INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
EA2021-0010 (West Linda Drainage Basin Project)

Project Title:	Environmental Assessment EA2021-0010 (West Linda Drainage Basin Project)
Lead Agency Name and Address:	County of Yuba Planning Department 915 8th Street, Suite 123 Marysville, CA 95901
Project Location:	Assessor's Parcel Numbers : 020-173-005-000
Applicant/Owner	County of Yuba Public Work's Department 915 8th Street, Suite 125 Marysville, CA 95901
General Plan Designation(s):	Valley Neighborhood
Zoning:	"PF" Public Facilities
Contact Person:	Ciara Fisher, Planner III
Phone Number:	(530) 749-5470
Date Prepared	December 2021

Project Description

The proposed project constitutes a seminal step in providing a comprehensive drainage system for the community of West Linda. This is both a flood prevention and water quality project that will provide much needed drainage facilities along Feather River Boulevard and Cottonwood Avenue in the community of West Linda. Most of the streets in West Linda are two-lane roads with no curb, gutter, sidewalk, or drainage facilities. During rain events, water typically ponds in yards and along roadways until it infiltrates into the ground.

The project area is a ±21.739-acre parcel of former agricultural land that is currently a Yuba County Community Park, community garden, and a walnut orchard (See Figures 1 & 2). The action area consists of the following Yuba County Assessors Numbers or parts thereof: APN 020-173-005 – 8.029-acres, APN 020-173-003 – 4.0-acres, and APN 020-203-040 – 9.710-acres. The entire project falls within County-owned right-of-ways.

The project scope includes the construction of approximately 2,500 linear feet of storm drain piping and a new 4.33 acre-foot (i.e. 188,565 cubic foot) retention basin. The storm water retention basin will be constructed on of approximately 3.5-acres within the larger circa 21.739-

acre Cottonwood Park property. The retention basin will have a perimeter maintenance access road and fencing. These drainage system features will serve as the discharge point for stormwater runoff generated by the portion of West Linda that falls northwest of Feather River Boulevard.

The primary benefit is providing a discharge point for stormwater runoff from the community of West Linda. The proposed project supplements two already-funded projects along Cedar Lane, Alicia Avenue, and Feather River Boulevard. These two projects are currently in the design phase, and include construction of storm drains. The project area is a DAC (Disadvantaged Community) residential neighborhood. Further improvements to the overall park would also likely occur in the future.

Future projects will incorporate trash capture devices at the retention basin, plus an eventual overflow/discharge structure that will tie into the RD784 system. RD784 and the County are currently working on a Climate Change Vulnerability Study that will culminate in a report outlining the infrastructure necessary to develop a comprehensive storm drain system for the entire West Linda, Linda, and Olivehurst areas. RD784 and Yuba County will design this storm drain system to accommodate anticipated runoff based upon the latest Climate Change models.

Environmental Setting

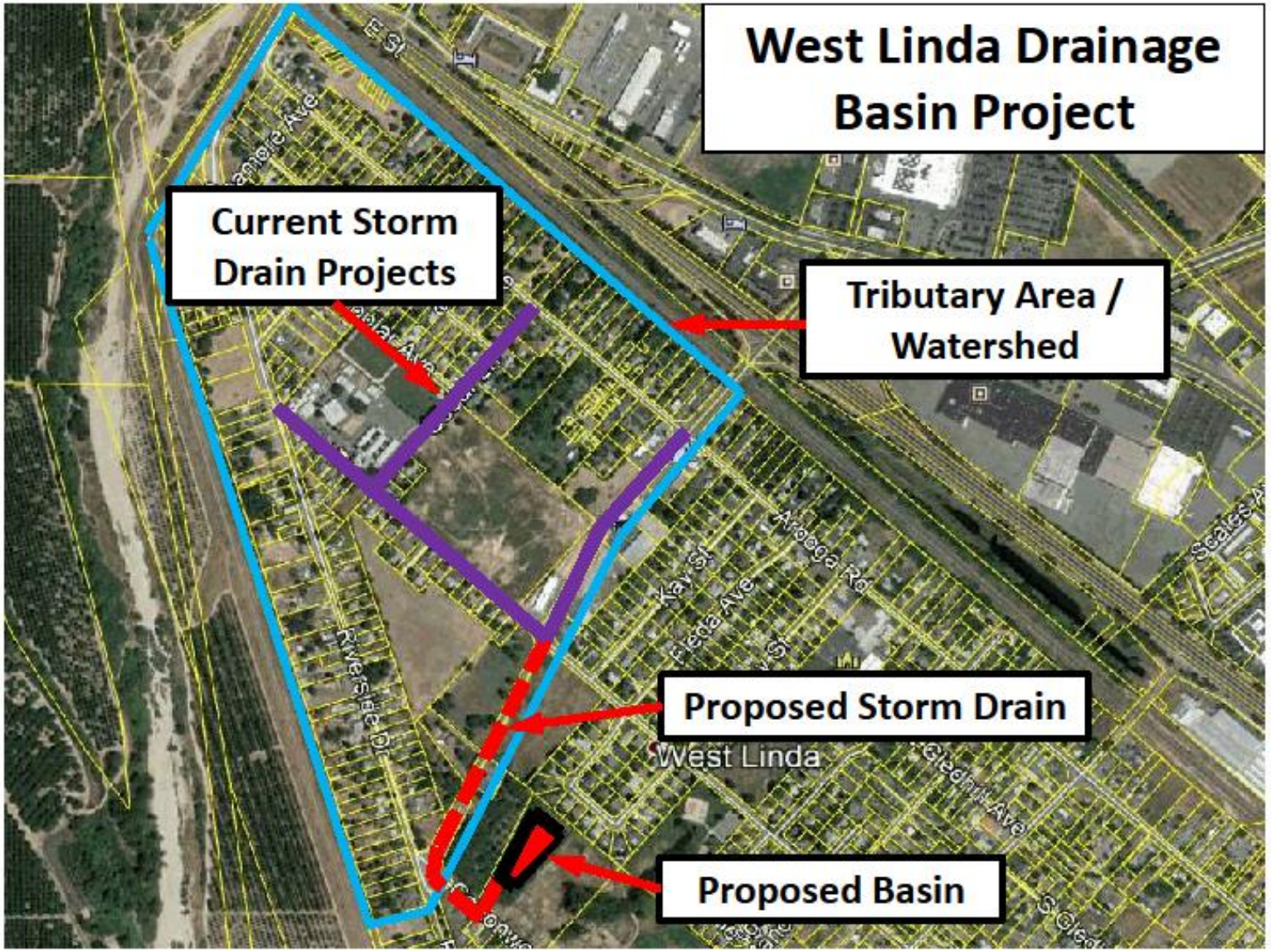
The project area consists of approximately 21.739-acres of land located immediately adjacent to the northeast side of Cottonwood Avenue, and the southwest side of Alicia Avenue, a short distance east of Feather River Boulevard, approximately 0.5-miles southwest of State Route 70, within the community of Linda, Yuba County, California. Lands affected are located within a portion of the New Helvetia Land Grant of Township 15 North, Range 3 East, as shown on the USGS Olivehurst, California, 7.5' Series quadrangle.

The project area consists of northern Sacramento Valley lands located approximately 0.4- miles southeast of the confluence of the Yuba and Feather Rivers, within a basin that receives winter storm runoff from a significant watershed. The basin is formed in deep sediments of the Sacramento Valley, which in turn has been uplifted along its eastern margin where it interfaces with the lower foothills of the Sierra Nevada, and along its western margin where it interfaces with the Coast Range.

Topography within the APE is ranges from 55-60-feet above sea level. The region is characterized by a Mediterranean climate, with cool, rainy winters and hot, dry summers. The average annual temperature for the project area ranges from 51-75ºF, with the hottest temperatures occurring in July, reaching on average a maximum of 94ºF. The average yearly rainfall totals for the area are approximately 19.37 inches, with the maximum annual precipitation occurring in January.

Figure 1: Project Vicinity

Figure 2: Site Plan



Environmental Factors Potentially Affected:

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

☐ Aesthetics	☐ Agriculture & Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☒ Hazards & Hazardous Materials
☒ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation/Traffic	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Ciara Fisher 12/8/2021

Planner's Signature Date

Ciara Fisher, Planner III

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Environmental Assessment EA2021-0010 (West Linda Drainage Basin Project), as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

EVALUATION OF ENVIRONMENTAL IMPACTS

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

incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, development code). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

a) & b) The project proposes improving drainage, installing drain piping along Feather River Boulevard and Cottonwood Avenue, and installing a drainage basin within Cottonwood Park. The proposed drainage improvement project would not deviate atheistically from what currently exists on Feather River Boulevard and Cottonwood Avenue. Moreover, the drainage basin will be placed within the walnut orchard of the park and will not affect the community garden and the rest of the park features. View sheds are primarily within the boundaries of the project; impacts to scenic resources and vistas would not be affected resulting in ***less than significant impact***.

c) It is acknowledged that aesthetic impacts are subjective and may be perceived differently by various affected individuals. Nonetheless, given the urbanized environment in which the project is proposed, it is concluded that the project would not substantially degrade the visual character or quality of the project site or vicinity. A ***less than significant impact*** will result.

d) The proposed project would be conducted during daytime hours; no nighttime construction is proposed. No temporary or permanent lighting is proposed. There would be no effect on nighttime views. Therefore, there will be ***no impact***.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

a) The proposed project is a drainage improvement project. Nearly all project activity is in the existing right-of-ways and no farmland conversion would needed for this project. Therefore, no loss or conversion of farmland would result from the proposed project. Therefore, ***no impact*** to agricultural lands is anticipated.

b) The project area, consisting of public roadways and public facilities, is designated Valley Neighborhood ty by the Yuba County 2030 General Plan. The surrounding project zoning is "PF" Public Facilities and "RS" Single Family Residential. The proposed project is consistent with the General Plan and zoning. The property is not under a Williamson Act contract, as Yuba

County has not established a Williamson Act program. The project would result in ***no impact*** to Williamson Act contracts or existing agricultural uses.

c) and d) The property is not zoned for or used as forestry land. The project would result in ***no impact***.

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

III. AIR QUALITY

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

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

Discussion/Conclusion/Mitigation:

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

The Air Quality Attainment Plan also deals with emissions from mobile sources, primarily motor vehicles with internal combustion engines. Data in the Plan, which was incorporated in the SIP, are based on the most currently available growth and control data. The project would be consistent with this data. As is stated in the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. FRAQMD has established a significance threshold of 130 single-family homes, which is the number estimated to generate emissions of 25 pounds per day of ROG and 25 pounds per day of NOx. The project will be installing piping along an existing County road and will be installing a drainage basin within an existing walnut orchard. Project related air

quality emissions, beyond the construction phase, would not substantially add to the Air Quality Attainment Plan and FRAQMD thresholds. Therefore, impacts to air quality plans would be ***less than significant***.

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

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

Mitigation Measure 3.1 FRAQMD

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

Mitigation Measure 3.2 Fugitive Dust Control for Construction

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

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

c) Construction associated with future development is expected to generate a limited amount of PM10, mainly dust and possible burning of vegetation. Rule 3.16 of FRAQMD Regulations requires a person to take "every reasonable precaution" not to allow the emissions of dust from construction activities from being airborne beyond the property line. Reasonable precautions may include the use of water or chemicals for dust control, the application of specific materials on surfaces that can give rise to airborne dust (e.g., dirt roads, material stockpiles), or other means approved by FRAQMD. FRAQMD Regulations Rule 2.0 regulates the burning of vegetation associated with land clearing for development of single-family residences. Enforcement of these rules would reduce the amount of PM10 that would be generated by residential development on the project site. Additionally with mitigation measure, **MM3.1 and MM3.2,** prior to the issuance of any grading, improvement plan, or building permit a Fugitive Dust Permit will be required to be obtained from FRAQMD. Therefore, construction related impacts to the air would be ***less than significant with mitigation***.

d) The proposed project would be located in the urbanized community of West Linda south of the City of Marysville. The proposed construction activities are not expected to generate substantial pollutant concentrations at a sufficient level to be noticed by any nearby residences or impact any sensitive receptors. Therefore, impacts to sensitive receptors would be ***less than significant***.

f) Development proposed by the project is not expected to create objectionable odors. The project does not propose activities that generate odors, such as an industrial plant or an agricultural operation. Therefore, there would be ***no impact*** related to odors.

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

Discussion/Conclusion/Mitigation:

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

From August 27 to September 5, 2021, a CEQA & NEPA-level Biological Assessment and Wetland Determination was conducted on a ±21.739-acre property (action area) that is currently used as a Yuba County park (Cottonwood Park), community garden and walnut orchard, West Linda, Yuba County, California. The action area is defined as Yuba County Assessor's Parcel Numbers: 020-173-003 (4.0-acres), 020-173-005 (8.029-acres) and 020-203-040 (9.710-acres). The action area is located on the U.S. Geological survey (USGS) Olivehurst 7.5-minute topographic quadrangle, Township 14 North, Range 4 East, Section 29. The center of the action

area is approximately 39.0336760 N, -121.5550320 W. The terrain elevation within the action area ranges from 55 feet to 57 above mean sea level (msl). The site is bounded on the north, east and south by residential properties and on the west by orchards.

METHODOLOGY

Field surveys of biological resources included a reconnaissance-level inventory of plants and wildlife observed in the Action Area, habitat assessments for special status species, and a determination of wetland habitats within the Action Area. Biological and botanical surveys were conducted based on the California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (CNDDB, March 2021), the United States Fish & Wildlife Service's (USFWS) IPaC Resource List, and the California Native Plant Society's (CNPS) list of rare and endangered plants. All species lists were derived from the United States Geological Survey (USGS) Yuba City 7.5 minute quadrangle, and Yuba County. Based on the results of the species lists, appropriate biological and botanical surveys were conducted. Species habitat surveys were conducted during March 2021, by Marcus H. Bole & Associates (MHBA) senior wildlife biologist Marcus H. Bole. The species habitat surveys were conducted by walking all areas of the Action Area (and surrounding 500 foot buffer) and evaluating potential habitat for special- status species based on vegetation composition and structure, presence of predatory species, microclimate and available resources (e.g. prey items, nesting burrows, etc.). A general botanical survey and habitat evaluation for rare plant botanical species was conducted during March, 2021 by MHBA's senior botanist Charlene J. Bole. The general botanical survey and habitat evaluation for rare plant botanical species was conducted by walking all areas of the Action Area while taking inventory of general botanical species and searching for special-status plant species and their habitats. A determination of Waters of the U.S. was also conducted on March 15, 2021 by Marcus H. Bole and was conducted under the guidelines of the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (2008).

SETTING

Regionally, the action area is located with the southern portion of Yuba County, within the Community of West Linda, California. The action area is located within the Sacramento Valley, the northern half of the Great Central Valley of California, within flat valley bottomland where elevation averages approximately 60 feet above sea level. Mean annual precipitation is approximately 12 to 35 inches. Mean annual temperature ranges from 40 to 98 degrees Fahrenheit. The vegetative community descriptions and nomenclature described in this section generally follow the classification of "former agriculture, community garden, and orchard land". The major hydrological feature near the action area is the Feather River, approximately one mile west of the property.

RESULTS

Description of the Existing Biological and Physical Conditions

The action area is located in the community of West Linda, Yuba County, California. The following describes the biological and physical conditions within the property and within the surrounding area.

Action Area

The Action Area is a ±21.739-acre parcel of former agricultural land currently a Yuba County Community Park, community garden and a walnut orchard. The action area consists of the following Yuba County Assessors Numbers or parts thereof:

1. APN 020-173-005 @ 8.029-acres
2. APN 020-173-003 @ 4.0-acres
3. APN 020-203-040 @ 9.710-acres

Physical & Biological Conditions

Vegetation within the action area consists of a mix of non-native ruderal gasses and forbs, landscaped grasses and shrubs, community vegetable gardens, medium to large diameter cottonwood trees and medium to large diameter walnut trees.

Non-Native Ruderal Grasses and Forbs

The action area has supported a walnut orchard, community gardens and a County park of over 40 years. As such, the area has been characterized by landscaped park features, a sizable vegetable garden and an area supporting non-native grasses and forbs with a number of cottonwood and walnut trees. Outside of the landscaped and recreational features, the area support ruderal grasses and forbs characteristic of former agricultural lands throughout the Yuba County area. Ruderal grasses and forbs typically occur on soils consisting of fine-textured loams or clays that are somewhat poorly drained. This vegetation type is dominated by grasses including wild oats (Avena fatua), yellow star-thistle (Centaurea solstitialis), and weedy annuals and perennial forbs, primarily of Mediterranean origin, that have replaced native grasses as a result of past agricultural practices and grazing. Within the action area a sparse weedy flora is present consisting of wild oats, yellow-star thistle, filaree (Erodium cicutarium), field bindweed (Convolvulus arvensis), fiddle dock (Rumex pulcher), and trefoil (Lotus corniculatus) among others. The County Park is well maintained with lawn grasses, irrigated and mowed on a regular basis. The community garden is well watered and support a diverse amount of fruits and vegetables.

Native and introduced wildlife species are tolerant of human activities in these man-made and agricultural habitats. Such areas provide nesting and foraging habitat for local wildlife species. Common birds such as the house finch (Carpodacus mexicanus), black phoebe (Sayornis nigricans), American robin (Turdus migratorius), and American pipit (Anthus rubescens) were

observed in the action area. Mammals such as raccoon (Procyon lotor), skunk (Mephitis mephitis), and house mouse (Mus musculus) are common in ruderal grassland environments. Several medium to large diameter cottonwood trees in the action area have the potential to support raptor nests (stick nests). All trees were evaluated and no stick nests were found. The California Department of Fish & Wildlife have identified an active Swainson's hawk nest within one mile of the action area.

This habitat type supports English walnut trees (Juglans regia) that are irrigated, pruned and historically harvested. Due to the nature of walnut harvesting (tree shaking), the trees do not provide viable nesting habitat for local birds or raptors. Orchard habitats generally provide marginal breeding, cover, and foraging habitat for wildlife species. A limited variety of bird, reptile and mammal species were observed during the recent surveys. Species observed in these habitats include American crow (Corvus brachyrhynchos), American robin (Turdus migratorius), western scrub jay (Aphelocoma coerulescens), turkey vulture (Cathartes aura), Red-shafted Flicker (Colaptes cafer), black-tailed hare (Lepus californicus), California ground squirrel (Citellus beecheyoi), and the western fence lizard (Sceloporus occidentalis). Raptors observed include the red-tailed hawk (Buteo jamaicensis) and the American kestrel (Falco sparverius).

The following table is a list of species that have the potential to occur within the action area and is composed of special-status species within the Olivehurst 7.5 minute quadrangle, and Yuba County. Species lists reviewed, and which are incorporated in the following table, including the CDFW, USFWS, and CNDDB species list for the Yuba County area. Species that have the potential to occur within the action area are based on an evaluation of suitable habitat to support these species, CNDDB occurrences within a five mile radius of the action area and observations made during biological surveys. Not all species listed within the following table have the potential to occur within the action area based on unsuitable habitat and/or lack of recorded observations within a five mile radius of the action area.

Table 1: Evaluation of Listed and Proposed Species Potentially Occurring or Known to Occur in the Cal Sierra Limited LP Project Action Area

Common Name *(Scientific Name)*	**Status** Fed/State / CNPS	**General Habitat Description**	**Habitat Present/ Habitat Absent**	**Rationale**
INVERTEBRATES				
Conservancy fairy shrimp *(Branchinecta conservatio)*	FE/_/_	Moderately turbid, deep, cool-water vernal pool.	A/HA	There are no vernal pools within the Action Area. **No Effect.**
Valley elderberry longhorn beetle *(Desmocerus californicus dimorphus)*	FT/_/_	Blue elderberry shrubs usually associated with riparian areas.	A/HA	There are no elderberry shrubs within the Action Area, or within 1,000 feet of the Action Area. **No Effect.**

Common Name *(Scientific Name)*	**Status** Fed/State / CNPS	**General Habitat Description**	**Habitat Present/ Habitat Absent**	**Rationale**
Vernal pool fairy shrimp *(Branchinecta lynchi)*	FT/_/_	Moderately turbid, deep, cool-water vernal pool.	A/HA	There are no vernal pools within the Action Area. **No Effect.**
Vernal pool tadpole shrimp *(Lepidurus packardi)*	FE/_/_	Vernal pools, swales, and ephemeral freshwater habitat.	A/HA	There are no vernal pools within the Action Area. **No Effect.**
California linderiella *(Linderiella occidentalis)*	_/_/_	Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions.	A/HA	There are no seasonal pools within the Action Area. **No Effect.**
Monarch butterfly *(Danaus plexippus)*	FC/_/_	The butterfly is dependent upon their obligate milkweed plant for laying eggs.	A/HA	There is no suitable habitat within the action area. **No Effect.**
REPTILES AND AMPHIBIANS				
California red- legged frog *(Rana draytonii)*	FT/SSC/_	Quiet pools of streams, marshes and occasionally ponds. (sea level - 4,500 ft. elevation)	A/HA	There is no suitable habitat within or near the property to support this species. **No Effect.**
Giant garter snake *(Thamnophis gigas)*	FT/ST/_	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes ponds, sloughs, small lakes, and there associated uplands.	A/HA	There is no suitable habitat within or near the property to support this species. **No Effect.**
FISH				
Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha)*	FT/ST/_	Sacramento River and its tributaries.	A/HA	The Sacramento River is not part of this project. **No Effect.**
Central Valley steelhead *(Oncorhynchus mykiss)*	FT/_/_	Sacramento and San Joaquin Rivers and their tributaries.	A/HA	The Sacramento River is not part of this project. **No Effect.**
Delta Smelt *(Hypomesus transpacificus)*	FT/SE/_	Sacramento and San Joaquin Rivers and their tributaries.	A/HA	The Sacramento River is not part of this project. **No Effect.**
BIRDS				
Swainson's hawk *(Buteo swainsoni)*	MBTA/ST /_	Open grasslands, meadows, or marshes for foraging, dense- topped trees for nesting and perching.	A/HP	Cottonwoods within the action area provide suitable nesting habitat. CNDDB lists one Swainson's hawk nest within one mile of the action area. Ruderal grasslands provide foraging habitat. Preconstruction nesting raptor surveys will be

Common Name *(Scientific Name)*	**Status** Fed/State / CNPS	**General Habitat Description**	**Habitat Present/ Habitat Absent**	**Rationale**
				required. **May Affect, Not Likely to Adversely Affect.**
Tri-colored black bird *(Agelaius tricolor)*	MBTA/SSC/_	Marshes and swamps, agricultural irrigation ditches, blackberry brambles and grasslands	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**
Western yellow-billed cuckoo *(Coccyzus americanus occidentalis)*	FC/SE/_	Open woodlands, riparian areas, orchards and moist, overgrown thickets	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**
White-tailed kite *(Elanus leucurus)*	MBTA/_/_	Open grasslands, meadows, or marshes for foraging, dense- topped trees for nesting and perching	A/HP	Cottonwoods within the action area provide suitable nesting habitat. Ruderal grasslands provide foraging habitat. Preconstruction nesting raptor surveys will be required. **May Affect, Not Likely to Adversely Affect.**
Bank swallow *(Riparia riparia)*	_/ST/_	Requires vertical banks/cliffs with fine textured/sandy soils near streams, rivers, lakes, ocean to dig nesting holes.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey**. No Effect.**
Least Bell's Vireo *(Vireo belli pusillus)*	FE/SE/_	Nests placed along margins of bushes or on twigs projecting into pathways, usually willows, baccharis, and mesquite. Low riparian in dry river bottoms.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**
Song swallow *(Riparia riparia)*	_/_/SSC	Last found in Sacramento area in 1877. Nest made of decayed grasses, bit of tule and dead leaves	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**
MAMMALS				
Hoary bat *(Lariurus cinereus)*	_/_/_/	Roost in large to medium sized trees with dense foliage.	A/HA	There are no extensive parcels of riparian habitat with dense foliage within or near the Action Area. None were observed during the habitat survey. **No Effect.**
PLANTS				
Woolly rose-mallow *(Hibiscus lasiocarpos var. occidentalis)*	_/_/1B.2	Marshes and swamps (freshwater). Moist, fresh-water soaked river banks & low peat islands in sloughs.	A/HA	There is no suitable habitat for this species in the action area. None were observed during the habitat survey. **No Effect.**
Sanford's arrowhead *(Sagittaria sanfordii)*	E/E/1B.2	Marshes and swamps. In standing or slow moving freshwater ponds, marshes and ditches.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**

Common Name *(Scientific Name)*	**Status** Fed/State / CNPS	**General Habitat Description**	**Habitat Present/ Habitat Absent**	**Rationale**
Ferris' milk-vetch *(Astragalus tener var. ferrisiae)*	_/_/1B.1	Meadows and seeps, valley and foothill grassland. Subalkaline flats, usually seen in dry, adobe soils.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**
Veiny monardella *(Monardella venosa)*	_/_/1B.1	Valley and Foothill Grassland, Cismontane Woodland. In heavy clay soils; mostly with grassland associates.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**
Recurved larkspur *(Delphinium recurvatum)*	_/_/1B.2	On alkaline soils; often in valley saltbush or valley chenopod scrub.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**
Hartweg's golden sunburst *(Pseudobahia bahifolia***)**	T/T/1B.1	Valley and Foothill Grassland, Cismontane Woodland. Clay soils, often acidic. Predominately on northern slopes of knolls, but also along shady creeks or near vernal pools.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. **No Effect.**

CODE DESIGNATIONS

FE = Federally-listed Endangered
FT = Federally-listed Threatened
FC = Federal Candidate Species
BCC = Federal Bird of Conservation Concern
MBTA = Protected by the federal Migratory Bird Treaty Act
SE = State-listed Endangered
ST = State-listed Threatened
SR = State-listed Rare
SSC = State Species of Special Concern
S1 = State Critically Imperiled
S2 = State Imperiled
S3 = State Vulnerable
S4 = State Apparently Secure
SSC = CDFW Species of Special Concern
FP =CDFW Fully Protected Species

A = Species Absent
P = Species Present
HA = Habitat Absent
HP = Habitat Present
CH = Critical Habitat
MH = Marginal Habitat
CNPS 1B = Rare or Endangered in California or elsewhere
CNPS 2 = Rare or Endangered in California, more common elsewhere
CNPS 3 = More information is needed
CNPS 4 = Plants with limited distribution
0.1 =Seriously Threatened
0.2 = Fairly Threatened
0.3 = Not very Threatened

Listed and Migratory Birds

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

Survey Results

Red-tailed hawks were observed foraging near the action area; however, no nesting activity was observed. Preconstruction raptor nesting surveys will be accomplished in accordance with California Department of Fish & Wildlife directives. Due the presence of suitable nesting habitat within five miles of the action area, the following avoidance and mitigation measures (AMM) should be incorporated into the project.

Mitigation

The following Avoidance and Minimization Measures (AMM) will be accomplished:

Mitigation Measure 4.1 Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite

> If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the *Swainson's Hawk Technical Advisory Committee (2000)* between March 15 and August 30 within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the California Department of Fish & Wildlife (CDFW). If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW. The

designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. For activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the *Swainson's Hawk Technical Advisory Committee (2000).* If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

Project Impacts

With the implementation of avoidance and minimization measures there will be no direct or indirect impacts to listed or special concern avian species protected under State and Federal regulations or the MBTA. Direct impacts to all avian species will be avoided or minimized by beginning construction prior to the avian breeding season and/or conducting a preconstruction survey prior to the start of construction activities if construction activities will begin during the avian breeding season (See MM4.1 above). By beginning construction prior to the avian breeding season there will be no active nests within the action area and direct impacts to avian species will not occur. Furthermore, beginning construction prior to the avian breeding season will also deter avian species from nesting within or within close proximity of the action area, which will also avoid impacts to species. If active avian nests are found then construction buffers, as determined by a qualified biologist, will be established and no construction will occur within the buffer until the biologist has determined that the young have fledged. Establishing no-construction buffers around active nests will minimize direct impacts. The project May Affect, Not Likely to Adversely Affect the Swainson's hawk, other raptor species, or other listed avian species.

Cumulative Effects

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

Table 2. Impacts and Recommended Avoidance/Minimization Measures

Target Species/ Communities	Impacts	Avoidance/ Minimization/ Mitigation Measures
Natural Communities	**None**	There are no natural communities within the action area. The entire action area consists of disturbed ruderal grasses and forbs with several medium to large diameter oaks to the north, east and west of the action area. Plant surveys were conducted in winter; therefor follow-up spring blooming cycle surveys will be accomplished.

Special Status Avian Species	**Less Than Significant with Mitigation Incorporated**	If site preparation occurs within the spring bird nesting season (March 15 - August 30), a preconstruction survey shall be conducted by a qualified professional within 15 days prior to construction. If active nests (with eggs or living young) are found within 1,320 feet of the action area, no activity shall be permitted that might disturb or remove the active nests until the young birds are able to leave the nest and forage on their own. Setback buffers for the nests will vary depending on the species affected and the location of the nest. Buffer zones shall be determined on a case by case basis in consultation with a California Department of Fish and Wildlife approved biologist.

RESULTS: PERMITS AND TECHNICAL STUDIES FOR SPECIAL LAWS OR CONDITIONS

Federal Endangered Species Act Consultation Summary

The USFWS was contacted during August, 2021, for a list of endangered, threatened, sensitive and rare species, and their habitats within the action area. The list was derived from special-status species that occur or have the potential to occur within the USGS Olivehurst 7.5" Quadrangle and Yuba County. The list was referenced to determine appropriate biological and botanical surveys and potential species occurrence within the action area.

Federal Fisheries and Essential Fish Habitat Consultation Summary

Essential fish habitat (EFH) means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Fishery Conservation and Management Act (MSA) §3). There is no habitat within the action area that provides "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity," or special-status fish species managed under a fishery council (i.e. chinook and coho). Therefore there is no EFH or the need for federal fisheries consultation.

California Endangered Species Act Consultation Summary

The CDFW was consulted during August, 2021, for a list of endangered, threatened, sensitive and rare species, and their habitats within the action area. The list was derived from special-status species that occur or have the potential to occur within the USGS Olivehurst 7.5" Quadrangle and Yuba County. The list was referenced to determine appropriate biological and botanical surveys and potential species occurrence within the action area.

Wetlands and Others Water Coordination Summary

MHBA conducted a determination of Waters of the U.S. within the Action Area. Surveys were conducted during August 2021 by MHBA's Marcus H. Bole. The surveys involved an examination of botanical resources, soils, hydrological features, and determination of wetland characteristics based on the *United States Army Corps of Engineers Wetlands Delineation Manual* (1987)*; the Regional Supplement to the Corps of Engineers Wetland Delineation*

Manual: Arid West Region (2008)*; the U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook* (2007*); the U.S. Army Corps of Engineers Ordinary High Flows and the Stage-Discharge Relationship in the Arid West Region* (2011); and *the U.S. Army Corps of Engineers Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (2008).

Determination of Waters of the United States

The intent of this determination is to identify wetlands and "Other Waters of the United States" that are present within the Action Area that could fall under the regulatory jurisdiction of the U. S. Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act. The *1987 Corps of Engineers Wetlands Delineation Manual* identifies several methodologies and combinations of methodologies that can be utilized in making jurisdictional determinations. Marcus H. Bole & Associates has employed the Routine On-Site Determination methodology for this study (as supplemented by the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region*, dated September 2008). The Routine On-Site Determination method uses a three-parameter approach (vegetation, soils and hydrology) to identify and delineate the boundaries of jurisdictional wetlands. To be considered a wetland, all three positive wetland parameters must be present. These parameters include (1) a dominance of wetland vegetation, (2) a presence of hydric soils, and (3) hydrologic conditions that result in periods of inundation or saturation on the surface from flooding or ponding. Further description of these parameters is provided below:

1) Vegetation. Wetland vegetation includes those plants that possess physiological traits that allow them to grow and persist in soils subject to inundation and anaerobic soil conditions. Plant species are classified according to their probability of being associated with wetlands. Obligate (OBL) wetland plant species almost always occur in wetlands (more than 99 percent of the time), facultative wetland (FACW) plant species occur in wetlands most of the time (67 to 99 percent), and facultative (FAC) plant species have about an equal chance (33 to 66 percent) of occurring in wetlands as in uplands. For this study, vegetation was considered to meet the vegetation criteria if more than 50% of the vegetative cover was FAC or wetter. No wetland plant species were identified within the Action Area.

2) Hydric Soils. Hydric soils are saturated, flooded, or ponded in the upper stratum long enough during the growing season to develop anaerobic conditions and favor the growth of wetland plants. Hydric soils include gleyed soils (soils with gray colors), or usually display indicators such as low chroma values, redoximorphic features, iron, or manganese concretions, or a combination of these indicators. Low chroma values are generally defined as having a value of 2 or less using the Munsell Soil Notations (Munsell, 1994). For this study a soil was considered to meet the hydric soil criteria for color if it had a chroma value of one or a chroma of two with redoximorphic features, or if the soil exhibited iron or manganese concretions. Redoximorphic features (commonly referred to as mottles) are areas in the soils that have brighter (higher chroma) or grayer (lower chroma) colors than the soil matrix. Redoximorphic features are the result of the oxidation and reduction process that occurs under anaerobic conditions. Iron and manganese concretions form during the oxidation-reduction process, when iron and manganese in suspension are sometimes segregated as oxides into concretions or soft

masses. These accumulations are usually black or dark brown. Concretions 2 mm in diameter occurring within 7.5 cm of the surface are evidence that the soil is saturated for long periods near the surface. Onsite soils were identified as San Joaquin loam, 0 to 1% slopes. These are not "hydric" soils and no indication of hydric soil conditions were observed within or near the Action Area.

a. **Hollenbeck-Urban land complex 0 to 1% slopes**: The predominate soil series throughout the action area is the Hollenbeck soil series. Hollenbeck soils are not listed as a "hydric" soil of Yuba County. The central and eastern areas of the action area support this soil series. Soil pits were excavated throughout this area and all the pits were characterized by moderately well drained soil soils. Hollenbeck soils are formed in fine textured alluvium derived by basic igneous and metabasic rocks. Soils of the Hollenbeck series are fine, montmorillonitic, thermic Typic Chromoxererts. Soils were evaluated using the Musell chroma tables. Generally, the soils were universally determined to be brown (10YR 4/3) silty clay loams mixed with dark brown (10YR 3/3) loams. At approximately 12 to 16 inches, coarse, prominent strong brown (7.5YR 4/6) mottles were observed. No hydric soil indicators were observed within these soil pits.

b. **Columbia-Urban land complex 0 to 1% slopes:** This soil type occurs in the western portion of the action area. The proposed detention pond is planned in this area. Columba soils make up about half of this soil type and it is classified as a hydric soil of Yuba County if it is frequently flooded for a long duration or very long duration during the growing season. Due to stormwater drainage systems in the action area, these soils are not frequently flooded. Urban soils are not classified as hydric soils of Yuba County. Columbia-Urban soils are formed in alluvium derived from mixed sources. These soils are coarse-loamy, mixed, nonacid, thermic Aquic Xerofluvents. Soil pits were excavated throughout this area and all the pits were characterized by moderately well drained soil soils. Soils were evaluated using the Musell chroma tables. Generally, the soils were universally determined to be light yellowish brown (10YR 6/4) fine sandy loams mixed with yellowish dark brown (10YR 4/4) sandy loams. No hydric soil indicators were observed within these soil pits. This soil type is excellent for detention/percolation basins as the sandy loams are deep and percolation is rapid.

c. **Conejo-Urban land complex 0 to 1% slopes**: Conejo-Urban soils are found in the extreme southeastern portion of the action area. Conejo-Urban soils are not listed as a "hydric" soil of Yuba County. Soil pits were excavated throughout this area and all the pits were characterized by moderately well drained soil soils. The Conejo-Urban loams are formed in alluvium derived from mixed sources. Soils in the Conejo series are fine-loamy, mixed thermic Pachic Haploxerolls. Soils were evaluated using the Musell chroma tables. Generally, the soils were universally determined to be brown (10YR 4/3) loams mixed with very dark brown (10YR 2/2) hard friable loams with 2 percent pebbles. No hydric soil indicators were observed within these soil pits.

3) Hydrology. Wetlands by definition are seasonally inundated or saturated at or near the surface. In order for an area to have wetland hydrology, it has to be inundated or

saturated for 5% of the growing season (approximately 12 days) (USDA, 1967). Indicators include visual soil saturation, flooding, watermarks, drainage patterns, encrusted sediment and plant deposits, cryptogrammic lichens, and algal mats. There are no natural hydrological features within the action area. The nearest hydrological feature is the Feather River approximately one mile to the west.

CONCLUSIONS AND RECOMMENDATIONS

According to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) guidelines, a project is normally considered to have a significant impact on wildlife if it will interfere substantially with the movement of any resident or migratory fish or wildlife species; or substantially diminishes habitat quantity or quality for dependent wildlife and plant species. Impacts to special status species and their associated habitats are also considered significant if the impact would reduce or adversely modify a habitat of recognized value to a sensitive wildlife species or to an individual of such species. This guideline applies even to those species not formally listed as threatened, rare or endangered by the California Department of Fish & Wildlife and the United States Fish and Wildlife Service. Project implementation will not result in impacts to resident or migratory wildlife, special status plant or wildlife species, or any associated protected habitat. Except for preconstruction nesting raptor surveys, no further biological or botanical surveys are recommended. With Mitigation Measure MM4.1, impacts to the project are ***less than significant with mitigation.***

c) **Wetland Determination Results**

Using the methodologies described in the *1987 Wetland Delineation Manual*, Marcus H. Bole & Associates found no evidence of seasonal or perennial wetland habitats within the Action Area, therefore the impact is ***less than significant***.

d) Essential fish habitat (EFH) means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Fishery Conservation and Management Act (MSA) §3). There is no habitat within the Project Area that provides "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity," or special-status fish species managed under a fishery council (i.e chinook and coho). Therefore there is no EFH or the need for federal fisheries consultation and there is a ***less than significant impact***.

e) There would be no conflicts with General Plan policies regarding Mitigation of biological resources. The County has no ordinances explicitly protecting biological resources. Therefore, there is ***no impact***.

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

V. CULTURAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:

a) – d) A Cultural Resource Study which included a pedestrian field survey was conducted for the project by Sean Michael Jensen, M.A. from Genesis Society in September, 2021. Here is a summary of the study and proposed mitigation measures:

Project Background

The report details the results of a cultural resources inventory survey involving the creation of a storm water detention basin and improvements to Cottonwood Park, involving approximately 21.739-acres of land located immediately adjacent to the northeast side of Cottonwood Avenue, and the southwest side of Alicia Avenue, a short distance east of Feather River Boulevard, approximately 0.5-miles southwest of State Route 70, within the community of Linda, Yuba County, California.

The proponent proposes to create a storm water detention basin of approximately 3.5-acres within the larger circa 21.739-acre Cottonwood Park property. Further improvements to the overall park would also likely occur in the future.

Since the project will involve physical disturbance to ground surface and sub-surface components in conjunction with storm water detention and potential park improvements, it has the potential to impact cultural resources that may be located within the area of potential effects (APE). In this case, the APE would consist of the circa 21.739-acre land area within which the residential development work will be undertaken. Evaluation of the project's potential to impact cultural resources must be undertaken in conformity with Yuba County rules and regulations, and in compliance with requirements of the California Environmental Quality Act of 1970, Public Resources Code, Section 21000, et seq. (CEQA), and The California CEQA Environmental Quality Act Guidelines, California Administrative Code, Section 15000 et seq. (Guidelines as amended).

Location

The project area consists of approximately 21.739-acres of land located immediately adjacent to the northeast side of Cottonwood Avenue, and the southwest side of Alicia Avenue, a short distance east of Feather River Boulevard, approximately 0.5-miles southwest of State Route 70, within the community of Linda, Yuba County, California. Lands affected are located within a portion of the New Helvetia Land Grant of Township 15 North, Range 3 East, as shown on the USGS Olivehurst, California, 7.5' Series quadrangle (see attached Figure 1 and 2).

Environment

The project area consists of northern Sacramento Valley lands located approximately 0.4- miles southeast of the confluence of the Yuba and Feather Rivers, within a basin that receives winter storm runoff from a significant watershed. The basin is formed in deep sediments of the Sacramento Valley, which in turn has been uplifted along its eastern margin where it interfaces with the lower foothills of the Sierra Nevada, and along its western margin where it interfaces with the Coast Range.

Topography within the APE is ranges from 55-60-feet above sea level. The region is characterized by a Mediterranean climate, with cool, rainy winters and hot, dry summers. The average annual temperature for the project area ranges from 51-75ºF, with the hottest temperatures occurring in July, reaching on average a maximum of 94ºF. The average yearly rainfall totals for the area are approximately 19.37 inches, with the maximum annual precipitation occurring in January.

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

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

Prehistory

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

These early cultural assemblages were followed by an increase in Native population density after about 7,500 years ago. One of the most securely dated of these assemblages in north- central California is from the Squaw Creek Site located north of Redding. Here, a charcoal- based C-14 date suggests extensive Native American presence around 6,500 years ago, or 4,500 B.C. Most

of the artifactual material dating to this time period has counterparts further south, around Borax (Clear) Lake to the west, and the Farmington Area in a Valley setting east of Stockton. Important artifact types from this time period include large wide-stemmed projectile points and manos and metates.

In the Northern Sacramento Valley in the general vicinity of the project area, aboriginal populations continued to expand between 6,500 and 4,500 years ago. Early Penutian- speaking arrivals in this area may be represented by the archaeological complex known in the literature as the "Windmiller" or "Early Horizon." These sites date to about 4,000-5,000 years ago, with the connection to Penutian-speaking peoples suggested on the basis of extended burials, large leaf-shaped and stemmed projectile points similar to points of the Stemmed Point Tradition in the Plateau and portions of the Great Basin, large villages established along major waterways, and elaborate material culture with a wide range of ornamental and other non-utilitarian artifact types being present (Ragir 1972). The continuation of this pattern through the "Middle Horizon", or from about 1,000 B.C. to A.D. 300, has also been documented at riverine sites within the Sacramento Valley, including several sites along the Feather River, within the general project vicinity.

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

Ethnography

The project area is located within territory claimed by the Nisenan (Wilson and Towne 1978), and close to the Patwin (Johnson 1978), to the west, at the time of initial contact with European/American culture (circa AD 1850), and also close to the border shared with the Konkow to the north (Riddell 1978; Dixon 1905). The Nisenan were also referred to as Southern Maidu.

The Nisenan, Patwin and Konkow were Penutian speakers (Shipley 1978), for whom the basic social unit was the family, although the village may also have functioned as a social, political and economic unit. Villages were usually located near water sources, with major villages inhabited mainly in the winter as it was necessary to relocate into the hills and higher elevation zones to establish temporary camps during food gathering seasons (i.e., spring, summer and fall). Villages typically consisted of a scattering of bark houses, numbering from four or five to several dozen in larger villages, each house containing a single family of from three to seven people.

As with all northern California Indian groups, economic life for these Penutian-speaking groups revolved around hunting, fishing and the collecting of plant foods. Deer were an important meat source and were hunted by individuals by stalking or snaring, or by groups in community drives. Salmon runs, and other food resources available along the Feather and Yuba Rivers, also

contributed significantly to local economies. While much of the fish protein was consumed immediately, a significant percentage, particularly during the fall salmon run, was prepared for storage and consumed during winter months (Broughton 1988). Acorns represented one of the most important vegetal foods and were particularly abundant within the Valley Oak Woodlands, which dominated lands located along the margins of the major rivers, including the Sacramento River, the Feather River, the Yuba River and the Bear River, all located within the general project vicinity.

Relations between Euro-Americans and Native Americans in the northern Sacramento Valley followed the course of interaction documented in most other parts of North America, but with particularly devastating consequences for the Sacramento Valley Indians. John Work's fur trapping expedition through the region in 1832-33 resulted in the introduction of several communicable diseases, the results of which were devastating to Native culture and society (Maloney 1945; Cook 1955, 1976).

Historic Context

Recorded history in the project area begins with the attempts of Spanish colonists to explore parts of California beyond the coastal zone. Gabriel Moraga's expedition was undertaken in 1806, with additional incursions occurring through the late 1830's and 1840's, including John Work's fur trapping expedition through central California in 1832-33, one of the best documented of the early forays into the Great Central Valley. Work's expedition introduced several communicable diseases to the Native inhabitants that turned out to be devastating to Nisenan culture and society (Work 1945; Cook 1976).

Additional major incursion by European American populations followed John Sutter's petition for and award of the New Helvetia Land Grant colony in 1839, with the Grant defining much of present-day Sacramento. Operating initially from Sutter's Fort, the Swiss emigrant planted wheat and raised cattle and horses, and employed many local Nisenan people on his Hock Farm on the west side of the Feather River, approximately eight miles southwest of the present project area. The establishment of this farm set a precedent for farming in Yuba City and Sutter County.

Discovery of gold in 1848 at Coloma resulted in the influx of thousands of fortune seekers into California and the Sacramento area, ultimately destroying Sutter's hopes for a northern agrarian empire. The embarcadero became a trading center instead, with supplies from San Francisco sold to miners departing for the foothills east of Sacramento and elsewhere in the Sierra Nevada.

By 1849, Sutter's son had assumed title to New Helvetia, and began a systematic survey of the extensive land grant, resulting eventually in a network of straight 80-foot wide streets and 20-foot wide alleys within Sacramento. Proximity to the American and Sacramento Rivers prompted levee construction as early as 1850.

The city of Marysville lies at the confluence of the Yuba and Feather Rivers in Yuba County on a portion of John Sutter's 1841 land grant. Sutter leased part of his land to Theodor Cordua, who built a rancho on the north bank of the Yuba River. In 1848, Cordua sold a half interest in the land to a former employee of his, Charles Covillaud, and later sold his remaining interest to Michael Nye and William Foster. Covillaud's partners in the land grant soon changed so that by 1849 four men, Covillaud, Jose Manuel Ramirez, John Simpson, and Theodore Sicard had

become Covillaud and Company. In 1850, town lots were mapped out, parcels sold, and the name of Marysville chosen for the new town in honor of Mary Murphy, the wife of Charles Covillaud and a survivor of the Donner Party. Marysville became the Yuba County seat in 1850, and was incorporated the following year.

The position of Marysville at the confluence of the Feather and Yuba Rivers, and its relative proximity to San Francisco, Sacramento, and the gold mines of the Sierras, made the location a hub in the newly burgeoning economy.

The population grew steadily, reaching around 4,000 by 1900. As the population grew during these last decades of the 19th century, so too did the demand for various commodities and services. Consequently, a diverse number of businesses sprang up throughout the City.

As elsewhere in California, many of the Valley communities were purposefully created and funded by the railroads, with one of the objectives being to provide necessary services for the system itself (water, fuel), and another being to benefit from housing construction spurred by the extension of the railroad. Several towns both north and south of Marysville represent such communities whose early growth was directly related to the railroad and to the benefits to local agriculture and ranching (both sheep and cattle) which accompanied expansion of the market created by the extension of long-haul freight into the Valley. Both the Western Pacific and the Southern Pacific Railroad lines passed through the northern portion of the City in, enhancing commercial freight service in the region.

In addition to the availability of freight service, the Northern Electric Railroad provided passenger service across the Feather River. In 1909, the Northern Electric Railroad had constructed a steel truss bridge alongside a covered wagon bridge connecting Marysville and Yuba City. The construction of a passenger and railroad link between the Cities of Marysville and Yuba City was crucial to the overall growth and development of both cities.

As Marysville continued to grow into the 20th century, the city developed further northeast away from the confluence of the two rivers. The land area immediately surrounding the APE has been subjected to agricultural development throughout the 20th century, while greater residential and commercial development, first following the end of World War II, and more intensively into the 21st century is evident throughout the region.

Episodic flooding and limited navigation along the Feather River initially limited the magnitude of settlement in the area, and the mid-19th century decades witnessed multiple efforts to reduce the threat of flood within the river's floodplain. On May 31, 1861, the California State legislature passed AB54 which was intended to promote organization of "swampland districts" which would be instrumental in developing flood protection facilities. Structural and jurisdictional limitations resulted in piecemeal levees being erected, which resulted in the program's failure.

Five years later, in 1868, the Green Act was passed which further complicated the matter of flood protection as levees were constructed, not in accordance with the topographical and hydrological setting in mind, but rather based on board-elected districts which "acquired" swamplands for the purposes of reclamation, and ultimately conversion to private property.

After the devastating floods of the early 1860s, it soon became clear that a new levee system was needed to protect the city from flooding. A continuous levee around the city was constructed, but again the system could not withstand the flooding of the following winter. Construction and development of the levees continued throughout the 1860s and 1870s. The winter of 1874-1875 brought particularly heavy flooding to the city, and again the city strove to build a levee system that would protect it. A Board of Levee Commissioners was formed to oversee the levee system. A new levee was built around the city, which incorporated portions of the existing levee. The new levee was built with a wider crown and base and was increased in height. During the construction in 1875, a major source of the flooding was addressed. Winter flooding continued to plague the city in 1904, 1907, 1909, and 1937, with contemporary flooding destroying numerous buildings and businesses again in 1955, 1986 and 1997.

RECORDS SEARCH and SOURCES CONSULTED

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

Records at North Central Information Center

The official Yuba County archaeological records were examined on August 24, 2020 (I.C. File # YUB-21-32 This search documented the following existing conditions for a 0.25-mile radius centered on the APE:

- According to the Information Center's records, no cultural resources have been documented within the APE. Two (2) cultural resources have been documented within the 0.25-mile search radius.

- According to the Information Center, no cultural resources investigations have been conducted within the present APE. Five (5) investigations have been documented within the 0.25-mile search radius. All five (5) of these investigations are summarized as follows:

NCIC#	Date	Author(s)
002497	1976	Storm
007921	1992	Offerman, Biorn, McGowan, Noble, Rodgers, Rondeau, Wiegel
007922	1990	Bouey
009423	2008	Grant
011368	2013	Thomas and Scher

Other Sources Consulted

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

- The National Register of Historic Places (1986, Supplements).
- The California Register of Historical Resources.
- The California Inventory of Historic Resources (State of California 1976).
- The California Historical Landmarks (State of California 1996).
- The California Points of Historical Interest (May 1992 and updates).
- The Historic Property Data File (OHP 2012).
- 1860 GLO Plat, T15N, R4E.
- 1911 USGS Yuba City quadrangle (1:31,680 scale).
- 1952 USGS Yuba City 7.5' quadrangle.
- NETR topographic maps (1911, 1934, 1954, 1959, 1966, 1975, 1983, 2012, 2015, 2018).
- NETR Aerials (1947, 1998, 2005, 2009, 2010, 2012, 2014, 2016).
- Existing published and unpublished documents relevant to prehistory, ethnography, and early historic developments in the vicinity. These sources, reviewed below, provided a general environmental and cultural context by means of which to assess likely site types and distribution patterns for the project area.

CULTURAL RESOURCES SURVEY and CULTURAL INVENTORY

Survey Strategy and Field Work

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

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

Fieldwork was undertaken on August 26, 2021 by Principal Investigator, Sean Michael Jensen, M.A. Mr. Jensen is a professional archaeologist, historian and architectural historian, with more than 34 years of experience in archaeology, architectural history and history, who meets the professional requirements of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Federal Register, Vol. 48, No. 190), as demonstrated in his listing on the California Historical Resources Information System list of qualified archaeologists, architectural historians and historians. No special problems were encountered and all survey objectives were satisfactorily achieved.

General Field Observations

Fieldwork identified the following general conditions within the project area. All of the present APE has been impacted directly by a series of intensive disturbances, including past episodic flooding, agricultural development and subsequent park development. The extreme western portion of the APE is comprised of a fruit/nut tree orchard, while the entire southern portion of the APE consists of individual fruit/vegetable/flower plots. Two asphalt paved parking lots are located within the APE: one adjacent to Cottonwood Avenue, and the other accessed via Alicia Avenue. Situated near the Alicia Avenue parking lot are a basketball court converted to a skateboarding park, and a play area. A contemporary ditch has been excavated within the northern portion of the property, facilitating water movement from northeast of Alicia Avenue, into the present APE. Two baseball backstops are situated within the eastern portion of the APE,

and fencing generally surrounds the parcel. Finally, buried utilities were observed within portions of the parcel.

Examination of the USGS quadrangles, NETR topographic maps and historic aerials, confirmed that no structures or other historic features have ever been documented, or ever likely existed within the APE during the historic period.

Prehistoric Resources

No evidence of prehistoric activity or occupation was observed during the present pedestrian survey. The absence of such resources may be explained, at least in part, by the historic through contemporary disturbances to the entire APE, as well as widespread flooding of the region.

Historic Resources

No historic-era sites were observed within the present APE. The absence of such resources is best explained by the degree of disturbance to which all of the APE has been subjected.

ELIGIBILITY RECOMMENDATIONS

Sites identified within the project area were to be evaluated for significance in relation to CEQA significance criteria. Historical resources per CEQA are defined as buildings, sites, structures, objects, or districts, each of which may have historical, architectural, archaeological, cultural, or scientific significance. CEQA requires that, if a project results in an effect that may cause a substantial adverse change in the significance of a historical resource, alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed. Therefore, before developing mitigation measures, the significance of cultural resources must be determined in relation to criteria presented in PRC 15064.5, which defines a historically significant resource (one eligible for listing in the California Register of Historical Resources, per PRC SS5024.1) as an archaeological site which possess one or more of the following attributes or qualities:

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

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

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.

- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

PROJECT EFFECTS

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

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

PROJECT SUMMARY

This report details the results of a cultural resources inventory survey involving the creation of a storm water detention basin and improvements to Cottonwood Park, involving approximately 21.739-acres of land located immediately adjacent to the northeast side of Cottonwood Avenue, and the southwest side of Alicia Avenue, a short distance east of Feather River Boulevard, approximately 0.5-miles southwest of State Route 70, within the community of Linda, Yuba County, California.

The proponent proposes to create a storm water detention basin of approximately 3.5-acres within the larger circa 21.739-acre Cottonwood Park property. Further improvements to the overall park would also likely occur in the future.

Existing records at the North Central Information Center document that no cultural resources investigations had been conducted within the APE, and that no cultural resources have been documented within the APE. As well, the present effort included an intensive-level pedestrian survey. No prehistoric or historic-era cultural resources were identified during the pedestrian survey.

Consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on August 20, 2021. The NAHC response is pending.

The probability of encountering buried archaeological sites within the APE is low. This conclusion is derived in part from the observed soil matrices which have been subjected to a high degree of disturbance associated with past agricultural cultivation activities. Evidence of ground disturbance assisted in determining whether or not subsurface resources were present within the

APE. Overall, the soil types present and contemporary disturbance would warrant a finding of low probability for encountering buried archaeological sites.

Based on the absence of significant historical resources/unique archaeological resources within the APE, archaeological clearance is recommended for the project/undertaking as presently proposed. For these reasons, cultural resources in the project area are ***less than significant with the following mitigation measures:***

Mitigation Measure 5.1 Inadvertent Discovery Of Human Remains

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

Mitigation Measure 5.2 Inadvertent Discovery Of Cultural Material

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

VI. ENERGY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

DISCUSSION/CONCLUSION/MITIGATION:

a) & b) The proposed project is a drainage improvement project and would not impact energy resources and conflict with local plans for energy. Therefore, resulting in a ***less than significant impacts***.

VII. GEOLOGY AND SOILS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Section 1803.5.3 to 1808.6 of the 2010 California Building Code, creating substantial risks to life or property?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

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

(iv) The Yuba County General Plan identifies the area as one that has a low risk for landslides, and states that grading ordinances, adopted by Yuba County and based on Appendix J of the 2013 California Building Code, serve as effective measures for dealing with landslide exposure. Hazards associated with potential seismic and landslide result in a ***less than significant impact***.

b) c) and d) According to Exhibit 4.6-4 Soil Erosion Hazard, of the 2030 General Plan EIR, the project site has a slight potential for soil erosion hazards. Exhibit 4.6-5 Shrink/Swell Potential indicates that the project site also contains expansive soils with a low shrink/swell potential. There are no structures associated with the proposed project, therefore, the project will result in a ***less than significant impact***.

e) The project is within the Linda County Water District (LCWD) and will be provide drainage and a retention pond their district. Through implementation of the County Environmental Health Department conditions of approval and connections to LCWD, the project would result in a ***less than significant impact*** to wastewater.

VIII. GREENHOUSE GAS EMMISSIONS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

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

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

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

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

The Sacramento Area Council of Governments (SACOG), the MPO for Yuba County, adopted an SCS for the entire SACOG region as part of the 2035 Metropolitan Transportation Plan (MTP) on April 19, 2012. The GHG reduction target for the SACOG area is 7 percent per capita by 2020 and 16 percent per capita by 2035 using 2055 levels as the baseline. Further information regarding SACOG's MTP/SCS and climate change can be found at http://www.sacog.org/2035/.

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

GHGs are emitted as a result of activities in residential buildings when electricity and natural gas are used as energy sources. New California buildings must be designed to meet the building energy efficiency standards of Title 24, also known as the California Building Standards Code. Title 24 Part 6 regulates energy uses including space heating and cooling, hot water heating, ventilation, and hard-wired lighting that are intended to help reduce energy consumption and therefore GHG emissions. Replacing storm drain piping and installing a 4.33 acre retention basin will not create any new sources of GHG outside of the small emission that would take place during project construction that are within the limits allowed in the Yuba County 2030 General Plan.

Therefore, a drainage improvement project on an existing road and drainage basin in a walnut orchard would likely not generate significant GHG emissions that would result in a cumulatively considerable contribution to climate change impacts. The impact related to greenhouse gas emissions would result in ***less than significant***.

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

IX. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

a) and b) There would be no routine transport, use, or disposal of hazardous materials or the release of hazardous materials into the environment related to this drainage improvement project. The closest school site is Cedar Lane Elementary School, which is north from the project site – approximately 0.5 miles away. Moreover, the project site is currently zoned for public facilities, therefore, the proposed project would not introduce a new hazardous use that has not already

been evaluated in the 2030 Yuba County General Plan. Impacts would be considered ***less than significant.***

c) The project consists of a drain improvement project at Feather River Boulevard and Cottonwood Avenue and the installation of a retention pond within Cottonwood Park. Construction equipment typically uses only a minor amount of hazardous materials, primarily motor vehicle fuels and oils. Because of their limited quantity, these materials would present a minor hazard, and only if spillage occurs. Standard spill prevention and control measures will be maintained by the contractor. Use of these materials would cease once project construction is completed. This project would not produce or create significant hazardous materials with the following Mitigation Measure

Mitigation Measure 9.1 Construction Measures

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

- A site-specific prevention plan shall be implemented for potentially hazardous materials. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface water features.

- Equipment and hazardous materials shall be stored a minimum of 50 feet away from surface water features.

- Vehicles and equipment used during construction shall receive proper and timely maintenance to reduce the potential for mechanical breakdowns leading to a spill of materials. Maintenance and fueling shall be conducted within an adequate fueling containment area.

Impacts will be ***less than significant with the aforementioned Mitigation Measure***.

d) The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The site has historically been used for agricultural/ranching activities and is currently developed as a community garden and park. Therefore, the project would not create a significant hazard to the public or the environment and there would be ***no impact*** to the environment from hazardous materials.

e) and f) The project is located within Safety Zone 2 of the Yuba County Airport which has a Land Use Compatibility Plan that was adopted on March 17, 2011. The project is proposing a complete streets project along an existing stretch of road and a retention basin on County owned land and does not have a land-use element that is inconsistent with the Yuba County Airport Land Use Compatibility Plan. The project would have ***no impact*** on public or private airstrips.

g) There project is enhancing drainage in the West Linda Community, therefore, there would be no major physical interference to the existing road system, there would be ***a less than significant impact*** with an emergency response or evacuation plan.

h) The project is not located in a high wildlife fire hazard severity zone as reported by the Cal Fire 2008 Fire Hazard Severity Zones map. The property is within the jurisdiction of the Linda Fire Department, who will respond to fire emergencies within the project site. For this reason, the impact would be ***less than significant.***

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

Discussion/Conclusion/Mitigation:

a) The project would not require the use of septic tanks, as it is a drainage basin that will connect to public sanitary sewer services. As a result, the project would not violate water quality standards or waste discharge requirements with regards to sewage disposal. There would be a ***less than significant impact***.

b) The project will serve as the discharge point for stormwater runoff generated by the portion of West Linda that falls northwest of Feather River Boulevard and is serviced by Linda County Water District (LCWD). The impact would be ***less than significant***.

c) i) The project will result in the disturbance of approximately 4.33 acres of walnut orchard land.

The project site is within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB), which develops and enforces water quality objectives and implementation plans that safeguard the quality of water resources in its region. Prior to construction of a project greater than one acre, the RWQCB requires a project applicant to file for a National Pollution Discharge Elimination System (NPDES) General Permit. The General Permit process requires the project applicant to 1) notify the State, 2) prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), and 3) to monitor the effectiveness of the plan. Mitigation Measure 10.1 shall be incorporated to reduce any substantial siltation or erosion.

Mitigation Measure 10.1 National Pollution Discharge Elimination (NPDES) Permit

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

There would be a ***less than significant impact with mitigation incorporated***.

i-iv) The project will install drainage facilities along Feather River Boulevard and Cottonwood Avenue and a retention pond that would improve the existing drainage pattern of the site. Currently, during rain events, water typically ponds in yards and along roadways until it infiltrates into the ground. No future development such as the construction or structures or houses is proposed; however a small increase in impervious surfaces would occur. Therefore, flooding is unlikely to be generated by the additional impervious surfaces.

d) The project is partially located within a 100-year flood plain and a 500-year flood plain. The proposed project will not interfere with the 100-year flood plan. Yuba County is an inland area not subject to seiche or tsunami. Mudflow is not an identified issue at this location; therefore, there would result in a ***less than significant impact*** from flooding, mudflow, seiche, or tsunami.

e) The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan because Yuba County has not adopted a water quality control plan or sustainable groundwater management plan. There would be a ***less than significant impact***.

XI. LAND USE AND PLANNING **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation

a) and b) The project site is within an area of urban development within the West Linda Community of unincorporated Yuba County. The proposed project will not create any physical division of an established community because it consists of roadway rehabilitation and drainage improvements. Therefore, the development would result in ***no impact*** or division of an established community.

b) The Yuba County General Plan designates the project site as site as Valley Neighborhood. The project site is zoned "PF" Public Facilities and meets all the requirements and intents for this zone. No rezoning to accommodate the project is required. The project is consistent with the current General Plan policies and zoning designations. Land use impacts are anticipated to have ***no impact*** on habitat or conservation plans.

XII. MINERAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

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

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

Discussion/Conclusion/Mitigation:

a) The project would create temporary or periodic increases in ambient noise levels in the vicinity during construction. However, Article 3 of Chapter 8.20 of the Yuba County Ordinance Code governs construction related noise. It states, "It shall be unlawful for any person within a residential zone, or within the radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless a permit has been duly obtained beforehand from the Director of the Community Development Department as set forth in Section 8.20.710 of this chapter. No permit shall be required to perform emergency work as defined in article 1 of this chapter." With the incorporated standard requirements impacts related to construction noise shall be ***less than significant.***

b) Primary sources of groundborne vibrations include heavy vehicle traffic on roadways and railroad traffic. There are no railroad tracks near the project site. Traffic on roadways in the area would include very few heavy vehicles, as no land uses that may require them are in the vicinity. There would be ***no impact***.

c) As mentioned previously, the project site is located within Safety Zone 3 of the Yuba County Airport Compatibility Plan. However, the project will not impact the public airport or public use airport because it is a drainage project and is not introducing any new structures. Therefore would be ***a less than significant impact.***

XIV. POPULATION AND HOUSING **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

a) The project does not include the construction of homes or any infrastructure that would be required to foster population growth near the project area; therefore, there would be ***no impact*** increase in population.

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

XV. PUBLIC SERVICES **Would the project result in:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services**:**				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

a) The proposed project does not include the construction of any housing or land uses that would require a change or increase in fire protection. There would be ***no impact*** on fire protection services.

b) The Yuba County Sheriff's Department would continue to provide law enforcement services to the project site and the California Highway Patrol will respond in the event of a vehicle accident. The proposed project does not include the construction of any housing or land uses that would result in a change or increase in the demand for law enforcement. There would be ***no impacts*** related to police protection.

c) The proposed project does not include the construction of any housing and would not generate any students. The project would not increase the demand on school districts. Therefore, there would be ***no impacts*** related to police protection.

d) The proposed project does not include the construction of housing and would not generate an increased demand for parks. Therefore, there would be ***no impacts*** to parks.

e) Other public facilities that are typically affected by development projects include the Yuba County Library and County roads. However, since there is no development proposed by the project, there would be no increased demand for these services. The temporary traffic generated by construction activities would not generate any additional roadway maintenance. Therefore, there would be ***no impacts*** to other public facilities.

XV. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

a) & b) The proposed project does not include the construction of any housing and therefore would not increase the demand for parks or recreational facilities. The project also does not include the construction of any new recreational facilities.

The project is located within the walnut orchard and unutilized portion of Cottonwood Park. The drainage basin will not impact the adjacent community garden. Therefore, impacts to recreational facilities is ***less than significant.***

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

Discussion/Conclusion/Mitigation:

a) The proposed project would generate a temporary increase in traffic during construction. It is expected that the roadway can accommodate the temporary increase in traffic during construction. The project would not significantly increase traffic in the area. However, there could be upwards to a fifteen-minute traffic delay during construction activities.. Therefore, the project will have ***no impact.***

b) The proposed project will improve existing roadway and drainage patterns along Feather River Boulevard and Cottonwood Avenue and will not introduce any new vehicular trips to the area other than what is existing. For this reason, impacts to VMT would be ***less than significant.***

c) Feather River Boulevard and Cottonwood Avenue are existing roads that will be improved with drainage pipes and will provide access to the project site. Any road improvements will be required to meet Yuba County's road standards. Hazards due to a design feature of the project would not be substantially increased as a result of this project and there would be ***no impact.***

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

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

Discussion/Conclusion/Mitigation:

a) Please refer to Chapter V, Cultural Resources, for a summary of the study and findings made in the Cultural Resource Inventory Survey that was prepared by Sean Michael Jensen, M.A. from Genesis.

The study included a search of State data bases, including all records and documents available at the North Central Information Center, and intensive pedestrian survey, have resulted in identifying no tribal cultural resources (TCRs) and sites within the project property. Therefore, no additional treatment or mitigated action is recommended for the site and would create a ***less than significant impact***.

b) Yuba County Planning Department requested AB-52 consultation with the United Auburn Indian Community (UAIC), due to their request for consultation on all discretionary projects within Yuba County. The UAIC was established in 1917 when the United States acquired land in trust for the Auburn Band near the City of Auburn and formally established the reservation, known as the Auburn Rancheria. In 1953, the United States Congress enacted the Rancheria Acts, authorizing the termination of federal trust responsibilities to a number of California Indian tribes including the Auburn Band. With the exception of a 2.8-parcel containing a tribal church and a park, the government sold the land comprising the Auburn Rancheria. The United States terminated federal recognition of the Auburn Band in 1967. Finally, in 1970, President Nixon declared the policy of termination a failure. In 1976, both the United States Senate and House of Representatives expressly repudiated this policy in favor of a new federal policy entitled Indian Self-Determination. In 1991, surviving members of the Auburn Band reorganized their tribal government as the United Auburn Indian Community (UAIC) and requested the United States to formally restore their federal recognition. In 1994, Congress passed the Auburn Indian

Restoration Act, which restored the Tribe's federal recognition. The Act provided that the Tribe may acquire land in Placer County to establish a new reservation.

The UAIC responded to the Early Consultation request on November 18, 2021. Anna Starkey, with the UAIC, commenting that she's "done some studies near this location in the past and have no knowledge of previously recorded sites in proximity. Also, near the river there was geotechnical work done and was shown to be around 20ft or more of fill from past hydraulic mining debris." In addition, she relayed potential concerns regarding the digging of the trenches and the retention basin. With that in mind, the following mitigation measure was requested by the UAIC on November 18, 2021 to address inadvertent discoveries of potential TCRs, archaeological, or cultural resources during a project's ground disturbing activities. Therefore, in the event of the accidental discovery or recognition of tribal cultural resources in the project area the impact upon tribal cultural resources would be ***less than significant impact with mitigation incorporated.***

Mitigation Measure 18.1 Unanticipated/Inadvertent Discoveries Of TCRs

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

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

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

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

Mitigation Measure 18.2 Prior and Post Ground Disturbance

A minimum of seven days prior to beginning earthwork, clearing and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of project,. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.

If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and the measures included in the **Inadvertent/Unanticipated Discoveries Mitigation Measure 18.1** shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of a paid Native American Monitor during ground disturbing activities.

Mitigation Measure 18.3 Cultural Awareness Training

- The lead agency shall require the applicant/Contractor to provide a tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers, at their own expense. The WEAP shall be developed in coordination with interested Native American Tribes.
- The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. The training may be done in coordination with the project archaeologist.
- All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training.

The UAIC closed AB-52 consultation with the implementation of the aforementioned Mitigation Measures.

The Yuba County Planning Department also received a Comment Letter from Creig Marcus, Tribal Administrator, with the Enterprise Rancheria Estom Yumeka Maidu on November 10, 2021. The Enterprise Rancheria is a federally-recognized Indian Tribe since 1915, based in Oroville, California. The letter stated, that the project area is "in our aboriginal territory; however, our records search had a reference to that area from a past project (in the mid-90s that mentioned a potential resource in Tributary Area/Watershed area, but nothing definitive or specific information." They are requesting the following Mitigation Measure:

Mitigation Measure 18.4 Inadvertent Discoveries Of TCRs

The Enterprise Rancheria Estom Yumeka Maidu reserves the right for notification and consultation of any inadvertent discoveries as the project proceeds.

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

Discussion/Conclusion/Mitigation:

a) The project will provide new water and sewer lines along Feather River Boulevard and Cottonwood Ave in order to provide adequate drainage services to the community of West Linda. The proposed water lines will be installed within the existing County Right Of Way. Projects within the right-of ways that involve the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agencies determination shall not have an impact on the environment. All required infrastructure expansions will be located in the existing right-of-ways and will therefore create a ***less than significant impact***.

b) and c) The project does not require the use of water or wastewater treatment facilities. Since no major concerns have been expressed, any impact related to water supply is expected to be ***less than significant***.

d) & e) The project is not anticipated to result in the generation of any solid waste and will only generate waste during the construction phase. The Ostrom Road landfill has a capacity of 41,822,300 cubic yards, and has adequate capacity to serve the project site. The project will have a minimal effect on this facility and the impact would be ***less than significant.***

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

DISCUSSION/CONCLUSION/MITIGATION:

a) Access to the project site will not be impacted by construction activities. Therefore, project related impacts to the adopted emergency response plan and emergency evacuation plan would be ***less than significant***.

b), c) & d) The project is not located within a State Responsibility Area established by CalFire. All homes will be required to meet current Building Code requirements for sprinkler systems and other design features to reduce fire risk. Therefore, impacts by wildfire will be ***less than significant***.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

Discussion/Conclusion/Mitigation:

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

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

b) The project site was already identified through the General Plan and Zoning Designation for public facility development. Therefore, the project is considered to have a ***less than significant impact***, or cause cumulatively considerable effects.

c) Due to the nature and size of the proposed project, no substantial adverse effects on humans are expected. The project would not emit substantial amounts of air pollutants, including

hazardous materials. The project would not expose residents to flooding. The one potential human health effects identified as a result of project implementation were minor construction-related impacts, mainly dust that could affect the few scattered residences near the project site. These effects are temporary in nature and subject to Feather River Air Quality Management District's Standard Mitigation Measures that would reduce these emissions to a level that would not be considered a significant impact. Therefore, the project is considered to have ***a less than significant impact with mitigation***.

REFERENCES

1. Yuba County 2030 General Plan Environmental Impact Report, AECOM.
2. Yuba County 2030 General Plan, AECOM.
3. Yuba County Development Code 2015.
4. Yuba County Important Farmland Map 2012. California Department of Conservation.
5. Yuba County Improvement Standards.
6. State of California Hazardous Waste and Substance site "Cortese" list
7. Yuba County 2008-2013 Housing Element. AECOM. Dec. 2010
8. Biological Assessment and Wetland Determination, Marcus H. Bole & Associates, September 2021.
9. Cultural Resource Inventory Survey, Genesis Society, September 2021.

MM 3.1 FRAQMD • Implement FRAQMD Fugitive Dust Plan • Implement FRAQMD standard construction phase mitigation measures. (https://www.fraqmd.org/ceqa-planning)		
Timing/Implementation Upon start of construction activities.	**Enforcement/Monitoring** Yuba County Public Works Department	
Performance Criteria Permit verification , or clearance documents, from FRAQMD	**Verification Cost** N/A	
		Date Complete (If applicable)

MM3.2 Fugitive Dust Control for Construction

1) Water inactive construction sites and exposed stockpile sites at least twice daily.

2) Pursuant to California Vehicle Code, all trucks hauling soil and other loose material to and from the construction site shall be covered or should maintain at least 6 inches of freeboard (i.e. minimum vertical distance between top of load and the trailer).

3) Any topsoil that is removed for the construction operation shall be stored on-site in piles not to exceed 4 feet in height to allow development of microorganisms prior to replacement of soil in the construction area. These topsoil piles shall be clearly marked and flagged. Topsoil piles that will not be immediately returned to use shall be revegetated with a non-persistent erosion control mixture.

4) Soil piles for backfill shall be marked and flagged separately from native topsoil stockpiles. These soil piles shall also be surrounded by filt fencing, straw wattles, or other sediment barriers or covered unless they are to be immediately used.

5) Equipment or manual watering shall be conducted on all stockpiles, dirt/gravel roads, and exposed or disturbed soil surfaces, as necessary, to reduce airborne dust.

Timing/Implementation Upon start of project design and start of construction activities	**Enforcement/Monitoring** Yuba County Public Works Department	
Performance Criteria N/A	**Verification Cost** N/A	
		Date Complete (If applicable)

MM 4.1 Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite

If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000) between March 15 and August 30 within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the California Department of Fish & Wildlife (CDFW). If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. For activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

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

MM 5.1 Inadvertent Discovery Of Human Remains Consultation in the event of inadvertent discovery of human remains: In the event that human remains are inadvertently encountered during trenching or other ground- disturbing activity or at any time subsequently, State law shall be followed, which includes but is not limited to immediately contacting the County Coroner's office upon any discovery of human remains.		
Timing/Implementation *Prior to project construction*	**Enforcement/Monitoring** Yuba County Public Works Department	
Performance Criteria N/A	**Verification Cost** N/A	
		Date Complete (If applicable)

MM 5.2 Inadvertent Discovery Of Cultural Material Consultation in the event of inadvertent discovery of cultural material: The present evaluation and recommendations are based on the findings of an inventory- level surface survey only. There is always the possibility that important unidentified cultural materials could be encountered on or below the surface during the course of future development activities. This possibility is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance activities (e.g., road grading, livestock grazing, etc.) have partially obscured historic ground surface visibility, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.		
Timing/Implementation *Prior to the start of, and during, construction activities.*	**Enforcement/Monitoring** Yuba County Public Works Department	
Performance Criteria N/A	**Verification Cost** N/A	
		Date Complete (If applicable)

MM 9.1 Construction Measures

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

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

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

MM 10.1 National Pollution Discharge Elimination (NPDES) Permit Prior to the County's approval of a grading plan or site improvement plans, the project applicant shall obtain from the Central Valley Regional Water Quality Control Board a National Pollution Discharge Elimination (NPDES) Permit for the disturbance of over one acre. Further, approval of a General Construction Storm Water Permit (Order No. 99-08-DWQ) is required along with a Small Construction Storm Water Permit. The permitting process also requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction activities. The SWPPP is used to identify potential construction pollutants that may be generated at the site including sediment, earthen material, chemicals, and building materials. The SWPPP also describes best management practices that will be employed to eliminate or reduce such pollutants from entering surface waters.		
Timing/Implementation *Prior to the County's approval of a grading plan or site improvement plans*	**Enforcement/Monitoring** Yuba County Public Works Department	
Performance Criteria N/A	**Verification Cost** N/A	
		Date Complete (If applicable)

MM 18.1 Unanticipated/Inadvertent Discoveries Of TCRs

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

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

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

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

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

MM 18.2 Prior and Post Ground Disturbance

A minimum of seven days prior to beginning earthwork, clearing and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of project,. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.

If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and the measures included in the Inadvertent/Unanticipated Discoveries Mitigation Measure 18.1 shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of a paid Native American Monitor during ground disturbing activities.

Timing/Implementation *7 days prior to the start of, and during, construction activities.*	**Enforcement/Monitoring** Yuba County Public Works Department	
Performance Criteria N/A	**Verification Cost** N/A	
		Date Complete (If applicable)

MM 18.3 Cultural Awareness Training

- The lead agency shall require the applicant/Contractor to provide a tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers, at their own expense. The WEAP shall be developed in coordination with interested Native American Tribes.

- The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. The training may be done in coordination with the project archaeologist.

- All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training.

Timing/Implementation *Prior to the start of construction activities.*	**Enforcement/Monitoring** Yuba County Public Works Department	
Performance Criteria N/A	**Verification Cost** N/A	
		Date Complete (If applicable)

MM 18.4 Inadvertent Discoveries Of TCRs The Enterprise Rancheria Estom Yumeka Maidu reserves the right for notification and consultation of any inadvertent discoveries as the project proceeds.		
Timing/Implementation *Prior to the start of, and during, construction activities.*	**Enforcement/Monitoring** Yuba County Public Works Department	
Performance Criteria N/A	**Verification Cost** N/A	
		Date Complete (If applicable)