Initial Study/Mitigated Negative Declaration

Scotts Flat Lower Connector Trail Project

Prepared for:

NEVADA IRRIGATION DISTRICT

MARCH 2021

Prepared by:

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&associates

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ACRONYMS AND ABBREVIATIONS

AB = Assembly Bill
AG = General Agriculture
ARB = Air Resource Board
BAGEPA = Bald and Golden Eagle Protection Act
Bhp = break horsepower
BLM = Bureau of Land Management
BMP = Best Management Practice
CAAQS = California Ambient Air Quality Standards
CAL-EPA = California Environmental Protection Agency
CCAA = California Clean Air Act
CDFW = California Department of Fish and Wildlife
CEQA = California Environmental Quality Act
CESA = California Endangered Species Act
CFP = California Fully Protected
CHRIS = California Historical Resources Information System
CNDDB = California Natural Diversity Database
CNPS = California Native Plant Society
CVRWQCB = Central Valley Regional Water Quality Control Board
CWA = Clean Water Act
CWHR = California Wildlife Habitats Relationships System
CWPP =Community Wildfire Protection Plan
dBA = Decibels, A-weighted
dbh = diameter at breast height
DEH = Department of Environmental Health
DTSC = Department of Toxic Substances Control
EIR = Environmental Impact Report
ESA = Endangered Species Act
FC = Federal Candidate
FCAA = Federal Clean Air Act
FE = Federally Endangered
FEMA = Federal Emergency Management Agency
FHSZ = Fire Hazard Severity Zone
Forest Service = U.S. Department of Agricultural-Forest Service
FPD = Federally Proposed Delisted
FPT/FPE = Federally Proposed Threatened/Endangered
FT = Federally Threatened
FYLF = foothill yellow-legged frog
GLO = General Land Office
IS/MND = Initial Study/Mitigated Negative Declaration
JNA Consulting = Janelle Nolan and Associates Environmental Consulting
MBTA = Migratory Bird Treaty Act

MCAP = Mountain Counties Air Basin
MLD = most likely descendant
MLD = most likely descendent
MMRP = Mitigation, Monitoring, and Reporting Program
msl = mean sea level
NAAQS = National Ambient Air Quality Standards
NAHC = California Native American Heritage Commission
NID = Nevada Irrigation District
NPDES = National Pollutant
NPS = National Park Service
NRCS = USDA Natural Resources Conservation Service
NSAQMD = Northern Sierra Air Quality Management District
NWI = National Wetlands Inventory
OEHHA = Office of Environmental Health and Hazard Assessment
OES = Office of Emergency Services
PERP = Portable Equipment Registration Program
PUB or P = Public
RUR = Rural Residential
RWQCB = Regional Water Quality Control Board
SE = State Endangered
SHPO = State Historic Preservation Office®
SIP = State Implementation Plan
SPCP = Spill Prevention and Control Plan
SR = State Rare
SRA = State Responsibility Area
SRA = State Responsibility Area
SSC = Species of Special Concern
ST = State Threatened
TAC = Toxic Air Contaminants
TNWs = Traditional Navigable Waters
U.S. EPA = United States Environmental Protection Agency
UAIC = United Auburn Indian Community
UAIC = United Auburn Indian Community
USACE = U.S. Army Corps of Engineers
USDA-FS = U.S. Department of Agricultural-Forest Service
USFWS = U.S. Fish and Wildlife Service
WDR = Waste Discharge Requirement
WOUS/WOS = Waters of the United States/ Waters of the State
WUI = Wildland-urban interface

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EXECUTIVE SUMMARY

The Nevada Irrigation District (NID or the District) proposes to construct the 1.4-mile Scotts Flat Lower Connector Trail, approximately 4.5 miles east of the Nevada City in Nevada County, California. This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and State CEQA Guidelines, Title 14 California Code of Regulations 15000 et seq.

1.1 Project Overview

The Scotts Flat Lower Connector Trail Project (Proposed Project or Project) will enhance public safety and recreational opportunities on District lands by constructing a 1.4-mile trail that will provide hikers and bikers with a means to safely cross over the discharge channel below the Scotts Flat Powerhouse and Deer Creek downstream of Scotts Flat Dam Spillway, as well as providing a connection to the existing Scotts Flat Reservoir Trail (also known as the Snow Mountain Ditch Lake Trail) and Scotts Flat Trail, located on the north side of Scotts Flat Reservoir (**Map 1**).

The need for a trail providing public access over Deer Creek was first realized in 2017, when NID temporarily fenced the spillway, which had previously been used by hikers and bikers to cross from one side of the lake to the other. In response to resulting public input, and consistent with Goal #2 of the District's Strategic Plan (which states that stewardship of NID resources requires a collaborative and responsive relationship with the local and regional community), the District has since worked with a number of community groups, including the Bear Yuba Land Trust, the Sierra Express Bike Team, and the Bicyclists of Nevada County, to develop and evaluate trail alternatives. The resulting trail alignment, shown on **Map 2**, begins at the terminus of the existing Scotts Flat Reservoir Trail (just south of Scotts Flat Campground) descends approximately 0.6 mile to the crossing of the spillway channel and Deer Creek, and then ascends approximately 0.8 mile to a proposed new parking lot located off an existing unimproved road off the Dam Road (on the southern side of the reservoir). The trail will not be open to equestrian or motorized vehicle use.

1.2 CEQA Analysis and Findings

The Proposed Project is subject to approval by the District Board of Directors and is subject to review under CEQA. As the Lead Agency, the District prepared an Initial Study/Mitigated Negative Declaration (IS/MND), which assesses the potential environmental impacts of the Project. In accordance with CEQA guidelines, the IS/MND will be circulated for 30 days for public review. Under CEQA guidelines, a significant effect on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (Guidelines Section 15382). This executive summary provides an overview of the findings of the IS/MND including resources for which the Project would have no impact; (b) less than significant impacts; and (c) less than significant impacts with incorporation of mitigation measures. The mitigation measures are summarized in Table 2-1. Refer to Section 3 of the IS/MND for a more detailed analysis of potential effects and proposed mitigation measures.

No Impact

The Proposed Project would have no impact on the following resources:

- Agriculture and Forest Resources;
- Land Use and Planning;
- Mineral Resources;
- Population and Housing; and
- Recreation.

Less Than Significant Impacts

The Proposed Project would have less than significant impacts on the following resources:

- Aesthetics;
- Energy;
- Greenhouse Gas Emissions;
- Transportation and Traffic; and
- Utilities and Service Systems.

Less Than Significant Impacts with Incorporation of Mitigation

With implementation of mitigation, the Proposed Project would have less than significant impacts on the following resources:

- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Noise;
- Public Services;
- Tribal Cultural Resources; and
- Wildfire.

As required by CEQA, a Mitigation Monitoring and Reporting Program (MMRP) (Table 2-1) will be adopted at the time of Project approval. It will include those mitigation measures that would reduce environmental impacts to less than significant levels.

Significant Unavoidable Impacts

There are no significant and unavoidable Project-specific or cumulatively considerable impacts associated with implementation of the Proposed Project.

1 INTRODUCTION

1.1 Introduction and Regulatory Guidance

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared by the Nevada Irrigation District (NID or District) to evaluate the potential environmental effects of construction of the Scotts Flat Lower Connector Trail (Proposed Project or Project), a 1.4-mile trail that will provide hikers and bikers with a means to safely cross over the Scotts Flat Powerhouse discharge channel and Deer Creek downstream of Scotts Flat Dam Spillway, as well as providing a connection to the existing Scotts Flat Reservoir Trail and Scotts Flat Trail, located on the north side of Scotts Flat Reservoir. This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and State CEQA Guidelines, Title 14 California Code of Regulations 15000 et seq. A summary of permits and agency approvals required for the construction of the Proposed Project is provided in Section 2.5, Permits and Approvals.

This IS/MND was prepared by the District (the Lead Agency) to determine if the Proposed Project could have significant impacts on the environment. In accordance with the State CEQA Guidelines 15064(a), an environmental impact report (EIR) must be prepared if there is substantial evidence that a Project may have significant impacts on the environment. If the Lead Agency determines that there is no substantial evidence for such impacts, or if the potential impacts can be reduced through Project revisions, a mitigated negative declaration or a negative declaration, can be prepared (CEQA Guidelines 15070(b)).

1.2 Environmental Document

The District has determined that an IS/MND is the appropriate document for compliance with CEQA. The purpose of this document is to present to the public the environmental consequences of implementing the Proposed Project. This document has been prepared consistent with the 20153 State CEQA Guidelines.

This disclosure document is being made available to the public for review and comment. The IS/MND is available for a 30-day public review period from April 14 to May 14 at 5:00 p.m. Please address written comments to:

Scotts Flat Lower Connector Trail Project
c/o Kris Stepanian, Board Secretary
Nevada Irrigation District Business Center
1036 West Main Street
Grass Valley, CA 95945

E-mail comments may be addressed to: stepaniank@nidwater.com.

Input may also be provided at a public meeting starting at 6:00 pm May 6, 2021 via Zoom. The Zoom meeting can be accessed from a computer, tablet or smartphone at https://us02web.zoom.us/j/83087650938.

To join as a conference call, dial (669) 900-6833 or (346) 248-7799. The Webinar ID is 830 8765 0938.

If you wish to send written comments (including via e-mail), they must be received no later than May 14, 2021 by 5:00 p.m.

Upon completion of the public review period, the District staff will provide the District Board of Directors with the public and agency comments received on the IS/MND along with a recommendation for the final action to the Board for its consideration.

The District Board may: (1) adopt the mitigated negative declaration and approve the Proposed Project; (2) undertake additional environmental studies; or (3) abandon the Proposed Project.

This IS/MND is available for public review electronically (due to the COVID pandemic and can be accessed via the following link: www.nidwater.com.

1.3 Summary of Findings

Section 3 of this document contains the analysis and discussion of potential environmental impacts resulting from implementation of the Proposed Project.

Based on the resources evaluated, it was determined that the Proposed Project would have **no impact** on the following resources: Agriculture and Forest Resources; Land Use and Planning; Mineral Resources; Population and Housing; and Recreation.

Impacts of the Proposed Project were determined to be **less than significant** for the following resources: Aesthetics; Energy; Greenhouse Gas Emissions; Transportation and Traffic; and Utilities and Service Systems.

Impacts of the Proposed Project to the following resources would be **less than significant with incorporation of the mitigation measures** described in Section 3 and the MND included with this document: Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Public Services; Tribal Cultural Resources; and Wildfire.

As required by CEQA, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is included with this IS/MND (Table 2-1). It will be adopted at the time of Project approval. It will include those mitigation measures that would reduce environmental impacts to less than significant levels.

1.4 Document Purpose and Organization

The purpose of this document is to evaluate the potential environmental effects of the construction of the Scotts Flat Lower Connector Trail.

This document is organized in the following manner:

Section 1 - Introduction. This section provides an introduction and describes the purpose, scope, and organization of this document.

Section 2 - Project Description. This section describes the purpose and need of the Proposed Project, the Proposed Project objectives, and a description of the Proposed Project's characteristics.

Section 3 - Environmental Checklist. This section provides the environmental setting for the Proposed Project, analyzes the environmental impacts of the Proposed Project, and recommends mitigation measures where appropriate. Resource topics appear in the order that they occur in the CEQA Environmental Checklist from Appendix G of the State CEQA Guidelines. Mitigation measures are incorporated and discussed, where appropriate, to reduce "potentially significant" impacts to a "less than significant" level. Mandatory Findings of Significance are also presented in this section.

Section 4 - Agencies and Persons Consulted. This section identifies agencies and persons consulted regarding environmental resource topics during preparation of this document.

Section 5 - List of Preparers. This section contains a list of people that assisted in the preparation of this document.

Section 6 - References. This section identifies the references used in the preparation of this document.

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2 PROJECT DESCRIPTION

2.1 Project Purpose and Objectives

The purpose of the Scotts Flat Lower Connector Trail Project (Proposed Project or Project) is to enhance public safety and recreational opportunities on NID lands by constructing a 1.4-mile trail that will provide hikers and bikers with a means to safely cross over the Scotts Flat Powerhouse discharge channel and Deer Creek downstream of Scotts Flat Dam Spillway, as well as providing a connection to/extending the existing Scotts Flat Reservoir Trail (also called the Snow Mountain Ditch Lake Trail) and Scotts Flat Trail, located on the north side of Scotts Flat Reservoir (**Map 1**).

The need for a trail providing public access over Deer Creek was first realized in 2017, when NID temporarily fenced the spillway, which had previously been used by hikers and bikers to cross from one side of the lake to the other. In response to resulting public input, and consistent with Goal #2 of the District's Strategic Plan (which states that stewardship of NID resources requires a collaborative and responsive relationship with the local and regional community), the District has since worked with a number of community groups, including the Bear Yuba Land Trust, the Sierra Express Bike Team, and the Bicyclists of Nevada County, to develop and evaluate trail alternatives. The resulting trail alignment, shown on **Map 2**, begins at the terminus of the existing Scotts Flat Reservoir Trail (just south of Scotts Flat Campground), descends approximately 0.6 mile to the proposed crossings over the discharge channel and Deer Creek, and then ascends approximately 0.8 mile to a proposed new parking lot located off an unimproved road off the Dam Road (on the southern side of the reservoir). The trail will not be open to equestrian or motorized vehicle use.

2.2 Project Location

The Proposed Project is located approximately 4 miles east of Nevada City in Nevada County, California, in Section 11 of Township 16 North, Range 9 East of the Mt. Diablo Meridian and Baseline (**Map 1**). The trail would be constructed primarily on NID-owned lands, with a small section located on a privately-owned, rural residential property. NID is in the process of purchasing the private property.

To access the proposed new trail alignment on the north side of the reservoir, take Highway 49 North to Exit 187 (in Nevada City) and then follow Willow Valley Road west for approximately 4.7 miles. Turn right at Scotts Valley Road. Follow Scotts Valley Road for approximately 4.3 miles, then turn right at Scotts Flat Campground Road. The northern end of the trail alignment the terminus of the existing Scotts Flat Reservoir Trail (just south of Scotts Flat Campground).

To access the proposed new trail alignment and parking lot on the south side of the reservoir, take Highway 49 North to Exit 186 (in Nevada City) and follow Red Dog Road west for approximately 6 miles. Take a left on Pasquale Road. Follow Pasquale Road for approximately 3.7 miles, and turn left onto the Dam Road. The parking lot which marks the southern end of the trail is located off of an existing unimproved dirt road in a landing site that was established as part of a previous forest management project implemented in 2013.

2.3 Construction Phasing and Schedule

The Project will be constructed in two phases. The majority of the trail will be completed during Phase I including the pedestrian bridge over Scotts Flat Powerhouse discharge channel. The pedestrian bridge over Deer Creek below the spillway, and small segments of trail connecting these two bridges, will be completed during Phase II.

Phase I construction will begin in Summer 2021 and will be completed by November 2021. Phase II will be initiated following completion of the design for planned improvements to the Scotts Flat Dam Spillway (anticipated in 2022/2023). Phase II construction would occur between June to November.

2.4 Project Components

This section provides a description of the Proposed Project including construction access and equipment staging areas; the trail; pedestrian bridges and wooden boardwalks; the parking lot and vegetation and tree removal. Construction equipment that will be used during project implementation is also provided.

The Project work area, which is depicted in **Map 2**, is defined to include the trail alignment (including pedestrian bridges and wooden boardwalks) and the parking lot, plus a 25-foot temporary disturbance buffer around these features.

2.4.1 Access and Equipment Staging

Access to the work area and equipment staging areas (described below) will be via the Scotts Flat Campground at the northern terminus of the trail and via unpaved roads off the Dam Road at the southern terminus. These roads may require minor improvements (e.g., grading, levelling) prior to use.

The District has identified five potential temporary staging areas (refer to **Map 2**) that may be used to store equipment and materials over the course of the Project. Use of these areas would vary over time, depending on where construction is occurring and the timing of Scotts Flat spillway repairs (not part of this Project), which are currently planned for 2022/2023. The potential staging areas include (from north to south):

- SA-1: North side of Scotts Flat Dam
- SA-2: Scotts Flat Dam Road at conjunction of trail segments 1 and 2
- SA-3: Below Scotts Flat Powerhouse
- SA-4: Just south of Scotts Flat Dam Spillway
- SA-5: Proposed parking lot (existing landing site from previous forest management project)

Equipment may also be staged at other previously disturbed, unvegetated areas, as necessary.

As described in Section 2.4.3, installation of the pedestrian bridges over Deer Creek and the discharge channel will require use of a crane and a helicopter. The crane will be transported down to the bridge installation locations using the existing Scotts Flat Powerhouse Road and a temporary access trail that will be developed on an existing path (refer to **Map 2**). The District will use the top surface of Scotts Flat Dam as a helicopter landing site, as necessary. Materials will be transported to/lowered down to the bridge installation locations by the helicopter using a sling.

2.4.2 Trail

The trail will be approximately 1.4 miles long and 3 to 4 feet wide, and designed to accommodate both bikers and hikers. The trail will not be open to equestrian or motorized vehicle use. The trail is designed to utilize existing features include informal foot paths, ditch berms, and roads, where possible.

The trail consists of four segments as depicted on **Map 2** and defined below:

- **Segment 1** (0.16 mile): This trail segment begins just south of the Scotts Flat Campground at the terminus of the existing Scotts Flat Reservoir Trail and continues west along the berm of the existing Snow Mountain Ditch. The alignment will utilize the informal footpath already present

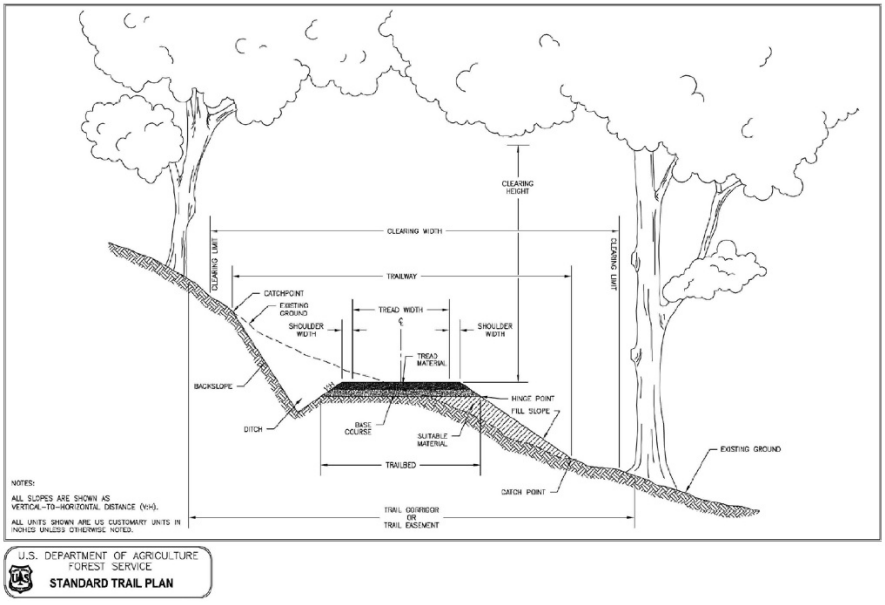
along the ditch berm. Portions of the ditch may be filled in, where necessary, to accommodate the trail or to construct a bike pullout or install a park bench.

- **Segment 2** (0.27 mile): This trail segment extends south from the Snow Mountain Ditch along an existing skid trail to the intersection with Scotts Flat Dam Road.
- **Segment 3** (0.16 mile): This trail segment begins where the trail alignment turns west on Scotts Flat Dam Road. This section of Scotts Flat Dam Road is closed to public vehicle traffic. The trail will be established within the prism of the existing road, would require minimal alteration for use (i.e., minor grading and vegetation removal).
- **Segment 4** (0.8 mile): This trail segment ascends southwest from Scotts Flat Dam Road to the new parking area. This segment will include two bridge crossings: one over the Scotts Flat Powerhouse discharge channel and one over Deer Creek (downstream of the Scotts Flat Dam Spillway). This segment also includes five boardwalk sections that will be installed over three small intermittent and ephemeral streams and two additional low-lying areas that collect rain water.

The trail will be constructed consistent with U.S. Department of Agriculture-Forest Service (USDA-FS) standard trail specifications. Refer to **Figure 2-1** for the cross-section of a typical trail design utilizing USDA-FS standards. In general, trail construction will involve:

- Removal of vegetation as necessary with chainsaws and other handheld tools (refer to Section 2.4.5 for a quantification of vegetation, including trees, to be removed); and
- Cutting, leveling, and filling of the trail prism with hand tools. The surface of the trail will be composed of existing/native material.

Figure 2-1. USDA-FS Standard Trail Specifications.



2.4.3 Pedestrian Bridges

NID will construct two elevated pedestrian bridges where the trail crosses the powerhouse discharge channel and Deer Creek (downstream of the spillway). The powerhouse discharge channel bridge will span approximately 30 feet and the Deer Creek bridge will span approximately 60 feet. Both bridges will be 5 feet wide. Bridge abutments will be placed so that the bridge spans the bed and bank, avoiding work within the channel/creek. The bridges will be designed to accommodate high-flow events within the channel/creek.

Both bridges will be pre-fabricated clear-span truss bridges, constructed of steel with a weathered finish to blend into the natural surroundings while providing safe passage on the trail. The bridge decking will be wood (i.e. treated fir, or rot-resistant hardwood) or concrete. The bridges will be constructed for pedestrian weight loading and restricted for motorized vehicular access. The bridges will be installed as a single unit or in sections with spliced connections depending on site conditions and constraints to minimize disturbance of vegetation and trees. A crane and/or supporting helicopter is expected to be used by the contractor for installation of the bridge. The crane will access the proposed pedestrian bridge locations off the existing Scotts Flat Powerhouse Road and an approximately 600 ft long temporary access trail that will head west toward Deer Creek and then turn north to the discharge channel (**Map 2**). The access trail will be approximately 9 feet wide. Limited upland shrubs and small trees (less than 10-inch diameter at breast height [dbh]) may be removed for development of the trail. Helicopter use will be limited to no more than 90 minutes of combined flight time at the Project site.

2.4.4 Wooden Boardwalks

NID will construct approximately 50 linear feet of boardwalk-style wooden crossings at five locations where the trail crosses intermittent or ephemeral streams (three locations) or low lying areas that carry water during heavy rainfall events (two locations). Refer to **Map 3** for the location of the intermittent and ephemeral stream crossings. The elevated boardwalk sections will be 5 feet wide, and will be established on 6-inch by 6-inch posts that will be installed by hand. Based on initial assessment, posts will be placed approximately every 5 feet on center and an embedment depth no less than 3 feet. The boardwalk decks will be composed of wood (i.e., treated fir, or rot-resistant hardwood.

Refer to **Figure 2-2** for a photograph of a typical boardwalk structure.

Figure 2-2.
Example Photograph of Wooden Boardwalk.

2.4.5 Parking Lot

NID will utilize an existing landing site (from a previous forest management project) to create a 0.2-acre graveled parking lot at the terminus of the trail (**Map 2**). An existing unimproved access road (approximately 500 feet long) will provide access to the parking lot from the Dam Road. The parking lot will consist of up to 10 parking spaces. Construction activities will include minor grading and filling, and placement of gravel.

2.4.6 Vegetation and Tree Removal

The trail alignment was designed to minimize vegetation removal to the extent feasible. However, some vegetation removal will be required for construction the trail, as described below.

- Upland vegetation:
    - **Trail Segment 4:** Up to approximately 0.4 acre of upland shrubs and herbaceous vegetation will be removed for the development of Segment 4 of the trail. No upland trees will be removed.
    - **Crane Temporary Access Trail:** Up to approximately 0.05 acre of upland vegetation, including up to 10 trees (<24 inches dbh), as well as shrubs, and herbaceous vegetation will be trimmed and/or removed for development of the crane temporary access trail.
- Riparian vegetation:
    - **Pedestrian Bridges:** Approximately 0.03 acre of riparian vegetation will be removed to allow for installation of the pedestrian bridges. This will include removal primarily of Himalayan blackberry (*Rubus armeniacus*) bramble, as well as four trees, including three trees (cottonwoods and Douglas-fir) between 10 and 18 inches dbh; and one Douglas-fir between 19 and 24 inches dbh.

2.4.7 Construction Equipment

Although the trail will be constructed with hand tools, heavy equipment would be required for the construction of the pedestrian bridges, boardwalks, and the proposed new parking lot. Equipment that would be used for implementation of the Project would include the following:

- Backhoe
- Crane
- Delivery truck/trailer
- Dump truck
- Excavator (rubber-tracked)
- Fuel/oil service truck
- Grader
- Hammer pile driver
- Hand tools
- Helicopter
- Mowers/chainsaws
- Pickup truck
- Sandbags

- Tractor

2.5 Permits and Approvals

The agencies listed below will be consulted and will participate in review of the IS/MND to ensure compliance with applicable rules and regulations. Also noted are permits or other approvals that may potentially be required for the construction of the Proposed Project.

- U.S. Army Corps of Engineers (USACE) – Clean Water Act (CWA) Section 404 Permit.
- U.S. Fish and Wildlife Service (USFWS) – Federal Endangered Species Act (ESA) Consultation.
- State Historic Preservation Office (SHPO) – National Historic Preservation Act (NHPA) Section 106 Consultation.
- California Air Resources Board (ARB) – State CEQA reviewing agency.
- California Department of Fish and Wildlife (CDFW) – California Fish and Game Code (including Section 1602 Streambed Alteration Agreement), State CEQA reviewing agency.
- Regional Water Quality Control Board (RWQCB) – CWA Section 401 Certification, CWA Section 402 National Pollutant Discharge Elimination System (NPDES) Construction General Permit, or California Water Code Waste Discharge Requirement (WDR)

Table 2-1. Scotts Flat Lower Connector Trail Project Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Reporting Responsibility
AIR-1. Air Quality Best Management Practices. As required by NSAQMD Rule 226, a Fugitive Dust Plan will be prepared for the Project. If use of portable equipment rated 50 bhp or greater is required, owners or operators of will register the applicable equipment through the Statewide Portable Equipment Registration Program or at the local air district level, in compliance with NSAQMD, Rule 523. Proof of registration will be provided to NID prior to Project implementation.	Prior to Project implementation	NID	NID
BIO-1. Botanical Surveys. • A qualified biologist will conduct a special-status plant survey, in Segment 4 of the proposed trail, during the blooming period (mid-May and mid-July) to determine whether any special-status plant species listed in Appendix A are present. • The following measures will be implemented to protect any special-status plants identified, as appropriate/applicable: o The trail alignment will be modified to avoid the plant(s), if necessary; and o A minimum 5-foot buffer will be established (using stakes, flagging, or other similar methods) to protect the plants during construction activities. • If avoidance of the plants is not practicable, NID will consult with the resource agencies to determine appropriate avoidance and protection measure considering the plant species, site-specific habitat characteristics, and the nature of construction activities to be conducted that may disturb the plant. The avoidance and protection measure will be implemented as part of the Project.	Prior to Project implementation	NID	NID
BIO-2. General Construction Measures. The District will implement the following to minimize disturbance of sensitive resources in the Project area: • Construction activities will be limited to a designated work area (including the work corridor and staging area). The work area will be clearly identified on the construction drawings and will be staked and flagged where necessary prior to initiation of construction activities. • All staging areas and access routes will be located on developed roads or other previously disturbed areas.	During Project implementation	NID	NID

Table 2-1. Scotts Flat Lower Connector Trail Project Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Reporting Responsibility
• Construction activities, including activities within equipment staging areas, will be limited to the hours between sunrise (but no earlier than 7:00 a.m.) and sunset (but no later than 7:00 p.m.) on weekdays. Construction work on weekends and District-recognized holidays will be avoided when practical. If required, work on weekends and District-recognized holidays will be limited to the hours between 8:00 a.m. and 7:00 p.m. • Vegetation removal will be limited to that which is necessary for implementation of the Project. • The District will ensure that all equipment and vehicles will be removed from the Project site following completion of the Project.			
BIO-3. Environmental Awareness Training. Construction personnel will attend an environmental awareness training prior to initiation of construction. The training will include a review of: • Special-status species potentially occurring on site; • Mitigation measures and BMPs to be implemented as part of the Project; • Pertinent measures included in agency permits obtained for the Project; • Procedures for reporting the presence of special-status species on site as well as any issues related to air or water resources.	Prior to Project implementation	NID	NID
BIO-4. Frog and Turtle Monitoring. The following measures will be implemented to avoid impacts to FYLF and western pond turtles: • A qualified biological monitor will be present during ground-disturbing activities within 325 feet of the Scotts Flat Powerhouse discharge channel and Deer Creek. • If FYLF or western pond turtles are present, construction activities that may potentially affect the animals will cease and will not be reinitiated until the monitor determines the animal(s) is out harm's way.	During Project implementation	NID	NID
BIO-5. Clean Water Act Permitting and California Fish and Game Code Compliance. • The District will obtain relevant CWA permits (e.g., Sections 401 and 404), and any permits required under the California Fish and Game Code (e.g., Section 1602 Lake or			

Table 2-1. Scotts Flat Lower Connector Trail Project Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Reporting Responsibility
Streambed Alteration Agreement). All conditions identified in the permits will be implemented as part of the Project.			
BIO-6. Protection of Special-Status Raptors or Other Bird Nests. • To avoid disturbance of raptor and bird nests, construction activities, including use of the helicopter, will be conducted between August 16 and February 28, outside of the nesting season for these species. • If construction activities, including use of the helicopter, must be conducted during the nesting season (between March 1 and August 15), a preconstruction survey will be conducted by a qualified biologist to determine if there are active nests present. Both the Project area plus a 25-foot, 500-foot, and 660-foot buffer will be surveyed for non-raptors, raptors, and bald eagles, respectively. The survey will be conducted no more than 30 days prior to Project initiation. If the biologist determines that the area surveyed does not contain any active nests, then Project activities can begin without any further mitigation. • If active bald eagle nests are found, construction activities will not occur within 660 feet of the active nest until the young have fledged, as determined by a qualified biologist, or until the District receives written authorization from the CDFW to proceed. • If other active raptor nests are found, construction will not occur within 500 feet of an active nest until the young have fledged, as determined by a qualified biologist, or until the District receives written authorization from the CDFW to proceed. • If active nests of non-raptorial birds are found, a 25-foot buffer will be established and the nest will be avoided until the young have fledged, as determined by a qualified biologist, or until the District receives written authorization from the CDFW to proceed.	Prior to Project implementation	NID	NID

Table 2-1. Scotts Flat Lower Connector Trail Project Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Reporting Responsibility
BIO-7. Protection of Wetland Riparian Habitats. • Removal of montane riparian vegetation will be limited to a maximum of approximately 0.03 acre (including up to four trees 10–24 inches dbh) required for construction of the pedestrian bridges and trail. No other riparian vegetation will be removed. • The freshwater emergent wetland will be flagged with a 5-foot buffer so that it is visible to construction crews. The wetland will be avoided during construction of the trail, crane temporary access trail, and the pedestrian bridge over the discharge channel.	Prior to/During Project implementation	NID	NID
CULT-1. Inadvertent Discovery of Previously Unknown Cultural, Paleontological, or Tribal Resources. • If an inadvertent discovery of tribal cultural resources, archaeological resources, paleontological materials, or other cultural resources/materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains, etc.) is made during Project-related construction activities, the NID Cultural Resources Policy (No. 6085.1 Discovery of Cultural Resources) will be implemented. This policy includes a stop work order, or relocation of work by the NID project manager, avoidance of the discovery by 150 feet, and coordination with a qualified archaeologist. Refer to Appendix C of the IS-MND for the NID Policy. • As part of this policy, the archaeologist shall determine whether the resource is potentially significant per the CRHR and develop appropriate mitigation in consultation with NID, the SHPO, and Native American Tribal representatives to protect the integrity of the resource and ensure that no additional resources are impacted. Mitigation could include, but not necessarily be limited to preservation in-place, archival research, subsurface testing, or data recovery.	During Project implementation	NID	NID

CULT-2. Unanticipated Discovery of Human Remains. • In accordance with the California Health and Safety Code and NID Cultural Resources Policy (No. 6085.2 Discovery of Human Remains), if human remains are uncovered during ground-disturbing activities, all work within 150 feet of the area of the burial shall be halted. The NID project manager will be notified immediately, who in turn will notify the qualified archaeologist. The qualified archaeologist will contact the Nevada County Sheriff/Coroner to determine the nature and extent of the remains. • The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of Native American descent, the coroner must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The NAHC shall identify the most likely descendant (MLD). Once given permission by NID and land owner, the MLD shall be allowed on-site. The MLD shall complete their inspection and make their recommendation to NID for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave gods as provided in PRC Section 5097.98. MLD recommendations must be made within 48 hours of the NAHC notification to the MLD. • No additional work shall take place within the immediate vicinity of the find until the qualified archaeologist gives approval to resume work in that area. Refer to **Appendix C** for the NID policy. • A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in-place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment, may be discussed. AB 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the landowner shall comply with one or more of the following: o Record the site with the NAHC or the appropriate Information Center; o Utilize an open space or conservation zoning designation or easement; and/or o Record a document with the county in which the property is located. • The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.	During Project implementation	NID	NID

Table 2-1. Scotts Flat Lower Connector Trail Project Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Reporting Responsibility
HAZ-1. Standard Fire Prevention Measures. The District and/or its contractor will implement standard fire prevention measures, including but not limited to, requiring fire prevention equipment to be available at all times, identifying construction sites as non-smoking areas, and providing fire prevention training to construction personnel. Portable communication devices (i.e., radio or mobile telephones) would be made available to all construction personnel to allow for prompt notification to the District or other local authorities in case of a fire.	During Project implementation	NID	NID

HYD-1. Water Quality Best Management Practices.
• Prior to commencement of ground disturbing activities, the District will identify site-specific BMPs to effectively control erosion and sediment loss and to protect water quality. During the project, these BMPs for erosion and sediment control shall be implemented by the District and/or its contractor. These BMPs will include, but are not limited to:
  • Erosion control structures (e.g., coir rolls, plastic sheeting, rubber mats) will be placed in areas where high surface runoff is expected; around spoil piles; and at channel entrances or adjacent to drainage channels. If straw wattles or straw bales are used, all straw will be certified weed-free.
  • Prior to the initiation of Project activities, the District and/or its contractor will prepare a Spill Prevention and Control Plan (SPCP) that will be implemented during Project activities.
  • To reduce potential contamination by spills, all refueling, storage, servicing, and maintenance of equipment will be performed at designated sites and not within 50 feet of WOUS/WOS or other sensitive environmental resources. Absorbent material or drip pans will be used during refueling or servicing of trucks or other equipment. Any fluids drained from the machinery during servicing will be collected in leak-proof containers and taken to an appropriate disposal or recycling facility. If such activities result in spills or accumulation of a product on the soil, the contaminated soil will be disposed of properly.
  • All maintenance materials (i.e., oils, grease, lubricants, antifreeze) will be stored at staging areas in appropriate storage containers. If these materials are required during Project implementation, they will be placed in a designated area away from site activities and sensitive resources.
	Prior to Project implementation	NID	NID

Table 2-1. Scotts Flat Lower Connector Trail Project Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Reporting Responsibility
NZ-1. Noise Best Management Practices. To reduce noise-related impacts to occupants of nearby residential land uses, the following BMPs will be incorporated into the Proposed Project: • Construction activities, including activities within equipment staging areas, will be limited to the hours between sunrise (but no earlier than 7:00 a.m.) and sunset (but no later than 7:00 p.m.) on weekdays. Construction work on weekends and District-recognized holidays will be avoided when practical. If required, work on weekends and District-recognized holidays will be limited to the hours between 8:00 a.m. and 7:00 p.m.	During Project implementation	NID	NID

3 ENVIRONMENTAL CHECKLIST

Following is the environmental checklist form (CEQA Guidelines, Appendix G) that provides discussion of the environmental impacts associated with implementation of the Valley View Access Road Construction Project.

1. **Project title:** Scotts Flat Lower Connector Trail Project

2. **Lead agency name and address:** Nevada Irrigation District

3. **Contact person and phone number:** Adrian Schneider, (530) 575-7966

4. **Project location:** Unincorporated Nevada County, 4.5 miles east of Nevada City

5. **Project sponsor's name and address:** Nevada Irrigation District, 1036 West Main Street, Grass Valley, CA 95945

6. **General plan designation:** Public Land (PUB) and Rural Residential (RUR)

7. **Zoning:** Public (P) and General Agriculture (AG)

8. **Description of the Project:** The District proposes to construct the 1.4-mile Scotts Flat Lower Connector Trail. The trail will provide hikers and bikers with a means to safely cross over the Scotts Flat Powerhouse discharge channel and Deer Creek downstream of Scotts Flat Dam Spillway, as well as providing a connection to the existing Scotts Flat Reservoir Trail and Scotts Flat Trail, located on the north side of Scotts Flat Reservoir.

9. **Surrounding land uses and setting:** This area is governed by the Nevada County General Plan, adopted in 1996 and amended in 2008, 2010, and 2014 (Nevada County 2014). The designated land uses on surrounding parcels include public lands supporting various uses (e.g., water storage, hydroelectric generation, forestry, and recreation); and rural residential (Nevada County 2014).

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

    Federal: USACE, USFWS

    State: CDFW, SHPO

    Local: Northern Sierra Air Quality Management District (NSAQMD); Regional Water Quality Control Board, Central Valley – Region 5 (CVRWQCB)

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** No California Native American tribes traditionally and culturally affiliated with the Project area have requested consultation regarding the Proposed Project. Refer to Section 3.18 Tribal Cultural Resources, for a complete description of the consultation process.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and 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	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION

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.

Signature _____ Date 4/13/2021

Signature _____ Date _____

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 a Project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as Project-level, indirect as well as direct, and construction as well as operational impacts.
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 "Earlier Analyses," as described in (5) below, 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, zoning ordinances). 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. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a Project's environmental effects in whatever format is selected.
9. 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.

3.1 Aesthetics

Except as provided in Public Resources Code Section 21099, would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☑	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☑

3.1.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to aesthetics if the Project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway;
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality; or
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

3.1.2 Setting

The Project is located in the western foothills of the Sierra Nevada, approximately 4.5 miles east of Nevada City, in an area dominated by Sierran mixed conifer habitat. This portion of Nevada County is generally dominated by rural and open space with scattered development.

A scenic vista is generally defined as an expansive view of highly valued landscape observable from a publicly accessible vantage point. Scotts Flat Dam, which is currently open to pedestrian traffic, provides a public vantage point for scenic views of both the reservoir upstream and the river valley downstream of the dam.

Scenic highways are designated by the State of California Department of Transportation's (Caltrans) Scenic Highway Program (Caltrans 2020). Within Nevada County, portions of State Route (SR) 49, SR-174, SR-20, SR-89, and I-80 are designated as 'eligible state scenic highways', however, they are not officially designated at this time. A 6-mile segment of SR-20 from Skillman Flat Campground to 0.5 mile

east of Lowell Hill Road is officially designated a state scenic highway. This section of SR-20 is not in the vicinity of the Project. None of the roadways identified above are visible from the Project site.

3.1.3 Discussion Item 3.1a, 3.1b, 3.1c, and 3.1d.

Scotts Flat Dam, which is currently open to pedestrian traffic, provides a public vantage point for scenic views of both the reservoir upstream and the river valley downstream of the dam. The proposed trail is set within forested habitat below the dam. The 1.4-mile trail is not expected to impact scenic views below the dam, because it will be narrow (up to 5 feet at the widest) and would be shielded by dense tree cover throughout all or most of its length, both during construction and following completion of the trail. Even where visible, the visual aspects of the trail would be consistent with the overall character of the Project vicinity, which already features existing public recreation facilities, including adjacent trails. Therefore, impacts to (a) scenic vistas, and (c) to the visual character or quality of public views of the site and its surrounding would be **less than significant**.

The Project is not located near a state scenic highway (Caltrans 2020). Therefore, there would be **no impact** to (b) scenic resources within a state scenic highway.

All construction would take place during daylight hours and no additional lighting will be used during construction. Therefore, there would be **no impact** to (d) day and nighttime views in the area.

3.1.4 Mitigation Measures

No significant impacts related to aesthetics would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.2 Agriculture and Forest Resources

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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)) or timberland (as defined in 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?	☐	☐	☐	☑

3.2.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to agriculture or forest resources if the Project would:

- 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 nonagricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- Conflict with existing zoning for, or cause rezoning of, forest land or timberland, as defined by the Public Resources Code;
- Result in the loss of forest land or conversion of forest land to non-forest use; or
- 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.

3.2.2 Setting

The Proposed Project is not located on land considered Farmland of Importance at the state or local level, according to the Farmland Mapping and Monitoring Program of the California Resources Agency (California Department of Conservation 2021a). The Project area is not zoned under a Williamson Act Contract (California Department of Conservation 2021a). The majority of land in the Project area is designated as PUB by Nevada County, a designation intended for lands in public or quasi-public ownership, including cemeteries, schools and other public and quasi-public buildings and uses in

locations which are necessary to provide services to Community Regions and Rural Regions. (Nevada County 2014). A small portion of the trail falls on lands designated for rural residential uses (i.e., RUR).

3.2.3 Discussion

The Project area is not designated as Farmland of Importance at the state or local level; is not zoned for agricultural use; and is not on lands under a Williamson Act contract. Implementation of the Project would therefore have **no impact** related to (a) Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; or (b) conflict with lands zoned for agricultural use or a Williamson Act contract.

The parcel is located primarily on NID-owned land, which is managed for a number of purposes including water storage, hydroelectric generation, recreation, and forestry. The trail has been designed to minimize tree removal to the degree possible, and planned tree removals are limited to four riparian trees to allow for construction of the pedestrian bridges over the Scotts Flat Powerhouse discharge channel and Deer Creek below the spillway channel. An additional 10 upland trees may be trimmed or removed for development of the crane access trail on the existing footpath. Removal of up to 14 trees will not result in conversion of forestland. Considering that the parcel on which the Project is located is not (c) zoned as forest land, timberland, or timberland zoned, and would not (d) result in the loss of forest land or conversion of forest land to non-forest use; therefore, there would be **no impact** to forest resources.

Construction of the trail will enhance recreational amenities and public use of the site; and is consistent with current land uses at the site. The Proposed Project would be considered to have **no impact** to (e) the existing environment and would not result in conversion of Farmland to non-agricultural use.

3.2.4 Mitigation Measures

No significant impacts related to agriculture or forest resources would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.3 Air Quality

Where available, the significance criteria established by the applicable air quality management district 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	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☑
b) 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?	☐	☑	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☑	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☑	☐	☐

3.3.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact on the environment related to air resources if the Project would:

- Substantially conflict with or substantially obstruct implementation of the applicable air quality plan;
- 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;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

3.3.2 Setting

The Project site is located in an unincorporated area of Nevada County which is located in the Mountain Counties Air Basin (MCAB), which includes Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne, and Mariposa counties. Generally, the MCAB has a Mediterranean climate consisting of hot, dry summers and cool, rainy winters. However, the micro-climate differs with elevation and distance to the mountain ranges of the Sierra Nevada with the variability in terrain making it possible for different climates to exist in relatively close proximity. The patterns of mountains and hills creates a wide variation in rainfall, temperature and localized winds throughout the basin. The western portions of the basin slope relatively gradually, with deep river canyons running from southwest to northeast toward the crest of the Sierra Nevada. The slopes in the Sierra Nevada are steeper, but river canyons are relatively shallow in the eastern portion of the basin.

Overall, air quality in the MCAB is very good. Only two pollutants, ozone (O3) and suspended particulate matter (PM10) are known to be problems in the County. Air quality in the Proposed Project vicinity is affected by various emission sources (e.g., mobile vehicles along Highway 20 and other distant roadways) and atmospheric conditions, such as wind speed, wind direction, temperature, and rainfall, as well as geography. Air quality in western Nevada County is also influenced by pollutants transported to the area from the Sacramento Metropolitan Area and the San Francisco Bay Area.

Concentrations of ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and lead are used as indicators of ambient air quality conditions. Because these are the most prevalent air pollutants known to be deleterious to human health and extensive health-effects criteria documents are available, they are commonly referred to as "criteria air pollutants." As stated previously, the Project area is within an area that is designated as nonattainment for federal and state ozone (O_3) standards, nonattainment for the federal particulate matter standard ($PM_{2.5}$), and nonattainment for state particulate matter standard (PM_{10}).

One of the most important reasons for air quality standards is the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed "sensitive receptors." The term "sensitive receptors" refers to specific population groups, as well as the land uses where they would reside for long periods. Commonly identified sensitive population groups are children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses are residences, schools, playgrounds, childcare centers, retirement homes or convalescent homes, hospitals, and clinics. Toxic air contaminants (TAC), naturally occurring asbestos (NOA), and odors are also factors that influence air quality and potential Project effects to air quality.

Federal Air Quality Regulations

At the federal level, the U.S. Environmental Protect Agency (U.S. EPA) has been charged with implementing national air quality programs. The U.S. EPA's air quality mandates are drawn primarily from the Federal Clean Air Act (FCAA), which was signed into law in 1970. Congress substantially amended the FCAA in 1977 and again in 1990. The FCAA required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) and also set deadlines for their attainment. Two types of NAAQS have been established: primary standards, which protect public health, and secondary standards, which protect public welfare from non-health-related adverse effects, such as visibility restrictions.

California Air Quality Regulation

The 1988 California Clean Air Act (CCAA) requires that all air districts in the state endeavor to achieve and maintain California Ambient Air Quality Standards (CAAQS) for ozone, CO, sulfur dioxide (SO_2), and nitrogen dioxide (NO_2) by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either: (1) achieve a 5% annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each nonattainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions.

Northern Sierra Air Quality Management District

Air quality within Nevada County is regulated by the NSAQMD. The NSAQMD was created in 1986 with the merging of the Nevada, Plumas and Sierra counties air districts. As it pertains to the project, the NSAQMD is the agency primarily responsible for ensuring that federal and state ambient air quality standards are not exceeded and that air quality conditions are maintained. This is achieved through the preparation of plans for the attainment of air quality standards, inspection, and issuance of permits to operate stationary sources, adoption and enforcement of air pollution rules and regulations, air quality monitoring, and the implementation of programs and regulations required under the Federal and State Clean Air Acts.

The NSAQMD is in the process of certifying its federally enforceable State Implementation Plan (SIP) (NSAQMD 2021). The SIP is an air quality attainment plan designed to address the County's non-attainment status for the State 1-hour ozone standard through the reduction of emissions of ozone precursors. This plan includes various pollution control strategies. However, most of these reductions are expected to come from motor vehicles becoming cleaner and from State regulations.

The NSAQMD rules applicable to the Project include:

- **Rule 226 - Fugitive Dust Control.** Rule 226 requires the submittal of a dust control plan to be approved by an Air Pollution Control Officer before topsoil is disturbed on any project where more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. This applies to any clearing or grading.

  The intent of this rule is to reduce and control fugitive dust emissions. This rule applies to public and private construction activities, including dismantling/demolition of structures, processing/moving materials (sand, gravel, rock, dirt, etc.), and operation of machines/equipment. The dust control plan would need to identify the use of reasonable measures to prevent dust emissions and could include, cessation of operations during high winds, cleanup, sweeping, watering, compacting, and seeding disturbed areas.

  If a project is in an area mapped as having ultramafic rock or serpentine, or if these rock types are discovered on-site, the statewide Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (Section 93105 of Title 17 of the California Code of Regulations) applies. Also, for large projects or in special circumstances (e.g., near schools or other sensitive receptors), additional measures (e.g., limits on active disturbance area or grading hours) may be required (NSAQMD 2015).

- **Rule 523 – Portable Equipment Registration.** Rule 523 requires a permit to operate for portable engines rated 50 break horsepower (bhp) or greater that are not registered through the Statewide Portable Equipment Registration Program (PERP). Portable equipment includes diesel pile-driving hammers, pumps, power generators, cranes, dredges on boats or barges, wood chippers, compressors, vacuum trucks, well drilling, and welding (NSAQMD 2019a). The NSAQMD "recommends obtaining a PERP registration in lieu of a district permit when possible; however, if an engine operates in one location for more than twelve continuous months an NSAQMD permit is required (NSAQMD 2019b)."

Local Air Quality

- **Nevada County Attainment Designation.** The attainment classifications for criteria pollutants are outlined in Table 3.2-1, Nevada County Attainment Classification.

Table 3.2-1
Nevada County Attainment Classification

Pollutant	Averaging Time	State Designation/ Classification	National Designation/Classification
O_3 (2008 Standard)	1-hour 8-hour	Non-attainment Non-attainment	— Non-attainment/marginal (Western Nevada County); Unclassified/attainment (Eastern Nevada County)
NO_2	1-hour Annual arithmetic mean	Attainment	Unclassified/attainment
CO	1-hour 8-hour	Unclassified	Unclassified/attainment
SO_2	1-hour 24-hour Annual arithmetic mean	Attainment	Unclassified
PM_{10}	24-hour	Non-attainment	Unclassified
$PM_{2.5}$	24-hour	Unclassified	Unclassified/attainment

Pollutant	Averaging Time	State Designation/ Classification	National Designation/Classification
Lead (Pb)	30-day average	Attainment	Unclassified/attainment
Sulfates (SO_4)	24-hour	Attainment	—
Hydrogen sulfide (H_2S)	1-hour	Unclassified	—
Vinyl chloride[a]	24-hour	—	—
Visibility-reducing particles	8-hour (10:00 a.m. – 6:00 p.m.)	Unclassified	—

Sources: CARB 2016 (state designation/classification); EPA 2017 (national designation/classification).
Note: O_3 = ozone; NO_2 = nitrogen dioxide; CO = carbon monoxide; SO_2 = sulfur dioxide; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter.
[a] CARB has identified lead and vinyl chloride as TACs with no threshold level of exposure for adverse health effects determined.

As shown in Table 3.2-1, Nevada County, within the MCAB, is a non-attainment area for both federal (Western Nevada County only) and state O_3 standards and the state PM_{10} standards. Nevada County is also designated unclassified or unclassified/attainment (meaning there is not enough data to classify the region attainment or non-attainment) for the federal 24-hour standard for PM_{10}, NO_2, CO, SO_2, $PM_{2.5}$, and lead; and the state standard for CO, $PM_{2.5}$, hydrogen sulfide, and visibility-reducing particles. Nevada County has been designated as an attainment area for all other criteria air pollutants.

- **Nevada County General Plan:** Chapter 14, Air Quality, of the Nevada County General Plan provides citywide goals, objectives and policies aimed at improving air quality. The air quality goals and policies applicable to the analysis of the Proposed Project's air quality impacts are as follows:

  Goal 14.1: Attain, maintain, and ensure high air quality.

  Objective 14.1: Establish land use patterns that minimize impacts on air quality.

  Policy 14.1: Cooperate with the Air Quality Management District (currently the NSAQMD), during review of development proposals. As part of the site plan review process, require applicants of all subdivisions, multi-family, commercial, and industrial development projects to address cumulative and long-term air quality impacts, and request the District enforce appropriate land use regulations to reduce air pollution.

  Objective 14.2: Implement standards that minimize impacts on and/or restore air quality.

  Policy 14.3: Where it is determined necessary to reduce short-term and long-term cumulative impact, the County shall require all new discretionary projects to offset any pollutant increases. Wherever possible, such offsets shall benefit lower-income housing (Nevada County 2014).

3.3.3 Discussion

a) *The Proposed Project would not conflict with or substantially obstruct implementation of the applicable air quality plan.*

A Project would be considered to conflict with or obstruct implementation of the regional air quality plan if it were inconsistent with the emissions inventories contained in applicable plans. The

NSAQMD is in the process of preparing a federally enforceable SIP for western Nevada County to address O_3 levels and identify what pollution control strategies would be implemented to reduce current levels down to the NAAQS. Most necessary reductions in the County are expected from statewide measures and from mobile sources becoming cleaner, including on-road vehicles and off-road equipment. There would be no ongoing emissions resulting from the construction of the new trail because the trail is for non-motorized use only. The Project would not conflict or obstruct implementation of any applicable air quality plan; therefore, there would be **no impact**.

b) *With implementation of mitigation, the Proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant of which the Project region is non-attainment under an applicable federal or state ambient air quality standard (NAAQS or CAAQS).*

There will be no long-term impacts to emissions resulting from implementation of the Proposed Project. A small number of staff would commute to the ends of the trail in their personal vehicles, and staff would access the trail alignment by foot. All work on the trail would take place with hand-operated chainsaws and hand tools, with the exception of the pedestrian bridges, which may require a crane or a helicopter for installation. No more than 90 minutes of flight time at the Project site would be required if a helicopter is used to install the pedestrian bridges. The District will use the top surface of Scotts Flat Dam as a helicopter landing site, as necessary. Materials will be transported to/lowered down to the bridge installation locations by the helicopter using a sling.

The Proposed Project would result in temporary air-quality emissions consisting of a limited and local amount of fugitive dust resulting from earth moving activities. Therefore, the Project is expected to remain far below the NSAQMD thresholds of significance for construction emissions. In addition, implementation of air quality best management practices (BMPs) (Mitigation Measure AIR-1) consistent with the NSAQMD rules and guidance, would further reduce emissions to less than significant levels. Therefore, with implementation of mitigation, this impact would be **less than significant.**

c) *With implementation of mitigation, the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations.*

Sensitive receptors are specific population groups who are most sensitive to the adverse health effects of air pollution, as well as the land uses where these groups would reside for long periods. There are several residences in the vicinity of the Proposed Project, where individuals who could be sensitive reside. As discussed in (b) above, the Proposed Project may result in minor short-term increases in fugitive dust emissions. However, the temporary nature of construction, coupled with the implementation of Mitigation Measure AIR-1 (i.e., NSAQMD's recommended mitigation measures), would not result in conditions where sensitive receptors would be exposed to substantial pollutant concentrations. Therefore, with implementation of mitigation, this impact would be **less than significant.**

d) *With implementation of mitigation, the Proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people*.

The Proposed Project would not result in the use or installation of any equipment or processes that would be considered odor-emission sources. Almost all work, with the exception of the crane and/or helicopter during pedestrian bridge construction, will take place with hand-operated chainsaws and hand tools, and will not require prolonged use of diesel-powered equipment that could result in emission of odors.

Furthermore, with implementation of Mitigation Measure AIR-1, the District will implement all applicable BMPs to reduce adverse emissions such as odors, including limiting idling time of diesel

vehicles. This measure would reduce adverse emissions such as odors resulting from exhaust fumes; therefore, with implementation of mitigation, this impact would be considered **less than significant.**

3.3.4 Mitigation Measures

AIR-1. Air Quality Best Management Practices.

As required by NSAQMD Rule 226, a Fugitive Dust Plan will be prepared for the Project.

If use of portable equipment rated 50 bhp or greater is required, owners or operators of will register the applicable equipment through the Statewide Portable Equipment Registration Program or at the local air district level, in compliance with NSAQMD, Rule 523. Proof of registration will be provided to NID prior to Project implementation.

3.4 Biological Resources

Would the Proposed Project…	Potentially Significant Impact	Less than Significant with Mitigation	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 Wildlife 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, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☑	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (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?	☐	☐	☐	☑

3.4.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact on the environment related to biological resources if the Project would:

- 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 CDFW or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS;
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- 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;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

3.4.2 Setting

This section describes the biological setting of the Project area, including aquatic and terrestrial vegetation communities/wildlife habitats and special-status plants and wildlife. Provided below is a summary of the methods used to obtain information on biological resources in the Project area, and the resulting description of those resources.

Methods

This section summarizes the methods and results of the literature review and biological resource surveys completed to determine the presence of special-status plant and wildlife species or their habitat in the Project area.

Literature Review

Existing documents pertinent to special-status plant and wildlife species in the vicinity of the Proposed Project were compiled, reviewed, and analyzed. This included a review of the CDFW California Natural Diversity Database (CNDDB 2021), the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California (CNPS 2020), the Nevada County General Plan (Nevada County 2014), USFWS Species List (USFWS 2020a), USFWS National Wetlands Inventory (NWI) (USFWS 2020b), and the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2021). Relevant technical information from these documents is incorporated and referenced as appropriate.

Biological Resource Surveys

The Project area was surveyed to determine the presence of biological resources that may potentially be affected by the Project. A biological resource survey, including a vegetation community/wildlife habitat ground-truthing and a wildlife reconnaissance survey, was conducted to assess habitats in the Project area. Each of these is described below.

Vegetation Community/Wildlife Habitats

Vegetation communities were characterized during reconnaissance surveys conducted on January 7, 2021, and are classified based on A *Manual of California Vegetation* (Sawyer *et al.* 2009), cross-referenced with wildlife habitat types as classified in California Statewide Wildlife Habitat Relationships System (CWHR) (Mayer and Laudenslayer 1988).

Several habitats are considered sensitive by a local, state, or federal agency, as described below.

- **Waters of the U.S. and Waters of the State, including wetlands:** Any potential wetlands or other water features that would qualify as waters of the United States (WOUS) or of California (WOS), as well as other sensitive natural communities, were documented based on a review of NWI layers (USFWS 2020b) and confirmed during vegetation communities/wildlife habitat surveys.

  The USACE has regulatory authority over WOUS pursuant to Section 404 of the CWA. The Navigable Waters Protection Rule (NWPR) (33 CFR 328.3 and 40 CFR 120.2), which was effective as of June 22, 2020, establishes the scope of federal regulatory authority under the CWA. Under the NWPR, WOUS are defined to include:

- The territorial seas and traditional navigable waters (TNWs);
- Perennial and intermittent tributaries that contribute surface water flow to such waters;
- Certain lakes, ponds, and impoundments of jurisdictional waters; and
- Wetlands adjacent to other jurisdictional waters.

The following features are excluded from the definition of WOUS:

- Groundwater, including groundwater drained through subsurface drainage systems;
- Ephemeral features that flow only in direct response to precipitation, including ephemeral streams, swales, gullies, rills, and pools;
- Diffuse stormwater runoff and directional sheet flow over upland;
- Ditches that are not TNWs, tributaries, or that are not constructed in adjacent wetlands, subject to certain limitations;
- Prior converted cropland;
- Artificially irrigated areas that would revert to upland if artificial irrigation ceases;
- Artificial lakes and ponds that are not jurisdictional impoundments and that are constructed or excavated in upland or non-jurisdictional waters;
- Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
- Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater run-off;
- Groundwater recharge, water reuse, and wastewater recycling structures constructed or excavated in upland or in non-jurisdictional waters; and
- Waste treatment systems.

- The State of California exerts jurisdiction over "any surface water or groundwater, including saline waters, within the boundaries of the State" (California Water Code Section 13050(e)). This definition includes wetlands, which have recently been further defined by the State Water Resources Control Board (2020) to include 1) areas with continuous saturation from groundwater or surface water; 2) conditions in which duration of saturation is sufficient to cause anaerobic conditions (or water quality problems); and 3) an area's vegetation is dominated by hydrophytes (aquatic plants).
- **Riparian Habitat:** Riparian habitat is defined as areas adjacent to the banks of rivers, streams, or other waterways that contain vegetation that is distinct from upland species. Typical riparian species include cottonwood (*Populus* spp.), alder (*Alnus* spp.), ash (*Fraxinus* spp.) and willow (*Salix* spp.) These habitats are important to wildlife for foraging, nesting, refuge, and as migratory corridors. Riparian habitats are protected by CDFW under Fish and Game Code 1600–1603. In addition, the Wildlife and Vegetation Element of the Nevada County General Plan includes policies that protect riparian habitat (Nevada County 2014), including the following:
    - **Policy 13.2B**. Development projects which have the potential to remove natural riparian or wetland habitat of 1 acre or more shall not be permitted unless:

      a. No suitable alternative site or design exists for the land use;

b. There is no degradation of the habitat or reduction in the numbers of any rare, threatened, or endangered plant or animal species as a result of the project;

c. Habitat of superior quantity and superior or comparable quality will be created or restored to compensate for the loss; and

d. The Project conforms to regulations and guidelines of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, and other relevant agencies.

- **Policy 13.4A**. No net loss of habitat functions or values shall be caused by development where rare and endangered species and wetlands of over 1 acre, in aggregate, are identified during the review of proposed projects. No net loss shall be achieved through avoidance of the resource, or through creation or restoration of habitat of superior or comparable quality, in accordance with guidelines of the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Special-Status Plants

For the purposes of this document, a special-status plant species is defined as any species that is granted status by a federal, state, or local agency. Federally listed plant species are defined as those species granted status by the USFWS under the ESA and include threatened (FT), endangered (FE), proposed threatened or endangered (FPT, FPE), candidate (FC), or listed species proposed for delisting (FPD). State of California listed plant species, which are granted status by CDFW under the California Endangered Species Act (CESA), include rare (SR), threatened (ST), or endangered (SE) species. Under CEQA, special-status plants include species listed by CNPS as rare, threatened, or endangered in California and plants for which more information is needed (CNPS Lists 1B, 2B, and 3) (CNPS 2020).

Special-Status Wildlife

For the purposes of this document, a special-status wildlife species is defined as any species that is granted status by a federal, state, or local agency. Federally listed species are those granted status by federal agencies as FT, FE, FPT, FPE, FC, or FPD. State of California listed wildlife species are defined as those species granted status as ST, SE, California Fully Protected species (CFP), and species of special concern (SSC). In addition, this document includes raptor species protected under Section 3503.5 of the California Fish and Game Code and bird species protected under the Migratory Bird Treaty Act (MBTA) (16 USC 703–711).

Wildlife reconnaissance surveys were conducted to obtain information on any special-status wildlife species and their habitats present in the Project area on January 7, 2021 (Janelle Nolan & Associates Environmental Consulting [JNA Consulting] 2021). Species were recorded as present if they were observed, if species-specific vocalizations were heard, or if diagnostic field signs (e.g., scat, tracks, pellets, nests, or den sites) were found. Some species that are known to occur in the region and/or for which suitable habitat is present within the study area were recorded as potentially occurring, but not observed. General observations of the suitability of available habitat for various special-status species were also recorded.

Results

Vegetation community/wildlife habitat ground-truthing and wildlife reconnaissance surveys were conducted on January 7, 2021. Results of these surveys, as well as the literature review, are provided below.

Vegetation Communities/Wildlife Habitats

Soils underlying the Project area are split into three main locations. At the northern end of the Project area, on the slopes above the Scotts Flat Powerhouse discharge channel, the soils are Aiken cobbly loam (2 to 30 percent slopes) and Josephine-Mariposa complex (5 to 50 percent slopes, eroded). These soils are well drained with a parent material of colluvium derived from conglomerate and vertically tilted slate, shale or contact metamorphic rock (NRCS 2021). In the vicinity of the Scotts Flat Scotts Flat Powerhouse discharge channel and Deer Creek, the soils are Placer diggings, which are leftover materials from intensive mining activities in the 19th century, and tend to be hydric soils (NRCS 2021). At the southern end of the Project area, on the slopes above Deer Creek, the soils are Cohasset loam, shoulders (3 to 20 percent slopes); Cohasset loam, backslopes (5 to 30 percent slopes; and Cohasset cobbly loam (5 to 30 percent slopes). These soils are well drained with a parent material of residuum or colluvium derived from volcanic or conglomerate rock (NRCS 2021).

Vegetation communities are typical of the western slopes of the Sierra Nevada. These include *Pinus ponderosa – Calocedrus decurrens* Forest & Woodland Alliance (mixed conifer forest and woodland), *Alnus rhombifolia* Forest & Woodland Alliance (white alder groves), *Rubus armeniacus* Semi-Natural Shrubland Stands (Himalayan blackberry brambles), and *Typha (angustifolia, domingensis, latifolia*) Herbaceous Alliance (cattail marshes). These vegetation communities are equivalent to Sierran mixed conifer, montane riparian, and freshwater emergent wetland as classified by the CWHR system, each described briefly below. The Project area also contains two perennial stream features (Scotts Flat Powerhouse discharge channel and Deer Creek).

Sierran Mixed Conifer

The Sierran mixed conifer forest habitat generally occurs on the western slopes of the Sierra Nevada between 2,500 and 10,000 feet in elevation and is comprised of a mix of conifer and hardwood species. In the Project area, this habitat consists of mix of conifer species in the overstory, with the dominant species comprised of incense cedar (*Calocedrus decurrens*), ponderosa pine (*Pinus ponderosa*), and Douglas-fir (*Pseudotsuga menziesii*). White fir (*Abies concolor*) and sugar pine (*Pinus lambertiana*) are more intermittently distributed in the overstory. The lower canopy of the forest is comprised mostly of Pacific madrone (*Arbutus menziesii*), gold cup live oak (*Quercus crysolepis*), and California black oak (*Quercus kelloggii*). The understory is comprised of a mix of shrubs such as greenleaf manzanita *(Arctostaphylos patula*) and herbaceous vegetation such as California honeysuckle (*Lonicera hispidula*), common self-heal (*Prunella vulgaris*), and western bracken fern (*Pteridium aquilinum* var. *pubescens*). This habitat types occurs throughout most of the Project area on the slopes above the Scotts Flat Powerhouse discharge channel and Deer Creek. Common wildlife species observed in this habitat included dark-eyed junco, red-breasted nuthatch, and western gray squirrels

Montane Riparian

Montane riparian habitats generally occur in a narrow band along streams, floodplains, and waterways in the western Sierra Nevada, typically between 2,000 and 8,000 feet in elevation. In the Project area, this habitat consists mostly of white alder (*Alnus rhombifolia*) with a lesser amount of bigleaf maple (*Acer macrophyllum*), dogwood (*Cornus* spp.), and willow (*Salix* spp.) intermixed. The understory is mostly comprised of non-native Himalayan blackberry (*Rubus armeniacus*), which forms monocultures in some areas, particularly along the Scotts Flat Powerhouse discharge channel. This habitat type occurs in a narrow band along the Scotts Flat Powerhouse discharge channel and Deer Creek. Common wildlife species observed in this habitat included great blue heron and American dipper.

Freshwater Emergent Wetland

Freshwater emergent wetlands are characterized by herbaceous hydrophytes that grow primarily in standing water. Freshwater emergent wetlands can be found at any elevation in California. One small

freshwater emergent wetland occurs along the trail alignment between the Scotts Flat Powerhouse discharge channel and Deer Creek. This 0.04-acre wetland is dominated by cattails (*Typha* spp.) intermixed with Himalayan blackberry. Dogwoods are present around the perimeter of the wetland. This wetland is considered a WOUS/WOS.

Other Waters of the U.S.

Table 3.4-1 provides a summary of non-wetland WOUS/WOS in the Project area. Refer to **Map 3** for the location of each feature.

Table 3.4-1. Waters of the U.S./Waters of the State in the Project Area.

Feature Name	Jurisdiction (WOUS/WOS)	Description
Scotts Flat Powerhouse Discharge Channel	WOUS/WOS	A man-made channel that begins at the Scotts Flat Powerhouse and flows for 800 feet before connecting to Deer Creek. Montane riparian habitat is extensive along the north bank of this feature. A pedestrian bridge will span this feature.
Deer Creek	WOUS/WOS	Deer Creek flows from the bottom of the Scotts Flat Spillway for approximately 1,100 feet before its confluence with the Scotts Flat Powerhouse Discharge Channel. Montane riparian habitat occurs in a thin ribbon along both banks of this feature. A pedestrian bridge will span this feature.
Intermittent Stream 1	WOUS/WOS	Intermittent Stream 1 has a width of approximately 2 feet where it crosses the proposed trail. This stream had flowing water at the time of the reconnaissance survey in January, and had a strongly defined bed and bank and gravel deposits indicative of an intermittent stream. Intermittent Stream 1 eventually flows in the Scott Flat Dam Spillway. An elevated boardwalk will span this feature.
Intermittent Stream 2	WOUS/WOS	Intermittent Stream 1 has a width of approximately 2 feet where it crosses the proposed trail. This stream had flowing water at the time of the reconnaissance survey in January, and had a strongly defined bed and bank and gravel deposits indicative of an intermittent stream. Intermittent Stream 2 eventually flows into the Scotts Flat Dam Spillway. An elevated boardwalk will span this feature.
Ephemeral Stream 1	WOS	Ephemeral Stream 1 has a width of approximately 1 foot and crosses the existing dirt access road approximately 30 feet west of the Dam Road and drains into a small depression dominated by Himalayan blackberry. This feature will not be affected by Project activities.
Ephemeral Stream 2	WOS	Ephemeral Stream 2 crosses the proposed trail and connects with Intermittent Stream 1 downstream of the proposed trail. Flowing water and an indistinct high water mark was present at the time of the reconnaissance survey in January. This stream has a width of approximately 1 feet. An elevated boardwalk will span this feature.

Sensitive Habitats

Sensitive habitats, including WOUS/WOS and riparian habitat are present the Project area. A description of the location of these habitats is provided below.

- **WOUS/WOS, including Wetlands:** The freshwater emergent wetland and the features listed in Table 3.4-1 (including the Scotts Flat Powerhouse discharge channel and Deer Creek) would be considered WOUS/WOS.

- **Riparian Habitat:** As described above, there are narrow bands of montane riparian habitat along the Scotts Flat Powerhouse discharge channel and Deer Creek. Vegetation includes white alder in the overstory and dense thickets of Himalayan blackberry in the understory.

Special-Status Plants

Twenty special-status plants have been recorded in Nevada County in the North Bloomfield 7.5" topographic quad and the nine surrounding quads. Refer to **Appendix A** for information on the status, life history, distribution, and potential for occurrence of these special-status plant species. Refer to **Map 4** for the location of special-status plant populations in the vicinity of the Project**.** Based on a review of vegetation communities, species range, and the elevation of the Project, only ten of the 20 species listed in **Appendix A** have the potential to occur in the Project area. Segment 4 of the trail is the only portion that represents habitat for special-status plants. Segment 1 is located on the Snow Mountain Ditch berm; Segment 2 is an existing skid trail; Segment 3 is an existing road (Scotts Flat Dam Road); staging areas are located in previously disturbed areas; and the proposed new parking area is located within a historic landing site. Species that may potentially occur in Segment 4 of the proposed trail include:

- Butte County fritillary (*Fritillaria eastwoodiae* – CRPR 3.2),
- dubious pea (*Lathyrus sulphureus* var. *argillaceous* – CRPR 3),
- Cantelow's lewisia (*Lewisia cantelovii* – CRPR 1B.2),
- inundated bog club-moss (*Lycopodiella inundata* – CRPR 2B.2),
- Follett's monardella (*Monardella follettii* – CRPR 1B.2),
- Stebbins' phacelia (*Phacelia stebbinsii* – CRPR 1B.2),
- Sierra blue grass (*Poa sierrae* – CRPR 1B.3),
- brownish beaked-rush (*Rhychospora capitellata* – CRPR 2B.2),
- Scadden Flat checkerbloom (*Sidalcea stipularis* – SE, CRPR 1B.1), and
- True's mountain jewelflower (*Streptanthus toruosus* ssp. *truei* – CRPR 1B.1).

Special-Status Wildlife

Based on the elevation and the habitats present onsite, 16 special-status wildlife species may potentially occur in the Project area. Information on the status, life history, distribution, and potential for occurrence of these species is described below and summarized in **Appendix B**. Refer to **Map 4** for the location of special-status wildlife species known to occur within 1 mile of the Project area.

A reconnaissance-level wildlife survey was conducted in the Project area on January 7, 2021. No special-status wildlife species or their sign were observed within the Project area.

Resident Fish

The Scotts Flat Powerhouse discharge channel and Deer Creek provide habitat for a variety of resident fish species. According to the PISCES database (PISCES 2014), resident fish that may potentially occur in the Project vicinity include central California roach (*Lavinia symmetricus symmetricus*), Sacramento pikeminnow (*Ptychocheilus grandis*), and Sacramento sucker (*Catostomus occidentalis occidentalis*).

Brown trout (*Salmo trutta*) are also known to be present in Deer Creek (Office of Environmental Health Hazard Assessment [OEHHA] 2018). The dam on Lower Scotts Flat Reservoir downstream of the Project area precludes access by special-status fish species such as Central Valley steelhead (*Oncorhynchus mykiss*).

No fish were observed at the proposed pedestrian bridge crossing locations during reconnaissance surveys conducted on January 7, 2021.

Special-status Amphibians and Reptiles

- **Foothill Yellow-Legged Frog (*Rana boylii* – SCT):** The foothill yellow-legged frog (FYLF) is a highly aquatic species that inhabits rocky streams and rivers below 3,200 feet in elevation, with near-shore areas of low velocity, frequent depositional features, and cobble/boulder substrate for breeding and similar areas with gravel/sand substrate for rearing. FYLF can be found in either perennial or intermittent streams, though they are never found far from permanent water sources. Upland habitat for this species would include banks and uplands within approximately 33 feet of aquatic habitat. Breeding and egg-laying usually begins any time from mid-March to May, eggs hatch in about five days to more than 30 days and tadpoles transform in three to four months, typically from July to October. Most populations of FYLF are found in habitats that are free of introduced predators, on one or more life stage, which are believed to include the garter snakes, bullfrogs, small mammals, non-native crayfish and various fishes including bass, catfish, and mosquito fish (Hayes et al. 2016).

  The Scotts Flat Powerhouse discharge channel and Deer Creek within the Project area represent marginal breeding and dispersal habitat for FYLF. Both the Scotts Flat Powerhouse discharge channel and Deer Creek are perennial watercourses that contain rocky substrates for breeding and open areas suitable for basking. The suitability of this habitat is reduced by the fact that 1) both streams experience unpredictable variation in flow, which typically precludes breeding for this species (Hayes et al. 2016) and 2) a large population of bullfrogs, a known predator of FYLF, were observed during previous amphibian surveys conducted in Deer Creek (NID 2018). No FYLF of any life stage were observed during reconnaissance surveys conducted in January 2021.

- **Western Pond Turtle (*Emys marmorata* – SSC):** The range for western pond turtle extends from the western Washington south to central California. In the Sierra Nevada, it historically occurred in most of the major drainages along the western slope. The western pond turtle occurs in a wide variety of permanent and ephemeral aquatic habitats, including ponds, lakes, streams, and irrigation ditches, with emergent vegetation and rock outcrops or floating debris for basking. They may also be found nesting or overwintering in adjacent upland habitats within approximately 325 feet of aquatic habitats (Reese and Welsh 1997). Western pond turtles nest on land between May and July within approximately 150 feet of water in dry clay, loam, or silt soils, in open areas with sparse, low vegetation (annual grasses and herbs). Although eggs hatch by September, hatchlings overwinter in the nest site and migrate to aquatic sites in March and April 2018.

  No turtles were observed during reconnaissance surveys conducted on January 7, 2021. However, suitable aquatic and upland habitat for western pond turtle is present in and within 325 feet of the Scotts Flat Powerhouse discharge channel and Deer Creek. The freshwater emergent wetland would also be considered suitable habitat. Therefore, western pond turtle could potentially occur in the Project area.

Special-Status Reptiles

- **Blainville's (Coast) Horned Lizard (Phrynosoma blainvillii – SSC):** Blainville's (Coast) horned lizard inhabits valleys, foothills, and semiarid mountains with sandy soil and low

vegetation. This species' elevation range extends from sea level up to 4,000 feet in the Sierra Nevada foothills (Morey 2000). It can be found in grasslands, coniferous forests, woodlands, and chaparral with open areas and patches of loose soil with a high sand content (Jennings and Hayes 1994). This species is diurnal and active during warm weather. This species emerges from hibernation in March and becomes active from April through July, after which adults aestivate (Hagar 1992). Eggs typically hatch from August to September (California Herps 2021).

No Blainville's horned lizards were observed during reconnaissance surveys conducted on January 7, 2021. However, suitable habitat is present in open areas within the coniferous forest habitat matrix of the trail. Therefore, Blainville's horned lizard could potentially occur in the Project area.

Special-Status Birds

- **Northern Goshawk (*Accipiter gentilis* – SSC):** Northern goshawk *(Accipiter gentilis*) are found in mature, dense conifer forests, though they can be found in pinyon-juniper and low-elevation riparian habitats. Foraging takes place in wooded areas where they use snags and dead-topped trees for observation and prey-plucking. This species nests on north-facing slopes, in dense stands near water, from March through August. Nests are typically 19 to 92 feet above the ground (Zeiner et al. 1988). Average clutch sizes for northern goshawk range from one to five with an average of three. The female will incubate for 36 to 41 days and the young typically fledge within 45 days (Zeiner et al. 1988).

  There are no records for northern goshawks nests in the Project vicinity. This species was not observed during reconnaissance surveys conducted on January 7, 2021; however, suitable dense coniferous forest habitat is present in the Project area and prey sources such as western gray squirrel (*Sciurus griseus*) and band-tailed pigeon (*Patagoienas fasciata*) were observed. Therefore, northern goshawk may potentially occur in the Project area.

- **Bald Eagle (*Haliaeetus leucocephalus* –Bald and Golden Eagle Protect Act [BAGEPA], SE, CFP):** Bald eagles typically nest in large conifer or hardwood trees in forested areas, or on cliff faces (Anthony et al. 1982, USFWS 1986). They usually nest within 1 mile of water (USFWS 2007), often much closer, and are generally isolated from human activity and disturbance; they also often nest in one of the largest trees in a stand and in a prominent location providing vistas over the surrounding area (Buehler 2000, USFWS 1986). During winter, bald eagles typically inhabit low-elevation areas, but may be found up to 8,125 feet above mean sea level (msl) in some western states (Buehler 2000).

  The quality of foraging habitat associated with large bodies of water depends on such factors as abundance of the fish that bald eagles prey upon; the presence of shallow water, which may increase the availability of prey; and the level of human disturbance (Buehler 2000; Stalmaster and Kaiser 1998; Garrett et al. 1993). The presence of suitable perch sites is also an important factor. In addition to being near water with ample prey, perch sites tend to be those that provide good views of the surrounding area and are often the highest site available (USFWS 1986). In arid climates, reservoirs provide important foraging habitat during both the breeding season and winter.

  There are no known bald eagle nests in the Project vicinity, and this species was not observed during reconnaissance surveys conducted on January 7, 2021. However, Scotts Flat Reservoir and the surrounding forests provide suitable nesting, roosting, and foraging habitat for this species. Therefore, bald eagle may potentially occur in the Project area.

- **Long-eared Owl (*Asio otus* – SSC):** The long-eared owl breeds in dense stands of riparian vegetation near open habitats for foraging. Long-eared owls can be found throughout the state of

California. This species was previously more common in riparian habitats in the Central Valley, but agricultural conversion has reduced the available habitat. Long-eared owls are an uncommon summer resident in the foothills and mid-elevations of the Sierra Nevada (Hunting 2008). Long-eared owls mainly use existing corvid or hawk nests for nesting, but can be found in mistletoe brooms or natural platforms (Voous 1988, Bloom 1994, Marks et al. 1994).

This species was not observed during reconnaissance surveys conducted on January 7, 2021. However, riparian habitat along the Scotts Flat Powerhouse discharge channel and Deer Creek represents suitable nesting habitat for this species. Therefore, long-eared owl may potentially occur in the Project area.

- **California Spotted Owl (*Strix occidentalis occidentalis* – SSC):** The California spotted owl is a resident of Sierra mixed conifer, ponderosa pine, red fir and montane hardwood forest types with high structural diversity, and dominated by medium (12 to 24 inches) and large (greater than 24 inches) trees and with moderate to high levels of canopy cover (generally greater than 40 percent) (Blakesley 2003, Blakesley et al. 2005, Chatfield 2005, Seamans 2005). This species is found in the Sierra Nevada up to elevations of 7,600 feet. Nests can be found inside cavities of live and dead firs and pines, in the top of broken-topped trees and snags, in platform nests which naturally exist in branching structures or which were built by another species, or in mistletoe brooms (Gutiérrez et al. 1992, Blakesley et al. 2005). Nesting habitat is primarily dominated by medium (12 to 24 inches dbh) to large (greater than 24 inches) trees and multi-storied stands with dense canopy closure (generally greater than 70 percent) (Verner et al. 1992, Moen and Gutiérrez 1997, North et al. 2000, Blakesley 2003, Blakesley et al. 2005). Large trees typically provide tall, dense, canopies with open understories, suitable nesting cavities, and structural complexity, which benefits prey species for foraging and nesting. Breeding season varies by latitude and elevation, but generally begins mid-February and lasts as late as mid-September.

  This species was not observed during reconnaissance surveys conducted on January 7, 2021. However, Sierran mixed conifer habitat on the slopes above the Scotts Flat Powerhouse discharge channel and Deer Creek represents suitable nesting and foraging habitat for this species. There is a designated California spotted owl Protected Activity Center (PAC) [NEV0038] approximately 0.5 mile west of the Project area (CNDDB 2021). Therefore, California spotted owl may potentially occur in the Project area.

- **Vaux's swift (*Chaetura vauxii* – SSC):** The Vaux's swift is a migratory bird that nests in a variety of coniferous forest habitats in California, from the Northern Coast ranges, Cascades, and Sierra Nevada down to Tulare County (Hunter 2008). This species winters in central Mexico south into Central America. This species nests and roosts in cavities in conifer trees, usually in old-growth forests; less-frequently they roost in chimneys or other buildings with vertical elements (Hunter 2008). Loss of potential roost and nest sites are probably the primary threat to the Vaux's swift.

  This species was not observed during reconnaissance surveys conducted on January 7, 2021. However, Sierran mixed conifer habitat on the slopes above the Scotts Flat Powerhouse discharge channel and Deer Creek represents suitable nesting and foraging habitat for this species. Therefore, Vaux's swift may potentially occur in the Project area.

- **Olive-sided Flycatcher (*Contopus cooperi* – SSC):** The olive-sided flycatcher is a summer resident of coniferous forest habitats in the mountains and foothill regions of California. Olive-sided flycatchers breed in primarily late-successional coniferous forests with open canopies at elevations between 3,000 and 7,000 feet (Verner 1980, Altman and Sallabanks 2000). Olive-sided flycatchers typically nest on the upper surface of branches of large conifer trees, up to 100 feet off

the ground (Widdowson 2008). This species prefers to forage from unobstructed perches and over forest canopies; they are often seen making sallying flights to catch insect prey.

This species was not observed during reconnaissance surveys conducted on January 7, 2021. However, Sierran mixed conifer habitat on the slopes above the Scotts Flat Powerhouse discharge channel and Deer Creek represents suitable nesting and foraging habitat for this species. Therefore, olive-sided flycatcher may potentially occur in the Project area.

- **Yellow warbler (*Setophaga petechia* – SSC):** The yellow warbler breeds in riparian vegetation along streams or in wet meadows, especially in willows, cottonwoods, and various riparian shrubs (Heath 2008). It may occasionally use shrublands and understory trees in mixed conifer forests. The yellow warbler is fairly abundant in the Sierra Nevada, although it has been nearly extirpated from the Central Valley (Heath 2008). This species occurs as a migrant from late March through early October, and breeds from April to late July (Heath 2008).

  This species was not observed during reconnaissance surveys conducted on January 7, 2021. However, riparian habitat adjacent to the Scotts Flat Powerhouse discharge channel and Deer Creek represents suitable nesting and foraging habitat for this species. Therefore, yellow warbler may potentially occur in the Project area.

- **Yellow-breasted chat (*Icteria virens* – SSC):** The yellow-breasted chat can be found in valley foothill riparian habitat up to elevations of 6,500 feet. This species requires riparian thickets of willow and other brushy tangles near watercourses for cover (Comrack 2008). This species feeds on insects, spiders, berries, and other fruits and mostly gleans from foliage of shrubs and low trees. Yellow-breasted chat breed from early May into early August with peak activity in June (Comrack 2008). Loss and degradation of riparian habitat have caused a marked decline in the breeding population of yellow-breasted chat in recent decades in California. Parasitism by brown-headed cowbirds also have contributed to the decline (Comrack 2008).

  This species was not observed during reconnaissance surveys conducted on January 7, 2021. However, riparian habitat adjacent to the Scotts Flat Powerhouse discharge channel and Deer Creek represents suitable nesting and foraging habitat for this species. Therefore, yellow-breasted chat may potentially occur in the Project area.

Special-Status Mammals

- **Sierra Nevada Mountain Beaver (*Aplodontia rufa californica* – SSC):** The Sierra Nevada mountain beaver is a small, thick-bodies rodent with tiny eyes and small ears, and is usually found in communal burrows dug in the banks of streams. The mountain beaver is the only member of its genus; it resembles a muskrat. The mountain beaver is about 12 inches long, grayish or brownish-red in color, and is nearly tailless. The Sierra Nevada mountain beaver frequents open forest near water. Deep, friable (easily crumbled) soils are required for burrowing, along with a cool, moist microclimate. Burrows are located in deep soils in dense thickets, preferably near a stream or spring. The mountain beaver lines its nest with dry vegetation. Nest chambers are 1 to 4 ½ feet below the ground surface. Breeding occurs from December through March (peaking in February). Young are born February to June (peaking March through May). There is one litter per year, and litter size averages between two and three.

  This species was not observed during reconnaissance surveys conducted on January 7, 2021. However, riparian and coniferous forest habitat adjacent to the Scotts Flat Powerhouse discharge channel and Deer Creek represents suitable habitat for this species. Therefore, Sierra Nevada mountain beaver may potentially occur in the Project area.

- **Pallid Bat (*Antrozous pallidus* – SSC):** The pallid bat is a year-round resident in California. The pallid bat is found in arid desert areas, grasslands and oak savanna, coastal forested areas, and coniferous forests of the mountain regions of California. Day and night roost sites typically include rock outcroppings, caves, hollow trees, mines, buildings, and bridges. Pallid bats will use more open sites such as eaves, awnings, and open areas under bridges for night feeding roosts.

  There are no known occurrences of pallid bat in the Project area, and no bats were observed during the reconnaissance survey conducted on January 7, 2021. Hollow trees in the Project area represent potential roosting habitat for this species. Open areas over the Scotts Flat Dam and adjacent to the Scotts Flat Powerhouse discharge channel and Deer Creek represent potential foraging habitat for this species. Therefore, this species could potentially occur in the Project area.

- **Townsend's Big-eared Bat (*Lasiurus blossevillii* – SSC):** Townsend's big-eared bat is a year-round resident in California. The Townsend's big-eared bat is found primarily in rural settings, from inland deserts to coastal redwoods, oak woodland of the inner Coast Ranges and Sierra Nevada foothills, and low to mid-elevation mixed coniferous-deciduous forests (National Park Service [NPS] 2017). It typically roosts during the day in caves and mines, but may roost in buildings that offer suitable conditions. Night roosts are typically located in more open settings such as bridges.

  There are no known occurrences of Townsend's big-eared bat in the Project area, and no bats were observed during the reconnaissance survey conducted on January 7, 2021. There are no mines, caves, or other structures in the Project area that provide roosting habitat for this species. Open areas over upland habitat represent potential foraging habitat for this species. Therefore, this species could potentially occur in the Project area.

- **Western Red Bat (*Lasiurus blossevillii* – SSC):** Western red bat can be found from Shasta County in northern California to the Mexican border, west of the Sierra Nevada/Cascade crest and deserts. This species roosts in forest and woodlands ranging from sea level through mixed conifer forests. Roosting takes place primarily in trees in areas that are protected from above and roost sites are often adjacent to streams, fields, or urban areas. This species forages over a variety of habitats, including grasslands, shrublands, open woodlands and forests, and croplands. Threats to this species include motor vehicles, pesticides, and poor water quality.

  There are no known occurrences of western red bat in the Project area, and no bats were observed during the reconnaissance survey conducted on January 7, 2021. Forests surrounding the Scotts Flat Powerhouse discharge channel and Deer Creek provide roosting habitat for this species. Open areas over upland habitat represent potential foraging habitat for this species. Therefore, this species could potentially occur in the Project area.

- **Ringtail (*Bassariscus astutus* – CFP):** Ringtail, or ring-tailed cat, are found throughout California in hilly or mountainous terrain. Ringtails are carnivorous and feed mostly on rodents, rabbits, birds and their eggs, large insects, fruits, nuts, and some carrion (Trapp 1978). Ringtail primarily occur in riparian habitats, particularly near rock outcrops or steep ravines for cover. Ringtails den in hollow trees, logs, snags, and cavities in rocky areas. This species frequents a matrix a forest and shrubland habitats in close proximity (within 0.6 mile) of water.

  There are no known occurrences of ringtail in the Project area, and no ringtail were observed during the reconnaissance survey conducted on January 7, 2021. The forests and slopes surrounding the Scotts Flat Powerhouse discharge channel and Deer Creek provide habitat for this species. Therefore, ringtail could potentially occur in the Project area.

Other Protected Bird Species

In addition to the species listed above, the Project area represents potential habitat for raptors protected under Section 3503.5 of the California Fish and Game Code and other bird species protected under the MBTA, including raptors such as the red-tailed hawk (*Buteo jamaicensis*) and red-shouldered hawk (*Buteo lineatus*); ground-nesting species such as California quail (*Callipepla californica*); and nesting songbirds such as the California scrub-jay (*Aphelocoma californica*) and California towhee (*Melozone crissalis*).

Discussion

a) With implementation of mitigation, the Proposed Project will not 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 CDFW or USFWS.

The Proposed Project vicinity represents potential habitat for 12 special-status plant species and 16 special-status wildlife species, as well as raptors protected under California Fish and Game Code or other bird species protected under the MBTA. The following is a discussion of potential impacts to these special-status species.

Special-Status Plants

Ten special-status plants may potentially occur in Segment 4 of the trail. All other trail segments, the parking area, and staging areas are in developed or previously disturbed areas. Mitigation Measure BIO-1 requires NID to conduct surveys during the blooming season for these plants prior to construction to determine whether these species are present. If special-status plant species are observed, the trail alignment will be modified to avoid the plant(s) and/or a 5-foot buffer will be established (using stakes, flagging, or other similar methods) to protect the plants during construction activities, as appropriate. If avoidance of the plant(s) is not practicable, NID will consult with the appropriate resource agencies to determine an appropriate avoidance and protection measure considering the plant species, site-specific habitat characteristics, and the nature of construction activities to be conducted that may disturb the plant. The avoidance and protection measure would be implemented as part of the Project.

With implementation of Mitigation Measure BIO-1, impacts to special-status plants would be considered **less than significant.**

Special-Status Wildlife

Provided below is discussion of potential impacts to special-status wildlife species, as well as raptors protected under California Fish and Game Code or other bird species protected under the MBTA.

Resident Fish

The Project will not result in direct impacts to resident fish because the Project does not require work within the ordinary high water mark of the Scotts Flat Powerhouse discharge channel and Deer Creek.

The Project may result in short-term temporary impacts to water quality downstream of the pedestrian bridges from increased sedimentation from ground disturbance, or the runoff of hazardous materials. To minimize impacts to aquatic habitat, the District will implement Mitigation Measures BIO-2, BIO-3, BIO-5, and HYD-1.

Mitigation Measures BIO-2 and BIO-3 limit construction to designated work areas and require construction personnel to receive environmental awareness training prior to initiation of the Project. In addition, to preserve water quality and maintain aquatic habitats in or downstream of the pedestrian bridges during construction, the District would implement Mitigation Measure BIO-5, which requires the District to obtain relevant permits from USACE, RWQCB, and CDFW for all work conducted

within WOUS/WOS and to implement all water quality and aquatic species protection measures contained in the permits.

Mitigation Measure HYD-1 states that the District will identify and implement site-specific BMPs to control erosion and sediment loss to protect water quality. Specifically, contractors will be required to prepare a spill prevention and control plan (SPCP) that will be implemented during Project activities. All refueling, storage, servicing, and maintenance of equipment will be performed in designated areas at least 50 feet away from flagged riparian areas.

Implementation of these measures would minimize the potential for temporary effects to water quality within and downstream of the Project area. Therefore, with implementation of mitigation, indirect effects to resident fish are **less than significant**.

Special-Status Aquatic Amphibians and Reptiles

Foothill Yellow-Legged Frog and Western Pond Turtle

Direct Effects

Construction of the pedestrian bridges over the Scotts Flat Powerhouse discharge channel and Deer Creek could potentially result in direct impacts to FYLF or western pond turtles, if present at the time of construction. Individuals could experience direct mortality from contact with heavy equipment during construction of the pedestrian bridges. In order to prevent direct impacts to FYLF or western pond turtle, the District will implement Mitigation Measures BIO-2, BIO-3 and BIO-4.

Mitigation Measure BIO-2 requires work activities to be limited to a designated work area, and Mitigation Measures BIO-3 states that all construction personnel will attend an environmental awareness training which includes a review of special-status species potentially in the Project area and mitigation measures that must be implemented to reduce the potential for effects to these species or their habitat. Mitigation Measure BIO-4 states that a qualified biological monitor will be present during ground-disturbing activities within 325 feet of the Scotts Flat Powerhouse discharge channel and Deer Creek. If FYLF or WPT are present, construction activities that may potentially affect the animal(s) would cease until the monitor determines the animal is out of harm's way.

Implementation of these measures would minimize the potential for direct effects to FYLF or western pond turtle, if present in the Project area. Therefore, with implementation of mitigation, impacts to these species are **less than significant.**

Indirect Effects

The Project would require the installation of pedestrian bridges, resulting in removal of approximately 0.03 acre of riparian habitat (for both features combined). The Project could also result in short-term temporary impacts to water quality downstream of the pedestrian bridges from increased sedimentation from ground disturbance, or the runoff of hazardous materials into the Scotts Flat Powerhouse discharge channel or Deer Creek. In order to minimize impacts to aquatic habitat and wetland habitat, the District will implement Mitigation Measures BIO-2, BIO-3, BIO-5 and HYD-1.

As described above, Mitigation Measures BIO-2 and BIO-3 limit construction to designated work areas and require construction personnel to receive environmental awareness training prior to initiation of the Project. In addition, to preserve water quality and maintain aquatic habitats in or downstream of the pedestrian bridges during construction, the District would implement Mitigation Measure BIO-5, which requires the District to obtain relevant permits from USACE, RWQCB, and CDFW for all work conducted within WOUS/WOS and to implement all water quality and aquatic species protection measures contained in the permits.

Mitigation Measure HYD-1 states that the District will identify and implement site-specific BMPs to control erosion and sediment loss to protect water quality. Specifically, contractors will be required to prepare a spill prevention and control plan (SPCP) that will be implemented during Project activities. All refueling, storage, servicing, and maintenance of equipment will be performed in designated areas at least 50 feet away from aquatic features and riparian areas.

Implementation of these measures would mitigate for permanent alteration of habitat and would minimize the potential for temporary effects to water quality within and downstream of the Project area. Therefore, with implementation of mitigation, indirect effects to FYLF and western pond turtle would be considered **less than significant.**

Special-Status Birds

Bald Eagles, Special-Status Raptors, and Other Bird Species

Direct Effects

The Project area represents appropriate habitat for other special-status avian species including bald eagles, raptors such as northern goshawk and California spotted owl, and songbirds such as yellow warbler and yellow-breasted chat. Other raptors protected under Section 3503.5 of the California Fish and Game Code or other native bird species protected by the MBTA may also occur in the Project area.

Tree- and shrub-nesting birds could potentially be affected by removal of trees and shrubs for the construction of the Segment 4 of the trail (including the pedestrian bridges) and the crane temporary access trail; and ground-nesting birds could potentially be affected by the ground disturbance associated with trail construction. Noise and other disturbance from use of equipment, operation of the helicopter, and the presence of construction crews could result in short-term, temporary disturbance of birds known or potentially nesting or foraging in the Project area.

As described in the Project Description (Section 2.4), NID will utilize the top surface of Scotts Flat Dam as a helicopter landing site. Helicopter use will be limited to no more than 90 minutes of combined flight time at the Project site.

The District will implement Mitigation Measures BIO-2, BIO-3, and BIO-6 to reduce the potential for loss or disturbance of nesting or foraging birds. Mitigation Measure BIO-2 states that the District will implement general construction measures to reduce impacts to biological resources, including birds. This includes using designated access and staging areas in previously disturbed areas, limiting work to the hours between sunrise and sunset, and limiting vegetation removal to that necessary for implementation of the Project.

Mitigation Measure BIO-3 states that the District will require construction personnel to participate in training regarding sensitive biological resources (including special-status birds) in the Project area.

Mitigation Measure BIO-6 states that a qualified biologist will conduct a preconstruction survey within the 30 days prior to Project initiation to determine if active nests are present in trees, shrubs, or on the ground in the Project area. The Project area and a 25-foot buffer will be surveyed for nesting non-raptorial birds. The Project area and a 500-foot buffer will be surveyed for nesting raptors. A 660-foot buffer around the Project area will be surveyed for nesting bald eagles. If active nests are found, the District would implement the appropriate no-disturbance buffer around the nest until the young have fledged, as determined by a qualified biologist, unless the District receives written authorization from CDFW to proceed.

With implementation of mitigation, potential impacts to bald eagles, raptors, and other birds would be considered **less than significant.**

Indirect Effects

The Proposed Project will require the removal of up to approximately 0.45 acre of upland vegetation (including up to 10 trees less than 24 inches dbh), and approximately 0.03 acre of riparian vegetation (primarily Himalayan blackberry bramble), including four trees measuring 10–24 inches dbh. Removal of this vegetation would represent the loss of potential nesting and foraging habitat for special-status raptors or other birds. The District would implement Mitigation Measures BIO-2 and BIO-7 to minimize impacts to habitat.

Mitigation Measures BIO-2 and BIO-7 state that removal of vegetation, including riparian vegetation, will be limited to that necessary for the Project. Measure BIO-2 further states that the District will use designated access and staging areas located within previously disturbed areas, and will limit vegetation removal to that necessary for implementation of the Project.

Removal of vegetation of a maximum of 0.45 acre of upland shrubs and herbaceous vegetation, and removal of 0.03 acre of riparian vegetation would not result in significant changes to the proportion of vegetation types present in the Project area, the structure of canopy layers, or the extent of canopy cover in the Project area. Therefore, with implementation of mitigation, potential impacts to foraging and or/nesting special-status avian species resulting from vegetation removal would be **less than significant.**

Special-Status Mammals

Special-Status Bats

Direct Effects

The Project has minimal potential to affect roosting or foraging bats, including pallid, Townsend's big-eared, and western red bats. While these species may potentially roost in trees, tree removal is limited to 14 trees less than 24 inches dbh. Considering that tree-roosting bats typically select the largest available trees or snags for roosting, removal of up to 14 small trees is unlikely to directly affect special-status roosting bats (including pallid, Townsend's big-eared, and western red bats). Implementation of Mitigation Measure BIO-2 would further minimize any potential for effects to roosting bats by limiting construction activities to designated work areas and limiting vegetation removal to that necessary for implementation of the Project. This measure also limits construction to the hours between sunrise (no earlier than 7 a.m.) and sunset (no later than 7 p.m.), which would minimize the potential for direct effects to foraging bats, since foraging typically occurs at dusk. Considering that the Project requires minimal tree removal, and with implementation of mitigation, this impact is **less than significant.**

Indirect Effects

Noise and human presence from construction activities may cause short-term, temporary disturbance of special-status bats that may forage or roost in the Project area and vicinity. However, any potential disturbance to bats would be minimal for several reasons. Mitigation Measure BIO-2 requires that the District establish access routes and staging areas in previously disturbed areas and restricts construction activities to the hours between sunrise and sunset. The special-status bats are crepuscular species that typically would not be foraging in the Project area during daylight hours. Therefore, with implementation of mitigation, this impact is **less than significant.**

Other Special-Status Mammals

The Project area provides potential foraging habitat for two additional special-status mammals, the Sierra Nevada mountain beaver and the ringtail. Mountain beavers and ringtails could be disturbed by the construction of the trail and pedestrian bridges. However, any potential disturbance to these

species would be minimal for several reasons. The Project is short-term and temporary in nature. Mitigation Measure BIO-2 requires that the District establish access routes and staging areas in previously disturbed areas and restricts construction activities to the hours between sunrise and sunset. Mitigation Measure BIO-3 states that the District will require construction personnel to participate in training regarding sensitive biological resources (including special-status mammals) in the Project area. Mountain beaver and ringtail are crepuscular species that typically would not be foraging in the Project area during daylight hours. Therefore, with implementation of mitigation, this impact is **less than significant**.

b) *With implementation of mitigation, the Proposed Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.*

The Project area supports several riverine features that are WOUS/WOS (refer to Table 3.4-1 for a list and a brief description of each feature), and a narrow band of montane riparian vegetation is present along the Scotts Flat Powerhouse discharge channel and Deer Creek. The trail design includes installation of pedestrian bridges over Scotts Flat Powerhouse discharge channel and Deer Creek and installation of wooden boardwalks in locations where the trail crosses intermittent and ephemeral streams, which would protect these features over the long term. Ground disturbance associated with the construction of the pedestrian bridges and boardwalks may result in temporary construction-related effects to WOUS/WOS, such as sedimentation or other water quality effects. The pedestrian bridges would be designed to span the bed of the creek/channel and will not require excavation or fill within the ordinary high water mark of the creek/channel. Installation of the pedestrian bridges would require the removal of approximately 0.03 acre of riparian habitat. The majority of the habitat to be removed is Himalayan blackberry bramble. In addition, up to four trees measuring 10–24 inches dbh within the riparian habitat may require removal.

The following measures would be implemented to minimize the potential for effects to WOUS/WOS and associated riparian habitat. Mitigation Measures BIO-2 and BIO-3 limit construction to designated work areas and require construction personnel to receive environmental awareness training prior to initiation of the Project. In addition, to preserve water quality and maintain aquatic habitats in or downstream of the pedestrian bridges and boardwalks during construction, the District would implement Mitigation Measure BIO-5, which requires the District to obtain relevant permits from USACE, RWQCB, and CDFW for all work conducted within WOUS/WOS and to implement all water quality and aquatic species protection measures contained in the permits.

Mitigation Measure HYD-1 states that the District will identify and implement site-specific BMPs to control erosion and sediment loss to protect water quality. Specifically, contractors will be required to prepare a spill prevention and control plan (SPCP) that will be implemented during Project activities. All refueling, storage, servicing, and maintenance of equipment will be performed in designated areas at least 50 feet away from aquatic features and riparian areas.

With implementation of these Mitigation Measures, the Project would not result in significant changes to the proportion of vegetation types present in the Project area, the structure of canopy layers, or the extent of canopy cover in the Project area. Therefore, with implementation of mitigation, this impact would be considered **less than significant.**

c) *With implementation of mitigation, the Proposed Project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*

Refer to b) above for a discussion of potential effects to riverine features that are WOUS/WOS in the Project area. In addition, one 0.04-acre freshwater emergent wetland is present along the trail

alignment immediately south of the Scotts Flat Powerhouse discharge channel. This wetland will not be directly affected during construction. However, ground-disturbing activities associated with the construction of the trial, construction of the crane temporary access trail, and the pedestrian bridge over the discharge channel could potentially indirectly affect this wetland through erosion or degradation of water quality. Such construction-related effects, if they occur, would be temporary and short-term. Implementation of mitigation measures would further minimize potential temporary effects to this wetland. Mitigation Measures BIO-2 and BIO-3 limit construction to designated work areas and require construction personnel to receive environmental awareness training prior to initiation of the Project. Mitigation Measure BIO-7 states that the freshwater emergent wetland will be flagged to the extent necessary so that it is visible to construction crews. The wetland will be avoided during construction of the trail, construction of the crane temporary access trail, and the pedestrian bridge over the discharge channel. Mitigation Measure HYD-1 states that the District will identify and implement site-specific BMPs to control erosion and sediment loss to protect water quality.

Considering that the wetland will not be directly affected by construction of the trail, and with implementation of mitigation to minimize the potential for temporary construction-related effects, any effects to wetlands would be **less than significant.**

d) *With implementation of mitigation, the Proposed Project would not interfere substantially with the movement of any native resident or migratory species or with established native resident or migratory wildlife corridors because the Project is not located in a known migration corridor or recognized flyway; and the Proposed Project would not impede the use of native wildlife nursery sites.*

The Project area is not located in a known migration corridor or recognized flyway and would not impede the use of native wildlife nursery sites. Following implementation of the Project, the new trail will not impede movements of terrestrial wildlife. The discharge channel and Deer Creek support a variety of resident fish. While two pedestrian bridges will be constructed, the bridge abutments will be placed so that the bridge spans the bed and bank, avoiding placement of structures within the ordinary high water mark of the channel/creek. Therefore, the Project will not impede the movement of fish.

The work season of the Proposed Project is short-term and temporary, and Mitigation Measure BIO-2 states that activities would be restricted to designated work areas, access routes and staging areas; and will be restricted to the hours between sunrise and sunset. In addition, the District will clean up the site following the completion of construction. Any effects on the movement of wildlife would be temporary; therefore, with implementation of mitigation, this impact would be considered **less than significant.**

e) *With implementation of mitigation, the Proposed Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance*.

Nevada has a several policies and ordinances that protect riparian corridors. These policies are detailed in the Wildlife and Vegetation Element of the Nevada County General Plan (Nevada County 2014). These policies are generally only applicable to ministerial Projects that require approval by Nevada County.

The Proposed Project involves potential removal of 0.03 acre of riparian habitat for the construction of the proposed trail and pedestrian bridges. The 0.04-acre freshwater emergent wetland located south of the Scotts Flat Powerhouse discharge channel will not be affected. Therefore, the Project will not conflict with Nevada County's policy of no riparian or wetland removal exceeding 1 acre in size. Furthermore, the Project incorporates mitigation measures that would minimize impacts to and protect biological resources including and riparian areas, including Mitigation Measures BIO-2, BIO-

5 and BIO-7. Mitigation Measure BIO-2 states that activities would be restricted to designated work areas, access routes and staging areas. Mitigation BIO-5 commits NID to obtain a Lake or Streambed Alteration Agreement (LSAA), which would include CDFW authorization for planned vegetation removal. All CDFW permit conditions, including those pertaining to protection of vegetation, will be implemented as part of the Project. Mitigation Measure BIO-7 states that no riparian vegetation, beyond the 0.03 acre required for construction of the pedestrian bridges and adjacent trail, will be removed. With implementation of mitigation, this impact would be **less than significant**.

f) The Proposed Project will not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

The Proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan because the Proposed Project does not occur in an area covered by any of these types of plans (CDFW 2019, USFWS 2021). Therefore, the Proposed Project would not conflict with any applicable habitat conservation plan or natural community conservation plan and there would be **no impact.**

3.4.3 Mitigation Measures

BIO-1. Botanical Surveys.

- A qualified biologist will conduct a special-status plant survey, in Segment 4 of the proposed trail, during the blooming period (mid-May and mid-July) to determine whether any special-status plant species listed in Appendix A are present.
- The following measures will be implemented to protect any special-status plants identified, as appropriate/applicable:
    - The trail alignment will be modified to avoid the plant(s), if necessary; and
    - A minimum 5-foot buffer will be established (using stakes, flagging, or other similar methods) to protect the plants during construction activities.
- If avoidance of the plants is not practicable, NID will consult with the resource agencies to determine appropriate avoidance and protection measure considering the plant species, site-specific habitat characteristics, and the nature of construction activities to be conducted that may disturb the plant. The avoidance and protection measure will be implemented as part of the Project.

BIO-2. General Construction Measures.

The District will implement the following to minimize disturbance of sensitive resources in the Project area:

- Construction activities will be limited to a designated work area (including the work corridor and staging area). The work area will be clearly identified on the construction drawings and will be staked and flagged where necessary prior to initiation of construction activities.
- All staging areas and access routes will be located on developed roads or other previously disturbed areas.
- Construction activities, including activities within equipment staging areas, will be limited to the hours between sunrise (but no earlier than 7:00 a.m.) and sunset (but no later than 7:00 p.m.) on weekdays. Construction work on weekends and District-recognized holidays will be avoided

when practical. If required, work on weekends and District-recognized holidays will be limited to the hours between 8:00 a.m. and 7:00 p.m.

- Vegetation removal will be limited to that which is necessary for implementation of the Project.
- The District will ensure that all equipment and vehicles will be removed from the Project site following completion of the Project.

BIO-3. Environmental Awareness Training.

Construction personnel will attend an environmental awareness training prior to initiation of construction. The training will include a review of:

- Special-status species potentially occurring on site;
- Mitigation measures and BMPs to be implemented as part of the Project;
- Pertinent measures included in agency permits obtained for the Project;
- Procedures for reporting the presence of special-status species on site as well as any issues related to air or water resources.

BIO-4. Frog and Turtle Monitoring.

The following measures will be implemented to avoid impacts to FYLF and western pond turtles:

- A qualified biological monitor will be present during ground-disturbing activities within 325 feet of the Scotts Flat Powerhouse discharge channel and Deer Creek.
- If FYLF or western pond turtles are present, construction activities that may potentially affect the animals will cease and will not be reinitiated until the monitor determines the animal(s) is out harm's way.

BIO-5. Clean Water Act Permitting and California Fish and Game Code Compliance.

- The District will obtain relevant CWA permits (e.g., Sections 401 and 404), and any permits required under the California Fish and Game Code (e.g., Section 1602 Lake or Streambed Alteration Agreement). All conditions identified in the permits will be implemented as part of the Project.

BIO-6. Protection of Special-Status Raptors or Other Bird Nests.

- To avoid disturbance of raptor and bird nests, construction activities, including use of the helicopter, will be conducted between August 16 and February 28, outside of the nesting season for these species.
- If construction activities, including use of the helicopter, must be conducted during the nesting season (between March 1 and August 15), a preconstruction survey will be conducted by a qualified biologist to determine if there are active nests present. Both the Project area plus a 25-foot, 500-foot, and 660-foot buffer will be surveyed for non-raptors, raptors, and bald eagles, respectively. The survey will be conducted no more than 30 days prior to Project initiation. If the biologist determines that the area surveyed does not contain any active nests, then Project activities can begin without any further mitigation.
- If active bald eagle nests are found, construction activities will not occur within 660 feet of the active nest until the young have fledged, as determined by a qualified biologist, or until the District receives written authorization from the CDFW to proceed.

- If other active raptor nests are found, construction will not occur within 500 feet of an active nest until the young have fledged, as determined by a qualified biologist, or until the District receives written authorization from the CDFW to proceed.
- If active nests of non-raptorial birds are found, a 25-foot buffer will be established and the nest will be avoided until the young have fledged, as determined by a qualified biologist, or until the District receives written authorization from the CDFW to proceed.

BIO-7. Protection of Wetland Riparian Habitats.

- Removal of montane riparian vegetation will be limited to a maximum of approximately 0.03 acre (including up to four trees 10–24 inches dbh) required for construction of the pedestrian bridges and trail. No other riparian vegetation will be removed.
- The freshwater emergent wetland will be flagged with a 5-foot buffer so that it is visible to construction crews. The wetland will be avoided during construction of the trail, crane temporary access trail, and the pedestrian bridge over the discharge channel.

Refer also to Mitigation Measure HYD-1 in Section 3.9, Hydrology and Water Quality.

3.5 Cultural Resources

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☑
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☑
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☑	☐	☐

3.5.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact on the environment related to cultural resources if the Project would:

- Cause a substantial adverse change in the significance of a unique historical or archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines, respectively; or
- Disturb any human remains, including those interred outside of formal cemeteries.

Section 15064.5 of the State CEQA Guidelines defines "substantial adverse change" as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

3.5.2 Setting

A confidential Cultural Resource Memo for the Scotts Flat Lower Connector Trail Project was prepared by Cardno (Cardno 2021) to determine if cultural resources were present in or adjacent to the Project site and to assess the sensitivity of the Project area for undiscovered or buried cultural resources. In addition a State of California Department of Parks and Recreation (DPR) Continuation Sheet was completed for the Snow Mountain Ditch (P-29-1154) by Brunzell Archeological (Brunzell 2021). Information is this section is based on the findings of the memo and DPR continuation sheet. The confidential memo and continuation sheet can be made available to qualified individuals by contacting NID.

This section provides a summary of the methods used to obtain information on cultural and historical resources in the Project area, and the resulting description of those resources.

Methods

Literature Review

A preliminary review of the below-listed sources was conducted to identify cultural resources recorded within or adjacent to the Project area:

- California Department of Conservation Geologic Map of California (California Department of Conservation 2010);
- Natural Resources Conservation Service (NRCS) Soil Maps (NRCS 2021);

- Ethnographic Village Locations (Wilson and Towne 1978);
- Bureau of Land Management (BLM) General Land Office (GLO) Maps (BLM 2020);
- Historic USGS Topographic Maps (USGS 2020);
- Historic aerial photographs (Historic Aerials 2020);
- National Register of Historic Places (NRHP) database (NPS 2020);
- California Register of Historical Resources (CRHR) database (California State Parks, Office of Historic Preservation 2020).
- California Historical Resources Information System (CHRIS), North Central Information Center database (CHRIS, 2020).

The sources listed above were reviewed to assess the presence of cultural resources and the potential for buried archaeological sites within the Project area. Assessing the sensitivity for an area to contain buried archaeological sites takes into consideration the potential for the presence of buried cultural deposits by examining past use of the study area; factors that support human occupations such as access to resources and water; slope; and the underlying geomorphology of the area. Generally speaking, a large proportion of archaeological sites are located within 150 meters of perennial water sources and on relatively flat ground.

Pedestrian Surveys

General cultural pedestrian surveys were conducted on January 20, 2021 (Cardno 2021); and the field assessment of the Snow Mountain Ditch was completed on January 8, 2021 (Brunzell 2021). Surveys were conducted consistent with Section 106 of the National Historic Preservation Act (NHPA) and CEQA. The surveyors searched for site indicators of cultural deposits along 15-meter-wide transects in areas of exposed ground with slopes less than 30 percent throughout the area of potential effects (APE). A 30-meter buffer was added to the edge of the APE in areas where possible.

While the surface visibility ranged from 10 to 100 percent, visibility on average was poor with the notable exception being along the existing trails and fire roads. In areas of limited surface visibility, periodic boot or trowel scrapes were conducted to clear the overburden. Areas of open ground and all recent ground disturbance, including rodent burrow backdirt and animal runs, were searched thoroughly. All surface cobbles and boulders were examined for signs of human modification. Site indicators may include but are not limited to ground depressions; darkened soil areas indicative of middens; fire scorched and/or cracked rock; modified obsidian, chert, or other vitreous materials; and grinding stones including manos and metates. Historic era artifacts may include but are not limited to metal objects including nails; containers or miscellaneous hardware; glass fragments; ceramic or stoneware objects or fragments; milled or split lumber; trenches; feature or structure remains such as buildings or building foundations; and trash dumps. Large portions of the trail were on 30 percent or steeper slopes. Surveys in these areas were restricted to a 15 meter transect centered on the proposed trail path.

Results

Literature Review

A review of aerial photographs and topographic maps depict that the area is on 5 to 50% slopes and Deer Creek transects the APE.

Based on historic map and aerial imagery review, the closest ethnographic village is Wokodot, located approximately 1.69 mi. east of the proposed parking area at the southeast end of the APE (Wilson and Towne 1978). A review of historic topographic maps dating as early as 1951 depict Scotts Flat Reservoir east of the APE, Deer Creek Reservoir west of the APE, Snow Mountain Ditch within the northern

portion of the APE, and unimproved roads/trails were present in the current location of the following roads:

- Scotts Flat Dam Road,
- Scotts Flat Campground Road, and
- Pasquale Road.

Scotts Flat Reservoir was originally constructed in 1948. The dam was raised in 1964 to its present height of 175 ft. above streambed and is owned and operated by NID. Historic aerials dating from 1946 show the extent of trial/road and mining activity within the basin prior to the construction of Scotts Flat Dam in the vicinity of the APE. By 1976, Scotts Flat Reservoir was expanded to its present size with spillway. Dam Road was developed south of Scotts Flat Dam and extended to Pasquale Road. The gage house and gas manometer were installed in 1987 (nidwater.com). While the Scotts Flat Reservoir and associated structures may be eligible for the National Register of Historic Places, the Dam is outside of the APE and will not be impacted by proposed Project. The Snow Mountain Ditch is the only historic-era structure depicted on any topographic maps within the APE.

Based on a review of BLM GLO Plat maps from 1867 and 1873, the APE is just west of Placer Gold Mines claimed by Aaron A. Sargent & Geo F. Jacobs. The maps also show Quaker Hill Road transecting the southern third of the Mount Diablo Meridian on the North Bloomfield USGS Quadrangle (1:24,000) in Section 11 along with an unnamed trail trending east/west through the middle of Section 2 and an unnamed watercourse in the vicinity of Deer Creek oscillating along the border of Sections 2 and 11.

No NRHP or CRHR listed properties were identified within or adjacent to the APE. However, Scotts Flat Dam and the Lower Snow Mountain Ditch were identified as potentially eligible for listing on the NRHP or CRHR.

Pedestrian Survey Results

General Cultural Resources

During the January 20, 2021 survey, surveyors identified a small amount of modern refuse consisting of typical garbage (i.e., beer cans and bottles). Two steel beer cans with aluminum tops (church-key and pull tab - ca. early-mid 1960s) were found adjacent to the north side of the Deer Creek and one church-key sanitary can (ca 1960s) was observed on the southern bank of Deer Creek. All three items were isolated finds with no other context. The isolated cans are not considered unique cultural resources[1]. Their location and general features were noted, but no additional documentation was conducted.

Snow Mountain Ditch

The Snow Mountain Ditch was constructed in 1853 off the main north tributary of Deer Creek by Kidd & Co. and the Snow Mountain Water Company. George Washington Kidd was born in Kentucky in 1821 and came to Nevada County to mine. Kidd was one of the original stockholders of the South Yuba Canal Company and had several mining claims in the region. (He later owned and operated river steamers between Sacramento and San Francisco and died in 1879.) The water rights for the ditch were located by

[1] As defined under Public Resources Code Section 21083.2, for an archaeological artifact, object, or site resource to be unique it must be clearly demonstrated that, "without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information. (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type. (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Daniel Rich, Justus Fordyce, and William Spencer in 1853. David Kennedy was one of the contractors in 1855 to help construct the ditch. Most of the ditch was constructed between 1854 and 1855, with Kennedy helping to build a flume and dam on the forks of Deer Creek. The Lower Snow Mountain Ditch was dug first, followed by the Upper Snow Mountain Ditch that carried water from the north fork of Deer Creek, paralleling the lower ditch. The Snow Mountain Ditch soon became part of the South Yuba Canal Company's water supply system when the companies merged.[2]

In the 1850s, the Snow Mountain Ditch and Deer Creek Mining Company's ditch were using about 1,000 more inches of water than they were entitled to. This led to lawsuits between Kidd and Laird & Chambers, who owned the Gold Flat Ditch that was connected to Deer Creek. Since the Snow Mountain Ditch was constructed first, it was given more rights over Deer Creek's water supply. However, due to water shortages, the upper ditch was only used for a decade, abandoned in the mid-1860s. By 1880, the South Yuba Canal Company's network was the largest (275 miles long) and among the most important of the many mining ditches in Nevada County. The South Yuba Canal Company was purchased by California Gas & Electric Company (precursor to PG&E) in 1904.[3]

During its use (which persisted for a century), the ditch carried water from Deer Creek to Sugarloaf Reservoir near Nevada City. The water was often used in mining operations and several other businesses, like a hospital in Nevada City. In 1905, the lower end, often referred to as the Manzanita, was cleaned and sixty boxes were installed to improve the efficiency since the water used for domestic purposes in Nevada City. Snow collecting in the ditches often stopped the water from flowing, so

Various segments of the resource have been recorded on DPR 523 forms over recent decades. Several were authored by archaeologist; but most of the studies are simple recordings that document the resource without any attempt to evaluate the according to the applicable criteria. Segments overlapping with or immediately adjacent to the subject segment were recorded in 1981, 1999, 2001, and 2017. None of the previous studies recommended the resource eligible for historic listing.

The National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) require that a significance criterion from A–D or 1–4 (respectively) be met for a resource to be eligible. The following provides the results of the evaluations under each criterion.

- **Criterion A/1:** The Snow Mountain Ditch is not associated with events that have made a significant contribution to the broad patterns of our history. It was constructed in 1853 as part of the developing system of water conveyance structures used in mining. Mining ditches are part of the infrastructure that allowed the area to be developed, and are thus inherently important to history. To be eligible for historic listing however, a mining ditch must have a specific association with this or another important historic context. Although it was developed early in Nevada County history, it was not among the first mining ditches constructed. Nor was it among the most important; it was not part of the South Yuba Canal Company's main ditch and accounted for only a small percentage of the company's overall inventory which included many miles of ditches. Nor is it associated with later significant events such as development hydroelectric power. Therefore the property is not eligible to the NRHP and CRHR under Criterion 1/A.

[2] Nevada Daily Transcript, "Death of G. W. Kidd," April 24, 1879; Rudolph Van Norden, "History of Lake Fordyce Dam," *The Morning Union*, 1923; Charles M. Coleman, "P.G. and E. of California: The Centennial Story of Pacific Gas and Electric Company, 1852-1952" (New York, Toronto, and London: McGraw-Hill Book Company, Inc., 1952).

[3] Rudolph Van Norden, "History of Lake Fordyce Dam," *The Morning Union*, 1923; "Kidd V. Laird," Pacific States Reports: Extra Annotated (United States: Bancroft-Whitney, 1906) 163-166; Harry Laurenz Wells, *History of Nevada County, California* (Oakland: Thompson & West, 1880) 172-173.

- **Criterion B/2:** The Snow Mountain Ditch is not significantly associated with the life of a person important to our history. Its developers were among many local pioneer miners, and research has not revealed that any of them was particularly important to local history. Therefore, the ditch does not possess sufficient association with important persons to be eligible to the NRHP or CRHR under Criterion B/2.
- **Criterion C/3**: The Snow Mountain Ditch is not significant for its architecture or engineering. The subject stretch is a simple earthen ditch that lacks any innovative engineering features or aesthetic qualities. For these reasons, the property is not eligible to the NRHP or CRHR under Criterion C/3.
- **Criterion D/4**: In rare instances, structures themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. Ditches are a well understood property type and therefore the Snow Mountain Ditch is does not appear to be a principal source of important information in this regard.

Based on the evaluation of the Snow Mountain Ditch, it was determined not eligible under NRHP or CRHR.

3.5.3 Discussion

a) The Proposed Project would not cause a substantial adverse change in the significance of a unique historical resource as defined in Section 15064.5 of the State CEQA Guidelines.

Cultural resources surveys indicate there are no unique historical resources in the Project area. Therefore, the Project will have **no impact** on a unique cultural resource as defined in Section 15064.5 of the State CEQA Guidelines.

b) With implementation of mitigation, the Proposed Project would not cause a substantial adverse change in the significance of a unique archaeological resource as defined in Section 15064.5 of the State CEQA Guidelines.

No archaeological resources were identified within the Project area. However, while it is unlikely, the possibility remains that previously unidentified archaeological resources may be encountered during Project activities. Thus, the Proposed Project could potentially adversely affect unique archaeological resources.

Mitigation Measure CULT-1 requires subsurface cultural resources (including archeological resources) to be treated in a manner consistent with District Policy 6085. This policy requires cessation of all work within 150 feet of the resource; requires evaluation of the resource by a qualified archeologist; and states that no work that may affect the resource shall take place until approval is obtained from the archeologist and/or concurrence with State Historic Preservation Officer (SHPO) and Native American tribal representatives. With implementation of mitigation, this impact would be **less than significant**.

c) The Proposed Project would not disturb any human remains, including those interred outside of formal cemeteries with implementation of mitigation.

Human remains were not discovered during the current field investigation. While it is unlikely, there is a possibility that buried human remains may be encountered during construction activities. Implementation of Mitigation Measure CULT-2 would minimize the potential for the Proposed Project to disturb any human remains. This measure requires cessation of all work within 150 feet of the burial area; immediate notification of the NID project manager, qualified archaeologist, and Nevada County Sheriff/Coroner; and no additional work will take place until the qualified archaeologist approves work in the area. With implementation of mitigation, this impact would be **less than significant.**

3.5.4 Mitigation Measures

CULT-1. Inadvertent Discovery of Previously Unknown Cultural, Paleontological, or Tribal Resources.

- If an inadvertent discovery of tribal cultural resources, archaeological resources, paleontological materials, or other cultural resources/materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains, etc.) is made during Project-related construction activities, the NID Cultural Resources Policy (No. 6085.1 Discovery of Cultural Resources) will be implemented. This policy includes a stop work order, or relocation of work by the NID project manager, avoidance of the discovery by 150 feet, and coordination with a qualified archaeologist. Refer to **Appendix C** for the NID Policy.
- As part of this policy, the archaeologist shall determine whether the resource is potentially significant per the CRHR and develop appropriate mitigation in consultation with NID, the SHPO, and Native American Tribal representatives to protect the integrity of the resource and ensure that no additional resources are impacted. Mitigation could include, but not necessarily be limited to preservation in-place, archival research, subsurface testing, or data recovery.

CULT-2. Unanticipated Discovery of Human Remains.

- In accordance with the California Health and Safety Code and NID Cultural Resources Policy (No. 6085.2 Discovery of Human Remains), if human remains are uncovered during ground-disturbing activities, all work within 150 feet of the area of the burial shall be halted. The NID project manager will be notified immediately, who in turn will notify the qualified archaeologist. The qualified archaeologist will contact the Nevada County Sheriff/Coroner to determine the nature and extent of the remains.
- The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of Native American descent, the coroner must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The NAHC shall identify the most likely descendant (MLD). Once given permission by NID and land owner, the MLD shall be allowed on-site. The MLD shall complete their inspection and make their recommendation to NID for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave gods as provided in PRC Section 5097.98. MLD recommendations must be made within 48 hours of the NAHC notification to the MLD.
- No additional work shall take place within the immediate vicinity of the find until the qualified archaeologist gives approval to resume work in that area. Refer to **Appendix C** for the NID policy.
- A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in-place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment, may be discussed. AB 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the landowner shall comply with one or more of the following:
    - Record the site with the NAHC or the appropriate Information Center;
    - Utilize an open space or conservation zoning designation or easement; and/or
    - Record a document with the county in which the property is located.

- The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

3.6 Energy

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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?	☐	☐	☐	☑

3.6.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact on the environment related to energy if the Project would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

3.6.2 Setting

In January 2018, the Governor of California's Office of Planning and Research transmitted its proposal for the comprehensive updates to the CEQA guidelines to the California Natural Resources Agency. This included an update to Section 15126.2(a) in response to the California Supreme Court's decision in California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369. In late 2018, the Natural Resources Agency finalized the updates to the CEQA guidelines, including an addition of an Energy Section into the sample environmental checklist in Appendix G of the CEQA guidelines, in addition to the stand-alone Appendix F, to better integrate the energy analysis with the rest of CEQA. These updated Guidelines became effective on December 28, 2018.

State and Local Regulations and Plans

Relevant state and local energy-related regulations and plans are summarized below.

Warren-Alquist Act

The California Legislature passed the Warren-Alquist Act in 1974. The Warren-Alquist Act created the California Energy Commission (CEC). The Act also incorporated the following key provisions designed to address energy demand:

- It directed the CEC to formulate and adopt the nation's first energy conservation standards for buildings constructed and appliances sold in California;
- The act removed the responsibility of electricity demand forecasting from the utilities, which had a financial interest in high demand projects, and transferred it to the CEC; and
- The CEC was directed to embark on a research and development program, focused on fostering non-conventional energy sources.

Assembly Bill 1007 (2007)

Assembly Bill 1007, passed in 2005, required the CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). The CEC prepared the plan in partnership

with the California ARB and in consultation with other state, federal, and local agencies. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

Assembly Bill 32 (2006) and Senate Bill 32 (2016)

In 2006, the Legislature enacted Assembly Bill 32, the California Global Warming Solutions Act of 2006. Assembly Bill 32 requires California to reduce its GHG emissions to 1990 levels by 2020. In 2016, the Legislature enacted Senate Bill 32, which extended the horizon year of the state's codified GHG reduction planning targets from 2020 to 2030, requiring California to reduce its GHG emissions to 40% below 1990 levels by 2030. In accordance with Assembly Bill and Senate Bill 32, California ARB prepares scoping plans to guide the development of statewide policies and regulations for the reduction of GHG emissions. Many of the of the policy and regulatory concepts identified in the scoping plans focus on increasing energy efficiencies and the use of renewable resources, as well as reducing the consumption of petroleum-based fuels such as gasoline and diesel.

State Vehicle Standards

In response to the transportation sector accounting for more than half of California's carbon dioxide (CO_2) emissions, Assembly Bill 1493 was enacted in 2002. Assembly Bill 1493 required the California ARB to set GHG emission standards for passenger vehicles, light-duty trucks, and other vehicles whose primary use is noncommercial personal transportation in the state. The bill required that ARB set GHG emission standards for motor vehicles manufactured in 2009 and all subsequent model years. The 2009-2012 standards resulted in a reduction in approximately 22% GHG emissions compared to emissions from the 2002 fleet, and the 2013-2016 standards resulted in a reduction of approximately 30%.

In 2012, ARB approved a new emissions-control program for model years 2017 through 2025. The program combines the control of smog, soot, and global warming gases and requirements for greater numbers of zero-emission vehicles into a single package of standards called Advanced Clean Cars. By 2025, when the rules would be fully implemented, new automobiles would emit 34% fewer global warming gases and 75% fewer smog-forming emissions (CARB 2011).

Although the focus of the state's vehicle standards is on the reduction of air pollutants and GHG emissions, one co-benefit of implementation of these standards is a reduced demand for petroleum-based fuels.

Local Regulations and Plans

Nevada County Energy Action Plan

On February 12, 2019, the Nevada County Board of Supervisors approved the Energy Action Plan (EAP) as the County's unincorporated area's roadmap for expanding energy-efficiency, water-efficiency, and renewable-energy, and the cost-savings that accompany these efforts (Nevada County 2019). Nevada County EAP was developed to provide a broad view of energy use in the City, set energy and water-energy saving goals, recommend actions that result in short and long-term energy savings, and educate the community on existing resources designed to save utility customers money, energy, and water. The goals of the EAP are as follows:

- Goal 1: Improve Energy Efficiency in Buildings, Facilities, and County Operations
- Goal 2: Expand the Utilization of Renewable Energy and Resilience Measures
- Goal 3: Encourage the Efficient and Safe Transportation and Use of Water Resources

3.6.3 Discussion

d) The Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation.

During the construction phase of the Project, energy use would increase only very slightly relative to existing conditions. Fuel consumption would increase slightly above the baseline due to the operation of gas and diesel-powered equipment. Workers would commute to the site daily during the construction phase from the nearby towns of Nevada City (approximately 5 miles away) and Grass Valley (approximately 9 miles away).

This minor increase in energy use during construction would not be considered wasteful, inefficient, or unnecessary consumption of energy. Because the majority of construction of the trail would require only the use of chainsaws and hand-operated equipment and staff would access the area mostly on foot, construction impacts would be **less than significant**.

Following completion of the Project, vehicle use would return to existing levels and the trail would be used by non-motorized bicycles and pedestrians; therefore, there would be **no impact** in the long-term.

e) The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

State guidelines on renewable energy or energy efficiency do not set any specific thresholds for determining the energy efficiency of construction projects. The Nevada County EAP does not set any specific thresholds for determining the energy efficiency of construction projects. Because of the small acreage and short construction duration of the Proposed Project and because the project will primarily entail the use of chainsaws and hand-operated tools for construction of the trail, GHG emission levels are expected to be minimal. Therefore, there would be **no impact**.

3.6.4 Mitigation Measures

No significant impacts would occur; therefore, no mitigation is required.

3.7 Geology and Soils

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Directly or indirectly cause 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 Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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?	☐	☐	☐	☑
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☑	☐	☐

3.7.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact on the environment related to geology, soils, or seismicity if the Project would:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- 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;
- Strong seismic ground shaking;
- Seismic-related ground failure, including liquefaction; or
- Landslides.
- Result in substantial soil erosion or the loss of topsoil;

- 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;
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;
- 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; or
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

3.7.2 Setting

Soils underlying the Project area are split into three main locations. At the northern end of the Project area, on the slopes above the Scotts Flat Powerhouse discharge channel, the soils are Aiken cobbly loam (2 to 30 percent slopes) and Josephine-Mariposa complex (5 to 50 percent slopes, eroded). These soils are well drained with a parent material of colluvium derived from conglomerate and vertically tilted slate, shale or contact metamorphic rock (NRCS 2021). In the vicinity of the Scotts Flat Powerhouse discharge channel and Deer Creek, the soils are Placer diggings, which are leftover materials from intensive mining activities in the 19th century, and tend to be hydric soils (NRCS 2021). At the southern end of the Project area, on the slopes above Deer Creek, the soils are Cohasset loam, shoulders (3 to 20 percent slopes); Cohasset loam, backslopes (5 to 30 percent slopes; and Cohasset cobbly loam (5 to 30 percent slopes). These soils are well drained with a parent material of residuum or colluvium derived from volcanic or conglomerate rock (NRCS 2021). The area is not known to support NOA (Bailey 2020, NRCS 2021).

Alquist-Priolo Earthquake Fault Zones are active faults, which represent the highest earthquake hazard and are those that have rupture to the ground surface during the Holocene period (about the last 11,000 years). The Project site is not located in an Alquist-Priolo Earthquake Fault Zone (California Department of Conservation 2021b).

3.7.3 Discussion

The Project area is not located in the vicinity of a highly active fault ground. Therefore, there would be **no impact** from (a)(i) ground rupture at the Project area; (a)(ii) increased exposure or risk due to seismic ground shaking; or (a)(iii) seismic-related ground failure, including liquefaction. In addition, considering the trail utilizes and would formalize and improve the structure and stability of existing unimproved trails, the Project will not increase potential for (a)(iv) landslides.

Ground-disturbing activities associated with the Proposed Project could result in temporary construction-related erosion. The District will implement Mitigation Measure HYD-1 to minimize the potential for construction -related erosion. In addition, long-term use of the trail by recreationists could potentially result in erosion, particularly in steeper sections of the trail (e.g., slopes of up to 24 percent in Segment 2 and up to 19 percent in Segment 4). The trails will be designed consistent with Forest Service trail construction techniques and design standards, which require consideration of a number of parameters including soils, hydrological conditions, use levels, erosion potential, and other factors contributing to surface stability and overall sustainability (Forest Service 2008). Portions of the trail crossing over three small intermittent and ephemeral streams or low-lying areas that collect rainwater will be constructed as elevated wooden boardwalks. Considering that the majority of the trail alignment will be located on existing, informal trails, formalization of the trails consistent with Forest Service standards is expected to minimize the potential for long-term erosion. With implementation of mitigation, impacts associated with (b) erosion would be considered **less than significant.**

The Proposed Project is not located on a (c) geologic unit or soil that is considered unstable, and, with incorporation of Forest Service design standards (as described above) would not result in increased risks of landslides or collapse; therefore, this impact would be **less than significant with incorporation of mitigation.**

The Proposed Project is not located on a (d) expansive soil type and would not create substantial risks to life or property; therefore, there would be **no impact.** The Proposed Project does not (e) include the use of septic tanks or the development of wastewater treatment systems; therefore, there would be **no impact**.

No unique paleontological resources or unique geologic features are known to occur in the Project area. Ground disturbing activities have the potential to disturb (f) unknown or unidentified buried paleontological resources within the Project area. Mitigation Measure CULT-1 requires subsurface cultural resources (including paleontological resources) to be treated in a manner consistent with District Policy 6085. This policy requires cessation of all work within 150 feet of the resource; requires evaluation of the resource by a qualified archeologist; and states that no work that may affect the find would take place until approval is obtained from the archeologist and/or concurrence with SHPO. Therefore, **with implementation of mitigation,** this impact is **less than significant.**

3.7.4 Mitigation Measures

Refer to Mitigation Measure CULT-1 in Section 3.5, Cultural Resources, and to Mitigation Measure HYD-1 in Section 3.9, Hydrology and Water Quality.

3.8 Greenhouse Gas Emissions

Would the Project	Potentially Significant Impact	Less than Significant with Mitigation	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?	☐	☐	☑	☐

3.8.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact on the environment related to GHG and climate change if the Project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

3.8.2 Setting

Setting

Several state and local actions have been taken to limit GHG emissions implicated in global warming. Those actions are described below.

Executive Order S-3-05

On June 1, 2005, California Governor Arnold Schwarzenegger issued Executive Order S-3-05. It included the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80% below 1990 levels. To meet the targets, the governor directed several state agencies to cooperate in the development of a climate action plan. The secretary of the California Environmental Protection Agency (Cal-EPA) leads the Climate Action Team (CAT), whose goal is to implement global warming emission reduction programs identified in the climate action plan and to report on the progress made toward meeting the emission reduction targets established in the executive order.

The first report to the governor and the legislature was released in March 2006, to be issued bi-annually thereafter. The CAT report to the governor contains recommendations and strategies to help ensure the targets in Executive Order S-3-05 are met (Cal-EPA 2010).

California Global Warming Solutions Act of 2006 (Assembly Bill 32)

In 2006, the California state legislature adopted the California Global Warming Solutions Act of 2006 (AB 32). AB 32 establishes a cap on statewide GHG emissions and sets forth the regulatory framework to achieve the corresponding reduction in statewide emission levels. Under AB 32, GHGs are defined as carbon dioxide (CO_2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires that ARB:

- Adopt early action measures to reduce GHGs;
- Establish a statewide GHG emissions cap for 2020 based on 1990 emissions;

- Adopt mandatory report rules for significant GHG sources;
- Adopt a scoping plan indicating how emission reductions will be achieved via regulations, market mechanisms, and other actions; and
- Adopt regulations needed to achieve the maximum technologically feasible and cost-effective reductions in GHGs.

On April 23, 2009, the ARB adopted a low carbon fuel standard (LCFS). This standard requires that all fuels sold in California must have a reduced carbon content that will lower emissions by 10% by 2020.

Senate Bill 97

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an important environmental issue that requires analysis under CEQA. The bill directed the OPR to prepare, develop, and transmit to the California Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, by July 1, 2009. The California Resources Agency adopted those guidelines on December 30, 2009 and they became effective on March 18, 2010.

Senate Bill 32

SB 32 was signed on September 8, 2016 to establish a California GHG reduction target of 40% below 1990 levels by 2030. California is on track to meet or exceed this current target, as established in AB 32. This new emission reduction target will make it possible to reach the ultimate goal of reducing emissions 80% under 1990 levels by 2050.

Actions Taken by the Governor's Office of Planning and Research

In June 2008, the Governor's Office of Planning and Research (OPR) issued a Technical Advisory on CEQA and Climate Change (OPR 2008). This document recommends that, for Projects subject to CEQA, emissions be calculated, and mitigation measures be identified to reduce those emissions. The OPR report does not identify emission thresholds for GHGs, but instead recommends that each lead agency develop its own thresholds.

On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for GHG emissions, as required by Senate Bill 97 (Chapter 185, 2007). These Guideline amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in draft CEQA documents. The Natural Resources Agency conducted formal rulemaking in 2009, prior to certifying and adopting the amendments, as required by SB 97. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments became effective on March 18, 2010.

Actions Taken by California Attorney General's Office

The California Attorney General (AG) has filed comment letters under CEQA about a number of Proposed Projects. The AG has also filed several complaints and obtained settlement agreements for CEQA documents covering general plans and individual programs that the AG found either failed to analyze GHG emissions or failed to provide adequate GHG mitigation. The AG's office has prepared a report that lists measures that local agencies should consider under CEQA to offset or reduce global warming impacts. The AG's office also has prepared a chart of modeling tools to estimate GHG emissions impacts of Projects and plans. Information on the AG's actions can be found on at the California Department of Justice Office of Attorney General web site (California Department of Justice 2021).

3.8.3 Discussion

a) *The Proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*

The Proposed Project would result in minor, short-term increases in GHGs associated with vehicle, helicopter, and equipment use. During implementation, the Proposed Project would generate intermittent and short-term carbon dioxide and NOx emissions associated with combustion of gasoline and diesel fuel resulting from the operation of the chainsaws and crane and/or helicopter identified in the Project Description. There would also be emissions from daily commutes to and from the site by workers on weekdays over a period of up to ten work weeks. Following completion of the Project, vehicle use would return to existing levels.

Construction GHG emissions would be intermittent and substantially less than the lower reporting limit for major stationary sources established by the ARB. That reporting limit requires sources that generate more than 25,000 metric tons per year of CO_2 equivalent (CO_2e) to report GHG emissions to ARB. Implementation of the Proposed Project would entail the operation of small gas or diesel-powered equipment and vehicles and would include no stationary emission sources. Short-term operation of chainsaws and the crane and/or helicopter to construct pedestrian bridges would result in very minimal CO_2e emissions (i.e., less than 1 metric ton CO_2e). Thus, Proposed Project operation would not have a significant impact on the environment resulting from GHG emissions. This impact would be **less than significant.**

b) *The Proposed Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.*

State guidelines on GHG emissions do not establish any specific thresholds for determining whether those emissions are significant. Nevada County has not developed a local climate action plan or climate change strategy to which the Project would subject. The Proposed Project would not conflict with any existing GHG laws, plans, policies, or regulations adopted by the California legislature, the ARB, the California AG, or the California OPR. Therefore, this impact would be less **than significant**.

Mitigation Measures

No significant impacts related to greenhouse gases and climate change would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.9 Hazards and Hazardous Materials

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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 or excessive noise for people residing or working in the Project area?	☐	☐	☐	☑
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☑	☐	☐

3.9.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to hazards and hazardous materials if the Project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment;

- 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, result in a safety hazard or excessive noise for people residing or working in the Project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

3.9.2 Setting

Hazardous materials and wastes are regulated by federal and state laws and are required to be recycled or properly disposed. The Nevada County Department of Environmental Health (DEH) is the Certified Unified Program Agency for all cities and unincorporated areas within Nevada County. The DEH is responsible for carrying out a diverse range of programs with environmental protection and public health as their focus. The DEH uses California Health and Safety Codes as guidance, as well as county codes, when conducting plan reviews and inspections.

The Nevada County Office of Emergency Services (OES) is responsible for coordinating with County departments, municipalities, key stakeholders, and special districts to mitigate against, prepare for, respond to, and recover from all disasters. OES designs and conducts simulated disaster response exercises, evaluates emergency staff training, creates evacuation strategies, and maintains the County Emergency Operations Center in a state of readiness. OES also educates the community on preparedness, facilitates stakeholder collaboration, and seeks additional funding through grants and strategic partnerships.

A query of the EnviroStor database yielded no hazardous waste sites within 1,000 feet of the Project area. (California Department of Toxic Substances Control [DTSC] 2021). There are several inactive mines that are undergoing voluntary cleanup operations for hazards related to arsenic and/or mercury contamination. The closest is approximately 2 miles from the Project area.

3.9.3 Discussion

a) With implementation of mitigation, the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The Project does not pose a significant hazard related to hazardous materials. Although flammable and combustible materials such as gasoline and diesel fuel would be used during Project implementation, their use is temporary. All materials would be used and stored in accordance with applicable federal, state, and local laws, and will be removed from the site at the end of construction.

To further prevent hazards to the public or environment during transport, use, and disposal of hazardous materials, the District will implement Mitigation Measure HYD-1, which includes preparing and implementing a spill prevention and control plan (SPCP). All fuels and equipment will be stored at designated sites and not within 50 feet of WOUS/WOS (e.g., the Scotts Flat Powerhouse discharge channel (and adjacent freshwater emergent wetland, Deer Creek, or other intermittent/ephemeral streams as identified in **Map 3**). Absorbent material or drip pans will be used during refueling or servicing of the crane or trucks, and all fluids drained from servicing will be collected in leak-proof containers and taken to an appropriate disposal or recycling facility.

With implementation of Mitigation Measure HYD-1, this impact would be **less than significant.**

b) With implementation of mitigation, the Proposed Project would not 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.

Although flammable and combustible materials such as gasoline and diesel fuel would be used during Project implementation, their use is temporary and all materials would be used in accordance with applicable federal, state, and local laws, including manufacturer's instructions. As described in Mitigation Measure HYD-1, the District and/or its contractor would prepare a SPCP for the Proposed Project that would be implemented in the case that spills occurred during construction. All equipment will be stored in staging areas at least 50 feet away from WOUS/WOS.

With implementation of Mitigation Measure HYD-1, this impact would be **less than significant**.

c) *The Proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*

The Project area is not located within 0.25 mile of an existing or proposed school. Therefore, there is **no impact.**

d) *The Proposed Project is not located on a site which is included on a list of hazardous materials sites and would not create a significant hazard to the public or the environment.*

Based on a search of the DTSC EnviroStor database, the Project area is not located on, or near, any federal-, state-, or local-designated hazardous wastes site (DTSC 2021). Therefore, there would be **no impact.**

e) *The Proposed Project is not located within an airport land use plan or within two miles of a public airport or public use airport and would not result in a safety hazard or excessive noise for people residing or working in the Project area.*

The Proposed Project is not located within an airport land use plan or within 2 miles of a public airport. The closest airport is the Nevada County Airport, located approximately 5 miles southwest of the Project area. Implementation of the Proposed Project would not result in a safety hazard or excessive noise for people residing or working in the Project area. Therefore, there would be **no impact**.

f) *The Proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

The Proposed Project is located on NID-owned land that is managed for a variety of uses including hydroelectric generation, forestry, and recreation. The trail would also cross a large-lot rural residential property that NID plans to purchase. The Project would not significantly increase traffic on local roads, and would not interfere with an adopted emergency response or evacuation plan. No public roads will be affected by construction activity. Therefore, there would be **no impact.**

g) *With implementation of mitigation, the Proposed Project would not expose people or structures, either directly or indirectly, 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 with implementation of mitigation.*

The Project will be located on NID-owned lands with minimal development: the closest urbanized area is Nevada City, approximately 4.5 miles to the west. The Project area is located in a State Responsibility Area (SRA) in a Fire Hazard Severity Zone (FHSZ) with a "Very High" rating. Refer to Section 3.20, Wildfire, for a more detailed analysis of wildland fires. Construction of the Project will require use of flammable fuels and combustion engines, and there is some risk that fire could result from refueling and operating vehicles or other construction equipment. The District would implement Mitigation Measure HAZ-1, which requires implementation of standard fire-prevention measures. With implementation of mitigation, potential construction-related fire hazard impacts would be **less than significant.**

3.9.4 Mitigation Measures

HAZ-1. Standard Fire Prevention Measures.

The District and/or its contractor will implement standard fire prevention measures, including but not limited to, requiring fire prevention equipment to be available at all times, identifying construction sites as non-smoking areas, and providing fire prevention training to construction personnel. Portable communication devices (i.e., radio or mobile telephones) would be made available to all construction personnel to allow for prompt notification to the District or other local authorities in case of a fire.

Refer also to Mitigation Measures HYD-1 in Section 3.9, Hydrology and Water Quality.

3.10 Hydrology and Water Quality

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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 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?	☐	☑	☐	☐

3.10.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to hydrology and water quality if the Project would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- 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:
    - result in substantial erosion or siltation on- or off-site,

- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite,
- 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
- impede or redirect flood flows;

- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

3.10.2 Setting

The Proposed Project is located in the Sacramento Hydrologic Basin, the Yuba River Hydrologic Unit, and the Nevada City Hydrologic Area. Existing water quality objectives for the physical, chemical, and bacterial constituents are established in the "Sacramento River Basin and San Joaquin River Basin Water Quality Control Plan" (Basin Plan) (Central Valley Regional Water Quality Control Board [CVRWQCB], Fifth Edition revised May 2018), "Water Quality Standards: Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California" (Federal Register, 65 FR 31682, EPA 2000), and the "Water Quality Standards: Establishment of Numeric Criteria for Priority Toxic Pollutants" (Federal Register, 57 FR 60848, EPA 1992). The Basin Plan includes water quality objectives established by the CVRWQCB.

3.10.3 Discussion

a) *With implementation of mitigation, the Proposed Project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water.*

Ground-disturbing activities associated with construction of the trail, including the construction of the crane temporary access trail and installation of the pedestrian bridges over the Scotts Flat Powerhouse discharge channel downstream and Deer Creek below the spillway, could potentially result in temporary and localized effects to surface and ground water quality. While the trail will be constructed primarily with hand tools, some use of vehicles and powered equipment will be required (e.g., the crane for installation of the bridges). Therefore, there is some potential for accidental spills of fuel, lubricating oil, or other contaminants which could, in turn, adversely affect water quality. In order to reduce the potential for these and other construction-related water quality impacts, the District will implement Mitigation Measure HYD-1 which states that water quality BMPs will be implemented by the District and/or its contractors including, but not limited to, securing areas of ground disturbance with straw wattles, bales, or similar; preparing and implementing an SPCP; and refueling, storing, servicing and maintaining equipment in a manner than does not impact water quality. In addition, as stated in Mitigation Measure BIO-5, all water quality conditions specified in Clean Water Act and California Fish and Game Code permits will be implemented as part of the Project.

With incorporation of HYD-1 and BIO-5, potential impacts to water quality resulting from dewatering and diversion; excavation, removal, and drying of sediments; and disposal or use of excavated sediments would be **less than significant.**

b) *The Proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.*

The Project involves construction of a 1.4-mile hiking and biking trail, as well as a small parking lot. As such, it will have **no impact** on groundwater or interfere with groundwater recharge.

c) *The Proposed Project would not 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 result in: i) substantial erosion, siltation, or flooding 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.*

i) Construction of the trail would not substantially alter the existing drainage patterns of the site, and would not create substantial erosion, siltation, or flooding on- or offsite. The trails will be designed consistent with Forest Service trail construction techniques and design standards, which require consideration of a number of parameters including soils, hydrological conditions, use levels, erosion potential, and other factors contributing to surface stability and overall sustainability (Forest Service 2008). The trail design includes installation of pedestrian bridges over Scotts Flat Powerhouse discharge channel and Deer Creek and installation of wooden boardwalks in locations where the trail crosses intermittent and ephemeral streams, which would protect these features over the long term. Ground disturbance associated with the construction of the crane temporary access trail, pedestrian bridges, and boardwalks may result in temporary construction-related effects to WOUS/WOS, such as sedimentation or other water quality effects. As described previously, such effects would be minimized through implementation of Mitigation Measure BIO-5, which requires NID to obtain appropriate permits and to implement all conditions of the permits during implementation of the Project. Considering that the majority of the trail alignment will be located on existing roads and informal trails, formalization of the trails consistent with Forest Service standards and applicable water quality permits is expected to minimize the potential for long-term erosion. With incorporation of mitigation, this impact would therefore be considered **less than significant.**

ii) The proposed trail will be surfaced with native materials; and the new parking lot will be surfaced with gravel. These features will not create any new, impervious surfaces, nor will they increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. Therefore, there would be no **impact**.

iii) The Proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Therefore, there would be **no impact.**

iv) A review of flood insurance maps indicates that Deer Creek below the Scotts Flat Dam is within a 100-year flood hazard area (Federal Emergency Management Agency [FEMA] 2021). The Project involves the formalization of previously used, informal trails and existing roads, and the Project does not create new structures that could expose people to a significant risk of loss, injury or death involving flooding. The pedestrian bridges over the Scotts Flat Powerhouse discharge channel and Deer Creek will be designed to accommodate high-flow events within the channel/creek. Therefore, this impact would be **less than significant.**

d) *The Project would not risk release of pollutants due to inundation because the Project area is not in a flood hazard, tsunami or seiche zone.*

The Proposed Project is not in a tsunami or seiche zone. However, Deer Creek is mapped as being within a 100-year flood hazard area (FEMA 2021). Construction of the pedestrian bridges will require work within the OHWM of Deer Creek. To preserve water quality and maintain aquatic habitats in or

downstream of the pedestrian bridges, the District would implement Mitigation Measure BIO-5, which requires the District to obtain relevant permits from USACE, CVRWQCB, and CDFW for all work conducted within WOUS/WOS and to implement all conditions and measures contained in the permits as part of the Project.

Mitigation Measure HYD-1 states that the District will identify and implement site-specific BMPs to control erosion and sediment loss to protect water quality. Specifically, contractors will be required to prepare a SPCP that will be implemented during Project activities. All refueling, storage, servicing, and maintenance of equipment will be performed in designated areas at least 50 feet away from WOUS/WOS.

With implementation of BIO-5 and HYD-1, the potential for impacts related to release of pollutants to due inundation would be **less than significant.**

e) *The Proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable ground water management plan with implementation of mitigation.*

Please see impact assessment (a) above.

3.10.4 Mitigation Measures

HYD-1. Water Quality Best Management Practices.

- Prior to commencement of ground disturbing activities, the District will identify site-specific BMPs to effectively control erosion and sediment loss and to protect water quality. During the project, these BMPs for erosion and sediment control shall be implemented by the District and/or its contractor. These BMPs will include, but are not limited to:
    - Erosion control structures (e.g., coir rolls, plastic sheeting, rubber mats) will be placed in areas where high surface runoff is expected; around spoil piles; and at channel entrances or adjacent to drainage channels. If straw wattles or straw bales are used, all straw will be certified weed-free.
    - Prior to the initiation of Project activities, the District and/or its contractor will prepare a Spill Prevention and Control Plan (SPCP) that will be implemented during Project activities.
    - To reduce potential contamination by spills, all refueling, storage, servicing, and maintenance of equipment will be performed at designated sites and not within 50 feet of WOUS/WOS or other sensitive environmental resources. Absorbent material or drip pans will be used during refueling or servicing of trucks or other equipment. Any fluids drained from the machinery during servicing will be collected in leak-proof containers and taken to an appropriate disposal or recycling facility. If such activities result in spills or accumulation of a product on the soil, the contaminated soil will be disposed of properly.
    - All maintenance materials (i.e., oils, grease, lubricants, antifreeze) will be stored at staging areas in appropriate storage containers. If these materials are required during Project implementation, they will be placed in a designated area away from site activities and sensitive resources.

Refer also to Mitigation Measure BIO-5 in Section 3.4, Biological Resources.

3.11 Land Use and Planning

	Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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?	☐	☐	☐	☑

3.11.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to land use and planning if the Project would:

- Physically divide an established community; or
- 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.

3.11.2 Setting

The Proposed Project is located in an unincorporated area of Nevada County approximately 4.5 miles east of Nevada City. This area is governed by the Nevada County General Plan, adopted in 1996 and amended in 2008, 2010, and 2014 (Nevada County 2014). The Nevada County General Plan identifies land use designations for the Project site. The Nevada County Zoning Ordinance (Chapter II of the Nevada County Land Use and Development Code identifies zoning districts for the Project site and surrounding area. The Project site is zoned primarily as Public (P). The trail alignment also crosses private properties zoned as General Agricultural (AG-30). According to the Nevada County Zoning Ordinance, the zoning codes are defined as follows:

- **Public (P).** The P District provides for areas occupied by Federal, State and local government agencies, or by a private entity under contract, agreement, or franchise with a governmental agency if the use is a service or function normally provided by the agency entering into a contract or agreement, or issuing a franchise.
- **General Agricultural (AG).** The AG District provides areas for farming, ranching, agricultural support facilities and services, low-intensity uses, and open space. It is consistent with all agricultural-oriented General Plan land use designations, as well as those designations that allow for more intensive uses. Agricultural uses are of primary importance and all other uses are secondary.

3.11.3 Discussion

The Project area is primarily located on public access NID lands and connects existing public access areas. A small portion of the trail is located on private property that NID plans to purchase. This portion of the trail would not physically impact existing buildings or structures. The Project would not (a) physically divide an established community; therefore, there would be **no impact**.

The public and agricultural land-use and zoning designation applicable on Project land does not conflict with the goal of providing a public access trail with low-intensity use. The Project will not (b) cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation; therefore, the would be **no impact**.

3.11.4 Mitigation Measures

No significant impacts related to land use or planning would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.12 Mineral Resources

	Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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?	☐	☐	☐	☑

3.12.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to land use and planning if the Project would:

- 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; or
- 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.

3.12.2 Setting and Discussion

The Nevada County General Plan specifies the terms and conditions of mining activities permitted in the County (Nevada County 2014). Recreational mining activities are generally allowed in all zoning designations and do not require permits. All other mining activities is permitted only in designations that are zoned within the Mineral Extraction Combining District. The Project area is zoned Public (P) with minor inclusions zoned as General Agricultural (AG-30). The Project area supports of metamorphic rock of volcanic origin, generally known to have gold-bearing quartz veins (Loyd 1990). There are a) no areas with the Mineral Extraction designation in the Project area and no known mineral resource extraction activities occurring within the Project area (Nevada County 2021), and there are b) no important mineral resource recovery sites delineated on a local general plan, specific plan, or other land use plan located in the Project vicinity (Nevada County 2014). The Project may facilitate recreational mining (i.e., gold-panning) by facilitating public access to the Scotts Flat Powerhouse discharge channel and Deer Creek. Therefore, there would be **no impact** on mineral resources.

3.12.3 Mitigation Measures

No significant impacts related to mineral resources would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.13 Noise

	Would the Project result in:	Potentially Significant Impact	Less than Significant with Mitigation	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?	☐	☐	☑	☐
e)	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?	☐	☐	☐	☑

3.13.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to noise if the Project would result in:

- 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;
- Generation of excessive groundborne vibration or groundborne noise levels; or
- 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, expose people residing or working in the Project area to excessive noise levels.

3.13.2 Setting

Sound is mechanical energy transmitted through a medium (air) in the form of a wave from a disturbance or vibration. Noise, however, is generally defined as sound that is loud, unpleasant, unexpected, or disagreeable. The perceived loudness of sound is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighing network. There is a strong correlation between A-weighted sound levels (dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of Environmental Noise Assessment. All noise levels reported in this section are in terms of A-weighted levels. An increase of 3 dBA is barely perceptible to the human ear. An increase of 10 dBA represents a doubling of perceived loudness.

The below-listed policies from the Nevada County General Plan Noise Element are applicable to this Project (Nevada County 2014). These policies are implemented under Title 3, Chapter II, Article 4, Division 4.1.7 of the Nevada County Code.

- **Policy 9.1:** The following noise standards (Table 3.13-1), as performance standards and land use compatibility standards, shall apply to all discretionary and ministerial Projects excluding permitted residential (including tentative maps) land uses.

- **Policy 9.9:** Limit future noise-generating land use to those location of the County where their impacts on noise-sensitive land uses will be minimized, consistent with the standards found in Policy 9.1.
- **Policy 9.10:** Require the preparation of a comprehensive noise study for all land use determined to have a potential to create noise levels inconsistent with those standards found in Policy 9.1, and in accordance with the methodology identified in the Noise Element Manual contained in General Plan Volume 2, Section 3 –Noise Analysis Appendix A.

Table 3.13-1
Noise Exposure Limits, Nevada County General Plan – Noise Element

Land Use Category	Time Period	L_{eq} dBA	L_{max} dBA
Rural	7 a.m. – 7 p.m.	55	75
	7 p.m. – 10 p.m.	50	65
	10 p.m. – 7 a.m.	40	55
Residential and Public	7 a.m. – 7 p.m.	55	75
	7 p.m. – 10 p.m.	50	65
	10 p.m. – 7 a.m.	45	60
Commercial and Recreation	7 a.m. – 7 p.m.	70	90
	7 p.m. – 7 a.m.	65	75
Business Park	7 a.m. – 7 p.m.	65	85
	7 p.m. - 7 a.m.	60	70
Industrial	Anytime	80	80

Source: Nevada County 2014.
Notes:

- dBA = A-weighted decibels
- Leq = equivalent sound level
- Lmax = maximum sound level
- Where two different zoning districts abut, the standard applicable to the lower, or more restrictive, district plus 5 dBA shall apply.
- The above standards shall be measured only on property containing a noise-sensitive land use as defined in Policy 9.8 and may be measured anywhere on the property containing said land use.
- If the measured ambient level exceeds that permitted, then the allowable noise exposure standard shall be set at 5dB above the ambient.
- Because of the unique nature of sound, the County reserves the right to provide for a more restrictive standard than shown in this table. The maximum adjustment shall be limited to no less than the current ambient noise levels and shall not exceed the standards of this policy or as they may be further adjusted by Policy 9.lb.
- The above standards shall not apply to those activities associated with the actual construction of a project or to those projects associated with the provision of emergency services or functions.

3.13.3 Discussion

a) *With implementation of mitigation, the Proposed Project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.*

The noise ordinance is applicable only to ministerial activities and to projects which require discretionary authorizations from Nevada County. The Proposed Project is not ministerial and does not require discretionary permits from the County; however, it will be conducted consistent with the requirements of the ordinance.

Based on a review of aerial photographs and maps of the Project area, there are three residences located within approximately 0.25 mile of the trail alignment, all located up-canyon from Segment 4

of the trail. While the majority of the trail construction will be accomplished with use of hand tools, use of vehicles and equipment powered by combustion engines will be required for some components of the Project. The trail alignment is set within a densely wooded area, and noise generated by the use of hand tools would be minimal. Any louder sounds generated by motorized equipment would be short-term and temporary, and would be dampened by trees and would attenuate before reaching sensitive receptors (e.g., at the three residences). In addition, as described in Mitigation Measure NZ-1, trail construction activities would be limited primarily to weekdays from 7:00 a.m. to 7:00 p.m. If required, work on weekends and District-recognized holidays will be limited to the hours between 8:00 a.m. and 7:00 p.m.

The installation of the pedestrian bridges may require use of a helicopter. While use of the helicopter would result in noise levels in excess of those shown in Table 3.13-1, any use of the helicopter would be temporary and short-term, requiring a maximum of 90 minutes of flight time (between 7:00 a.m. and 7:00 p.m) in the Project area during installation of the pedestrian bridges.

The Project involves the formalization of trails already used by bikers and pedestrians, and is consistent with ongoing recreation use in the area. Motorized vehicles will not be permitted on the trail. Formalization of a hiking/biking trail would not result in any significant increases in ambient noise levels in the Project vicinity. With implementation of mitigation measures that limit the daily hours of construction activities, this impact would be **less than significant.**

b) *The Proposed Project would not result in the generation of excessive groundborne vibration or groundborne noise levels.*

There are no federal, state, or local regulatory standards for vibration. The Proposed Project is short-term and temporary and would not involve the long-term use of any equipment or processes that would result in potentially significant levels of ground vibration. As described previously, the majority of the trail will be constructed using hand tools, which would not result excessive groundborne vibration or noise levels. Use of a helicopter for installation of the pedestrian bridges would require no more than approximately 90 minutes of flight time. Therefore, this impact would be **less than significant**.

c) *The Proposed Project would not be located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport and would not expose people residing or working in the Project area to excessive noise levels.*

The Project area is not located within the vicinity of a private airstrip, an airport land use plan, or within two miles of a public airport and would not expose people residing or working in the Project area to excessive noise levels. Therefore, there would be **no impact**.

3.13.4 Mitigation Measures

NZ-1. Noise Best Management Practices.

To reduce noise-related impacts to occupants of nearby residential land uses, the following BMPs will be incorporated into the Proposed Project:

- Construction activities, including activities within equipment staging areas, will be limited to the hours between sunrise (but no earlier than 7:00 a.m.) and sunset (but no later than 7:00 p.m.) on weekdays. Construction work on weekends and District-recognized holidays will be avoided when practical. If required, work on weekends and District-recognized holidays will be limited to the hours between 8:00 a.m. and 7:00 p.m.

3.14 Population and Housing

	Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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 people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

3.14.1 Thresholds of Significance

Appendix G of the State CEQA Guidelines states that a Project could have a significant impact related to population and housing if the Project would:

- Induce substantial unplanned population growth in an area, either directly or indirectly; or
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

3.14.2 Discussion

The Proposed Project is located in an unincorporated area of Nevada County approximately 4.5 miles east of Nevada City. The United States Census Bureau's 2017 population estimate for Nevada County was 99,755 (U.S. Census Bureau 2019). The 2019 population estimate for Nevada City was 3,144 (U.S. Census Bureau 2019). Based on a review of aerial photographs and maps of the Project area, there are three residences located within approximately 0.25 mile of the trail alignment, all located up-canyon from Segment 4 of the trail (**Map 2**).

The proposed 1.4-mile trail will provide a connection to existing recreation trails and will allow public to safely cross the Scotts Flat Powerhouse discharge channel and Deer Creek below the spillway. The trail is intended as an amenity for the local population and would not (a) result in unplanned population growth; nor will the Project (b) displace any people or housing. Therefore, there will be **no impact** to population and housing in the Project vicinity.

3.14.3 Mitigation Measures

No significant impacts related to population and housing would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.15 Public Services

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☑	☐	☐
ii) Police protection?	☐	☐	☐	☑
iii) Schools?	☐	☐	☐	☑
iv) Parks?	☐	☐	☐	☑
v) Other public facilities?	☐	☐	☐	☑

3.15.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to public services if the Project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
    - (i) fire protection,
    - (ii) police protection,
    - (iii) schools,
    - (iv) parks, or
    - (v) other public facilities.

3.15.2 Discussion

a) *The Proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.*

The Proposed Project would not (i) result in substantial adverse impacts related to the provision of fire protection services. The Project area lies within the jurisdiction of the Nevada County Consolidated Fire District (Nevada County 2020). The Proposed Project would not significantly

affect the response times of fire protection or other public services or increase demand for such services. Mitigation Measure HAZ-1 would reduce the likelihood of construction-related fires by requiring implementation of standard fire prevention measures including, but not limited to, equipping construction crews with fire-fighting equipment and prohibiting smoking in the work area. This impact would be considered **less than significant with mitigation incorporated.**

Construction of a 1.4-mile trail to enhance public safety and local recreational opportunities would not (see thresholds of significance [ii, iii, iv, and v]) result in significant increase in demand for police protection, school, park, or other public facility services, relative to the existing conditions. There are no schools within or adjacent to the Project area that would be affected by construction activities. Therefore, there would be **no impact** to Public Services resulting from the Project.

3.15.3 Mitigation Measures

Refer to Mitigation Measure HAZ-1 in Section 3.8, Hazards and Hazardous Materials

3.16 Recreation

	Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☑
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?	☐	☐	☐	☑

3.16.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to recreation if the Project would:

- 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, or
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment.

3.16.2 Discussion

As described in Section 2.0, Project Description, the Proposed Project is the construction of a 1.4-mile trail to enhance public safety and recreational opportunities on NID lands. The Project would formalize and existing informal trail system that is currently used by hikers and bikers to cross from one side of Scotts Flat Reservoir to the other. The trail would connect to the existing Scotts Flat Reservoir Trail in the north (near the Scotts Flat Campground), and connect to a newly established parking area at the southern terminus of the trail (near Pasquale Road). Implementation of the Project is in response to public input received following the temporary fencing of the Scotts Flat Dam Spillway in 2017, that provided an alternative access to the other side of Scotts Flat Reservoir. Consistent with Goal #2 of the District's Strategic Plan (which states that stewardship of NID resources requires a collaborative and responsive relationship with the local and regional community), the District has since worked with a number of community groups, including the Bear Yuba Land Trust, the Sierra Express Bike Team, and the Bicyclists of Nevada County, to develop and evaluate trail alternatives. Implementation of the Proposed Project is not expected to increase the use of existing recreation facilities (e.g., Scotts Flat Campground and Scotts Flat Reservoir Trail). It is anticipated that the trail will be used by recreationists that have historically used the informal trails that currently exist in the Project area.

Implementation of the Project would not induce growth beyond that included in the Nevada County General Plan and would not (a) result in new development in the area that would increase the use or demand for recreational facilities. Therefore, implementation of the Proposed Project is not expected to increase the use of existing recreation facilities to the extent that substantial physical deterioration of such facilities would occur.

Under existing conditions, informal trails in the Project are used by local recreationists. These informal trails would be temporarily unavailable to recreationists during construction of the Project. . Additionally, use of the helicopter for installation of the pedestrian bridges may result in short-term disturbance to recreationists using Scotts Flat Campground and Scotts Flat Reservoir. However, no more than 90 minutes of flight time in the Project area will be required.

In the long-term, formalizing the trail will focus recreationists to a single trail, reducing disturbance to surrounding areas from off- trail hiking and biking; reduce the potential for erosion and sedimentation by installing pedestrian bridges and boardwalks across WOUS/WOS; and reduce the potential disturbance of upland vegetation. The formalization of the trail will (b) not result in an adverse effect on the environment.

3.16.3 Mitigation Measures

No significant impacts related to recreation would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.17 Transportation/Traffic

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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?	☐	☐	☐	☑

3.17.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to transportation or traffic if the Project would:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature or incompatible uses; or
- Result in inadequate emergency access.

3.17.2 Setting and Discussion

The Circulation Element of the Nevada County General Plan (Nevada County 2014) lists Scotts Flat Road (from State Highway 20 to Alpine Meadows Camp) and Quaker Hill Cross Road (from Red Dog Road to Banner Quaker Hill Road) as minor collectors (defined as streets connecting arterials to local roads). The remainder of the roads in the Project vicinity are local roads, which provide primary access to individual properties. Traffic associated with the Project will be limited to primarily construction staff commuting to the site. Additional traffic may be required during mobilization/demobilization activities at the beginning and end of each construction season (approximately 2 days per construction season). In the long term, the trail is being constructed as an amenity for local recreationists, and use of the trail by hikers and bikers is not expected to result in an increase in traffic or change traffic patterns in the area. Therefore, there would a) be **no impact** to the performance of the circulation system, including transit, roadway, bicycle, or pedestrian facilities.

According to CEQA Guidelines Section 15064.3, subdivision (b), transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. As described above, any increase in travel associated with construction will be minimal and short-term, and use of the trail by hikers and bikers would not result in an increase in traffic. Therefore, there would be b) **no impact** in the long-term with regard to conflicts with CEQA Guidelines section 15064.3, subdivision (b).

The Project would not c) increase traffic hazards due to a geometric design feature; therefore, there would be **no impact.**

The Project will not result in d) inadequate emergency access along the local roads or minor collectors (i.e., Scotts Flat Road from State Highway 20 to Alpine Meadows Camp, and Quaker Hill Cross Road from Red Dog Road to Banner Quaker Hill Road); therefore, there would be **no impact**.

3.17.3 Mitigation Measures

No significant impacts related to transportation/traffic would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.18 Tribal Cultural Resources

Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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:				
a) Listed or eligible for listing in the California Register of Historic 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.	☐	☑	☐	☐

3.18.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to tribal cultural resources if the Project would:

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

3.18.2 Setting

Assembly Bill 52 (AB-52) created a new category of environmental resources that must be considered under CEQA: "tribal cultural resources." Tribal cultural resources are defined as either (1) "sites, features, places cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state register of historical resources or a local register of historical resources, or that are determined to be eligible for inclusion in the state register; or (2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the state register.

Recognizing that tribes may have expertise with regard to their tribal history and practices, AB-52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the

geographic area of a proposed project, and if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe. Consultation may include discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The parties must consult in good faith, and consultation is deemed concluded when either the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource (if such a significant effect exists) or when a party concludes that mutual agreement cannot be reached.

3.18.3 Discussion

As described in Section 3.5, Cultural Resources, the review of cultural resources information and a pedestrian survey at the site indicate there are no unique cultural or archeological resources in the Project area. In addition, in accordance with the consultation requirements of Assembly Bill 52 (AB-52), NID initiated the consultation process with appropriate Native American groups with a possible interest in the Proposed Project. This includes the following:

- Shelly Covert, Nevada City Rancheria
- Pamela Cubbler, Colfax-Todds Valley Consolidated Tribe
- Clyde Prout, Colfax-Todds Valley Consolidated Tribe
- Gene Whitehouse, United Auburn Indian Community (UAIC) of the Aubum Rancheria
- Anna Starkey, UAIC of the Auburn Rancheria
- Grayson Coney, Tsi Akim Maidu
- Darrel Cruz, Washoe Tribe of Nevada and California

NID sent letters and/or e-mails to each of the individuals noted above on December 16, 2020 and on February 9, 2020 to solicit information regarding sensitive cultural resources in and near the Project Site, and to determine whether their respective tribal organizations had an interest in or concerns with the Proposed Project. NID also sent follow-up e-mails and/or made phone calls to request confirmation that the notification letters/e-mails were received. Several tribes responded and notified NID that they had received the letter and/or emails. The Colfax-Todds Valley Consolidated Tribe responded and requested a copy of the IS/MND and information on the results of cultural resource studies, when available. No tribes requested consultation.

Based on information obtained from the tribes and the results of pedestrian surveys, there are no tribal resources in the Project vicinity. However, because this project will require ground disturbing activities, there is some potential for subsurface tribal resources or human remains of Native American descent to be uncovered during these ground disturbing activities.

If any tribal resources as defined under criteria a) and b) above are identified during construction of the Project, such resources would be protected consistent with mitigation measures CULT-1 and CULT-2.

Mitigation Measure CULT-1 requires subsurface cultural resources (including archeological resources) to be treated in a manner consistent with District Policy 6085. This policy requires cessation of all work within 150 feet of the resource; requires evaluation of the resource by a qualified archeologist; and states that no work that may affect the resource shall take place until approval is obtained from the archeologist and/or concurrence with State Historic Preservation Officer (SHPO) and Native American tribal representatives.

If human remains are uncovered, and the Nevada County coroner determines that the remains are of Native American descent, Mitigation Measure CULT-2 requires the coroner to notify the NAHC within 24 hours of the determination, and the California Native American Heritage Commission (NAHC) will identify the most likely descendent (MLD). Once given permission by NID and the landowner, the MLD

shall be allowed on-site to determine the method for appropriate handling of the remains. No additional work will take place within 150 feet of the find until the qualified archaeologist gives approval to resume work in the area.

With implementation of mitigation measures CULT-1 and CULT-2, the Project would not result in an adverse change in the significance of the identified resources. Impacts to tribal cultural resources would be **less than significant with incorporation of mitigation.**

3.18.4 Mitigation Measures

Refer to Mitigation Measure CULT-1 and CULT-2 in Section 3.5, Cultural Resources.

3.19 Utilities and Service Systems

	Would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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 providers 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?	☐	☐	☐	☑

3.19.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact related to utilities or service systems if the Project would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment facilities or storm water drainage, electric power, natural gas, or telecommunications facilities , the construction of which could cause significant environmental effects;
- Have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years;
- 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 providers existing commitments;
- 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; or
- Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

3.19.2 Setting and Discussion

The Project will be implemented in the general vicinity of Scotts Flat Reservoir, which is part of the District's raw water storage and delivery system. There are no wastewater treatment facilities or storm water drainage, electric power, natural gas, or telecommunications facilities in the Project area. The Project does not propose the new construction of such facilities or propose new solid waste facilities.

Construction of a 1.4-mile trail for hiking and biking would not (a) generate any new source of wastewater or result in the creation of or relocation of new private septic systems, nor would it require or result in the construction of new water or wastewater treatment, electric power, natural gas, or telecommunications facilities. The construction of the trail could result in small local shift in drainage patterns, but with integration of Forest Service trail specifications, which require consideration of a number of parameters including hydrological conditions and drainage patterns, any such effects would be temporary and minimal. Therefore, the Project would have a less than significant impact on stormwater drainage.

The Proposed Project does not (b) require additional water supplies than are provided from existing resources. Because it is a trail construction project, the Project would not (c) alter existing private wastewater treatment systems. The nearest landfill has sufficient permitted capacity to accommodate the Project's solid waste disposal needs, which are minimal (d). The Project would comply with all statutes and regulations related to solid waste (e). Therefore, the Project would have no impact on water supply, wastewater treatment systems, or solid waste disposal standards.

Overall, the Project would have a **less than significant** effect on utilities and service systems.

3.19.3 Mitigation Measures

No significant impacts related to utilities and service systems would result from implementation of the Proposed Project. Therefore, no mitigation is required.

3.20 Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project…	Potentially Significant Impact	Less than Significant with Mitigation	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 downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☑	☐	☐

3.20.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, a Project could have a significant impact if located in or near state responsibility areas or lands classified as very high fire hazard severity zones if the Project would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- 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;
- 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; or
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

3.20.2 Setting

California's increasing population and expansion of development into previously undeveloped areas is creating more "wildland-urban interface" (WUI) issues with a corresponding increased risk of loss to human life, natural resources, and economic assets associated with wildland fires. Rising temperatures and increasing temporal variability of water availability is substantially increasing wildfire risk in many areas.

The analysis in this section pertains specifically to 1) SRAs, which are non-federal lands outside of city boundaries within which California assumes financial responsibility for preventing and suppressing fires; and 2) other non-federal areas that have been designated by California Department of Forestry and Fire Protection (Calfire) as "very high" fire hazard severity areas. The boundaries of SRAs, which are reviewed and amended every 5 years, are further categorized by CALFIRE into FHSZs with associated hazard levels classified as "moderate", "high", or "very high." These ratings are based on predictions of

fire behavior in response to local weather patterns, fuel availability, and surrounding terrain (Calfire 2012). While the FHSZ designations are applicable primarily in SRAs, some local responsibility areas have been designated as very high FHSZs. Local governments assume responsibility for fire prevention and suppression in these very high FHSZs.

Regulatory Setting

Responsibility for fire prevention, suppression, and post-fire mitigation in California includes a nexus of policies and plans at the federal, state, and local level. Each of these levels is outlined below.

Federal Level

The federal government pays for wildland fire protection on federal lands in California, and in certain circumstances, provides federal funding for fire suppression and relief lands on non-federal lands.

Disaster Mitigation Act of 2000

The Federal Disaster Mitigation Act of 2000 enacted a number of changes to the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to pre-disaster mitigation, streamlining the administration of disaster relief, and controlling the costs of federal disaster assistance. These changes have collectively brought greater focus on pre-disaster planning and activities as a means for reducing response and post-disaster costs. In accordance with the Act, local governments must have a Local Hazard Mitigation Plan that is reviewed by the State Mitigation Officer and then approved by FEMA as this is a required condition of receiving FEMA mitigation project assistance. These Local Hazard Mitigation Plans must be revised, reviewed, and approved every five years.

Fire Safe Councils can play an important role in the development of Local Hazard Mitigation Plans. The typical Council consists of state and federal fire agencies, local fire districts, businesses, local government, and local concerned citizens. Some Councils have also combined with neighboring fire safe councils to develop countywide wildfire hazard mitigation plans.

State Level

Senate Bill 1241, Kehoe 2012

To address the increasing risk of wildfire in the WUI, Senate Bill 1241 revised the safety element requirements for SRAs and very high FHSZs (Government Code Sections 65302 and 65302.5). SB 1241 requires that the draft element or draft amendment to the safety element of a county or a city's general plan be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to either: 1) the adoption or amendment to the safety element of its general plan for each county that contains state responsibility areas; or 2) the adoption or amendment to the safety element of its general plan for each city or county that contains a very high FHSZ.

Cities and counties are required to adopt a general plan to guide major land use decisions. Each plan includes seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. SB 1241 requires cities and counties to review and update their safety elements to address fire risks on SRA lands and very high FHSZs.

A set of feasible implementation measures designed to carry out the goals, policies and objectives of the general plan must include measures designed to minimize fire risk if a project falls within a SRA or very high FHSZ, including:

1) Avoiding or minimizing the wildfire hazards associated with new uses of land.
2) Locating, whenever feasible, new essential public facilities (i.e., hospitals and health care facilities, emergency shelters, etc.) outside an SRA or a very high FHSZ. If a facility must be

placed within SRAs or very high FHSZs, construction and operation methods must be implemented to minimize potential damage of wildland fire.

3) Designing adequate infrastructure for new developments, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
4) Working cooperatively with public agencies with responsibility for fire protection.

Government Code Section 66474.02, as added by SB 1241, requires that a legislative body of a county make three findings before approving a tentative map or parcel map, for an area located in a SRA or very high FHSZ. These findings must include evidence that 1) the design and location of each lot in the subdivision is consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection; 2) structural fire protection and suppression services will be available for the subdivision from a) the county, or b) the Department of Forestry and Fire Protection by contract; and 3) ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment.

Local Level

A summary of fire hazard planning requirements for local governments, based on federal and state regulation, is provided below:

- In order to be eligible for FEMA mitigation project funding, local governments must adopt a Local Hazard Mitigation Plan, and then review and revise that plan every 5 years.
- In order to influence where and how federal agencies implement fuel reduction projects on federal land, as well as how additional federal funds may be distributed for projects on non-federal lands, local governments may develop Community Wildfire Protection Plans.
- Safety elements of local general plans must be revised, upon the next update to the Housing Element to address SRAs and very high fire hazard severity zones. The revision must include information about wildfire hazards, as well as goals, policies, and objectives and feasible implementation measures for the protection of the community from the unreasonable risk of wildfire.
- Before approving a tentative subdivision map or parcel map within a state responsibility area or a very high fire hazard severity zone, a city or county must make certain findings. Those findings include that the subdivision is consistent with CAL FIRE regulations and that fire protection and suppression services are available for the subdivision.

Community Wildfire Protection Plan

Community Wildfire Protection Plans (CWPPs) are generally developed by local governments with assistance from state and federal agencies and other interested partners. This provides communities with an opportunity to influence where and how federal agencies implement fuel reduction projects on federal land, as well as how additional federal funds may be distributed for projects on non-federal lands. A CWPP for Nevada County was initially developed in 2006 and was updated in April 2016 (Fire Safe Council of Nevada County 2016).

The primary goal of the Nevada County CWPP is to protect human life, private property, essential infrastructure, and natural resources through the implementation of fire prevention projects that work to increase public awareness, improve forest health, sustain local wildlife and preserve the natural beauty of the area through a shared responsibility concept. The Nevada County CWPP prioritizes several projects to improve fire safe conditions, including the Scotts Flat/Cascade Shores Ingress/Egress Improvement Project, which overlaps with the Project area addressed in this IS-MND. This improvement project covers includes construction of a 300-foot-wide shaded fuel break from Highway 20 and across Deer Creek to Pasquale Road. It also provides for improvements to ensure emergency equipment access on Scotts Flat Dam Road and improvements to other surface roads for citizen evacuation.

3.20.3 Discussion

a) *The Project will not substantially impair an adopted emergency response plan or emergency evacuation plan.*

The Proposed Project is located in a SRA and a "very high" FHSZ (Calfire 2012). Based on a review of the Nevada County Wildfire and Evaluation Incident Dashboard, evacuation routes from the Project area are as follows:

- Scotts Flat Road north to Highway 20
- Quaker Hill Cross Road west to Red Dog Road and Highway 49

During construction of the trail, additional traffic will be limited to personal vehicles for a multi-person construction crew over a maximum of two construction seasons (approximately 10 weeks per season). Additional traffic may be required during mobilization/demobilization activities at the beginning and end of each construction season (approximately 2 days per construction season). The slight increase in traffic will not significantly impair evacuation ability along the evacuation routes noted above. The trail, once completed, is intended for use by local residents and recreationists and will not result in a significant increase in vehicles on local roads.

As described previously, the Project area falls under the Nevada County CWPP (Fire Safe Council of Nevada County 2016), which is prioritizing the implementation of the Scotts Flat/Cascade Shores Ingress/Egress Improvement Project. Construction of a 1.4-mile hiking and biking trail would not interfere or conflict with the implementation of the Nevada County CWPP or the Scotts Flat/Cascade Shores Ingress/Egress Improvement Project.

Therefore, ongoing use of the trail would have **no impact** on use of evacuation routes.

b) *With implementation of mitigation, the Project will not exacerbate wildfire risks and thereby expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.*

While the majority of the trail construction will be accomplished with use of hand tools, use of vehicles and equipment powered by combustion engines will be required for some components of the Project. The trail alignment is set in the Deer Creek River canyon. Wildfires burn up a slope faster and more intensely than along flat ground, and a steeper slope will result in a faster moving fire, with longer flame lengths. Fire danger would increase with wind speed. Therefore, should a fire be accidentally ignited during implementation of the Project, the topography of the Project area combined with the fact that it is densely forested, would contribute to an increased risk for severe or uncontrolled spread of the fire. To reduce risk of wildfire, the District will implement Mitigation Measure HAZ-1, which requires the District and/or its contractor to implement standard fire prevention measures, including requiring fire prevention equipment to be available at all times, identifying construction sites as non-smoking areas, and providing fire prevention training to construction personnel. Thus, with implementation of Mitigation Measure HAZ-1, the Project would have a **less than significant** impact on wildfire risk.

c) *The Project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.*

The new 1.4-mile will be closed to motorized vehicles; the numbers of bikers and hikers in the area is not expected to increase significantly following completion of the trail. Recreation use levels that are similar to those under existing conditions would not exacerbate fire risk. Furthermore, the Project may potentially reduce the risk of ignition of wildfire by encouraging recreationists to the proposed new parking lot at the southern terminus of the trail, rather than parking along roadsides or other areas

potentially supporting dry vegetation that could be sparked by the undercarriage of a vehicle. Considering that the trail will not be used by motorized vehicles, that the number of users is not expected to increase significantly, and that the parking lot may reduce the risk of ignition of fire, the Proposed Project would have **no impact** related to increased risk due to installation or maintenance of associated infrastructure.

d) *With implementation of mitigation, the Proposed Project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.*

As described under item a), the Project is located in a river canyon, which poses an increased risk for the rapid spread and severity of wildfire, if sparked during construction. Loss of vegetation as a result of severe fire could, in turn, increase the risk for slope instability and landslides during the rainy season post-fire. There are no residences that are downslope of the trail alignment. Based on a review of aerial photographs and maps of the Project area, there are three residences located within approximately 0.25 mile of the trail alignment, all located up-canyon from Segment 4 of the trail, on flat land at the top of the slope above the trail alignment. Therefore, the Project poses minimal risk to residential structures from flooding, slope instability, or landslides. The District will further minimize any potential for risk through implementation of Mitigation Measure HAZ-1 to minimize the risk of ignition of wildfire during construction. Therefore, with implementation of mitigation, the risk of exposure of people or structures from flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes is **less than significant.**

3.20.4 Mitigation Measures

Refer to Mitigation Measure HAZ-1 in Section 3.9, Hazards and Hazardous Materials.

4 AGENCIES AND PERSONS CONSULTED

- Bear Yuba Land Trust
- Brunzell Historical, Kara Brunzell, M.A.
- Cardno, Brian Marks, Ph.D., RPA
- Colfax-Todds Valley Consolidated Tribe
- Nevada City Rancheria
- Nevada Irrigation District, Adrian Schneider and Greg Jones
- Tsi Akim Maidu
- United Auburn Indian Community (UAIC) of the Auburn Rancheria
- Washoe Tribe of Nevada and California

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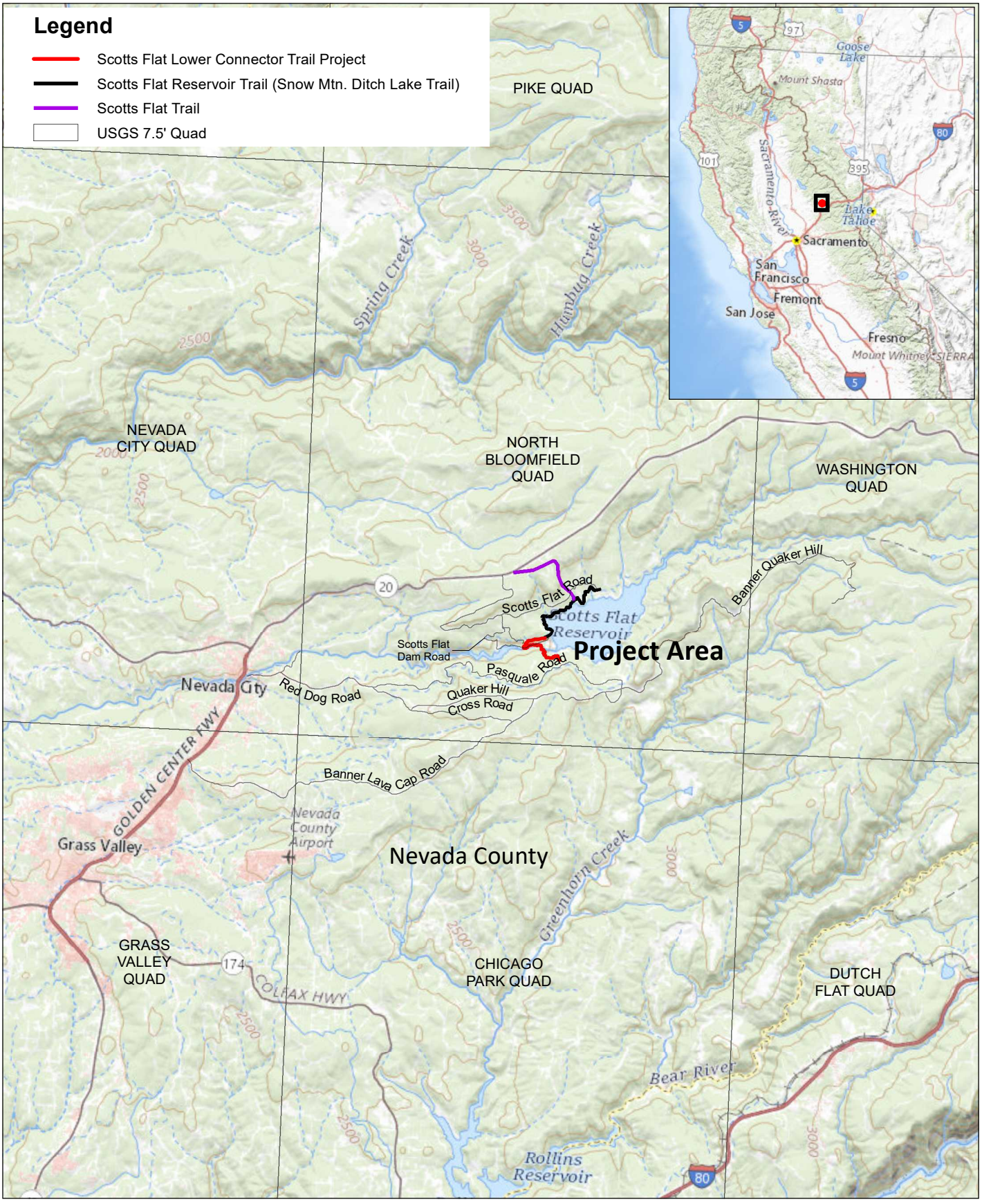
Maps



pricegeographic.com

Maps & GIS

PGC

1 in = 2 miles

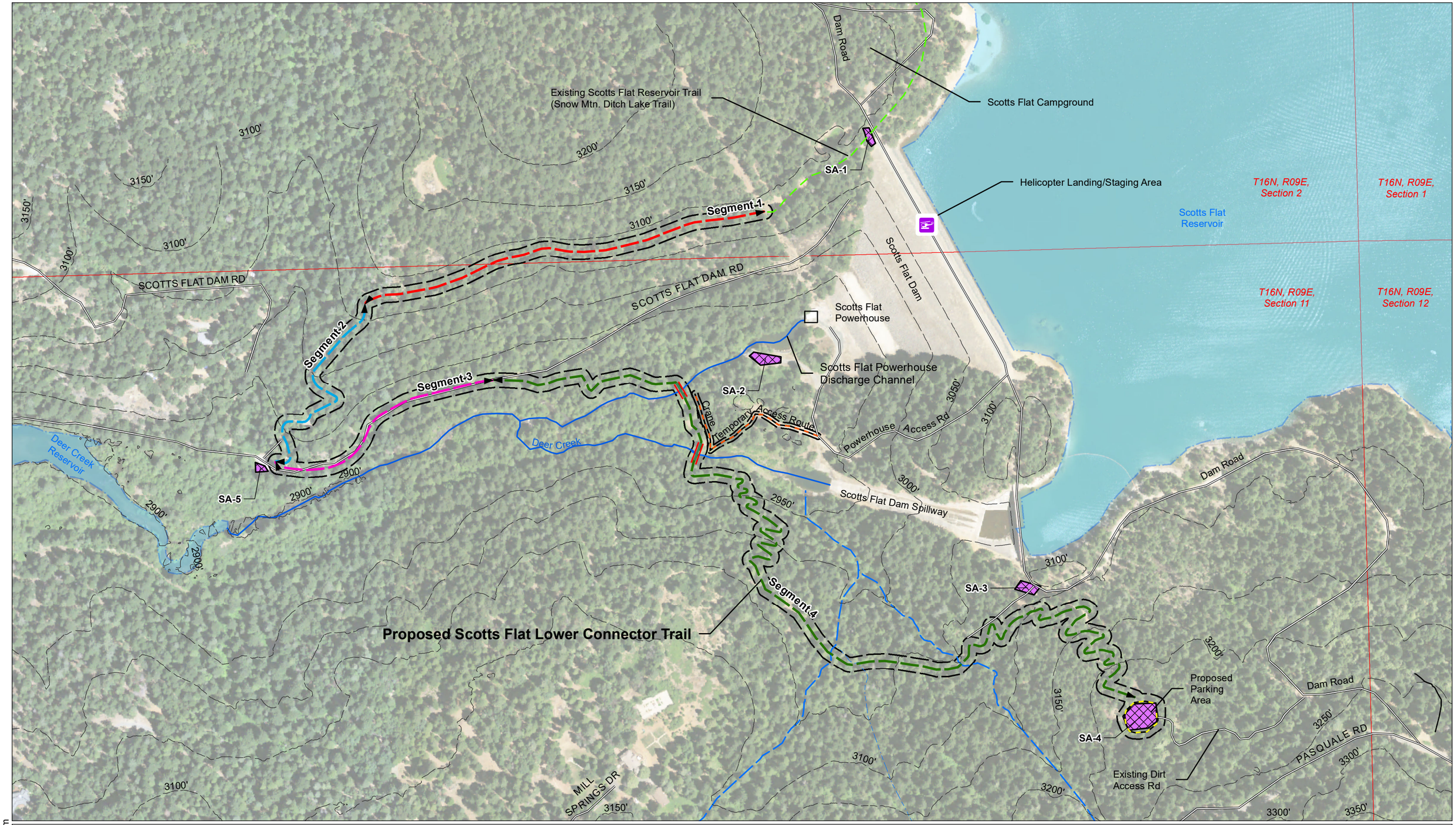
0 1 2 Miles

N

Janelle Nolan & associates
Environmental Consulting

Map 1
Project Vicinity
Scotts Flat
Lower Connector Trail Project
Nevada County, CA

North Bloomfield 7.5' USGS Quad,
Sections 2 & 11, Township 16N, Range 9E



pricegeographic.com

Maps & GIS

PGC

0 150 300 Feet

N

Proposed Trail
- Segment 1
- Segment 2
- Segment 3
- Segment 4
- Pedestrian Bridge

- Work Area (25ft Buffer Trail)
- Staging Area
- Crane Temporary Access Route
- Work Area (5ft Buffer Crane Access Road)
- Helicopter Landing/Staging Area
- Proposed Parking Area
- Existing Trail
- Existing Road
- Stream
- Reservoir
- Contour Line (50')
- Section Line (PLSS)

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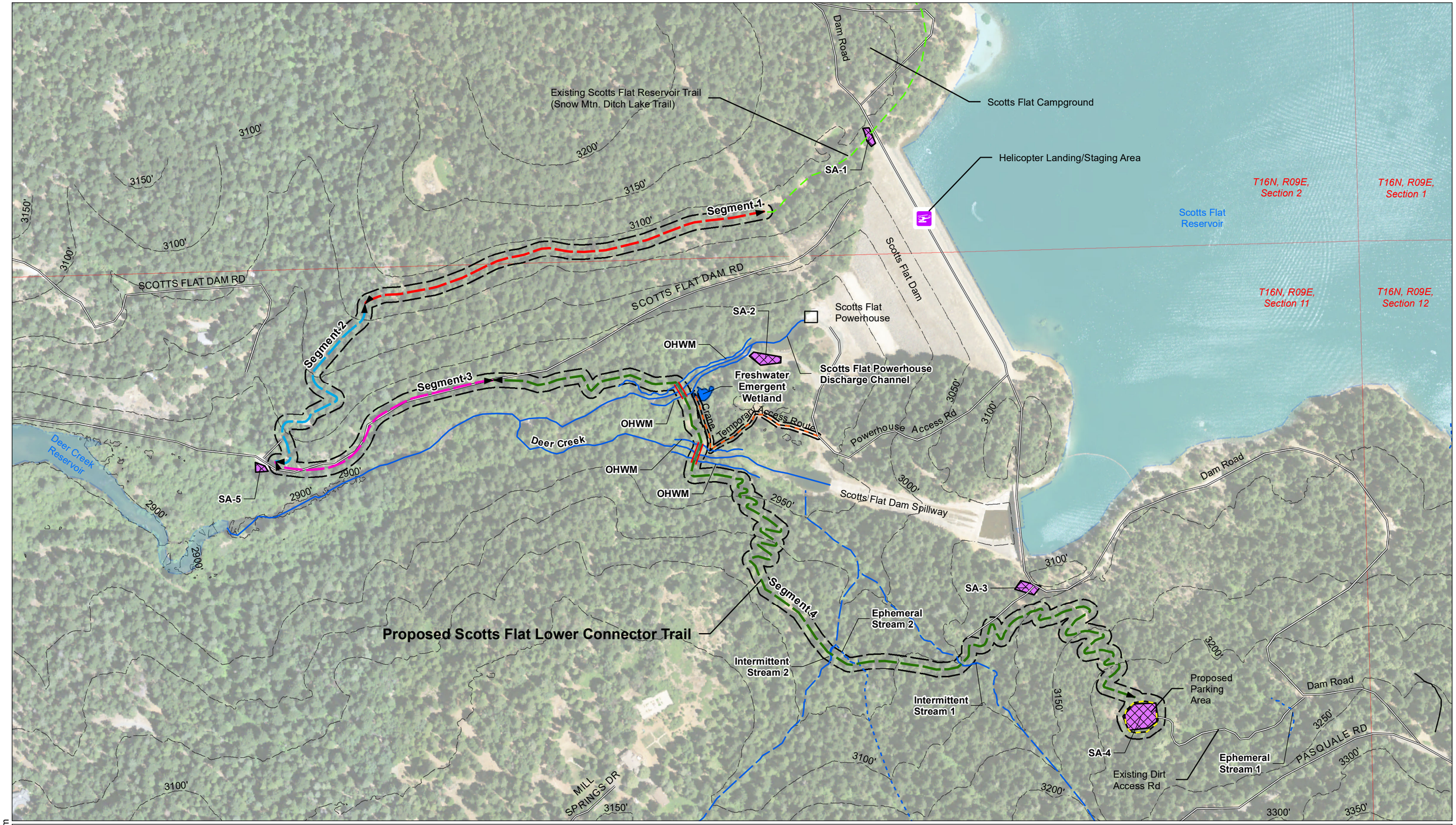
Map 2

Project Area
Scotts Flat Lower Connector Trail Project
Nevada County, California

North Bloomfield 7.5' USGS Quad, Sections 2 & 11, Township 16N, Range 9E



Maps & GIS

PGC

pricegeographic.com

0 150 300 Feet

N

Proposed Trail
- Segment 1
- Segment 2
- Segment 3
- Segment 4
- Pedestrian Bridge

- Work Area (25ft Buffer)
- Staging Area (SA)
- Crane Temporary Access Route
- Work Area (5ft Buffer Crane Access Road)
- Helicopter Landing/Staging Area

- Wetland
- Ephemeral Stream
- Intermittent Stream
- Perennial Stream OHWM
- Reservoir

- Proposed Parking Area
- Existing Trail
- Existing Road
- Contour Line (50')
- Section Line (PLSS)

Janelle Nolan & associates
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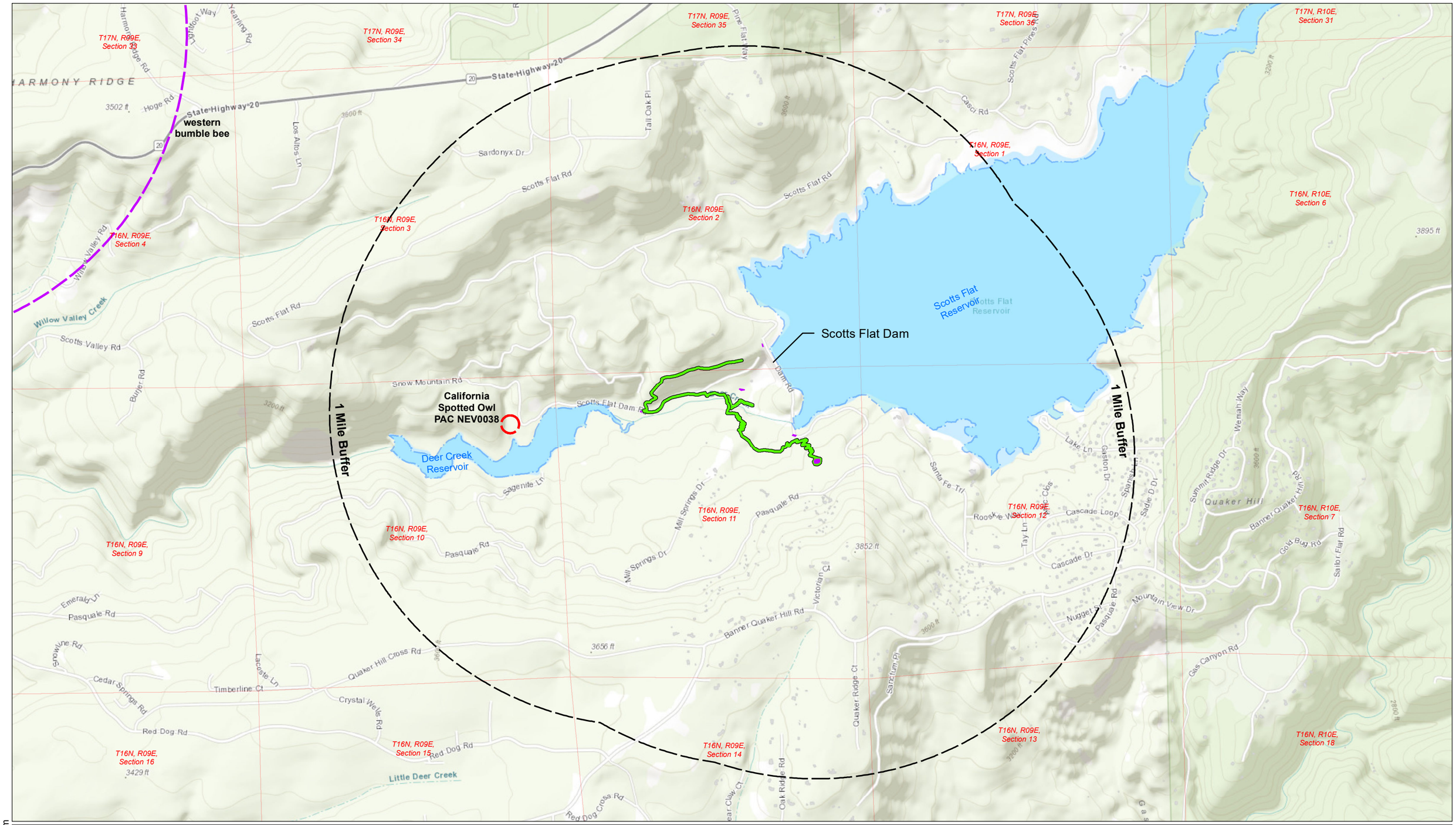
Map 3
Location of Waters of the U.S./State
Scotts Flat Lower Connector Trail Project
Nevada County, California

North Bloomfield 7.5' USGS Quad, Sections 2 & 11, Township 16N, Range 9E



Maps & GIS
PGC

0 750 1,500 Feet

N

Project Work Area
Staging Area
1 Mile Buffer

CNDDB Occurrence
California Spotted Owl PAC NEV0038
western bumble bee

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Map 4

Special-Status Plant and Wildlife Occurrences within 1 Mile of Scotts Flat Lower Connector Trail Project
Nevada County, California

North Bloomfield 7.5' USGS Quad, Sections 2 & 11, Township 16N, Range 9E

Appendix A

Special-Status Plant Species Known to Occur or Potentially Occurring in the Project Vicinity.

Appendix A. Special-Status Plant Species Known or Potentially Occurring in the Vicinity of the Project.

Scientific Name	Common Name	Federal/State Status/CRPR	California Distribution/Range	Habitat Associations	Potential to Occur in the Project Site
Plants – May Potentially Occur					
Fritillaria eastwoodiae	Butte County fritillary	None/None/3.2	Found in Butte, El Dorado, Nevada, Placer, Plumas, Shasta, Tehama, and Yuba counties (CNPS 2020).	Perennial bulbiferous herb. Chaparral, cismontane woodland, lower montane coniferous forest (openings). Blooms from March through June. Elevation (ft): 164–4,921	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Lathyrus sulphureus var. *argillaceous*	Dubious pea	None/None/3.0	This species is endemic to California. It can be found within Calaveras, El Dorado, Nevada, Placer, Shasta, and Tehama counties (CNPS 2020).	Perennial herb. Found in Cismontane woodland, lower montane coniferous forest, and upper montane coniferous forest. Blooms from April to May. Elevation (ft): 492-3,051	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Lewisia cantelovii	Cantelow's lewisia	None/None/1B.2	This species is endemic to California. It can be found within Butte, Nevada, Plumas, Shasta, Sierra, and Yuba counties (CNPS 2020).	Perennial herb. Broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest; mesic, granitic, sometimes serpentinite seeps. Blooms from May through October. Elevation (ft): 1,083–4,495	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Lycopodiella inundata	Inundated bog club-moss	None/None/2B.2	This species can be found in Nevada and Humboldt counties (CNPS 2020).	Perennial rhizomatous herb. Bogs and fens, lower montane coniferous forest, marshes and swamps. Blooms from June through September. Elevation (ft): 16-3,281	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Monardella follettii	Follett's monardella	None/None/1B.2	This species is endemic to California. Occurs in Nevada and Plumas counties in California (CNPS 2020).	Perennial shrub. Lower montane coniferous forest (rocky, serpentinite). Blooms from June through September. Elevation (ft): 1,968-6,562	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Phacelia stebbinsii	Stebbins' phacelia	None/None/1B.2	This species is endemic to California. It can be found in El Dorado, Nevada, and Placer counties (CNPS 2020)..	Annual herb. Cismontane woodland, lower montane coniferous forest, and meadows and seeps. Blooms from May through July. Elevation (ft): 2,000-6,595	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Poa sierrae	Sierra blue grass	None/None/1B.3	This species is endemic to California. It can be found within Butte, El Dorado, Madera, Nevada, Placer, Plumas, and Shasta Counties (CNPS 2020).	Perennial rhizomatous herb. Lower montane coniferous forest. Blooms from April through June. Elevation (ft): 1,198–4,921	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Rhynchospora capitellata	Brownish beaked-rush	None/None/2B.2	This species can be found in Butte, El Dorado, Mariposa, Nevada, Plumas, Sonoma, Tehama, Trinity, and Yuba Counties. (CNPS 2020).	Perennial herb. Lower montane coniferous forest, meadows and seeps, marshes and swamps, upper montane coniferous forest. Blooms from July through August. Elevation (ft): 148-6,562	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Sidalcea stipularis	Scadden Flat checkerbloom	None/SE/1B.1	This species is endemic to California and is only found in Nevada County (CNPS 2020).	Perennial rhizomatous herb. Montane freshwater marshes and swamps. Blooms from July through August. Elevation (ft): 2,300-2,400	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site; however, there are two records to the south of the Project Site for which specific location information has been suppressed (CNDDB 2021).
Streptanthus tortuosus ssp. *truei*	True's mountain jewelflower	None/None/1B.1	This species is endemic to California and is only found in Nevada County (CNPS 2020).	Perennial herb. Lower montane coniferous forest in partial shade on steep rocky slopes. Blooms from June through July. Elevation (ft): 2,505 – 2,820	**May potentially occur**. Suitable habitat for this species is present within the Project Site. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project Site.
Plants – Unlikely to Occur					
Calystegia stebbinsii	Stebbins' morning-glory	FE/SE/1B.1	Found within Nevada and El Dorado counties (CNPS 2020).	Perennial rhizomatous herb. Chaparral (openings), cismontane woodland; gabbroic or serpentinite soil. Blooms from April through July. Elevation (ft): 607–3,576	Unlikely to occur. The Project Site does not contain suitable habitat for this species.

Appendix A. Special-Status Plant Species Known or Potentially Occurring in the Vicinity of the Project.

Scientific Name	Common Name	Federal/State Status/CRPR	California Distribution/Range	Habitat Associations	Potential to Occur in the Project Site
Calystegia vanzuukiae	Van Zuuk's morning-glory	None/None/1B.3	Found in Eldorado and Placer counties (CNPS 2020).	Perennial rhizomatous herb. Chaparral and cismontane on gabbroic or serpentine soil. Blooms from May through August. Elevation (ft): 1,640-3870	Unlikely to occur. The Project Site does not contain suitable habitat for this species.
Carex sheldonii	Sheldon's sedge	None/None/2B.2	Found in Lassen, Modoc, Placer, and Plumas counties (CNPS 2020).	Perennial rhizomatous herb. Lower montane coniferous forest (mesic), marshes and swamps (freshwater), and riparian scrub. Blooms from May through August. Elevation (ft): 3,935-6,600	Unlikely to occur. The Project Site is outside the elevation range for this species.
Carex xerophila	Chaparral sedge	None/None/1B.2	This species is endemic to California. It can be found within Butte, El Dorado, Nevada, and Yuba counties (CNPS 2020).	Perennial herb. Chaparral, cismontane woodland, lower montane coniferous forest; gabbroic or serpentinite soil. Blooms from March through June. Elevation (ft): 1,444-2,526	Unlikely to occur. The Project Site is outside the elevation range for this species.
Fremontodendron decumbens	Pine Hill flannelbush	FE/SR/1B.2	This species is endemic to California. It can be found within El Dorado, Nevada, and Yuba counties (CNPS 2020).	Perennial evergreen shrub. Chaparral and cismontane woodland on gabbroic or serpentinite, rocky soil. Blooms from April through July. Elevation (ft): 1,390-2,495	Unlikely to occur. The Project Site is outside the elevation range for this species.
Juncus digitatus	Finger rush	None/None/1B.1	This species is endemic to California. It can be found in Shasta and Nevada counties (CNPS 2020).	Perennial herb. Cismontane woodland (openings), lower montane coniferous forest (openings), vernal pools (xeric). Blooms from (Apr) May through –June. Elevation (ft): 2,165–2,592	Unlikely to occur. The Project Site is outside the elevation range for this species.
Lewisia kelloggii ssp. *hutchisonii*	Hutchison's lewisia	None/None/3.2	This species is endemic to California. It can be found within Butte, Sierra, Plumas, and Tuolumne counties (CNPS 2020).	Perennial herb. Found in upper montane coniferous forest in openings, ridgetops, slate, and rhyolite tuff. Blooms from May through August. Elevation (ft): 2,505-7,760	Unlikely to occur. The Project Site does not contain suitable habitat for this species.
Packera layneae	Layne's ragwort	FT/SR/1B.2	This species is endemic to California. It can be found within Butte, El Dorado, Placer, Tuolumne, and Yuba counties (CNPS 2020).	Perennial herb. Chaparral, cismontane woodland; serpentinite or gabbroic, rocky soil. Blooms from April through August. Elevation (ft): 656 – 3,560	Unlikely to occur. The Project Site does not contain suitable habitat for this species.
Plagiobothrys glyptocarpus var. *modestus*	Cedar Crest popcornflower	None/None/3.2	This species is endemic to California. It can be found in Nevada and potentially Yuba counties (CNPS 2020).	Annual herb. Cismontane woodland and mesic valley and foothill grassland. Blooms from April through June. Elevation (ft): 870 – 2,850	Unlikely to occur. The Project Site does not contain suitable habitat for this species.
Pyrrocoma lucida	Sticky pyrrocoma	None/None/1B.2	Found in Lassen, Plumas, Sierra, and Yuba counties (CNPS 2020).	Perennial herb. Great Basin scrub, lower montane coniferous forest, meadows and seeps in alkaline clay soils. Blooms from July through October. Elevation (ft): 2,295-6,400-	Unlikely to occur. The Project Site does not contain suitable habitat for this species.

Status Definitions
BAGEPA = Protected under the federal Bald Eagle and Golden Eagle Protection Act
FE = Federally Endangered
FP = Fully Protected under the California Fish and Game Code
FPT = Federally Proposed Threatened
FT = Federally Threatened
SCT = State Candidate Threatened
SE = California Endangered
ST = California Threatened
California Rare Plant Rank (CRPR)
1B = Rare, threatened, or endangered in California and elsewhere
2B = Rare in California but more common elsewhere
_.1 = Seriously threatened in California (over 80% of occurrences threatened/ high degree and immediacy of threat)
_.2 = Moderately threatened in California (20 – 80% of occurrences threatened or no current threats known)
_.3 = Not very threatened in California (<20% of occurrences threatened or no current threats known)
3 = Review List: Plants about which more information is needed

Special-status Species Lists:
California Natural Diversity Database (CNDDB). Rare Find 5.0. CDFW, Habitat Planning and Conservation Branch. Accessed January 2021. Electronic Database.
California Native Plant Society, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org [accessed 12 December 2020].
United States Fish and Wildlife Service (USFWS). 2020. Species List, Information for Planning and Conservation (IPaC). Electronic Database. Accessed December 2020.

Appendix B

Special-Status Wildlife Species Known to Occur or Potentially Occurring in the Project Vicinity.

Appendix B. Special-Status Wildlife Species Known or Potentially Occurring in the Vicinity of the Project.

Scientific Name	Common Name	Federal/State Status	California Distribution/Range	Habitat Associations	Potential to Occur in the Project Area
Invertebrates					
Bombus occidentalis	western bumble bee	–/SCE	The historical range of the western bumble bee includes most of western North America.	This species is dependent on continuous access to meadows or other open areas with floral resources from spring through late summer within 0.3 to 0.5 mile of burrowing nests.	Unlikely to occur. The Project area does not contain suitable open foraging habitat for this species. **CNDDB query:** There are no documented occurrences of this species within 1 mile of the Project area.
Fish					
Hypomesus transpacificus	delta smelt	FT/SE	The historical range of the delta smelt includes most of the Central Valley and associated watersheds.	Breeds on tidally-influenced backwater sloughs and channel edgewaters of the San Francisco Estuary.	Unlikely to occur. The Project area does not contain suitable habitat for this species. **CNDDB query:** There are no documented occurrences of this species within 1 mile of the Project area.
Amphibians					
Rana boylli	foothill yellow-legged frog	–/ST	This species occurs in the Coast Ranges from the Oregon border south to the Transverse Mountains in Los Angeles County, in most of northern California west of the Cascade Crest, and along the western flank of the Sierra Nevada south to Kern County. Isolated populations are also known from the mountains of Los Angeles County. This species generally occurs in rivers and streams up to approximately 5,000 feet above mean sea level (msl).	The foothill yellow-legged frog is found in or near perennial or seasonal streams with boulder and cobble substrates in a variety of habitats including valley–foothill hardwood, valley–foothill hardwood/conifer, valley–foothill riparian, ponderosa pine, mixed conifer, coastal scrub, mixed chaparral, and wet meadow types. Breeding generally occurs from late March to June near the end of the spring runoff period. This aquatic species is rarely found far from water.	**May potentially occur.** Suitable aquatic habitat for this species is present within the Project area. However, habitat would be considered marginal for several reasons. First, the powerhouse discharge channel and Deer Creek below the spillway both experience high variations in flow that would preclude successful breeding. Second, bullfrogs, a known predator of foothill yellow-legged frog, are abundant in the Project area (NID 2018). **CNDDB query:** There are no documented occurrences of this species within 1 mile of the Project area.
Rana draytonii	California red-legged frog	FT/SSC	The historical range of this species extended through Pacific slope drainages from Shasta County, California, to Baja, Mexico, and included the Coast Ranges and the west slope of the Sierra Nevada at elevations below 5,000 feet msl (1,548 meters msl). The current range is greatly reduced, with most remaining populations occurring along the coast from Marin County to Ventura County and in several isolated locations in the foothill region of the west slopes of the Sierra Nevada.	California red-legged frogs occur in different habitats depending on their life stage, the season, and weather conditions. Breeding habitat includes coastal lagoons, marshes, springs, permanent and semi-permanent natural ponds, and ponded and backwater portions of streams. These frogs also breed in artificial impoundments, including stock ponds, irrigation ponds, and siltation ponds. Creeks and ponds with dense growths of woody riparian vegetation, especially willows (*Salix* spp.), are preferred (Hayes and Jennings 1988), although the absence of vegetation at an aquatic site does not rule out the possibility of occupancy. Adult frogs prefer dense, shrubby or emergent riparian vegetation near deep (≥2 to 3 feet (0.6 to 0.9 meter)), still or slow-moving water, especially where dense stands of overhanging willow and an intermixed fringe of cattail (*Typha* sp.) occur adjacent to open water.	**Unlikely to occur.** Suitable aquatic habitat is not present for this species within the Project area. A site assessment was conducted for the Scotts Flat Plunge Pool below the spillway and it found that there are no essential components for California red-legged frog breeding present within the Project area (NID 2018). **CNDDB query:** There are no documented occurrences of this species within 1 mile of the Project area.
Rana sierrae	Sierra Nevada yellow-legged frog	FE/ST	The range of this species includes the western Sierra Nevada north of the Monarch Divide and the eastern slope of the Sierra Nevada from Inyo County north through Mono County, to areas north of Lake Tahoe.	The Sierra Nevada yellow-legged frog is found in streams, lakes, and ponds, in montane riparian, lodgepole pine, subalpine conifer, and wet meadows habitats. Breeds in shallow water in low gradient perennial streams and lakes. Typically found at elevations between 4,500 to 12,000 feet.	**Unlikely to occur.** The Project area is outside the elevation range for this species. **CNDDB query**: There are no documented occurrences of this species within 1 mile of the Project area.
Reptiles					
Emys marmorata	western pond turtle	–/SSC	Occurs widely in the Sierra Nevada foothills.	Occurs in woodlands, grasslands, and open forests in a variety of wetland habitats, including ponds, rivers, lakes, marshes, reservoirs, stock ponds, and irrigation ditches that contain aquatic vegetation (Zeiner et al. 1990; Stebbins 2003). Spends its time in water or at basking sites along the banks of streams or ponds. A thoroughly aquatic turtle of ponds, marshes, rivers, streams, and irrigation ditches, usually with aquatic vegetation, below 6,000 feet msl. Needs basking sites and suitable upland habitat (sandy banks or grassy open fields) up to 0.5 kilometer (0.3 mile) from water for egg-laying.	**May potentially occur.** Suitable habitat is present in the Project area.

Appendix B. Special-Status Wildlife Species Known or Potentially Occurring in the Vicinity of the Project.

Scientific Name	Common Name	Federal/State Status	California Distribution/Range	Habitat Associations	Potential to Occur in the Project Area
Phrynosoma blainvillii	Blainville's (Coast) horned lizard	–/SSC	Sacramento Valley, including Sierra foothills, south to Southern California; Coast Ranges south from Sonoma County; below 4,000 feet msl in northern California.	Grasslands, brush lands, woodlands, and open coniferous forest with sandy or loose soil (prefers gabbro soils), including sandy washes with low shrubs. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	**May potentially occur.** Suitable habitat is present in the Project area.
Birds					
Laterallus jamaicensis coturniculus	California black rail	–/ST, CFP	A resident population exists among the foothills of the west slope of the Sierra Nevada mountain range, disjointed occurrences have been noted along the coast of California (USFWS 2017c).	Tidal marshes, shallow freshwater margins, wet meadows and flooded grassy vegetation; suitable habitats are often supplied by canal leakage in Sierra foothill populations. Marshes must be at least 1 acre in size and support at least 1 inch of water. Nests are concealed in dense vegetation. Breeds in March through early June, and may winter away from breeding habitat. The California black rail is extremely secretive and tends to avoid areas of human activity.	Unlikely to occur. The Project area does not contain suitable habitat for this species.
Accipiter gentilis	northern goshawk	–/SSC	Permanent resident in Sierra Nevada south to Kern County, as well as the Klamath and Cascade Ranges, north Coast Ranges from Del Norte to Mendocino Counties; winters in Modoc, Lassen, Mono, and northern Inyo Counties; rare in Southern California.	Nests and roosts in older stands of mixed conifer, red fir, Jeffrey pine, lodgepole pine, and aspen forests; hunts in forests and in forest clearings and meadows. Nests are usually in large trees, often on north-facing slopes, and situated near a source of water (Beedy and Pandolfino 2013).	**May potentially occur.** Suitable habitat is present in the Project area.
Haliaeetus leucocephalus	bald eagle	BAGEPA / SE, CFP	Nests in Nevada and Placer Counties and in Lake Tahoe Basin; reintroduced into central coast; winter range includes rest of California except southeastern deserts, very high elevations in the Sierra Nevada, and east of Sierra Nevada south of Mono County; statewide breeding range is expanding.	Lives near large bodies of open water such as lakes, marshes, estuaries, sea coasts, and rivers, where fish are abundant. Usually nests within 1 mile of water in tall trees with open branchwork bordering lakes or large rivers (Zeiner et al. 1988; Fix and Bezener 2000). In Central California, bald eagles prefer foothill pines for nesting.	**May potentially occur.** Suitable habitat is present in the Project area.
Asio otus	long-eared owl	–/SSC	The long-eared owl is distributed throughout the state of California except the Central Valley and Southern California deserts.	Nests in dense riparian thickets with abundant small trees. Found in the foothills and mid-elevation montane forests.	**May potentially occur.** Suitable habitat is present in the Project area.
Strix nebulosa	great gray owl	–/SE	Found in the Sierra Nevada and Cascade Mountains of California.	Nests in old-growth coniferous forests and forages in montane meadows. Distribution includes the high elevations of the Sierra Nevada and Cascade ranges, from 4,500 to 7,500 feet in elevation.	Unlikely to occur. The Project area is outside the elevation range of this species and does not contain suitable habitat.
Strix occidentalis occidentalis	California spotted owl	–/SSC	The California spotted owl is distributed throughout the forests of the western Sierra Nevada mountains, from Shasta County south to the Tehachapi Pass. Also found in southern and central coastal California mountain ranges.	Nests in old-growth, dense, coniferous forests. Forages in multi-layered mixed conifer, redwood, Douglas fir, and oak woodland habitats, from sea level to elevations of approximately 7,600 feet.	**May potentially occur**. The nearest Protected Activity Center (NEV0038) is located approximately 0.5 mile west of the Proposed Trail along Deer Creek Reservoir. Suitable nesting and foraging habitat is present in the Project area.
Chaetura vauxi	Vaux's swift	–/SSC	Fairly common in the coast ranges north of Sonoma County, in the Sierra Nevada, and Cascade Range.	Nests in redwood and Douglas-fir habitats in large hollow trees and snags. Forages in open areas and over water.	**May potentially occur.** Suitable habitat is present in the Project area.
Contopus cooperi	olive-sided flycatcher	–/SSC	Found through the mountainous regions of the western United States.	Uncommon to common summer resident in a wide variety of forest and woodland habitats. Nesting habitats include mixed conifer, montane hardwood-conifer, Douglas fir, redwood, red fir, and lodgepole pine forests from 3,000 to 7,000 feet in elevation.	**May potentially occur.** Suitable nesting and foraging habitat is present in the Project area.
Setophaga petechia	yellow warbler	–/SSC	Found in riparian habitats throughout the western United States.	Breeds in riparian woodlands from coastal and desert lowlands up to elevations of 8,000 feet in the Sierra Nevada. Also breeds in montane chaparral, open ponderosa pine, and mixed conifer habitats with substantial amounts of brush.	**May potentially occur.** Suitable habitat is present in the Project area.
Icteria virens	yellow-breasted chat	–/SSC	Found in coastal California and in the foothills of the Sierra Nevada in California.	Breeds in dense riparian thickets near watercourses up to 4,800 feet in elevation on the western slope of the Sierra Nevada.	**May potentially occur.** Suitable nesting and foraging habitat is present in the Project area.

Appendix B. Special-Status Wildlife Species Known or Potentially Occurring in the Vicinity of the Project.

Scientific Name	Common Name	Federal/State Status	California Distribution/Range	Habitat Associations	Potential to Occur in the Project Area
Mammals					
Aplodontia rufa californica	Sierra Nevada mountain beaver	–/SSC	Northern and central Sierra Nevada mountains and a small portion of west-central Nevada.	Wooded, moist habitats with herbaceous plants along slopes of ridges and gullies; brushy successional stages of most coniferous communities. Riparian woodland and scrub.	**May potentially occur.** Suitable habitat is present in the Project area.
Antrozous pallidus	pallid bat	–/SSC	This species is found throughout California.	Inhabits variety of habitats, including coniferous forests. Rock outcroppings, caves, buildings, bridges, and sometimes hollow trees are used for roost sites. Pallid bats are year-round residents that hibernate during the winter months.	**May potentially occur.** Suitable habitat is present in the Project area.
Corynorhinus townsendii	Townsend's big-eared bat	–/SSC	This species is found throughout California.	Mesic habitats characterized by coniferous and deciduous forests and riparian habitat, but also xeric areas; roosts in limestone caves and lava tubes, also man-made structures and tunnels	**May potentially occur.** Suitable foraging habitat is present in the Project area.
Lasiurus blossevillii	western red bat	–/SSC	This species is found throughout California.	Roosts in forests and woodlands from seal level up through mixed mesic conifer forests in coastal ranges and the Sierra Nevada. Forages in a variety of habitats including croplands, grasslands, shrublands, and open woodlands and forests. Prefers solitary roosts in trees and occasionally shrubs.	**May potentially occur.** Suitable habitat is present in the Project area.
Bassariscus astutus	ringtail	–/CFP	This species is found throughout California in mountainous terrain.	Found in most forest and shrub habitats in close association with rocky and/or riparian areas, usually not more than 0.6 miles from water. Dens in hollow trees, snags, or other cavities.	**May potentially occur.** Suitable habitat is present in the Project area.
Pekania pennanti	Fisher – West Coast DPS	–/ST, SSC	Coastal mountains from Del Norte to Sonoma Counties, through Cascades to Lassen County.	North coast coniferous forest with intermediate to large- tree stages of coniferous forests and deciduous-riparian areas with high percent canopy closure. Uses cavities, snags, logs, and rocky areas for cover and denning. Needs large areas of mature, dense forest.	Unlikely to occur. The Project area is outside the geographic range of this species.
Vulpes vulpes necator	Sierra Nevada red fox	FC/ST	Historical range included the Cascade Range east to Sierra Nevada, south to Tulare County. Current range is limited to two distinct populations, one located on the Stanislaus National Forest and one located on the Lassen National Forest (USFS 2010).	Occurs throughout the Sierra Nevada at elevations above 7,000 feet in forests interspersed with meadows or alpine forests. Open areas are used for hunting, and forested habitats are used for cover and reproduction.	Unlikely to occur. The Project area is outside the geographic range of this species.

Status Definitions
BAGEPA = Protected under the federal Bald Eagle and Golden Eagle Protection Act
CFP = Fully Protected under the California Fish and Game Code
FC = Federal Candidate
FE = Federally Endangered
FPT = Federally Proposed Threatened
FT = Federally Threatened
SCE = California Candidate Endangered
SE = California Endangered
ST = California Threatened
SSC = Considered a Species of Special Concern by the CDFW

Appendix C

Nevada Irrigation District Cultural Resources Policy (Policy No. 6085)

Nevada Irrigation District

Staff Report

for the Board of Directors of June 10, 2015

TO: Board of Directors

FROM: Gary King, Engineering Manager

DATE: June 1, 2015

SUBJECT: **Policy – Cultural Resources (Consent)**

ENGINEERING

RECOMMENDATION:
Adopt Resolution No. 2015-16 (Establishing Policy for Administration – Cultural Resources) as recommended by the Administrative Practices Committee on May 5, 2015.

BACKGROUND:
Cultural resources can be found during numerous District activities. These resources such as Indian pottery or mining equipment are relevant to the history of this area. If the District encounters these resources, staff will take reasonable efforts to protect and preserve resources. Once these materials are removed, they can be stored and then donated to a preservation organization with the potential of display to the public. Human remains if found have a more formal method which is indicated in the attached guideline.

Staff in collaboration with a professional archeologist has developed a guideline for dealing with either human or cultural remains. In addition, this guideline was discussed in the Engineering Committee on May 19, 2015 and will be used by staff and included as a guideline in future California Environmental Quality Act documents. The guideline has been provided as an information item as part of this request.

It is the recommendation of staff to approve the attached policy.

BUDGETARY IMPACT:
No budget impact

GDK

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Cultural Resources
POLICY NUMBER: 6085

The purpose of this policy is to outline efforts of the District to protect inadvertently discover cultural resources or human remains.

6085.1 Discovery of Cultural Resources

Archaeological materials: may include, but are not limited to, flaked stone tools (projectile point, biface, scraper, etc.) and debitage (flakes) made of chert, obsidian, etc., groundstone milling tools and fragments (mortar, pestle, handstone, millingstone, etc.), faunal bones, fire-affected rock, dark middens, house pit depressions and human interments.

Historic-era Resources: may include, but are not limited to, small cemeteries or burial plots, cut (square) nails, containers or miscellaneous hardware, glass fragments, cans with soldered seams or tops, ceramic or stoneware objects or fragments, milled or split lumber, earthworks, feature or structure remains and trash dumps.

The District will treat those materials in a manner consistent using guidelines developed by the District staff and appropriate professionals which will follow standards of the industry and regulatory requirements to manage the discovery of cultural resources.

6085.2 Discovery of Human Remains

According to Section 7050 of the California Health and Safety Code, it is a misdemeanor to knowingly disturb a human burial site. If human remains are encountered (or are suspected) during related activity, the District or its contractor will treat those remains or suspected remains in a dignified manner using guidelines developed by the District staff and appropriate professionals which will follow standards of the industry and regulatory requirements to manage the discovery of human remains.

Adopted: (Date) via Resolution No. 2015
Revised:

GUIDELINES FOR CULTURAL RESOURCES
MAY 11, 2015

Unanticipated Discovery of Cultural Resources

If subsurface cultural resources are inadvertently uncovered during Project ground disturbing activities

Archaeological materials: may include, but are not limited to, flaked stone tools (projectile point, biface, scraper, etc.) and debitage (flakes) made of chert, obsidian, etc., groundstone milling tools and fragments (mortar, pestle, handstone, millingstone, etc.), faunal bones, fire-affected rock, dark middens, house pit depressions and human interments.

Historic-era Resources: may include, but are not limited to, small cemeteries or burial plots, cut (square) nails, containers or miscellaneous hardware, glass fragments, cans with soldered seams or tops, ceramic or stoneware objects or fragments, milled or split lumber, earthworks, feature or structure remains and trash dumps. NID or its contractor shall complete the following steps:

1. Stop all work when cultural resources are encountered
2. Immediately contact the NID Project Manager
3. NID will relocate work within no less than 150 feet of the discovery or otherwise directed by the NID Qualified Professional Archaeologist; If NID resumes work in a location where cultural resources have been discovered and cleared
4. NID will have an onsite archeologist to confirm that no additional archaeological resources are in the area.
5. NID or its contractor shall secure the discovery location with traffic plates over the exposed site or a person watching the site until cleared by the archeologist
6. NID contractor will make every effort not to further harass or damage, touch, or remove any cultural resources materials
7. All spoils will remain in their current location until directed to be moved by NID staff or the archeologist.
8. NID or its contractor shall record the location and keep notes of all calls and events
9. NID or its contractor shall treat the find as confidential and do not publically disclose the location. Only authorized personnel, or individuals with the permission of NID
   (and the land owner if different from NID) shall be allowed on the archeological site
10. The NID archaeologist will assess the significance of the find. All materials c o l l e c t e d and secured by NID at the offsite District location. The NID archeologist will not provide any materials to a tribal agency or other group unless directed by the District. All materials found will be secured and provided to an appropriate tribal or museum of selection at the discretion of the District. The District will make every effort to treat the sharing of materials such that the community is benefited by the find
11. No additional work shall take place within the immediate vicinity of the find until NID's chosen archaeologist has given approval and with the concurrence of SHPO.

Unanticipated Discovery of Human Remains

Section 7050 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb a human burial site. If human remains are encountered (or are suspected) during any project-related activity, NID's contractor shall complete the following steps:

1. Immediately stop all work when human remains are encountered
2. Immediately contact the NID Project Manager or Department Manager
3. NID will contact a Qualified Professional Archaeologist (meeting the Secretary of the Interior's Qualifications) who will then notify the County Coroner immediately pursuant to PRC Section 7050.5;
4. NID or its contractor will relocate work if directed by NID within no less than 150 feet of the discovery or otherwise directed by the NID Qualified Professional Archaeologist;
5. NID will have the NID archeologist confirm that no additional archaeological resources are in the area. If NID resumes work in a location where human remains have been discovered and cleared, NID will have a Qualified Professional Archaeologist onsite to confirm that no additional human remains are in the area
6. NID's contractor shall not damage, touch, or remove any human remains or associated materials or remove associated spoils or pick through them;
7. Record the location and keep notes of all calls, site visits and events;
8. NID or its contractor shall treat the find as confidential and do not publically disclose the location. NID shall provide security to the area as needed. Only authorized personnel, or individuals with the permission of NID (and the land owner, if different from NID) shall be allowed onsite.
9. The County Coroner may assess the human remains. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of such identification. The NAHC shall identify the most likely descendant (MLD).
10. Once given the permission by NID (and the land owner if different from NID) the MLD shall be allowed onsite. The MLD shall complete their inspection and make their recommendation to NID for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. MLD recommendations must be made within 48 hours of the NAHC notification to the MLD.
11. No additional work shall take place within the immediate vicinity of the find until NID's chosen archaeologist gives approval to resume work in that area.