

The County of Yuba

Community Development and Services Agency



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

MEETING DATE: January 4, 2024

TO: Development Review Committee

FROM: Ciara Fisher, Planner III

RE: Tentative Parcel Map "TPM-2023-0002" (O'Brien and Long)

REQUEST: The applicant is requesting approval of a Tentative Parcel Map to subdivide a 10.82 acre parcel into two parcels for a property located at 8310 McGanney Ln in the community of Smartsville (APN 006-250-040).

RECOMMENDATION: Staff recommends that the Development Review Committee (DRC) adopt the Mitigated Negative 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) 2021-0010 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 parcels from a 10.82 acre property; Parcels 1 and 2 are proposed to be ± 5 acres in size. The project site is located at 8310 McGanney Ln, located immediately adjacent to the northwest side of McGanney Way, northeast of the Smartsville Cemetery, and south of State Route 20, a short distance south of the community of Smartsville, within the central-eastern portion of Yuba County, California. (APN: 006-250-040). The 2030 General Plan designates the land use as Rural Community "RC" and the zoning as Rural Residential – 5 acres minimum "RR-5".

Parcel 1 currently has an existing 1,539 square foot residence (B21-2853) and 528 square foot detached garage (B21-2855). These Building Permits have been issued by the Building Department, but not finalized. As a Condition of Approval, the aforementioned permits must be finalized prior to Final Map recordation. Parcel 2 is currently undeveloped. Prior to issuance of any Building Permits for Parcel 2, the property owners shall follow Title 14 for structures built in the State Responsibility Area (SRA).

Access to all proposed parcels will stem from an existing cul-de-sac at the end of McGanney Lane. New access to the parcels will require an Encroachment Permit and will be conditioned to meet local road and/or driveway improvements through the Public Work's Department. A well and septic system would be required to be constructed on Parcel 2 for future water and wastewater needs.

SURROUNDING USES:

	GENERAL PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
Subject Property	Rural Community	RR-5	Rural residential
North	Rural Community	RR-5	HWY 20, vacant, and rural residential
East	Rural Community	RR-5	HWY 20 and Rural Residential
South	Rural Community	RR-5	Cemetery and Rural Residential
West	Rural Community	RR-5	Vacant

Surrounding properties have a wide range in size from 2.7 acres to 20 acres. The surrounding properties all have an RR-5 zoning designation and are either vacant or built with rural residences. The surrounding properties are shown on the General Plan Land Use Diagram as mainly having a General Plan designation of Natural Resources. Therefore, the proposed parcel sizes and future uses are consistent with the surrounding area.

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 conserve and provide natural habitat, watersheds, scenic resources, cultural resources, recreational amenities, agricultural and forest resources, wetlands, woodlands, minerals, and other resources for sustainable use, enjoyment, extraction, and processing. Appropriate uses for this classification include, but are not limited to; mining; agriculture, including viticulture and other types of cultivation; forestry; natural open space and nature preserves; mitigation banks, parks and recreational uses, and other natural-resource oriented uses; public facilities and infrastructure, including levees, levee borrow areas, and related facilities; and residential uses that are secondary to the primary natural resource-oriented use. 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 property 10.82 acres in size that exceeds the 5 acre minimum size for the zone. Therefore, the proposed project is developing the remaining underutilized portion of the 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. *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.*

The project is located within a Very High SRA established by CalFire. For this reason, the applicant is proposing an emergency secondary access from McGanney Ln to HWY 20. County Staff consulted with Justin Hartman, Battalion Chief for the Loma Ricer-Dobbins CAL FIRE Unit, and December 8th and he stated that, “CAL FIRE approves the parcel split, the requirement that will need to be addressed is when a structure is built the property owner will need to follow title 14 for structures built in the SRA. The Yuba County Building Dpt requires title 14 when any new construction occurs in the SRA zone.

As mentioned previously, the property is zoned “RR-5”. Pursuant to Chapter 11.06 of the Yuba County Development Code, the purpose of the Rural Residential zoning district is 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 and to create standards to preserve and protect the character of existing rural residential areas and ensure that future rural residential development is compatible with the surrounding community. Both lots are consistent and meet the intent of the RR-5 designation.

ENVIRONMENTAL REVIEW: ENVIRONMENTAL REVIEW: Staff has prepared a Mitigated Negative Declaration and Mitigation Monitoring Plan (Attachments 3 and 4) pursuant to the California Environmental Quality Act (CEQA) Section 15070(b)(1).

During the initial study of the project, no potential impacts to the environment were identified that could not be reduced through mitigation measures to a level that is less than significant and therefore a Mitigated Negative Declaration (MND) was prepared. The MND discusses the following project impacts and their respective Mitigation Measures:

- Air Quality: FRAQMD Fugitive Dust Control Plan and Standard Construction Mitigation Measures.
- Biological Resources: California Spotted Owl, Tri-Colored Blackbird, and Migratory Birds.
- Cultural Resources: Inadvertent discovery of cultural remains and cultural material.

- Hydrology and Water Quality: National Pollution Discharge Elimination (NPDES) Permit.
- Tribal Cultural Resources: Inadvertent Discoveries of TCRs.

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 (Attachment 3):

- County Staff – The Public Works Department, Environmental Health Department, Building Department, and Code Enforcement Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.
- UAIC – The UAIC waived the field visit and requested the addition of the Unanticipated Discoveries Mitigation Measure. AB-52 Consultation has been closed.
- PG&E – No comments.
- CAL FIRE: Owner shall follow Title 14.

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 Natural Resources on the 2030 General Plan Land Use diagram and is within the RR-5 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 lots are large enough to allow opportunity to align any future residences to have a southern exposure and shade/prevailing 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:



Ciara Fisher
Planner III

ATTACHMENTS:

1. Tentative Parcel Map
2. Conditions of Approval
3. Initial Study/Mitigated Negative Declaration
4. Mitigation Measures
5. Comment Letters

TENTATIVE PARCEL MAP

- 1) NAME AND ADDRESS OF OWNERS.

IAN O'BRIEN 50%
BRANDON LONG 50%



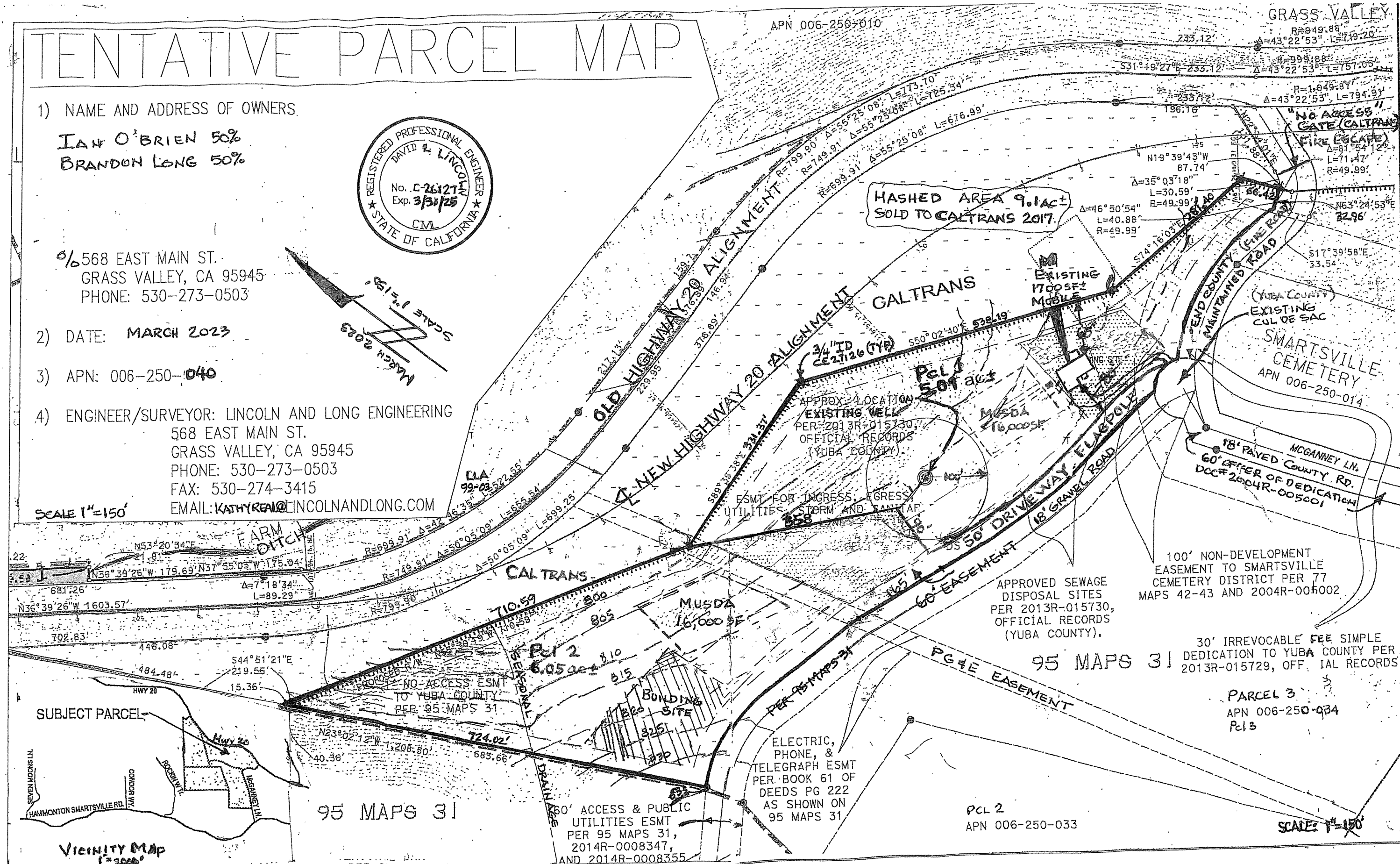
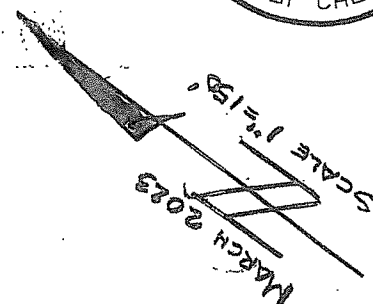
6/0 568 EAST MAIN ST.
GRASS VALLEY, CA 95945
PHONE: 530-273-0503

- 2) DATE: MARCH 2023

- 3) APN: 006-250-040

- 4) ENGINEER/SURVEYOR: LINCOLN AND LONG ENGINEERING
368 EAST MAIN ST.
GRASS VALLEY, CA 95945
PHONE: 530-273-0503
FAX: 530-274-3415
EMAIL: KATHYREAL@LINCOLNANDLONG.COM

SCALE 1"=150'



VICINITY MAP
1:3000'

SCALE: 1"=15'

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

**Applicant/Owner: Ian O'Brien
APN: 006-250-040**

**Case Number: TPM-23-0002
DRC Hearing Date: January 4, 2024**

ACTIONS FOR CONSIDERATION: Staff recommends 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 TPM-23-0002 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.

GENERAL CONDITIONS

- 1) 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 tentative parcel map. 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.
- 2) 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.
- 3) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County prior to filing of the Final Map.
- 4) Unless specifically provided otherwise herein, all references to the Final Map, Final Maps, or to the Final Subdivision Map contained herein shall also mean a map or maps prepared for recordation of each phase of development if the project is to be phased.
- 5) This tentative parcel map may be effectuated at the end of the ten (10) appeal period which is January 15, 2024. Tentative Parcel Map TPM-23-0002 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.
- 6) This tentative parcel map shall expire 36 months from the date of approval on January 4, 2027, 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.

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

**Applicant/Owner: Ian O'Brien
APN: 006-250-040**

**Case Number: TPM-23-0002
DRC Hearing Date: January 4, 2024**

PUBLIC WORKS DEPARTMENT:

- 8) The Public Works Director may reasonably modify any of the Public Works conditions contained herein. The required street widths per County Standard Plans and General Plan shall take precedence over those as shown on the tentative map.
- 9) The parcel map shall meet all requirements of the California Subdivision Map Act and applicable Yuba County requirements.
- 10) Frontage access rights for ingress and egress along the entire frontage of State Route 20 shall be restricted and no direct access will be allowed. The parcel map shall indicate and label the waiver of direct access.
- 11) Approximate centerlines of all perennial streams or ditches within this division shall be shown on the Parcel Map. If applicable, FEMA flood zones and limits shall be clearly delineated on the Parcel Map.
- 12) Owner shall petition and pay applicable fees to be annexed into and assessed for any applicable County Service Areas prior to Parcel Map recordation.
- 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 may be deferred until such time as the owner is directed by the Public Works Department of Yuba County to remove or relocate the fence(s) at the owner's expense. Any new fences installed shall be constructed outside the limits of dedications or offer(s) of dedication required by this division, or existing County easements or right-of-ways.
- 14) Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the parcel map.
- 15) 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.
- 16) 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 parcel map recordation.
- 17) Owner shall submit a current Preliminary Title Report or Parcel Map Subdivision Guarantee, 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 Subdivision Guarantee shall be provided 2 weeks prior to filing the parcel map with the Yuba County Recorder.
- 18) 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). A topographic survey will be required and shall be used to design the required public and private street and utilities improvements.

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

**Applicant/Owner: Ian O'Brien
APN: 006-250-040**

**Case Number: TPM-23-0002
DRC Hearing Date: January 4, 2024**

-
- 19) All easements of record that affect this property are to be shown on the parcel map.
 - 20) 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. It is the responsibility of the developer/applicant to pay all of the required developer impact fees.
 - 21) 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 recorded/files 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.
 - 22) Owner shall submit a copy of the parcel map for review by the Environmental Health Department for conformance with the Department's conditions of approval and other requirements. Before the parcel map can be filed with the Yuba County Recorder, a statement from the Environmental Health Department Director which states that the parcel map has been found to be in conformity with the Environmental Health Department conditions and requirements and that it is in conformance with the requirements of Chapter 7.07 of the Yuba County Ordinance Code shall be received by the County Surveyor.
 - 23) Owner shall submit a copy of the parcel map to Reclamation District 784 to review to determine conformance with the District's requirements. Before the parcel map can be filed with the Yuba County Recorder, a letter from Reclamation District 784 is to be submitted to the County Surveyor which states that the District's requirements have been met and that any public service or drainage easements as may be shown on the parcel map are satisfactory and that there are no objections to filing the parcel map.
 - 24) Owner shall submit a copy of the parcel map to all applicable special districts to review to determine conformance with the district's requirements. Before the parcel map can be filed with the Yuba County Recorder, letters from applicable districts are to be submitted to the County Surveyor which states that the district's requirements have been met and that any public service easements as may be shown on the parcel map are satisfactory and that there are no objections to filing the parcel map.
 - 25) Owner shall submit a copy of the final map for review by Yuba County and the appropriate Fire Protection Authority to determine conformance with the conditions of approval, the Yuba County Fire Safe Ordinance and the Uniform Fire Code requirements. Before the final 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:

- 26) Owner shall submit a file map to Environmental Health showing that parcel(s) 2, contain 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.

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

**Applicant/Owner: Ian O'Brien
APN: 006-250-040**

**Case Number: TPM-23-0002
DRC Hearing Date: January 4, 2024**

-
- 27) Owner shall submit for Environmental Health review and approval the results of soils studies for parcel(s) 2, conducted in accordance with the Yuba County Sewage Disposal Ordinance, Chapter 7.07.
- 28) 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.
- 29) 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.
- 30) 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.
- 31) All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
- 32) All existing trash and debris shall be removed from the subject site.
- 33) All abandoned or inactive wells on the subject site shall be destroyed or maintained in accordance with the "Water Well Standards: State of California, Bulletin 74-81".
- 34) All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
- 35) 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 ditches, etc.) is not an approved domestic potable water source."

BUILDING DEPARTMENT:

- 36) Permits B21-2855 & B21-2853 have been issued, but not finalized. Permits must be finalized and have all fees paid prior to finalizing map.

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

**Applicant/Owner: Ian O'Brien
APN: 006-250-040**

**Case Number: TPM-23-0002
DRC Hearing Date: January 4, 2024**

-
- 37) All new/proposed buildings and structures shall obtain a building permit prior to construction. All new/proposed 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.

CAL FIRE:

- 38) Prior to issuance of any Building Permits, the property owners shall follow Title 14 for structures built in the SRA.

PLANNING DEPARTMENT:


- 39) Parcel design on the Final Parcel Map shall be in conformance with the approved Tentative Map as filed with the Community Development Department. The Community Development Director may approve minor modifications to the final configuration; however, the number of parcels shall not exceed that shown on the approved tentative map.
- 40) Owner shall submit a copy of the final map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the final map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the final map is found to be in conformity with the Department's conditions of approval, mitigation measures and requirements shall be received by County Surveyor.
- 41) Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's 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.
- 42) Operator shall meet all requirements of the Feather River Air Quality Management District.
- 43) Satisfy the Mitigation Monitoring Plan for the project in accordance with the California Environmental Quality Act.
- 44) Should any prehistoric or historic artifacts, including human remains be exposed during construction and excavation operations, work shall cease and the Community Development & Services Agency shall be immediately notified and will ensure adherence to CEQA Guideline Section 15064.5(e). If apparent human remains are exposed, the County Coroner shall be consulted to determine whether any such materials require special treatment prior to resuming construction.

Yuba County CDSA



Ciara Fisher
Planner III

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

	INITIAL STUDY/MITIGATED NEGATIVE DECLARATION TPM-23-0002 (O'Brien and Long)
---	--

Project Title: Tentative Parcel Map TPM-23-0002 (O'Brien and Long)

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

Project Location: Assessor's Parcel Number: 006-250-040

Applicant/Owner: Applicant/Owner:
Ian O'Brien
568 East Main St.
Grass Valley, CA 95945

General Plan Designation(s): Rural Community

Zoning: "RR-5" Rural Residential (5 acres minimum)

Contact Person: Ciara Fisher, Planner III

Phone Number: (530) 749-5470

Date Prepared December 2023

Project Description

The project consists of a tentative parcel map that would create two parcels from a 10.82 acre property; Parcels 1 and 2 are proposed to be ± 5 acres in size. The project site is located at 8310 McGanney Ln, located immediately adjacent to the northwest side of McGanney Way, northeast of the Smartsville Cemetery, and south of State Route 20, a short distance south of the community of Smartsville, within the central-eastern portion of Yuba County, California. (APN: 006-250-040). The 2030 General Plan designates the land use as Rural Community "RC" and the zoning as Rural Residential – 5 acres minimum "RR-5".

Parcel 1 currently facilitates an existing 1,700 square foot residence and detached garage structure. Parcel 2 is currently undeveloped. Access to all proposed parcels will stem from an existing cul-de-sac at the end of McGanney Lane. New access to the parcels will require an Encroachment Permit and will be conditioned to meet local road and/or driveway improvements through the Public Work's Department. A wells and septic system would be required to be constructed on Parcel 2 for future water and wastewater needs.

[illegible]

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Environmental Setting

The project area involves approximately 11.28-acres of land located immediately adjacent to the northwest side of McGanney Way and the south side of State Route 20, a short distance south of the community of Smartsville, within the central-eastern portion of Yuba County, California. Lands affected are located within a portion of Section 33 of Township 16 North, Range 6 East, as shown on the USGS Smartsville, 7.5' Series quadrangle.

The property is located at an elevation ranging from between 620-800-feet above sea level, with topography moderately sloping northerly. The region is characterized by a Mediterranean climate, with cool, rainy winters and hot, dry summers. The average annual temperature for the project area ranges from 51-75°F, with the hottest temperatures occurring in July, reaching on average a maximum of 94°F. The average yearly rainfall totals for the area are approximately 19.37 inches, with the maximum annual precipitation occurring in January.

The region once supported a variety of flora and fauna taxa which have been subsequently replaced with domesticated plants and a slimmer variety of animals, including marsh birds, ducks, geese, raptors, reptiles, amphibians and small mammals.

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 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
Ciara Fisher, Planner III

Date

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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-23-0002 (O'Brien and Long), 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

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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 checked="" type="checkbox"/>	<input 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)	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"/>

Discussion/Conclusion/Mitigation:

a), b), and c) The site is currently used as rural residential having an existing residence on the property. The topography and plant life are typical of the region having Blue Oak Woodlands. Structures on the site include a modular home and a detached garage. Given the large parcel sizes being proposed, scenic vistas and view sheds will not be degraded through the development of the remaining parcels. Additionally, there are no listed scenic highways, historic buildings, or vistas in the area. Therefore, there would be a ***less than significant impact*** on scenic vistas.

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 five 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
Would the project:					
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"/>

Discussion/Conclusion/Mitigation:

a) The Yuba County Important Farmland Map from 2016, prepared by the Department of Conservation's Farmland Mapping and Monitoring Program, classifies the project site as "Grazing Land". Grazing Land is defined as is land on which the existing vegetation is suited to the grazing of livestock. There will be no conversion of any protected agricultural lands such a Prime Farmland or Statewide Importance. Therefore, ***no impact*** to agricultural lands is anticipated.

b) The property is zoned Rural Residential, which allows for both residential and agricultural uses. There is no existing agricultural operation on the property. 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) and d) The property is not zoned for or used as forestry land. The project would result in ***no impact***.

e) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

Discussion/Conclusion/Mitigation:

a) 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) 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 and national (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 tentative 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>)

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) 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. Therefore, impacts on emissions would be *less than significant*.

d) 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*.

e) The proposed parcel map 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 one single family residences and one existing residence 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*.

f) 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		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>

Discussion/Conclusion/Mitigation:

a) and b) The Project is located in the state of California, Yuba County, in Smartsville, a rural community outside Marysville. The project address is located immediately adjacent to the northeast side of McGanney Ln, directly south of HWY 20 and approximately 0.4-miles north of Hammonton Smartsville Rd. The following describes the biological and physical conditions within the Project Area and within the surrounding area.

Project Area and Surrounding Area

The Project is located in the foothills of the Sierra Nevada. The surrounding area consists primarily of rural residential housing, agricultural land, and open space areas filled with various

woodlands. Specifically, vegetation in the surrounding area is dominated by blue oak, interior live oak, valley oak, forbs and grasses. The region once supported a variety of flora and fauna taxa which have been subsequently replaced with domesticated plants and a slimmer variety of animals, including marsh birds, ducks, geese, raptors, reptiles, amphibians and small mammals.

Biological Conditions

The Project Area consists of Oak, Cedar, and Manzanita trees. Potential vegetation communities and Waters/Other Waters of the U.S within the Project Area are described below.

Non-native Annual Grasslands

Non-native annual grasslands characterize the majority of the Project Area not dominated by oak woodlands. Non-native annual grassland habitats and species composition depend largely on annual precipitation, fire regimes, irrigation, and grazing practices (Mayer and Laudenslayer 1998). Common botanical species found in the non-native annual grasslands in the Project Area include wild oat (*Avena sp.*), soft chess (*Bromus hordeaceus*), red brome (*Bromus madritensis ssp. rubens*), and Italian rye (*Lolium multiflorum*). Invasive species such as yellow star thistle (*Centaurea solstitialis*), medusahead grass (*Taeniatherum caput-medusae*), and Italian thistle (*Carduus pycnocephalus*) were also observed within the annual grasslands within the Project Area. Wildlife species use grassland habitat for foraging but require some other habitat characteristic such as rocky out crops, cliffs, caves or ponds in order to find shelter and cover for escapement. Biological species observed within the Project Area non-native annual grasslands included California ground squirrel, gold finch (*Spinus tristis*), lesser gold finch (*Carduelis psaltria*), California quail (*Callipepla californica*), and killdeer (*Charadrius vociferus*).

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. Trees noted on the property primarily consisted of foothill pine (*Pinus sabiniana*), blue oak (*Quercus douglasii*), and interior live oak (*Quercus wislizeni*). Several areas of buckbrush (*Ceanothus cuneatus*) were noted in the understory of the site. Blue Oak-Foothill Pine woodlands provide breeding habitats for a large variety of wildlife species, although no species is totally dependent on them for breeding, feeding, or cover. Biological species observed during the site surveys include the acorn woodpecker (*Melanerpes formicivorus*), American crow (*Corvus brachyrhynchos*), dark-eyed junco (*Junco hyemalis*), and mourning dove (*Zenaidura macroura*).

Non-wetland Other Waters of the United States

There are no Non-wetland, Other Waters of the U.S (OWUS) within the Project Area.

Relative Permanent Waters

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

Regional Species and Habitats of Concern

Species lists reviewed include the USFWS Sacramento office species list that have the potential to occur within the Project Area are based on suitable habitat within the Project Area. Not all species listed within the following chapter have the potential to occur within the Project Area based on unsuitable habitat and/or lack of recorded observations within a five mile radius of the Project Area.

California Red-Legged Frog

California red-legged frog (*Rana draytonii*) requires a variety of habitat elements with aquatic breeding areas embedded within a matrix of riparian and upland dispersal habitats. Breeding sites of the California red-legged frog are in aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, California red-legged frogs frequently breed in artificial impoundments such as stock ponds.

There is no suitable habitat exists on site to support this species. This property location does not overlap the critical habitat.

California Spotted Owl and Tri-colored Blackbird

Spotted Owls (*Strix occidentalis occidentalis*) are large, have a round head with no ear tufts and dark eyes. White spots on brown plumage are the source of the name for the species. Juveniles are like adults. They range in the vicinity of the Sierra Nevada mountain range and the Sierra Nevada foothills from Shasta and Lassen Counties in the north, but north of the Tehachapi Pass, Kern County to the south, and east to Carson City, Douglas, and Washoe Counties in Nevada. This owl breeds and roosts in forests and woodlands with large old trees and snags, dense canopies with multiple layers, and downed woody debris. Large, old trees are the key component. Due to its preference for old-growth forests, it is heavily affected by clear-cut logging. The California Spotted Owl is stable overall in its range, but numbers have declined.

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).

There are oak wildlands and blackberry brambles within and near the project site. For this reason, the following mitigation measures have been included to mitigate any potential impacts to California Spotted Owl and Tri-colored Blackbird.

Mitigation Measure 4.1 California Spotted Owl and Tri-colored Blackbird

Based on suitable nesting habitat elements and historical CNDDB records within a ¼ mile radius of the project area there is potential nesting habitat for California Spotted Owl and Tri-colored Blackbird species on and within 500 feet of the project area. Preconstruction nesting raptor surveys will be required. If any trees will be removed, trees with stick nests must be evaluated for the presence of nesting activities. If no nesting activity is observed by a qualified biologist, then the tree can be removed.

Migratory Birds

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”.

Mitigation Measure 4.2 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.

c) Wetlands and Others Water Coordination Summary

There are no wetland and riparian habitats within and near the property. For this reason, there is little chance of environmental impact that would affect its wetland or riparian habitats.

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 General Plan Action NR5.3, Wetlands and Riparian Buffers. Action NR5.3 states that any development shall maintain a setback of 150 feet from any open water courses. This standard Action in the General Plan reduces the potential impacts for Biological Resources that are found in wetlands and riparian areas. For this reason, a *less than significant impact* is anticipated.

d) 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). Collins Lake 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 of Action NR5.3, no EFH or the need for federal fisheries consultation. *No impacts* are anticipated.

e) 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. *No impacts* are anticipated

f) 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. *No impacts* are anticipated

V. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) – d) A Cultural Resource Study which included a pedestrian field survey was conducted for the project by Sean Michael Jensen, M.A. from Genesis Society in June 2023. Here is a summary of the study and proposed mitigation measures:

Project Background

This report details the results of a cultural resources inventory survey involving a single parcel comprised of approximately 11.28-acres of land located immediately adjacent to the northwest side of McGanney Way and the south side of State Route 20, a short distance south of the community of Smartsville, within the central-eastern portion of Yuba County, California.

The proponent proposes to create two separate residential parcels from the existing single parcel. Following creation of the separate parcels is the possibility of additional residential development, including grading and land recontouring, as well as construction of new residential structures and buildings, construction of access, placement of buried utilities, and general landscaping.

Since the project will involve physical disturbance to ground surface and sub-surface components in conjunction with a residential parcel split, it has the potential to impact cultural resources that may be located within the area of potential effects (APE). In this case, the APE would consist of the circa 11.28-acre land area within which the residential parcel split will be undertaken. 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, Public Resources Code, Section 21000, et seq. (CEQA), and The California CEQA Environmental Quality Act Guidelines, California Administrative Code, Section 15000 et seq. (Guidelines as amended).

Location

The project area involves approximately 11.28-acres of land located immediately adjacent to the northwest side of McGanney Way and the south side of State Route 20, a short distance south of the community of Smartsville, within the central-eastern portion of Yuba County, California. Lands affected are located within a portion of Section 33 of Township 16 North, Range 6 East, as shown on the USGS Smartville, 7.5' Series quadrangle.

Environment

The project area consists of northern Sacramento Valley Foothill lands, just above the interface of the valley floor with the Sierra Nevada Mountains, adjacent to the south side of Big Ravine, approximately 1.2-miles south of the Yuba River.

The APE is located at an elevation ranging from between 620-800-feet above sea level, with topography moderately sloping northerly. The region is characterized by a Mediterranean climate, with cool, rainy winters and hot, dry summers. The average annual temperature for the project area ranges from 51-75°F, with the hottest temperatures occurring in July, reaching on average a maximum of 94°F. The average yearly rainfall totals for the area are approximately 19.37 inches, with the maximum annual precipitation occurring in January.

The region once supported a variety of flora and fauna taxa which have been subsequently replaced with domesticated plants and a slimmer variety of animals, including marsh birds, ducks, geese, raptors, reptiles, amphibians and small mammals.

In view of the substantial surface water sources throughout this area, indigenous use and occupation was generally intensive, but the population was not randomly distributed. Clearly, the most intensively occupied land areas were at elevated locations along the river systems and along the Valley/Foothill interface.

Resource Considerations, Historic Resources: Historic overviews for the region document a range of historic site and feature types within this portion of Yuba County in particular and the Northern Sacramento Valley in general. These range from remnant structures within historic communities to isolated farms, homesteads and ranch complexes, and irrigation ditches and canals, and drainage and other water conveyance features.

RECORDS SEARCH and SOURCES CONSULTED

Several types of information were considered relevant to evaluating the types of archaeological sites and site distribution that might be encountered within the project area. The information evaluated prior to conducting the pedestrian survey includes data maintained by the North Central Information Center, and available published and unpublished documents relevant to regional prehistory, ethnography, and early historic developments.

North Central Information Center Records

The official Yuba County archaeological records were examined on May 9, 2023 (I.C. File # YUB-23-14. This search documented the following existing conditions for a 0.25-mile radius centered on the APE:

- According to the Information Center, all of the present APE has been subjected to previous archaeological survey as a result of two (2) previous investigations. Nine (9) additional investigations have been conducted within the 0.25-mile search radius. All eleven (11) investigations are summarized as follows:

NCIC#	Date	Author(s)
006889	2006	Nelson, Furlong
006890	2006	Nelson, Furlong
006891	2006	Nelson, Furlong
007100	2003	Applied Earthworks, Inc.
008414	1989	Foster, Foster
009326	2008	Leach-Palm, Larson, Brandy, King, Hartman, Mikkelsen
011743	2015	Shapiro, Miller, McMorris, Root
011756	2015	Shapiro, Jackson, Shapiro, Van Buren
011157	2014	Van Bueren, Shapiro, Welsh
012780	2019	Van Bueren, Farrington, Jackson, Ward, Westphal
012780B	2017	Byram
013358	2017	Machado
013358A	2017	Machado

- According to the Information Center's records, no cultural resources have been documented within the APE. Twelve (12) cultural resources (P-58-283, P-58-285, P-58-451, P-58-456, P-58-667, P-58-710, P-58-716, P-58-1210, P-58-2229, P-58-2952, P-58-2953, P-58-2997) have been documented within the 0.25-mile search radius, but outside of the present APE.

Other Sources Consulted

In addition to examining the archaeological site and survey records of Yuba County maintained at the North Central Information Center, the following sources were also included in the search conducted at the Information Center, or were evaluated separately:

- The National Register of Historic Places (1986, Supplements).
- The California Register of Historical Resources.
- The California Inventory of Historic Resources (State of California 1976).
- The California Historical Landmarks (State of California 1996).
- The California Points of Historical Interest (May 1992 and updates).
- The Historic Property Data File (OHP 2012).
- 1867 GLO Plat, T16N, R6E.
- USGS Smartville, CA 7.5' quadrangle (1949, 1951).

- NETR topographic maps (1951, 1953, 1956, 1964, 1976, 1995, 2012, 2015, 2018, 2020).
- NETR Aerials (1947, 1984, 1998, 2005, 2009, 2010, 2012, 2014, 2016, 2018, 2021).
- Existing published and unpublished documents relevant to prehistory, ethnography, and early historic developments in the vicinity. These sources, reviewed below, provided a general environmental and cultural context by means of which to assess likely site types and distribution patterns for the project area.

CULTURAL RESOURCES SURVEY and CULTURAL INVENTORY

Survey Strategy and Field Work

All of the APE was subjected to intensive pedestrian survey by means of walking parallel transects spaced at 20-meter intervals.

In searching for cultural resources, the surveyor considered the results of background research and was alert for any unusual contours, soil changes, distinctive vegetation patterns, exotic materials, artifacts, feature or feature remnants and other possible markers of cultural sites.

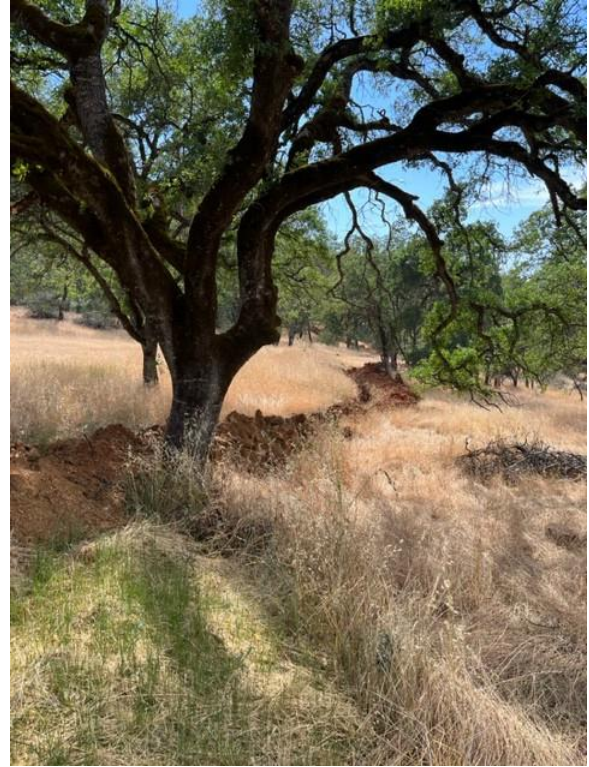
Fieldwork was undertaken on June 12, 2023, by Principal Investigator, Sean Michael Jensen, M.A. Mr. Jensen is a professional archaeologist, historian and architectural historian, with 37 years of experience in archaeology, architectural history and history, who meets the professional requirements of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Federal Register, Vol. 48, No. 190), as demonstrated in his listing on the California Historical Resources Information System list of qualified archaeologists, architectural historians and historians. No special problems were encountered and all survey objectives were satisfactorily achieved.

General Field Observations

Fieldwork identified the following general conditions within the project area. Portions of the present APE have been impacted directly by a series of disturbances, ranging from minimal to substantial. Limited grading has been conducted within the eastern portion of the property, facilitating the construction of a new residence (see Photo, below). Further, an overhead electrical transmission line bisects the property, and a trench has been excavated, extending from this transmission line to the residence (see Photo, below). Limited tree and brush removal has also occurred throughout the property. Finally, a graded road generally forms the property's southern boundary.



Contemporary residence



Utility trench

Examination of the USGS quadrangles, NETR topographic maps (1951, 1953, 1956, 1964, 1976, 1995, 2012, 2015, 2018, 2020) and historic aerials (1947, 1984, 1998, 2005, 2009, 2010, 2012, 2014, 2016, 2018, 2021), confirmed that prior to the 2009 aerial images, no buildings or structure appear within the APE. The 2009, and later, aerials depict a residence within the southwestern corner of the APE. Wichita Way first appears on the 1984 aerial image.

Historic Resources

No historic-era sites were observed within the present APE.

Indigenous Resources

No evidence of indigenous occupation, or utilization, was observed during the present pedestrian survey. The absence of such resources may best be explained by the absence of a suitable source of surface water within or immediately adjacent to the subject property.

ELIGIBILITY RECOMMENDATIONS

Sites identified within the project area were to be evaluated for significance in relation to CEQA significance criteria. Historical resources per CEQA are defined as buildings, sites, structures, objects, or districts, each of which may have historical, architectural, archaeological, cultural, or scientific significance. CEQA requires that, if a project results in an effect that may cause a substantial adverse change in the significance of a historical resource, alternative plans or

mitigation measures must be considered; however, only significant historical resources need to be addressed. Therefore, before developing mitigation measures, the significance of cultural resources must be determined in relation to criteria presented in PRC 15064.5, which defines a historically significant resource (one eligible for listing in the California Register of Historical Resources, per PRC SS5024.1) as an archaeological site which possess one or more of the following attributes or qualities:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
2. Is associated with the lives of persons important in our past
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
4. Has yielded, or may be likely to yield, information important in prehistory or history

In addition, CEQA further distinguishes between archaeological sites that meet the definition of a significant historical resource as described above (for the purpose of determining effects), and "unique archaeological resources." An archaeological resource is considered "unique" (Section 21083.2(g)) when the resource not merely adds to the current body of knowledge, but when there is a high probability that the resource also:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important indigenous or historic event or person.

In the present case, no cultural resources were identified within the APE.

PROJECT EFFECTS

A project may have a significant impact or adverse effect on significant historical resources/unique archaeological resources if the project will or could result in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance or values of the historic resource would be materially impaired. Actions that would materially impair a cultural resource are actions that would alter or diminish those attributes of a site that qualify the site for inclusion in the California Register of Historical Resources.

Based on the specific findings detailed above under Cultural Resources Survey and Cultural Inventory, no significant historical resources/unique archaeological resources are present within the project area and no significant historical resources/unique archaeological resources will be affected by the undertaking, as presently proposed.

NATIVE AMERICAN CONSULTATION

Consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on May 9, 2023. The NAHC response is pending.

PROJECT SUMMARY

This report details the results of a cultural resources inventory survey involving a single parcel comprised of approximately 11.28-acres of land located immediately adjacent to the northwest side of McGanney Way and the south side of State Route 20, a short distance south of the community of Smartsville, within the central-eastern portion of Yuba County, California.

The proponent proposes to create two separate residential parcels from the existing single parcel. Following creation of the separate parcels is the possibility of additional residential development, including grading and land recontouring, as well as construction of new residential structures and buildings, construction of access, placement of buried utilities, and general landscaping.

Existing records at the North Central Information Center document that all of the present APE had been subjected to previous archaeological investigation, and that no cultural resources have been documented within the APE. As well, the present effort included an intensive-level pedestrian survey. No indigenous or historic-era cultural resources were identified during the pedestrian survey.

Consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on May 9, 2023. The NAHC response is pending.

The probability of encountering buried archaeological sites within the APE is low. This conclusion is derived in part from the observed soil matrices which have been subjected to notable disturbance associated with past residential, utility and road construction activities. Evidence of ground disturbance assisted in determining whether or not subsurface resources were present within the APE. Overall, the soil types present, and contemporary disturbance would warrant a finding of low probability for encountering buried archaeological sites.

Based on the absence of significant historical resources/unique archaeological resources within the APE, archaeological clearance is recommended for the project/undertaking as presently proposed, although 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.

VI. ENERGY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

DISCUSSION/CONCLUSION/MITIGATION:

a and b) The proposed project is a rural residential project, creating two new lots, that would not impact energy resources and conflict with local plans for energy. Therefore, the project creates a *less than significant impact*.

VII. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 Currently Adopted 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"/>

Discussion/Conclusion/Mitigation:

- a) (i-iii) According to the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist, Division of Mines and Geology Special Publication 42, Yuba County is not one of the cities or counties affected by Earthquake Fault Zones, as of August 16, 2007. Therefore, strong seismic ground shaking and seismic-related ground failure, including liquefaction is not an anticipated side effect of development in the area. A ***less than significant impact*** from earthquakes is anticipated.

(iv) The Yuba County General Plan identifies the area as one that has a low risk for landslides, and states that grading ordinances, adopted by Yuba County and based on Appendix J of the Currently Adopted California Building Code, serve as effective measures

for dealing with landslide exposure. Hazards associated with potential seismic and landslide result in a *less than significant impact*.

b) c) and d) According to Exhibit 4.6-4 Soil Erosion Hazard, of the 2030 General Plan EIR, the project site has a slight potential for soil erosion hazards. Exhibit 4.6-5 Shrink/Swell Potential indicates that the project site also contains expansive soils with a low shrink/swell potential. Should application be made for a building permit, Yuba County Building Department staff will determine appropriate building foundation systems for all proposed structures, in accordance with the requirements of the Currently Adopted Building Code. The Building Official may require additional soils testing, if necessary; and will result in a *less than significant impact*.

e) 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. Through implementation of the County Environmental Health Department conditions of approval, the project would result in a *less than significant impact* to wastewater.

VIII. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

Discussion/Conclusion/Mitigation:

a) Global Warming is a public health and environmental concern around the world. As global concentrations of atmospheric greenhouse gases increase, global temperatures increase, weather extremes increase, and air pollution concentrations increase. The predominant opinion within the scientific community is that global warming is currently occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of “greenhouse gases” (GHG).

In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce greenhouse gas emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, per fluorocarbons, and sulfur hexafluoride. AB 32 requires the California Air Resources Board (ARB), the State agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve greenhouse gas emissions equivalent to statewide levels in 1990 by 2020.

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 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 2055 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.

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.

Based on the project description, the project would generate additional vehicle trips in conjunction with the potential for one new additional single family residences and one existing single family residence. 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) The project is consistent with the Air Quality & Climate Change policies within the Public Health & Safety Section of the 2030 General Plan therefore, the project has *no impact* with any applicable plan, policy or regulation.

IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 type="checkbox"/>	<input checked="" 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) For a project within the vicinity of a private airstrip, 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"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a), b) and c) There would be no routine transport, use, or disposal of hazardous materials or the release of hazardous materials into the environment related to this residential project. A school site is not within ¼ mile of the project site. Therefore, there would be ***no impact*** to surrounding land uses concerning hazardous materials and this project because it is residential in nature.

d) The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to [Government Code Section 65962.5](#). The site has historically been used as a single family residence. Therefore, the project would not create a significant hazard to the public or the environment and there would be ***no impact*** to the environment from hazardous materials.

e) and f) The project site is not located within the scope of an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. The project would have ***no impact*** on public or private airstrips.

g) Access to the new parcel will be from McGanney Ln. The applicant has outlined emergency fire exits, and access for fire trucks and emergency services on their parcel map. Emergency access would be allowed from HWY 20. 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.

h) 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. The project will adhere to the Yuba County requirements for Rural Fire Protection within the SRA and the Fire Risk HS2 Policies in the General Plan. Primary Document Source: Yuba County Foothills Community Wildfire Protection Plan

https://www.deercreekgis.com/files/Yuba_CWPP/20140819_FINAL_Yuba_CWPP_web.pdf

The property is within the jurisdiction of the Smartsville Fire Protection District, who will respond to fire emergencies within the project site.

Short-term impacts associated with wildland fire during Proposed Action activities would result in a less than significant impact by following the guidelines listed in the County of Yuba Requirements for Rural Fire Protection which is required for all new construction. As part of these requirements, Cal Fire requires the installation of a water tank and fire hydrant. Completely operational (and full of water), the water tank will mitigate any wildfire concerns. Impacts are expected to be ***less than significant***.

X. HYDROLOGY AND WATER QUALITY					
Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>

Discussion/Conclusion/Mitigation:

a) The project may result in ground disturbance equal to or greater than one acre in size and would then be within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB), which develops and enforces water quality objectives and implementation plans that safeguard the quality of water resources in its region. Prior to construction of a project greater than one acre, the RWQCB requires a project applicant to file for a National Pollution Discharge Elimination System (NPDES) General Permit. The General Permit process requires the project applicant to 1) notify the State, 2) prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), and 3) to monitor the effectiveness of the plan.

Mitigation Measure 10.1 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.

b) The project will utilize ground water wells for water supply. 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 applicant will also have to submit evidence to the Yuba County Environmental Health Department that the site can adequately support a well. There would be a *less than significant impact*.

c) i-iv) While the project would introduce impervious surfaces, which have the potential to alter recharge patterns, the level of development is small and percolation and groundwater recharge activity would remain generally unchanged. Furthermore, the project will not cause erosion or an increase in runoff. There would be a *less than significant impact*.

d) The project is not located within a 100-year flood plain, it is located within a 500-year flood plain. 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.

XI. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

Discussion/Conclusion/Mitigation

- a) The project site is within an area of rural development within unincorporated Yuba County. The proposed land division is not anticipated to create any physical division of an established community. Therefore, the development would result in ***no impact*** or division of an established community.
- b) The project is consistent with the goals and policies of the Rural Residential, 5 Acres Minimum (RR-5) zone and the Natural Resources General Plan designation by creating parcels that are greater than 5 acres in size. There is no habitat conservation plan or natural community conservation plan exists for or near the project site. Land use impacts are anticipated to have ***no impact*** on habitat or conservation plans.

XII. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

Discussion/Conclusion/Mitigation:

a) and b) The project site is not known to contain any mineral resources that would be of value to the region or residents. Additionally, according to the Yuba County 2030 General Plan EIR, the project site is not delineated in an area identified to have surface mining activities or contain mineral resources. The project is expected to have ***no impact*** on mineral resources.

XIII. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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"/>

Discussion/Conclusion/Mitigation:

a) and b) The property surrounding the project is being used for rural residential. Residential development does not generate substantial noise, like industrial activities or major roadways. Also, there are no significant noise generators in the immediate area. 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 specified building envelopes and existing residences, the project would result in a *less than significant impact*.

c) The project site is not located within two miles of a public airport or private air strip. *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"/>

Discussion/Conclusion/Mitigation:

- a) 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) 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

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XV. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
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:					
a)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) The project is located within the Smartsville Fire Protection 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*.

b) 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*.

c) Marysville Joint Unified School District was consulted during early consultation of this project and no response has been received as of this date. However, it is the District's position that their 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*.

d) 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

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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*.

e) 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*.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XV. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

Discussion/Conclusion/Mitigation:

a) and b) The project would result in a small increase in the use of neighborhood and regional parks, and could create the need for additional recreational facilities. 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*.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XVII. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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 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"/>	<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"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) 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. Therefore, the project will have ***no impact***.

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 one new single family residences and one existing single family residence. Therefore, impacts to VMT are expected to be ***less than significant***.

c) McGanney Ln is an existing road that currently provides access to the project sit. Access to Parcel 2 will be from a Rural Driveways (Yuba County Public Works Detail 127) that stem from McGanney Ln, a Rural Local Road (Yuba County Public Works Detail 121). 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) Emergency access to the project site would be via HWY 20 and the cul-de-sac at the end of McGanney Ln. There would be no change in emergency access as a result of the project. Therefore, the project will have ***no impact***.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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
- 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"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) The UAIC conducted background research for the identification of Tribal Resources for this project which included a review of pertinent literature, historic maps, and a records search using UAIC's Tribal Historic Information System (THRIS). UAIC's THRIS database is composed of UAIC's areas of oral history, ethnographic history, and places of cultural and religious significance, including UAIC's Sacred Lands that are submitted to the Native American Heritage Commission (NAHC). The THRIS resources shown in this region also include previously recorded indigenous resources identified through the California Historic Resources Information System Center (CHRIS) as well as historic resources and survey data. Therefore, no additional treatment or mitigated action is recommended for the site and would create a ***less than significant impact***.

b) 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 United Auburn Indian Community (UAIC) is a federally recognized Tribe comprised of both Miwok and Maidu (Nisenan) Tribal members who are traditionally and culturally affiliated with the project area. The Tribe has a deep spiritual, cultural, and physical ties to their ancestral land and are contemporary stewards of their culture and landscapes. The Tribal community represents a continuity and endurance of their ancestors by maintaining their connection to their history and culture. It is the Tribe's goal to ensure the preservation and continuance of their cultural heritage for current and future generations.

The UAIC responded to the Early Consultation request on December 11th, 2023. Staff asked if a tribal survey would be required for this project and Anna Starkey, with the UAIC, responded to "please include our standard unanticipated discoveries measure in the Tribal Cultural Resources chapter and consider our chapter recommendations." Therefore, The UAIC did not require a field

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

visit to identify any additional tribal cultural resources. The following mitigation measure has been added to address avoidance and preservation in place as the preferred manner of mitigating impacts to tribal cultural and cultural resources (CEQA Guidelines §21083.2(b)). This can be accomplished by the following:

Mitigation Measure 18.1 Unanticipated/Inadvertent Discoveries Of TCRs

If any suspected TCRs are discovered by any person on site 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 the consulting Tribe or 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 option for mitigation of TCRs under CEQA and Tribal protocols, and every effort shall be made to preserve the resources in place, including through project redesign. If adverse impacts to TCRs, unique archeology, or other cultural resources occurs, then consultation with Tribes regarding mitigation contained in the Public Resources Code §21084.3(a) and (b) and CEQA Guidelines §15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

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, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs and cultural belongings will not take place unless approved in writing by the consulting Tribe.

Treatment that preserves or restores the cultural character and integrity of a TCR may include paid Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

The contractor/project proponent 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 TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects and belongings or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB52, have been satisfied.

The UAIC has closed consultation with the aforementioned mitigation measures added to the project. Therefore, in the event of the accidental discovery or recognition of tribal cultural

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

resources in the project area the impact upon tribal cultural resources would be *less than significant impact with mitigation incorporated*.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XIX. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

Discussion/Conclusion/Mitigation:

a) 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) and c) The rural residential lots that are being created by the project will be served by a private well and 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) and e) Recology, Inc. will continue to provide service to the existing single family residence. If a new single family residence is created on parcels one through three it would also 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*.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XX. WILDFIRE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION/CONCLUSION/MITIGATION:

a) –d) The project is located within a Very High State Responsibility Area established by CalFire. For this reason, the applicant is proposing an emergency secondary access from McGanney Ln to HWY 20. County Staff consulted with Justin Hartman, Battalion Chief for the Loma Ricer-Dobbins CAL FIRE Unit, and December 8th and he stated that, “CAL FIRE approves the parcel split, the requirement that will need to be addressed is when a structure is built the property owner will need to follow title 14 for structures built in the SRA. The Yuba County Building Dpt requires title 14 when any new construction occurs in the SRA zone.

Implementation of **Mitigation Measure 9.1 and 9.2** listed in Chapter IX would reduce the impact of the Proposed Action on wildfire risk to *less than significant with mitigation*.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**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"/>

Discussion/Conclusion/Mitigation:

a) As discussed in the Biological Resources section, the proposed development will have a ***less than significant impact with mitigation*** to habitat of a fish or wildlife species with mitigation measures **MM4.1, and MM4.2**. 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 Cultural Resources and Tribal Cultural Resources section, construction could potentially impact cultural resources. Proposed mitigation measures in **MM5.1, MM5.2, & 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) Due to the nature and size of the proposed project, no substantial adverse effects on humans are expected. The project would not emit substantial amounts of air pollutants, including hazardous materials. The project would not expose residents to flooding. One potential human health effects identified as a result of project implementation were minor construction-related impacts, mainly dust that could affect the few scattered residences near the project site. These effects are temporary in nature and subject to Feather River Air Quality Management District's Standard Mitigation Measures, see **MM3.1**, that would reduce these emissions to a level that would not be considered a significant impact. Another potential human health effect is the properties location within a Very High State Responsibility Area. The applicants have adequately addressed any risks from wildfire, see **MM9.1** and **MM9.2**. Therefore, the project is considered to have *a less than significant impact with mitigation*.

REFERENCES

1. Yuba County 2030 General Plan Environmental Impact Report, AECOM.
2. Yuba County 2030 General Plan, AECOM.
3. Yuba County Development Code 2015.
4. Yuba County Important Farmland Map 2012. California Department of Conservation.
5. Yuba County Improvement Standards.
6. State of California Hazardous Waste and Substance site "Cortese" list
7. Yuba County 2008-2013 Housing Element. AECOM. Dec. 2010
8. Cultural Resource Inventory Survey, Genesis Society, Sean Michael Jensen, M.A., June 2023.
9. List Of Threatened And Endangered Species, USFWS, March 2023

**MITIGATION MONITORING PLAN
TPM-23-0002 (O'BRIEN AND LONG)**

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

**MITIGATION MONITORING PLAN
TPM-23-0002 (O'BRIEN AND LONG)**

MM 4.1 California Spotted Owl and Tri-colored Blackbird Based on suitable nesting habitat elements and historical CNDDDB records within a ¼ mile radius of the project area there is potential nesting habitat for California Spotted Owl and Tri-colored Blackbird species on and within 500 feet of the project area. Preconstruction nesting raptor surveys will be required. If any trees will be removed, trees with stick nests must be evaluated for the presence of nesting activities. If no nesting activity is observed by a qualified biologist, then the tree can be removed.		
Timing/Implementation <i>Upon start of project design and start of construction activities.</i>	Enforcement/Monitoring Yuba County Planning Department	
Performance Criteria N/A	Verification Cost N/A	
		Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TPM-23-0002 (O'BRIEN AND LONG)**

MM 4.2 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)

**MITIGATION MONITORING PLAN
TPM-23-0002 (O'BRIEN AND LONG)**

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

**MITIGATION MONITORING PLAN
TPM-23-0002 (O'BRIEN AND LONG)**

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)

**MITIGATION MONITORING PLAN
TPM-23-0002 (O'BRIEN AND LONG)**

MM 10.1 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)

**MITIGATION MONITORING PLAN
TPM-23-0002 (O'BRIEN AND LONG)**

MM 18.1 Unanticipated/Inadvertent Discoveries Of TCRs

If any suspected TCRs are discovered by any person on site 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 the consulting Tribe or 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 option for mitigation of TCRs under CEQA and Tribal protocols, and every effort shall be made to preserve the resources in place, including through project redesign. If adverse impacts to TCRs, unique archeology, or other cultural resources occurs, then consultation with Tribes regarding mitigation contained in the Public Resources Code §21084.3(a) and (b) and CEQA Guidelines §15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

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, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs and cultural belongings will not take place unless approved in writing by the consulting Tribe.

Treatment that preserves or restores the cultural character and integrity of a TCR may include paid Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

The contractor/project proponent 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 TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects and belongings or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB52, have been satisfied.

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

Fisher, Ciara

From: Hartman, Justin@CALFIRE <Justin.Hartman@fire.ca.gov>
Sent: Friday, December 8, 2023 9:15 AM
To: Fisher, Ciara
Cc: Hartman, Justin
Subject: Re: TPM-23-0002 O'Brien and Long

Good morning,

CAL FIRE approves the parcel split, the requirement that will need to be addressed is when a structure is built the property owner will need to follow title 14 for structures built in the SRA.

thanks



Justin Hartman

Battalion Chief - Loma Rica-Dobbins
Nevada-Yuba-Placer Unit
11485 Loma Rica Rd. Marysville CA
(530) 277-2316 Cell



From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Thursday, December 7, 2023 5:35 PM
To: Hartman, Justin@CALFIRE <Justin.Hartman@fire.ca.gov>
Subject: TPM-23-0002 O'Brien and Long

Warning: this message is from an external user and should be treated with caution.

Hi Justin,

Can you please review the attached Tentative Parcel Map. This map was reassigned to me from Vanessa Franken so I'm not sure if you have already provided comments. Can you please respond by December 15th? I have this scheduled for the Jan 4th DRC meeting. It looks like they are proposing two access points off of McGanney Ln and a gated fire access to Hwy 20.



December 18, 2023

John Hunter
County of Santa Cruz
701 Ocean St, Room 410
Santa Cruz, CA 95060

Re: PLN_231384
471 Lago Lane

Dear John Hunter,

Thank you for providing PG&E the opportunity to review the proposed plans for PLN_231384 dated 12/14/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

Fisher, Ciara

From: Anna Starkey <astarkey@auburnrancheria.com>
Sent: Tuesday, December 12, 2023 10:50 AM
To: Fisher, Ciara
Subject: RE: TPM-23-0002 (O'Brien and Long)
Attachments: UAIC TCR Chapter Recommendations - NO TCRs Identified.pdf; UAIC_Unanticipated Discoveries_MM.pdf

Good morning,

I reviewed the report and it aligns with what our THRS registry shows. Please include our standard unanticipated discoveries measure in the Tribal Cultural Resources chapter and consider our chapter recommendations.

Thank you,
Anna



Anna M. Starkey

Cultural Regulatory Specialist
Tribal Historic Preservation Department
United Auburn Indian Community of the Auburn Rancheria
Email: astarkey@auburnrancheria.com
www.auburnrancheria.com/programs-services/tribal-preservation
10720 Indian Hill Road
Auburn, CA 95603

From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Tuesday, December 12, 2023 10:16 AM
To: Anna Starkey <astarkey@auburnrancheria.com>
Subject: RE: TPM-23-0002 (O'Brien and Long)

*** **Caution - External Email:** The following email originated from outside the organization. Please exercise caution when opening attachments or links. ***

Morning Anna,

I was assigned this project from Vanessa when she left the County and assumed consultation had been completed, but looking through her files I can't verify that assumption. Attached is the Cultural Report I found on file.

Thanks,

Ciara Fisher

Planner III

County of Yuba, CDSA

530-749-5463 - Direct



Please consider the environment before printing this email

Check out Gridics - Our new Zoning Map and Code Information Tool:



United Auburn Indian Community Tribal Cultural Resources Unanticipated Discoveries

The following mitigation measure¹ is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or indigenous cultural resources or belongings during a project's ground disturbing activities.

If any suspected TCRs are discovered by any person on site 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 the consulting Tribe or 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 option for mitigation of TCRs under CEQA and Tribal protocols, and every effort shall be made to preserve the resources in place, including through project redesign. If adverse impacts to TCRs, unique archeology, or other cultural resources occurs, then consultation with Tribes regarding mitigation contained in the Public Resources Code §21084.3(a) and (b) and CEQA Guidelines §15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

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, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs and cultural belongings will not take place unless approved in writing by the consulting Tribe.

Treatment that preserves or restores the cultural character and integrity of a TCR may include paid Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

The contractor/project proponent 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 TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects and belongings or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB52, have been satisfied.

¹ Proposed Mitigation Measure includes suggested template language to assist lead CEQA agencies, and their consultants, in understanding the Tribe's policies and expectations. All measures are subject to periodic review and change by the consulting Tribe to reflect best practices and to be worded on a project scope and site specific basis.