



County of Yuba

Community Development & Services Agency

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DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

MEETING DATE: January 9, 2020

TO: DEVELOPMENT REVIEW COMMITTEE

FROM: Ciara Fisher, Planner II

RE: TENTATIVE PARCEL MAP TPM 2019-0001 (Menkick)

REQUEST: The applicant is requesting approval of a tentative parcel map to create four parcels from a 242 acre property located at 7370 Scott Forbes Road in the community of Browns Valley. Proposed parcel 1-3 will be 40 acres in size and the proposed parcel 4 will be 122 acres in size (Attachment 1). The project site is identified as Assessor's Parcel Number 005-140-023. The property is zoned Agricultural Estate, forty acre minimum lot size (AE-40) and is designated on the General Plan Land Use Diagram as Natural Resources.

RECOMMENDATION: Staff recommends that the Development Review Committee (DRC) adopt the Mitigated Negative Declaration and mitigation monitoring plan (Attachments 2 and 3) pursuant to California Environmental Quality Act (CEQA) Article 6 et seq. and approve Tentative Parcel Map (TPM) 2019-0001 subject to making the necessary findings and the conditions of approval contained herein (Attachment 4).

BACKGROUND/DISCUSSION: The project consists of a tentative parcel map that would create four parcels from a 242 acre property. The proposed tentative map would split the 242 acre parcel into three 40-acre undeveloped parcels (Parcel 1, 2, & 3) and one 122 acre Parcel 4. The project site is located at 7370 Scott Forbes Road in the community of Browns Valley. The 2030 General Plan designates the land use as Natural Resources and the zoning is Agricultural Estate, 40 acre minimum (AE-40).

Parcel 4 is developed with developed with two existing single-family residences, several accessory structures, and a well and on-site septic system. Approval of the proposed parcel map would permit single-family residences to be built on parcels 1-3 in accordance with the zoning. A well and septic system would be required for each parcel. Any potential future development on proposed parcels 1-3 would be required to meet all Yuba County Development Code and Environmental Health and Septic Standards.

Access to the project site is located off Scott Forbes Road, a public street. All of the parcels have access off of Scott Forbes Road.

The proposed parcels are consistent with the 2030 General Plan Natural Resources land use designation and the Exclusive Agricultural, with a minimum of 40 acre parcel size (AE-40), zoning district as both parcels are proposed to be 40.0 or greater in size. Additionally, the proposed parcels are large enough to meet the 30 foot State Responsibility Area setback requirements for any future development.

SURROUNDING USES

	GENERAL PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
Subject Property	Natural Resources	AE-40	Rural Residential
North	Natural Resources	AR-20 / AE-40	Agricultural Reserve
East	Natural Resources	RR-5 /RPR	Rural Residential / Agricultural Reserve
South	Rural Community	RR-5 /RPR	Vacant
West	Natural Resources	AE-40	Rural Residential

Surrounding properties range in size from 5.13 acres to 440 acres in size. The surrounding area has multiple zonings of Exclusive Agricultural 40 acre minimum, Rural Residential five acre minimum, Agricultural Residential 20 acre minimum, and Resource Preservation and Recreation. The surrounding properties are shown on the General Plan Land Use Diagram as having a General Plan designation of Natural Resources and Rural Community.

GENERAL PLAN/ZONING: The project site is located in the unincorporated area of Yuba County and is designated as Natural Resources 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 242 acre parcel and exceed the 40 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.

The property is zoned Exclusive Agricultural, with a 40 acre minimum parcel size (AE-40). Pursuant to Chapter 11.06 of the Yuba County Development Code, the purpose of the Exclusive Agricultural zoning district is to preserve agricultural land in order to conserve the County's economic resources that are vital for a healthy agricultural economy within the County and to maintain the vitality of the agricultural sector by retaining parcel sizes necessary to sustain viable agricultural operations, protecting agricultural practices and activities by minimizing land-use conflicts, and protecting agricultural resources by regulating land uses and development intensities in agricultural areas. All four lots are consistent and meet the intent of the AE-40 designation.

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

The County was contacted by the United Auburn Indian Community (UAIC) on September 9, 2019 requesting formal notification and information for Assembly Bill 52 (AB 52). Consistent with the UAIC request, on September 10, 2019 formal notification was provided to the UAIC, including all project information documents. The UAIC responded requesting to visit the property on October 9, 2019. Based on the site visit to the property, the UAIC requested two mitigation measures to address avoidance and preservation to (tribal) cultural resources:

1. *All future buildings and structures shall include a setback of at least 100 feet, including underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure, from all known TCRs.*

During the Site Visit with UAIC, the TCRs located on Parcels 1-3 were not clearly located or identified during the walk of the site. For this reason, Staff recommends the Development Review Committee make a determination for an appropriate non development setback for the unverified TCRs.

2. *Parcel 4 of the Menkick Tentative Parcel Map shall specifically include a setback of at least 150 feet, including underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure, from sites P-58-120 (CA-YUB-102) and P-58-121 (CA-YUB-103).*

During the Site Visit with UAIC, the two sites (P-58-120) and P-58-121) were clearly located on Parcel Four. Moreover, the proposed setback is consistent with the 150' setback distance from the edge of all seasonal and year-around creeks, rivers, ponds, and riparian areas pursuant to Yuba County 2030 General Plan Action NR5.3. For this reason, Staff and the applicant does not have a concern with the proposed setback.

The initial study was distributed for a period of 20 days. No comments were received.

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


- County Staff – The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.
- Agricultural Weights and Measures – No impacts or comments.
- Browns Valley Irrigation District – Request for Utility Easements and Access.
- Central Valley Regional Water Quality Control Board – Permitting processes.

FINDINGS: The necessary environmental review and tentative parcel map findings are contained in (Attachment 4) to this report.

Report Prepared By:

Reviewed by:

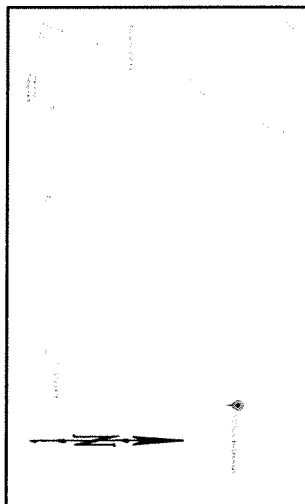
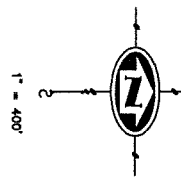
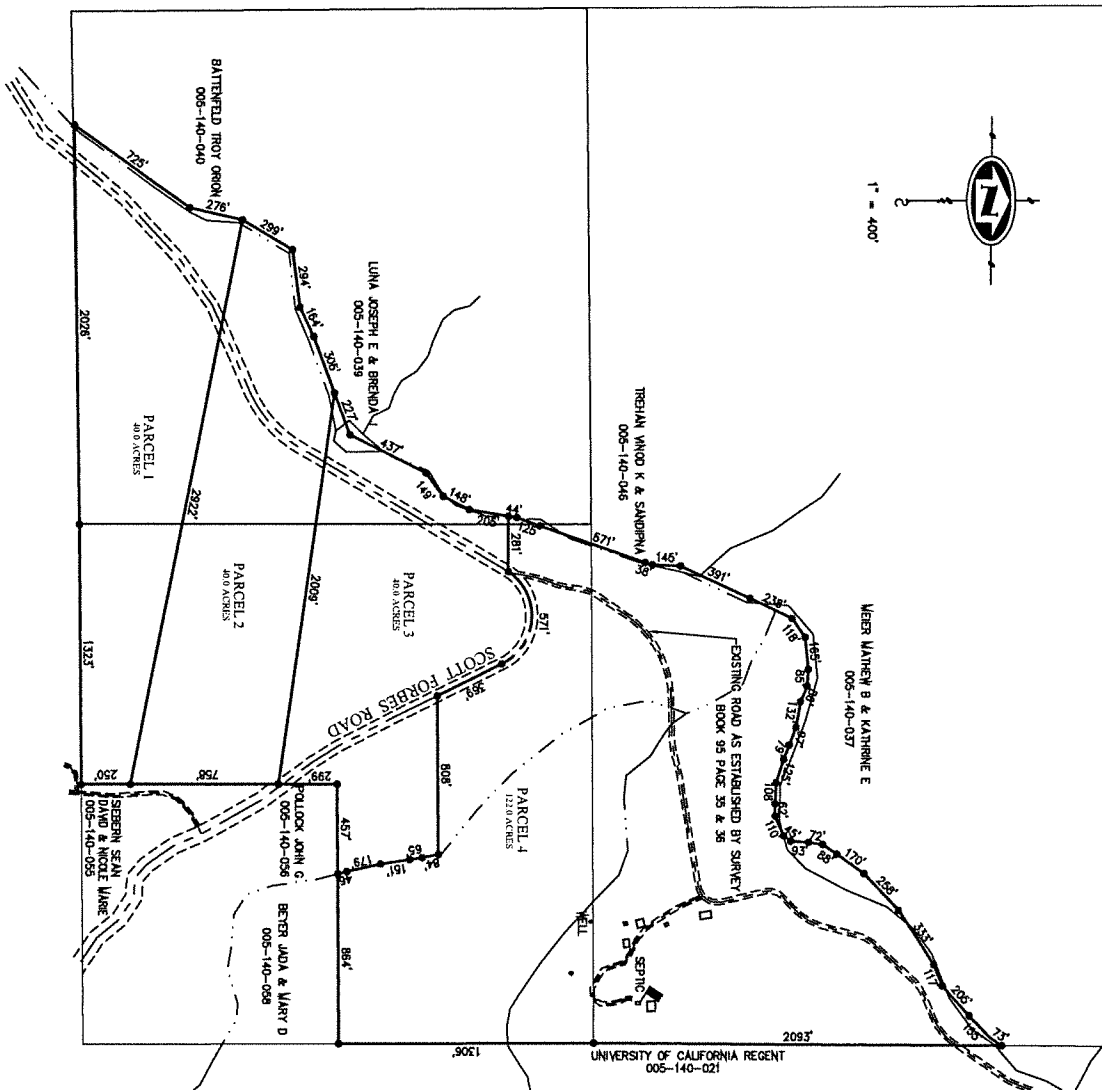
Ciara Fisher
Planner II



Kevin Perkins
Principal Planner

ATTACHMENTS:

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



VICINITY MAP
1" = 800'

TENTATIVE MAP NO.

LYING WITHIN SECTION 7, TOWNSHIP 16 NORTH, RANGE 6 EAST, M. D. B. & M.
YUBA COUNTY, CALIFORNIA.

OWNER / DIVIDER: HEIDI MENKICK
7370 SCOTT FORBES ROAD
BROWN VALLEY
530-718-0982

ENGINEER: VON GELDERN ENGINEERING COMPANY
430 SECOND STREET
YUBA CITY, CA 95991
(530) 673-6330

EXISTING USE: RESIDENCE
PROPOSED USE: RESIDENCE

ZONING: AG 40
PROPOSED: AG 40

DRAINAGE: NO CHANGE
SEWAGE DISPOSAL: INDIVIDUAL SEPTIC SYSTEMS
WATER SUPPLY: INDIVIDUAL WELLS

IMPROVEMENTS PROPOSED: NONE

PUBLIC UTILITY EASEMENTS: NONE

MINIMUM LOT SIZE: 4 ACRES

TOTAL SUBDIVIDED AREA: 24.2± AC

NUMBER OF LOTS: 4

ASSESSOR'S PARCEL NO.: 005-140-023

ALL DIMENSIONS SHOWN ARE ±
OWNER & ENGINEER TO RECEIVE ALL COMMUNICATIONS.

TENTATIVE PARCEL MAP

FOR
HEIDI MENKICK

Job No. 18-030 Date AUGUST 14, 2019 Drawn By W. EAGLE



von Geldern Engineering Company
430 Second Street • Yuba City, Calif. 95991 • (530) 673-6330

Planning • Civil Engineering • Building Design • Land Surveying

REVISIONS	Date

Sheet No.
1 of 1

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
TPM 2019-0001 (Menkick)**

Project Title:	Tentative Parcel Map TPM 2019-0001 (Menkick)
Lead Agency Name and Address:	County of Yuba Planning Department 915 8 th Street, Suite 123 Marysville, CA 95901
Project Location:	Assessor's Parcel Number: 005-140-023
Applicant/Owner	Heidi Menkick 7370 Scott Forbes Road Browns Valley, CA 95918
General Plan Designation(s):	Natural Resources
Zoning:	Agricultural Estate, 40 acre minimum (AE-40)
Contact Person:	Ciara Fisher, Planner II
Phone Number:	(530) 749-5463
Date Prepared	November 2019

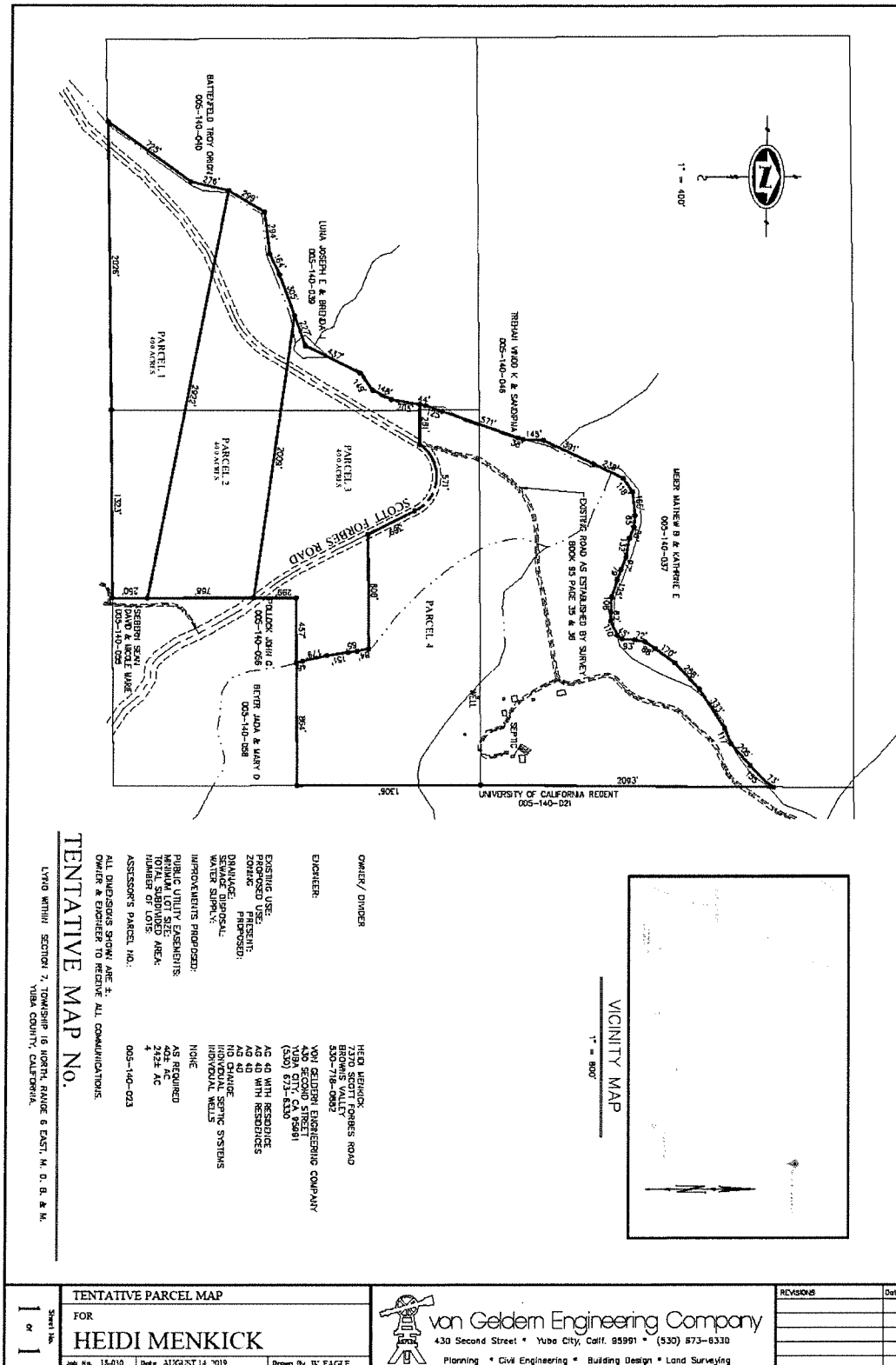
Project Description

The project consists of a tentative parcel map that would create four parcels from a 242 acre property. The proposed tentative map would split the 242 acre parcel into three 40-acre undeveloped parcels (Parcel 1, 2, & 3) and one 122 acre Parcel 4. The project site is located at 7370 Scott Forbes Road in the community of Browns Valley. The 2030 General Plan designates the land use as Natural Resources and the zoning is Agricultural Estate, 40 acre minimum (AE-40).

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Access to the project site is located off Scott Forbes Road, a public street. All of the parcels have access off of Scott Forbes Road.

Figure 1. Site Plan



INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**Environmental Setting**

The property totals approximately 242 acres of land bisected by Scott Forbes Road, and adjacent to the south side of Dry Creek, approximately two miles north of State Route 20 and the Yuba River, approximately four miles east of Browns Valley, within Yuba County, California. Lands affected are located within a portion of Section 7 of Township 16 North, Range 6 East, as shown on the USGS Oregon House, California, 7.5' series quadrangle.

The Project Area is located in the foothills of the Sierra Nevada. The surrounding area consists primarily of rural residential housing, mixed oak woodlands and annual grasslands used for grazing cattle. A number of important streams are located within this portion of central Yuba County, including the Yuba River to the south of the project site, Dry Creek which forms the property's western boundary, Potter Creek which bisects the property from south to north, and various ephemeral drainages throughout and adjacent to the property.

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)

Environmental Factors Potentially Affected:

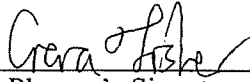
The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages:

- | | | |
|---|---|--|
| <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"/> 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 type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Tribal Cultural Resources | | |

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**DETERMINATION:** (To be completed by the Lead Agency)

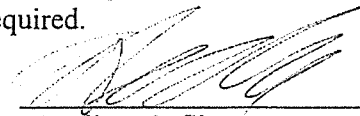
On the basis of this initial evaluation:

- ☐ 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 II

11/21/19
Date

Applicant's Signature

Heidi Menkick

11/21/19
Date

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Tentative Parcel Map TPM 2019-0001 (Menkirk), as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

EVALUATION OF ENVIRONMENTAL IMPACTS

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

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

- 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		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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 project area consists of a rolling hill and scattered trees. Currently the property is developed with two single family residences and given the size of parcels, if a residence was developed on parcels 1-3, scenic vistas and view sheds will not be degraded. 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 one 122 acre parcel and three 40 acre parcels for single family residential purposes, the added light would not create an adverse affect to day or nighttime views in the area. The impact will result in a *less than significant impact*.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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" which is defined as land which the existing vegetation is suited to the grazing of livestock. The property is not used for grazing and there will be no conversion of any protected agricultural lands such a Prime Farmland or Statewide Importance. Therefore, *no impact* to agricultural lands is anticipated.

b) The property is zoned Exclusive Agricultural, however the property is not used primarily for agricultural uses. The property has established two single family residential homes. In addition, there is

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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*.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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 2010, an update to the 1994 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 2010 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 2010 update was adopted by the FRAQMD, and development proposed by the project would be required to comply with its provisions.

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

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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 2010, 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.

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 subdivision is well below the FRAQMD thresholds. However, FRAQMD does recommend the following 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.
(www.fraqmd.org/ceqa/standards)

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 four 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

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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 subdivision is located in an area of agricultural and rural residential development with an allowable density of one dwelling unit per parcel. The possible addition of one single family 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.

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) and b) Marcus H. Bole & Associates prepared a Biological Resource Assessment for the project and below are the results of the study.

Setting

The Project Area is located in the foothills of the Sierra Nevada. The surrounding area consists primarily of rural residential housing, mixed oak woodlands and annual grasslands used for grazing cattle, several ephemeral drainages and one perennial creek.

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Habitat types inside the Project Area consist of mixed oak woodlands, annual grasslands, ephemeral drainages, and one perennial creek. There are several features within the Project Area that classify as non-wetland, Other Waters of the U.S. (OWUS). OWUS are defined as seasonal or perennial water bodies, including lakes, stream channels, ephemeral and intermittent drainages, ponds, and other surface water features, that exhibit an ordinary high-water mark but lack positive indicators for one or more of the three wetland parameters (hydrophytic vegetation, hydric soil, and wetland hydrology) (USACE 2008).

Browns Valley has a Mediterranean climate characterized by hot, dry summers and mild, rainy winters. Data collected at a weather station located in the Browns Valley area (at the UC Sierra Foothill Research Extension Center and operated by USDA) shows that annual precipitation generally ranges from 9 to 52 inches. Average annual precipitation is 28 inches. Annual precipitation occurs almost exclusively as rainfall, and mostly from October through May. Mean monthly minimum air temperatures are typically in the high 30s and low 40s F during November through March. Mean maximum air temperatures are around 90° F during July and August. Recorded extremes are 14° F and 109° F, respectively (UC, 2018).

Studies Required

Biological and botanical surveys were conducted based on USFWS, Sacramento office, species list, CNDDDB search and CNPS list of rare and endangered plants. All species lists were derived from the USGS Oregon House, Bangor, Loma Rica, Smartville, Browns Valley, Rackerby, Challenge, French Corral and Rough and Ready 7.5 minute quadrangles. Based on the results of the species lists, appropriate biological, botanical, and habitat surveys were conducted. A species habitat survey, general botanical survey and evaluation of habitat for rare plant botanical species and determination of waters of the U.S. were conducted by MHBA personnel. Surveys were conducted during a time in which appropriate seasonal indicators were present (i.e. blooming period, avian breeding season).

Surveys

Biological and botanical surveys were conducted by MHBA personnel. Species of special interest included California black-rail (*Laterallus jamaicensis coturniculus*), nesting migratory birds and raptors, valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (VELB), northwestern pond turtle (*Emys marmorata*), California red-legged frog (*Rana draytonii*), and the Giant Garter Snake (*Thamnophis gigas*). A general botanical survey and habitat evaluation for rare plant botanical species was conducted by botanist Charlene J. Bole. Species of special interest included dwarf downingia (*Downingia pusilla*), and Ahart's dwarf rush (*Juncus leiospermus* var. *Ahartii*), Ahart's paronychia (*Paronychia ahartii*), Brandegee's clarkia (*Clarkia biloba* ssp. *brandegeae*), Ferris' milk-vetch (*Astragalus tener* var. *ferrisiae*), Legenere (*Legenere limosa*), Red Bluff dwarf rush (*Juncus leiospermus* var. *leiospermus*), Hartweg's golden sunburst (*Pseudobahia bahiifolia*) and recurved larkspur (*Delphinium recurvatum*). Other plants of special interest included A and B listed noxious weeds of California and elderberry shrubs, the host plant for the VELB. A determination of Waters of the U.S. was also conducted by Marcus H. Bole.

Agency Coordination and Professional Contacts

The USFWS and California Department of Fish & Wildlife were contacted on May 21, 2019 for documentation of special-status species likely to occur within the USGS Oregon House, Bangor, Loma Rica, Smartville, Browns Valley, Rackerby, Challenge, French Corral and Rough and Ready 7.5 minute quadrangles in which similar habitat occurs within and surrounding the Project. On May 21,

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2019, RareFind (5) was used to access the California Natural Diversity Data Base regarding special-status species potentially occurring in or near the Project Area. The CNPS inventory of rare and endangered plants for the USGS quadrangle on which the Project occurs and surrounding USGS quadrangles with similar habitat, was also reviewed to determine the presence of special-status plant species that may occur in or near the Project Area.

RESULTS**Description of the Existing Biological and Physical Conditions**

The Project is located in the state of California, Yuba County, within the foothills of the Sierra Nevada, in the rural community of Browns Valley, off of Scott Forbes Road. The following describes the biological and physical conditions within the Project Area and within the surrounding area.

Project Area

The Project is located in the foothills of the Sierra Nevada. The surrounding area consists primarily of rural residential housing, mixed oak woodlands and annual grasslands used for grazing cattle, and ephemeral drainages. Habitat types and their locations within the Project Area are discussed further in the Biological Conditions in the Biological Study Area section.

Physical Conditions - Soils

There are three types of soils within the ESL that are recognized by the USDA Natural Resource Conservation Service. The three soils include Auburn-Timbuctoo-Argonaut complex, 3 to 8 percent slopes, Sobrante-Timbuctoo complex, 15 to 30 percent slopes, and Auburn-Sobrante complex, 3 to 8 percent slopes (NRCS 2019). There are several features within the Project Area that would qualify as Waters of the U.S., or Other Waters of the U.S. Other Waters of the United States are defined as seasonal or perennial water bodies, including lakes, stream channels, ephemeral and intermittent drainages, ponds, and other surface water features, that exhibit an ordinary high-water mark but lack positive indicators for one or more of the three wetland parameters (hydrophytic vegetation, hydric soil, and wetland hydrology) (USACE 2008). Non- wetland, Other Waters of the U.S (OWUS) within the Project Area consist of several unnamed ephemeral drainage swales. One perennial creek within Parcel 4 is considered a wetland Waters of the U.S.

Biological Conditions

The Project Area consists predominately of mixed oak woodlands interspersed with non-native annual grasslands used as pastureland. Vegetation communities and Waters/Other Waters of the U.S. within the Project Area are described below.

Mixed Oak Woodlands

Mixed oak woodlands comprise the majority of the Project Area. These woodlands have a diverse mix of hardwoods, conifers, and shrubs, and widely variable overstories. Blue oaks typically form the overstory of this highly variable habitat type. Blue oak are usually most abundant; however, 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*). Buckbrush (*Ceanothus cuneatus*) and manzanita (*Arctostaphylos spp.*) were noted in the understory of the property. Mixed oak woodlands provide breeding habitats for a large variety of wildlife species, although no species

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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 (*Zenaida macroura*).

Non-native Annual Grasslands

Non-native annual grasslands are interspersed within the mixed oak woodlands. Non-native annual grassland habitats and species composition depend largely on annual precipitation, fire regimes 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 (Table 4). Wildlife species use grassland habitat for foraging but require some other habitat characteristic such as rocky outcrops, 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*).

Waters of the United States

Non-wetland, Other Waters of the U.S (OWUS) within the Project Area consist of several unnamed ephemeral swales. Slopes of 2 to 30 % within these swales allow flows to move rapidly and limit ponding or pooling. The swales do not support a prevalence of hydrophytic vegetation or well developed hydric soils. Common botanical species found within these swales include Italian rye, blackberry, Bermuda grass, and rush. Within Parcel 4, a larger creek flows in a southeasterly direction and supports both seasonal and perennial wetland habitats.

Regional Species and Habitats of Concern

Marcus H. Bole & Associates prepared the following table of species that have the potential to occur within the project's Project Area and is composed of special-status species within the USGS Oregon House, Bangor, Loma Rica, Smartville, Browns Valley, Rackerby, Challenge, French Corral and Rough and Ready 7.5 minute quadrangles. Species lists reviewed, and which are incorporated in the following table, include the USFWS Sacramento office species list, and the CNDDDB. Species that have the potential to occur within the Project Area are based on suitable habitat within the Project Area, CNDDDB occurrences within a five mile radius of the Project Area and observations made during biological surveys. Not all species listed within the following table 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.

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**Table 1. Listed and Proposed Species Potentially Occurring or Known to Occur in APN
005-140-023 Proposed Tentative Map Project Area**

Common Name <i>(Scientific Name)</i>	Status Fed/State / CNPS	General Habitat Description	Habitat Present/ Habitat Absent	Rationale
INVERTEBRATES				
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	FT/_/_	Blue elderberry shrubs usually associated with riparian areas.	A/HA	There are no elderberry shrubs within the Project Area.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT/_/_	Moderately turbid, deep, cool- water vernal pool.	A/HA	There are no vernal pools within the Project Area.
REPTILES AND AMPHIBIANS				
Northwestern pond turtle (<i>Emys marmorata marmorata</i>)	_/SSC/_	Artificial ponds, pond margins, back waters of rivers, and sloughs vegetated by heavy riparian and/or emergent vegetation and basking areas.	A/HA	There are sufficiently large water bodies within the Project Area to support this species. None were observed during the habitat survey.
California red-legged frog (<i>Rana draytonii</i>)	FT/SSC/_	Quiet pools of streams, marshes and occasionally ponds. (sea level - 4,500 ft elevation)	A/HA	There are sufficiently large water bodies within the Project Area to support this species. None were observed during the habitat survey.
Giant garter snake (<i>Thamnophis gigas</i>)	FT/ST/_	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes ponds, sloughs, small lakes, and there associated uplands. (sea level - 400 ft elevation)	A/HA	There are sufficiently large water bodies within the Project Area to support this species. None were observed during the habitat survey.
FISH				
Delta smelt (<i>Hypomesus transpacificus</i>)	FT/SE/_	Sacramento-San Joaquin Estuary	A/HA	There is no estuary habitat within the Project Area.
BIRDS				
Bald eagle (<i>Haliaeetus leucocephalus</i>)	MBTA/SE/_	Coast, large lakes and river systems, with open forests with large trees and snags.	A/MH	There are no large water bodies within the Project Area. None were observed during the habitat survey.
California black rail (<i>Laterallus jamaicensis coturniculus</i>)	MBTA/ST/_	Densely vegetated marshes.	A/HA	There is no suitable marsh/fresh emergent wetland habitat for California black rails within the Project Area. There are CNDDDB observations within a one mile radius of the Project Area. None were observed during the habitat survey.

Attachment 2

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Common Name (Scientific Name)	Status Fed/State / CNPS	General Habitat Description	Habitat Present/ Habitat Absent	Rationale
MAMMALS				
Hoary bat (<i>Lasiurus cinereus</i>)	None	Roost in large to medium sized trees with dense foliage.	A/MH	There are no extensive parcels of riparian habitat within or near the Project Area. None were observed during the habitat survey.
Western red bat (<i>Lasiurus blossevillii</i>)	_/_SSC/_	Roosting habitat includes riparian forests associated with cottonwoods and sycamores, oak woodlands and occasionally orchards adjacent to stream systems.	A/MH	There are no extensive parcels of riparian habitat within or near the Project Area. None were observed during the habitat survey.
Yuma myotis (<i>Myotis yumanensis</i>)	None	Roosts in buildings, small crevices, bridges and occasionally old swallow nests. Prefers open woodland habitat and is commonly associated with water.	A/MH	There are no bridges, crevices or old nests in or near the Project Area. None were observed during the habitat survey.
North American porcupine (<i>Erethizon dorsatum</i>)	None	Forested habitats in the Sierra Nevada, Cascade, and Coast Ranges, with scattered observations from forested areas in the Transverse Ranges.	A/MH	Marginal habitat present; however, none observed during onsite surveys.
PLANTS				
Brandegee's clarkia (<i>Clarkia biloba ssp. brandegeae</i>)	_/_/4.2	Chaparral, cismontane woodland, lower montane, often in roadcuts. 75-915 M.	A/MH	Marginal habitat present; however, none observed during onsite surveys
CODE DESIGNATIONS				
<div> <div> FE = Federally-listed Endangered FT = Federally-listed Threatened FC = Federal Candidate Species BCC = Federal Bird of Conservation Concern MBTA = Protected by the federal Migratory Bird Treaty Act SE = State-listed Endangered ST = State-listed Threatened SR = State-listed Rare SSC = State Species of Special Concern S1 = State Critically Imperiled S2 = State Imperiled S3 = State Vulnerable S4 = State Apparently Secure SSC = CDFW Species of Special Concern FP = CDFW Fully Protected Species SNC = CDFW Sensitive Natural Community </div> <div> A = Species Absent P = Species Present HA = Habitat Absent HP = Habitat Present CH = Critical Habitat MH = Marginal Habitat CNPS 1B = Rare or Endangered in California or elsewhere CNPS 2 = Rare or Endangered in California, more common elsewhere CNPS 3 = More information is needed CNPS 4 = Plants with limited distribution 0.1 = Seriously Threatened 0.2 = Fairly Threatened 0.3 = Not very Threatened </div> </div>				

The following special status species could be affected by the project and below are the survey results of these species from MHBA's May, 2019 habitat surveys and mitigation measures as required:

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”.

Survey Results

During the migratory bird and raptor survey conducted during May and June, 2019, there were no observed active nests within the Project Area. A pair of red shouldered hawks (*Buteo lineatus*) was observed conducting territory aerial displays and vocalizations. A pair of American kestrels (*Falco sparverius*) was also observed conducting territorial aerial displays and vocalizations. Other avian species that have nesting habitat within or near the Project Area are the grasshopper sparrow (*Ammodramus savannarum*) and the long-eared owl (*Asio otus*). These species are species of special concern in California.

Mitigation Measure 4.1 Migratory Birds

The following are mitigation measures for California avian species of special concern and species protected under the MBTA and the CFWC. These procedures would only apply to specific construction activities once they have been identified for the development of a particular parcel. 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 Yuba County District 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.

Project Impacts

With the implementation of the mitigation measure there will be no direct or indirect impacts to avian species of special concern (i.e long-eared owl, grasshopper sparrow) or avian species protected under the MBTA and CFWC. Direct impacts to avian species of special concern and species protected under the MBTA and CFWC will be avoided or minimized by beginning construction prior to the avian breeding season (March 1 – August 31) or conducting a pre-construction survey prior to the start of construction activities if construction activities will begin during the avian breeding season. By beginning construction prior to the avian breeding season there will be no active nests within the Project Area and direct impacts to avian species will not occur. Furthermore, beginning construction prior to the avian breeding season will also deter avian species from nesting within or within close proximity of the Project Area, which will also avoid impacts to species. If construction activities are to take place during the avian breeding season then a pre-construction survey should be conducted to determine the locations of active avian nests within and within close proximity to the Project Area (i.e 200 feet). If active avian nests are found then construction buffers, as determined by a qualified biologist, will be established and no construction will occur within the buffer until the biologist has determined that the young have fledged. Establishing no-construction buffers around active nests will minimize direct impacts.

Cumulative Effects

There are no foreseeable new actions that have potential to threaten migratory birds within the Project Area or contribute to cumulative effects of migratory bird species.

California Black Rail

The California black rail (*Laterallus jamaicensis coturniculus*) is threatened under the California Endangered Species Act (CESA) and is protected under the Federal Migratory Bird Treaty Act (MBTA). The California black rail is a small, sparrow sized, black rail that inhabits fresh water palustrine emergent persistent wetlands (wetlands that are non-tidal and dominated by perennial, erect, rooted, herbaceous, hydrophytes) and salt water tidal marshes (Richmond et al. 2008 and 2010). Black rails are elusive, secretive birds that are rarely seen and are able to stay hidden by compressing their bodies laterally to fit through dense, tall, hydrophytic vegetation. The California black rails distribution is patchy and fragmented, occupying as far south as areas around the Colorado River, to areas around the San Francisco Bay, coastal parts of Marin County and along the western slopes of the Sierra Nevada foothills (Spautz et al. 2005). The first known population of California black rails in the Sierra Nevada foothills was discovered in 1994 (Aigner et al. 1995). Since then there have been more efforts to survey for California black rails in the Sierra Nevada foothills and Sacramento Valley regions. In 2008, Richmond et al, conducted a California black rail distribution survey in the Sierra Nevada foothills and found several occupied marshes. In their results they stated they found 103 occupied marshes in Yuba County, 38 occupied marshes in Nevada County and 21 occupied marshes in Butte County

(Richmond et al. 2008). Suitable habitat consists of fresh emergent wetlands dominated by rushes and cattails. During the breeding season (March – July), California black rails construct loosely woven, deep cup nests within tall herbaceous hydrophytic vegetation. Current threats to the California black rail include direct and indirect loss, degradation and fragmentation of California's wetland habitat.

Survey Results

California black rails prefer fresh water palustrine, emergent, persistent, wetlands dominated by rushes and cattails. They are an extremely secretive species that is rarely seen and is more commonly heard. They construct their nests in areas that are heavily covered and out of view from predators. There is one CNDDDB recorded occurrence of the California black rail within a one mile radius of the Project Area and multiple CNDDDB occurrences within a ten mile radius of the Project Area consisting of the Sierra Nevada metapopulation. The closest CNDDDB occurrence is located approximately 0.5 miles east of the Project Area. The sighting is east of the 122-acre remainder parcel. The occurrence was recorded within suitable wetland habitat. There were no visual or audio observations of California black rails during the species habitat survey.

Project Impacts

There will be no avoidance or minimization measures necessary for the California black rail as there is no potential for their occurrence within the Project Area or within close proximity of the Project Area based on unsuitable habitat, and no observations of California black rail during the species habitat survey. There will be no direct or indirect impacts from Project activities.

Cumulative Effects

There are no foreseeable new actions that have potential to threaten the California black rail within the Project Area or contribute to cumulative effects of the species.

Giant Garter Snake

The giant garter snake (*Thamnophis gigas*) (GGS) is listed as threatened under the Federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA). The GGS is the largest species of garter snake. It has a yellowish dorsal strip and side stripes, with keeled dorsal scales and a head width slightly larger than the neck. They are endemic to California and range from Glenn County to the southern edge of the San Francisco Bay Delta, and from Merced County to northern Fresno County. Suitable habitat for the GGS include agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands in the Central Valley. Because of the direct loss of natural habitat, the GGS relies heavily on rice fields in the Sacramento and San Joaquin Valley, but also uses managed marsh areas in federal national wildlife refuges and state wildlife areas. Mating takes place in spring soon after emergence and females give live birth from July through early September. Current threats facing the GGS include habitat loss and fragmentation, urbanization, changes in water regimes, and invasive plant species.

Survey Results

The GGS can be found in slow moving waterways such as irrigation canals, sloughs, ponds, marshes and low gradient streams. They are commonly associated with rice fields which provide a water source, cover and prey. During the species habitat survey conducted during May and June, 2019, there was no suitable habitat observed for the GGS. Furthermore, there are no CNDDDB occurrences within a five mile radius of the Project Area indicating a potential lack of presence within the surrounding area. There were also no observations of GGS or any other water associated snake species during the species habitat survey. Based on the above survey results, the GGS is considered to have no potential of occurrence within the Project Area.

Project Impacts

There will be no avoidance or minimization measures necessary for the GGS as there is no potential for their occurrence within the Project Area or within close proximity of the Project Area based on unsuitable habitat, lack of CNDDDB occurrences within a five mile radius of the Project Area, and no observations of GGS or other water associated snake species during the species habitat survey. There will be no direct or indirect impacts from Project activities.

Cumulative Effects

There are no foreseeable new actions that have potential to threaten the GGS within the Project Area or contribute to cumulative effects of the species.

Northwestern Pond Turtle

The northwestern pond turtle (*Emys marmorata marmorata*) is a species of special concern in California. Northwestern pond turtles are drab darkish colored turtles with a yellowish to cream colored head. They range from the Washington Puget Sound to the California Sacramento Valley. Suitable aquatic habitats include slow moving to stagnant water, such as back waters and ponded areas of rivers and creeks, semi-permanent to permanent ponds and irrigation ditches. Preferred habitats include features such as hydrophytic vegetation, for foraging and cover, and basking areas to regulate body temperature. In early spring through early summer, female turtles begin to move over land in search for nesting sites. Eggs are laid on the banks of slow moving streams. The female digs a hole approximately four inches deep and lays up to eleven eggs. Afterwards the eggs are covered with sediment and are left to incubate under the warm soils. Eggs are typically laid between March and August (Zeiner, D.C et al. 1990). Current threats to the northwestern pond turtle include loss of suitable aquatic habitats due to rapid changes in water regimes and removal of hydrophytic vegetation.

Survey Results

Suitable habitat for northwestern pond turtles consists of ponds, sloughs, back waters of rivers and other water bodies that have slow to stagnant waters with herbaceous, hydrophytic vegetation and basking areas. The closest CNDDDB occurrence is located in Dry Creek, approximately 0.5 miles north of Scott Forbes Road on Peoria Road, south-southwest of Collins

Lake. The occurrence was recorded in 1988 under an annual report of specimens taken under scientific collecting permits. There were no observations of northwestern pond turtles during a species habitat survey and no suitable habitat identified within the Project Area.

Project Impacts

There will be no avoidance or minimization measures necessary and no direct or indirect impacts from Project activities on northwestern pond turtles as there is no potential for their occurrence within the Project Area or within close proximity of the Project Area based on unsuitable habitat and no observations made during a species habitat survey.

Cumulative Effects

There are no foreseeable new actions that have potential to threaten northwestern pond turtles outside of the Project Area or contribute to cumulative effects of the species.

California Red-legged Frog

The California red-legged frog (CRLF) is listed as threatened under the Federal Endangered Species Act. The CRLF is a large frog with prominent dorsolateral folds, pointed nose and can vary in patterns and colorations. Suitable habitat of the CRLF includes springs, semi-permanent to permanent ponds, ponded and back water portions of streams, marshes, lagoons and artificial impoundments such as stock ponds or irrigation ponds. Preferred aquatic habitat has varying levels of water depth, a mixture of herbaceous, hydrophytic vegetation for cover, egg laying, and foraging, and sloping shorelines with little to no vegetation for basking and larvae development. CRLF lay their eggs in early fall to late spring (November – May) and usually travel to different aquatic habitat for holding over the summer. Current threats facing the CRLF are loss of habitat, urban development, agricultural influences (i.e. pesticides, herbicides and channelizing streams), disease, and exotic and introduced species (USFWS 2002a).

Survey Results

CRLFs are most commonly found in natural and artificial ponds, back waters of streams and ponded areas in creeks that provide slow to stagnant waters. They are most successful when there is a matrix of breeding ponds within a one mile radius of one another and that are absent of predator species (i.e. American bullfrog and centrarchid fish). The closest CNDDDB record is located on the north side of Little Oregon Creek just east of Oregon Hill Road near New Bullards Bar Reservoir. The occurrence was last observed in 2003 during a field survey for CRLF's conducted by the University of California, Davis (CNDDDB 2012). The occurrence is approximately 19 miles north east of the Project Area. Based on unsuitable habitat conditions within the Project Area, no observations of CRLFs during a species habitat survey, the lack of CNDDDB occurrences within a five mile radius of the Project Area and lack of observations of CRLFs within the Central Valley since 1960, there is no potential of CRLF occurrence within the Project Area.

Project Impacts

There will be no avoidance or minimization measures necessary for the CRLF as there is no potential for their occurrence within the Project Area or within close proximity of the Project Area based on unsuitable habitat, lack of CNDDB occurrences and no observations made of CRLFs within the Central Valley since 1960.

Cumulative Effects

There are no foreseeable new actions that have potential to threaten CRLFs within the Project Area or contribute to cumulative effects of the species.

c) *Less than Significant with Mitigation* – MHBA conducted a delineation of Waters of the U.S. within the Project Area. Features mentioned in the wetland delineation report addressed all features in the Project Area. Surveys were conducted on May, 2019 by MHBA's Marcus H. Bole. The surveys involved an examination of botanical resources, soils, hydrological features, and determination of wetland characteristics based on the *United States Army Corps of Engineers Wetlands Delineation Manual (1987)*; the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (2008)*; the *U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook (2007)*; the *U.S. Army Corps of Engineers Ordinary High Flows and the Stage-Discharge Relationship in the Arid West Region (2011)*; and the *U.S. Army Corps of Engineers Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (2008)*. There are several ephemeral drainage swales (OWUS) within Project Area.

Mitigation Measure 4.2 Avoidance of Ephemeral Drainages

Avoidance of the ephemeral drainages by a minimum of 50 feet will provide adequate protection and will not require a permit from the United States Army Corps of Engineers.

Mitigation Measure 4.3 Avoidance of Perennial Creek

There is one perennial creek in Parcel 4. Avoidance of the perennial creek by a minimum of 100 feet will provide adequate protection and will not require a permit from the United States Army Corps of Engineers.

d) *Less than Significant* – 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). There is no habitat within the Project Area that provides "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). Therefore there is no EFH or the need for federal fisheries consultation.

e) *No Impact* –There would be no conflicts with General Plan policies regarding Mitigation of biological resources. The County has no ordinances explicitly protecting biological resources.

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

V. CULTURAL RESOURCES	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) Marcus H. Bole & Associates prepared a Cultural Resources Inventory Survey, including an intensive records search and results of the in-field cultural resources investigation that produced the following results:

The Menkick parcel split property totals approximately 242 acres of land bisected by Scott Forbes Road, and adjacent to the south side of Dry Creek, approximately two miles north of State Route 20 and the Yuba River, approximately four miles east of Browns Valley, within Yuba County, California.

A number of important streams are located within this portion of central Yuba County, including the Yuba River to the south of the Area of Potential Effect (APE), Dry Creek which forms the property's western boundary, Potter Creek which bisects the property from south to north, and various ephemeral drainages throughout and adjacent to the property. These water courses were extremely important to the prehistoric and early historic occupants of the area.

Much of the land in this area remains largely undeveloped for residential and commercial use. During the past 30 years, however, the pace of development has increased slightly, with an increase in residential development in the general vicinity of Browns Valley.

Based on examination of available topographic and other maps, but notwithstanding the effects of past and on-going land uses, the project area appeared to contain lands ranging from low to high in sensitivity for both prehistoric and historic-period sites and features.

EXISTING CONDITIONS

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 includes data maintained by the North Central Information Center of the California Historical Resources Information System (CSU-Sacramento), and consultation with the Native

American Heritage Commission (NAHC). Also reviewed and considered prior to conducting field survey work were available published and unpublished documents relevant to regional environment, prehistory, ethnography, and early historic developments.

North Central Information Center Records

The records of the North Central Information Center (CSU-Sacramento) were examined for existing recorded prehistoric or historic sites (NCIC File # YUB-19-16, dated June 18, 2019). These records indicate extensive prior archaeological survey and site recordation within the project area, and surrounding area, as follows.

Previous Survey: Archaeological survey has been completed for all of the 242- acre project area as a result of three (3), previous investigations. An additional three (3) investigations have been documented within 0.25-mile radius of the APE. These six (6) investigations include:

NCIC #	Date	Author
48	1978	Johnson and Theodoratus
48A	1989	Wickstrom, Jackson, Self and Theodoratus
48B	1989	Johnson
2498	1978	Storm
2756	2001	Keenan
7098	1991	Smart and Markley
8103	1990	Dreyer
8415	1992	Jensen

Previously Documented Sites: To date, sixteen (16) primary site numbers have been assigned to cultural resources within the project APE, while thirty-three (33) additional sites have been documented within the 0.25-mile search radius.

The sixteen (16) resources documented within the APE include:

Primary #	Description
P-58-120	Prehistoric, midden, mortars, lithics
P-58-121	Prehistoric, midden, mortars, lithics
P-58-123	Prehistoric, one (1) mortar
P-58-124	Prehistoric, nine (9) mortars
P-58-125	Prehistoric, eighteen (18) mortars
P-58-126	Prehistoric, two (2) mortars
P-58-127	Prehistoric, three (3) mortars
P-58-216	Historic, hydraulic mining
P-58-227	Prehistoric, one (1) mortar
P-58-296	Historic, stone wall
P-58-297	Historic, canal
P-58-298	Historic, fence
P-58-378	Prehistoric, two (2) mortars
P-58-379	Prehistoric, possible midden

P-58-500 Prehistoric, one (1) mortar
P-58-653 Historic, ranch complex

The thirty-three (33) resources documented outside of the APE, but within the 0.25-mile search radius include:

Primary #	Description
P-58-104	Prehistoric, midden, mortars, lithics
P-58-107	Prehistoric, mortars
P-58-108	Prehistoric, midden, mortars
P-58-109	Prehistoric, midden, lithics
P-58-110	Prehistoric, mortars
P-58-119	Prehistoric
P-58-122	Prehistoric
P-58-128	Prehistoric, mortars
P-58-129	Prehistoric, mortars
P-58-130	Prehistoric, mortars
P-58-136	Prehistoric, mortars
P-58-137	Prehistoric, mortars
P-58-138	Prehistoric, mortars
P-58-139	Prehistoric, mortars
P-58-140	Prehistoric, mortars
P-58-142	Prehistoric, mortars
P-58-143	Prehistoric, mortars
P-58-145	Prehistoric, mortars
P-58-208	Prehistoric
P-58-223	Prehistoric, burials
P-58-228	Prehistoric, mortars
P-58-232	Prehistoric, mortars
P-58-299	Historic, fence
P-58-300	Historic, road
P-58-301	Historic, canal, wall
P-58-302	Historic, dam
P-58-380	Prehistoric, mortars
P-58-390	Prehistoric, lithics
P-58-502	Prehistoric, mortars
P-58-657	Historic
P-58-921	Prehistoric, mortars
P-58-925	Historic, fence
P-58-2094	Prehistoric

Other Sources

In addition to examining the records at the North Central Information Center at CSU-Sacramento, the following sources were also consulted while at the Information Center, or separately:

- The National Register of Historic Places (1986, Supplements to 10/10 and 8/12).
- The California Register of Historical Resources (2010 and 2012).
- 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 Office of Historic Preservation's Historic Property Data File (2010 and 2012).
- The Office of Historic Preservation's Determination of Eligibility (2010 and 2012).
- GLO Plat T16N, R6E (1867).
- GLO Plat T16N, R5E (1867).
- Parks Bar Township, Sicard Flat, Yuba River, Union Creek Map (1879).
- Official Map of Yuba County, State of California (1887).
- 1949 USGS 7.5' Smartville quadrangle.
- 1951 USGS 7.5' Smartville quadrangle.
- NETR Aerials (1947, 1969, 1998, 2005, 2009, 2010, 2012 and 2014).
- NETR USGS topographic maps (1944, 1950, 1956, 1958, 1971, 1978, 1995, 2012 and 2015).
- The Native American Heritage Commission, for Sacred Land Listings.
- Published and unpublished documents relevant to environment, ethnography, prehistory and early historic developments in the vicinity, providing a cultural context for assessing site types and distribution patterns for the project area (summarized below).

PREHISTORY

The earliest residents in the Great Central Valley are represented by the Fluted Point and Western Pluvial Lakes Traditions, which date from about 11,500 to 7,500 years ago (Moratto 2004). Within portions of the Central Valley of California, fluted projectile points have been found at Tracy Lake (Heizer 1938) and around the margins of Buena Vista Lake in Kern County. Similar materials have been found to the north, at Samwel Cave near Shasta Lake and near McCloud and Big Springs in Siskiyou County. These early peoples are thought to have subsisted using a combination of generalized hunting and lacustrine exploitation (Moratto 2004).

These early cultural assemblages were followed by an increase in Native population density after about 7,500 years ago. One of the most securely dated of these assemblages in north-central California is from the Squaw Creek Site located north of Redding. Here, a charcoal-based C-14 date suggests extensive Native American presence around 6,500 years ago, or 4,500 B.C. Most of the artifactual material dating to this time period has counterparts further south, around Borax (Clear) Lake to the west, and the Farmington Area in a Valley setting east of Stockton. Important artifact types from this time period include large wide-stemmed projectile points and manos and metates.

In the Northern Sacramento Valley in the general vicinity of the project area, aboriginal populations continued to expand between 6,500 and 4,500 years ago. Early Penutian-speaking arrivals in this area may be represented by the archaeological complex known in the literature as the "Windmill" or "Early Horizon." These sites date to about 4,000-5,000 years ago, with the connection to Penutian-speaking peoples suggested on the basis of extended burials, large leaf-shaped and stemmed projectile points similar to points of the Stemmed Point Tradition in the

Plateau and portions of the Great Basin, large villages established along major waterways, and elaborate material culture with a wide range of ornamental and other non-utilitarian artifact types being present (Ragir 1972). The continuation of this pattern through the “Middle Horizon”, or from about 1,000 B.C. to A.D. 300, has also been documented at riverine sites within the Sacramento Valley, including several sites near Colusa on the west side of the Sacramento River, and along the Feather River between Oroville to the north to Marysville to the south.

Sometime around AD 200-300, the Valley may have experienced another wave of Penutian immigration. Arriving ultimately from southern Oregon and the Columbia and Modoc Plateau region and proceeding down the major drainage systems (including the Feather, Yuba and American Rivers and of course the Sacramento River), these Penutian-speaking arrivals may have displaced the earlier populations, including remnant Hokan-speaking peoples still resident within the Valley. Presumably introduced by these last Penutian-speaking peoples to arrive were more extensive use of bulbs and other plant foods, animal and fishing products more intensively processed with mortars and pestles, and perhaps the bow and arrow and associated small stemmed- and corner-notched projectile points.

ETHNOGRAPHY

The project area is located within northernmost territory claimed by the northernmost Nisenan at the time of initial contact with European/American culture (circa AD 1850) (Wilson and Towne 1978). The Nisenan were also referred to as Southern Maidu.

The Nisenan were Penutian speakers, for whom the basic social unit was the family, although the village may also have functioned as a social, political and economic unit. Villages were usually located near water sources, with major villages inhabited mainly in the winter as it was necessary to relocate into the hills and higher elevation zones to establish temporary camps during food gathering seasons (i.e., spring, summer and fall). Villages typically consisted of a scattering of bark houses, numbering from four or five to several dozen in larger villages, each house containing a single family of from three to seven people.

As with all northern California Indian groups, economic life for these Penutian-speaking groups revolved around hunting, fishing and the collecting of plant foods. Deer were an important meat source and were hunted by individuals by stalking or snaring, or by groups in community drives. Salmon runs, and other food resources available along the Feather and Yuba Rivers, also contributed significantly to local economies. While much of the fish protein was consumed immediately, a significant percentage, particularly during the fall salmon run, was prepared for storage and consumed during winter months. Acorns represented one of the most important vegetal foods and were particularly abundant within the Oak Park Woodland which dominated lands located within the project area.

Relations between Euro-Americans and Native Americans in the northern Sacramento Valley followed the course of interaction documented in most other parts of North America, but with particularly devastating consequences for the Sacramento Valley Indians. John Work's fur trapping expedition through the region in 1832-33 resulted in the introduction of several

communicable diseases, the results of which were devastating to Native culture and society (Maloney 1945; Cook 1955, 1976).

Resource Considerations, Native American Sites: The discussion of regional prehistory and ethnography provides insight into the types of Native American sites likely to be present within the general project vicinity, with the most likely types for this area including:

- Large village sites located along the margins of stream courses.
- Surface scatters of lithic artifacts and debitage without evidence of buried cultural deposits, resulting from short-term occupation and/or specialized economic activities.
- Mortuary sites, often but not exclusively associated with large village complexes. Isolated finds of aboriginal artifacts and flakes.

HISTORIC CONTEXT

Historic evidence exists to document that some of the Spanish and Mexican expeditions may have come through and made brief stays within northern California. John Work's fur trapping expedition through central California in 1832-33, the best documented of the initial forays into Valley, introduced several communicable diseases to the Native inhabitants which turned out to be devastating to Nisenan culture and society (Maloney 1945; Cook 1976).

The next major incursion by White men occurred during the Gold Rush period, which in this area began in 1849-1850 with mining operations along within the "Mother Lode" of the Sierra Nevada Mountains. James Speck discovered gold along the longest bar of the Yuba River on June 2, 1848. Around October 1, 1849, the area was being consistently worked by H. B. Cartwright, James La Fone, Henry Irwcod, W. S. Pearson, David C. Pearson, Edward Pearson, Oliver Smith, Smith Balwin and Henry Bleaker. The rich deposit drew miners and entrepreneurs, alike, and by early 1850 the area supported at least 1,000 people, and included a post office, six stores, ten saloons, and eight hotels.

According to the Parks Bar Township, Sicard Flat, Yuba River, Union Creek Map (1879), H. B. Cartwright owned 160 acres within the northeast quarter of Section of Section 7 (within the present APE). The map depicts a structure at this location, as well as three roads (one generally paralleling the southeast side of Dry Creek, with the remaining two generally intersecting the former perpendicularly. The 1887 Official Map of Yuba County depicts H. B. Cartwright owning 320 acres, within Section 7, along Dry Creek.

Rich, gold bearing quartz deposits were identified within the Browns Valley (a short distance south of the present APE) region as early as 1850. Consequently, one Mr. Brown evidently mined \$12,000 of gold in the area (Gudde 1998). By 1851, a mill had been constructed to process gold in the Browns Valley area. Shortly after Brown's discovery, four Frenchmen developed the Jefferson mine, and other productive mines sprouted up soon after. These mines include the Flag, the Donnebroge, the Pennsylvania, and the Sweet Vengeance mine the last of which also contained on the first stamp mills constructed in California (Kyle 1990).

Increased mining activity resulted in a burgeoning population, and the town of Browns Valley peaked during the 1850's-1860's. During this time, the town sported two-dozen saloons, hotels, churches, stores and school. Transportation corridors (roads) expanded during this time in order to accommodate the needs of miners and the various support industries. As previously noted, the Parks Bar Township, Sicard Flat, Yuba River, Union Creek Map (1879) depicts three roads and a structure (likely a house) within the northeast quarter of Section 7, within the present project property.

Mining activity began its decline around 1875, and continued to do so over the next decade. Consequently, the economic emphasis of the region shifted to agriculture, with a variety of crops and livestock becoming prolific throughout the region. Accompanying the intensification of agriculture was the need for reliable water delivery.

Construction on the Browns Valley Ditch began in 1890. Diverting water from the Yuba River, water was transported to lower elevations beginning in 1892 (Johnson and Theodoratus 1978). Today, over 200 miles of ditches and 70 miles of pipelines maintained by the Browns Valley Irrigation District serve 55,000 acres.

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 reclamation features.

CULTURAL INVENTORY

General

As indicated in the summary above under North Central Information Center Records, all of the APE has been subjected to intensive-level pedestrian survey.

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 July 13-15, 2019 by Sean Michael Jensen. Mr. Jensen is a professional archaeologist, architectural historian and historian, with 33 years of experience in archaeology, history and architectural history, who meets the Secretary of Interior's Professional Qualification Standards, 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.

Disturbance within the subject property varied from minimal to substantial, with the greatest degree of disturbance associated with the construction of Scott Forbes Road which generally bisects the property, installation of both buried and overhead utilities, construction of residences and ancillary structures, past agricultural development, grading of access roads, tree cutting and livestock grazing.

As noted in the North Central Information Center Records section, above, sixteen (16) resources have been documented within the subject property. One of these, P-58-379, was determined during the field inspection to not possess any prehistoric cultural material, and is thus not considered a site. However, this primary number is afforded evaluation, along with eight (8) additional prehistoric resources which are comprised solely of bedrock mortars. These nine (9) resources are all evaluated together. Five (5) of the documented resources consist of historic-era resources. Four (4) of these are evaluated together, while the fifth, P-58-653, is evaluated separately. Finally, two of the documented resources consist of prehistoric habitation sites, and are evaluated together. Specific findings with respect to sites present and site status/condition are described below (site records for project area sites are attached).

Site Descriptions

P-58-120: This site was originally recorded by Storm in 1973, and described as an “open midden deposit on a knoll on south side of Dry Creek” Storm documented the site as covering approximately 50 meters in diameter, and situated west of an intermittent stream. Fifteen (15) bedrock mortars and one (1) projectile point were also noted within the site boundary. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-121: This site was originally recorded by Storm in 1973, and described as an “open midden deposit on a knoll east of site [P-58-120]” on the “south side of Dry Creek” Storm documented the site as covering approximately 30 meters in diameter, and situated east of an intermittent stream. Seven (7) bedrock mortars and projectile points were also noted within the site boundary. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-123: This site was originally recorded by Storm, Greenway and Stearns in 1973, and described as one bedrock mortar situated on a bedrock outcrop along the highwater line of Dry Creek. No artifacts or other cultural constituents were identified within the site boundary. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-124: This site was originally recorded by Storm and Clark in 1973, and re-recorded by Smith, Davis, Clark and Storm in 1975. The site was originally described as containing nine (9) bedrock mortars, and no additional cultural material. The 1975 recordation documents the nine (9) bedrock mortars “south of a possible midden site having three house pits and two rock piles.” A thorough examination of the site area identified the mortars, but failed to locate any additional cultural material. The “possible house pit” depressions were confirmed to be oak tree removal locations with the rock piles representing the rocks that were once tangled in the trees’ root balls.

P-58-125: This site was originally recorded by Storm, Stearns and Greenway in 1973, and described as eighteen (18) bedrock mortar situated on five separate bedrock outcrops situated along Porter Creek. No artifacts or other cultural constituents were identified within the site boundary. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-126: This site was originally recorded by Storm and Clark in 1973, and described as two (2) mortars situated on two separate bedrock outcrops in close proximity to several buildings. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-127: This site was originally recorded by Storm and Greenway in 1973, and described as three (3) mortars situated on a single bedrock outcrop situated a short distance west of Porter Creek, and north of the property's primary access road. With the exception of one pestle that was collected by the original recorders, no additional artifacts or cultural constituents were identified within the site boundary. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-216: This site was originally recorded by Storm in 1973, and described as an historic-era hydraulic mining area, characterized by a pit extending approximately 1,200 feet in length, 900 feet in width and 50 feet in depth. The interior of the pit is filled with large cobble and boulder piles, residuals of the gold mining operations undertaken at this area. Numerous "feeder" ditches trend downslope to the site, and likely represent the water source that was used to mine the area. The site is situated immediately east of Scott Forbes Road, and no additional cultural materials were observed in association with the site. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-227: This site was originally recorded by Storm and Clark in 1974, and described as one bedrock mortar situated on a gentle slope in an oak woodland. No artifacts or other cultural constituents were identified within the site boundary. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-296: This site was originally recorded by Wood and Storm in 1975, and described as an east-west oriented rock wall extending approximately 10 meters in length and 40cm in height, located "at the southeast corner of section on top of a slight knoll also just north of property line." No artifacts or other cultural constituents were identified within the site boundary. The Information Center's site location map depicts the site mid-slope, north of the described knoll. Examination of this site during the present field survey confirmed its location and composition essentially as originally described, with the site being located atop the knoll, and not mid-slope, as depicted by the Information Center.

P-58-297: This site was originally recorded by Gage and Storm in 1975, and described as an "irrigation or water collection ditch parallel to Long Bar Road and Porter Creek and between the two...[and appearing] to be one of the many canals in the area 3-2M wide and 50CM deep." No artifacts or other cultural constituents were identified within the site boundary. Examination of

this site during the present field survey confirmed its location and composition essentially as originally described.

P-58-298: This site was originally recorded by Gage and Storm in 1975, and described as a segment of “downed” fence line approximately 5 meters from, and paralleling a portion of Porter Creek. No artifacts or other cultural constituents were identified within the site boundary. Examination of this site during the present field survey confirmed its location and composition essentially as originally described.

P-58-378: This site was originally recorded by Smith, Davis and Storm in 1975, and described as two mortars situated on two separate bedrock outcrops near an intermittent stream course on a gentle slope in an oak woodland. Aside from a single pestle, no artifacts or other cultural constituents were identified within the site boundary. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described, although the pestle was not re-located.

P-58-379: This site was originally recorded by Storm in 1975, and described as a “possible midden site, soil is darker than surrounding area.” No artifacts, features, or other constituent’s indicative of prehistoric human activity in the recorded area was documented in 1975. Examination of this site during the present field survey confirmed that no midden, lithics, or other prehistoric features or artifacts are present at this location. The darkened soils observed by Storm in 1975 may have been associated with a small brush pile burn conducted by the property owner, but are clearly not associated with prehistoric utilization or occupation. In short, no site exists at this location.

P-58-500: This site was originally recorded by Clark, Hatfield and Storm in 1975, and described as one bedrock mortar situated on a gentle slope in an oak woodland. No artifacts or other cultural constituents were identified within the site boundary. Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

P-58-653: This site was originally recorded by Storm in 1975, and described as a “ranch complex, possibly dating to the late 1850 or early 1860s.” The site’s components are simply described as including “several structures currently in use.” Examination of this site during the present field survey confirmed its locations and composition, essentially as originally described.

The site record was updated to include greater detail of the actual constituents of the site, which further provided an opportunity to evaluate the site for CRHR eligibility. The site consists of a centrally-located residence, two livestock barns, a large chicken coup, and four additional ancillary structures. All of these are described in greater detail in the updated DPR 523 forms.

ELIGIBILITY RECOMMENDATIONS

General

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 prehistoric or historic event or person.

Application of the Criteria to Sites P-58-123, -124, -125, -126, 127, -227, -378, -379, and -500

Specific application of the criteria to nine (9) of the prehistoric sites documented within the project area yields the following recommendations.

- 1) These sites are not associated with events that have made significant contributions to the broad patterns of local or regional history or the cultural heritage of California or the United States. There is no evidence that these sites ever made contributions to history.

Consequently, these sites are not recommended eligible per CRHR Criterion 1), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.

- 2) These sites are not associated with the lives of persons important to local, California or national history. There is no evidence that the individuals associated with these sites have made significant contributions to state, or local history, because the individuals responsible for the sites cannot be identified. Consequently, these sites are not recommended eligible per CRHR Criterion 2), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 3) Based on existing inventory data maintained by the North Central Information Center at CSU-Sacramento, there are a large number of records on file for prehistoric bedrock milling stations that essentially duplicate the attributes present at these nine sites. Such components and the physical remnants which comprise these sites are thus not considered rare or underrepresented in the existing California State inventory for the County in general or the project area in particular, nor do these sites represent a “distinctive type” or “a distinguishable entity whose components may lack individual distinction.” Consequently, these sites are not recommended eligible per CRHR Criterion 3), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 4) Archaeological sites containing buried cultural deposits related to Native American use typically document protracted habitation and/or performance of a range of domestic activities. For these reasons, further research at such sites frequently has the potential to expand our understanding of local and regional prehistory in various research domains, and such sites are therefore routinely considered eligible for the CRHR under Criterion 4). It is important to note that one of the sites, P-58-379, does not contain any evidence of prehistoric cultural material, artifacts, or features, and thus, does not represent a site. The remaining eight (8) sites are comprised solely of bedrock milling features, without related artifacts or other cultural material. Recordation of these resources effectively preserves their value, and no additional information values are retained by the sites. Thus, these sites are not recommended eligible per CRHR Criterion 4), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.

Application of the Criteria to Sites P-58-120 and P-58-121

Specific application of the significance criteria yields the following recommendation for two of the prehistoric sites encountered and recorded within the project property.

- 1) These sites are not associated with events that have made significant contributions to the broad patterns of local or regional history or the cultural heritage of California or the United States. There is no evidence that these sites ever made contributions to history. Based on these findings, neither of these sites are recommended eligible per CRHR Criterion 1), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.

- 2) These sites are not associated with the lives of persons important to local, California or national history. There is no evidence that the individuals associated with these sites have made significant contributions to state, or local history, because the individuals responsible for the sites cannot be identified. Based on these findings, neither of these sites are recommended eligible per CRHR Criterion 2), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 3) Based on existing inventory data maintained by the North Central Information Center, there are a large number of records on file for prehistoric habitation locales containing both surface lithic scatters and buried cultural material that essentially duplicate the attributes present at these two sites. Such components and the physical remains which comprise these particular sites are thus not considered rare or underrepresented in the existing California State inventory for Yuba County in general or the project vicinity in particular, nor do these particular sites represent 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”. These two sites are therefore not recommended eligible per CRHR Criterion 3), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1, nor significant per the CEQA definition of a “unique archaeological resource.”
- 4) Archaeological sites containing buried cultural deposits related to Native American use typically document protracted habitation and/or performance of a range of domestic activities. For these reasons, further research at such sites frequently has the potential to expand our understanding of local and regional prehistory in various research domains, and such sites are therefore routinely considered significant cultural resources under Criterion 4). The buried components at these two prehistoric sites may well contain formed and datable (temporally diagnostic) artifact types, faunal and floral remains, specialized samples suitable for radiocarbon dating, etc. Depending on age and certain attributes that might be present, such buried cultural material could yield important and valuable information on prehistoric patterns of resource extraction methodology and technology, technical information concerning lithic reduction strategies employed, the size of the population involved, and further characterization of the intensity of resource use during this early period in Yuba County.

Since there are categories of data at these two sites that remain unevaluated (subsurface component or midden development, including possible buried features such as fire hearths, living floors), both sites are recommended eligible per CRHR Criterion 4), and these sites would appear to be potentially significant per the CEQA criterion under PRC SS5024.1, and possibly as “unique archaeological resources” to the extent that the sites may possess data classes of potential value in answering scientific research questions for which there is a demonstrable public interest.

Application of the Criteria to Sites P-58-216, -296, -297, and -298

Specific application of the criteria to these four (4) historic-era sites P-58-216, P-58-296, P-58-297, P-58-298 yields the following recommendations.

- 1) None of these sites are associated with events that have made significant contributions to the broad patterns of local or regional history or the cultural heritage of California or the United States. While residential, ranching, and mining activities were undertaken on the property, there is no evidence that any of these ranching and mining activities ever made broader contributions to history. Based on these findings, none of these sites are recommended eligible per CRHR Criterion 1), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 2) None of these sites are associated with the lives of persons important to local, California or national history. Examination of existing property ownership documentation and records confirms that by at least 1879, 160-acres of the present property was owned by H. B. Cartwright, and that by at least 1887, he owned 320-acres within the present property. However, none of the four evaluated sites can be linked to Cartwright. Based on these findings, none of these sites are recommended eligible per CRHR Criterion 2), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 3) The four evaluated sites include a fence, a ditch, a hydraulic mining area and rock wall. Based on existing inventory data maintained by the North Central Information Center, numerous examples of these site types exist in the county, the region, and the state. Clearly, these site types are not at all rare in the California inventory, nor do any of these sites represent a “distinctive type” or “a distinguishable entity whose components may lack individual distinction.” For these reasons, none of these sites are recommended eligible per CRHR Criterion 3), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 4) Data recovery work involving these sites could not be expected to provide unique or unusual additional information over and above that which has been obtained and documented in the existing site records prepared. There are no subsurface accumulations for which further evaluation or recordation might be considered appropriate. Under these circumstances, further research in the form of data recovery or additional detailed recording would not likely further our understanding of these sites. For these reasons, none of these sites are recommended eligible per CRHR Criterion 4), and these sites would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.

Application of the Criteria to Site P-58-653

Specific application of the criteria to historic site P-58-653 yields the following recommendations.

- 1) This site is not associated with events that have made significant contributions to the broad patterns of local or regional history or the cultural heritage of California or the United States. While residential and ranching activities were undertaken on the property, there is no evidence that any of these structures ever made broader contributions to history. Based on these findings, this site is not recommended eligible per CRHR Criterion 1), and this site would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.

- 2) This site is associated with the lives of persons important to local, California or national history. Examination of existing property ownership documentation and records confirms that by at least 1879, 160-acres of the present property was owned by H. B. Cartwright, and that by at least 1887, he owned 320-acres within the present property. Around October 1, 1849, Cartwright, along with James La Fone, Henry Irwcod, W. S. Pearson, David C. Pearson, Edward Pearson, Oliver Smith, Smith Balwin and Henry Bleaker had partnered to mine Long Bar along the Yuba River. Their successes attracted thousands, which resulted in the formation of one of California's first Gold Rush communities. Based on these findings, this site is recommended eligible per CRHR Criterion 2), and this site would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1, but see discussion of Integrity, below.
- 3) P-58-653 consists of several structures, most of which date to different decades and centuries. The centrally-located residence exhibits a variety of materials which supports the likelihood that the foundation upon which it rests represents Cartwright's original (or earliest) residence. The remaining structures and features include livestock barns, chicken coups and ancillary buildings. Based on existing inventory data maintained by the North Central Information Center, numerous examples of residential structures of these various architectural styles exist in the city, the county, the region, and the state. Clearly, this site is not at all rare in the California inventory, nor does this site represent a "distinctive type" or "a distinguishable entity whose components may lack individual distinction." For these reasons, this site is recommended not eligible per CRHR Criterion 3), and this site would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 4) Data recovery work involving this site could not be expected to provide unique or unusual additional information over and above that which exists in the existing site record prepared. There are no subsurface accumulations for which further evaluation or recordation might be considered appropriate. Under these circumstances, further research in the form of data recovery or additional detailed recording would not likely further our understanding of this site. For these reasons, this site is not recommended eligible per CRHR Criterion 4), and this site would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.

While the site would appear to be eligible for inclusion in the CRHR under Criterion 2, due to its association with H. B. Cartwright, the issue of site integrity must be addressed. The site, P-58-653, represents a mid-late-19th through early-mid-20th century, eclectic complex of ranch-related structures. Consequently, the various episodes of construction, along with other contemporary modifications over the past several decades have rendered this site not eligible for inclusion in the CRHR. The history of property modifications is discussed in the Historic Resources section, above, and in the appended and updated DPR 523 forms.

The National Register Bulletin 15: How to apply the National Register Criteria for Evaluation, Section VIII.: How to Evaluate the Integrity of a Property provides a step-by- step process by which potentially eligible properties are evaluated for Integrity. The seven aspects of integrity include: Location, Design, Setting, Materials, Workmanship, Feeling and Association.

Location is the place where the historic property was constructed or the place where the historic event took place. Integrity of location refers to whether the property has been moved or relocated since its construction. A property is considered to have integrity of location if it was moved before or during its period of significance. In the present case, the period of historical significance is unknown, but appears to date to at least 1879 when a single structure attributed to H.B. Cartwright appears on maps. The detail (scale) of this and other early maps does not provide proof that any existing structures present at site P-58-653 represent this early depiction, but the observed foundation of the site's primary residence does support this hypothesis. Consequently, the foundation does not appear to have been moved. Other structures are likely to have been present within the site area during the 19th century, but no evidence of such exists. Finally, several components of the other site structures exhibit materials obviously scavenged from other sources (e.g., telephone line support beams, railroad ties, etc.), supporting the idea that at the very least, materials utilized to construct portions of the site arrived from off-site. Ultimately, however, Location of the site appears to remain intact.

Design is the composition of elements that constitute the form, plan, space, structure, and style of a property. In the present case, many of these elements (e.g. plan, space, structure) have been altered. Once again, the site's primary residence exhibits a foundation consistent with late-19th century rustic construction. Other ancillary buildings likely would have been associated with the original structure, but if none existed, then the addition of the structures that do exist within the site, are all examples of later period additions. In short, the layout of the various structures (i.e., their proximity to one another) is testimony to events that occurred after the period of historical significance (i.e., 1879), and thus the site's Design attributes have been significantly compromised.

Setting is the physical environment of a historic property that illustrates the character of the place. Overall, the Setting within which site P-58-653 is located has undergone minor-to-moderate changes. If the period of historic significance (circa 1879) setting included a simple house, and very little else, then the addition of barns, ancillary buildings, a contemporary (circa 1980) residence, buried and overhead utilities, have altered the Setting.

Materials are the physical elements combined in a particular pattern or configuration to form the property during a period in the past. Integrity of Materials determines whether or not an authentic historic resource still exists. As previously discussed, evidence of structural modifications which utilized Materials of an era removed from the period of Historical Significance (circa 1879) is clearly evident. The residence sitting upon the original (or at least early) foundation, was clearly constructed during the middle of the 20th century, and even includes Materials manufactured during the 1970s through 1990s. Other structures within the site incorporate Materials outside of the period of historical significance as exemplified in the corral fence posts adjacent to the large barn located within the northeastern portion of the site. These fence posts are constructed of scavenged railroad ties which post-date the period of historic significance. In short, nearly all of the Materials present (with the exception of the primary residence's foundation) are not from the period of historical significance, and thus integrity of Materials has been compromised.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period of history. Workmanship is important because it can furnish evidence of the

technology of the craft, illustrate the aesthetic principles of a historic period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Once again, the subsequent structural additions, including materials, all point to different Workmanship elements and influences. Consequently, there are no cohesive Workmanship attributes present at the site. Thus, the Workmanship attributes that existed at this site have been substantially compromised.

Feeling is the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time. The structural composition and arrangement of site P-58-653 evoke a sense of the past, but not of the period of historical significance. The sole component of that earliest time period (the primary residence's foundation) is effectively "hidden" from view by the replacement structure, and thus integrity of Feeling is compromised.

Association is the direct link between an important historic event or person and a historic property. A property retains Association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like Feeling, Association requires the presence of physical features that convey a property's historic character.

Because Feeling and Association depend on individual perceptions, their retention alone is never sufficient to support eligibility of a property for the National Register.

In the case of site P-58-653, Association requires that the associated event or person must be important, and thus not simply historic (i.e., eligible under Criteria 1 and/or 2 in the case of the California Register of Historical Resources). As previously discussed, this site is associated with H. B. Cartwright, a person who did make significant contributions to the history of the region and the state, and thus integrity of Association would be intact.

However, overall, an evaluation of the site's integrity results in the conclusion that it no longer possesses adequate elements of integrity to support an eligibility recommendation.

According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains "substantial integrity," and (ii) meets at least one of the significance criteria.

Considering the fact that site integrity has been dramatically compromised, this site is not considered significant per any of the eligibility criteria, and is therefore not recommended a significant historical resource, or unique archaeological resource.

PROJECT EFFECTS

A project may have a significant impact or adverse effect on cultural resources/historic properties 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 property/cultural resource would be materially impaired. Actions that would materially impair a cultural resource or historic property 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 or the National Register of Historic Places.

If specific residential development is to occur within the recorded boundaries of sites P-58- 120 or P-58-121, or within 30' of said boundaries, then qualities of these prehistoric sites that qualify them as potentially significant per CEQA could be materially and significantly impacted. Based on this possibility, Marcus H. Bole & Associates prepared two mitigation measures for this project for avoidance of the two prehistoric sites (P-58-120 and P-58-121) and formal site evaluation. Staff has subsequently received two Mitigation Measures from the United Indian Auburn Community (UAIC) that Staff will be using instead as it better suits the protection of the known Tribal Cultural Resources (TCR). The following two alternative mitigative options are recommended.

Mitigation Measure 5.1 Set Backs for All Tribal Cultural Resources (TCR)

All future buildings and structures shall include a setback of at least 100 feet, including underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure, from all known TCRs.

Mitigation Measure 5.2 Prehistoric Site Set Backs

Parcel 4 of the Menkick Tentative Parcel Map shall specifically include a setback of at least 150 feet, including underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure, from sites P-58-120 (CA-YUB-102) and P-58-121 (CA-YUB-103).

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 June 13, 2019. The NAHC responded with a letter dated June 17, 2019, indicating that a search of their Sacred Lands files returned negative results.

PROJECT SUMMARY

This report details the results of a cultural resources inventory survey of approximately 242 acres of land bisected by Scott Forbes Road, and adjacent to the south side of Dry Creek, approximately two miles north of State Route 20 and the Yuba River, approximately four miles east of Browns Valley, within Yuba County, California.

The proposed project involves a residential parcel split, an action that would likely be followed by the construction of new homes, access roads, buried utilities, and creation of landscape features.

Existing records at NCIC document that all of the present APE had been subjected to previous archaeological investigation, and that sixteen (16) cultural resources had been documented within the APE. An intensive-level pedestrian survey of the entire APE successfully relocated all of the previously recorded resources, all of which were subjected to CRHR eligibility evaluations. Fourteen (14) of the resources are recommended not eligible due to either not

meeting one of the four evaluative criteria, or due to a lack of adequate integrity. Two of the resources (P-58-120 and P-58-121) represent prehistoric habitation sites, and both are recommended eligible for inclusion in the CRHR under Criterion 4. As such, two mitigation treatment options are offered for these two sites. The first involves complete impact avoidance of the sites, while the second treatment option involves formal archaeological testing.

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 June 13, 2019. The NAHC responded with a letter dated June 17, 2019, indicating that a search of their Sacred Lands files returned negative results.

Aside from the Mitigation required for sites P-58-120 and P-58-121, archaeological clearance is recommended for the remainder of the project/undertaking as presently proposed, although the following general provisions are required:

Mitigation Measure 5.3 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 5.4 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. 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 2010 California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 that landslides would be likely limited to the foothills and mountain areas where slopes are greater. Grading ordinances, adopted by Yuba County and based on Appendix J of the 2016 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 and moderate 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 Uniform 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 single family 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.

VII. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Significant Mitigation Incorporated	Than With	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 three additional 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.

VIII. 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 does not exist within ¼ mile of the project site. There would be *no impact* to surrounding land uses concerning hazardous materials and this project.

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 for a single family residence. The remainder of the parcel has been vacant. 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 eight 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) No new roads or road improvements are proposed for this project that would interfere with the existing road system. Since there would be no major physical interference to the existing road system, there would be *a less than significant impact* with an emergency response or evacuation plan.

h) The project is located in a high wildlife fire hazard severity zone, as reported by the Cal Fire 2007 Fire Hazard Severity Zones map. Additionally, the project has the potential to increase the risk of wildfire on-site, once Parcels 1-3 is developed, because it will generate traffic and hence introduce gasoline and petroleum products onto the site in greater degrees than previously experienced. The impact would be *less than significant with mitigation incorporated*.

Mitigation Measure 8.1 Vegetation Clearance

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

IX. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<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, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a), c) and f) 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 9.1 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*.

d) and e) 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. There would be a *less than significant impact*.

g) h) and i) The project is partially located within a 100-year flood plain due to its proximity to Dry Creek. The 2030 Yuba County General Plan Action NR5.3, Wetlands and Riparian Buffers, states that proposed private and public projects near wetlands and riparian areas will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where stream courses are contained within levees, as in the case of the Bear, Feather, and Yuba Rivers, required setbacks shall be measured from the edge of the active floodway.

A 150 foot setback from Dry Creek will be included as a part of conditions of approval for this project. With this in mind, the project would result in a *less than significant impact* from flooding.

j) Yuba County is an inland area not subject to seiche or tsunami. Mudflow is not an identified issue at this location; therefore, there would be ***no impact*** from mudflow, seiche, or tsunami.

X. 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) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation

a) and b) 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. The project is consistent with the goals and policies of the Exclusive Agricultural zone and Natural Resources general plan designation by creating parcels that are greater than the 40 acres. Therefore, the development would result in ***no impact*** or division of an established community.

c) As previously stated in the Biological Resources section, 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.

XI. 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.

XII. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels 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) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 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"/>
f) For a project within the vicinity of a private airstrip, 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) b) c) and d) 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*.

e) and f) 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.

XIII. POPULATION AND HOUSING				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial 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"/>
c) Displace substantial numbers of people, 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 four single-family residences. Therefore, the impact would be *less than significant*.

b) and c) The project does not involve the removal of housing or businesses or the relocation of people who currently utilize the site. The site is currently developed with a single family residence and an accessory dwelling unit and would cause *no impact* to individuals or businesses.

XIV. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 Loma Rica-Browns Valley CSD 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. The District's current facilities do not have the capacity to absorb the new students from the project. The opinion of the District is that new development proposals must mitigate the impacts proportional to the intensity of the development. However, school fees are paid directly to the school district to offset new student enrollment. With the incorporated standard requirement for school fees, impacts related to schools would be *less than significant*.

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 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*.

XV. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	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*.

XVI. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a 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"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<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) The project is not located in an area with a congestion management program. Furthermore, the project is to create one additional site potentially with the development of one single family residence. The traffic from the development of four residences would not result in a substantial impact to level of service standards or travel demand measures. Therefore, the project will have ***no impact***.

c) There would be no change and ***no impact*** to air traffic patterns.

- d) No new roads will be constructed as a result of the project. No sharp curves or line of site issues are included in the lot design for this land division. Therefore, impacts related to traffic hazards would be *less than significant*.
- e) All proposed roads and driveways are required to meet the current Yuba County road, driveway, and signage standards. The Yuba County Public Works Department requires that access roads and driveways meet all road improvement standards. Therefore, impacts related to emergency access would be *less than significant*.
- f) Yuba County has not adopted alternative transportation plans for the rural area of the County, where this project is located. This project is creating three additional parcels off of an established roadway (Scott Forbes Road). There would be *no impact* on alternative transportation plans or policies.

XVII. TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) 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:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) 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 Resource 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"/>

Discussion/Conclusion/Mitigation:

- a) (i-ii) The County was contacted by the United Auburn Indian Community (UAIC) on September 9, 2019 requesting formal notification and information on proposed projects for which the County will serve as the lead agency under the California Environmental Quality Act (CEQA) in accordance with Public Resources Code Section 21080.3.1 subd. (b), otherwise known as Assembly Bill 52 (AB 52). Consistent with the UAIC request, on September 10, 2019 formal notification was provided to the UAIC, including all project information documents. The UAIC responded requesting to visit the property on October 9, 2019. Based on the site visit to the property, the UAIC requested mitigation measures to address avoidance and preservation to (tribal) cultural resources (CEQA Guidelines §21083.2(b)) (see **Mitigation Measures MM 5.1 & 5.2** in the Cultural Resources Section).

With mitigation measures **MM 5.1, MM 5.2, MM 5.3, and MM5.4**, in the event of the accidental discovery or recognition of tribal cultural resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area suspected to overlie similar resources and the Native American Heritage Commission as well as the UAIC shall be contacted within 24 hours. The impact upon tribal cultural resources would be *less than significant impact with mitigation incorporated*.

XVIII. UTILITIES AND SERVICE SYSTEMS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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 type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) and d) If a single family residence is constructed on parcel one through four, 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 e) The rural residential lots that are being created by the project will be served by a private well and septic system. Public water or wastewater facilities will not be created as a result of this project. There would be *no impact* to wastewater treatment facilities or service providers.

c) 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*.

f) and g) 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*.

XIX. 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 checked="" type="checkbox"/>	<input 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* to habitat of a fish or wildlife species. The site is not located in a sensitive or critical habitat area, is void of any water sources and would not conflict with any local policies, ordinances or adopted Habitat Conservation Plans.

As discussed in the Cultural Resources section, construction on parcel 2 could potentially impact cultural resources. Proposed mitigation measures in **MM5.1, MM5.2, MM5.3, and MM5.4**, would reduce the impact to *less than significant with mitigation*.

- b) Potential construction of a single family residence, in combination with other proposed projects in the adjacent area, may contribute to air quality impacts that are cumulatively considerable. However, when compared with the thresholds in the Air Quality section, the project would not have a cumulatively significant impact on air quality.

The project is consistent with the Yuba County 2030 General Plan land use designation for the project site and the zoning for the project site. With the identified Mitigation Measure

MM 3.1 in place, cumulative impacts would be less than significant. No other cumulative impacts associated with this project have been identified.

- 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. The 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 that would reduce these emissions to a level that would not be considered a significant impact.

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. Cultural Resources Inventory Survey July 24, 2019, Marcus H. Bole & Associates.
6. Updated Biological Resources Evaluation For Apn 005-140-023 July 10, 2019, Marcus H. Bole & Associates.

**MITIGATION MONITORING PLAN
TPM 2019-0001 (MENKICK)**

MM 3.1 FRAQMD:	
<ul style="list-style-type: none"> Implement FRAQMD Fugitive Dust Plan Implement FRAQMD standard construction phase mitigation measures. (www.fraqmd.org/ceqa/standards) 	
Timing/Implementation Upon start of construction activities.	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 2019-0001 (MENKICK)**

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Attachment 3

<p>MM 4.1 Migratory Birds</p> <p>The following are mitigation measures for California avian species of special concern and species protected under the MBTA and the CFWC. These procedures would only apply to specific construction activities once they have been identified for the development of a particular parcel. 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 Yuba County District 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.</p>		
Timing/Implementation Upon start of project design and start of construction activities	Enforcement/Monitoring Yuba County Public Works Department	
Performance Criteria N/A	Verification Cost N/A	
		Date Complete (If applicable)

MITIGATION MONITORING PLAN
TPM 2019-0001 (MENKICK)

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Attachment 3

MM 4.2 Avoidance of Ephemeral Drainages Avoidance of the ephemeral drainages by a minimum of 50 feet will provide adequate protection and will not require a permit from the United States Army Corps of Engineers.			
Timing/Implementation <i>Prior to the start of, and during, construction activities.</i>		Enforcement/Monitoring Yuba County Public Works Department	
Performance Criteria N/A		Verification Cost N/A	
			Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TPM 2019-0001 (MENKICK)**

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Attachment 3

<p>MM 4.3 Avoidance of Perennial Creek</p> <p>There is one perennial creek in Parcel 4. Avoidance of the perennial creek by a minimum of 100 feet will provide adequate protection and will not require a permit from the United States Army Corps of Engineers.</p>	
<p>Timing/Implementation <i>Prior to the start of, and during, construction activities.</i></p>	<p>Enforcement/Monitoring Yuba County Public Works Department</p>
<p>Performance Criteria N/A</p>	<p>Verification Cost N/A</p>
	<p>Date Complete (If applicable)</p>

MITIGATION MONITORING PLAN
TPM 2019-0001 (MENKICK)

Page 5 of 10

Attachment 3

<p>MM 5.1 Set Backs for All Tribal Cultural Resources (TCR)</p> <p>All future buildings and structures shall include a setback of at least 100 feet, including underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure, from all known TCRs.</p>		
<p>Timing/Implementation <i>Prior to the issuance of a Building Permit.</i></p>		<p>Enforcement/Monitoring Yuba County Planning Department</p>
<p>Performance Criteria N/A</p>		<p>Verification Cost N/A</p>
		<p>Date Complete (if applicable)</p>

MITIGATION MONITORING PLAN
TPM 2019-0001 (MENKICK)

MM 5.2	Prehistoric Site Set Backs	Parcel 4 of the Menkick Tentative Parcel Map shall specifically include a setback of at least 150 feet, including underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure, from sites P-58-120 (CA-YUB-102) and P-58-121 (CA-YUB-103).		
Timing/Implementation	<i>Prior to the issuance of a Building Permit.</i>	Enforcement/Monitoring	Yuba County Planning Department	
Performance Criteria	N/A	Verification Cost	N/A	
			Date Complete (if applicable)	

**MITIGATION MONITORING PLAN
TPM 2019-0001 (MENKICK)**

MM 5.3	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 2019-0001 (MENKICK)**

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Attachment 3

MM 5.4	Inadvertent Discovery of Cultural Material	<p>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.</p>		
Timing/Implementation	<i>Prior to the start of, and during, construction activities.</i>	Enforcement/Monitoring		
Performance Criteria	N/A	Yuba County Planning Department	Verification Cost	
			N/A	
			Date Complete (If applicable)	

MITIGATION MONITORING PLAN
TPM 2019-0001 (MENKICK)

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Attachment 3

<p>MM 8.1 Vegetation Clearance</p> <p>Prior to any final occupancy for any new construction on this map, vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a fire break by removing and clearing away all brush, flammable vegetation or combustible growth up to 100 feet from structures or to the property line, whichever is closer. Clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Additional clearing may be required by the Fire inspector if extra hazardous conditions exist.</p>			
<p>Timing/Implementation <i>Prior to Final Occupancy Permit.</i></p>		<p>Enforcement/Monitoring Yuba County Building Department</p>	
<p>Performance Criteria N/A</p>		<p>Verification Cost N/A</p>	
			<p>Date Complete (If applicable)</p>

MITIGATION MONITORING PLAN
TPM 2019-0001 (MENKICK)

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Attachment 3

<p>MM 9.1 National Pollution Discharge Elimination (NPDES) Permit</p> <p>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.</p>	
<p>Timing/Implementation <i>Prior to the approval of a grading plan or site improvement plans.</i></p>	<p>Enforcement/Monitoring Yuba County Public Works Department</p>
<p>Performance Criteria N/A</p>	<p>Verification Cost N/A</p>
	<p>Date Complete (If applicable)</p>

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Von Geldern Engineering
APN: 005-140-023

Case Number: TPM 2019-0001
Public Hearing Date: January 9, 2020

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

- I. After review and consideration, staff has prepared an initial study for the project and subsequent Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Section 15070 (b)(1) (DECISION TO PREPARE A NEGATIVE DECLARATION).
- II. Approve Tentative Parcel Map 2019-0001 subject to the conditions shown below, or as may be modified at the public hearing making the following findings:
 - A. 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. The Rural Community land use classification is intended to conserve and provide natural habitat and residential uses that are secondary to the primary natural resource-oriented use. The proposed project will preserve the existing rural character of the General Plan Designation.

The project is zoned Exclusive Agricultural, with a forty acre minimum parcel size (AE-40). The property is currently developed with a single family residence. This use is permitted and is consistent with the development code.

- B. 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 residence on parcel 4 is existing. The remaining parcels are 40 acres in size which will allow opportunities to align the residences to have a southern exposure and shade/ prevailing breezes.

- C. 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.

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Von Geldern Engineering
APN: 005-140-023

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Public Hearing Date: January 9, 2020

GENERAL CONDITIONS:

- 1) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County prior to filing of the Final Map.
- 2) As a condition for tentative and final map approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
- 3) This tentative parcel map may be effectuated at the end of the ten (10) appeal period which is January 19, 2020. Tentative Parcel Map TPM 2019-0001 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
- 4) This tentative parcel map shall expire 36 months from the date of approval January 9, 2023 unless extended pursuant to Chapter 11.40.050 of the Yuba County Development Code.
- 5) 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.

PUBLIC WORKS DEPARTMENT:

- 6) The Public Works Director may reasonably modify any of the Public Works conditions contained herein. The required street widths as stated herein shall take precedence over those as shown on the tentative map.
- 7) Owner shall dedicate to the County of Yuba sufficient right-of-way in easement to provide a 60 foot strip of land, 30 feet each side of the centerline of Scott Forbes Road, classified as a Local Road, lying within the bounds of this property.

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Von Geldern Engineering
APN: 005-140-023

Case Number: TPM 2019-0001
Public Hearing Date: January 9, 2020

- 8) Owner shall provide and offer to dedicate to the County of Yuba a 10-foot easement for public services and street signage purposes, along the street frontage of this property measured from the County's right of way.
- 9) All existing or proposed driveway encroachments onto Scott Forbes Road shall conform to the current Yuba County Standards for a Rural Driveway (Drawing No. 127 and 128) under permit issued by the Department of Public Works.
- 10) Any improvement work within the County right-of-ways for roadway connections and/or road widening or other improvements shall be accomplished under an encroachment permit issued by the Public Works Department. Improvement plans and associated checking and inspection fees shall be submitted to the Public Works Department for review and approval before any construction will be permitted within the County right-of-way.
- 11) 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 then 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.
- 12) Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Game, and pre-construction surveys for special status species.
- 13) Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ prior to any grading activities. Coverage under the General Permit must be obtained prior to any construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>. Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Von Geldern Engineering
APN: 005-140-023

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Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.

- 14) Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
- 15) Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the parcel map.
- 16) Owner shall be responsible for giving sixty (60) days notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.
- 17) Approximate centerlines of all perennial streams, seasonal drainages or ditches within this division shall be shown on the Parcel Map and dimensioned from the nearest corner at the intersection with property lines.
- 18) Should a fire suppression system be required by the responsible fire protection authority for compliance with the Yuba County Fire Safe Standards and the Uniform Fire Code, which facilities may include a community water supply system, wells, water storage tanks, etc., Owner shall provide easements as necessary for such system for the benefit of each lot within the parcel map. All easements shall be shown on the parcel map.
- 19) 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.
- 20) Owner shall be required to pay all taxes, past and current, including those amounts levied as of January 1, but not yet billed, on the property prior to filing the parcel map.
- 21) Owner shall submit a current Preliminary Title Report or Parcel Map Guarantee, in favor of Yuba County, two (2) check prints of the parcel map, calculations, supporting documentation and map checking fees to the County Surveyor, Department of Public Works for checking, approval and filing of the parcel map. An updated Parcel Map Guarantee shall be provided 1 week prior to filing the parcel map with the Yuba County Recorder.

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Von Geldern Engineering
APN: 005-140-023

Case Number: TPM 2019-0001
Public Hearing Date: January 9, 2020

- 22) 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).
- 23) Prior to commencing performance of any public improvement or facility to be dedicated to County, and subject to approval by the Public Works Department, Owner shall acquire and present proof of general and automobile liability and Workers Compensation and Employers Liability insurance. Such general and automobile liability insurance shall name the County and its agents as additional insured.
- 24) All easements of record that affect this property are to be shown on the parcel map.
- 25) 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.
- 26) Owner shall submit a copy of the parcel map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the parcel map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the parcel map is found to be in conformity with the Department's conditions of approval, mitigation measures and requirements shall be received by the County Surveyor.
- 27) 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.
- 28) 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.

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

**Applicant: Von Geldern Engineering
APN: 005-140-023**

**Case Number: TPM 2019-0001
Public Hearing Date: January 9, 2020**

ENVIRONMENTAL HEALTH DEPARTMENT:

- 29) Owner shall submit a file map to Environmental Health showing that parcels 1-3, contains the minimum useable sewage disposal area as established by the Yuba County Sewage Disposal Ordinance, 7.07, and the precise location of all existing sewage disposal systems, and shall clearly identify the location of all soil mantles and percolation tests. This file map shall also show contour, slope, all bodies of water (seasonal and year-round), water wells, and all existing structures. Furthermore, a 100' septic exclusion area (as measured from the seasonal high water line) shall be delineated around all rivers, streams, and ponds. A 200' exclusion area is to be delineated around all lakes and reservoirs.
- 30) Owner shall submit for Environmental Health review and approval the results of soils studies for parcel(s) 1, 2, and 3, conducted in accordance with the Yuba County Sewage Disposal Ordinance, Chapter 7.07.
- 31) 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.
- 32) 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.
- 33) 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.
- 34) All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
- 35) All existing trash and debris shall be removed from the subject site.
- 36) 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".
- 37) All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
- 38) Owner shall submit for Environmental Health Department review and approval the results of soil studies representative of the repair sewage disposal area, conducted in accordance with Yuba County Ordinance, Article 2 of Chapter 7.07 (commencing at Section 7.07.440).
- 39) The following shall apply to all land divisions where domestic water is to be supplied by individual wells:

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

**Applicant: Von Geldern Engineering
APN: 005-140-023**

**Case Number: TPM 2019-0001
Public Hearing Date: January 9, 2020**

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

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

The following statement shall also apply to this division:

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

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

PLANNING DEPARTMENT

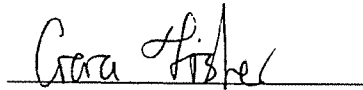
- 40) Minor modifications to the final site configuration may be approved by the Community Development & Services Agency Director.
- 41) Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject area. Any road encroachments within the PG&E easements shall be subject to review and approval of PG&E.
- 42) Owner shall meet all requirements of the Feather River Air Quality Management District during any project related construction.
- 43) 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.

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Von Geldern Engineering
APN: 005-140-023

Case Number: TPM 2019-0001
Public Hearing Date: January 9, 2020

- 44) All structures shall maintain a 150' setback distance from the edge of all seasonal and year-around creeks, rivers, ponds, and riparian areas pursuant to Yuba County 2030 General Plan Action NR5.3.

A handwritten signature in cursive script, appearing to read "Ciara Fisher", is written over a horizontal line.

Ciara Fisher
Planner II

**PUBLIC WORKS
PRELIMINARY CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: Heidi Menkick
Owner: Same
APN: 005-140-023

Case Number: TPM 2019-0001

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5. The Public Works Director may reasonably modify any of the Public Works conditions contained herein. The required street widths as stated herein shall take precedence over those as shown on the tentative map.
 6. Owner shall dedicate to the County of Yuba sufficient right-of-way in easement to provide a 60 foot strip of land, 30 feet each side of the centerline of Scott Forbes Road, classified as a Local Road, lying within the bounds of this property.
 7. Owner shall provide and offer to dedicate to the County of Yuba a 10-foot easement for public services and street signage purposes, along the street frontage of this property measured from the County's right of way.
 8. All existing or proposed driveway encroachments onto Scott Forbes Road shall conform to the current Yuba County Standards for a Rural Driveway (Drawing No. 127 and 128) under permit issued by the Department of Public Works.
 9. Any improvement work within the County right-of-ways for roadway connections and/or road widening or other improvements shall be accomplished under an encroachment permit issued by the Public Works Department. Improvement plans and associated checking and inspection fees shall be submitted to the Public Works Department for review and approval before any construction will be permitted within the County right-of-way.
 10. 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 then 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.
 11. Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Game, and pre-construction surveys for special status species.
 12. Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ prior to any grading activities. Coverage under the General Permit must be obtained prior to any construction. More information may be found at

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

13. Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
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 be responsible for giving sixty (60) days notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.
16. Approximate centerlines of all perennial streams, seasonal drainages or ditches within this division shall be shown on the Parcel Map and dimensioned from the nearest corner at the intersection with property lines.
17. Should a fire suppression system be required by the responsible fire protection authority for compliance with the Yuba County Fire Safe Standards and the Uniform Fire Code, which facilities may include a community water supply system, wells, water storage tanks, etc., Owner shall provide easements as necessary for such system for the benefit of each lot within the parcel map. All easements shall be shown on the parcel map.
18. 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.
19. Owner shall be required to pay all taxes, past and current, including those amounts levied as of January 1, but not yet billed, on the property prior to filing the parcel map.
20. Owner shall submit a current Preliminary Title Report or Parcel Map Guarantee, in favor of Yuba County, two (2) check prints of the parcel map, calculations, supporting documentation and map checking fees to the County Surveyor, Department of Public Works for checking, approval and filing of the parcel map. An updated Parcel Map Guarantee shall be provided 1 week prior to filing the parcel map with the Yuba County Recorder.
21. 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).

22. Prior to commencing performance of any public improvement or facility to be dedicated to County, and subject to approval by the Public Works Department, Owner shall acquire and present proof of general and automobile liability and Workers Compensation and Employers Liability insurance. Such general and automobile liability insurance shall name the County and its agents as additional insured.
23. All easements of record that affect this property are to be shown on the parcel map.
24. 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.
25. Owner shall submit a copy of the parcel map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the parcel map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the parcel map is found to be in conformity with the Department's conditions of approval, mitigation measures and requirements shall be received by the County Surveyor.
26. 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.
27. 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 DIVISION
CONDITIONS OF APPROVAL
TPM 2019-0001

1. Owner shall submit a file map to Environmental Health showing that parcels 1-3, contains the minimum useable sewage disposal area as established by the Yuba County Sewage Disposal Ordinance, 7.07, and the precise location of all existing sewage disposal systems, and shall clearly identify the location of all soil mantles and percolation tests. This file map shall also show contour, slope, all bodies of water (seasonal and year-round), water wells, and all existing structures. Furthermore, a 100' septic exclusion area (as measured from the seasonal high water line) shall be delineated around all rivers, streams, and ponds. A 200' exclusion area is to be delineated around all lakes and reservoirs.
2. Owner shall submit for Environmental Health review and approval the results of soils studies for parcel(s) 1, 2, and 3, conducted in accordance with the Yuba County Sewage Disposal Ordinance, Chapter 7.07.
3. All soil profiles must be witnessed by Environmental Health Department staff. Schedule soil profile appointments with Environmental Health Department staff in advance of the testing.
4. The 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.
5. 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.
6. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
7. All existing trash and debris shall be removed from the subject site.
8. 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".
9. All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
10. Owner shall submit for Environmental Health Department review and approval the results of soil studies representative of the repair sewage disposal area, conducted in accordance with Yuba County Ordinance, Article 2 of Chapter 7.07 (commencing at Section 7.07.440).
11. The following shall apply to all land divisions where domestic water is to be supplied by individual wells:

Prior to final map wells will be required on 10% of the parcels to be developed that meet or exceed the requirements for creation of new parcels as outlined in Ordinance 1400, as it amends chapter

7.03 of Title VII of the Yuba County Ordinance Code regarding water wells.

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

The following statement shall also apply to this division:

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

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

Fisher, Ciara

From: Burns, Danny
Sent: Friday, April 12, 2019 3:37 PM
To: Fisher, Ciara
Subject: RE: TPM2019-0001 (Menkick Tentative Parcel Map)

After conducting some research with the assessor's office, building will approve the split.

Regards,

Dan

From: Fisher, Ciara
Sent: Tuesday, April 09, 2019 11:07 AM
To: Crouse, Pam; Hochstrasser, Margaret; Burns, Danny; Boeck, Van; Benedict, Christopher; Lee, Mike G. (Public Works Dept); Pickell, Clark; Strang, Jeremy
Cc: Perkins, Kevin
Subject: TPM2019-0001 (Menkick Tentative Parcel Map)

All,

Attached is a Tentative Parcel Map to subdivide a 242 acre parcel, located 7370 Scott Forbes Road in the community of Browns Valley, into four parcels; three being 40 acres in size and a remainder parcel 122 acres in size. Please send me any project related COAs by April 29, 2019.

Thanks.

Ciara Fisher
Planner II
County of Yuba
530-749-5470

Fisher, Ciara

From: Godinez, Johnny
Sent: Wednesday, April 24, 2019 8:48 AM
To: planning
Cc: Scheer, Stephen; Quist, Todd
Subject: TPM 2019-0001

Our department reviewed case TPM 2019-0001 on April 15th, 2019. No impacts to agriculture were found. For this reason we have no preliminary comments or recommendations for you at this time.

Johnny Godinez
County of Yuba
Agricultural Weights & Measures Specialist
Phone: (530) 749-5400
Fax: (530) 749-5404

Browns Valley Irrigation District

Post Office Box 6, Browns Valley, CA 95918

Business Office:

530/743-5703

FAX:

530/743-0445

Water Operations Office:

530/742-6044

RECEIVED

DEC 20 2019

December 18, 2019

COMMUNITY DEVELOPMENT
& SERVICES AGENCY

Yuba County Planning Department

ATTN: Ciara Fisher

915 8th Street, Suite 123

Marysville, CA 95901

RE: TPM 2019 – 0001 (Menkick)

Dear Ms. Fisher,

The Browns Valley Irrigation District (BVID) has reviewed the above tentative parcel map and has the following comments:

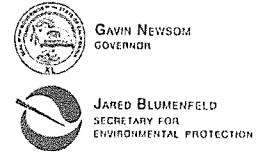
- BVID asks for a standard 16-foot utility easement along perimeter of each parcel, with a 25 foot temporary construction easement;
- BVID (and other landowners) have used the access road originating from Scott Forbes Road that traverses "Parcel 4" (APN 005-140-023) for decades and is asking that a 16-foot utility easement, with a 25-foot temporary construction easement be granted along the roadway (highlighted in red on attached). Said utility easement should include ingress and egress consistent with historical use for BVID, and other landowners, to access properties to the north.

Thank you,



Ryan McNally
General Manager

Attachment(s): Site plan w/ BVID markup regarding road easement.



RECEIVED

APR 29 2019

COMMUNITY DEVELOPMENT
& SERVICES AGENCY

Central Valley Regional Water Quality Control Board

23 April 2019

Ciara Fisher
County of Yuba
Community Development and Services Agency
915 8th Street
Marysville, CA 95901

CERTIFIED MAIL
7017 2620 0001 1359 1922

**COMMENTS TO REQUEST FOR REVIEW FOR THE EARLY CONSULTATION,
TPM 2019-0001 (MENKICK) PROJECT, YUBA COUNTY**

Pursuant to the County of Yuba Community Development and Services Agency's 2 April 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Early Consultation* for the TPM 2019-0001 (Menkick) Project, located in Yuba County.

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

I. Regulatory Setting

Basin Plan

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

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

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

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the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

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

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

II. Permitting Requirements

Construction Storm Water General Permit

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

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Dewatering Permit

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

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

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

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

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

Regulatory Compliance for Commercially Irrigated Agriculture

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

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

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A

complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.

A handwritten signature in black ink, appearing to read 'Jordan Hensley', written in a cursive style.

Jordan Hensley
Environmental Scientist