

Document Preparation: This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to address the potential environmental effects of the Sugarloaf Mountain Trail. Project specific features, technical reports, typical details, maps, and other application materials referenced throughout this IS/MND are available on the City's website at <https://www.nevadacityca.gov/pview.aspx?id=20862&catid=564>. The IS/MND contains a project description, description of the existing environmental setting, identification and explanation of potential environmental effects, and evaluation of the project's consistency with existing, applicable land use regulations.

This Initial Study IS/ND has been prepared pursuant to the California Environmental Quality Act (CEQA) of 1970, Cal. Pub. Res. Code §2100 et seq. The CEQA lead agency for this project is the City of Nevada City.

Project Location: The trail project will extend approximately 1 mile, commencing at the intersection of North Bloomfield Road and State Highway 49, following the highway right-of-way east of the intersection for approximately 500-feet. From there the trail will turn northerly, traversing two private properties (APNs 05-310-09 and 05-310-10) through a series of switchbacks along the eastern side of an existing ravine. The trail will enter the City-owned Sugarloaf property at its southwestern corner and will continue switch backing until it meets an existing access road that will serve as the trail to the top of the property.

Project Description: A proposed multi-use trail construction project within the Nevada City limits on a 30.52-acre open space parcel (APN 36-020-26) that encompasses all but the northern flank of Sugarloaf Mountain, with easements through two private parcels (APNs 53-310-09 & 53-310-10) and along the right-of-way of State Highway 49. The goal of the trail project is to connect downtown Nevada City to the top of Sugarloaf Mountain. The trail route will be approximately one mile in length. It will commence at the corner of State Highway 49 and North Bloomfield Road, and terminate at a point along an existing gravel access road that goes to the top of Sugarloaf from an entrance on upper Coyote Street. The new trail will also connect to an existing graveled excavated area, approximately 0.10 acre in size that will be improved to accommodate trail parking for approximately eight vehicles. The parking area will connect via an existing informal, user-created trail, which will be minimally improved (brush clearing and tread improvement for drainage and loose rock removal). The project will also incorporate minor improvements to an existing user-created trail along the eastern side of the City-owned property. The proposed trail also offers connection to Hirschman Trail and Tobiassen Park via a recently established County trail that runs west from North Bloomfield Road to the Nevada County Government Center.

The first 1/3 mile of the trail will run east from the northeast corner of State Hwy 49 and North Bloomfield Road, within the State Hwy 49 right of way to a 20-foot wide private easement that traverses the west side of APN 05-310-09 (currently leased by US Forest Service) and through the west side of APN 05-310-10. From there, the trail enters the City's Sugarloaf property, continues in a northeasterly direction, before aligning primarily to the north and ultimately connecting to the existing Sugarloaf Trail access road.

All new trails will be constructed in accordance with USFS trail construction standards and best management practices (BMPs). The total disturbance area will be approximately 1/2 acre. The trail will be narrow, not to exceed four feet in width in order to encourage slower travel speeds. Vegetative clearings up to 10-foot wide may occur every 200-feet in order to accommodate winter vegetative burn piles during trail construction and for continued trail maintenance. Trail grades will typically be close to 8% throughout the project, except where physical constraints require a steeper grade to avoid irregular topography, rock outcrops, large trees or other environmental concerns. In no case will grades exceed 15%. Trail tread width will vary from 36 to 48 inches, depending on location, and physical constraints. On steep, rocky slopes, the trail width will be narrow to minimize disturbance and to reduce trail construction costs. The trail will be built using a mini excavator, chainsaws, and a variety of hand tools. On site materials used include rock for retaining walls and fill, and

soil for grading will be used for construction of the trails.

The proposed trail is located in the lower montane coniferous forest zone of the northern Sierra Nevada foothills at elevations of 2,600 to 3,000 ft. The trail will traverse an unnamed intermittent stream that parallels the western boundary of the Sugarloaf property. The intermittent stream is approximately 30-inches wide and will be crossed via a 24-inch culvert within the State Hwy 49 right-of-way. A rock retaining wall will also be necessary to stabilize an area of the proposed trail along a portion of the private easement through APN 05-310-10.

Figure 1: Existing and Proposed Trails



Other Permits Which May Be Necessary: Based on initial comments received other potential permits and/or approvals that may be required for trail projects could include, but are not limited to, the following:

- Land Use, Grading, and Erosion Control – City of Nevada City

- Section 401 Certification and/or Prohibition Exemption – Central Valley Water Quality Control Board
- Dust Control and Operations Permits – Northern Sierra Air Quality Management District
- Section 1602 Streambed Alteration Agreement – CA Department of Fish and Wildlife
- Section 404 permit – U.S. Army Corps of Engineers
- Encroachment Permit – CA Department of Transportation
- (if disturbance of more than 1 acre) coverage under the statewide General Permit for Discharges of Storm Water Associated with Construction Activity through the Regional Water Quality Control Board
- City of Nevada City Tree Removal Permit

Relationship to Other Projects: There is no direct relationship to any other project currently proposed

SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

Environmental Factors Potentially Affected: All of the following environmental factors have been considered. Those environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less Than Significant with Mitigation" as indicated by the checklist on the following pages.

✓	1. Aesthetics		2. Agriculture / Forestry Resources	✓	3. Air Quality
✓	4. Biological Resources	✓	5. Cultural Resources	✓	6. Geology / Soils
	7. Greenhouse Gas Emissions		8. Hazards / Hazardous Materials	✓	9. Hydrology / Water Quality
	10. Land Use / Planning		11. Mineral Resources	✓	12. Noise
	13. Population / Housing		14. Public Services		15. Recreation
✓	16. Transportation / Circulation		17. Utilities/Service Systems		18. Mandatory Findings of Significance

Impacts and Recommended Mitigation Measures:

1. AESTHETICS: In order to mitigate aesthetic impacts associated with the Sugarloaf Trail project, the following Mitigation Measure shall be implemented:

Mitigation Measure 1.A: One year after completion of the trail on the City-owned Sugarloaf

property, the Bear Yuba Land Trust shall provide a report to the City Council on the aesthetic conditions of the trail as viewed from prominent viewpoints from town, such as the Sacramento Street overpass, Broad Street/York Street Intersection, State Highway 49, etc. If visual “scars” are identified as a result of trail work, and at the City Council’s discretion, the Bear Yuba Land Trust shall provide either a planting plan or a vegetation protection plan that will provide a visual screen of the trail if determined to necessary to maintain the property’s aesthetics. The City Council may require subsequent reports on the aesthetic conditions if deemed necessary after the initial year’s report.

Timing: Within one year of trail implementation

Reporting: Noted on agency approval of permits and plans

Responsible Agency: City Planner and the Bear Yuba Land Trust

Mitigation Measure 1.B: Only the minimum necessary vegetation removal shall be permitted in order to accommodate the trail alignment and safety hazards.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Noted on agency approval of permits and plans

Responsible Agency: City Planner

2. AGRICULTURE / FORESTRY RESOURCES: *None Required*

3. AIR QUALITY: To mitigate potential air quality impacts associated with the project construction activities, the following mitigation measure shall be required:

Mitigation Measure 3A: Implement dust control measures. To reduce impacts of short-term construction associated with trail construction, parking lot grading, and material staging, the Bear Yuba Land Trust shall take reasonable precautions to keep dust to a minimum. Because there is no water source available along the trail alignment and because carrying adequate water is impractical, in the event that dust becomes a problem trail work shall cease until soil moisture content is naturally restored in a manner that prevents dust generation during construction. A note shall be included on construction plans indicating that “all material excavated, stockpiled or graded shall be sufficiently treated or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard and construction activity shall cease if dust generation becomes a nuisance.”

Timing: Prior to permit issuance or if no permit is required, prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 3B: Minimize dust emissions: If complaints are received by the City regarding dust emissions either during construction or trail use, the City shall apply a non-toxic stabilizer (or other natural material) in order to mitigate dust emissions. Alternatively, the City may close the trail to public traffic until soil moisture content is sufficient to prevent excessive dust. The City shall evaluate the trail condition and dust conditions during trail use at least one year after trail implementation, during a late summer period (August or September) to determine whether a soil stabilizer is necessary

or whether periodic closure might be necessary.

Timing: *Within 18 months of trail implementation*

Reporting: *Complaint driven*

Responsible Agency: *Bear Yuba Land Trust/Parks and Recreation Manager*

Mitigation Measure 3C: Obtain NSAQMD Permit for Open Burning. Prior to any open burning activity, the Bear Yuba Land Trust shall provide the City Planner with verification of authorization to conduct such activity through an Air Pollution Permit issued by the NSAQMD. At the time of permit issuance, the NSAQMD may place appropriate restrictions on the burning, which should be planned as far from houses as reasonably possible.

Timing: *Prior to any open burning associated with the trail construction*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *Bear Yuba Land Trust*

4. BIOLOGICAL RESOURCES: To mitigate potential biological resource impacts associated with the project construction activities, the following mitigation measures shall be required:

Mitigation Measure 4A: Flag and Avoid Special Status Species Occurrences The location of Bacigalupi's yampah and its associated lava cap habitat, which also offers suitable habitat for coast horned lizard, shall be flagged for avoidance by the project biologist wherever the habitat occurs within 20 feet of the trail construction. Documentation of the pre-construction flagging shall be provided in a brief memo to the City of Nevada City Planning Department and BYLT Trail Coordinator.

Timing: *Prior to permit issuance or if no permit is required prior to vegetation removal*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *City Planner*

Mitigation Measure 4B: Avoid Impacts to Nesting Birds and Bats. If construction or vegetation removal is proposed during the nesting season (March 1- July 31), impacts to nesting raptors, including special-status avian or bat species, and migratory birds can be avoided by removing vegetation before the start of the nesting season, or delaying removal until after the end of the nesting season. Alternatively, pre-construction surveys could be conducted to verify that the construction and vegetation removal areas do not support nesting migratory birds or raptors, or other special-status birds and bats. Tree removal and construction shall not take place during the breeding season (March 1 – July 31), unless supported by a report from a qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance. A brief memo documenting the results of the surveys, including a map of the GPSd transects or survey route and GPS locations of detected nests or observed nesting behavior shall be submitted to the Planning Department and BYLT Trail Coordinator within three business days.

The surveys shall be conducted according to the following guidelines:

- Surveys shall only be conducted by a qualified biologist with experience conducting nesting bird surveys.

- Surveys shall not occur during heavy rain, snow, fog, high wind or cold temperature, as nest/bird detection may be limited during these conditions, and/or add stress to nesting adults.
- Surveys should be conducted methodically and thoroughly (e.g. transects) to maximize efficacy of locating nests, and should not exceed approximately 2 acres per hour in high quality habitat (e.g., stream zones, large diameter trees, mature forest, etc.).
- The survey transect shall be recorded in the field using the 'track' feature on a GPS device, and a map of the transect shall be submitted in the memo to the permitting agency.
- An additional survey may be required if periods of construction inactivity (e.g., gaps of activity during grading, tree removal, road building, or structure assembly) exceed three weeks, an interval during which bird species, in the absence of human or construction-related disturbances, may establish a nesting territory and initiate egg laying and incubation.
- Surveys shall be conducted no more than two weeks prior to the initiation of construction activities or other site disturbances.
- Surveys shall be conducted both within the clearing limits and beyond the clearing limits to a distance of approximately 100 ft for passerine birds and 300 ft for nesting raptor habitat.
- Surveys should begin at sunrise when birds begin their daily activity and vocalization to increase the likelihood of observing nesting behaviors (e.g., adults carrying fecal sacs away from the nest or bringing food to the nest, young begging for food, adults giving alarm calls or exhibiting agitated behavior) to increase the likelihood of finding nests.
- Surveys shall include a nighttime visit to address the potential for California spotted owl and other owl species (an hour before sunrise or after dusk) with call points every 0.25 miles along the trail alignment at a minimum of 10 minutes per call station. An amplified digital caller shall be used to play spotted owl and/or long-eared owl calls to elicit responses from territorial owls. If there is a response from special-status owls, the project biologist shall notify the City within one business day of discovery, as the City may choose to initiate coordination with wildlife regulatory agencies.
- Project construction or tree removal shall not begin until the qualified biologist, in consultation with CDFW, determines that the required or appropriate avoidance, minimization, and mitigation measures have been implemented.

To avoid impacts to special-status bats, if present, any trees along the alignment that provide potential roosting habitat, e.g., under exfoliating bark and in bole and branch hollows – habitat elements typically associated with large diameter, older trees and trees in an intermediate to advanced stage of decay, of which there are few in the BSA – shall be GPSd.

A map of the GPSd trees, rock outcrops, or other potential roosting habitat shall be included in the report documenting the results of the nesting bird surveys, and include notes on any observed bat sign (bat guano containing discarded insect remains, roost staining, bat remains, and insect parts). If sign is observed, special-status bat species shall be presumed present and the habitat avoided with an adequate buffer during the spring-summer nesting season for bats.

Should any active nests or breeding areas be discovered, a buffer zone (protected area surrounding the nest, the size of which is to be determined by a qualified biologist) and monitoring plan shall be developed. Nest locations and survey transects shall be mapped and submitted, along with a report stating the survey results, to the Nevada City Planning Department within one week of survey completion.

If any special-status birds are observed, including California spotted owl, purple martin, yellow warbler, or Cooper's hawk, a CNDDDB field observation form shall be prepared for each sighting and submitted to the Nevada City and Nevada City Planning Departments and CDFW within one week of observation.

A qualified wildlife biologist shall monitor the progression of reproductive stages of any active nests discovered during the preconstruction survey until a determination is made that nestlings have fledged and that a sufficient time for fledgling dispersal has elapsed; construction activities shall be prohibited within the buffer zone until such determination is made. No additional measures will be implemented if active nests are more than the following distances from the nearest work site: 300 feet for raptors, and 100 feet for passerine birds. Buffers shall not apply to construction-related traffic using existing roads that is not limited to project-specific use (i.e., county/City roads, existing project area roads, etc.).

Timing: *Prior to construction, ground disturbance or vegetation removal, and periods of trail work delay over two weeks duration.*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *City Planner*

Mitigation Measure 4C: Prepare Mitigation Plan for Impacts to Riparian Habitat. The applicant shall prepare a mitigation plan for avoiding impacts during construction of the trail and culvert installation and associated disturbance to the stream, riparian habitat, and associated wildlife, during construction. At a minimum, the plan shall include the following measures:

1. Flag and avoid stream and riparian habitat outside the limits of the proposed culvert and culvert approach;
2. Best Management Practices (BMPs) for preventing any disturbed soil or other pollutants from entering the stream;
3. Prohibit the removal of riparian vegetation beyond the 200 sq. ft. of Himalayan blackberry and willow trees removed;
4. Limit construction near the stream to the dry season when possible;
5. Prohibit the use of mechanized equipment on the stream or streambanks;
6. Require a biological monitor be present for all work near the stream;
7. Requiring pre-construction nesting bird surveys, and
8. Stabilize the trail tread and any minor fill placed on the uplands adjacent to the stream

banks for the approach to the culvert with local rock.

The project applicant shall submit the plan to CDFW with an application for a Lake and Streambed Alteration Agreement, and include all mitigation measures included in this report for protecting aquatic and riparian resources, and wildlife, including the pre-construction nesting bird surveys. The applicant shall also comply with all terms and conditions of the permit. The permit application and planting plan shall be submitted no less than 6 months prior to the anticipated start of work and vegetation removal near the streams.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4D: Implement Best Management Practices. To protect water quality, habitat values, and wildlife in the streams, the project work shall implement standard BMPs during and after construction as specified below. The BMPs contained here shall be incorporated into the construction specifications (or by reference).

PRE-CONSTRUCTION PLANNING

a) Limit Construction to the Dry Period to Extent Feasible – At no time shall work occur in flowing water. Construction of the culvert and stream crossing shall be timed to coincide with a no-flow or low-flow period for the stream. The final drawings and specifications shall include a detailed water diversion plan subject to approval by CDFW and RWQCB. Soil disturbance activities shall be timed with awareness of precipitation forecasts, and shall be started only if the local weather forecast predicts no rain for a period of 72 hours.

All work within the intermittent stream and riparian area will be done during time of low-flow and non-breeding season between August 1st and September 30th. It is expected that flows will be less than 0.10 cubic feet per second (cfs). Temporary dewatering will consist of a sandbag cofferdam with a pump or siphon hose that will discharge minor amounts of flow to upland area adjacent to the stream. If a pump is used, it shall have a screened intake with a rock lined sump to prevent inadvertent removal of aquatic species

b) Locate Staging and Spoil Areas Away from ESAs – Locate spoil areas, staging areas, and equipment refueling & maintenance areas a minimum of 30 feet from the upstream or upslope side of the streams. The boundaries of those work areas and equipment access points shall be clearly marked on all final grading and construction drawings.

c) Minimize soil & vegetation disturbance- Minimize the amount of soil and vegetation disturbance to the minimum necessary through site design and construction practices. The maximum width of work areas shall be clearly depicted on all final grading and construction drawings and specifications. Grading disturbance within the 25 feet of the ephemeral stream will be contained to the prism of fill necessary for the trail and culvert crossing.

SEDIMENT AND POLLUTION CONTROLS

d) Prior to the start of work that will disturb soil on slopes above the streams install straw or

coir logs or rolls to keep erodible soils and other pollutants from entering the intermittent stream. Sediment controls shall also be installed around the perimeter of any spoils and staging areas on slopes above the streams, if necessary, where needed to trap sediment or pollutants and release it as cleaner sheet flow.

e) Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.

f) The contractor shall exercise every reasonable precaution to protect the streams from accidental pollution with fuels, oils, bitumen, and other harmful materials. Under no circumstances shall bentonite, if used, or cement washwater be discharged into the stream. The contractor shall keep spill containment materials onsite at all times during construction.

g) No construction debris shall be placed in or adjacent to the streams. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.

EROSION CONTROL

h) Immediately following construction and riprap stabilization of the culvert fill, any disturbed areas on slopes above the streams shall be graded or smoothed to minimize surface erosion and siltation and stabilized as soon as possible after the soil disturbance is completed and before any rain event. Straw or coir logs or rolls shall be installed according to manufacturer's specifications. Erosion control measures need not be installed during the dry season, unless rain is predicted. Disturbed soils associated with the trail construction are minor and no seeding is required beyond the rock stabilization specified in the project description.

INSPECT & MAINTAIN CONTROL MEASURES

i) Sediment and other pollutant control measures, and erosion control measures shall be inspected regularly during the construction period, and repaired and/or installed no less than 24 hours before a forecast storm or rain event.

j) Extra sediment, pollutant, and erosion control materials shall be stockpiled on site to address any unanticipated rain events, problems and emergencies

Timing: Prior to permit issuance or if no permit is required prior to construction

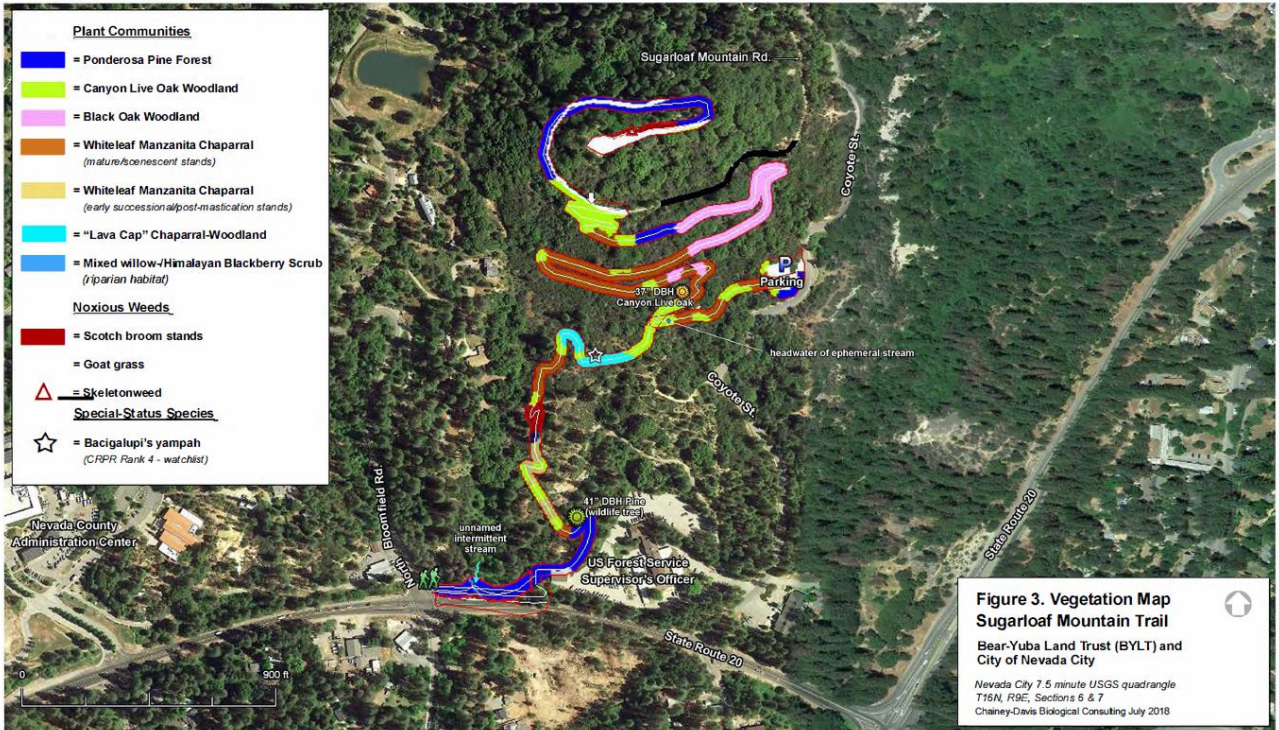
Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4E: Implement Measures for Minimizing Introduction and Spread of Noxious Weeds.

- Prior to construction, the Bear Yuba Land Trust shall train all personnel involved in trail construction to identify species of noxious weed within the project area and instructed in the location of their occurrences as shown in figure below (and also provided in the

Biological Inventory prepared for this study), and avoid operating equipment within the occurrences to the greatest extent possible;



- Before any equipment is moved onsite and before leaving the project area, the contractor shall remove any seed, roots or stolons, and mud on the tracks or tires with a wire brush or other method. Equipment shall also be cleaned before equipment moves from near an infested area into uninfested areas.
- The BYLT staff shall monitor the trail for noxious weed occurrences within the constructed trail prism and hand grub the occurrences. “Noxious weeds” include Scotch broom, goat grass, skeletonweed, and any newly introduced populations of noxious weeds with a CDFA A rating or Cal-IPC “High” rating. Monitoring shall continue for one year following construction.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4F: Implement Measures for Minimizing Impacts to Native Trees and Wildlife.

- To promote old growth characteristics and protect the larger trees along the trail from fire, “release” all trees of any species over 18 in. DBH that occur along the edge of the trail by removing small, weak trees and brush under the dripline of the tree.
- The City’s adopted Sugarloaf Master Plan for the open space parcel include a requirement

that the City place signage on the City-owned property. The signage shall state the prohibited uses of the trail. Additional signage shall be installed by the City to inform trail users of the importance of the habitats to wildlife and how to minimize disturbance to wildlife during the nesting season. A botanist or biologist shall be consulted on the text of the educational signage.

- Prior to vegetation removal, the Bear Yuba Land Trust shall obtain a Tree Removal permit, and implement any additional mitigation the City requires pursuant to Chapter 18.01 of the City Municipal Code.

Timing: Prior to permit issuance or if no permits or plans, during construction, and post-construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4G: Willow Replacement: Mitigation for the loss of two willows, if impacted, will be mitigated through the planting of six arroyo willow saplings on onsite or on a City property at a location to be approved by the project Biologist.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4H: Obtain Necessary State/Federal Permits/Authorization. Prior to work within the riparian area and prior to culvert installation, the City of Nevada City will prepare an application for a California Fish & Game Code Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for the work within the stream environment, and also a federal Clean Water Act Section 401 permit and Water Quality Certification from the Regional Water Quality Control Board. Pre-construction notification shall also be made to the US Army Corps of Engineers Regulatory Program. Documentation of authorization from the appropriate agencies and/or appropriate permit(s) shall be provided to the City Planner or City Engineer prior to any trail work that has potential to affect bed, channel, or bank of streams.

Timing: Prior to work in bed, channel, or bank of streams.

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner/City Engineer

5. CULTURAL RESOURCES: To mitigate potential cultural resource impacts associated with the project construction activities, the following mitigation measures shall be required:

Mitigation Measure 5A: Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction. The following note shall be incorporated into any Grading Plans:

“All construction plans shall advise contractors and construction personnel involved in any

form of ground disturbance, i.e. utility placement or maintenance, grading, etc., of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the City of Nevada City Planning Department shall be contacted. A professional archaeologist shall be retained by the City and Bear Yuba Land Trust and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the City shall be notified and consulted about any plans for treatment. These standards shall be noted on all grading plans in such a way as to make them evident to contractors or machinery operations working on the project, with a descriptive heading such as “Historical and Archaeological Discovery”.

***Timing:** Prior to permit issuance or if no permit is required prior to construction*

***Reporting:** Agency approval of permits and plans*

***Responsible Agency:** Planning Department*

Mitigation Measure 5B: If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease within 100 feet of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from a traditionally and culturally affiliated Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from traditionally and culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR’s to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe.

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

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with the United Auburn Indian Community (UAIC) and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: Planning Department

Mitigation Measure 5C: A consultant and construction worker tribal cultural resources awareness brochure (Appendix A, Reference Item 36) and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: Planning Department

6. GEOLOGY /SOILS:

Mitigation Measure 6A: Avoid Areas of Potential Slope Failure: The trail shall be aligned so as to avoid areas of previous slope failure and areas where gradients exceed 50 percent (2:1, horizontal:vertical). Where the proposed trail alignment cannot be relocated around potentially unstable slopes, periodic maintenance shall be completed by the Bear Yuba Land Trust in conjunction with Nevada City, in order to maintain and/or rebuild the trail segment in the event of future slope failure, erosion, and mass wasting.

Timing: During trail construction and ongoing

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust

Mitigation Measure 6B: Provide stable bench along trail. Trail grading shall be recessed into the hillside to provide a stable bench. Small-scale slope instability associated with oversteepened trail cuts and fills will require periodic maintenance by the Bear Yuba Land Trust, in conjunction with Nevada City. In areas that will receive fill, fill shall be placed on

exposed native soil after completion of site clearing, grubbing and overexcavation. Fill placed on slopes steeper than 5:1, H:V shall be benched into the existing slope to allow placement of fill in thin horizontal lifts. Benches shall extend into competent native soil or rock and should slope slightly inboard, towards the uphill side of the trail.

Timing: During trail construction and ongoing

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust

Mitigation Measure 6C: Clearing, Grubbing, and Fill Placement: Strip and remove organic surface soil containing shallow vegetation and any other deleterious materials. Vegetation and organic-rich topsoil may be suitable as a mulch but should generally not be used as fill. The depth of stripping may vary across the site. Oversize rock (more than 8 inches in greatest dimension) should generally not be used as fill but may be suitable for use as rip rap for slope protection.

Fill material will likely be necessary at drainage crossings to allow for the placement of cross culverts for surface water drainage. Soil fill and aggregate surfacing material shall be mechanically compacted with equipment such as a vibratory plate or jumping jack, pursuant to the local grading ordinance. Fill shall be uniformly moisture conditioned and placed in thin lifts (layers) with a thickness that does not exceed the capability of the compacting equipment. For example, small walk-behind compaction equipment such as a vibratory plate or jumping jack may be capable of compacting several inches of soil in one lift.

Material used for fill construction shall consist of uncontaminated, predominantly granular, non-expansive native soil or approved import soil. Rock used in fill shall be no larger than 8 inches in diameter. Rocks larger than 8 inches are considered oversized material and shall be stockpiled for offhaul, or used later in rip rap areas or rock walls

Timing: During trail construction and ongoing

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust

Mitigation Measure 6D: Provide Routine Erosion Control Maintenance. Routine maintenance and repairs should be anticipated along all sections of the proposed trails. Trail surfaces will be susceptible to erosion from the imposed pedestrian traffic and surface run-off from the uphill slopes. Crushed rock may be used in areas where trail surfaces are highly susceptible to erosion. Surface water runoff should be routed to rock-lined V-ditches or cross culverts, where possible, to reduce erosion from concentrated surface water flow.

Timing: During trail construction and ongoing

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust

7. GRENNHOUSE GAS EMISSIONS: *none required*

8. HAZARDS / HAZARDOUS MATERIALS: *none required*

9. HYDROLOGY AND WATER QUALITY: To mitigate potential hydrology and water

quality impacts associated with the project construction activities, the following mitigation measures shall be required:

Mitigation Measure 4D, above

Mitigation Measure 9A: Prior to culvert installation or disturbance within the intermittent stream channel, obtain Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board

Timing: *Prior to culvert installation or disturbance within the ephemeral drainage*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *Bear Yuba Land Trust, City Planner, City Engineer*

Mitigation Measure 9B: If project disturbance exceeds one acre, the Bear Yuba Land Trust shall be required to obtain coverage under the statewide General Permit for Discharges of Storm Water Associated with Construction Activity (also referred to as the Construction General Permit or CGP) and prepare Stormwater Pollution Prevention Plan (SWPPP) pursuant

Timing: *Prior to permit issuance or if no permit is required prior to construction*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *City Planner*

10. LAND USE/PLANNING: *None Required*

11. MINERAL RESOURCES: *None Required*

12. NOISE: To mitigate the potential for noise impacts on the nearest residences, the following mitigation measure shall be required:

Mitigation Measure 12A: Limit construction work hours to 7:00 AM to 7:00 PM. During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM. Improvement plans shall reflect hours of construction.

Timing: *Prior to permit issuance or if no permit is required prior to construction*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *City Planner*

13. POPULATION/HOUSING: *None Required*

14. PUBLIC SERVICES: *None Required*

15. RECRETION: *None Required*

16. TRANSPORTATION /CIRCULATION:

Mitigation Measure 16A: Prior to opening up the trail for public use, the City of Nevada City shall enter into a License Agreement with the County of Nevada for use of 10 designated parking spaces at the parking lot at the Nevada County Eric Rood Administrative Center,

available to trail users outside of normal Government Center business hours

Timing: *Prior to opening the trail for public use*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *City Manager*

Mitigation Measure 16B: The Bear Yuba Land Trust shall install mile-markers as provided by the City along the trail prior to public access pursuant to requirements of the adopted Master Plan.

Timing: *Prior to opening the trail for public use*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *Parks and Recreation Manager*

17. UTILITIES/SERVICES SYSTEMS: *None Required*

INITIAL STUDY AND CHECKLIST

Introduction

This checklist is to be completed for all projects that are not exempt from environmental review under the California Environmental Quality Act (CEQA). CEQA requires a brief explanation for answers to the Appendix G: Environmental Checklist except “No Impact” responses that are adequately supported by noted information sources. Answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. This Initial Study uses the following terms to describe the level of significance of adverse impacts. These terms are defined as follows.

- **No Impact:** An impact that would result in no adverse changes to the environment.
- **Less than Significant Impact:** An impact that is potentially adverse but does not exceed the thresholds of significance as identified in the impact discussions. Less than significant impacts do not require mitigation.
- **Less than Significant with Mitigation:** An environmental effect that may cause a substantial adverse change in the environment without mitigation, but which is reduced to a level that is less than significant with mitigation identified in the Initial Study.
- **Potentially Significant Impact:** An environmental effect that may cause a substantial adverse change in the environment; either additional information is needed regarding the extent of the impact to make the significance determination, or the impact would or could cause a substantial adverse change in the environment. A finding of a potentially significant impact would result in the determination to prepare an EIR.

1. AESTHETICS

Existing Setting: Aesthetic or visual resources include the “scenic character” of a particular area. Scenic features can include both natural features, such as vegetation, rock outcroppings, and topography, as well as manmade features such as historic structures. Areas that are more sensitive to potential effects are usually readily observable, such as land found adjacent to major

roadways and hilltops.

Sugarloaf Mountain is a small hill, rising only 500 feet above the elevation of Nevada City to a peak elevation of 3,070 feet (see Figure 2). The topography is moderately steep except for the segment that parallels SR 49 between North Bloomfield Road and the USFS Tahoe National Forest Supervisor's Office, and a small level ridge on the peak, where the new trail connects with Sugarloaf Mountain Road to an existing vista point and sitting area on Sugarloaf Mountain Peak. The scenic character of the project area includes significant natural features. Sugarloaf is an iconic feature of the City and demarks a natural northerly boundary for the City and is prominently featured in many historic photographs and drawings (See Figure 1.a below).

The Nevada City General Plan references Sugarloaf Mountain in several instances, and references it specifically in two policies as an important visual resource:

“Land use and Economic Development” policies:

- *In recognition of the visual value of Sugarloaf Mountain and the nearby ridgetops, the following restrictions shall be included in any development for this area:*
 - *Avoid any land disturbance such as major grading and/ or tree removal which would cause visible scars.*
 - *Any structures shall be carefully sited so that they are not visible.*
 - *In the vicinity of any structures, the tree canopy shall be retained to screen views.*
 - *Building material shall be in natural colors which will blend into the hillside. No materials which will cause visible glare or reflection shall be used.*

“Conservation and Scenic Resources” policies:

- *Reinforce important vistas and scenic corridors by reducing roadside clutter and emphasizing focused views to important landmarks (e.g. Sugarloaf).*



Figure 1.a: “Birdseye View of Nevada City,” 1871, Drawn by August Koch

In addition to above General Plan policies, the adopted Sugarloaf Master Plan outlines several policies for trail development and trail use including a policy that “trails should be discrete, cleverly designed and not scar the mountain as it is viewed from town.”

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect on a scenic vista?		X			A, 25,26
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			X		A, 25,26
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		X			A, 25,26
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X	A, 25,26

1.a. Would the Project have a substantial adverse effect on a scenic vista?

The proposed trail project will extend approximately 1 mile, Commencing at the intersection of North Bloomfield Road and State Highway 49, following the highway right-of-way east, then northerly, traversing two private properties (APNs 05-310-09 and 05-310-10) through a series of switchbacks along the eastern side of an existing ravine. The trail will enter the City-owned Sugarloaf property at its southwestern corner and will continue switch backing until it meets an existing access road that will serve as the trail to the top of the property. While the switchbacks described above will run up the southern face of the hill, the City-facing side, the Bear Yuba Land Trust proposal indicates that “trail clearing will be

localized to the trail, leaving trees and large shrubs in place, routing the trail around and under them. This will naturally screen the trail from view as seen from town. (Vegetation management projects in the future to reduce hazardous fuels on Sugarloaf Mountain might temporarily expose small sections of trail to view from town but these would soon be screened again by re-growth of vegetation along the trail.)” In the event that a scar is visible from the City, Mitigation Measure 1.A is recommended that requires the City to actively mitigate any visible scars by either protecting existing plants that might grow in a manner for visual screening or by actively planting appropriate native vegetation for that purpose. Therefore, the proposed trail project will have a *less than significant impact with mitigation* on a designated scenic vista.

1.b. Would the Project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

A review of the current Caltrans Map of Designated Scenic Routes indicates that State highway 49 is not an officially designated State scenic highway. However, this highway is eligible to become a State scenic highway. Portions of the trail are likely to be visible from the Highway, particularly the section that traverses the Caltrans right-of-way. According to the Caltrans Scenic Highway Guidelines, “Caltrans evaluates the merits of a nominated [scenic]highway on how much of the natural landscape a traveler sees and the extent to which visual intrusions impact the “scenic corridor.” The trail will be visual at its commencement point at North Bloomfield Road and State highway 49, but then rapidly ascends 10-feet above the highway surface so that it is not expected to visually dominate a traveler’s field of vision. Furthermore, much of the impacted area along the highway will remain screened by existing trees and vegetation so the visual character of this area will largely remain intact. The proposed trail is anticipated to have a *less than significant impact* on the eligibility of the adjacent highway for an official state scenic designation.

1.c. Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?

The trail will traverse the southern face of Sugarloaf Mountain and as such, has the potential to degrade the visual character of site as viewed from certain points in downtown Nevada City. The adopted Sugarloaf Master Plan requires the following for trail construction:

The brush and tree cover along the trail route should be managed so that the vegetation provides a visual and physical barrier to cutting switchbacks, creating new trail routes, etc. and the trail clearing should be used to both provide a visual barrier ahead, so that excessive speeds are discouraged, as well as taking efforts to clear specific areas to provide a view of the trail ahead for the safety of the user but not encourage faster speeds.

Based on their proposal, the Bear Yuba Land Trust insists that no portion of the trail “described in [their] application will be seen from town as long as the vegetation on the mountain continues to look much as it does today. Trail clearing will be localized to the trail, leaving trees and large shrubs in place, routing the trail around and under them.” Staff recommends that mitigation be in place to ensure that only the minimum amount of vegetation be cleared to accommodate the trail alignment and brush clearing to ensure that brush growth does not enclose the trail route too quickly. The Land Trust has expressed interest in developing slightly wider “viewing spots” that

offer premium views along the trail route. These “viewing stops” will occur periodically along the trail alignment and some will coincide with the areas created for brush burning, which will require an area that is approximately 10-feet in width as compared to the primary trail alignment of 4-feet. Recommended mitigation below also includes care to site these wider areas so that they are effectively screened by existing vegetation. Finally, mitigation 1.A, previously discussed, is recommended for review of the vegetation screening is considered one year after trail completion. This will naturally screen the trail from view as seen from town. (Vegetation management projects in the future to reduce hazardous fuels on Sugarloaf Mountain might temporarily expose small sections of trail to view from town but these would soon be screened again by re-growth of vegetation along the trail.),

The trail alignment is proposed to be designed with minimal visual effect of the built environment and provide a natural experience for users. Visibility of the proposed trail from areas outside the project area boundary will be largely obstructed by existing conifer and manzanita cover and surrounding environment. As such, the Sugarloaf Trail would not constitute substantial degradation of the existing visual character of the project area or its surroundings and therefore visual quality impacts would be **less than significant with mitigation** as recommended.

1.d. Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the areas?

There are no new light sources or reflective surfaces included with this project. Therefore, the project would have **no impact** to aesthetics due to new sources of light and glare.

Mitigation Measures: In order to mitigate potential aesthetic impacts associated with implementation of the Sugarloaf Trail project, the following mitigation is required:

Mitigation Measure 1.A: One year after completion of the trail on the City-owned Sugarloaf property, the Bear Yuba Land Trust shall provide a report to the City Council on the aesthetic conditions of the trail as viewed from prominent viewpoints from town, such as the Sacramento Street overpass, Broad Street/York Street Intersection, State Highway 49, etc. If visual “scars” are identified as a result of trail work, and at the City Council’s discretion, the Bear Yuba Land Trust shall provide either a planting plan or a vegetation protection plan that will provide a visual screen of the trail if determined to necessary to maintain the property’s aesthetics. The City Council may require subsequent reports on the aesthetic conditions if deemed necessary after the initial year’s report.

Timing: Within one year of trail implementation

Reporting: Noted on agency approval of permits and plans

Responsible Agency: City Planner and the Bear Yuba Land Trust

Mitigation Measure 1.B: Only the minimum necessary vegetation removal shall be permitted in order to accommodate the trail alignment and safety hazards.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Noted on agency approval of permits and plans

Responsible Agency: City Planner

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting: According to the Nevada County Important Farmland 2010 Map, areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance do not occur within eastern the City of Nevada City and therefore do not occur within the Sugarloaf Trail project area boundary. Additionally, maps produced by the U.S. Department of Agriculture, Natural Resources Conservation Service (2009) indicate that the project area does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Accordingly, there are no Williamson Act contracts within the project area or vicinity.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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 Department of Conservation’s Division of Land Resource Protection, to non-agricultural use?				X	A, D, 7
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				X	A
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland zoned Timberland Production Zone (as defined by Government Code section 51104(g))?				X	A, 19
d. Result in the loss of forest land or conversion of forest land to non-forest use?			X		A
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?				X	A, D

2a. Would the Project 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 Department of Conservation’s Division of Land Resource Protection, to non-agricultural use?

Impact Discussion 2a: The Sugarloaf Trail is not located in an area identified as 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, and therefore poses **no impact** to such lands.

2.b. Would the Project conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?

Impact Discussion 2b: The Sugarloaf Trail creates no conflicts with zoning for agricultural use or a Williamson Act contract because no such zoning designations exist within the project area. The project would have **no impact** regarding conflicts with agricultural uses or Williamson Act contracts and mitigation is not required.

2.c. Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland zoned Timberland Production Zone?

Impact Discussion 2c: The Sugarloaf Trail creates no conflicts with zoning for forest land or a timberland zoning designation and it is not designated as a Timberland Production Zone because no such zoning designations exist within the project area. The project would have **no impact** regarding conflicts with forest land or timber land zoning and mitigation is not required.

2.d. Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

Impact Discussion 2d: The trails project is proposed to enhance the public’s use of the open space and will not result in the loss or conversion of forest land. While not zoned for forest or timber production, minimal tree removal will be required in order to accommodate the trail project. Therefore, the impact on the loss of forest land would be **less than significant**.

2.e. Would the Project 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?

Impact Discussion 2e: Farmland and agricultural uses are not present within the project area therefore there is **no impact** to these resources.

Mitigation Measures

None required.

3. AIR QUALITY

Existing Setting: Most of Nevada County’s ozone is transported by wind from the Sacramento and Bay Areas. Ozone is formed by volatile compounds (VOC or ROG) and oxides of nitrogen (NOx) reacting in sunlight, especially on hot days. Ozone is an unstable 3-oxygen molecule that oxidizes substances it contacts. High ozone levels reduce the elasticity of our lungs and cause breathing problems, burning eyes, sore throats and headaches. It has been connected with the development of asthma and decreased lung function. Children, the elderly, individuals with heart and lung ailments, and people exercising outdoors are especially affected. Ozone also damages rubber, paint, plastics and plants, reducing vegetable yields and timber productivity. Nearly half of California’s ozone is from car and truck exhaust. The rest is from power production, off-road equipment, industry, consumer products, vegetation and other sources. According to the NSAQMD, the pollutants of greatest concern are ozone, particulate matter, and toxic air contaminants.

Federal law establishes health-based ozone standards. Failing to meet those standards results in an area being designated as “non-attainment.” In 2004, Western Nevada County (west of a line near Soda

Springs) was designated non-attainment for the federal 8-hour Ozone Standard of 0.08 ppm. As such, major air pollution sources are subject to an emission offset program, and federally funded projects such as highway improvements must be shown to not make the problem worse. Another requirement is that Western Nevada County must reduce its emissions of ozone precursors by at least 3% per year. Most necessary reductions are expected from Statewide measures and from cars becoming cleaner. Additional requirements vary depending on an area's classification, which is tied to a demonstration that the standard can be met by a specific year.

The District requires a permit for all stationary engines greater than 50 horsepower (HP) regardless of fuel type that are located within the NSAQMD. The California Air Resources Board's (CARB's) Airborne Toxic Control Measure (ATCM) for Stationary Compression Engines Final Regulation Order has established requirements and compliance dates for diesel-fueled engines of greater than 50 HP. Stationary engines falling under the requirements of the CARB ATCM or any District regulation must be permitted by the District to operate legally. The retrofit of the engine, or even its replacement, may be necessary to comply with applicable District regulations. In addition, the Statewide PERP registration for some engines and equipment is not valid at any given location where other air contaminant emitting equipment, excluding engines, is operated as a stationary source and if the portable engine or equipment unit may be considered a part of the stationary source. District authorization must be obtained before operating at any specific location where the Statewide registration is not valid. The Statewide registration may also not be valid if certain hazardous or toxic materials are to be processed using PERP registered equipment. The District recommends reading the requirements of registration for your engine or equipment.

Ozone: Ozone (O₃), the main component of photochemical smog, is primarily a summer and fall pollution problem. Ozone is not emitted directly into the air but is formed through a complex series of chemical reactions involving other compounds that are directly emitted. These directly emitted pollutants (also known as ozone precursors) include reactive organic gases (ROG) and nitrogen oxides (NO_x).

Particulate Matter: PM₁₀ and PM_{2.5} consist of particulate matter that are 10 microns or less in diameter and 2.5 microns or less in diameter, respectively (a micron is one-millionth of a meter). PM₁₀ and PM_{2.5} represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. Particulate matter in the atmosphere results from many kinds of dust and fume-producing industrial and agricultural operations, fuel combustion, and atmospheric photochemical reactions.

Toxic Air Contaminants (TACs): Non-criteria air pollutants or TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, diesel engines, dry cleaners, industrial operations, and painting operations. TACs are regulated separately from the criteria air pollutants at both federal and state levels.

Odorous Emissions: Though offensive odors from stationary sources rarely cause any physical harm, they still remain unpleasant and can lead to public distress generating citizen complaints to local governments. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors.

Existing Air Quality in the Project Area Vicinity: The closest ambient air monitoring station is at the Grass Valley-Litton Building at the top of Litton Drive in Grass Valley, about 3.25 miles southwest of the Sugarloaf Trail site. One of the County air monitoring site has recorded that particulate matter in Nevada County has exceeded national standards on 144 days between the years 2015 through 2017. These are likely due to infrequent events, such as major wildfires during the summer.

CEQA Environmental ChecklistItem	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with or obstruct implementation of the applicable air quality plan?				X	A, E, 12, 24
b. Violate any air quality standard or contribute to an existing or projected air quality violation?		X			A, E, 12, 24
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			X		E, 12, 24
d. Expose sensitive receptors to substantial pollutant concentrations?			X		E, 12, 24
e. Create objectionable odors affecting a substantial number of people?				X	E, 12, 24

3.a. Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Impact Discussion 3a: The City of Nevada City does not have an applicable Air Quality Plan. The Sugarloaf Trail does not utilize woodstoves. The trail connects to an existing trail along State Highway 49 that connects to the Nevada County Government Center and the existing Hirschman’s trail. Therefore traffic generation is anticipated to be nominal because this Project it is not likely to become a recreation destination, isolated from existing recreational facilities. The Project improves links with these existing pedestrian trails, which may reduce vehicle trips. The project will not conflict with or obstruct implementation of an Air Quality Management Plan or other applicable air quality plans, therefore there will be *no impact*.

3.b. Would the Project violate any air quality standard or contribute to an existing or projected air quality violation?

Impact Discussion 3b: Operational phase: The Sugarloaf Trail will not be accessible to motorized vehicles (except for the existing access driveway accessible to maintenance or emergency vehicles) or other modes of transportation that emit emissions outlined above. The trail will be open to the public, however, as discussed above, there would be a minimal increase in vehicles driving to the trail as an isolated destination. Users are anticipated to primarily be those that live and work in the vicinity.

Construction Phase: Construction of the proposed project has the potential to affect air quality

through the use of small construction equipment and machinery, and through vehicle trips generated from trail builders traveling to and from the project area. In addition, fugitive dust emissions would result from grading activities. Mobile source emissions, primarily nitrogen oxides (NO_x), would result from the use of construction equipment such as mini excavators and chainsaws and from the travel of workers to and from the project area. The short-term and temporary duration of the annual seasonal construction period (approximately 6 months), combined with the very low impact construction methodology proposed for trail construction will significantly reduce the emissions generated from them.

Grading activities associated with the trail project will disturb soil within the project area. Soil disturbance will generate airborne dust, specifically PM₁₀ that may affect air quality in the area. The PM₁₀ emissions from construction of the proposed project will be short-term and temporary for the duration of construction of the project (see mitigation Measures 2.A and 2.B). The short-term, temporary duration of increased PM₁₀ emissions, combined with compliance with NSAQMD standards for dust emissions will minimize potential PM₁₀ emission related to trail construction and use to *less than significant with mitigation*.

3.c. Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Impact Discussion 2c: In 2004, Western Nevada County (west of a line near Soda Springs) was designated non-attainment for the federal 8-hour Ozone Standard of 0.08 ppm. Ozone (O₃), the main component of photochemical smog, is primarily a summer and fall pollution problem. Ozone is formed in the atmosphere through chemical reactions between pollutants emitted from vehicles, factories and other industrial sources, fossil fuels, combustion, consumer products, evaporation of paints, and many other sources. Hydrocarbons and nitrogen oxide gases react in the presence of sunlight to form ozone. Hot, sunny, and calm weather promotes ozone formation. Because the trail use is for non-motorized bicycles and pedestrians these pollutants are not anticipated to be emitted through regular trail use. Some amount of trail maintenance may require periodic use of tools such as chainsaws, but this will be infrequent, if necessary at all.

Grading activities associated with trail improvement will involve use of a mini-excavator and chainsaws. This equipment will emit pollutants that will contribute to Ozone production. Emissions from construction of the proposed project will be short-term and temporary for the duration of construction of the project. Much of the construction will be completed using hand tools. The short-term, temporary duration, and minimal use of this kind of equipment is anticipated to have a *less than significant* impact on an increase in Ozone production.

3.d. Would the Project expose sensitive receptors to substantial pollutant concentrations?

Impact Discussion 2d: The nearest sensitive receptors to the project are homes located within 300 to 400 feet of the proposed trail alignment. The trail is approximately one mile in length. The majority of trail users are anticipated to be people who live/work in the vicinity of the project and will not be generating additional vehicle trips. Some amount of vehicle trips will be generated for those making

a trip as the sole destination, but these are expected to be relatively few and any increase in vehicle trips would be nominal. With the abundance of trails in the vicinity of the project (Hirschman's Trail, Tribute Trail, Miner's Trail) most users aren't required to drive vehicles to get to the trails, thus the proposed non-motorized trail project introduces no significant operational emission sources. The proposed project would not create or contribute to a non-stationary source pollutant "hotspot." Carbon monoxide (CO) "hotspots" are areas with a high concentration of CO and can occur at congested roadway intersections as a result of accumulating vehicle emissions. This community trail enhancement project will not result in a substantial increase in the number of vehicles on local roadways. Therefore, the proposed project would not create or contribute to a non-stationary source CO "hotspot" or other pollutant hotspot.

Trail construction will result in emissions of air pollutants from temporary ground disturbance associated with site excavation, construction equipment exhaust operating at the construction site(s), construction worker vehicles and supply trucks, and from traffic impacts resulting from construction worker vehicle. The greatest potential for toxic air contaminants (TAC) emissions would be related to diesel particulate emissions associated with the mini excavator and chain saws. Only one mini excavator is anticipated to be used at any one time, and will aid in the build out of about 25% of the trail, primarily in areas of steeper terrain. Between two and 10 chainsaws may be used at any one time, depending on the work crew on any given day, which will be composed of a mix of volunteers and hired contractors. Duration of the project will span over approximately two seasons. Health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of TACs over a 70-year lifetime would contract cancer, based on the use of standard risk-assessment methodology. The project would not result in a long-term substantial source of TAC emissions as there would be no residual emissions after construction, except for potentially some infrequent use of chainsaws for maintenance. Short term emissions are temporary and localized and cease once construction activities have been completed. Thus, it is not anticipated that the Sugarloaf Trail results in substantial pollutant concentrations impacts to sensitive receptors. This would be a **less than significant** impact and not require mitigation.

Grading activities associated with construction of the trail will require use of a mini excavator and will disturb soil and cause airborne dust, generating short term PM10 emissions. Because, the site is not mapped as having the potential for encountering naturally occurring asbestos, and the proposed disturbance area is less than one acre, a Dust Control Plan is not necessary. However, the Northern Sierra Air Quality Management District requires that reasonable precautions be taken to prevent dust causing a nuisance. If dust from trail usage or construction becomes a problem for nearby residents, the use of a non-toxic soil stabilizer (or other natural material) or temporary trail closure may be warranted, and will need to be determined once the project has been fully implemented and used for some time (see mitigation Measure 3.A and 3.B).

Dust emissions may also occur in the operational phase of the project with trail use. If dust from trail usage or construction becomes a problem for nearby residents, the use of a non-toxic soil stabilizer (or other natural material) may be warranted. It is unknown whether this will become an issue at this time, but shall be periodically monitored (See Mitigation Measure If complaints are received by the City regarding dust emissions either during construction or trail use, the City and the Bear Yuba Land Trust shall apply a non-toxic soil stabilizer (or other natural material) it mitigate the emissions.

3.e. Will the Project create objectionable odors affecting a substantial number of people?

Impact Discussion 3.e: The proposed project would not result in objectionable odors. Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any of the aforementioned uses typically associated with objectionable odors. Because the project activities would not be a source of odors, there would be **no impact**.

Mitigation Measures: To mitigate potential air quality impacts associated with the project construction activities, the following mitigation measures shall be required:

Mitigation Measure 3A: Implement dust control measures. To reduce impacts of short-term construction associated with trail construction, parking lot grading, and material staging, the Bear Yuba Land Trust shall take reasonable precautions to keep dust to a minimum. Because there is no water source available along the trail alignment and because carrying adequate water is impractical in the event that dust becomes a problem trail work shall cease until soil moisture content is naturally restored in a manner that prevents dust generation during construction. A note shall be included on construction plans indicating that “all material excavated, stockpiled or graded shall be sufficiently treated or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard and construction activity shall cease if dust generation becomes a nuisance.”

Timing: Prior to permit issuance or if no permit is required, prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 3B: Minimize dust emissions: If complaints are received by the City regarding dust emissions either during construction or trail use, the City shall apply a non-toxic stabilizer (or other natural material) in order to mitigate dust emissions. Alternatively, the City may close the trail to public traffic until soil moisture content is sufficient to prevent excessive dust. The City shall evaluate the trail condition and dust conditions during trail use at least one year after trail implementation, during a late summer period (August or September) to determine whether a soil stabilizer is necessary or whether periodic closure might be necessary.

Timing: Within 18 months of trail implementation

Reporting: Complaint driven

Responsible Agency: Bear Yuba Land Trust/Parks and Recreation Manager

Mitigation Measure 3C: Obtain NSAQMD Permit for Open Burning. Prior to any open burning activity, the Bear Yuba Land Trust shall provide the City Planner with verification of authorization to conduct such activity through an Air Pollution Permit issued by the NSAQMD. At the time of permit issuance, the NSAQMD may place appropriate restrictions on the burning, which should be planned as far from houses as reasonably possible.

Timing: Prior to any open burning associated with the trail construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

4. BIOLOGICAL RESOURCES

Existing Setting: The proposed 1.5-mile trail is located in the lower montane coniferous forest zone of the northern Sierra Nevada foothills at elevations of 2,600 to 3,000 ft (see figures 1 and 2). The project is located in the Nevada City limits on a 30.52-acre open space parcel (APN 036-020-026) that encompasses all but the northern flank of Sugarloaf Mountain. The alignment also includes a 0.25-mi. section through private land on acquired trail easements. The open space parcel is undeveloped except for an existing 0.5-mile (gated) gravel road (“Sugarloaf Mountain Road”) that enters the project area from Coyote Street on the northeastern boundary. There is also an existing disturbed area (former borrow pit) off Coyote Street that would be used for parking

Approximately 0.5 acres of common and widespread plant communities would be affected by construction of the trail. Six plant communities were mapped in the project area:

- 1) Ponderosa pine forest;
- 2) Canyon live oak groves;
- 3) Black oak groves;
- 4) Whiteleaf manzanita chaparral;
- 5) Mixed willow riparian scrub, and
- 6) “Lava cap” habitat of native grasses and wildflowers in a mosaic of shrubs and foothill pines.

The topography is moderately steep except for the segment that parallels SR 49 between North Bloomfield Road and the USFS Tahoe National Forest Supervisor’s Office, and a small level ridge on the peak, where the new trail connects with Sugarloaf Mountain Road to an existing vista point and sitting area on Sugarloaf Mountain Peak.

Waters of the US/waters of the State in the project area include one small and weakly defined ephemeral stream 12 in. wide and a small, unnamed intermittent (seasonal) stream with a channel 3 ft. wide at the Ordinary High Water Mark (OHWM). The ephemeral stream flows only during larger storm events. The intermittent stream flows with a trickle into mid-summer, and supports a narrow riparian corridor of mixed willow scrub with an understory of the invasive exotic Himalayan blackberry. There are no vernal pools, ponds, springs, irrigation canals, or any other aquatic resources in or adjacent to the project area.

The 30.52-acre open space parcel consists predominantly of mature to senescent whiteleaf manzanita chaparral, ponderosa pine forest, and scattered small canyon live oak and black oak groves (see Figure 3). Similar plant communities are found on the private lands but these were not surveyed on foot beyond the 40-ft wide zone of influence. The segment of the trail that parallels the SR49 right-of-way crosses a small intermittent stream and narrow stringer of willow and Himalayan blackberry riparian scrub.

Locally, many special-status plant species are strongly associated or endemic to soils derived from serpentine and gabbro parent materials, and the shallow, poorly drained “lava caps” (skeletal volcanic soils). No serpentine or gabbro-derived soils are present in the project area (NRCS 2017).

Gravelly loam tertiary terrace remnants in the Horseshoe soil series dominate the eastern portion of the BSA. The southern portion of the BSA, designated as “Placer” on the NRCS soil survey, exhibits significant topographic disturbance from historical mining. The Placer mapping units are remnants of tertiary river deposits that have been disturbed by hydraulic or placer mining, but may also include some natural deposits along stream channels and undisturbed areas.

The description of biological resources is based on field surveys conducted by the project biologist Carolyn Chainey-Davis on August 15 and 20, 2017, and on April 12 and June 10, 2018. All habitats encountered in the Biological Survey Assessment (BSA) were assessed for similarity to condition at sites known to support the special-status plant and animal species known to occur in the project vicinity.

CEQA Environmental ChecklistItem	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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?		X			A, F, 17
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		X			A, F, 17, 29
c. Result in a substantial reduction in the extent, diversity, or quality of native vegetation, including brush removal for fire prevention and flood control improvements?		X			F, 17
d. 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?		X			A, F, 9, 17, 29
e. 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?		X			D, F, 2, 17
f. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			A, 14, 17
g. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	A

4.a. Would the Project 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?

Impact Discussion 4a: No special-status animal species were observed during the surveys and no habitat is present in or adjacent to the Biological Survey Assessment (BSA) for any state or federal-listed Threatened, Endangered, or Candidate species. The BSA does not offer suitable habitat of the following species known to occur in the nine-quadrangle area encompassing the BSA: California red-legged frog, a Federal Threatened and California SSC; foothill yellow-legged frog, a Federal Candidate Threatened species, and California SSC; California Fully Protected species bald eagle, golden eagle (*Aquila chrysaetos*) and California black rail, federal Endangered great gray owl, or the California SSC western pond turtle. Nor does the project offer suitable mature or late seral forest habitat, or with the necessary habitat elements or elevations known to support the state listed fisher West Coast DPS (*Pekania pennanti*) or Sierra Nevada red fox (*Vulpes vulpes nicator*).

The aquatic habitat on the small intermittent stream that would be affected by the trail construction does not resemble the structure, hydrology, or other characteristics of aquatic habitats known to support red-legged frog or foothill yellow-legged frog. The nearest pond is over 1,700 ft. from the proposed stream crossing, and work near the intermittent stream would not occur during the rainy season when red-legged frogs may disperse. Nor are there any wetlands in or near the BSA that resemble the habitat structure or hydrology associated with local occurrences of the state Threatened and Fully Protected species California black rail (*Laterallus jamaicensis coturniculus*).

However, suitable habitat is present in the BSA for several non-listed special-status avian and bat Species of Special Concern to CDFW that were not detected during the surveys. Although not detected during the surveys, the following CDFW Species of Special Concern have at least moderate potential to occur in the BSA during the nesting season, based on the presence of suitable habitat and known occurrences in the nine-quadrangle region surrounding the BSA:

- Cooper's hawk (nesting) – Watchlist species
- California spotted owl – California Species of Special Concern
- Purple martin (nesting) – California Species of Special Concern
- Yellow warbler (nesting) – California Species of Special Concern
- Townsend's big-eared bat – California Species of Special Concern

The BSA also has limited suitable habitat present for coast horned lizard (*Phrynosoma coronatum*) in the more open lava cap habitat, but this species was not observed during the four surveys, and the suitable habitat was largely avoided by realignment of the trail away from this habitat type. Construction of the trail is very unlikely to affect coast horned lizard, and no additional surveys are warranted.

DFW defines California Species of Special Concern (SSC) as “animals not listed under the federal Endangered Species Act or the California Endangered Species Act, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist.”

If present, construction during the nesting season could affect these SSC species and/or common

bird species protected under the federal Migratory Bird Treaty Act (adopted by the state under California Fish and Game Code §3513) and in conflict with California Fish and Game Code §3503.5 for the protection of raptors. With implementation of Mitigation Measure 4B for pre-construction surveys and nest buffers, if nests are found, the proposed project would not substantially and adversely affect any species identified as a candidate, sensitive, or special-status plant or animal species, or other nesting bird species.

Brief descriptions of the special-status animals with potential to occur in the project area, based on suitable habitat and known occurrences in the project vicinity are provided below. A summary of all 25 special-status animal species known to occur in the project vicinity, including their distribution, status, habitat requirements, threats, and regional distribution are provided in Appendix C of the Biological Inventory.

If nests of any common or special-status birds, including Cooper's Hawk, California Spotted Owl, Purple Martin, Yellow Warbler, or any other nesting bird, are found in close proximity to the trail construction, noise from heavy equipment and human activity during the nesting season (March 1 to July 31) could cause nest abandonment, even if trees are not removed. Impacts to nesting Cooper's hawk or California spotted owl, if present, or any nesting raptors or migratory birds would be in conflict with the federal Migratory Bird Treaty Act (adopted by the state under California Fish and Game Code §3513) and in conflict with California Fish and Game Code §3503.5 for Protection of Raptors. Nest abandonment would qualify as a "take" under the state definition. **Mitigation Measure 4B** requires a pre-construction nesting bird survey if trail construction, including vegetation removal, occurs during the nesting season (March 1 to July 31). Alternately, nesting bird surveys can be waived if disturbance is confined to the non-breeding season. With implementation of Mitigation Measure 4B the proposed project would not result in significant impacts to Cooper's hawk, California spotted owl, purple martin, or any other common or special-status nesting birds potentially occurring in the BSA. Nest buffers for state or federal listed avian species are not addressed in this analysis as there is no suitable habitat present in or adjacent to the BSA for any species listed under the state or federal endangered species acts.

One bat species has been documented in the nine-quadrangle region surrounding Nevada City (CNDDDB 2017): Townsend's big-eared bat (*Corynorhinus townsendii*). Other bat species are known to occur in the vicinity but they do not have CDFW or USFWS status. They are of interest or concern to the Western Bat Working Group (WBWG). These include: Yuma myotis (*Myotis yumanensis*), fringed myotis (*Myotis thysanodes*), and little brown bat (*Myotis lucifugus*). Species accounts for these bat species are provided below

Bats – depending on the species – use a wide variety of roost sites which fall into three general categories: crevices, cavities, and foliage. Many are associated with man-made structures such as caves and mine shafts, abandoned building, and expansion joints of overpasses. Bats usually occupy one site during the day (day roost) and one or more sites at night in between foraging bouts (night roost). During the spring-summer reproductive season, females gather in maternity colonies to give birth, and their roost sites are especially important refuges during pregnancy and lactation. Mother bats leave the flightless young behind in the roost while foraging; but return periodically to nurse. Males may be solitary during the reproductive season. In the fall, the young are independent and the colonies usually disperse.

Trees provide potential roosting habitat under exfoliating bark and in bole and branch hollows, habitat elements associated with large diameter, older trees, of which there are few in the BSA. Several bat species roost hanging pendant in the foliage of trees and shrubs, such as western red bat, but that species has no documented occurrences in the nine-quadrangle area surrounding the BSA. All the bat species expected to occur on the project are insectivorous and will forage for insects in vegetation, over water surfaces, in the open air, and on the ground. Foraging habitat includes the surface of still or slow-moving open water in the river and creeks, riparian corridors, open grassland, oak woodland, canyons, and edge habitats where trees and shrubs border water bodies or meadows.

The project would not require removal of any trees or shrubs greater than a few inches in diameter, therefore no direct impacts to potentially occupied roost trees would result from the proposed project. There are very few suitable “bat trees” present on or adjacent to the alignment; Impacts to maternal colonies of special-status bat species, if present, including construction-related noise and activity, would be less than significant with implementation of Mitigation Measure 3B for pre-construction nesting bird surveys, which includes guidelines for searching for bat “sign” on the limited number of trees in the BSA that offer suitable habitat, and guidelines for visual emergence and acoustical surveys if bat field sign is observed. Field sign where suitable habitat is present includes: bat guano containing discarded insect remains, roost staining, bat remains, and insect parts. Mitigation Measure 4B provides an alternative to conducting nesting bird and bat species if vegetation removal is conducted outside of the breeding season.

Coast horned lizard (*Phrynosoma coronatum*), known in Nevada County from a handful of occurrences, is a fairly cryptic species; it is well camouflaged, can partially bury itself to avoid detection, and retreats underground during extended periods of low temperatures or extreme heat. Horned lizards forage on the ground in open areas, usually between shrubs, and often near ant nests. Eggs are apparently laid in nests constructed by females in loose soil. Habitat elements required by coast horned lizard – open areas between shrubs, harvest ant nests, cobble and small boulders for basking or for males to locate females during the mating season – are present on the alignment in the “lava cap” habitats but limited to a very small area. While the soils aren’t deep and loose, there are sparsely vegetated areas with at least a veneer of loose sandy to fine gravelly soil.

Coast horned lizard were not observed during any of the three surveys conducted while the species is most active, and only a very small area of suitable habitat would be directly affected as the trail was adjusted to avoid the lava cap habitats directly. Therefore, with implementation of Mitigation Measure 4A for flagging and avoiding the Bacigalupi’s yampah habitat on lava cap soils, which aligns with suitable habitat for coast horned lizard, the trail construction would not affect coast horned lizard if present.

Application of the Biological Resources Mitigation Measures will insure that potential impacts to 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 will be **less than significant with mitigation**.

4.b. Would the Project have a substantial adverse effect on any riparian habitat or other

sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Impact Discussion 4b: The project area does not fall within the boundaries of any designated critical habitat of concern to USFWS. The proposed trail construction would require removal of an approximately 200 sq ft of Himalayn blackberry along an intermittent stream channel. Although the species affected is non-native and invasive, it nevertheless provides the same functions of native riparian habitat, and is treated as such by the CDFW under Section 1602 of California Fish and Game Code. The intermittent stream below the Ordinary High Water Mark (OHWM) would fall under the jurisdiction of Section 401 and Section 404 of the federal CWA, administered by the US Army Corps of Engineers (USACE) and the State water Quality Control Board (SWQCB). The broader stream environment and its riparian habitat would come under the jurisdiction of the California Fish and Game Code Section 1602 et seq., administered by the California Department of Fish and Wildlife (CDFW). (formerly California Department of Fish and Game) Lake and Streambed Alteration Program (LSA).

The proposed trail would require placing a 24-inch culvert (cmp or equivalent) on a small, intermittent stream just north of SR 49 within the CalTrans right-of-way. The stream has a small (13.0 ac.) watershed on the western flank of Sugarloaf Mountain. The channel originates 200-300 feet north of the proposed culvert, and is dry above that point, but flows nearly year-round because it is supported by groundwater discharge from an old mining tunnel on private land to the north. It has a brief dry period in late August-September.

Placing the culvert and fill will require direct and permanent impacts to 0.005 ac. (218 sq. ft.) and 47 lin. ft. of seasonal stream, a minor aquatic impact. Two multi-stemmed willows and 200 sq. ft. of blackberry may require removal. A small footbridge was originally proposed in order to avoid direct impacts to the channel, but during the initial consultation with CalTrans, it became clear that the agency discourages construction of permanent structures within the CalTrans right-of-way.

The Biological Inventory prepared for this project includes recommendations for Best Management Practices (BMPs) and other measures (Mitigation Measure 4D) that would protect aquatic resources downstream and minimize onsite impacts. The aquatic and non-wetland riparian impact would be mitigated if applicable, through the planting of 6 willow trees (Mitigation Measure 4G. No additional compensatory mitigation is proposed for the minor (0.005 ac.) aquatic impact.

The City of Nevada City will prepare an application for a California Fish & Game Code Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for the work within the stream environment, and also a federal Clean Water Act Section 401 permit and Water Quality Certification from the Regional Water Quality Control Board. Pre-construction notification will also be made to the US Army Corps of Engineers Regulatory Program. State and Federal permits are required pursuant to Mitigation Measure 4H.

With implementation of Mitigation Measures 4D, 4G, and 4H, direct, indirect, and cumulative effects to streams and riparian habitat would be minimized. No other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service are found in the BSA. Mitigation Measures identified in this Initial Study will ensure there would not be substantial adverse effect

and any impacts on any riparian habitat or other sensitive natural communities would be **less than significant with mitigation**.

4.c. Would the Proposed Project result in a substantial reduction in the extent, diversity, or quality of native vegetation, including brush removal for fire prevention and flood control improvements

Impact Discussion 4c: The entire 1.5-mile trail alignment would impact less than 0.56 acres of common and widespread plant communities. This includes: ponderosa pine forest, black oak woodland, canyon live oak woodland, and whiteleaf manzanita chaparral. No trees or manzanita greater than 6 in. DBH would be removed, with the possible exception of two small diameter pines (8 to 12 in. DBH) on a private parcel, and a few oaks and manzanitas between 4 and 6 in. DBH. Impacts to all common and sensitive natural communities in the BSA, not including the existing disturbed areas (i.e., roads), is approximately one-half acre. Impacts to the forest and woodland habitats (0.338 ac. total) would be restricted to the understory vegetation; no trees greater than 6 in. DBH would be removed; the trail alignment was adjusted during the design phase to avoid impacts to trees. Vegetation overhanging the trail would be pruned. Fuels management is proposed under the dripline of larger trees to protect these valuable habitat elements from fire and increase their growth rate. All other off-trail vegetation will be left intact to minimize unauthorized off-trail use.

Indirect impacts to the diversity or quality of native vegetation could result in the inadvertent spread of three noxious weed species already present on the proposed trail alignment: Scotch broom, barbed goat grass, and skeletonweed. The location of these invasive non-native species is shown within Mitigation Measure 4E, which requires identification of these species prior to commencement of trail work.

The federal, state, and local governments have identified noxious weed infestation and dispersal on private and public lands as an issue of concern, and these impacts can be significant. The presence of noxious weeds and other invasive plants are not regulated on private lands except for those designated as A-rated pests – the most invasive and destructive species – by the California Department of Food & Agriculture (CDFA). Skeletonweed is a CDFA A-rated pest. Scotch broom is a C-rated pest plant – a pest of known economic or environmental detriment, but widespread. The California Invasive Plant Council (Cal-IPC) rates Scotch broom as a species of high invasiveness in wildlands, and Skeletonweed as moderately invasive. Barbed goat grass is a species of high invasiveness (Cal-IPC 2018) and is a B-rated species by CDFA. The foxtails are particularly troublesome for pets as well.

The tires or undercarriage of vehicles and equipment working in infested areas can inadvertently pick up and transport noxious weed seed and/or stolons to public and private lands offsite. Erosion control measures such as use of contaminated straw bales and seed can also result in the inadvertent introduction of new invasive plants to the project area, which can in turn spread into adjacent undisturbed woodlands, adjacent agricultural lands, or residential areas.

Invasive weeds can increase fire hazards and have adverse effects on native plant communities and the wildlife (or livestock) that depend on them, and on the value of agricultural lands. The most aggressive invasive weeds degrade natural areas because they can increase fire danger, degrade recreational opportunities, destroy productive range or timber lands, consume valuable

groundwater, degrade wildlife habitat values, inhibit the reproduction of native trees, reduce biological diversity, and fundamentally alter the unique character of California (Tibor 2001).

Mitigation Measure 4E requires identification noxious weed populations and avoiding the occurrences to the greatest extent possible during construction. The mitigation measure also requires monitoring the trail for noxious weeds for a period of one year following construction, and hand-grubbing any noxious weeds that become established along the trail. Mitigation Measure 4F includes measures for restoring and enhancing habitat on or adjacent to the trail to improve habitat values.

Based on the project design and the small area affected, and with implementation of Mitigation Measure 4E and Mitigation Measure 4F for addressing indirect and cumulative impacts, the impact to the extent, diversity, or quality of native vegetation with respect to the proposed trail project will be *less than significant with mitigation*.

4.d. Would the Project 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?

Impact Discussion 4d: The proposed trail construction would require crossing a small intermittent stream channel in the southwestern portion of the BSA. No wetlands occur near the stream or anywhere within the BSA. Nor are any vernal pools, ponds, springs, or irrigation canals in or near the BSA.

The intermittent stream below the Ordinary High Water Mark (OHWM) would fall under the authority of Sections 401 and 404 of the federal Clean Water Act (CWA), administered by the US Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB). California Fish and Game Code Section 1602 et seq., administered by CA Department of Fish and Wildlife (CDFW) encompasses the entire stream environment, including the riparian vegetation.

The proposed trail would require placing a 24-inch culvert (cmp or equivalent) on a small, intermittent channel just north of SR 49 within the CalTrans right-of-way. The stream has a small (13.0 ac.) watershed on the western flank of Sugarloaf Mountain. The channel originates 200-300 feet north of the proposed culvert, and is dry above that point, but flows nearly year-round because it is supported by groundwater discharge from an old mining tunnel on private land to the north. It has a brief dry period in late August-September.

Placing the culvert and fill will require direct and permanent impacts to 0.005 ac. (218 sq. ft.) and 47 lin. ft. of seasonal stream, a minor aquatic impact. Two multi-stemmed willows and 200 sq. ft. of blackberry would be removed. A small footbridge was originally proposed in order to avoid direct impacts to the channel, but during the initial consultation with CalTrans, it became clear that the agency discourages construction of permanent structures within the CalTrans right-of-way.

The Biological Inventory prepared for this project includes recommendations for Best Management Practices (BMPs) and other measures (Mitigation Measure 4D) that would protect aquatic resources downstream and minimize onsite impacts. The aquatic and non-wetland riparian impact would be mitigated through the planting of 6 willow trees (Mitigation Measure 4G). No

additional compensatory mitigation is proposed for the minor (0.002 ac.) aquatic impact.

The portion of the ephemeral stream that crosses the trail near the center of the BSA does not exhibit OHWM indicators at the crossing, and the existing trail crossing of the ephemeral would not be improved; no direct impacts would result. Indirect impacts would be prevented with implementation of the mitigation measures summarized below and described in detail in the “Mitigation” section of this report.

The City of Nevada City will prepare an application for a California Fish & Game Code Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for the work within the stream environment, and also a federal Clean Water Act Section 401 permit and Water Quality Certification from the Regional Water Quality Control Board. Pre-construction notification will also be made to the US Army Corps of Engineers Regulatory Program. State and Federal permits are required pursuant to Mitigation Measures 4C and 4H.

The proposed project will impact Waters of the US/ of the State, however impacts are limited to the minimum amount necessary for trail construction. With implementation of Mitigation Measures 4C, 4D, 4G, and 4H, direct, indirect, and cumulative effects to streams and riparian habitat will be minimized. All State and Federal permits will be obtained and erosion control measures will be implemented. Impacts on jurisdictional waters resulting from this project will be *less than significant with mitigation*.

4.e. Would the Project 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?

Impact Discussion 4e: As discussed above, Impact Discussion 4a, evaluates the project impacts to special-status species and also addresses nesting migratory birds that would be protected under the federal Migratory Bird Treaty Act. The Migratory Bird Treaty Act passed in 1918 makes it unlawful “.....by any means or manner to pursue, hunt, take, capture (or) kill.... any migratory bird, any part, nest, or eggs of any such bird...” California Fish and Game Code 3503 states “It is unlawful to take, possess or needlessly destroy the nest or eggs of any bird....” With implementation of Mitigation Measure 4B for confining vegetation removal to the non-breeding season unless pre-construction nesting bird surveys are conducted, the impact of the project on migratory bird species would be reduced to a level less than significant.

The BSA falls within the California mule deer (*Odocoileus hemionus californicus*) Motherlode herd, which is a unit of generally resident deer that may move limited distances seasonally, but are not fully migratory between non-overlapping summer and winter ranges. Consequently, regulatory goals and policies pertaining to protection of migratory routes and critical summer (fawning) and winter ranges are not applicable to the Area. Furthermore, based upon the very minimal use of the BSA, due in part to the large impenetrable stands of manzanita by resident (not migratory) deer, the project would not be expected to have significant impacts upon mule deer. No resident or migratory fish species occur in the BSA. Native resident and migratory birds are addressed. Therefore, the proposed project would not conflict with any local policies or ordinances protecting native resident or migratory wildlife corridors, and this impact is *less than significant with*

mitigation.

4.f. Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Impact Discussion 4f: No oak trees greater than 6 in. DBH will be removed because the easement allows for the flexibility of avoiding trees and the trail disturbance width is quite small (2 to 4 ft). During the August 15, 2017 survey of the trail alignment with Bill Haire (BYLT), the applicant's Trail Coordinator, Ms. Chainey-Davis and Mr. Haire adjusted the alignment to avoid tree impacts. However, a few oaks and manzanitas between 4 and 6 in. DBH would be removed. Additionally, two small diameter ponderosa pines between 8 and 12 in. DBH may be removed on a private parcel.

The Nevada City Tree Preservation Ordinance requires that applicants obtain tree permits for cutting or removing protected trees in order to meet the City's policies for protecting tree resources (Chapter 18.01). The ordinance defines "protected trees" to include many of the trees native to the city, and some shrub species based on the DBH of single trunks or the cumulative DBH of multi-trunked individuals.

The project will require removal of a few oaks between 4 and 6 in. DBH, and the possible removal of two pines between 8 and 12 in. DBH, triggering the requirement for a permit (§18.01.030). None of the trees affected would meet the criteria for "Additionally Protected Trees" (§18.01.036).

Tree impacts have already been significantly minimized through the placement of the trail and BMPs included in the project description. Removal of the weak, dead and declining small trees and shrubs would protect and enhance the growth and health of the larger specimens that over-top or are in close proximity to the removed trees. From a biological perspective, the loss of these small trees is not a significant direct or indirect impact, and is not cumulatively considerable. Nevertheless, the City tree ordinance requires applicants obtain a tree permit and mitigate for impacts to "protected trees" as defined by the City (see "Protected Trees" in the Definitions section of this report, Section 2.3). Mitigation Measure 4F specifies that a tree removal permit be obtained from the City, and implement any additional mitigation the City requires pursuant to Chapter 18.01 of the City Municipal Code. Mitigation Measure 4F also contains measures that would offset the impact through promotion of old growth character, which would be a more direct, immediate, and effective strategy for mitigation than artificial tree plantings.

Mitigation Measure 4D requiring Best Management Practice for work near the stream, along with Mitigation Measure 4F requiring enhancement of existing, healthy trees along the trail and City authorization of Tree Removal through appropriate permitting, will serve as effective mitigation for adhering to local ordinance requirements resulting in a *less than significant impact with mitigation.*

4.g. Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Impact Discussion 4g: Currently there are no known adopted habitat conservation plans that would result in conflicts with the project. **No impact** will result from the Sugarloaf Trail.

MITIGATION MEASURES: To mitigate potential biological resource impacts associated with the project construction activities, the following mitigation measures shall be required:

Mitigation Measure 4A: Flag and Avoid Special Status Species Occurrences The location of Bacigalupi's yampah and its associated lava cap habitat, which also offers suitable habitat for coast horned lizard, shall be flagged for avoidance by the project biologist wherever the habitat occurs within 20 feet of the trail construction. Documentation of the pre-construction flagging shall be provided in a brief memo to the City of Nevada City Planning Department and BYLT Trail Coordinator.

Timing: Prior to permit issuance or if no permit is required prior to vegetation removal

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4B: Avoid Impacts to Nesting Birds and Bats. If construction or vegetation removal is proposed during the nesting season (March 1- July 31), impacts to nesting raptors, including special-status avian or bat species, and migratory birds can be avoided by removing vegetation before the start of the nesting season, or delaying removal until after the end of the nesting season. Alternatively, pre-construction surveys could be conducted to verify that the construction and vegetation removal areas do not support nesting migratory birds or raptors, or other special-status birds and bats. Tree removal and construction shall not take place during the breeding season (March 1 – July 31), unless supported by a report from a qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance. A brief memo documenting the results of the surveys, including a map of the GPSd transects or survey route and GPS locations of detected nests or observed nesting behavior shall be submitted to the Planning Department and BYLT Trail Coordinator within three business days.

The surveys shall be conducted according to the following guidelines:

- Surveys shall only be conducted by a qualified biologist with experience conducting nesting bird surveys.
- Surveys shall not occur during heavy rain, snow, fog, high wind or cold temperature, as nest/bird detection may be limited during these conditions, and/or add stress to nesting adults.
- Surveys should be conducted methodically and thoroughly (e.g. transects) to maximize efficacy of locating nests, and should not exceed approximately 2 acres per hour in high quality habitat (e.g., stream zones, large diameter trees, mature forest, etc.).
- The survey transect shall be recorded in the field using the 'track' feature on a GPS device, and a map of the transect shall be submitted in the memo to the permitting agency.
- An additional survey may be required if periods of construction inactivity (e.g., gaps of activity during grading, tree removal, road building, or structure assembly) exceed three

weeks, an interval during which bird species, in the absence of human or construction-related disturbances, may establish a nesting territory and initiate egg laying and incubation.

- Surveys shall be conducted no more than two weeks prior to the initiation of construction activities or other site disturbances.
- Surveys shall be conducted both within the clearing limits and beyond the clearing limits to a distance of approximately 100 ft for passerine birds and 300 ft for nesting raptor habitat.
- Surveys should begin at sunrise when birds begin their daily activity and vocalization to increase the likelihood of observing nesting behaviors (e.g., adults carrying fecal sacs away from the nest or bringing food to the nest, young begging for food, adults giving alarm calls or exhibiting agitated behavior) to increase the likelihood of finding nests.
- Surveys shall include a nighttime visit to address the potential for California spotted owl and other owl species (an hour before sunrise or after dusk) with call points every 0.25 miles along the trail alignment at a minimum of 10 minutes per call station. An amplified digital caller shall be used to play spotted owl and/or long-eared owl calls to elicit responses from territorial owls. If there is a response from special-status owls, the project biologist shall notify the City within one business day of discovery, as the City may choose to initiate coordination with wildlife regulatory agencies.
- Project construction or tree removal shall not begin until the qualified biologist, in consultation with CDFW, determines that the required or appropriate avoidance, minimization, and mitigation measures have been implemented.

To avoid impacts to special-status bats, if present, any trees along the alignment that provide potential roosting habitat, e.g., under exfoliating bark and in bole and branch hollows – habitat elements typically associated with large diameter, older trees and trees in an intermediate to advanced stage of decay, of which there are few in the BSA – shall be GPSd. A map of the GPSd trees, rock outcrops, or other potential roosting habitat shall be included in the report documenting the results of the nesting bird surveys, and include notes on any observed bat sign (bat guano containing discarded insect remains, roost staining, bat remains, and insect parts). If sign is observed, special-status bat species shall be presumed present and the habitat avoided with an adequate buffer during the spring-summer nesting season for bats.

Should any active nests or breeding areas be discovered, a buffer zone (protected area surrounding the nest, the size of which is to be determined by a qualified biologist) and monitoring plan shall be developed. Nest locations and survey transects shall be mapped and submitted, along with a report stating the survey results, to the Nevada City Planning Department within one week of survey completion.

If any special-status birds are observed, including California spotted owl, purple martin, yellow warbler, or Cooper's hawk, a CNDDDB field observation form shall be prepared for each sighting and submitted to the Nevada City and Nevada City Planning Departments and CDFW within one week of observation.

A qualified wildlife biologist shall monitor the progression of reproductive stages of any active nests discovered during the preconstruction survey until a determination is made that nestlings have fledged and that a sufficient time for fledgling dispersal has elapsed; construction activities shall be prohibited within the buffer zone until such determination is made. No additional measures will be implemented if active nests are more than the following distances from the nearest work site: 300 feet for raptors, and 100 feet for passerine birds. Buffers shall not apply to construction-related traffic using existing roads that is not limited to project-specific use (i.e., county/city roads, existing project area roads, etc.).

Timing: *Prior to construction, ground disturbance or vegetation removal, and periods of trail work delay over two weeks duration.*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *City Planner*

Mitigation Measure 4C: Prepare Mitigation Plan for Impacts to Riparian Habitat. The applicant shall prepare a mitigation plan for avoiding impacts during construction of the trail and culvert installation and associated disturbance to the stream, riparian habitat, and associated wildlife, during construction. At a minimum, the plan shall include the following measures:

1. Flag and avoid stream and riparian habitat outside the limits of the proposed culvert and culvert approach;
2. Best Management Practices (BMPs) for preventing any disturbed soil or other pollutants from entering the stream;
3. Prohibit the removal of riparian vegetation beyond the 200 sq. ft. of Himalayan blackberry and Willow trees removed;
4. Limit construction near the stream to the dry season;
5. Prohibit the use of mechanized equipment on the stream or streambanks;
6. Require a biological monitor be present for all work near the stream;
7. Requiring pre-construction nesting bird surveys, and
8. Stabilize the trail tread and any minor fill placed on the uplands adjacent to the stream banks for the approach to the culvert with local rock.

The project applicant shall submit the plan to CDFW with an application for a Lake and Streambed Alteration Agreement, and include all mitigation measures included in this report for protecting aquatic and riparian resources, and wildlife, including the pre-construction nesting bird surveys. The applicant shall also comply with all terms and conditions of the permit. The permit application and planting plan shall be submitted no less than 6 months prior to the anticipated start of work and vegetation removal near the streams.

Timing: *Prior to permit issuance or if no permit is required prior to construction*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *City Planner*

Mitigation Measure 4D: Implement Best Management Practices. To protect water quality, habitat values, and wildlife in the streams, the project work shall implement standard BMPs during and after construction. The BMPs contained here shall be incorporated into the construction specifications (or by reference).

PRE-CONSTRUCTION PLANNING

a) Limit Construction to the Dry Period to Extent Feasible – At no time shall work occur in flowing water. Construction of the culvert and stream crossing shall be timed to coincide with a no-flow or low-flow period for the stream. The final drawings and specifications shall include a detailed water diversion plan subject to approval by CDFW and RWQCB. Soil disturbance activities shall be timed with awareness of precipitation forecasts, and shall be started only if the local weather forecast predicts no rain for a period of 72 hours.

All work within the intermittent stream and riparian area will be done during time of low-flow and non-breeding season between August 1st and September 30th. It is expected that flows will be less than 0.10 cubic feet per second (cfs). Temporary dewatering will consist of a sandbag cofferdam with a pump or siphon hose that will discharge minor amounts of flow to upland area adjacent to the stream. If a pump is used, it shall have a screened intake with a rock lined sump to prevent inadvertent removal of aquatic species

b) Locate Staging and Spoil Areas Away from ESAs – Locate spoil areas, staging areas, and equipment refueling & maintenance areas a minimum of 30 feet from the upstream or upslope side of the streams. The boundaries of those work areas and equipment access points shall be clearly marked on all final grading and construction drawings.

c) Minimize soil & vegetation - Minimize the amount of soil and vegetation disturbance to the minimum necessary through site design and construction practices. The maximum width of work areas shall be clearly depicted on all final grading and construction drawings and specifications. Grading disturbance within the 25 feet of the ephemeral stream will be contained to the prism of fill necessary for the trail and culvert crossing.

SEDIMENT AND POLLUTION CONTROLS

d) Prior to the start of work that will disturb soil on slopes above the streams install straw or coir logs or rolls to keep erodible soils and other pollutants from entering the streams. Sediment controls shall also be installed around the perimeter of any spoils and staging areas on slopes above the streams, if necessary, where needed to trap sediment or pollutants and release it as cleaner sheet flow.

e) Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.

f) The contractor shall exercise every reasonable precaution to protect the streams from accidental pollution with fuels, oils, bitumen, and other harmful materials. Under no circumstances shall betonite, if used, or cement washwater be discharged into the stream. The contractor shall keep spill containment materials onsite at all times during construction.

g) No construction debris shall be placed in or adjacent to the streams. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.

EROSION CONTROL

h) Immediately following construction and riprap stabilization of the culvert fill, any disturbed areas on slopes above the streams shall be graded or smoothed to minimize surface erosion and siltation and stabilized as soon as possible after the soil disturbance is completed and before any rain event. Straw or coir logs or rolls shall be installed according to manufactures specifications. Erosion control measures need not be installed during the dry season, unless rain is predicted. Disturbed soils associated with the trail construction are minor and no seeding is required beyond the rock stabilization specified in the project description.

INSPECT & MAINTAIN CONTROL MEASURES

- i) Sediment and other pollutant control measures, and erosion control measures shall be inspected regularly during the construction period, and repaired and/or installed no less than 24 hours before a forecast storm or rain event.
- j) Extra sediment, pollutant, and erosion control materials shall be stockpiled on site to address any unanticipated rain events, problems and emergencies

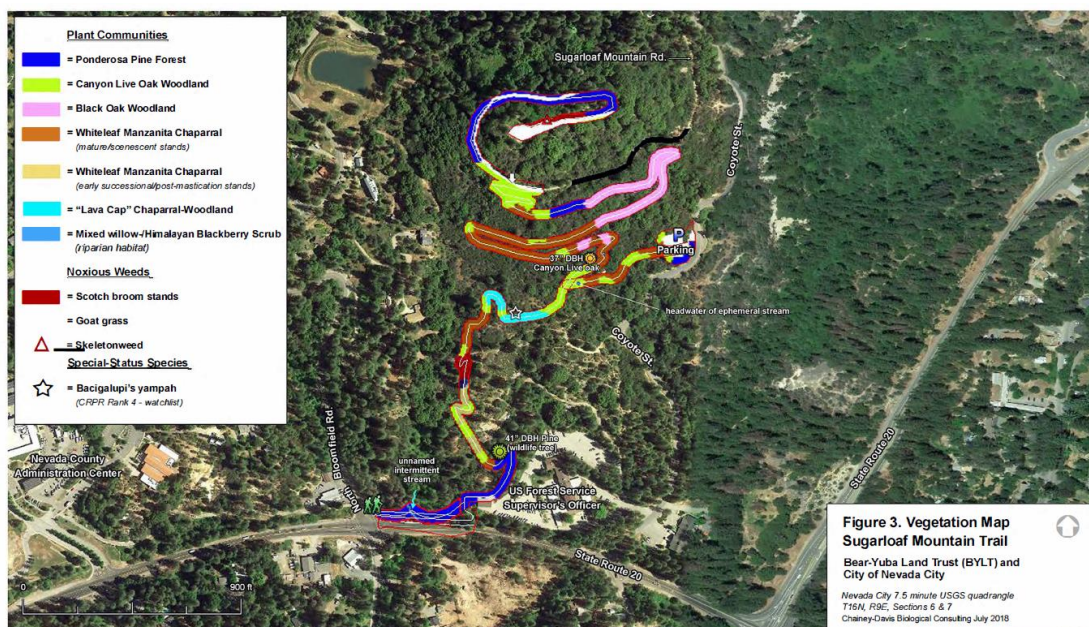
Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4E: Implement Measures for Minimizing Introduction and Spread of Noxious Weeds.

- Prior to construction, the Bear Yuba Land Trust shall train all personnel involved in trail construction to identify species of noxious weed within the project area and instructed in the location of their occurrences as shown in figure below (and also provided in the Biological Inventory prepared for this study), and avoid operating equipment within the occurrences to the greatest extent possible;



- Before any equipment is moved onsite and before leaving the project area, the contractor shall remove any seed, roots or stolons, and mud on the tracks or tires with a wire brush or other method. Equipment shall also be cleaned before equipment moves from near an infested area into uninfested areas.
- The BYLT staff shall monitor the trail for noxious weed occurrences within the constructed trail prism and hand grub the occurrences. “Noxious weeds” include Scotch broom, goat grass, skeletonweed, and any newly introduced populations of noxious weeds with a CDFA A rating or Cal-IPC “High” rating. Monitoring shall continue for one year following construction.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4F: Implement Measures for Minimizing Impacts to Native Trees and Wildlife.

- To promote old growth characteristics and protect the larger trees along the trail from fire, “release” all trees of any species over 18 in. DBH that occur along the edge of the trail by removing small, weak trees and brush under the dripline of the tree.
- The City’s adopted Sugarloaf Master Plan for the open space parcel include a requirement that the City place signage on the City-owned property. The signage shall state the prohibited uses of the trail. Additional signage shall be installed by the City to inform trail users of the importance of the habitats to wildlife and how to minimize disturbance to wildlife during the nesting season. A botanist or biologist shall be consulted on the text of the educational signage.
- Prior to vegetation removal, the Bear Yuba Land Trust shall obtain a Tree Removal permit, and implement any additional mitigation the City requires pursuant to Chapter 18.01 of the City Municipal Code.

Timing: Prior to permit issuance or if no permits or plans, during construction, and post-construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4G: Willow Replacement: Mitigation for the loss of two willows, if impacted, will be mitigated through the planting of six arroyo willow saplings on onsite or on a City property at a location to be approved by the project Biologist.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

Mitigation Measure 4H: Obtain Necessary State/Federal Permits/Authorization. Prior to work

within the riparian area and prior to culvert installation, the City of Nevada City will prepare an application for a California Fish & Game Code Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for the work within the stream environment, and also a federal Clean Water Act Section 401 permit and Water Quality Certification from the Regional Water Quality Control Board. Pre-construction notification shall also be made to the US Army Corps of Engineers Regulatory Program. Documentation of authorization from the appropriate agencies and/or appropriate permit(s) shall be provided to the City Planner or City Engineer prior to any trail work that has potential to affect bed, channel, or bank of streams.

Timing: *Prior to work in bed, channel, or bank of streams.*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *City Planner/City Engineer*

5. CULTURAL RESOURCES

Environmental Setting: For the purposes of CEQA (Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5), a significant historical and archaeological resource is one which:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- 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; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

The project site, known as Sugarloaf Mountain, is a 30.52-acre parcel located north of Highway 49 at 10730 Coyote Street, in Nevada City. Vegetation on the parcel consists of a mature primarily Manzanita field with poison oak, toyon, Ceanothus and scattered live and black oaks. The manzanita becomes quite large on the steeper slopes.

Sugarloaf Mountain, at elevations of 2,600 to 3,000 feet, has been an iconic backdrop to Nevada City. The City maintains a vision of preserving the natural appearance of Sugarloaf Mountain from the surrounding area, within and from the mountain to encourage the appreciation of the open space and the City. The acquisition of the mountain has been a priority for the City since the City's adoption of its General Plan in 1986.

The City was able to acquire the mountain property in January, 2011. The City then adopted a Sugarloaf Mountain Master Plan in January, 2016 (Appendix A, Reference 15). With the Master Plan in place it became possible to begin planning for a trail. The Bear Yuba Land Trust began reconnaissance work in March, 2016 to find a suitable path to the top of Sugarloaf Mountain. They selected a route along the Highway 49 right-of-way, through two private properties where trail easement have been obtained (Parcel 05-310-09 and 05-310-10), and within the City property, connecting with the existing road/trail near the top of the mountain.

The Bear Yuba Land Trust retained Mark D. Selverston, Registered Professional Archeologist, to identify areas and issues associated with historical and archaeological resources within the project area and to comply with all CEQA guidelines regarding cultural resources (Section 15064).

Historical uses of Sugarloaf Mountain include use by the Nisenan Nevada City Rancheria tribe, shared through oral stories by the Secretary of the Tribal Council of the Rancheria, Shelly Covert. Such stories include acknowledging the top of the Mountain was used for communicating with other villages by sending up smoke signals, and noting a battle at this site.

During the Gold Rush days, the mountain received its name because it resembled a loaf of coarse brown sugar, as it was processed and sold during the 19th and early 20th centuries. The mountain was largely used as a landmark during the gold rush era as noted in various diaries. The property has been logged many times since the area was settled.

The mountain top has been used for celebratory announcements through the years, with a cannon being fired in 1876 from the top to welcome the train which arrived on the newly constructed rail from Colfax.

Trails have existed on the property for many years by non-permitted, non-structured users. As the Mountain is public property, these trails are open for the public to use.

A maintenance and emergency road begins at Coyote Street and twists around the property to the top of Sugarloaf Mountain. This maintenance road serves as a walking trail to access the top of the property.

Three benches have been approved for placement on the property by the City, being used for picnicking and enjoying the surrounding views.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?		X			A, 15, 18
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?		X			A, 15, 18
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			A, 15, 18
d. Disturb any human remains, including those interred outside of formal cemeteries?		X			A, 18

5.a. Would the Project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?

Impact Discussion 5a: CEQA Guidelines Section 15064.5 requires the lead agency to consider the effects of a proposed project on historical resources. A historical resource is defined as any

building, structure, site, or object listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR), or determined by a lead agency to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California.

Under U.S. Department of the Interior, National Park Service guidelines (1997), buildings, structures, and objects usually need to be more than 50 years old to be eligible for listing in the National Register of Historic Places (NRHP). The California Office of Historic Preservation guidelines for project review and planning call for the identification and evaluation of resources that are more than 45 years old to account for the passage of time between the period of project review and project completion. Resources that are less than 50 years old are generally excluded from listing in the NRHP or CRHR, unless they can be shown to be exceptionally significant.

As noted above, Mr. Mark Selverston conducted a cultural resources survey for the proposed trail alignment connecting the top of Sugarloaf Mountain with the intersection of Highway 49 and North Bloomfield Road/East Broad Street. The study was conducted in June and July, 2016.

Mr. Selverston initiated a search of archaeological records housed at the North Central Information Center at California State University, Sacramento, an adjunct of the State Office of Historic Preservation or SHPO. Cultural Resources inventory consisted of (1) a records search of the proposed trail alignment and 25-foot buffer on either side by the North Central Information Center (NCIC) of the California Historical Resources Information System (File No: Nev-16-30), (2) archival research, and (3) field survey of the trail corridor.

Mr. Selverston conducted a background records search at the Searls Historical Library, maintained by the Nevada County Historical Society, the Nevada County Recorder's office, private holdings, and the internet, particularly the United States Bureau of Land Management's (BLM) lands files.

Results of the various research methods found that no relevant cultural resources studies or cultural resources have been filed with the State prior to the study prepared by Mr. Selverston. Research found that historic-era gold mining took place in the vicinity of the proposed trail alignment, particularly at lower elevations around Highway 49 and the United States Forest Service (USFS) facility.

A field survey was conducted on July 2, 2016 by Mr. Selverston and others familiar with the proposed trail. The field component of the study consisted of (1) survey along the flagged trail alignment to identify cultural features; (2) recording descriptive information for identified cultural resources; and (3) mapping of identified cultural resources. Each identified resource was assigned a unique field designation (BYL-SLMT-#) and filed with the North Central Information Center (NCIC) on DEP 523 series Historic Resource Inventory Forms.

Field inspection of the flagged trail alignment on July 2 confirmed evidence of 19th-century gold mining in the lower portion of the property, in the area of Highway 49 and the USFS facility, in the form of steep mining cuts and sluiced ravines. This area has been severely impacted by highway and facilities development and earthmoving. Segments of two water conveyance ditches and a road were observed midway along the trail on the terraces between the USFS facility and peak of Sugarloaf Mountain. Portions of these linear features have also been impacted by modern

activity. A possible prospect was also found in this area. A few small gullies in this terraced area appear to be the upper segments of races feeding into a sluiced ravine below. These resources have been recorded on Historic Resource Inventory Forms (DPR 523 series) and filed with the State.

The identified cultural resources do not appear to be threatened by the proposed trail, in the opinion of Mr. Selverston. While they are associated with California's gold mining legacy, they do not retain integrity to convey that association. They are potentially eligible under Criteria 4, for their archaeological data, but this value does not appear to be threatened by trail construction and use. Therefore, it appears the project would not alter any of the characteristics that potentially qualify the sites for listing to the State's inventory of important cultural resources.

With regard to the potential for the trail alignment to contain potentially dangerous remains left over from the gold mining era, no evidence of gold processing, such as mill remains or tailings, was observed anywhere during the survey or found in the literature. The type of mining activity that occurred in the trail alignment would likely not have left toxic remains. Similarly, there is no evidence of hard rock mining at this location, and none were observed, so there are no potentially harmful waste dumps present.

As part of the process of identifying cultural resources issues for this project within or near the project site, the City planner contacted the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands Files (SLF). The City Planner submitted the request to the NAHC on March 11, 2019 and the NAHC emailed a response on March 14, 2019, providing a contact list of six Native American individuals or tribal organizations that may have knowledge of cultural resources in or near the project site. The City Planner contacted each of the NAHC individuals and tribal organizations, and also contacted a representative from the local Nevada City Rancheria tribal group via both email and U.S. mail on April 5, 2019 requesting information regarding their knowledge of the presence of cultural resources that may be impacted by this project. The City Planner also received a late request by the Shingle Springs Band of Miwok Indians on May 10, 2019 to be included on a consultation list in accordance with Public Resource Code Section 21080.3 subd. (b), and followed that up with a request to that tribal group for information they may have on impacts to cultural resources as a result of the Sugarloaf Trail project. To date, one letter and one email have been received, both of which were from separate tribal representatives of the United Auburn Indian Community (UAIC). Email correspondence with a representative of the UAIC confirmed that they did not require a formal site visit, but they recommended that worker awareness training be provided, and that a qualified cultural resources specialist and affiliated tribal groups be contacted in the event of inadvertent cultural resource discovery. The Bear Yuba Land Trust was also in contact with a representative of the Nevada City Rancheria tribal group who determined that the measures recommended by the UAIC provides sufficient mitigation for the protection of potential Native American resources. Recommendations made by the UAIC are incorporated as Mitigation Measures 5B and 5C. Therefore, the project would have a *less than significant impact with mitigation* to historical and archaeological resources.

5.b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?

Impact Discussion 5b: Public Resources Code Section 21083.2 defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria. The resource:

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

The report found no archaeological resources are known to exist within the project area. As noted above, Mr. Selverston's research found historic-era gold mining took place in the vicinity of the proposed trail alignment, particularly at lower elevations around Highway 49 and the United States Forest Service (USFS) facility. The identified cultural resources do not appear to be threatened by the proposed trail, in the opinion of the author. While they are associated with California's gold mining legacy, they do not retain integrity to convey that association. They are potentially eligible under Criteria 4, for their archaeological data, but this value does not appear to be threatened by trail construction and use.

Therefore, the proposed project is not likely to destroy, either directly or indirectly, a unique archaeological resource or site. As described in Mitigation Measure 5A, if such a resource should be encountered during construction, work would stop until the resource can be evaluated and a determination made of its significance and need for recovery, avoidance, and/or mitigation. Therefore, impacts on archaeological resources would be **less than significant with mitigation**.

5.c. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact Discussion 5c: Paleontological resources are the fossilized evidence of past life found in the geologic record. Despite the tremendous volume of sedimentary rock deposits preserved worldwide, preservation of plant or animal remains as fossils is an extremely rare occurrence. Because of the infrequency of fossil preservation, fossils – particularly vertebrate fossils – are considered to be nonrenewable resources. Because of their rarity, and the scientific information they can provide, fossils are considered highly significant records of ancient life.

The cultural resources study prepared by Mr. Selverston found no relevant paleontological resources or unique geologic features are known to exist within the project area. Therefore, the proposed project is not likely to destroy, either directly or indirectly, a unique paleontological resource or site, or geological feature. As described in Mitigation Measure 5A, if such a resource should be encountered during construction, work would stop until the resource can be evaluated and a determination made of its significance and need for recovery, avoidance, and/or mitigation. Therefore, impacts on paleontological resources or unique geologic features would be **less than significant with mitigation**.

5.d. Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Impact Discussion 5d: The Cultural Resources Survey, prepared by Mark Selverston, was conducted on the property in June and July of 2016. This survey states no cultural remains were found within the project area. No Native American resources were observed or indicated in the research literature.

As discussed in Impact Discussion 5.a. the City Planner has received one letter and one email in response to the City's request for information on tribal cultural resources within the project vicinity. Both responses were from separate tribal representatives of the United Auburn Indian Community. Email correspondence with a representative of the UAIC confirmed that they did not require a formal site visit, but they recommended that worker awareness training be provided, and that a qualified cultural resources specialist and affiliated tribal groups be contacted in the event of inadvertent cultural resource discovery. These recommendations are included as Mitigation Measures 5B and 5C.

Although the project area has already been subjected to a systematic surface investigation, it is possible that buried or concealed historical and archaeological resources could be present that may be detected during project implementation. In the event of unforeseen finds, work should stop in the immediate vicinity and a qualified archaeologist and/or Native American consultant shall be contacted to assess the nature and significance of the find. If human remains are inadvertently discovered, California law requires that work must stop immediately and the county coroner must be notified. If the remains are found to be Native American, both the Native American Heritage Commission and members of the Nevada City Rancheria tribal group (or other identified descendants) shall be notified to insure that proper treatment is given to the burial site.

Based upon a records search, no human remains are known to exist within the project area. In the unlikely event that human remains are discovered, work within the area will be stopped and the County Coroner will be notified immediately. Work will only resume after the investigation and in accordance with any requirements and procedures imposed by the County Coroner. In the event that the skeletal remains most likely represent a Native American interment, the Native American Heritage Commission and Nevada City Rancheria tribal group (or other identified descendants) shall be notified so that the most likely descendants can be identified and appropriate treatment can be implemented. Therefore, with the incorporation of mitigation measures the proposed project would not result in any significant impacts with respect to disturbing any human remains, including those interred outside of formal cemeteries. In the event of an accidental discovery, Mitigation Measure 5A shall be implemented to ensure the impacts are *less than significant with mitigation*.

Mitigation Measures: To mitigate potential cultural resource impacts associated with the project construction activities, the following mitigation measure shall be required:

Mitigation Measure 5A: Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction. The following note shall be incorporated into any Grading Plans:

“All construction plans shall advise contractors and construction personnel involved in any form of ground disturbance, i.e. utility placement or maintenance, grading, etc., of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the City of Nevada City Planning Department shall be contacted. A professional archaeologist shall be retained by the City and Bear Yuba Land Trust and consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and

individuals recognized by the City shall be notified and consulted about any plans for treatment. These standards shall be noted on all grading plans in such a way as to make them evident to contractors or machinery operations working on the project, with a descriptive heading such as “Historical and Archaeological Discovery”.

Timing: *Prior to permit issuance or if no permit is required prior to construction*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *Planning Department*

Mitigation Measure 5B: If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease within 100 feet of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from a traditionally and culturally affiliated Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from traditionally and culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR’s to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe.

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

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Timing: *Prior to permit issuance or if no permit is required prior to construction*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *Planning Department*

Mitigation Measure 5C: A consultant and construction worker tribal cultural resources awareness brochure (Appendix A, Reference 28) and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally

affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

Timing: *Prior to permit issuance or if no permit is required prior to construction*

Reporting: *Agency approval of permits and plans*

Responsible Agency: *Planning Department*

6. GEOLOGY / SOILS

Existing Setting: Existing slope gradients typically range from 15 to 50 percent throughout the landscape where the trail is to be constructed.

According to the Natural Resources Conservation Service (NRCS) web soil survey (<http://websoilsurvey.nrcs.usda.gov>) the Project vicinity includes areas mapped as Iron Mountain cobbly loam (northern trail segment, towards the top of Sugarloaf Mountain), Horseshoe gravelly loam (central and northeastern trail segments) and Placer diggings (lower, southern trail segment).

The site location is underlain by andesitic tuff and breccia represented as symbol Na on Figure 2, comprising the top of Sugarloaf Mountain), rhyolitic tuff (symbol Nr; middle elevations) and auriferous gravels (symbol Ng; lower trail segment). These Tertiary (65 million to 2.58 million years ago) deposits are generally underlain at depth by Mesozoic (252 to 66 million years ago) granodiorite. Placer diggings are mapped at the southern edge of the site.

According to the California Geological Survey Open File Report 96-08, Probabilistic Seismic Hazard Assessment for the State of California, and the 2002 update entitled California Fault Parameters, the site location is not mapped within an active fault system.

The 1997 edition of California Geological Survey Special Publication 43, Fault Rupture Hazard Zones in California, describes active faults and fault zones (activity within 11,000 years), as part of the Alquist-Priolo Earthquake Fault Zoning Act. The 2003 updated map and document indicate the site location is not within an Alquist-Priolo active fault zone.

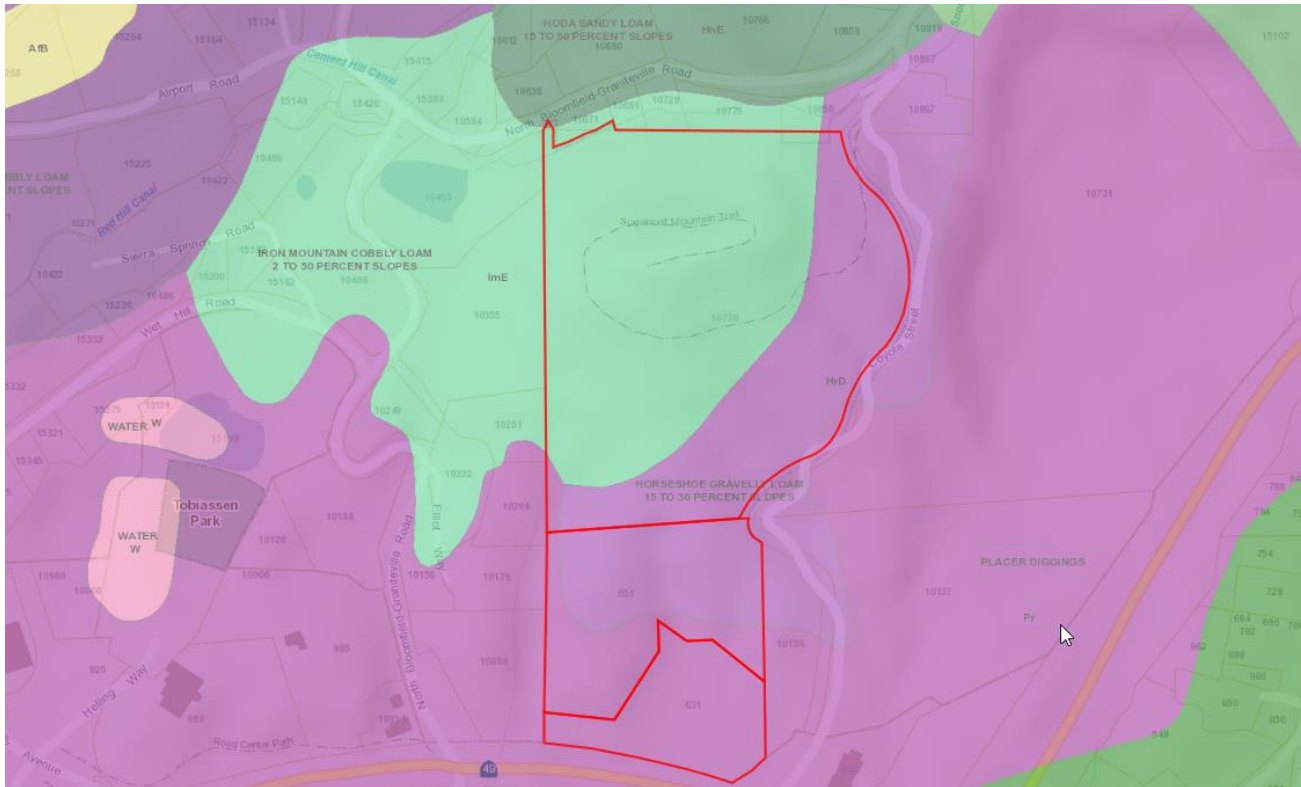
Slope gradients generally ranged from 15 to 50 percent along the proposed trail alignment. Some segments of the proposed trail cross slopes in excess of 50 percent. Elevations range from approximately 2,600 near the intersection of State Route 49 and North Bloomfield Road to approximately 3,000 feet above mean sea level near the top of Sugarloaf Mountain.

The lower trail segment crosses a slope failure that has recently been graded to remove the steep, upper edge of the failure (the scarp of the landslide). Although the recent grading resulted in the removal of the near-vertical slopes, the area is still considered unstable and subject to erosion and mass wasting.

We observed seasonal drainage channels and evidence of water seepage at some locations along

the proposed trail alignment. Deeply incised drainage channels were observed near the lower segment of the trail.

Slope failure has occurred near the southern end of the proposed trail in an area that was topographically altered by historical Placer mining. Although the area of slope failure has recently been graded to remove the near-vertical slope at the former landslide scarp, the entire landslide area is still considered unstable and is subject to ongoing erosion and mass wasting. Additional slope failures may occur in this area.



Source: USDA Nevada County Soil Survey Map as provided by the Nevada County Geographic Information Systems

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
<p>a. Expose people or structures to potential substantial adverse effects, including the risk or loss, injury, or death involving:</p> <p>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?</p> <p>ii) Strong seismic ground shaking?</p> <p>iii) Seismic-related ground failure, including liquefaction?</p> <p>iv) Landslides?</p>		X			5,6, 19, 25

b. Result in substantial soil erosion or the loss of topsoil?		X			5, 19, 25
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,		X			5,6, 19, 25
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X		5, 19, 25
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?				X	25

6.a. Would the Project expose people or structures to potential substantial adverse effects, including the risk or loss, injury, or death involving:

6.a.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?

Impact Discussion 6.a.i): The proposed trail project is not located within any of the Earthquake Fault Zones delineated by the Alquist-Priolo Earthquake Fault Zoning Act. According to the California Geological Survey Open File Report 96-08, Probabilistic Seismic Hazard Assessment for the State of California, and the 2002 update entitled California Fault Parameters, the site location is not mapped within an active fault system.

The 1997 edition of California Geological Survey Special Publication 43, Fault Rupture Hazard Zones in California, describes active faults and fault zones (activity within 11,000 years), as part of the Alquist-Priolo Earthquake Fault Zoning Act. The 2003 updated map and document indicate the site location is not within an Alquist-Priolo active fault zone.

The Sugarloaf Trail will have minimal alteration to the existing landscape and does not increase the present surface rupture hazard nor construct habitable structures in these areas. The risk of fault rupture is a *less than significant* impact based on existing published data of officially recognized faults and proximity of the project area to such faults.

6.a.ii) Strong seismic ground shaking?

Impact Discussion 6.a.ii): Most structures, including trails and associated infrastructure, are potentially subject to damage from ground-shaking in the event of an earthquake. Ground motion during an earthquake is an unavoidable hazard for facilities in the Sierra Nevada region. The intensity of such an event would depend on the causative fault and the distance to the epicenter, the moment magnitude, and the duration of shaking.

Through compliance with federal, regional, State and local codes and requirements and implementation of project design features and construction controls, the potential impact from

ground shaking is avoided, minimized and reduced to a level of less than significant. All state requirements and local jurisdiction engineering standards will be met; therefore, no additional mitigation is necessary. According to the Geotechnical Engineering Feasibility Study prepared for this project, the risk of seismically induced hazards such as liquefaction and surface rupture are low at the project site. Consequently, the impact of the proposed project is expected to be *less than significant*.

6.a.iii) Seismic-related ground failure, including liquefaction?

Impact Discussion 6.a.iii): Soil liquefaction is a phenomenon in which loose, saturated, cohesionless soils (silts and sands) below the water table are subject to a temporary, but essentially total loss of strength under the reversing, cyclic-shear strains associated with earthquake shaking. As noted above, the project is not located within a delineated Alquist-Priolo Earthquake Fault Zone. According to the Geotechnical Engineering Feasibility Study prepared for this project, the risk of seismically induced hazards such as liquefaction and surface rupture are low at the project site. Therefore, this impact is considered *less than significant*.

6.a.iv) Landslides?

Impact Discussion 6.a.iv): Slopes in the project area are steep in some locations, representing susceptibility for potential landslides. Slope failure has occurred near the southern end of the proposed trail in an area that was topographically altered by historical Placer mining. Although the area of slope failure has recently been graded to remove the near-vertical slope at the former landslide scarp, the entire landslide area is still considered unstable and is subject to ongoing erosion and mass wasting. Additional slope failures may occur in this area. Mitigation Measure 6A will require that trail construction avoid locations of potential slope failure. Where the proposed trail alignment cannot be relocated around potentially unstable slopes, periodic maintenance will be required to maintain and/or rebuild the trail segment due to future slope failure, erosion and mass wasting. Mitigation Measure 6B will require trail grading to be recessed into the hillside to provide a stable bench. Small-scale slope instability associated with oversteepened trail cuts and fills will require periodic maintenance. Localized slope instability is possible, particularly in areas of previous slope failure and at locations where existing slope gradients exceed 50 percent (2:1, horizontal:vertical). Therefore, the proposed project will have *less than significant with mitigation*.

6.b. Would the Project result in substantial soil erosion or the loss of topsoil?

Impact Discussion 6b: Construction of the proposed project will require surface disturbance resulting in the removal of some existing vegetation cover, which would expose soils to precipitation and wind. Surface disturbance could occur during construction, especially from grading activities with heavy equipment. Steep slopes (i.e., greater than 30 percent) are often associated with high erosion potential and may be considered to be environmentally sensitive resource areas. Mitigation Measure 4D requires that BMPs be implemented during and after trail construction, as set forth by the Bear Yuba Land Trust. Trail surfaces will be susceptible to erosion from the imposed pedestrian traffic and surface run-off from the uphill slopes. Crushed rock may be used in areas where trail surfaces are highly susceptible to erosion. Mitigation Measure 6D requires that surface water runoff be routed to rock-lined V-ditches or cross culverts, where possible, to reduce erosion from concentrated surface water flow. Mitigation Measure 6E requires that appropriate fill be used for trail surfacing. The proposed and proven trail construction

standards from the Bear Yuba Land Trust are incorporated into the Sugarloaf Trail plan. With these measures in place along with mitigation discussed above to reduce erosion potential, substantial erosion and topsoil loss is expected to be *less than significant with mitigation*.

6.c. Would the Project 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?

Impact Discussion 6c: According to the Natural Resources Conservation Service (NRCS) web soil survey (<http://websoilsurvey.nrcs.usda.gov>) the Project vicinity includes areas mapped as Iron Mountain cobbly loam (northern trail segment, towards the top of Sugarloaf Mountain), Horseshoe gravelly loam (central and northeastern trail segments) and Placer diggings (lower, southern trail segment). As previously discussed, slopes in the project area are steep in some locations, representing susceptibility for potential landslides. Slope failure has occurred near the southern end of the proposed trail in an area that was topographically altered by historical Placer mining. As noted above in Impact Discussion 6.a.iii, the project area is not located within a delineated Alquist-Priolo Earthquake Fault Zone. In consideration of the history of past earthquake activity in the region, the potential for lateral spreading, subsidence, liquefaction, or other related ground failure occurring during or following seismic events near or on the site is considered low. In addition, the proposed project design will comply with mitigation recommendations from the Geotechnical Engineering Feasibility Study including Mitigation Measures 6A, 6B, 6C, & 6D which require erosion control, ongoing trail maintenance, and trail stability construction methods. The impact of instable geologic unit or soil is considered to be *less than significant with mitigation*.

6.d. Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Impact Discussion 6d: Subsurface exploration has not been conducted for the Sugarloaf Trail project to confirm the relative absence or presence of expansive soil materials. However, the Geotechnical Engineering Feasibility Study prepared by Holdrege and Kull does not indicate that the soils as mapped in the project area, are expected to contain large subsurface clay contents, which can expand and contract enough to cause damage to structures. Potential impacts are expected to be *less than significant* through the design, construction, and maintenance of materials appropriate for the soil conditions.

6.e. Would the Project 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?

Impact Discussion 6d: The proposed project does not propose the use or construction of an onsite wastewater treatment facility, such as septic tanks or alternative wastewater disposal systems. Consequently, there is *no impact*.

MITIGATION MEASURES

Mitigation Measure 6A: Avoid Areas of Potential Slope Failure: The trail shall be aligned so as to avoid areas of previous slope failure and areas where gradients exceed 50 percent (2:1, horizontal:vertical). Where the proposed trail alignment cannot be relocated around potentially unstable slopes, periodic maintenance shall be completed by the Bear Yuba Land Trust in conjunction with Nevada City, in order to maintain and/or rebuild the trail segment in the event of future slope failure, erosion, and mass wasting.

Timing: During trail construction and ongoing

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust

Mitigation Measure 6B: Provide stable bench along trail. Trail grading shall be recessed into the hillside to provide a stable bench. Small-scale slope instability associated with oversteepened trail cuts and fills will require periodic maintenance by the Bear Yuba Land Trust, in conjunction with Nevada City. In areas that will receive fill, fill shall be placed on exposed native soil after completion of site clearing, grubbing and overexcavation. Fill placed on slopes steeper than 5:1, H:V shall be benched into the existing slope to allow placement of fill in thin horizontal lifts. Benches shall extend into competent native soil or rock and should slope slightly inboard, towards the uphill side of the trail.

Timing: During trail construction and ongoing

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust

Mitigation Measure 6C: Clearing, Grubbing, and Fill Placement: Strip and remove organic surface soil containing shallow vegetation and any other deleterious materials. Vegetation and organic-rich topsoil may be suitable as a mulch but should generally not be used as fill. The depth of stripping may vary across the site. Oversize rock (more than 8 inches in greatest dimension) should generally not be used as fill but may be suitable for use as rip rap for slope protection.

Fill material will likely be necessary at drainage crossings to allow for the placement of cross culverts for surface water drainage. Soil fill and aggregate surfacing material shall be mechanically compacted with equipment such as a vibratory plate or jumping jack, pursuant to the local grading ordinance. Fill shall be uniformly moisture conditioned and placed in thin lifts (layers) with a thickness that does not exceed the capability of the compacting equipment. For example, small walk-behind compaction equipment such as a vibratory plate or jumping jack may be capable of compacting several inches of soil in one lift.

Material used for fill construction shall consist of uncontaminated, predominantly granular, non-expansive native soil or approved import soil. Rock used in fill shall be no larger than 8 inches in diameter. Rocks larger than 8 inches are considered oversized material and shall be stockpiled for offhaul, or used later in rip rap areas or rock walls

Timing: During trail construction and ongoing

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust

Mitigation Measure 6D: Provide Routine Erosion Control Maintenance. Routine maintenance and repairs should be anticipated along all sections of the proposed trails. Trail surfaces will be susceptible to erosion from the imposed pedestrian traffic and surface run-off from the uphill slopes. Crushed rock may be used in areas where trail surfaces are highly susceptible to erosion. Surface water runoff should be routed to rock-lined V-ditches or cross culverts, where possible, to reduce erosion from concentrated surface water flow.

Timing: During trail construction and ongoing

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust

7. GREENHOUSE GAS EMISSIONS

Environmental Setting: Global climate change is caused in large part by anthropogenic (man-made) emissions of GHGs released into the atmosphere through the combustion of fossil fuels and by other activities that affect the global GHG budget, such as deforestation and land-use change. According to the California Energy Commission (CEC), GHG emissions in California are attributable to human activities associated with industrial/manufacturing, utilities, transportation, residential, and agricultural sectors as well as natural processes (CEC 2006).

Greenhouse gases play a critical role in the Earth's radiation budget by trapping infrared radiation emitted from the Earth's surface, which could have otherwise escaped to space. Prominent GHGs contributing to this process include water vapor, CO₂, N₂O, CH₄, ozone, certain HFCs and PFCs, and SF₆. This phenomenon, known as the "greenhouse effect," keeps the Earth's atmosphere near the surface warmer than it would otherwise be and allows for successful habitation by humans and other forms of life. The combustion of fossil fuels releases carbon that has been stored underground into the active carbon cycle, thus increasing concentrations of GHGs in the atmosphere. Emissions of GHGs in excess of natural ambient concentrations are thought to be responsible for the enhancement of the greenhouse effect and to contribute to what is termed "global warming," a trend of unnatural warming of the Earth's natural climate. Higher concentrations of these gases lead to more absorption of radiation and warm the lower atmosphere further, thereby increasing evaporation rates and temperatures near the surface.

Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (such as ozone precursors) and toxic air contaminants (TACs), which are primarily pollutants of regional and local concern. Because GHG emissions have long atmospheric lifetimes, GHGs are effectively well mixed globally and are expected to persist in the atmosphere for time periods of several orders of magnitude longer than criteria pollutants such as ozone. Given their long atmospheric lifetimes, GHG emission reduction strategies can be effectively undertaken on a global scale whereby the mitigation of local GHG emissions can be offset by distant GHG reduction activities.

Greenhouse gases (GHG) trap heat in the atmosphere. GHG are emitted by natural and industrial processes, and the accumulation of GHG in the atmosphere regulates the earth's temperature. Greenhouse gases (GHGs) include carbon dioxide (CO₂), methane, halocarbons (HFCs), and nitrous oxide (NO₂). CO₂ emissions, stemming largely from fossil fuel combustion, comprise about 87% of California emissions. In California, approximately 43% of the CO₂ emissions

come from cars and trucks. Agriculture is a major source of both methane and NO₂, with additional methane coming primarily from landfills. Most HFC emissions come from refrigerants, solvents, propellant agents, and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to CO₂. The adverse impacts of global warming include impacts to air quality, water supply, snow melt, sea level rise (flooding), fire hazards, and an increase in health related problems.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act, was adopted in September 2006 and requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. This reduction will be accomplished through regulations to reduce emissions from stationary sources and from vehicles. The California Air Resources Board (CARB) is the State agency responsible for developing rules and regulations to cap and reduce GHG emissions. In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research (OPR) to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009.

Draft Thresholds of Significance for GHGs were developed and released by CARB in October 2008, but CARB is not taking action on adopting those thresholds, which now serve only for informational purposes. Currently, there are no federal laws regulating GHGs, but on April 17, 2009, the federal EPA formally declared that GHGs are a public health and safety issue, clearing the way for their identification as criteria pollutants that could be regulated under the Clean Air Act. At this time, there is no approved CEQA threshold adopted by either the State or the City for GHG emissions and global warming. However, the absence of an approved threshold does not relieve the lead agency of its responsibility to determine whether the project has a significant effect.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		20, 24, 25
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	A, 20,24, 25

7.a. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Impact Discussion 7a: a-b) The proposed project would minimally contribute to global climate change as a result of emissions of GHG, primarily CO₂, emitted during project construction with as a result of emission from mini excavators and chainsaws. As with other individual and relatively small projects, the specific emissions from the proposed project would not be expected to individually have an impact on global climate change (Association of Environmental Professionals, 2007). Furthermore, GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (California Air Pollution Control Officers Association, 2008). Thus, the proposed project

analysis of GHG emissions is to determine whether the proposed project impact is cumulatively considerable.

Construction-related emissions would primarily be associated with the very limited instances of construction equipment and truck and vehicle exhaust associated with subsequent project development. Long-term operational sources of GHG emissions would include mobile sources (e.g., vehicle exhaust) for people travelling to the trail by car, and solid waste (e.g., emissions that would occur at a landfill associated with solid waste decomposition). This project provides non-motorized trail alternatives that have the potential to reduce the number of vehicle miles travelled in the region by providing safe pedestrian, bicycle, and equestrian routes. As such, no greenhouse gas modeling was warranted for this project and the impact would be **less than significant**.

7.b. Would the Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Impact Discussion 7b: See analysis and discussion in Question 7.a., above. Neither Nevada County nor the City of Nevada City has established GHG reduction plans or policies. Therefore the project would not conflict with any local regulations pertaining to GHG emissions. Furthermore, the project involves limited sources of GHG emissions and provides non-motorized trail improvement. Thus, the project will also not conflict with any statewide plan, policy, or regulation pertaining to GHG emissions. There is **no impact**.

Mitigation Measures

None Required.

8. HAZARDS / HAZARDOUS MATERIALS

Existing Setting: The term hazardous substance refers to both hazardous materials and hazardous wastes, including explosives. A material is defined as “hazardous” if it appears on a list of hazardous materials prepared by a federal, state or local regulatory agency or if it has characteristics defined as hazardous by such an agency. The CalEPA Department of Toxic Substances Control (DTSC) defines hazardous waste, as found in the California Health and Safety Code §25141(b), as follows: [...] its quantity, concentration, or physical, chemical, or infectious characteristics: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; (2) pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of, or otherwise managed.

The Cal-EPA and the State Board establish rules governing the use of hazardous materials and the management of hazardous waste. If a release of a hazardous substance(s) is (are) detected in the project area, the Nevada City Fire Department responds to evaluate conditions and determine if additional emergency services will be required.

The project area, as undeveloped land located away from industrial or heavy commercial sites is considered to have a low risk for hazardous materials contamination.

Airport Safety:

The **Nevada County Airport** in Grass Valley is owned and operated by the County of Nevada. It provides service to local aircraft and their owners; transient aircraft, including aircraft flying business people to/from Nevada County; the California Department of Forestry and Fire Protection (CDF); U. S. Forest Service (USFS); safety and service providers; law enforcement personnel; and County residents (Mead & Hunt, 2011).

The Nevada County Airport Land Use Compatibility Plan (NCALUCP) is a document the Nevada County Airport Land Use Commission uses in fulfilling its duty to review airport and adjacent land use development proposals. The plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development. The influence area extends 1.7 miles from the airport's runway. The plan is used by the ALUC staff to define compatibility for noise, safety, airspace protection, and overflight as it pertains to newly proposed projects. It was adopted by the Nevada County ALUC on September 21, 2011.

Wildland Fires:

Dry summers, steep topography, and forests with high fuel loads create an annual wildfire hazard in the project area. The vulnerability of Nevada City to increased occurrence of a devastating wildfire has increased as exacerbated by the recent drought, increases in tree mortality, and overall increase in wildfire conditions. The project area is situated within wildland-urban interface (WUI) areas. WUI areas are locations in which developed areas are adjacent to areas of natural vegetation capable of carrying a wildfire. Such areas can also be defined as those areas where houses and wildland vegetation coincide. Roadways and trails in the project area create fire protection access and fuel breaks during wildfire events. Fire protection services in the project area and vicinity are provided by the Nevada City Fire Department. The entire Nevada City boundary, including the project area is mapped as a very high fire hazard severity zone by the California Department of Forestry and Fire Protection (2008).

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	21, 25
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?				X	21, 25
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	D, 25
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, create a significant hazard to the public or the environment?				X	21, 25

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?				X	21, 22, 25
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?				X	D, 21, 25
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	I, 10, 25
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?				X	4, 10, 25

8.a. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Impact Discussion 8a: Project construction includes grading, soil and slope stabilization, and construction of trails, and installation of a culvert. Hazardous materials associated with construction are generally limited to parking area improvements which include the use of heavy equipment and include diesel fuel, hydraulic fluid and asphalt products and paints.

Long-term trail operations include periodic maintenance of trail infrastructure. Construction and operation of the Sugarloaf Trail will meet standards for public and environmental protection related to hazardous materials. The proposed project does not involve the routine transport, use, or disposal of any hazardous materials. Routine and regular use of the proposed project will consist of pedestrian traffic and bicycle traffic, neither of which involves the use or transport of hazardous materials. The proposed project will not create a hazard to the public or environment from routine transport, use, or disposal of hazardous materials, and there is **no impact**.

8.b. Would the Project 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?

Impact Discussion 8b: Construction and operations activities do not involve transport, consumption, remittance, disposal, or handling of hazardous substances that have potential to create a significant hazard to the public or the environment, and therefore pose a low risk of reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project does not involve any demolition of structures or operational activities that would result in hazardous emissions or handling of hazardous materials. As noted above, routine use or transport of hazardous materials within the project area will not occur. therefore, the proposed would not create a hazard to the public or environment associated with accident conditions involving the release of hazardous materials. There is **no impact**.

8.c. Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Impact Discussion 8c: The proposed project would not result in the release or discharge of hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or

waste. The nearest schools are located at the Nevada County Juvenile Hall and the corner of Main Street and Cottage Street at 0.7 and 0.3 miles from of the closest point of the new trail. Accordingly, the proposed project will have **no impact**.

8.d. Would the Project 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, create a significant hazard to the public or the environment?

Impact Discussion 8d: Listed hazardous waste facilities or contaminated sites are not reported within the project area. However, the project would not result in any new or significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of these hazardous materials into the environment. Therefore, the project would result in a **no impact**.

8.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?

Impact Discussion 8e: The project is located more than 3-miles from the Nevada County Airpark and no portion of the project is located within the Nevada County Airport Land Use Compatibility Plan as adopted by the Airport Land Use Commission in 2011. The project produces no smoke, light, glare, or electronic interference nor encourages the concentration of birds in the safety zone around the airport. There is **no impact**.

8.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?

Impact Discussion 8f: The Sugarloaf Trail is not located within the vicinity of a private airstrip. There is **no impact**.

8.g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Impact Discussion 8g: No local adopted emergency response or emergency evacuation plans are applicable to the project site. The proposed trail does not cross roads and therefore construction activities associated with the project will not affect emergency or evacuation response.

In the event of wildfire or other significant community threat, emergency access for firefighting equipment would be more capable of accessing locations within the Sugarloaf Trail improvement areas, potentially improving response times. Therefore, the Sugarloaf Trail project will result in **no impact** to emergency response or an evacuation plan.

8.h. Would the project 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?

Impact Discussion 8h: The California Department of Forestry has defined Nevada City as a high fire hazard severity zone. The risk of loss to wildfire is directly related to hazardous fuel accumulations near structures and the ability to access and suppress a wildfire shortly after ignition. The project will be integrated into existing annual fuel reduction programs already being carried out by the Nevada City Fire Department. Construction and operation of the trail won't interfere with ongoing fuel reduction and vegetation management programs. The Sugarloaf Trail does not include building proposals that would be exposed to wildland fire risk, therefore there is *no impact*.

Mitigation Measures

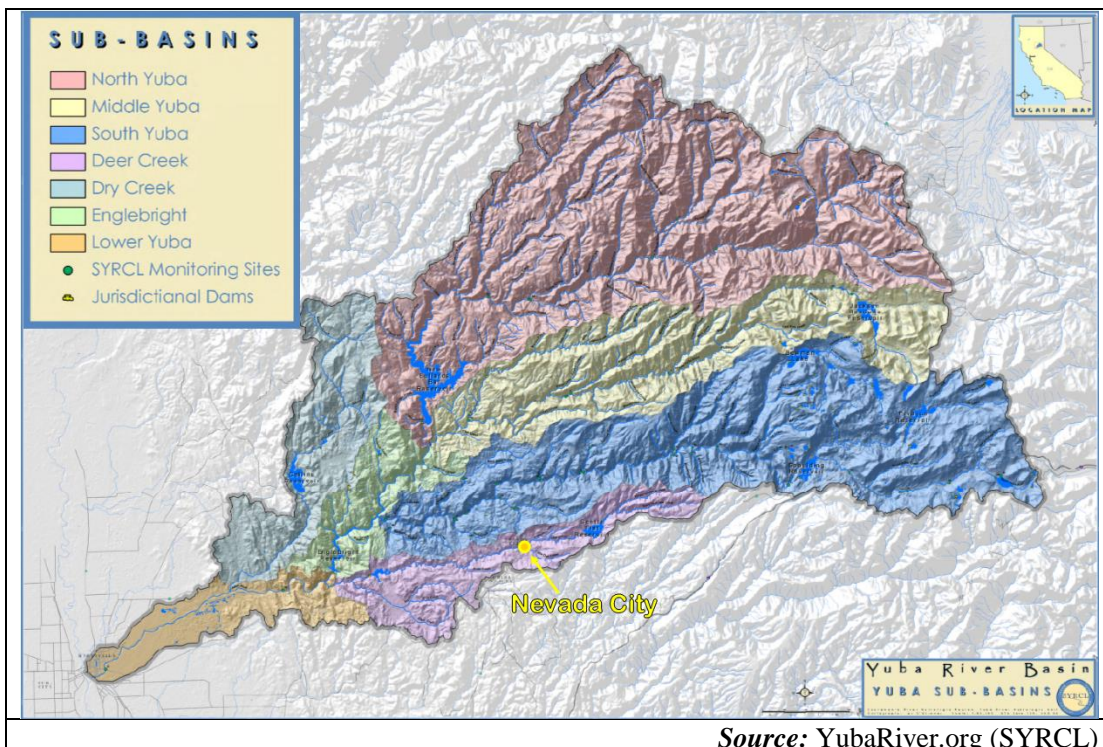
None required.

9. HYDROLOGY / WATER QUALITY

Existing Setting: The Sugarloaf property is located in the lower montane coniferous forest zone of the northern Sierra Nevada foothills at elevations of 2,600 to 3,000 ft). The project is located in the Nevada City limits on a 30.52-acre open space parcel (APN 036-020-026) that encompasses all but the northern flank of Sugarloaf Mountain. The alignment also includes a 0.25-mi. section through private land. The portion of the trail that is located within the CalTrans right-of-way for SR49 contains the proposed culvert crossing of an intermittent stream.

The area west of North Bloomfield and a portion of the area east of North Bloomfield was hydraulically mined in the 19th century, but some areas appear to have only been mined by washing (panning, etc) and only light topographic disturbance. An NRCS soil survey map of the project vicinity is contained in Appendix D.

A detailed discussion of the biological resources of the remainder of the project area is contained in the Biological Resources Report (Chainey-Davis 2018). The map below shows the project location to be within the Deer Creek sub-basin of the Yuba River watershed.



CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements?		X			A, 17, 25, 29
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)?				X	25
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 that would result in substantial erosion or siltation on- or off-site?		X			D, H, 17, 25, 29
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?		X			D, H, 17, 25, 29
e. Create or contribute to runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X			D, H, 19, 25
f. Otherwise substantially degrade water quality?		X			D, H, 17, 25, 29
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?				X	D, H, 11, 25
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X	D, H, 11, 25
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?				X	D, 11
j. Create inundation by seiche or mudflow?			X		H, 17

9.a. Would the Project violate any water quality standards or waste discharge requirements?

Impact Discussion 9a: The portion of the trail that is located within the CalTrans right-of-way for SR49 contains the proposed culvert crossing of an intermittent stream. The stream channel is located in a small 13-ac. watershed on the western flank of Sugarloaf Mountain in the Deer Creek sub-basin of the Yuba River watershed. The stream is not depicted on the Nevada City 7.5-minute

USGS topographic map but is shown on the National Wetlands Inventory (NWI) (Appendix D of the Waters Delineation Report). The National Hydrographic Dataset (NHD) erroneously depicts the stream as runoff from an NID reservoir 1,700 ft. upslope. However, as shown in the NWI map, the reservoir overflow is diverted into a culvert under North Bloomfield Road, empties into another small reservoir 1000 ft west and is located within a different small watershed to the west. Construction of the western segment of the trail will require placing up to 12 lin. ft. of culvert in the intermittent stream. Less than 0.002 ac. of seasonal waters would be permanently affected, a minor aquatic impact. Construction would occur during the dry season; no construction would occur in flowing water unless a water diversion plan is approved. The project Biologist provides recommended mitigation for the project impacts that include Best Management Practices (BMPs) and other avoidance and minimization measures that would protect aquatic resources downstream and minimize onsite impacts. Because the project would result in only a minor aquatic impact (0.002 ac.), no additional compensatory mitigation has been recommended by the project Biologist.

Placing the culvert and fill will require direct and permanent impacts to 0.005 ac. (218 sq. ft.) and 47 in. ft. of seasonal stream, a minor aquatic impact. Two multi-stemmed willows and 200 sq. ft. of blackberry would be removed. A small footbridge was originally proposed in order to avoid direct impacts to the channel, but during the initial consultation with CalTrans, the agency indicated it would not approve the construction of permanent structures within the CalTrans right-of-way.

The project area is within the jurisdictional area of the Central Valley Regional Water Quality Control Board (CVRWQCB) and is subject to CVRWQCB water quality standards for the Yuba River basin. Trail construction will involve activities such as excavation and material stockpiling that will generate loose, erodible soils that, if not properly managed, could cause sedimentation runoff. This could cause an adverse water quality impact. To minimize construction related water quality impacts, the project Biologist recommends that Best Management Practices to protect aquatic resources downstream and minimize onsite impacts.

The overall disturbance area is expected to be approximately 0.5 of an acre. If disturbance exceeds one acre then the Bear Yuba Land Trust is required to obtain a Storm Water Construction General Permit from the CVRWQCB, which requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the trail project. Regardless of the disturbance area the Land Trust will be required to protect surface water quality by preventing eroded material or contaminants from entering waterways during construction through the use of best management practices (BMPs). BMPs and an erosion control plan shall be included on grading plans per Mitigation Measure 4D. Compliance with all applicable federal, state, and local regulations and policies, including the CVRWQCB water quality standards will reduce the potential water quality and waste discharge impacts to *less than significant with mitigation*.

9.b. Would the Project 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)?

Impact Discussion 9b: Groundwater recharge is an important component of the hydrologic support to wetland and riparian areas. Trail projects and design features that promote infiltration along trails and drainages can offset intermediate peak flows, recharge the aquifer, support dry-season flows in downstream areas, and reduce erosive forces and sediment delivery to downstream areas.

The project will not directly withdraw water from the local groundwater supply, and thus will not deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in *no impact* to the local groundwater table.

9.c. Would the Project 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 that would result in substantial erosion or siltation on- or off-site?

Impact Discussion 9c: The project would introduce new surfaces in the form of compacted, crushed rock in the parking lot and potentially along portions of the trail. Drainage improvements would be implemented to direct surface flows in a manner as to maintain natural drainage patterns and avoid potential impacts associated with erosion. In addition, as discussed under previous impact discussions, the project would include implementation of erosion control measures to avoid adverse impacts associated with erosion and sedimentation, including but not limited to the implementation of an approved grading and drainage permit.

The overall disturbance area is expected to be approximately 0.5 of an acre. If disturbance exceeds one acre then the Bear Yuba Land Trust is required to obtain a Storm Water Construction General Permit from the CVRWQCB pursuant to Mitigation Measure 9C, which would trigger the requirement that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the trail project. Therefore, potential impacts associated with altering the existing drainage pattern or substantial erosion on- or off-site would be *less than significant with mitigation*.

9.d. Would the Project 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?

Impact Discussion 9d: As described in the Impact Discussion 9.c. above, Drainage improvements will direct surface flows in a manner as to maintain natural drainage patterns and avoid potential impacts associated with erosion. In addition, as discussed under previous impact discussions, the project would include implementation of erosion control measures to avoid adverse impacts associated with erosion and sedimentation, including but not limited to the implementation of an approved grading and drainage permit. The trail surface will be pervious throughout the project site and hard pavement is not proposed, thereby minimizing potential impacts associated with increased flooding on- or off-site. The two dominant soil types that characterize the project are Hoda sandy loam and Horseshoe gravelly loam, both of which have a high runoff classification. As previously discussed under Impact Discussion 6, Mitigation Measure 6C requires that BMPs be implemented during and after trail construction, as set forth by the Bear Yuba Land Trust. Trail surfaces will be susceptible to erosion from pedestrian traffic and surface run-off from the uphill

slopes. Crushed rock may be used in areas where trail surfaces are highly susceptible to erosion. Mitigation Measure 6D requires that surface water runoff be routed to rock-lined V-ditches or cross culverts, where possible, to reduce erosion from concentrated surface water flow. The use of compacted, crushed rock on the parking area surface would increase impervious areas, which could potentially result in increased flooding on- or off-site. Drainage design features such as gutters and slope control would be implemented to direct surface water flows and avoid potential impacts associated with flooding. Potential impacts would be less than significant

Proposed improvements incorporate trail drainage treatments that will minimize erosion, run-off and water quality impacts. Impacts associated with substantial alteration of existing drainage patterns, including the alteration of the course of a stream or river, and a change in the rate or amount of surface runoff is therefore **less than significant with mitigation.**

9.e. Would the Project create or contribute to runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Impact Discussion 9e: See analysis and discussion in Question 9.d., above. The trail surface will be pervious throughout the project site and hard pavement is not proposed, thereby minimizing potential impacts associated with increased flooding on- or off-site. The two dominant soil types that characterize the project are Hoda sandy loam and Horseshoe gravelly loam, both of which have a high runoff classification. As previously discussed under Impact Discussion 6, Mitigation Measure 6C requires that BMPs be implemented during and after trail construction, as set forth by the Bear Yuba Land Trust. Proposed improvements incorporate trail drainage treatments that will minimize erosion, run-off and water quality impacts.

Storm water is defined by US EPA as the runoff generated when precipitation from rain and snowmelt events flows over land or impervious surfaces without percolating into the ground. Storm water is often considered a nuisance because it mobilizes pollutants such as motor oil and trash. In most cases, storm water flows directly to water bodies through sewer systems, contributing a major source of pollution to rivers, lakes, and the ocean. Storm water discharges in California are regulated through National Pollutant Discharge Elimination System (NPDES) permits. However, storm water may also act as a resource and recharge to groundwater when properly managed. Storm water from construction projects that disturb one or more acres of soil, or that disturb less than one acre but are part of a larger common plan of development, are required to obtain coverage under the statewide General Permit for Discharges of Storm Water Associated with Construction Activity (also referred to as the Construction General Permit or CGP). The CGP regulates construction storm water based on project-specific overall risk. The CGP requires temporary and post-construction best management practices and measures to prevent erosion and reduce sediment and pollutants in discharges from construction sites. In the unlikely circumstance that this project disturbance exceeds one acre then the Bear Yuba Land Trust is required to obtain a Storm Water Construction General Permit from the CVRWQCB pursuant to Mitigation Measure 9B, which would trigger the requirement that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the trail project. Impacts associated with substantial alteration of existing drainage patterns, including the alteration of the course of a stream or river, and a change in the rate or amount of surface runoff is therefore **less than significant with mitigation.**

9.f. Would the Project otherwise substantially degrade water quality?

Impact Discussion 9f: As described in the above Section 9 impact discussions, soils in the project area are generally susceptible to run-off and erosion. Project design features described in Impact Discussions under Sections 4 and 6 would include the implementation V-Ditches and BMPs to avoid or minimize erosion potential. Further, the project requires minimal grading to maintain the direction of surface drainage to the south, ultimately flowing toward Deer Creek. Additionally, the trailhead parking area would be covered with compacted, crushed rock or a material of comparable permeability, in a grade designed to maintain existing drainage patterns. The use of compacted, crushed rock for the proposed trailhead parking area facility surface would minimize the potential for increased surface water runoff rates and associated increases in off-site erosion and sedimentation by maintaining permeability of the ground surface. Conversely, the use of hard pavement such as asphalt would contribute to increased surface water runoff rates by introducing new impermeable areas, and this option is therefore not considered part of the proposed project. The parking site would decrease the amount of sediment transported offsite because surfacing of the project site will prevent sheetflow over the current exposed dirt surface. Adherence to the project design features and BMPs as recommended by the project Biologist and incorporated as Mitigation Measures will ensure that impacts to water quality is *less than significant with mitigation*.

9.g. Would the Project 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?

Impact Discussion 9g: The proposed Sugarloaf Trail consists of the construction of a non-motorized bicycle and pedestrian trail and an associated parking area for trail users. The Sugarloaf Trail installs no housing or habitable structures and thus places no housing in the 100-year flood hazard area and therefore will have *no impact*.

9.h. Would the Project place within a 100-year flood hazard area structures that would impede or redirect flood flows?

Impact Discussion 9h: The Federal Emergency Management Agency (FEMA) oversees floodplains and administers the National Flood Insurance Program (NFIP), including delineation of Special Flood Hazard Areas (SFHAs). The City of Nevada City and FEMA both regulate development within the 100-year floodplain for the purposes of public safety and property protection. No structures are proposed as part of this project and no portion of the project is located within a Special Flood Hazard zone as delineated by the Federal Emergency Management Agency (FEMA). There will be *no impact*.

9.i. Would the Project 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?

Impact Discussion 9i: No portion of the Sugarloaf Trail project is located within a Special Flood Hazard zone as delineated by the Federal Emergency Management Agency (FEMA). There are no dams located within or in close proximity of the project area. The Sugarloaf Trail does not include the construction of a dam or levee. Thus, flooding due to the failure of a dam or levee as a result of the proposed project will not occur and therefore there is *no impact*.

9.j. Would the Project create inundation by seiche, tsunami, or mudflow?

Impact Discussion 9j: The project site is not located near any coastline and is not subject to inundation by tsunami. There is a small NID reservoir approximately 1,700 feet upslope that is not large enough to present significant risk of seiche. The project site does not include and is not adjacent to any other large body of water. Finally, there are hillside surrounding the project site that may be susceptible to mudflow, should precipitation events of extended duration result in complete soil saturation. However, the project site is not located in an area prone to flash mudflows, and is not anticipated to be affected by mudflows. There would be *a less than significant* impact.

Mitigation Measures: To mitigate potential hydrology and water quality impacts associated with the Sugarloaf Trail construction activities, the following mitigation measures shall be required:

Mitigation Measure 4D, above

Mitigation Measure 9A: Prior to culvert installation or disturbance within the intermittent stream channel, obtain Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board

Timing: Prior to culvert installation or disturbance within the ephemeral drainage

Reporting: Agency approval of permits and plans

Responsible Agency: Bear Yuba Land Trust, City Planner, City Engineer

Mitigation Measure 9B: If project disturbance exceeds one acre, the Bear Yuba Land Trust shall be required to obtain coverage under the statewide General Permit for Discharges of Storm Water Associated with Construction Activity (also referred to as the Construction General Permit or CGP) and prepare Stormwater Pollution Prevention Plan (SWPPP) pursuant

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

10. LAND USE / PLANNING

Existing Setting: The proposed trail project is primarily contained within the Sugarloaf Mountain parcel, 30.52 acres in size. Trail access will occur over easements through two private parcels and a proposed approach through the right-of-way of State Highway 49. Sugarloaf Mountain is characterized by steep slopes with natural grades ranging between 20% (toward the bottom of the project area) and 40% (near the top of Sugarloaf Mountain). Sugarloaf Mountain is a prominent feature that is visible from many vantage points throughout Nevada City. It is one of a series of topographic features that create the forested backdrop that surrounds Nevada City.

This project site is designated Open Space (OS) on the Nevada City General Plan land use maps, and is also zoned “OS.” The General Plan defines this designation as “land of high scenic, recreational, and/or resource value in an essentially unimproved state. The two private easements have General Plan designations of “Employment Center (EC)” on the Forest Service property and

Single-Family “Residential (R1)” on the parcel just south of the Sugarloaf property. They have base zoning designations of “EC” and Single-Family residential (R1), respectively. The property is within the Nevada City Sphere of Influence, and the City General Plan designates the parcels as R-Rural and SF-Single Family residential, with corresponding zoning of R1-SC-AN, Single-family Residential with Scenic Corridor and Annexation combining district. Trails are a permitted use within these zoning districts. The primary trail development area will occur within the OS designation, defined by the General Plan as “land of high scenic, recreational, and/or resource value in an essentially unimproved state.

The City General Plan Land Use Element recognizes the “visual value of Sugarloaf Mountain and the nearby ridgetops...” and outlines the following policies for its development:

- Avoid any land disturbance such as major grading and/or tree removal, which would cause visible scars.
- Any structures shall be carefully sited so that they are not visible.
- In the vicinity of any structures, the tree canopy shall be retained to screen views.
- Building material shall be in natural colors, which will blend into the hillside.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Physically divide an established community?				X	A, 25
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, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	A, 13, 14, 25
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	A

10.a. Would the Project physically divide an established community?

Impact Discussion 10a: The project would not divide existing access within a community, and will actually improve connections between the community and open space, particularly pedestrian access from the City core. There is no division of the community and therefore **no impact**.

10.b. Would the Project 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, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Impact Discussion 10b: The project involves development of a trail within the City-owned Sugarloaf property, which has an Open Space zoning designation. This designation allows trail use in conjunction with an approved Use Permit. Trail development will include easements through two private properties and a section of Caltrans ROW. The use of these lands for recreation purposes is compatible with the private property land use designations of EC and R1, both of which allow for recreational public uses with an approved Use Permit. The proposed trail project is anticipated to

involve minimal improvement that will be light on the land and compatible with surrounding uses. It will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, therefore, impacts to existing plans, policies and regulations would be *no impact*.

10.c. Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?

Impact Discussion 10c: Currently there are no known adopted habitat conservation plans or natural community conservation plans that would result in conflicts with the project. *No impact*.

Mitigation Measures:

None required.

11. MINERAL RESOURCES

Existing Setting: Nevada County has significant mineral resources, including gold, which have played a major role regionally, across the State, and nationally. Gold was discovered in California during 1848, and the “Gold Rush” and subsequent mining activities largely shaped the development of Nevada City and the surrounding County. Several rich deposits were found in Nevada County, and the major urban centers have developed around these deposits, including Nevada City.

In order to promote the conservation of the State’s mineral resources, and ensure adequate reclamation of mined lands, the California Surface Mining and Reclamation Act of 1975 (SMARA) was enacted. SMARA requires the State Geologist to classify land, without regard to land use, according to the presence or absence of significant mineral deposits. Areas subject to mineral land classification studies are divided into various Mineral Resource Zone (MRZ) categories that reflect varying degrees of mineral potential. Areas classified MRZ-2 are those containing significant mineral deposits. The existence of deposits may be actually measured or indicated by site data, classified as MRZ-2a, or they may be inferred from other resources and classified as MRZ-2b. These Mineral Land Classification Map, as prepared by the State Geologist, is available from the State Department of Conservation.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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?				X	D, 1, 19
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?				X	D, 1, 19

11.a. Would the Project 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?

Impact Discussion 11a: There are no known important mineral resources within the project vicinity. The proposed trail project would not affect mineral resources, nor would it change any applicable local, state, and federal requirements for addressing past or future mining activities, therefore the project would have **no impact** to mineral resources that would be of value to the region and the residents of California.

11.b. Would the Project 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?

Impact Discussion 11b: The subject site is not mapped as an area containing potentially significant mineral resources as mapped on the Mineral Land Classification Map (Appendix A, Reference 1), prepared by the State Geologist. Therefore the project would have **no impact** on mineral resources that would be of value to the region and the residents of California.

Mitigation Measures

None required.

12. NOISE

Existing Setting: *Sound* is mechanical energy transmitted by pressure waves in a compressible medium such as air. *Noise* can be defined as unwanted sound. Sound is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient sound level. The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to frequencies in the entire spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called *A-weighting*, which is written “dBA”. In general, human sound perception is such that a change in sound level of 3 dB is just noticeable; a change of 5 dB is clearly noticeable; and a change of 10 dB is perceived as doubling or halving sound level.

Different types of measurements are used to characterize the time-varying nature of sound. These measurements include the equivalent sound level (Leq), the minimum and maximum sound levels (Lmin and Lmax), percentile-exceeded sound levels (Lxx), the day-night sound level (Ldn), and the community noise equivalent level (CNEL). Below are brief definitions of these measurements and other terminology used in this analysis:

Equivalent Sound Level (Leq): The equivalent sound level is used to describe noise over a specified period of time, typically one hour, in terms of a single numerical value. The Leq is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period).

Lmax: The instantaneous maximum noise level measured during the measurement period of interest.

L_{min}: The instantaneous minimum noise level measured during the measurement period of interest.

Exceedance Sound Level (L_{xx}): The sound level exceedance percent over time during a sound level measurement period. For example L₉₀ is the sound level exceeded 90% of the time and L₁₀ is the sound level exceeded 10% of the time.

Ambient Noise: The composite of noise from sources near and far in a given environment exclusive of particular noise sources to be measured.

Decibel (dB): A unit less measure of sound on a logarithmic scale, which indicates the squared ratio of sound pressure amplitude to a reference sound pressure amplitude. The reference pressure is 20 micro-pascals.

The effects of noise on people can be placed into three categories:

- Subjective effects of annoyance, nuisance, dissatisfaction;
- Interference with activities such as speech, sleep, learning; and
- Physiological effects such as hearing loss or sudden startling.

Environmental noise typically produces effects in the first two categories, as opposed to workers in industrial plants, for example, whom generally experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise, or the corresponding reactions of annoyance and dissatisfaction. A wide variation exists in the individual thresholds of annoyance, and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it. With regard to increases in weighted noise levels, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause adverse response.

These relationships occur in part because of the logarithmic nature of sound and the decibel system. The human ear perceives sound in a non-linear fashion; hence the decibel scale was developed. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, rather they combine logarithmically. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA.

Existing ambient noise sources near the project area can primarily be attributed to traffic on State Highway 49. Other noises which would occur intermittently include sounds from activities at the material storage and construction staging area, aircraft flights over the project area, and operation of equipment for maintenance of the City’s recreation facilities.

CEQA Environmental ChecklistItem	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Expose 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?			X		A, 13,14, 15
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				X	A, 25
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		A, 25
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			A, 14, 25
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?				X	A, D, 22
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?				X	A, D

12.a. Would the Project expose persons to or generate noise levels in excess of the City’s adopted standards established in the General Plan and Land Use and Development Code?

Impact Discussion 12a: Section 8.20 of the Nevada City Municipal Code establishes daytime noise standards as the period between 7AM and 9PM, and nighttime standards for all other hours. All nonresidential noise sources are limited to 70dBA during the nighttime period and 75 dBA during the daytime period. Some specific exceptions related to sources such as barking dogs and special events that are authorized by the City, apply to both daytime and nighttime standards. Daytime construction work is limited to 90dBA.

Pursuant to the adopted Sugarloaf Mountain Master Plan, the trail and property are closed from “dawn to dusk” in accordance with posted Rules and Regulations. Therefore, except for very limited seasons when days are long and trail use has the potential to extend minimally into nighttime hours, nighttime noise is not anticipated to occur. Even the busy, shared-use trails are relatively quiet as compared to other types of public park use, with little noise created other than the occasional low volume conversation, nearly inaudible beyond 10 or 20 feet of the trail edge. Walking, running, dog walking, and bicycling, by nature, generate little to no noise outside the immediate vicinity. Potential sources of greater noise volumes, such as groups of bicyclists or congregating groups of people, are occasional and sporadic. Groups occasionally already access the Sugarloaf Mountain so noise generated from this type of activity is not anticipated to intensify. Club cyclists generally prefer to ride where higher speeds can be achieved, such as with

road biking or mountain biking along nearby trails such as the Miner's Trail, rather than on shared-use trails with many pedestrians. Trail use involves very low sound levels occurring intermittently and is not expected to exceed established noise level thresholds of the City's Municipal Code

Noise associated with construction of the trail has some potential to exceed the 75dBA daytime threshold. However, Section 8.2 of the Nevada City Municipal Code allows construction noise and noise related to chainsaw use and brush clearing equipment to be as loud as 90dBA. Construction of the trail is anticipated to occur over the Spring and Winter months (when moisture content is suitable to reduce fire danger) and may occur over two to three years for completion of the entire trail project. Trail construction is anticipated to occur only during daytime hours, at limited times of the year and for a temporary duration.

The long-term operation of the Sugarloaf Trail results in little to no new, long-term sources of operational noise because the shared-use path is limited to non-motorized vehicle use (except that generated by occasional maintenance or emergency vehicles). Neither noise associated with long-term trail use (e.g., bicycling, walking and running), nor temporary noise associated with trail construction is expected to exceed City adopted noise standards, therefore noise impacts would be *less than significant*.

12.b. Would the Project expose persons to or generate excessive ground borne vibration or ground borne noise levels?

Impact Discussion 12b: Vibration and ground-borne noise issues tend to occur when physically forceful or ground penetrating equipment is utilized, such as pile drivers or where blasting is necessary. No such equipment or activities are required during construction or operations of the proposed Sugarloaf Trail project. Thus, the proposed project would not generate significant ground borne vibration or ground borne noise impacts. Therefore there would be *no impact*.

12.c. Would the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Impact Discussion 12c: Noises associated with traffic along State Highway 49 is a dominant existing ambient noise source. Noise anticipated to be generated as part of the permanent trail use and temporarily by trail construction activity is discussed under Question 12.a. above. General trail use associated with walking, running, dog walking, and bicycling, generate little to no noise outside the immediate vicinity. The trail project is not anticipated to result in a substantial, permanent increase in ambient noise levels and *no impact* is anticipated.

12.d. Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Impact Discussion 12d: Construction of the proposed project would cause a temporary increase in ambient noise levels in the immediate project vicinity. The residences closest to the project are those on Elliot Way, who take access off of North Bloomfield-Graniteville Road, west of the project. The closest residence are more than 200 feet from portions of the proposed trail alignment. Construction equipment will likely include a mini-excavator and several chainsaws for the minor grading work and brush clearing, which could generate continuous noise exposure to

those nearby residences. Temporary increases in noise would only occur only when construction activities are actively being performed and only for the duration of project construction. Pursuant to Mitigation Measure 12A, construction activities shall be limited from 7:00 AM to 7:00 PM, to ensure substantial temporary or periodic increase in ambient noise levels in the development of the Sugarloaf Trail are *less than significant with mitigation*, above levels existing without the trail project.

12.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?

Impact Discussion 12e: The project is located more than 3-miles from the Nevada County Airpark and no portion of the project is located within the Nevada County Airport Land Use Compatibility Plan, as adopted by the Airport Land Use Commission in 2011. There is *no impact*.

12.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?

Impact Discussion 12f: The Sugarloaf Trail is not located within the vicinity of a private airstrip and therefore will not expose people working in the project area to excessive noise levels from aircraft. There will be *no impact*.

Mitigation Measures: To mitigate the potential for noise impacts on the nearest residences, the following mitigation measure shall be required:

Mitigation Measure 12A: Limit construction work hours to 7:00 AM to 7:00 PM. During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM. Improvement plans shall reflect hours of construction.

Timing: Prior to permit issuance or if no permit is required prior to construction

Reporting: Agency approval of permits and plans

Responsible Agency: City Planner

13. POPULATION / HOUSING

Existing Setting: The 2010 Census reports the population of Nevada City as 3,068. The City has established several open space areas within the City and created several trails inside City limits (Hirschman Trail, Tribute Trail, etc.). The proposed Sugarloaf Mountain multi-use trail construction project winds through the 30.52-acre open space parcel, and encompasses all but the northern flank of Sugarloaf Mountain, with easements through two private parcels, and along the right-of-way of State Highway 49. The establishment of this trail would improve existing, public trail usage within the City and Nevada County by providing connection to Hirschman Trail and Tobiassen Park; this connection was recently established by an established Nevada County trail that runs west from North Bloomfield Road to the Nevada County Government Center. The Government Center is within easy walking distance from the historic downtown area of Nevada City

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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)?				X	A, 25
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	A, 25
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	A, 25

13.a Would the Project 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)?

Impact Discussion 13.a: The project would not add any residential housing or jobs and therefore would not induce population growth in the area. The project would not facilitate future residential development as no major infrastructure is proposed such as utilities or roadways which could indirectly induce growth, therefore there is *no impact*.

13.b Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Impact Discussion 13.b: The project does not displace existing populations, people, or housing. There is *no impact* as a result of the proposed project.

13.c Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Impact Discussion 13.c: See response in Question 13.b, above. There is *no impact* necessitating the construction of replacement housing elsewhere.

Mitigation Measures

None required.

14. PUBLIC SERVICES

Existing Setting: The following public services are provided within the project area:

Fire Protection: City Fire Department

Police Protection: The Nevada City Police Department provides law enforcement within the City of Nevada City.

Water & Electricity: The City of Nevada City provides treated water, and Pacific Gas and Electric provides electricity. Nevada Irrigation District provides water to some parcels within the City limits.

Wastewater: The City of Nevada City is the public agency responsible for the collection and conveyance of wastewater.

Schools: The Nevada City School District and the Nevada Union Joint High School Districts provide elementary and high school education for Nevada City.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following the public services:					
i) Fire protection?			X		I, 15, 25
ii) Police protection?			X		14, 15
iii) Schools?				X	A, D, 25
iv) Parks?				X	A, 25
v) Other public services or facilities?				X	A, 25

14.a. Would the Project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following the public services:

14.a.i) Fire protection

Impact Discussion 14.a.i): Nevada City provides fire protection through a mutual agreement with the Nevada County Consolidated Fire District for structures fire protection. Wildfire protection is provided from the State of California Forestry and Fire Protection Department of California. The project will not increase the demand for or have a significant impact on fire protection services. The entire project area is currently provided with fire protection services and the proposed project will comply with the Fire District and Cal Fire ordinances regarding access and wildland fire protection.

The potential for a minor increase in demand for emergency medical services may occur if an accident or injury occurs along the proposed trail; however, this project primarily enhances existing trails, so the potential for these types of accidents or injuries already exist within the project area and City limits. These minor public service demands will not overburden the emergency services and no mitigation measures are proposed or warranted; the impact is *less than significant*

14.a.ii) Police protection

Impact Discussion 14.a.ii): Police protection services will be provided by the Nevada City Police Department within the City limits, who has recently procured an off-road vehicle in order to patrol the City’s expansive trail system. Law enforcement in the unincorporated County is provided by the Nevada County Sherriff. The potential for a minor increase in demand for services may occur for law enforcement provided by the City Police Department if a crime or accident occurs along the proposed trails. These minor public service demands will not overburden law enforcement and no mitigation measures are proposed or warranted; the impact is *less than significant*.

14.a.iii) Schools

Impact Discussion 14.a.iii): The proposed project will not generate any additional residential population that will increase the demand for additional schools or increase attendance or enrollment at existing schools. The Sugarloaf Trail project will have **no impact** to schools.

14.a.iv) Parks

Impact Discussion 14.a.iv): The proposed trail project promotes recreational access desired by the City of Nevada City and realizes the goal of the City when it purchased the property (creation of a trail and open space). The trail is not expected to increase the use of or demand for parks within the City. The proposed project will have **no impact** on the area's parks.

14.a.v) Other public facilities

Impact Discussion 14.a.v): Any increase in vehicle traffic is anticipated to be nominal because the Sugarloaf Trail is an enhancement and improvement of an existing trail system that is primarily used by those living or visiting Nevada City and the surrounding area. The City realizes new trails provide more possibility for users to connect to the trail system without needing to drive to trailheads. The minor increase in vehicle traffic will not require additional maintenance or snow removal demands on the road network. Other public services such as governmental services will not be impacted by the proposed project in relation to their services, therefore the trail project will have **no impact** to other public facilities.

Mitigation Measures:

None required.

15. RECREATION

Existing Setting:

The City has established several open space areas within the City and created several trails inside City limits, as follows:

- Little Deer Creek Trail - a 10-foot wide easement connecting Pioneer Park with the downtown area.
- Miner's Trail - along Deer Creek, from Broad Street freeway exit to Pine Street Bridge,
- Prospect Trail - (actually a stairway link from Sacramento Street to Prospect Street.
- Hirschman Trail - a two-mile trail through the Hirschman's Pond property (35 acres) and Indian Trails Subdivision open space (49 acres), from Cement Hill Road to Indian Flat Road.
- Tribulation Trail - along Deer Creek from the Pine Street Bridge to Jordan Street.
- Environs Trail - on the City's environs property (40 acres) on the south side of Deer Creek. The trail runs from Jordan Street to Providence Mine Road.
- Tribute Trail - this trail begins off Champion Mine Road and continues for eight miles into Nevada County properties.

The proposed Sugarloaf Mountain multi-use trail construction project winds through the 30.52-acre open space parcel (APN 36-020-26), and encompasses all but the northern flank of Sugarloaf Mountain, with easements through two private parcels (APNs 53-310-09 & 53-310-10) and along the right-of-way of State Highway 49. The goal of the trail project is to connect downtown Nevada

City to the top of Sugarloaf Mountain. The trail route will be approximately one mile in length. It will commence at the corner of State Highway 49 and North Bloomfield Road, and terminate at a point along an existing gravel access road that goes to the top of Sugarloaf from an entrance on upper Coyote Street. The new trail will also connect to an existing graveled excavated area, approximately 0.10 acre in size that will be improved to accommodate trail parking for approximately eight vehicles. The parking area will connect via an existing informal, user-created trail, which will be minimally improved (brush clearing and tread improvement for drainage and loose rock removal). The proposed trail also offers connection to Hirschman Trail and Tobiassen Park via a recently established County trail that runs west from North Bloomfield Road to the Nevada County Government Center.

The proposed trail is located in the lower coniferous forest zone of the northern Sierra Nevada foothills at elevations of 2,600 to 3,000 ft. The trail will traverse an unnamed intermittent stream that parallels the western boundary of the Sugarloaf property. The intermittent stream is approximately 30-inches wide and will be crossed via 24-inch culvert within the State Hwy 49 right-of-way. A rock retaining wall will also be necessary to stabilize an area of the proposed trail along a portion of the private easement through APN 05-310-10.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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?			X		A, 25, 30
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?			X		A, 13, 15, 25, 30

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

Impact Discussion 15a: No existing recreational opportunities will be negatively affected by the placement of the proposed Sugarloaf Mountain trail. The establishment of this trail would improve existing trail usage within the City and Nevada County by providing connection to Hirschman Trail and Tobiassen Park; this connection was recently established by a paved Nevada County trail that runs west from North Bloomfield Road to the Nevada County Government Center. The Government Center is within easy walking distance from the historic downtown area of Nevada City. Likewise, the new trail could potentially reduce pressure on other recreational facilities; therefore the impact is anticipated to be *less than significant*.

15.b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Impact Discussion 15b: This project is consistent with the Recreation Elements of the Nevada City General Plan and the Sugarloaf Mountain Master plan (adopted February, 2016). The City’s

General Plan states that “a goal of the City is to preserve its strong sense of entry and sense of a distinct City surrounded by green, wooded hills.” A General Plan policy notes “Sugarloaf Mountain shall be a space for passive recreational opportunities for current and future residents and visitors.” The proposed trail is compliant with City’s vision and documents.

The construction of the trail, designed specifically to traverse through the open space property, being constructed with United States Forest Service trail construction standards and best management practices, will not be highly visible. The total disturbance area will be approximately ½ acre in size. The trail will be narrow, not to exceed four feet in width in order to encourage slower travel speeds. With these trail standards and any conditions of approval and other Mitigation Measures in place, the trail will not have an adverse physical effect on the environment, and therefore any potential impacts will be *less than significant*.

Mitigation Measures:

None required.

16. TRANSPORTATION / CIRCULATION

Existing Setting: Sugarloaf Mountain is located in Nevada City, to the west of Coyote Street and north of State Highway 49. Existing access is currently off Coyote Street. State Highway 49 generally runs north/south and is a principal arterial for Nevada County, connecting the cities of Grass Valley and Nevada City with I-80 in Auburn (Placer County) to the south. This highway also facilitates much of Nevada County's freight and lumber traffic and also provides access to recreational and tourist attractions. To the west of Nevada City, this route continues in a northerly direction to the Nevada/Yuba County line. Nevada City has many narrow, twisting, and dead-end streets which enhances the City’s small-town character, but can present challenges related to circulation. According to the 2015-2035 Nevada County Transportation Plan, peak hour vehicle volume along the highway near the Coyote Street intersection is estimated to be about 1,160 vehicles by the year 2035, resulting in a low level of service projection. The City of Nevada City maintains Coyote Street and the CA Department of Transportation (CalTrans) maintains State Highway 49.

CEQA Environmental ChecklistItem	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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?			X		H,J,25
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?		X			H, J, 25,31

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?				X	A, 22, 25
d. Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?		X			C
e. Result in inadequate emergency access?			X		A, H, 15,25
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?				X	A, H, 25

16.a. Would the Project 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?

Impact Discussion 16a: Recreation trails are critical and valued components to Nevada City residents and City leaders. Increasingly, trails and non-motorized pedestrian pathways are an important component of Nevada City’s transportation system. The trail will be walkable from residential communities and major commercial hubs including the Nevada County Government Center and the Nevada City General Business District. The Sugarloaf Trail is not featured on any know transportation plan, including the Nevada County Transportation Plan and the Nevada County Pedestrian Improvement Plan, nor does the trail interfere with transportation improvements featured within these plans. Improvements to the bicycle and pedestrian networks support Goal 2 of the Nevada County Transportation Plan, to “create and maintain a comprehensive, multi-modal transportation system to serve the needs of the County.” Furthermore, among the goals of the Nevada City General Plan are to “preserve Nevada City’s special character.” Including a policy to “encourage the construction of pedestrian and bicycle pathways where appropriate, to provide safe alternatives to vehicular travel.”

The Sugarloaf Trail creates an alternative transportation trail for pedestrians and non-motorized transportation, which supports policies, plans, and programs for alternative transportation. The trail creates new opportunities for alternative modes of transportation, which will result in a *less than significant* impact to circulation systems.

16.b. Would the Project 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?

Impact Discussion 16b: The operations of roadway facilities are described in terms of Level of Service (LOS). LOS is a qualitative description of traffic flow based on factors such as speed, travel time, delay, and freedom to maneuver, ranging from LOS A (good traffic flow) to LOS F (stop and go conditions). The number of people expected to access the trail by vehicle is

minimal. Because the proposed trails enhance the existing recreation trail network within Nevada City, a large number of trail users are expected to access the trail without the use of vehicles. The Nevada County Transportation Commission has not identified any conflicts associated with the trail project with any applicable congestion management programs, including, but not limited to level of service standards, although level of services is projected to decrease due to conditions that are not attributed to the trail project.

At the onset of agency distribution for the project, staff received correspondence from multiple members of the public requesting that parking be addressed in order to ensure that residential neighborhoods in the vicinity of the trailhead are not negatively impacted with trail parking. It is anticipated that the majority of trail users will primarily be interested in accessing the top of Sugarloaf Mountain for picnicking and other light recreation opportunities. The proposed parking lot off of Coyote Street is ideally situated for this faction of trail users as it allows them closer access to the top of the mountain. The trail is also anticipated to be heavily used by Nevada City residents and employees of City businesses/offices, particularly those at the Nevada County Government Center. For these users, sidewalks and trails already exist that provide convenient access to the trailhead from their places of residence and employment. For these reasons, it is unlikely that many trail users will opt to park along streets in residential neighborhoods. However, in order to address these concerns more extensively, the Bear Yuba Land Trust worked with the County to negotiate use of 10 designated parking spaces at the Nevada County Government Center during non-business hours. An observational analysis of parking lot use at the Hirschman's trail head indicates non-business hours to be the time period having the most intense parking use. The County has provided a draft licensing agreement with the City of Nevada City for the purpose of providing the designated parking, required to be entered and executed prior to opening the trail to the public, pursuant to Mitigation Measure 16A. That will result in 20 designated parking spaces (including the 10 to be constructed for the project off Coyote Street) available for use by trail users during peak trail parking time periods. The proposed project will have **a less than significant impact with mitigation** on an applicable congestion management plan or on traffic level of service.

16.c. Would the Project 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?

Impact Discussion 16c: The Sugarloaf Trail provides new trails and improved trails for bicycle and pedestrian traffic and does not change air traffic patterns or air traffic, therefore there is **no impact**.

16.d. Would the Project substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?

Impact Discussion 16.d: As outlined in Impact Discussion 16a, according to the 2015-2035 Nevada County Transportation Plan, peak-hour vehicle volume along the highway near the Coyote Street intersection is estimated to be about 1,160 vehicles by the year 2035, resulting in a low level of service projection. The trail project is likely to attract pedestrians from downtown Nevada City and from the Nevada County Government Center, resulting in increased pedestrian crossings across State Highway 49 and across North Bloomfield Road in order to access the trailhead. This service projection is expected to occur with or without the trail project and intersection improvements will occur as deemed appropriate by CalTrans and the Nevada County

Transportation Commission. A controlled sidewalk crossing currently exists across State Highway 49 providing safe access to the trailhead. However, improved safety at the intersection is desirable for the project and also for projected level of service decreases that are anticipated without the project. Therefore, Nevada City should work collaboratively with the Nevada City Transportation Commission and CalTrans to make pedestrian improvements at this intersection, such as installation of a crosswalk across North Bloomfield Road and activation of the controlled signal crossing across State Highway 49 from the southeast corner of the intersection at East Broad St.

Due to the project's potential to increase pedestrian traffic across North Bloomfield Road and across State Highway 49, mitigation is required for interagency collaboration on intersection improvements for improved pedestrian safety so that associated impacts would be *less than significant with mitigation*.

16.e. Would the Project result in inadequate emergency access?

Impact Discussion 16.e: The project does not alter any existing emergency access to the project area or other areas. In the event of an emergency along the proposed trail, the existing maintenance road off of Coyote Street, the proposed parking area or North Bloomfield Road at the trailhead, could be used for emergency access purposes. The proposed parking area and existing roads would provide adequate emergency access to areas within the boundary of the project area. Furthermore, trail construction will require installation of mile-markers so that, in the event of an emergency, a person can more specifically define their location pursuant to the adopted Master Plan, and provided as mitigation below. The project will enhance emergency access to the project area and will result in a *less than significant impact with mitigation* measure incorporation.

16.f. Would the Project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Impact Discussion 16.f: The proposed project helps to expand the network of bicycle and recreational trails within City limits with links that connect to Hirschman's Trail and the Government Center/Library trail system. The proposed project supports use of alternative transportation by creating new trail connections and creating a potential future link to future trails and developments in the Lake Vera/North Bloomfield area of the County. The trail provides non-motorized alternative transportation options and expands recreational opportunities. The proposed project does not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Sugarloaf Trail does not conflict with, but rather provides beneficial alternatives to vehicle transportation modes and therefore will have *no impact*.

Mitigation Measures

In order to minimize adverse impacts to traffic and circulation patterns, the following mitigation is required:

MITIGATION MEASURE 16A: Prior to opening up the trail for public use, the City of Nevada City shall enter into a License Agreement with the County of Nevada for use of 10 designated parking spaces at the parking lot at the Nevada County Eric Rood Administrative Center, available to trail users outside of normal Government Center business hours

MITIGATION MEASURE 16B: The Bear Yuba Land Trust shall install mile-markers as provided by the City along the trail prior to public access pursuant to requirements of the adopted Master Plan.

17. UTILITIES / SERVICE SYSTEMS

Existing Setting: Electrical service is provided by Pacific Gas and Electric within the City. Nevada City provides water services, along with Nevada Irrigation District to properties within City limits. The City also operates a wastewater treatment plan.

CEQA Environmental ChecklistItem	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	A, E, 25
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?				X	A, E, 25
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?				X	E,25
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	25
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?				X	25
f. Be served by a landfill or transfer station with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		A,14,15, 25
g. Comply with federal, state, and local statutes and regulations related to solid waste?				X	A,H, 25

17.a. Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Impact Discussion 17a: The project develops a shared-use trail that will be used by the public. The trail will not result in any structures that would increase populations in need of services. The total disturbance area of the trail will be approximately ½ acre in size. The trail will be narrow, not to exceed four feet in width in order to encourage slower travel speeds. The trail does not propose fixtures or features that require connections to wastewater utilities and would have *no impact* on wastewater treatment operations, treatment, or capacity.

17.b. Would the Project 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?

Impact Discussion 17b: The project develops a shared-use trail that does not create population growth to increase utility demand. As noted in 17a, the trail will not result in construction of any structures that could increase resident populations in need of these services and does not propose fixtures or features that require connections to water or wastewater. The trail proposes no permanent irrigation, restrooms, water fountains, etc., and therefore there is **no impact**.

17.c. Would the Project 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?

Impact Discussion 17c: The proposed Sugarloaf Trail does not directly utilize existing or planned City storm water drainage facilities, but addresses storm water runoff through trail and trailhead design standards. Compliance with water quality standards, including any Nevada City or Nevada County construction permit requirements ensures there will be **no impact** to storm water drainage facilities.

17.d. Would the Project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Impact Discussion 17d: As described above, the trail requires no new water service and therefore avoids significant effects on water supplies, entitlements or resources. Therefore there will be **no impact**.

17.e. Would the Project 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?

Impact Discussion 17e: As described above, the trail requires no new wastewater service, therefore there will be **no impact** on demand for wastewater services.

17.f. Would the Project be served by a landfill or transfer station with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Impact Discussion 17f: Trail users are expected to generate a very small volume of trash, mainly food and beverage packaging. City Municipal Code Section 12.12, providing regulations for public parks and opens space, prohibits “ dumping of any litter, garbage, rubbish, debris or other refuse at any place, including public parks, trails and other City properties is prohibited by sections 8.04.020.K and 8.12.020, so whatever is taken in must be taken out,” punishable by fine as outlined in Section 12.12.070. “Rules and Regulations” are posted at applicable trailheads and relay this policy to trail users. The Bear Yuba Land Trust, as project proponent, and the City of Nevada City, are responsible for maintenance and management of the trail and associated facilities. Since the expected volume of trash is minimal and the city has an existing “pack-it-in – pack it out” policy in place with ability to enforce, there will be **a less than significant impact**.

17.g. Will the Project Comply with federal, state, and local statutes and regulations related to solid waste?

Impact Discussion 17g: The project would comply with federal, state, and local statutes and regulations related to solid waste due to the limited amount of solid waste generation anticipated. The proposed project will have *no impact*.

Mitigation Measures

None required.

18. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project 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 major periods of California's history or prehistory?		X			A, E, F,G, H, 12, 17, 19, 28, 29, 31
b. Does the project have environmental effects that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)		X			A, E, F,G, H, 12, 17, 19, 28, 29, 31
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X	A, 25

18.a. Does the project 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 major periods of California's history or prehistory?

Impact Discussion 18a: As discussed throughout this Draft Initial Study/Mitigated Negative Declaration, the Sugarloaf Trail may result in potentially significant impacts to aesthetics, air quality, biological resources, geological resources, cultural resources, water quality, noise, and transportation/circulation resources. However, the project is consistent with applicable City land-use and planning policies, and the project compliance measures and the implementation of mitigation measures will reduce the effects of such impacts to a point that impacts will not be significant. Therefore, the projects impact on the environment, including the habitat of a fish or wildlife species or population, plant and animal communities, rare or endangered plants or animals, or important examples of the major periods of California history or prehistory will be *less than significant with mitigation*.

18.b. Does the project have environmental effects that are individually limited but

cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)

Impact Discussion 18b: This Draft Initial Study/Mitigated Negative Declaration found that the Sugarloaf Trail and associated activities will potentially impact the environment in the areas of aesthetics, air quality, biological resources, geological resources, cultural resources, water quality, noise, and transportation/circulation resources. However, these potential impacts will be reduced to a less than significant level with implementation of the mitigation measures included in this report, and most impacts are temporary in nature (i.e. would only occur during construction).

This project is not anticipated to contribute substantially to any one impact. The project is consistent with the City of Nevada City General Plan, so the proposed project’s impacts are not anticipated to be cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of future projects; resulting in cumulative impacts that are *less than significant with the mitigation measures* and project features described above.

18.c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Impact Discussion 18c: As discussed in this Initial Study, the Sugarloaf does not adversely affect humans. The Sugarloaf Trail will positively affect humans through improvement of the recreation trail network, providing safe and convenient alternatives to recreating along roadways and, resulting in *no adverse impacts* to people.

RECOMMENDATION OF THE PROJECT PLANNER

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.

X 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 a "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.



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7/1/2019

Date

APPENDIX A – REFERENCE SOURCE

- A. Planning Department
 - B. Environmental Health Department
 - C. Nevada Irrigation District
 - D. Nevada County Geographic Information Systems
 - E. Northern Sierra Air Quality Management District
 - F. California Department of Fish & Wildlife
 - G. Regional Water Quality Control Board (Central Valley Region)
 - H. Department of Engineering
 - I. Nevada City Fire Department
 - J. Nevada County Transportation Commission
-
- 1. State Division of Mines and Geology. *Mineral Classification Map, 1990.*
 - 2. State Department of Fish and Game. *Migratory Deer Ranges, 1988.*
 - 3. State Department of Fish and Game. *Natural Diversity Data Base Maps, as updated.*
 - 4. CalFire. Fire Hazard Severity Zone Map for Nevada County, 2007. *Adopted by CalFire on November 7, 2007.*
 - 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle, 1992.*
 - 6. State Division of Mines and Geology. *Fault Map of California, 1990.*
 - 7. California Department of Conservation, Division of Land Resource Protection. 2010. *Nevada County Important Farmland Data.*
 - 8. U.S.G.S, 7.5 Quadrangle Topographic Maps, as updated.
 - 9. U.S. Fish and Wildlife Service. *National Wetlands Inventory, December 1995.*
 - 10. Nevada County Local Hazard Mitigation Plan, August, 2017
 - 11. Federal Emergency Management Agency. Flood Insurance Rate Maps, as updated.
 - 12. Northern Sierra Air Quality Management District. Guidelines for Assessing Air Quality Impacts of Land Use Projects, 2000.
 - 13. Nevada City General Plan, adopted 1986 and as amended
 - 14. Nevada City Zoning Regulations, adopted January 10, 1987, and as amended.
 - 15. Nevada City Sugarloaf Master Plan, Resolution 2016-09, adopted February 10, 2016
 - 16. California Department of Transportation (Caltrans). (2011). California Scenic Highway Mapping System.
 - 17. Sugarloaf Mountain Biological Resource Report, Chainey-Davis Biological Consulting (August 2018)
 - 18. Sugarloaf Mountain Trail Cultural Resource Study, Mark D. Selverston (RPA since 2000), Consulting Archaeologist (August 2016)
 - 19. Geotechnical Feasibility Study, Sugarloaf Trail, Holdrege & Kull, January 31, 2018
 - 20. U.S. Environmental Protection Agency (EPA). (2013). *Overview of Greenhouse Gases from <http://www.epa.gov/climatechange/ghgemissions/gases.html>*
 - 21. Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (accessed May 2019)*
 - 22. Mead & Hunt. (2004). *Nevada County Airport Land Use Compatibility Plan.* December 2011
 - 23. U.S. Census Bureau. (2010). Profile of General Population and Housing Characteristics: 2010.
 - 24. California Air Resources Board (ARB). *Quality Assurance Air Quality Monitoring Site Information (website)* accessed April 2019.
 - 25. BYLT Trail Project Proposal
 - 26. BYLT Responses to Sugarloaf Trail Considerations
 - 27. Nevada County Pedestrian Improvement Plan, NCTC, March 2011
 - 28. “Respect on the Project for Native American Culture,” Worker Awareness Brochure by the United Auburn Indian Community
 - 29. Sugarloaf Mountain Trail Aquatic Resources Delineation Report
 - 30. Nevada City 2014-2019 Housing Element
 - 31. Nevada County Draft License Agreement, Sugarloaf Trail Parking