the Wheatland Pit 91-58-0007, an open clay pit. It is approximately 7.9 miles southwest of the proposed project site. Extraction activities for the mine ceased for the mine in 2003 (State Mining and Geology Board 2010).

**Regulatory Setting****The Surface Mining Control and Reclamation Act of 1977**

The Surface Mining Control and Reclamation Act of 1977 established the Office of Surface Mining Reclamation and Enforcement and ensured the regulation of surface coal mining operations and the acquisition and reclamation of abandoned mines, and for other purposes. The Act also ensured the designation by the state geologist of mineral land classification in order to better identify and protect mineral resources to urban expansion or other irreversible land uses which would require mineral extraction.

**Yuba County General Plan**

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- Policy NR8.2: New developments adjacent to ongoing mining operations shall provide written notice to landowners and residents that the County will not consider ongoing adjacent lawful mining operations to be a nuisance in the instance of encroaching development.
- Policy NR 8.3: The County's zoning and development standards will be designed to protect Mineral Resource Zones and prevent introduction of incompatible land uses in areas of ongoing, viable mining operations.

#### Yuba County Development Code

Yuba County Development Code has four zoning designations that would allow for the use of extraction, processing, and distribution of mineral resources with a Surface Mining Permit. These include the zoning designations of Agricultural Exclusive, Agricultural Rural Residential, Agricultural Industrial, and Extractive.

#### **Environmental Impacts and Mitigation Measures:**

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

The mineral land classification identified for the proposed project area are MRZ-4 (Mines and Mineral Resources Map, DOC), an area where available geologic information is inadequate to assign to any other mineral resource category. All inferred and known mineral resources in Yuba County do not occur within the project proposed area.

There are no active mines located in the proximity of the proposed project area. The project is expected to have ***no impact*** on mineral resources.

b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Activities associated to the proposed project would not take place in areas where there are active mines or locally important resource recovery sites. The mineral land classification identified for the proposed project area are MRZ-4, an area where available geologic information is inadequate to assign to any other mineral resource category. All inferred and known mineral resources in Yuba County do not occur within the project proposed area. The project is expected to have ***no impact*** on mineral resources.



**XIII. NOISE**

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

Sound is energy that travels in waves through air, water, or other substances, and can be heard. Noise is defined as unwanted (loud, unexpected, or annoying) sound. Noise levels are measured and expressed in units of decibels (dB).

The project is located in a rural residential setting in the Sierra Nevada foothills. Existing ambient noise levels in the proposed area are relatively low due to its rural location. Existing sources of noise from the project site could include construction of a single family dwelling, environmental factors (wind, water), and transportation sources.

**Noise Receptors**

Certain land uses are considered more sensitive to noise than others. Some include residential areas, educational facilities, hospitals, childcare facilities and senior housing. The project area is located a low density rural residential area, away from high density residential or commercial development.

**Noise Attenuation**

Noise attenuation is the manner by which noise is reduced by distance. As sound moves from the source to the receptor, like a human ear, the attenuation depends on surface characteristics, atmospheric conditions and the presence of physical barriers. The inverse-square law describes the attenuation caused by the pattern in which sound travels from the source to receptor. The strength or loudness of a sound measured in decibels is inversely proportional to the square of the distance from the source. Mainly, sound reduces when there is distance between the sound and the noise receptor. The closest dwelling to the left of the parcel is approximately 90 feet away, and the closes dwelling to the right of the parcel is approximately 626 feet away. The

parcel to the left is encompassed with oak trees, a physical barrier between any potential construction noise and use of the parcel as rural residential.

### **Regulatory Setting**

#### **Noise Control Act of 1972**

The Noise Control Act of 1972 established a national policy to control the noise environment and protect the health and welfare of Americans from excessive noise. The U.S. Environmental Protection Agency (EPA) has identified noise levels requisite to protect public health and welfare against hearing loss, annoyance, and activity interference, identified in Table N-1.

**Table N-1**  
**Summary of Noise Levels Identified as Requisite to Protect the Public Health and Welfare**  
**with an Adequate Margin of Safety**

Effect	Level dBA	Activity Area
Hearing loss	70 $L_{eq}$ (24-hour)	All areas
Outdoor activity interference and annoyance	55 $L_{dn}$	Outdoors in residential areas, farms, and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use
	55 $L_{eq}$ (24-hour)	Outdoor areas where people spend limited amounts of time (e.g., school yards, playgrounds)
Indoor activity interference and annoyance	45 $L_{dn}$	Indoor residential areas
	45 $L_{eq}$ (24-hour)	Other indoor areas with human activities (e.g., schools, hospitals, churches)

Notes: dBA = A-weighted decibel;  $L_{eq}$  = energy mean (average) noise level;  $L_{dn}$  = day-night average noise level.

Source: EPA 1974

#### **California Noise Control Act**

The California Noise Control Act of 1973 recognizes excessive noise as a serious hazard to public health and welfare. The act declares that the State of California has a responsibility to protect the health and welfare of its citizens through the control, prevention, and abatement of noise.

#### **General Plan Policies**





Yuba County has established policies and standards that aim to minimize the effects of noise on people through construction standards, zoning restrictions, hours of operation and suppression techniques. The following plan and policies are relevant to the proposed project:

- Policy HS10.1: New developments that generate traffic or are affected by traffic noise shall provide design and mitigation, if necessary, to ensure acceptable daytime and nighttime land use/noise environment at outdoor activity areas of affected properties as defined in Table Public Health & Safety-1.

- Policy HS10.3: New developments that would generate or be affected by non-transportation noise shall be located, designed, and, if necessary, mitigated below maximum levels specified in Table Public Health and Safety-2, as measured at outdoor activity areas of affected noise-sensitive land uses.
- New developments shall ensure that construction equipment is properly maintained and equipped with noise control components, such as mufflers, in accordance with manufactures' specifications

**Table Public Health & Safety-1**  
**Maximum Allowable Noise Exposure from**  
**Transportation Noise Sources at Noise-Sensitive Land Uses**

LAND USE	INTERIOR SPACES		OUTDOOR ACTIVITY AREAS (dBA L <sub>dn</sub> )					
	dBA L <sub>dn</sub>	dBA L <sub>eq</sub>	55	60	65	70	75	80
Residences	45	-						
Hotels, Motels	45	-						
Schools, Libraries, Museums, Places of Worship, Hospitals, Nursing Homes	45	45						
Theaters, Auditoriums, Concert Halls, Amphitheaters	35	-						
Outdoor Spectator Sports	-	-						
Playgrounds, Parks	-	-						
Golf Courses Riding Stables, Water Recreation, Cemeteries	-	-						
Office Buildings, Retail, and Commercial Services	45	-						
Industrial, Manufacturing, Utilities, Agriculture	-	-						

 **Normally Acceptable** – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise requirements.  
 **Conditionally Acceptable** – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.  
 **Normally Unacceptable** – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.  
 **Clearly Unacceptable** – New construction or development clearly should not be undertaken.

**Table Public Health & Safety-2**  
**Maximum Allowable Noise Exposure from Non-Transportation Noise**  
**Sources at Noise-Sensitive Land Uses**

NOISE LEVEL DESCRIPTOR	DAYTIME (7 A.M.–10 P.M.)	NIGHTTIME (10 P.M.–7 A.M.)
Hourly L <sub>eq</sub>	60 dBA	45 dBA
L <sub>max</sub>	75 dBA	65 dBA

Notes: dBA = A-weighted decibel; L<sub>eq</sub> = energy-equivalent noise level; L<sub>max</sub> = maximum noise level.

Each of the noise levels specified shall be lowered by 5 dBA for simple tone noises, noises consisting primarily of speech, music, or for recurring impulsive noises. These noise-level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings). Noise-sensitive land uses include schools, hospitals, rest homes, long-term care facilities, mental care facilities, residences, and other similar land uses.

Municipal Code Chapter 8.20 Noise Regulations

8.20.140: The maximum noise level permitted on the property site from 10pm to 7am is 55 dB, from 7pm to 10pm is 60 dB and from 7am to 7pm is 65 dB.

8.20.310: Operation of a pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device within a residential zone or within a radius of 500 feet of a residential zone is prohibited between the hours of 10pm and 7am.

**Environmental Impacts and Mitigation Measures:**

a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The development of these two parcels into single family residences and use of the property as rural residential would increase the ambient noise levels a nominal amount. It is expected that ambient noise level generated by the limited addition of residential development with temporary construction noise and use of parcel one and two as low density rural single family residential would not exceed the ambient noise level thresholds set by the Yuba County General Plan and by the Yuba County Municipal Code Chapter 8.20 Noise Regulations.

Construction for the development of parcel 1 and parcel 2 into single family residences need to comply with the Yuba County Municipal Code Section 8.20.310, making it illegal to operate construction equipment between the hours of 10pm and 7am in residential zones or within 500 feet of a residential zone.

Outdoor activity, including conventional construction which would include a single family residence, can be as high as 85-90 decibels at a distance of 50 feet. The noise levels do drop off at a rate of about 6 dBA per doubling the distance between the noise source and the receptor

Due to the very low density of development proposed and the large distance between the existing residences to the parcel, the project would result in a ***less than significant impact***.

b) *Generation of excessive groundborne vibration or groundborne noise levels?*

The development of these two parcels into single family residences and use of the property as rural residential would increase the ambient noise levels a nominal amount. It is expected that ambient noise level generated by the limited addition of residential development with temporary construction noise and use of parcel one and two as low density rural single family residential would not exceed the ambient noise level thresholds set by the Yuba County General Plan and by the Yuba County Municipal Code Chapter 8.20 Noise Regulations.

Construction for the development of parcel 1 and parcel 2 into single family residences need to comply with the Yuba County Municipal Code Section 8.20.310, making it illegal to operate construction equipment between the hours of 10pm and 7am in residential zones or within 500 feet of a residential zone.



Outdoor activity, including conventional construction which would include a single family residence, can be as high as 85-90 decibels at a distance of 50 feet. The noise levels do drop off at a rate of about 6 dBA per doubling the distance between the noise source and the receptor

Due to the very low density of development proposed and the large distance between the existing residences to the parcel, the project would result in a ***less than significant impact***.

*c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project site is approximately 7.39 miles away from the Beale Air Force Airport, and approximately 14 miles away from the Yuba County Airport. The project site is not located within 2 miles of a public airport or private air strip, and as such, ***No impact*** is anticipated to result from surrounding airport uses.

**XIV. POPULATION AND HOUSING**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The population for Yuba County as of 2020 was 81,575 with a total of 29,978 housing units (American Community Survey) and 60.9% owner-occupied units. The proposed project area is located in the community of Camp Far West, approximately 3.1 miles from east of the City of Wheatland. The population of the City of Wheatland is approximately 3,810.

The zoning for the property and surrounding properties is Rural Residential, which allows development of very low density, large lot single-family homes. The General Plan Designation is Rural Community, with the intent of providing rural residential opportunities with supportive services and tourism-oriented use consistent with the General Plan.

**Regulatory Setting****Yuba County General Plan**

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- Goal H-1: Provide adequate sites to meet housing needs among all income groups.

**Environmental Impacts and Mitigation Measures:**

a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The possible addition of up to two single family residences will not induce substantial unplanned population growth. The project does not involve the construction of substantial growth inducing housing or the installation of significant physical infrastructure. The potential population increase would result in one new rural residence. Therefore, the impact would be ***less than significant***.

b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

The project does not involve the removal of housing or the relocation of people who currently utilize the site and would cause ***no impact*** to individuals

## XV. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Fire protection services for the proposed project area are provided by the Plumas Brophy Fire Protection District. Police protection services for the proposed project area are provided by the Yuba County Sheriff's Department. Schools in the vicinity serving the project site are Wheatland High School and Elementary School. There are no public parks located within the proposed project area.

### Regulatory Setting

#### Yuba County General Plan

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- Goal CD12: Ensure high-quality public services, infrastructure, and facilities with adequate capacity to meet the needs of Yuba County's existing and future residents, businesses, industries, and employers.

### Environmental Impacts and Mitigation Measures

*a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services:*

*Fire Protection?*

The project is located within the Loma Rica-Browns Valley Fire Department which provides fire protection service to the area. The project site is also located within the State Responsibility Area. There are no physical improvements associated with the project at this time. Fire fees would be collected at the time building permits are issued if a single family residence is constructed on a square foot basis. With the payment of fire fees and adherence to the requirements from the Yuba County Development Code and Fire Codes, impacts to fire protection would be *less than significant*.

*Police Protection?*

The project area is located within unincorporated Yuba County and would be served by the Yuba County Sheriff's Department. Increased property tax revenue and annual police protections assessment Countywide would support additional civic services including law enforcement. Impacts related to police protection would be *less than significant*.

*Schools?*

Wheatland Unified School District was consulted during early consultation of this project. The District's current facilities do not have the capacity to absorb the new students from the project. The opinion of the District is that new development proposals must mitigate the impacts proportional to the intensity of the development. However, school fees are paid directly to the school district to offset new student enrollment. With the incorporated standard requirement for school fees, impacts related to schools would be *less than significant*.

*Parks?*

The proposed project could create some additional use of park and recreational facilities. No park facilities are proposed with this project. The applicant would be required to pay in-lieu fees for parkland dedication to the County to mitigate for these impacts. Per Chapter 11.45.060 of the Yuba County Development Code, this fee is equivalent to 120 percent of the cost of land needed to purchase an amount of parkland proportional to the number of new dwelling units being created by the subdivision. Because the payment of this fee would offset impacts to parks and recreational facilities, impacts would be *less than significant*.

*Other public facilities?*

In addition to the fees collected above for various services, the per-unit capital facility fees, collected at the time of the building permit issuance, would go toward the costs associated with general government, social services, library, and traffic. With the incorporated Development Code requirements, impacts on public facilities would be *less than significant*.

## XV. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Yuba County operates some local parks and one regional park, which offer a variety of recreational opportunities, including fishing, hiking, camping, playgrounds and basketball courts (Yuba County General Plan). There are no County owned parks in the vicinity of the project site. The South Sutter Water District operates two developed recreation areas at Camp Far West Reservoir, the NSRA and the SSRA. Recreation activities include camping, fishing, boating, swimming, hiking, biking, picnicking, sightseeing, and wildlife viewing. The Camp Far West Reservoir recreation areas are approximately 3 miles south of the proposed site. The California Department of Fish and Wildlife operates the Spenceville Wildlife Area, approximately 7 miles northeast of the property.

### Regulatory Setting

#### Yuba County General Plan

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- Policy NR 1.3: New developments shall contribute in-lieu fees and/or set aside land and dedicate improved, publicly accessible parkland and trails in locations and amounts dictated by applicable park standards, the County's Parks Master Plan, and the County Code.

#### Yuba County Development Code

The Development Code is a regulatory document that includes all development-related regulations and implements goals and policies of the General Plan relating to land use and development. The following plan and policies are relevant to the proposed project:

- Section 11.45.060: requires parkland dedication at a ratio of 5 acres per 1000 new residents (assuming 2.9 persons per household for single-family lots).

#### Yuba County Parks Master Plan

The Parks Master Plan details the existing and proposed parks operated by Yuba County to guide park development in the county. There are no existing parks in the vicinity of the project site. The Plan proposes Reed's Creek Site as a regional project

### Discussion/Conclusion/Mitigation:

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The project could result in a small increase in the use of parks or other recreational facilities. There are no public neighborhood or regional parks in the vicinity of the project site. The project site is in proximity to the Camp Far West Reservoir recreational areas and the Spenceville Wildlife Area, however potential development of the project site are two single family residences. At such a small scale, the project will not increase the use of existing recreational facilities that substantial physical deterioration of the facility would occur or be accelerated.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

There are no parks proposed with this project. Yuba County Development Code Chapter 11.45.060 requires parkland dedication at a ratio of 5 acres per 1000 new residents (assuming 2.9 persons per household for single-family lots). This condition of project approval for this land division would ensure that in-lieu fees get paid to offset park needs. This requirement would ensure adequate neighborhood parks and funding for regional improvements are in place prior to parcel map recordation. With the incorporated standard requirements, impacts related to increases in park usage would result in a ***less than significant impact***.

## XVII. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

Vehicle miles travelled (VMT) in Yuba County was estimated to be 765,263 in 2011 (Yuba County General Plan).

### Existing Road and Highway System

The nearest major transportation routes are SR 65 which is approximately 12 miles southwest of the project and SR 20 which is approximately 13 miles north of the project. County primary roads in proximity to the project site are Beale Road which is 16 miles west of the site, and Hammonton-Smartsville Road which is approximately 15 miles north of the site. Local access to the project site would be via Intanko Road. Monarch Trail Drive, which is approximately 5 miles west of the site is classified as a rural major collector, and Camp Far West, which is approximately 5 miles northeast of the project site is considered a rural minor collector.

### Yuba Sutter Transit

Public transportation is provided in Yuba County through Yuba-Sutter Transit. The closest transit stop is approximately 11 miles southwest of the project site.

### Regulatory Setting

#### Senate Bill 743

Senate Bill 743 (Steinberg 2013) added PRC Section 21099 to CEQA changed how transportation impacts are analyzed in transit priority areas to better align with local environmental review with statewide objectives including reducing greenhouse gas emissions, traffic-related pollution, promoting the development of a multimodal transportation system and providing clean, efficient access to destinations. Starting on July 1, 2020, agencies analyzing transportation impacts of new projects must now look at Vehicle Miles Travelled (VMT). Traditional transportation analysis focused on Level of Service (LOS) analysis methods that do not reflect the true traffic operations condition and encourage sprawl. LOS can no longer be analyzed under CEQA. SB 743 recommends Vehicle Miles Travelled as a more adequate measure of transportation analysis. VMT measures how much actual auto travel (additional miles

driven a proposed project would create on California roads. If the project adds excessive car travel onto roads the project may cause a significant transportation impact.

Certain types of projects are presumed to have a less than significant impact on VMT and therefore a less than significant impact on transportation. In absence of setting local or regional screening thresholds of VMT and absence of substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.

#### Yuba County General Plan

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- Policy CD16.11: The County will analyze and mitigate transportation impacts in CEQA documents according to their relative increase in vehicular travel demand.
- Policy CD17.6: New developments and specific plans shall analyze and mitigate impacts related to increased travel demand, as feasible and consistent with County General Plan policy.

#### Yuba County Transportation Master Plan

The Yuba County Transportation Master Plan details the ongoing transportation program and lists scheduled and proposed projects to maintain and improve overall roadway conditions. There are no planned or recommended roadway improvements to any of these local roads or segment of highway closest to the Project site.

#### Yuba County Bikeway Master Plan

The Bikeway Master Plan details the existing and proposed bicycle network to increase bicycle transportation in the county. A Class III Bike Route is proposed on Camp Far West and Spenceville Road approximately 4 miles southwest of the project site.

#### Environmental Impacts & Mitigation

*a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The project is not located in an area where a plan, ordinance or policy measures the effectiveness for the performance of a circulation system. This includes evaluating all modes of transportation including mass transit and non-motorized travel. The project will not have an impact on the Yuba County Transportation Master Plan as there is no planned or recommended roadway improvement to any local roads or segment of highway closest to project site. The project will not have an impact on the proposed Class III Bike Route proposed on Camp Far West Road and Spenceville Road. The project does not conflict with any policies within the Yuba County General Plan. Therefore, the project will have ***no impact***.

*b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*



Certain types of projects as identified in statute, the CEQA Guidelines, or in OPR's Technical Advisory are presumed to have a less than significant impact on VMT and therefore a less than significant impact on transportation. In any area of the state, absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. The proposed project is anticipated to have less than 110 trips per day because the project will introduce two single family residences. Therefore, impacts to VMT are expected to be *less than significant*.

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Intanko Lane is an existing road that currently provides direct access to the project site. Intanko Lane leads to Spenceville Road and Camp Far West Road, as these roads are used predominantly by the surrounding rural community to reach Camp Far West and the City of Wheatland. These roads would be used by construction equipment accessing the project site, however there would be no substantial increase in hazards due to this temporary use of the road and therefore will create a *less than significant impact*.

d) *Result in inadequate emergency access?*

Emergency access to the project site would be via Intanko Lane. There would be no change in emergency access as a result of the project. Therefore, the project will have *no impact*.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

The project is encompassed within a Prehistoric and Tribal Cultural Resource Sensitivity area, with approximately 29 acres in a 'Moderate' sensitivity area, and 12 acres in a 'High' sensitivity area. In the Yuba County General Plan Cultural Resource Background Report, it is detailed that 1,032 prehistoric or tribal cultural resources are known. The Quadrangle that the Project site is located in, Camp Far West, has 25 known sites. Since development of the site will eventually involve physical disturbance into ground and sub-surface components, there is a potential for impact to cultural resources within the area of potential effects (APE).

### Cultural Resource Study

A Cultural Resource Study was conducted for the project by Mary Bailey on September 20, 2021. Ms. Bailey has a Masters of Arts in Archaeology and has been involved in northern California archaeology for 28 years. The study consisted of a desktop examination of topographic and aerial maps, a record search through the North Central Information Center, an intensive pedestrian survey and preparation of a technical letter report. No prehistoric cultural resources were located on the project. Consultation with the United Auburn Indian Community concluded with no further concerns; mitigation measures were provided & to be adopted with the project.

### Tribal Cultural Resource

A Tribal Cultural Resource is a site, feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe. In the Yuba County General Plan and other documentation of Yuba County, Prehistoric Resources is sometimes used in place of Tribal Cultural Resources.

## Regulatory Setting

### AB 52

Assembly Bill 52, passed in 2014, established a consultation process with California Native American Tribes on the Native American Heritage Commission List. If any projects may have an effect that may cause substantial adverse change of a tribal cultural resource, a project must be analyzed for the impact on tribal cultural resources and sacred places through the California Environmental Quality Act environmental review process. The lead agency is required to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area and the tribe requests consultation, prior to the environmental review documentation is required for a project. The lead agency and California Native American Tribe need to agree to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource or act in good faith and after a reasonable effort, conclude that mutual agreement cannot be reached.

Evaluation of the project's potential to impact cultural resources must be undertaken in conformity with Yuba County rules and regulations, and in compliance with requirements of the California Environmental Quality Act of 1970, Section 21000, et seq. (CEQA), and The California CEQA Environmental Quality Act Guidelines, California Administrative Code, Section 15000 et seq.

## Environmental Impacts & Mitigation Measures

- a) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

A search of State data bases, including all records and documents available at the North Central Information Center, and intensive pedestrian survey, have resulted in identifying no tribal cultural sites within the project property. Therefore, no additional treatment or mitigative action is recommended for any of the four sites and would create a ***less than significant impact***.

- b) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Yuba County Planning Department requested AB-52 consultation with the United Auburn Indian Community (UAIC), due to their request for consultation on all discretionary projects within Yuba County. The UAIC was established in 1917 when the United States acquired land in trust for the Auburn Band near the City of Auburn and formally established the reservation, known as the Auburn Rancheria. In 1953, the United States Congress enacted the Rancheria Acts, authorizing the termination of federal trust responsibilities to a number of California Indian tribes including the Auburn Band. With the exception of a 2.8-parcel

containing a tribal church and a park, the government sold the land comprising the Auburn Rancheria. The United States terminated federal recognition of the Auburn Band in 1967. Finally, in 1970, President Nixon declared the policy of termination a failure. In 1976, both the United States Senate and House of Representatives expressly repudiated this policy in favor of a new federal policy entitled Indian Self-Determination. In 1991, surviving members of the Auburn Band reorganized their tribal government as the United Auburn Indian Community (UAIC) and requested the United States to formally restore their federal recognition. In 1994, Congress passed the Auburn Indian Restoration Act, which restored the Tribe's federal recognition. The Act provided that the Tribe may acquire land in Placer County to establish a new reservation.

UAIC responded to the Early Consultation on December 22, 2021. Anna Starkey, Cultural Regulatory Specialist with UAIC, responded that no additional notification for consultation will be needed. She recommended that the standard mitigation measure to address inadvertent discoveries of Tribal Cultural Resources and standard mitigation and language found in the Yuba County General Plan. Yuba County General Plan Action NR6.2 requires that if resources are detected during construction, work shall stop and consultation is required to avoid further impacts. Actions after work stoppage will be designed to avoid significant impacts to the greatest extent feasible.

The following mitigation measure shall be incorporated to address inadvertent discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities. Therefore, in the event of the accidental discovery or recognition of tribal cultural resources in the project area the impact upon tribal cultural resources would be *less than significant impact with mitigation incorporated*.

**Mitigation Measure 18.1 Inadvertent Discoveries Of TCRs**

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a

Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied.

**XIX. UTILITIES AND SERVICE SYSTEMS**

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

Water Supply & Wastewater

The proposed site will be on a private well. The project site is dependent on groundwater, similar to many rural residences in the foothills and mountain areas in Yuba County. Groundwater in these areas is highly variable, both with respect to supply and quality, with heavy metals and contamination from septic systems being the primary water quality problems (Consumnes American Bear River Integrated Regional Water Management Plan).

Wastewater

The project site is not located within the boundary of a State-regulated wastewater treatment facility. The property will be served by a private on-site wastewater treatment (septic) system

Stormwater Drainage

Much of the rainfall from storms percolates through the ground as groundwater recharge. To control stormwater runoff, Yuba County operates and maintains a drainage system consisting of roads with drainage systems, catch basins, water basins, detention basins, constructed wetlands, artificial channels, curbs, gutters, ditches, sumps, pumping stations, storm drain inlets, and storm drains, which provide stormwater drainage to unincorporated county lands (Yuba County 2030 General Plan).

Solid Waste

The County uses Yuba-Sutter Recology for waste management services and solid waste is disposed of at the Recology Ostrom Road Landfill located in Wheatland.

Electric

PG&E provides electricity and natural gas to Yuba County.

Regulatory Setting

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project.

- Policy HS3.10: New developments proposing private well and septic systems shall demonstrate compliance with the County's standards for water wells and sewage disposal systems, which are designed to protect the public and environmental health.
- Policy HS3.12: New developments shall comply with applicable state siting, design, monitoring standards for on-site wastewater treatment (septic) systems, including standards intended to protect the beneficial use of potentially affected waterbodies.

Environmental Impacts & Mitigation Measures

*a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

If a single family residence is constructed on parcel one and two, the projects will require the construction of wastewater treatment (septic and leach field) consistent with the Yuba County Environmental Health Department. Perc and mantel testing have indicated the project site contains suitable soils for this purpose and the impact would be ***less than significant***.

*b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The project site will be served by a private well, with the water supply coming from the aquifer. In 2014, California passed the Sustainable Groundwater Management Act, mandating sustainable groundwater supply in California's groundwater subbasins by 2040. The Yuba Water Agency developed the Groundwater Sustainability Plan to ensure groundwater sustainability by 2045 for the North and South Yuba subbasins. The development of these two parcels into single family residences would be minimal usage of the water supply, not impact the water supply to a large degree to impair the Groundwater Sustainability Plan. The impact would be ***less than significant***.

*c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The rural residential lots that are being created by the project will be served by an on-site septic system. The drainage facilities needed for this project will be designed and implemented in

accordance with the Yuba County Public Works Department standards, which will offset potential stormwater drainage issues. The impact would be *less than significant*.

*d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

If a new single family residence is created on parcels one and two it would be serviced by Recology, Inc. Recyclable solid waste collected by Recology is taken to a materials recovery facility on State Route 20, outside of the City of Marysville, and all other waste is taken to a landfill on Ostrom Road. The Ostrom Road landfill has a capacity of 41,822,300 cubic yards, and has adequate capacity to serve the project site. The project will have a minimal effect on these facilities and the impact would be *less than significant*.

*e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

If a new single family residence is created on parcels one and two they would be serviced by Recology, Inc. Recyclable solid waste collected by Recology is taken to a materials recovery facility on State Route 20, outside of the City of Marysville, and all other waste is taken to a landfill on Ostrom Road. The Ostrom Road landfill has a capacity of 41,822,300 cubic yards, and has adequate capacity to serve the project site. The project will have a minimal effect on these facilities and the impact would be *less than significant*.



## XX. WILDFIRE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including down slope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Wildland fire is an ongoing concern for Yuba County. The risk of wildfire is related to its fire behavior variables, which includes fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture) and topography. Late summer to fall is the period most subject to wildfires, especially during the occasionally occurring north wind events (Yuba County Local Hazard Mitigation Plan Update). Weather conditions impact the potential for fire ignition, and wind is considered to be the most variable weather element to predict. Fires during north wind events result in extreme fire behavior because the winds are particularly strong and dry.

The proposed project is in the State Responsibility Area and is within the fire hazard severity zone of moderate (CAL FIRE Fire Hazard Severity Zone Maps). Fire hazard is the greatest in the foothill and mountain areas of the County. The fire hazard model developed by CAL FIRE is a way to measure the physical fire behavior.

Yuba County's approach to wildfire preparedness. The County maintains adequate emergency access, evacuation routes, water supply and avoids dense development in high wildfire risk areas. The County reduces fuels along public roadways to prevent or slow the spread of vehicle fires into adjacent wildlands.

### Regulatory Setting

#### Yuba County General Plan

The Yuba County General Plan is a policy document that informs future policy and implementation decisions. The following plan and policies are relevant to the proposed project:

- Policy HS2.1: Prior to approval, new developments proposed in areas of very high, high, or moderate fire hazard, as designated on maps maintained by Cal Fire, shall demonstrate compliance with Fire Safety Regulations and local regulations for defensible space, ignition-resistant construction materials, property maintenance to reduce fuels, natural hazards disclosure requirements, emergency access and multiple access points, availability of water for fire suppression, and other relevant building and development standards.
- Policy HS2.10: New developments shall provide access that will allow safe evacuation and movement of firefighting equipment during a wildfire—specifically, each new development shall not receive planning approval without having a minimum of two entry/exit points. Evacuation routes shall have the capacity to accommodate traffic in relation to the population served.
- Policy HS2.19 The County will discourage all new residential development within a Very High fire hazard severity zone or in the wildland-urban interface areas. The County shall require all new residential developments in these areas to demonstrate that the proposed development has incorporated sufficient fire hazard mitigation features, as outlined in Policy HS2.1, before the issuance of any permits.
- Policy HS 2.20: The County will require all new development occurring within the State Responsibility Area to prepare and submit a fire protection plan to assess and mitigate fire risks in these areas. The plan should include 1) risk analysis; 2) fire response capabilities assessment; 3) fire safety requirements (i.e., defensible space, infrastructure, and building ignition resistance); 4) mitigation measures and design considerations for nonconforming fuel modification; 5) wildfire education strategies; and 6) plan maintenance and limitations.

#### Yuba County Development Code

The Yuba County Development Code Section 11.06.030(E) requires parcels located within a high fire severity zone shall have a minimum setback of 30 feet from all property lines.

#### Yuba County Local Hazard Mitigation Plan

The Yuba County Local Hazard Mitigation Plan serves to reduce or eliminate long-term risk to the community from hazards. The plan includes highlighting the risks and vulnerabilities that come with wildfires, and mitigation actions to reduce wildfire risk, including fuel reduction and fuels management projects.

#### Yuba County Emergency Operations Plan

The Yuba County Emergency Operations Plan is a strategic plan that is used as a functional guide and strategic planning resource for the County for emergency management. This includes during a wildfire.

### **Environmental Impacts**

a) *Substantially impair an adopted emergency response plan or emergency evaluation plan?*

The proposed project site does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, project related impacts to the adopted emergency response plan and emergency evacuation plan would be *less than significant*.

b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The slope of the project site is approximately 12.1%, with currently one outbuilding and some oaks covering the northwest corner of the property. The moderate slope gradient and other factors would not exacerbate wildfire risks on the project site. With the small scale of the project and project site having little materials that would expose the project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, the impact is ***less than significant***.

c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The proposed project does not require the installation of a road, fuel break, emergency water, or emergency water source. If a single family residence was constructed, there would be potentially the installation of a power line. For the installation of a power line for one residence, the scale is small enough that it would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. The impact would be ***less than significant***.

d) *Expose people or structures to significant risks, including down slope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The slope of the property is of a moderate grade of approximately 12.1%. There is no known floodway or flood zone on the property, with one seasonal, intermittent stream. If there was a fire on the property, post-fire there would be no significant risks to people or structures due to slope instability or drainage changes. The impact is ***less than significant***.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis:

a) As discussed in the Air Quality section, the proposed development will have a ***less than significant impact with mitigation incorporated*** for air quality.

As discussed in the Biological Resources section, the proposed development will have a ***less than significant impact with mitigation incorporated*** to habitat of a fish or wildlife species. The site is not located in a sensitive or critical habitat area, is void of any water sources and would not conflict with any local policies, ordinances or adopted Habitat Conservation Plans.

As discussed in the Hydrology/Water Quality Section and Hazards & Hazardous Materials section, construction could potentially impact water quality and could potentially could create a hazard. The proposed development will have a ***less than significant impact with mitigation incorporated***.

As discussed in the Cultural Resources and Tribal Cultural Resources section, construction could potentially impact cultural resources. Proposed mitigation measures in **MM5.1, MM5.2, and MM18.1**, would reduce the impact to ***less than significant with mitigation***.

- b) The project is anticipated to yield a maximum of one rural residence per undeveloped parcel, which would not significantly impact, or cause cumulatively considerable effects. Therefore, the project is considered to have a ***less than significant impact***, or cause cumulatively considerable effects.
- c) The project has the potential to create air quality impacts, primarily from the generation of PM10, which is offset by standard mitigation on the project. Additionally, development of the project could result in a greater fire threat, which has also been mitigated. Therefore, the project is considered to have ***a less than significant impact with mitigation***.

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