August 18, 2015

Erik Jacobson
Director, Regulatory Relations
Pacific Gas and Electric Company
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, California 94177

SUBJECT: Grant of Easement to the County of Nevada for a Multi-Purpose Public Pedestrian Path – Request for Approval under Section 851

Dear Mr. Jacobson:

Advice Letter 4622-E is effective as of August 13, 2015, per Resolution E-4727 Ordering Paragraph 2.

Sincerely,

Edward Randolph
Director, Energy Division
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-4727
August 13, 2015

RESOLUTION

Resolution E-4727. Pacific Gas and Electric Company requests authority to enter into an easement agreement.

PROPOSED OUTCOME:

- This Resolution adopts the findings and conclusions in the County of Nevada, Public Works Department’s Initial Study/Mitigated Negative Declaration pursuant to the California Environmental Quality Act and approves Pacific Gas and Electric Advice Letter 4622-E seeking authority to enter into an easement agreement with the County of Nevada, CA.

SAFETY CONSIDERATIONS:

- Easement agreement will not interfere with Pacific Gas and Electric Company’s responsibility to meet their obligations under Public Utilities Code Section 451 to provide services that promote the safety, health, comfort, and convenience of their patrons, employees and the public.

ESTIMATED COST:

- There are no costs associated.

By Advice Letter 4622-E Filed on April 22, 2015.

SUMMARY

Pacific Gas and Electric Company (PG&E) has submitted Advice Letter (AL) 4622-E seeking approval under Public Utilities (PU) Code Section 851 to grant the County of Nevada (County) a perpetual non-exclusive easement on PG&E’s Higgins Substation property in unincorporated Grass Valley, California. The Grantee will use the proposed easement to construct a portion of a multi-purpose
public pedestrian path as part of a larger public works plan by the County. This Resolution adopts the findings and conclusions in the County of Nevada, Public Works Department’s Mitigated Negative Declaration (MND), pursuant to the California Environmental Quality Act (CEQA), and approves PG&E Advice Letter 4622-E.

BACKGROUND

PG&E owns land, buildings, and other facilities in connection with the provision of electric and natural gas services to its customers throughout northern and central California. In the provision of these services, PG&E relies on a portfolio of fee properties, rights-of-way, and facilities to support its electric and gas activities. Two such fee properties, located in unincorporated Grass Valley, California, supports PG&E’s Higgins Substation. The properties are approximately 7.05 acres and the proposed easement is approximately 0.55 acres. The proposed easement is a strip of land approximately 36 feet wide, located at 10118 & 10194 Combie Road and extends along Combie Road between State Route 49 and West Hacienda Drive.

In the Combie Road Class I Pedestrian Bicycle Facility and Utility Undergrounding project, Nevada County is proposing to develop a meandering Class I bicycle paths on the proposed easement, north side of Combie Road from State Route 49 to West Hacienda Drive (approximately 0.83 miles). In addition, this project includes necessary utility undergrounding work along this section of the Combie Road. This project is consistent with its “Higgins Area plan” adopted by County of Nevada in 2000.

Project construction would take place in two phases: 1) PG&E will underground the overhead electrical utilities and 2) Nevada County will construct a pedestrian bicycle facility on the proposed easement. The proposed easement will have no known or anticipated effect on PG&E’s current or anticipated utilization of the larger parcels. The proposed easement is at least 70 feet away from electric operations at the substation. PG&E asserts that this easement agreement will not interfere with their ability to provide utility services and is not adverse to the public interest.

Advice Letter 4622-E was appropriately filed pursuant to a program to expedite certain transactions via Advice Letter that otherwise would be subject to a full PU Code section 851 application (Resolution ALJ-244).
The CPUC’s decision to grant or deny the relief sought in AL 4622-E requires Commission review and adoption of the analysis and conclusions of the County of Nevada, Public Works Department’s MND, issued for public comment in May of 2012, and adopted by the County of Nevada on June 12, 2012, in Resolution No. 12-204. In its review, conducted pursuant to the California Environmental Quality Act, the County acted as Lead Agency and concluded that the proposed project, and all activities associated with it, would not have any significant impact on the environment, provided that the mitigation activities proposed by the County, subject to the easement agreement and outlined in AL 4622-E, are implemented. Such a review and adoption is a discretionary decision pursuant to CEQA, and the CPUC will act as a Responsible Agency for compliance with CEQA. This Resolution adopts the conclusions and findings in the County’s MND, in accordance with the CEQA Guidelines and the Public Resources Code, and approves the easement agreement between PG&E and County of Nevada.

NOTICE

Notice of AL 4622-E was made by publication in the Commission’s Daily Calendar. PG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section IV of General Order 96-B.

PROTESTS

Protests to Advice Letter 4622-E were due no later than May 12, 2015. No protests were received.

DISCUSSION

CEQA requires the Commission to consider the environmental consequences of its discretionary decisions. Pursuant to CEQA and Rule 2.4 of the Commission’s Rules of Practice and Procedure, the Commission examines projects to determine any potential environmental impacts in order that adverse effects are avoided and environmental quality is restored or enhanced to the fullest extent possible under CEQA. In this instance, the Commission is the Responsible Agency under CEQA with respect to the environmental review of the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding project. The Commission, as a Responsible Agency, must adopt the County of Nevada’s findings and conclusions as set out in the County’s MND.
An Initial Study was prepared by the County of Nevada Public Works Department pursuant to CEQA that evaluated potential environmental impacts of Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding project. Potentially significant impacts to biological, cultural, air quality resources, hazards/hazardous materials, and noise were identified in the Initial Study; mitigation measures were developed to reduce the significance of the potential impacts; and a MND was prepared as the appropriate environmental document for this project.

The MND (State Clearinghouse Number 2012069019) was circulated to various Governmental Agencies and Departments for comments during the public review period of May 7, 2012, to May 29, 2012. Notice was given to the property owners within the vicinity of the project site during the public review period.

The County’s MND examined the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding project including all associated activities and all related impacts. Environmental protection measures to protect sensitive environmental resources were incorporated into the project and were made conditions of project approval by the County. Because these measures have been incorporated into the project’s design, construction, and operation, impacts to sensitive environmental resources will be avoided or minimized to less than significant levels.

Based on this evaluation, the County’s MND concluded that all impacts of the project could be reduced to less-than-significant levels. On June 12, 2012, the County adopted the findings and conclusions of the MND, and found that the construction and operation of the project, as mitigated, will not create any significant adverse environmental impacts, or impacts on public health and safety.

This Commission has reviewed the County of Nevada’s MND as part of our consideration of whether they have complied with CEQA. Based on that review, we find that the County’s MND with findings and conclusions represents our independent judgment regarding the environmental impact of the proposed project. Therefore, we will adopt the Mitigated Negative Declaration and the City’s findings and conclusions for the proposed project pursuant to and in compliance with CEQA.
COMMENTS

Public Utilities Code Section 311(g)(1) requires that Draft Resolutions be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Public Utilities Code section 311(g)(2) and Rule 14.6(c)(2) both provide that the 30-day comment period may be waived “…for an uncontested matter in which the decision grants the relief requested.” Therefore pursuant to PU Code section 311(g)(2) and Rule 14.6(c)(2) the 30-day comment period for Draft Resolutions is being waived.

FINDINGS

1. The County of Nevada acted as the Lead Agency pursuant to CEQA for the environmental review of the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding project.
3. The County of Nevada’s Initial Study and Mitigated Negative Declaration examined the Combie Road Pedestrian/Bicycle Facility project in detail, including the portions affecting PG&E property, and all related impacts.
4. The Initial Study and Mitigated Negative Declaration concluded that all impacts of the Combie Road Pedestrian/Bicycle Facility project, including those on PG&E property, could be reduced to less-than-significant levels.
5. On June 12, 2012, the County of Nevada Board of Supervisors adopted the Initial Study and Mitigated Negative Declaration for the project in Resolution No. 12-204.
6. The County of Nevada also adopted the findings, conclusions and mitigation measures contained in the Public Works Department’s Initial Study and Mitigated Negative Declaration, and found that the construction and operation of the project, as mitigated, would not create any significant adverse environmental impacts, or impacts on public health and safety.
7. Pacific Gas and Electric Company submitted Advice Letter 4622-E on April 22, 2015, seeking authority pursuant to Public Utilities Code section 851 to enter into an easement agreement with the County of Nevada.
8. PG&E appropriately filed Advice Letter 4622-E pursuant to a program to expedite certain transactions via Advice Letter that otherwise would be subject to a full PU Code section 851 application (Resolution ALJ-244).
9. PG&E served all required parties in accordance with General Order 96-B, Section IV.
10. Protests to Advice Letter 4622-E were due no later than May 12, 2015, and no protests were received.
11. This agreement would allow the County of Nevada to construct a pedestrian bicycle facility on a portion of PG&E-owned property.
12. The CPUC’s decision to grant or deny the relief sought in AL 4622-E requires Commission review and adoption of the analysis and conclusions of the Initial Study and Mitigated Negative Declaration issued May 7, 2012, as adopted by the County of Nevada on June 12, 2012.
13. The CPUC will act as a Responsible Agency for compliance with CEQA with respect to the environmental review of the Combie Road Pedestrian/Bicycle Facility project.
14. We have reviewed and considered the County of Nevada’s Initial Study and Mitigated Negative Declaration prior to adopting the findings, conclusions, and mitigation measures therein.
15. We find that the findings and conclusions in the County of Nevada’s Initial Study and Mitigated Negative Declaration reflect our independent judgment.
16. With the implementation of the mitigation measures identified in the County of Nevada’s Initial Study and Mitigated Negative Declaration adopted on June 12, 2012, all environmental impacts are reduced to less-than-significant.
17. We conclude that the County of Nevada’s Initial Study and Mitigated Negative Declaration is competent, comprehensive and has been completed in compliance with CEQA and the Public Resources Code.
18. The County of Nevada’s Initial Study and Mitigated Negative Declaration should be adopted by the Commission as adequate for our decision-making purposes pursuant to CEQA.
19. Pursuant to PU Code section 311(g)(2) and Rule 14.6(c)(2) the 30-day comment period for Draft Resolutions is being waived.

THEREFORE IT IS ORDERED THAT:

1. The County of Nevada’s Mitigated Negative Declaration is adequate for the Commission’s decision-making purposes and is hereby adopted pursuant to the California Environmental Quality Act Guidelines and the Public Resources Code.
2. The easement agreement presented in Advice Letter 4622-E between Pacific Gas and Electric and the County of Nevada to facilitate the Combie Road Pedestrian/Bicycle Facility project is approved.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on August 13, 2015; the following Commissioners voting favorably thereon:

/s/ TIMOTHY J. SULLIVAN  
TIMOTHY J. SULLIVAN  
Executive Director  

MICHAEL PICKER  
President  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
CARLA J. PETERMAN  
LIANE M. RANDOLPH  
Commissioners
April 22, 2015

Advice 4622-E
(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject:  Grant of Easement to the County of Nevada for a Multi-Purpose Public Pedestrian Path – Request for Approval under Section 851

Purpose

Pacific Gas and Electric Company ("PG&E") submits this advice letter seeking approval, under Public Utilities (P.U.) Code Section 851, to grant the County of Nevada ("Grantee") a perpetual non-exclusive easement ("Agreement") on PG&E’s Higgins Substation property\(^1\) in unincorporated Grass Valley, California ("Property"). The portion of the Property subject to this Agreement is located on Combie Road, between W. Hacienda Drive and State Route 49, and is referred to herein as the “Easement Area”. The Grantee will use the easement to construct a portion of a multi-purpose public pedestrian path (the "Path") as part of a larger public works plan by the County.\(^2\) In exchange for granting the easement, PG&E will receive $31,900.\(^3\) Granting this easement will not interfere with PG&E’s electric operations.

Background

PG&E owns land, buildings, and other facilities in connection with the provision of electric and natural gas services to its customers throughout northern and central California. In the provision of these services, PG&E relies on a portfolio of fee properties, rights-of-way, and facilities to support its electric and gas activities.

\(^1\) The substation property consists of two separate parcels; Assessor’s Parcel Nos. 57-141-39 (3.38 acres) and 57-141-40 (3.67 acres) at 10118 and 10194 Combie Road.
\(^2\) http://www.mynevadacounty.com/nc/cda/pw/Pages/Combie.aspx
\(^3\) Attachment 1, Easement Agreement, page 1.
Two such fee properties, located in unincorporated Grass Valley, California, supports PG&E’s Higgins Substation. The total Property is approximately 7.05 acres, and the proposed easement is approximately 24,125 square feet, or 0.55 acres. The Easement Area is a strip of land approximately 36 feet wide beginning at the southwest corner of the Property located at 10118 & 10194 Combie Road and extends along Combie Road between W. Hacienda Drive and State Route 49. The proposed easement will have no known or anticipated effect on PG&E’s current or anticipated utilization of the larger parcels. The proposed easement is at least 70 feet away from electric operations at the substation.

Nevada County plans to use the proposed easement for a bike path, consistent with its “Higgins Area plan” adopted by Nevada County in 2000. In this phase of the project, PG&E will underground the overhead electrical utilities and Nevada County will construct a bike path on the proposed easement. The Path will be approximately 10 feet wide, flanked by approximately 5 feet wide landscaped strips. The proposed Path will benefit the public by providing a pedestrian and bicycle circulation in the community, where a contiguous pedestrian facility currently does not exist.

Nevada County approved a resolution adopting the Initial Study/Mitigated Negative Declaration which concludes that the project will not have a significant effect on the environment because mitigation measures have been incorporated by the project proponent which reduce potential impacts to a less than significant level.

For the above reasons, the Commission should approve this Section 851 request to grant the County of Nevada an easement relating to this PG&E property, and find that doing so is not adverse to the public interest because it will not impair PG&E’s provision of utility service.

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4 Appraisal, p. 22
6 Attachment 4, Resolution Adopting Initial Study/Mitigated Negative Declaration.
7 “The Commission has long recognized that the public interest is served when utility property is used for other productive purposes without inferring with the utility’s operations or the provision of utility services to the public.” (D.06-07-023, p. 1.)
In accordance with General Order (G.O.) 173, PG&E provides the following information related to the proposed transaction:

(a) Identity of All Parties to the Proposed Transaction:

<table>
<thead>
<tr>
<th>Pacific Gas and Electric Company</th>
<th>County of Nevada</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darren P. Roach</td>
<td>Attn.: David Garcia, Jr.</td>
</tr>
<tr>
<td>Law Department</td>
<td>950 Maidu Avenue</td>
</tr>
<tr>
<td>P.O. Box 7442</td>
<td>Nevada City, CA 95959</td>
</tr>
<tr>
<td>San Francisco, CA 94120</td>
<td>Telephone: (530) 265-7038</td>
</tr>
<tr>
<td>Telephone: (415) 973-6345</td>
<td>Email: <a href="mailto:David.Garcia@Co.Nevada.ca.US">David.Garcia@Co.Nevada.ca.US</a></td>
</tr>
<tr>
<td>Facsimile: (415) 973-5520</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:DPRC@pge.com">DPRC@pge.com</a></td>
<td></td>
</tr>
</tbody>
</table>

(b) Complete Description of the Facilities and Property Including Present Location, Condition and Use:

The Property (Assessor’s Parcel Nos. 57-141-39 and 57-141-40, approximately 7.05 acres in total) is located in unincorporated Grass Valley, California. PG&E’s Higgins Substation lies on the property north of the Easement Area. The substation is surrounded by perimeter chain link fencing and barbed wire. An asphalt paved driveway provides vehicular access to the substation. No improvements are located within the Easement Area except the front-most portion of the driveway.

The Easement Area is a strip of land approximately 36 feet wide beginning at the southwest corner of the Property located at 10118 & 10194 Combie Road and extends along Combie Road between W. Hacienda Drive and State Route 49 (approximately 0.83 miles, 24,125 square feet, or 0.55 acres). The Legal Description and Drawing of the Easement Area are included in Exhibits A and B in the Agreement (see Attachment 1).

(c) Intended Use of the Property and Facilities:

The Grantee will use the Agreement to construct a public pedestrian and bicycle path and associated landscaping as described in the Agreement (see Attachment 1).

(d) Complete Description of Financial Terms of the Proposed Transaction:

PG&E will receive a one-time fee of $31,900 for granting the easement (see Attachment 1).
(e) **Description of How Financial Proceeds of the Transaction Will Be Distributed:**

PG&E will account for this one-time fee as Electric Other Operating Revenue.

(f) **Statement on the Impact of the Transaction on Ratebase and Any Effect on the Ability of the Utility to Serve Customers and the Public:**

No PG&E property is being sold or disposed of, and as such, there are no changes to PG&E’s rate base as a result of granting the proposed easement.

(g) **The Original Cost, Present Book Value, and Present Fair Market Value for Sales of Real Property and Depreciable Assets, and a Detailed Description of How the Fair Market Value Was Determined (e.g., Appraisal):**

Not Applicable.

(h) **The Fair Market Rental Value for Leases of Real Property, and a Detailed Description of How the Fair Market Rental Value Was Determined:**

Not Applicable.

(i) **For Fair Market Rental Value of the Easement or Right-of-Way and a Detailed Description of How the Fair Market Rental Value Was Determined:**

The fair market value of the easement is $31,900 and was determined by an appraisal, details of which are provided in Attachment 2.

(j) **A Complete Description of any Recent Past (Within the Prior Two Years) or Anticipated Future Transactions that May Appear To Be Related to the Present Transaction.***

Not Applicable.

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*During adoption of the Advice Letter pilot program in ALJ-186 (later followed by ALJ-202, ALJ-244 and ALJ-268), this category of information was included to enable the CPUC to ensure that utilities were not seeking to circumvent the $5 million Advice Letter threshold by dividing what is a single asset with a value of more than $5 million into component parts each valued at less than $5 million, which is clearly not the case here. (See CPUC Resolution ALJ-186, issued August 25, 2005, mimeo, p.5.)*
(k) Sufficient Information and Documentation (Including Environmental Review Information) to Indicate that All Criteria Set Forth in Rule 3 of General Order ("GO") 173 are Satisfied:

PG&E has provided information in this Advice Letter to satisfy the eligibility criteria under GO 173 in that:

- The activity proposed in the transaction will not require environmental review by the CPUC as a Lead Agency;
- The transaction will not have an adverse effect on the public interest or on the ability of PG&E to provide safe and reliable service to its customers at reasonable rates;
- The transaction will not materially impact the rate base of PG&E; and
- The transaction does not warrant a more comprehensive review that would be provided through a formal Section 851 application.

(l) Additional Information to Assist in the Review of the Advice Letter:

PG&E is not aware of any additional relevant information other than what is included with this advice letter.

(m) Environmental Information

Pursuant to GO 173, the Advice Letter program applies to proposed transactions that will not require environmental review by the CPUC as a lead agency under the California Environmental Quality Act ("CEQA") either because: (a) a statutory or categorical exemption applies (the applicant must provide a notice of exemption from the Lead Agency or explain by an exemption applies), or (b) because the transaction is not a project under CEQA (the applicant must explain the reasons why it believes that the transaction is not a project), or (c) because another public agency, acting as the Lead Agency under CEQA, has completed environmental review of the project, and the Commission is required to perform environmental review of the project only as a Responsible Agency under CEQA.

For this advice letter, another Public Agency has completed environmental review as a Lead Agency, and the Commission can serve as a Responsible Agency.

c. CPUC as a Responsible Agency under CEQA

If another public agency, acting as the Lead Agency under CEQA, has completed an environmental review of the project and has approved the final CEQA documents, and the Commission is a
Responsible Agency under CEQA, the applicant shall provide the following.

a. The name, address, and phone number of the Lead Agency, the type of CEQA document that was prepared (Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration), the date on which the Lead Agency approved the CEQA document, the date on which a Notice of Determination was filed.

<table>
<thead>
<tr>
<th>Lead Agency</th>
<th>County of Nevada</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Attn.: David Garcia, Jr.</td>
</tr>
<tr>
<td></td>
<td>950 Maidu Avenue</td>
</tr>
<tr>
<td></td>
<td>Nevada City, CA 95959</td>
</tr>
<tr>
<td></td>
<td>Telephone: (530) 265-7038</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of CEQA Document Prepared</th>
<th>Initial Study/Mitigated Negative Declaration (Attachment 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Mitigated Negative Declaration Adopted</td>
<td>June 12, 2012 (Attachment 4)</td>
</tr>
<tr>
<td>Date Notice of Determination Filed</td>
<td>June 25, 2012 (Attachment 5)</td>
</tr>
</tbody>
</table>

b. A copy of all CEQA documents prepared by or for the Lead Agency regarding the project and the Lead Agency’s resolution or other document approving the CEQA documents.

See Attachments 3 and 4.

The Board of Supervisors of the County of Nevada has determined that there is no substantial evidence that the proposed project might have any significant adverse impact on the environment (Attachment 3, page 1).

c. A list of section and page numbers for the environmental impacts, mitigation measures, and findings in the prior CEQA documents that relate to the approval sought from the Commission.

The environmental impacts and mitigations measures for the entire project, and initial study and checklist are included in Attachment 3, Initial Study/Mitigated Negative Declaration, Summary of Impacts and Proposed Mitigation Measures, beginning at page 4 and page 13, respectively.
The proposed easement as requested in this advice letter is identified in Figure 2, Project Location, Sheet 2 of 6.

d. An explanation of any aspect of the project or its environmental setting which has changed since the issuance of the prior CEQA document.

Not Applicable.

e. A statement of whether the project will require approval by additional public agencies other than the Commission and the Lead Agency, and, if so, the name and address of each agency and the type of approval required.

Not Applicable.

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, by facsimile or electronically, any of which must be received no later than May 12, 2015, which is 20 days after the date of this filing. Protests should be mailed to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest shall also be sent to PG&E either via E-mail or U.S. mail (and by facsimile, if possible) at the address shown below on the same date it is mailed or delivered to the Commission:

Meredith Allen
Senior Director, Regulatory Relations
Pacific Gas and Electric Company
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-7226
E-mail: PGETariffs@pge.com
Any person (including individuals, groups, or organizations) may protest or respond to an advice letter. (General Order 96-B, Section 7.4.) The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

**Effective Date**

Pursuant to the review process outlined in General Order 173, PG&E requests that this Tier 3 advice filing become effective upon disposition by a Commission resolution.

**Notice**

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and/or via U.S. mail to parties shown on the attached list. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission’s Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter filings can also be accessed electronically at: http://www.pge.com/tariffs.

/S/

Meredith Allen
Senior Director, Regulatory Relations

**Attachments:**

Attachment 1: Agreement
Attachment 2: Appraisal
Attachment 3: Initial Study/Mitigated Negative Declaration
Attachment 4: Resolution Adopting Initial Study/Mitigated Negative Declaration
Attachment 5: Notice of Determination
APPENDIX A

David M. Gamson  
Administrative Law Judge Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-1232  
dmg@cpuc.ca.gov

Jonathan Reiger  
Legal Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 355-5596  
jzr@cpuc.ca.gov

Mary Jo Borak  
Energy Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-1333  
bor@cpuc.ca.gov

Brewster Fong  
Division of Ratepayer Advocates  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-2187  
bfs@cpuc.ca.gov

Andrew Barnsdale  
Energy Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-3221  
bc@cpuc.ca.gov

County of Nevada  
Attn.: David Garcia, Jr.  
950 Maidu Avenue  
Nevada City, CA 95959  
Telephone: (530) 265-7038  
Email: David.Garcia@Co.Nevada.ca.US
**Company name/CPUC Utility No.** Pacific Gas and Electric Company (ID U39 E)

**Utility type:**
- ☑ ELC
- ☐ GAS
- ☐ PLC
- ☐ HEAT
- ☐ WATER

**Contact Person:** Shirley Wong

**Phone #:** (415) 972-5505

**E-mail:** slwb@pge.com and PGETariffs@pge.com

**EXPLANATION OF UTILITY TYPE**

| ELC = Electric | GAS = Gas | PLC = Pipeline | HEAT = Heat | WATER = Water |

**Advice Letter (AL) #:** 4622-E

**Tier:** 3

**Subject of AL:** Grant of Easement to the County of Nevada for a Multi-Purpose Public Pedestrian Path – Request for Approval under Section 851

**Keywords (choose from CPUC listing):** Compliance and Agreements

**AL filing type:** ☑ One-Time

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: N/A

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL:

Is AL requesting confidential treatment? If so, what information is the utility seeking confidential treatment for: No

Confidential information will be made available to those who have executed a nondisclosure agreement: N/A

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information:

Resolution Required? ☑ Yes ☐ No

**Requested effective date:** Upon Approval

**Estimated system annual revenue effect (%):** N/A

**Estimated system average rate effect (%):** N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

**Tariff schedules affected:** N/A

**Service affected and changes proposed:** N/A

Protests, dispositions, and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

**California Public Utilities Commission**
Energy Division
EDTariffUnit
505 Van Ness Ave., 4th Flr.
San Francisco, CA 94102
E-mail: EDTariffUnit@cpuc.ca.gov

**Pacific Gas and Electric Company**

Attn: Meredith Allen, Senior Director, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177
E-mail: PGETariffs@pge.com
Attachment 1:

Agreement
LD 2114-08-
Road Easement to County of Nevada

RECORDING REQUESTED BY, AND
WHEN RECORDED RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Management
Attn: Seth Perez
343 Sacramento Street
Auburn, CA

Location: Uninc County of Nevada
Recording Fee $0.00 (Government Code Section 27383)
Document Transfer Tax $0.00 (Revenue and Taxation Code Section 11922)

________________________
Signature of declarant or agent determining tax

(A portion of APN 57-141-40 and 57-141-39)

EASEMENT AGREEMENT
(Road Easement to County of Nevada)

This Easement Agreement ("Agreement") is made and entered into this ______ day of
______, 20____ (the "Effective Date") by PACIFIC GAS AND ELECTRIC COMPANY, a
California corporation, hereinafter called "PG&E", and the COUNTY OF NEVADA, a Political
Subdivision of the State of California, hereinafter called "Grantee."

RECITALS

A. PG&E owns certain real property within the County of Nevada, State of California,
commonly known as Higgins Substation and more particularly described in Exhibit A and shown
on Exhibit B, both of which are attached hereto and made a part hereof.

B. Grantee proposes to construct a road within the parcel of land described in Exhibit
A and shown on Exhibit B, and in connection therewith, Grantee has requested that PG&E grant
an easement for the excavation, installation, construction, reconstruction, repair, maintenance and
use of such road, multipurpose pedestrian path, and for minor landscaping.

C. PG&E is willing to grant such easement on the terms and subject to the conditions
set forth herein.

Now, therefore, in consideration of Grantee’s agreement to pay the sum of thirty one
thousand, nine hundred dollars ($31,900), and for other good and valuable consideration, PG&E
and Grantee agree as follows:
1. **Grant of Easement(s):** PG&E hereby grants to Grantee, upon the terms and conditions set forth in this Agreement, the following easement:

   **Road Improvements, Grading and Support.** A non-exclusive easement to excavate, install, construct, reconstruct, repair, replace, maintain and use road improvements and multipurpose public pedestrian path, together with associated grading, support and landscaping within the parcel of land described in Exhibit A and shown on Exhibit B (the “Easement Area”).

2. **Limitations on Use.**

   (a) The Easement Area and any facilities permitted to be constructed thereon are to be used by Grantee only for those uses permitted in Section 1 above, and for no other purpose.

   (b) PG&E reserves the right to restrict access to the Easement Area or any portion or portions thereof in the event of fire, earthquake, storm, riot, civil disturbance, or other casualty or emergency, or in connection with PG&E’s response thereto, or if emergency repairs or maintenance are required to PG&E facilities within or in the vicinity of the Easement Area, or otherwise when PG&E deems it advisable to do so, including in connection with events and emergencies occurring or affecting PG&E’s business operations located elsewhere than in the immediate vicinity of the Easement Area.

   (c) Grantee shall not erect or construct any building or other structure other than the road improvements specifically authorized by this Agreement, nor shall Grantee drill or operate any well, within five (5) feet of any of PG&E’s electric or gas facilities.

   (d) Grantee shall cooperate with PG&E in regards to the placement of landscaping within the Easement Area. Grantee shall submit landscaping plans to PG&E for review and approval prior to the installation of any landscaping within the Easement Area.

3. **Condition of Easement Area.** Grantee accepts the Easement Area in its existing physical condition, without warranty by PG&E or any duty or obligation on the part of PG&E to maintain the Easement Area. Grantee acknowledges that one or more of the following (collectively, **“Potential Environmental Hazards”**) may be located in, on or underlying the Easement Area and/or PG&E’s adjacent lands:

   (a) electric fields, magnetic fields, electromagnetic fields, electromagnetic radiation, power frequency fields, and extremely low frequency fields, however designated, and whether emitted by electric transmission lines, other distribution equipment or otherwise (“EMFs”);

   (b) Hazardous Substances (as hereinafter defined). For purposes hereof, the term **“Hazardous Substances”** means any hazardous or toxic material or waste which is or becomes regulated by Legal Requirements (as hereinafter defined) relating to the protection of human health or safety, or regulating or relating to industrial hygiene or environmental conditions, or the protection of the environment, or pollution or contamination of the air, soil, surface water or groundwater, including, but not limited to, laws, requirements and regulations pertaining to
reporting, licensing, permitting, investigating and remediating emissions, discharges, releases or threatened releases of such substances into the air, surface water, or land, or relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport or handling of such substances. Without limiting the generality of the foregoing, the term Hazardous Substances includes any material or substance:


(2) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic or otherwise hazardous, and is now or hereafter regulated as a Hazardous Substance by the United States, the State of California, any local governmental authority or any political subdivision thereof, or which cause, or are listed by the State of California as being known to the State of California to cause, cancer or reproductive toxicity; or

(3) the presence of which on the Easement Area and/or PG&E's adjacent lands poses or threatens to pose a hazard to the health or safety of persons on or about the Easement Area or to the environment; or

(4) which contains gasoline, diesel fuel or other petroleum hydrocarbons; or

(5) which contains lead-based paint or other lead contamination, polychlorinated biphenyls ("PCBs") or asbestos or asbestos-containing materials or urea formaldehyde foam insulation; or

(6) which contains radon gas;

(c) fuel or chemical storage tanks, energized electrical conductors or equipment, or natural gas transmission or distribution pipelines; and

(d) other potentially hazardous substances, materials, products or conditions.

Grantee shall be solely responsible for the health and safety of, and shall take all necessary precautions to protect, its employees, contractors, consultants, agents and invitees, including, without limitation, the general public ("Grantee's Representatives") from risks of harm from
Potential Environmental Hazards. Grantor agrees to notify Grantee of any known or suspected health or safety risks or hazards associated with Grantor’s operations that arise along the easement area while this agreement remains in effect. Grantee acknowledges that it has previously evaluated the condition of the Easement Area and all matters affecting the suitability of the Easement Area for the uses permitted by this Agreement, including, but not limited to, the Potential Environmental Hazards listed herein.

4. Grantee’s Covenants. Grantee hereby covenants and agrees:

(a) Construction of Improvements. Grantee agrees to construct and install, at no cost to PG&E, such facilities and improvements (“Improvements”) as may be necessary and appropriate for Grantor’s permitted use, as specified in Section 1. All such construction shall be performed in accordance with detailed plans and specifications (“Plans”) previously approved by PG&E, and shall comply with all Legal Requirements, as defined below in Section 4(b). Before commencing construction of any Improvements, Grantee shall obtain all permits, authorizations or other approvals, at Grantee’s sole cost and expense as may be necessary for such construction. Without limiting the generality of the foregoing, Grantee shall be responsible for complying with any and all applicable requirements of the National Environmental Policy Act (“NEPA”) and the California Environmental Quality Act (“CEQA”) and satisfying, at Grantee’s sole expense, any and all mitigation measures under CEQA that may apply to Grantee’s proposed occupancy and use of the Easement Area, and to the construction, maintenance and use of Grantee’s proposed Improvements and facilities. Grantee shall promptly notify PG&E of any and all proposed mitigation measures that may affect PG&E or the Easement Area or PG&E’s adjacent lands. If PG&E determines in good faith that any such mitigation measures may adversely affect PG&E, the Easement Area or PG&E’s adjacent lands, or impose limitations on PG&E’s ability to use the Easement Area or PG&E’s adjacent lands as specified in Section 8, then PG&E shall have the right, without liability to Grantee, to give notice of termination of this Agreement to Grantee, whereupon this Agreement and the rights granted to Grantee shall terminate and vest in PG&E, unless within ten (10) days following delivery of such notice, Grantee gives notice to PG&E by which Grantee agrees to modify its proposed Project (as that term is defined under CEQA) so as to eliminate the necessity for such mitigation measures. In the event of such termination, PG&E and Grantee shall each be released from all obligations under this Agreement, except those which expressly survive termination. Grantee acknowledges and agrees that PG&E’s review of Grantee’s Plans is solely for the purpose of protecting PG&E’s interests, and shall not be deemed to create any liability of any kind on the part of PG&E, or to constitute a representation on the part of PG&E or any person consulted by PG&E in connection with such review that the Plans or the Improvements contemplated by such Plans are adequate or appropriate for any purpose, or comply with applicable Legal Requirements. Grantee shall not commence construction or installation of any Improvements without the prior written consent of PG&E, which consent shall not be unreasonably withheld, conditioned or delayed, and the prior consent, to the extent required by applicable law or regulation, of the California Public Utilities Commission (hereinafter, “CPUC”);

(b) Compliance with Laws. Grantee shall, at its sole cost and expense, promptly comply with (a) all laws, statutes, ordinances, rules, regulations, requirements or orders of municipal, state, and federal authorities now in force or that may later be in force, including, but not limited to, those relating to the generation, use, storage, handling, treatment, transportation or disposal of Hazardous Substances, as defined herein, or to health, safety, noise, environmental
protection, air quality or water quality; (b) the conditions of any permit, occupancy certificate, license or other approval issued by public officers relating to Grantee's use or occupancy of the Easement Area; and (c) with any liens, encumbrances, easements, covenants, conditions, restrictions and servitudes (if any) of record, or of which Grantee has notice, which may be applicable to the Easement Area (collectively, "Legal Requirements"), regardless of when they become effective, insofar as they relate to the use or occupancy of the Easement Area by Grantee. Grantee shall furnish satisfactory evidence of such compliance upon request by PG&E. The judgment of any court of competent jurisdiction, or the admission of Grantee in any action or proceeding against Grantee, whether or not PG&E is a party in such action or proceeding, that Grantee has violated any Legal Requirement relating to the use or occupancy of the Easement Area, shall be conclusive of that fact as between PG&E and Grantee.

(c) Notice of Enforcement Proceedings. Grantee agrees to notify PG&E in writing within three (3) business days of any investigation, order or enforcement proceeding which in any way relates to the Easement Area or PG&E’s adjacent lands, or to any contamination or suspected contamination on, within or underlying the Easement Area or PG&E’s adjacent lands. Such notice shall include a complete copy of any order, complaint, agreement, or other document which may have been issued, executed or proposed, whether draft or final;

(d) Non-Interference. Grantee agrees not to interfere in any way or permit any interference with the use of the Easement Area or PG&E’s adjacent lands by PG&E and other entitled persons. Interference shall include, but not be limited to, any activity by Grantee that places any of PG&E’s gas or electric facilities in violation of any of the provisions of General Order Nos. 95 (Overhead Electric), 112E (Gas), and 128 (Underground Electric) of the CPUC or to any other Legal Requirements under which the operations of utility facilities are controlled or regulated. Grantee shall not erect, handle, or operate any tools, machinery, apparatus, equipment, or materials closer to any of PG&E’s high-voltage electric conductors than the minimum clearances set forth in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety; which minimum clearances are incorporated herein by reference; but in no event closer than ten (10) feet to any energized electric conductors or appliances. Grantee shall not drill, bore, or excavate within thirty (30) feet of any of PG&E’s underground facilities, including, but not limited to, gas pipelines, valves, regulators, electric conduits, tower footings or foundations. Grantee shall provide notice to Underground Service Alert at 1-800-227-2600 at least two (2) business days prior to commencing any drilling, boring or excavating permitted hereunder to assist Grantee with locating any and all underground facilities, including, but not limited to, gas pipelines, valves, regulators or electric conduits;

(e) Avoiding Dangerous Activities. Grantee agrees to conduct its activities and operations within and on the Easement Area in such a manner so as not to endanger the Easement Area or PG&E’s adjacent lands, PG&E’s utility facilities, the environment and human health and safety. Grantee shall not cause or permit any Hazardous Substances, as defined herein, to be brought upon, produced, stored, used, discharged or disposed of on, or in the vicinity of the Easement Area or PG&E’s adjacent lands, except in compliance with all applicable Legal Requirements. Grantee shall be responsible for the cost of remediating any discharge or release of Hazardous Substances resulting from or arising in connection with Grantee’s use of the Easement Area, and shall immediately notify PG&E and the appropriate regulatory authorities where required by law, of any such release. If PG&E determines that Grantee’s activities in any way
endanger the Easement Area or PG&E’s adjacent lands, PG&E’s utility facilities, the environment, or human health and safety, PG&E may, in PG&E’s sole and absolute discretion, require that Grantee halt such activities until appropriate protective measures are taken to PG&E’s satisfaction. Grantee shall hold PG&E harmless from any claims resulting from any delay under this paragraph. PG&E’s right to halt activities under this paragraph shall not in any way affect or alter Grantee’s insurance or indemnity obligations under this Agreement, nor shall it relieve Grantee from any of its obligations hereunder that pertain to health, safety, or the protection of the environment;

(f) **Maintenance.** Grantee agrees to maintain its facilities and Improvements in good condition and repair, and be responsible for the security of, the facilities installed hereunder;

(g) **Repairing Damage.** Grantee agrees to repair any damage it may cause to PG&E’s facilities and improvements in said Easement Area or within PG&E’s adjacent lands;

(h) **Coordination.** Grantee agrees to coordinate all activities regarding the easements granted herein to reasonably minimize any interference and inconvenience with the use by PG&E of the Easement Area and PG&E’s adjacent lands, and;

(i) **PG&E Right to Cure.** Grantee agrees that if Grantee fails to perform any act or other obligation on its part to be performed hereunder, and such failure is not remedied within fifteen (15) days following notice from PG&E (or in the case of an emergency, following such notice, if any, as may be reasonably practicable under the existing circumstances), PG&E may (but without obligation to do so, and without waiving or releasing Grantee from any of its obligations) perform any such act or satisfy such obligation, or otherwise remedy such emergency or such failure on the part of Grantee. All costs incurred by PG&E in responding to or remedying such failure by Grantee shall be payable by Grantee to PG&E on demand.

5. **Indemnification; Release.**

(a) Grantee shall, to the maximum extent permitted by law, indemnify, protect, defend and hold harmless PG&E, its parent corporation, subsidiaries and affiliates, and their respective officers, managers, directors, representatives, agents, employees, transferees, successors and assigns (each, an "Indemnitee" and collectively, "Indemnitees") from and against all claims, losses (including, but not limited to, diminution in value), actions, demands, damages, costs, expenses (including, but not limited to, experts fees and reasonable attorneys’ fees and costs) and liabilities of whatever kind or nature (collectively, "Claims"), which arise from or are in any way connected with the occupancy or use of the Easement Area by Grantee or Grantee’s Representatives, or the exercise by Grantee of its rights hereunder, or the performance of, or failure to perform, Grantee’s duties under this Agreement, including, but not limited to, Claims arising out of: (1) injury to or death of persons, including but not limited to employees of PG&E or Grantee (and including, but not limited to, injury due to exposure to EMFs and other Potential Environmental Hazards in, on or about the Easement Area or PG&E’s adjacent lands); (2) injury to property or other interest of PG&E, Grantee or any third party; (3) violation of any applicable federal, state, or local laws, statutes, regulations, or ordinances, including all Legal Requirements relating to human health or the environment, and including any liability which may be imposed by law or regulation without regard to fault; excepting only with respect to any Indemnitee, to the extent of any Claim arising from the sole negligence or willful misconduct of such Indemnitee.
Without limiting the generality of the foregoing, Grantee shall, to the maximum extent permitted by law, indemnify, protect, defend and hold Indemnitees harmless from and against Claims arising out of or in connection with any work of improvement constructed or installed at or on, labor performed on, or materials delivered to, or incorporated in any improvements constructed on, the Easement Area by, or at the request or for the benefit of, Grantee. In the event any action or proceeding is brought against any Indemnitee for any Claim against which Grantee is obligated to indemnify or provide a defense hereunder, Grantee upon written notice from PG&E shall defend such action or proceeding at Grantee’s sole expense by counsel approved by PG&E, which approval shall not be unreasonably withheld, conditioned or delayed.

(b) Grantee acknowledges that all Claims arising out of or in any way connected with releases or discharges of any Hazardous Substance, or the exacerbation of a Potential Environmental Hazard, caused by Grantee in connection with Grantee’s use or occupancy of the Easement Area or PG&E’s adjacent lands, or any of the activities of Grantee and Grantee’s Representatives, and all costs, expenses and liabilities for environmental investigations, monitoring, containment, abatement, removal, repair, cleanup, restoration, remediation and other response costs, including reasonable attorneys’ fees and disbursements and any fines and penalties imposed for the violation of Legal Requirements relating to the environment or human health, are expressly within the scope of the indemnity set forth above.

(c) Grantee’s use of the Easement Area shall be at its sole risk and expense. Grantee accepts all risk relating to its occupancy and use of the Easement Area. PG&E shall not be liable to Grantee for, and Grantee hereby waives and releases PG&E and the other Indemnitees from, any and all liability, whether in contract, tort or on any other basis, for any injury, damage, or loss resulting from or attributable to any occurrence on or about the Easement Area, the condition of Easement Area, or the use or occupancy of the Easement Area, save any injury, damage, or loss arising from the sole negligence or willful misconduct of PG&E and/or other Indemnitees.

(d) Grantee shall, to the maximum extent permitted by law, indemnify, protect, defend and hold Indemnitees harmless against claims, losses, costs (including, but not limited to, attorneys’ fees and costs), liabilities and damages resulting from the failure of Grantee, or any of its contractors or subcontractors, to comply with the insurance requirements set forth in Exhibit C, attached hereto and made a part hereof. If Grantee fails to so indemnify, protect, defend or hold harmless any Indemnitee, then at PG&E’s option, this Agreement shall terminate, and the estate and interest herein granted to Grantee shall revert to and re vest in PG&E, if such failure continues for five (5) days following the giving of written notice of termination to Grantee, unless within such time such failure is cured to the reasonable satisfaction of PG&E.

(e) The provisions of this Section 5 shall survive the termination of this Agreement.

6. Additional Facilities. Grantee shall not install any additional facilities or improvements in, on, under or over the Easement Area without the prior written consent of PG&E, which consent may be granted or withheld in PG&E’s sole and absolute discretion, and the prior consent, to the extent required by applicable law or regulation, of the CPUC. Grantee shall submit plans for installation of any proposed additional facilities within the Easement Area to PG&E for its written approval at the address specified in Section 12.
7. Abandonment; Termination. In the event Grantee abandons the facilities installed hereunder, this Agreement shall terminate and all of the easements and other rights of Grantee hereunder shall revert to PG&E. The non-use of such facilities for a continuous period of two (2) years, unless such nonuse is due to factors outside Grantee’s reasonable control, in which case such period is extended to four (4) years, shall be conclusive evidence of such abandonment. Upon any termination of this Agreement, Grantee shall remove, at no cost to PG&E, such of Grantee’s facilities and equipment installed pursuant to this Agreement as PG&E may specify. Upon any termination of this Agreement, Grantee shall execute, acknowledge and deliver to PG&E a quitclaim deed or such other documents or instruments, in a form reasonably acceptable to PG&E, as may be reasonably necessary to eliminate this Agreement as an encumbrance on the title to the Easement Area or PG&E’s adjacent lands.

8. Reserved Rights. PG&E reserves the right to use the Easement Area for any and all purposes which will not unreasonably interfere with Grantee’s facilities. Without limiting the generality of the foregoing:

(a) PG&E reserves the right to make use of the Easement Area for such purposes as it may deem necessary or appropriate if, and whenever, in the interest of its service to its patrons or consumers or the public, it shall appear necessary or desirable to do so.

(b) Grantee acknowledges that PG&E may have previously granted, and may in the future grant, certain rights in and across the Easement Area to others, and the use of the word “grant” in this Agreement shall not be construed as a warranty or covenant by PG&E that there are no such other rights.

(c) Grantee shall not make use of the Easement Area in any way which will endanger human health or the environment, create a nuisance or otherwise be incompatible with the use of the Easement Area or PG&E’s adjacent lands, by PG&E or others entitled to use such Easement Area or PG&E’s adjacent lands.

(d) This grant is made subject to all applicable provisions of General Order No. 95 (Overhead Electric), General Order 112E (Gas) and General Order No. 128 (Underground Electric) of the CPUC, in like manner as though said provisions were set forth herein.

9. Governmental Approvals. This Agreement shall not become effective, notwithstanding that it may have been executed and delivered by the parties, and Grantee shall not commence construction or other activities hereunder, unless and until the CPUC approves this Agreement and the easements granted and other transactions contemplated hereby (including the adequacy of the compensation to be paid by Grantee), by an order which is final, unconditional and unappealable (including exhaustion of all administrative appeals or remedies before the CPUC). Grantee further acknowledges and agrees that PG&E makes no representation or warranty regarding the prospects for CPUC approval, and Grantee hereby waives all Claims against PG&E which may arise out of the need for such CPUC approval or the failure of the CPUC to grant such approval. This Agreement is made subject to all the provisions of such approval, as more particularly set forth in CPUC Decision D-______ (Application No. ______), in like manner as though said provisions were set forth in full herein.
10. **Compliance: Insurance.** PG&E shall have a right to access and inspect the Easement Area at any time to confirm Grantee’s compliance with Legal Requirements and the provisions of this Agreement. Prior to the Effective Date of this Agreement, Grantee shall procure, and thereafter Grantee shall carry and maintain in effect at all times during the term of the Agreement, with respect to the Easement Area and the use, occupancy and activities of Grantee and Grantee’s Representatives on or about the Easement Area, the insurance specified in Exhibit C, attached hereto and made a part hereof by this reference, provided that PG&E reserves the right to review and modify from time to time the coverages and limits of coverage required hereunder, as well as the deductibles and/or self-insurance retentions in effect from time to time (but PG&E agrees that it will not increase required coverage limits more often than once in any five-year period). All insurance required under this Agreement shall be effected under valid, enforceable policies issued by insurers of recognized responsibility, as reasonably determined by PG&E, and shall be written on forms and with insurance carriers acceptable to PG&E. For so long as Grantee is an agency or instrumentality of the United States of America, the State of California or any political subdivision thereof, then Grantee may elect to self-insure for any or all of the required coverage. If Grantee is permitted to self-insure hereunder and elects to do so, Grantee shall be liable to PG&E for the full equivalent of insurance coverage which would have been available to PG&E if all required insurance policies had been obtained by Grantee from a third party insurer, in the form required by this Agreement, and shall pay on behalf of or indemnify PG&E for all amounts which would have been payable by the third party insurer. In addition, Grantee shall act with the same promptness and subject to the same standards of good faith as would apply to a third party insurance company. Grantee is also responsible for causing its agents, contractors and subcontractors to comply with the insurance requirements of this Agreement at all relevant times (provided, however, that Grantee, in the exercise of its reasonable judgment, may permit contractors and subcontractors to maintain coverages and limits lower than those required of Grantee, provided the coverages and limits required by Grantee are commercially reasonable in light of applicable circumstances). Any policy of liability insurance required to be maintained hereunder by Grantee may be maintained under a so-called “blanket policy” insuring other locations and/or other persons, so long as PG&E is specifically named as an additional insured under such policy and the coverages and amounts of insurance required to be provided hereunder are not thereby impaired or diminished. In addition, liability insurance coverages may be provided under single policies for the full limits, or by a combination of underlying policies with the balance provided by excess or umbrella liability insurance policies.

11. **Mechanics’ Liens.** Grantee shall keep the Easement Area or PG&E’s adjacent lands free and clear of all mechanics’, material suppliers’ or similar liens, or claims thereof, arising or alleged to arise in connection with any work performed, labor or materials supplied or delivered, or similar activities performed by Grantee or at its request or for its benefit. If any mechanics’ liens are placed on the Easement Area or PG&E’s adjacent lands in connection with the activities or facilities set forth in this Agreement, Grantee shall promptly cause such liens to be released and removed from title, either by payment or by recording a lien release bond in the manner specified in California Civil Code Section 3143 or any successor statute.

12. **Notice.** Any notices or communications hereunder shall be in writing and shall be personally delivered or sent by first class mail, certified or registered, postage prepaid, or sent by national overnight courier, with charges prepaid for next business day delivery, addressed to the addressee party at its address or addresses listed below, or to such other address or addresses for a
party as such party may from time to time designate by notice given to the other party. Notices shall be deemed received upon actual receipt by the party being sent the notice, or on the following business day if sent by overnight courier, or on the expiration of three (3) business days after the date of mailing.

If to PG&E:

Pacific Gas and Electric Company
Attention: Piper J. Wagner
343 Sacramento Street
Auburn, CA 95603

With a copy to:

Pacific Gas and Electric Company
P.O. Box 7442, Mail Code B30A
San Francisco, California 94120
Attention: Wendy T. Coleman

If to Grantee:

County of Nevada
Attn: David Garcia, Jr.
950 Maidu Avenue
Nevada City, CA 95959

With a copy to:


13. **Governing Law.** This Agreement shall in all respects be interpreted, enforced, and governed by and under the laws of the State of California.

14. **Entire Agreement.** This Agreement supersedes all previous oral and written agreements between and representations by or on behalf of the parties and constitutes the entire agreement of the parties with respect to the subject matter hereof. This Agreement may not be amended except by a written agreement executed by both parties.

15. **Binding Effect.** This Agreement and the covenants and agreements contained herein shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, successors and assigns (subject to the provisions of Section 16). No assignment or delegation by Grantee, whether by operation of law or otherwise, shall relieve Grantee of any of its duties, obligations or liabilities hereunder, in whole or in part. The covenants of PG&E hereunder shall run with the land.
16. **Assignment.** Grantee shall not assign, convey, encumber (other than as may be specifically permitted by the terms of this Agreement), or otherwise transfer the easements and other rights herein conveyed, or any portion thereof or interest herein, without the prior written consent of PG&E. Such consent may be given or withheld by PG&E for any reason or for no reason, provided, however, that notwithstanding the foregoing, PG&E agrees that its consent will not be unreasonably withheld, delayed or conditioned in the case of a proposed transfer or dedication to a governmental agency. Grantee acknowledges and agrees that in any instance where PG&E is required not to unreasonably withhold its consent, it shall be reasonable for PG&E to withhold its consent if any regulatory agency having or asserting jurisdiction over PG&E or the Easement Area, or having or claiming a right to review and/or approve the proposed transfer, fails to grant approval thereof (or imposes conditions on such approval which are not acceptable to PG&E, in its reasonable discretion). Grantee further acknowledges and agrees that in any instance where PG&E is required not to unreasonably delay giving or withholding its consent, it shall be reasonable for PG&E to make application for approval to any regulatory agency having or asserting jurisdiction, and to defer the giving or withholding of consent, without liability hereunder for delay, during the pendency and for a reasonable time following the conclusion of any such regulatory proceedings.

17. **Attorneys’ Fees.** Should either party bring an action against the other party, by reason of or alleging the failure of the other party with respect to any or all of its obligations hereunder, whether for declaratory or other relief, then the party which prevails in such action shall be entitled to its reasonable attorneys’ fees (of both in-house and outside counsel) and expenses related to such action, in addition to all other recovery or relief. A party shall be deemed to have prevailed in any such action (without limiting the generality of the foregoing) if such action is dismissed upon the payment by the other party of the sums allegedly due or the performance of obligations allegedly not complied with, or if such party obtains substantially the relief sought by it in the action, irrespective of whether such action is prosecuted to judgment. Attorneys’ fees shall include, without limitation, fees incurred in discovery, contempt proceedings and bankruptcy litigation, and in any appellate proceeding. The non-prevailing party shall also pay the attorney’s fees and costs incurred by the prevailing party in any post-judgment proceedings to collect and enforce the judgment. The covenant in the preceding sentence is separate and several and shall survive the merger of this provision into any judgment on this Agreement. For purposes hereof, the reasonable fees of PG&E’s in-house attorneys who perform services in connection with any such action shall be recoverable, and shall be based on the fees regularly charged by private attorneys with the equivalent number of years of experience in the relevant subject matter area of the law, in law firms in the City of San Francisco with approximately the same number of attorneys as are employed by PG&E’s Law Department.

18. **No Waiver.** No waiver with respect to any provision of this Agreement shall be effective unless in writing and signed by the party against whom it is asserted. No waiver of any provision of this Agreement by a party shall be construed as a waiver of any subsequent breach or failure of the same term or condition, or as a waiver of any other provision of this Agreement.

19. **No Offsets.** Grantee acknowledges that PG&E is executing this Agreement in its capacity as the owner of the Easement Area, and not in its capacity as a public utility company or provider of electricity and natural gas. Notwithstanding anything to the contrary contained herein, no act or omission of Pacific Gas and Electric Company or its employees, agents or contractors as
a provider of electricity and natural gas shall abrogate, diminish, or otherwise affect the respective rights, obligations and liabilities of PG&E and Grantee under this Agreement. Further, Grantee covenants not to raise as a defense to its obligations under this Agreement, or assert as a counterclaim or cross-claim in any litigation or arbitration between PG&E and Grantee relating to this Agreement, any claim, loss, damage, cause of action, liability, cost or expense (including, but not limited to, attorneys’ fees) arising from or in connection with Pacific Gas and Electric Company’s provision of (or failure to provide) electricity and natural gas.

20. No Dedication. Nothing contained in this Agreement shall be deemed to be a gift or dedication of land or rights to the general public. The right of the public or any person, including Grantee, to make any use whatsoever of the Easement Area or any portion thereof, other than as expressly permitted herein or as expressly allowed by a recorded map, agreement, deed or dedication, is by permission and is subject to the control of PG&E in its sole discretion.

21. No Third Party Beneficiary. This Agreement is solely for the benefit of the parties hereto and their respective successors and permitted assigns, and, except as expressly provided herein, does not confer any rights or remedies on any other person or entity.

22. Captions. The captions in this Agreement are for reference only and shall in no way define or interpret any provision hereof.

23. Time. Except as otherwise expressly provided herein, the parties agree that as to any obligation or action to be performed hereunder, time is of the essence.

24. Severability. If any provision of this Agreement shall be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the full extent permitted by law, provided the material provisions of this Agreement can be determined and effectuated.

25. Counterparts. This Agreement may be executed in identical counterpart copies, each of which shall be an original, but all of which taken together shall constitute one and the same agreement.

26. Other Documents. Each party agrees to sign any additional documents or permit applications which may be reasonably required to effectuate the purpose of this Agreement. Provided, however, that PG&E will not be required to take any action or execute any document that would result in any cost, expense or liability to PG&E.
IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

PACIFIC GAS AND ELECTRIC COMPANY,  
a California corporation

By: ____________________________

Its: Ettore M. Minor  
Manager, Land Rights and 
Encroachment Management

Exhibits A, B and C attached

COUNTY OF NEVADA,  
a Political Subdivision of the State of California

By: ____________________________

Print: Richard A. Haffey

Its: County Executive Officer

Administrative Information Block
The Area, Region or Location: Area 6, Northern Region, Sierra Division  
Land Service Office: Auburn  
Operating Department: Substation  
USGS location: T14N, R8E, Section 21, South ½, MDM  
FERC License Number(s): N/A  
PG&E Drawing Number(s): B5538  
PLAT NO: Electric Plat - R0803  
LD of any affected documents: 2114-08-0451  
LD of any Cross-referenced documents: N/A  
TYPE OF INTEREST: 11e  
SBE Parcel Number: 135-29-047-1  
(For Quitclaims, % being quitclaimed): N/A  
Order # or PM #: PM 40542563  
JCN: N/A  
County: Nevada  
Utility Notice Numbers: N/A  
851 Approval Application No. Decision  
Prepared By: DLKN  
Checked By: NOR1
EXHIBIT A

DESCRIPTION OF COUNTY EASEMENT AREA

EXHIBIT "A"
Legal Description

All that real property situate in the County of Nevada, State of California, lying within the South Half of Section 21, Township 14 North, Range 8 East, MDM, and being a portion of that real property described in Grant Deed to,

Pacific Gas and Electric Company, a California Corporation, recorded in Book 891 of Official Record at Page 53, Nevada County Records on September 8, 1977, more particularly described as follows:

All that portion of Parcels No. 1 and No. 2 of the above described realty lying northerly of and contiguous to, the northerly limit of Combie Road as described in Grant Deed to the County of Nevada, executed by Norman E. Wiley and Dora R. Wiley, husband and wife on November 25, 1975 and recorded in Book 771 of Official Records at Page 458, on December 22, 1975, Nevada County Records, described as follows:

Beginning at the southwest corner of the above described PG&E property, coincident with the intersection of the northerly line of Combie Road and the westerly property boundary of said premises, said point being South 73°36'40" East 563.46 feet from California State Department of Transportation Survey Monument Station HPGN D 03-GK 1993, and running thence from said point of beginning, North 11°18'04" West 38.84 feet, along said westerly property boundary to the beginning of a non-tangent curve, concave to the south, having a radius of 509.92 feet, a central angle of 33°53'01" and a chord which bears North 89°10'40" East 207.18 feet; thence running along the arc of said curve a distance of 301.55 feet; thence South 73°52'41" East 178.51 feet, to the beginning of a tangent curve to the left, having a radius of 929.86 feet and a central angle of 15°45'07"; thence running along the arc of said curve a distance of 255.64 feet, more or less, to a point in the easterly boundary line of said PG&E property; thence South 14°14'55" East 36.80 feet, more or less, to a point of intersection of said easterly property boundary line and the northerly line of Combie Road; thence running along said northerly line of Combie Road along a non-tangent curve concave to the north, having a radius of 759.88 feet, a central angle of 16°44'55" and a chord which bears North 82°15'08" West 221.33 feet, to a point designated as being 40 feet left of Engineers Station 12+36.76 at the centerline of Combie Road (said point being described in ground distances as per Book 771 Official Records Page 458 referenced above) thence continuing along said northerly road line North 73°52'41" West 217.70 feet, to a point designated as being 40 feet left of Engineers Station 10+19.04 of said Combie Road centerline (said point again being described in ground distances as per Book 771 Official Records Page 458 referenced above) and being the beginning of a tangent curve to the left, having a radius of 479.92 feet and a central angle of 35°28'00"; thence
continuing along the arc of said roadway limit curve a distance of 297.22 feet, more or less, to the point of beginning.

The herein described acquisition contains 0.55 acres, more or less.

The herein described acquisition is shown on Exhibit "B" attached hereto and made a part hereof.

The herein described acquisition affects a portion of APN: 57-141-39 & 40.

This description has been prepared by me, in conformance with the Professional Land Surveyors Act on March 1, 2013 and is based upon a survey made by me (or under my direct supervision). The bearings and distances contained herein are based upon the California State Plane Coordinate System Zone II and were based upon Monuments "Dog Bar 2004" [PID DH6466] and "CA-HPGN D 03-GK 1993" [PID KS2037]. The meridian of the survey is "Grid North" and the mapping angle at Statlon HPGN D CA 03-GK is 00°34'16" and the combined scale factor (ground to grid) is 0.99985062.

Prepared by: Ronald S. Dundas P.L.S. 4415

End of Description
EXHIBIT B
PLAT OF COUNTY EASEMENT AREA

NEVADA COUNTY DEPT OF PUBLIC WORKS
NEVADA COUNTY, CALIFORNIA

PROJECT: Combie Road
THROUGH LAND OF Pacific Gas & Electric Co.

EXHIBIT "B"
DATE: May 2, 2013
SCALE: 1"=200'

NOTE:
THE ENGINEER'S STATIONING SHOWN HEREIN
FOR COMBIE ROAD IS SHOWN IN GROUND
DISTANCES AS PER THE ORIGINAL GRANT DEED
RECORDED IN VOLUME 711 OF OFFICIAL
RECORDS AT PAGE 458, NEVADA COUNTY
RECORDS. SEE SHEET NO. 2 FOR CONVERSION
FACTORS.

1" = 200'
SEC. 10, T.16N, R.8E.
M.D.M.

APN: 57-141-49
APN: 57-141-42
APN: 57-141-40
POM CO.
091 OR 83 - PCL 1

APN: 57-141-39
PG&E CO.
091 OR 63 - PCL 2

APN: 57-141-39
APN: 57-141-40
POM CO.
091 OR 83 - PCL 1

EASEMENT ACQUISITION:
24,128 SQ.FT.
0.56 ACRE

COMBIE ROAD
AS PER T71 OR 469

LINE TABLE

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<td>N81°14'55&quot;E</td>
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CURVE TABLE

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<td>264.63'</td>
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<td>C3</td>
<td>769.68'</td>
<td>10°44'55&quot;</td>
<td>222.12'</td>
<td>N82°16'00&quot;W</td>
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<td>479.92'</td>
<td>35°29'00&quot;</td>
<td>297.22'</td>
<td>S89°22'49&quot;W</td>
<td>292.49'</td>
</tr>
</tbody>
</table>

PREPARED BY: RONALD S. DUNDAS P.L.S. 3.4416

SHT. 1 OF 2
A basis of survey:

The basis of this survey (basis of bearing) is grid north per the California State Plane Coordinate System Zone 2 and was established by taking global positioning satellite observations on stations.

DOG BAR - 2004
HPGN D CA 03 GK.

All coordinates and distances shown hereon are grid values and are valid per the 2007 epoch.

At station HPGN D CA 03 GK:

The combined scale factor (ground to grid) is 0.99985082 and the mapping angle is 00°34'18".
EXHIBIT C

INSURANCE REQUIREMENTS

Grantee shall procure, carry and maintain in effect throughout the term of this Agreement the following insurance coverage. Grantee is also responsible for its subcontractors maintaining sufficient limits of the appropriate insurance coverages.

A. Workers’ Compensation and Employers’ Liability

1. Workers’ Compensation insurance indicating compliance with any and all applicable labor codes, acts, laws or statutes, state or federal.

2. Employer’s Liability insurance shall not be less than One Million Dollars ($1,000,000) for injury or death, each accident.

B. Commercial General Liability

1. Coverage shall be at least as broad as the Insurance Services Office (ISO) Commercial General Liability insurance “occurrence” form with no additional coverage alterations.

2. The limits shall not be less than Five Million Dollars ($5,000,000) per occurrence for bodily injury, property damage and products and completed operations. Defense costs are to be provided outside the policy limits.

3. Coverage shall include: a) an “Additional Insured” endorsement (ISO Additional Insured form CG 2010 or equivalent coverage) adding as additional insureds PG&E, its affiliates, subsidiaries, and parent company, and PG&E’s directors, officers, agents and employees with respect to liability arising out of work performed by or for Grantee. If the policy includes “blanket endorsement by contract,” the following language added to the certificate of insurance will satisfy PG&E’s requirement: “by blanket endorsement, PG&E, its affiliates, subsidiaries, and parent company, and PG&E’s directors, officers, agents and employees with respect to liability arising out of the work performed by or for the Grantee are included as additional insured”; and b) an endorsement or policy provision specifying that the Grantee’s insurance is primary and that any insurance or self-insurance maintained by PG&E shall be excess and non-contributing.

C. Business Auto

1. Coverage shall be at least as broad as the Insurance Services Office (ISO) Business Auto Coverage form covering Automobile Liability, code 1 “any auto.”

2. The limit shall not be less than One Million Dollars ($1,000,000) each accident for bodily injury and property damage.

1. Upon the Effective Date of the Easement Agreement Grantee shall furnish PG&E with two (2) sets of certificates of insurance including required endorsements.

2. Documentation shall state that coverage shall not be canceled except after thirty (30) days prior written notice has been given to PG&E.

3. The documents must be signed by a person authorized by that insurer to bind coverage on its behalf and submitted to:

   Pacific Gas and Electric Company  Pacific Gas and Electric Company
   Insurance Department - B24H  Attn: Land Agent
   Post Office Box 770000  343 Sacramento Street
   San Francisco, California 94177  Auburn, CA 95603

4. Upon request, Grantee shall furnish PG&E evidence of insurance for its agents or contractors.

5. PG&E may inspect the original policies or require complete certified copies at any time.
Attachment 2:

Appraisal
APPRAISAL REPORT OF THE PROPERTY BEING AFFECTED BY THE COMBIE ROAD SHOULDER IMPROVEMENT PROJECT

PACIFIC GAS & ELECTRIC
10118 & 10194 COMBIE ROAD
GRASS VALLEY, CALIFORNIA
(APNs: 57-141-39 & -40)

FOR

MR. DAVID GARCIA
TRANSPORTATION PLANNER
COUNTY OF NEVADA
950 MAIDU AVENUE
NEVADA CITY, CALIFORNIA 95959

BRI 14179
February 6, 2015

Mr. David Garcia
Transportation Planner
County of Nevada
950 Maidu Avenue
Nevada City, California 95959

Re: Pacific Gas & Electric Property (APNs 57-141-39 & -40)
10118 & 10194 Combie Road
Combie Corridor Improvement Project

Dear Mr. Garcia:

We have completed an appraisal of the referenced property from which a road right of way easement will be acquired for the proposed Combie Corridor Improvement Project. The appraisal constitutes a narrative report of our appraisal of that property.

The following appraisal report contains the scope of the assignment, required investigation, data and analyses upon which my opinion of fair market value is based. The appraisal is subject to the hypothetical conditions, extraordinary assumptions, general assumptions and limiting conditions and certification included in the report.

We have prepared the report of our appraisal in conformance with and subject to the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation. In addition, we have intended to comply with all applicable state laws.

We are pleased to have this opportunity to provide you with professional appraisal services.

BENDER ROSENTHAL, INC.

________________________________________
Jared M. Calabrese, MAI
California Certified General
Real Estate Appraiser
Certificate No. AG042740

________________________________________
David B. Wraa, MAI
California Certified General
Real Estate Appraiser
Certificate No. AG023713

BRI 14179
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ADDENDA

ITEM 1: SUBJECT PROPERTY PHOTOGRAPHS

ITEM 2: APPRAISAL MAP

ITEM 3: PROFESSIONAL QUALIFICATIONS

ITEM 4: STATEMENT AND SUMMARY OF THE BASIS FOR APPRAISAL
PROPERTY IDENTIFICATION AND SUMMARY OF SALIENT FACTS

Appraisal Assignment: To estimate the fair market value of the fee simple interest of the subject property.

Property Location: 10118 & 10194 Combie Road
Grass Valley, California 95602

Census Tract No.: 1.03

PROPERTY DATA

Legal Description: The land described herein is situated within the County of Nevada, California, as per the provided chain of title report from Fidelity National Title, dated December 11, 2014.

Assessor’s Parcel Number: 57-141-39 & -40

Site Area: 7.050± acres (Source: Nevada County Assessor’s Map)

Building Improvements: Electrical substation. The improvements are not located within the acquisition area.

Site Description: The site is located along the north side of Combie Road, just east of Highway 49. The subject consists of trapezoidal shaped site with topography the slopes gently upward from the street frontage towards the rear of the site. However, the substation is located on a large, graded pad area at the center of the site. This pad is above grade relative to the portions of the site along the road frontage, and in some places immediately adjacent to the pad, the topography climbs steeply. Overall, when excluding the pad area, those areas to the rear of the parcel tend to have the most varied topography, with the portions nearest the street generally being the flattest. The property is currently improved with a Pacific Gas & Electric substation, and this facility is surrounded by perimeter chain link fencing and barbed wire. An asphalt paved driveway provides vehicular access to the substation. No improvements are located within the acquisition area except for the front-most portion of the driveway.
Zoning: R2-SC-SP, Medium Density Residential - Scenic Corridor - Site Performance (County of Nevada)

The Medium Density Residential district implements the General Plan’s Urban Medium Density Designation and provides for moderate density multiple-family housing, as well as other dwelling unit types. Densities of up to 6.0 dwelling units per acre are permitted. This district is appropriate for the development of affordable housing through clustering of residences or other design techniques.

The purpose of the Scenic Corridor Combining District is to protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors. The provisions of this Section shall apply to all Development Permits, Use Permits, and subdivisions.

The purpose of the Site Performance Combining District is to provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined. Such refinements shall ensure consistency with, and further the intent of, all General Plan policies.

General Plan Designation: Urban Medium Density Residential

Special Plan: None

Flood Information: The subject is located in Flood Zone X (unshaded), areas of minimal flood hazard. Zone X is the area determined to be outside the 500-year flood and protected by levee from 100-year flood. FEMA Flood Insurance Rate Map Community Panel Number 06057C 0775E, dated February 3, 2010.

Seismic Information: Not located in a special seismic study area.
Toxic Hazards Information: We were not provided with a Phase I assessment for the subject property. The appraiser is not an expert in this field; please refer to Item 16 of the Assumptions and Limiting Conditions.

Wetlands: The subject may contain wetlands, but none were noted.

Ownership: Pacific Gas & Electric, as per the chain of title provided by Fidelity National Title, dated December 11, 2014.

Sales History: There have been no transfers of the property within the previous five years and to the best of our knowledge the property is not marketed for sale.

Current Use: Electrical substation

Highest and Best Use: Future development of a single-family residential subdivision upon improvement in the market and completion of necessary infrastructure.

Reconciliation with Prior Transfers: The property has not transferred in the previous five years.

Total Estimated Compensation Summary – As of January 28, 2015:

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<th>Amount</th>
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<tr>
<td>Net Severance Damage</td>
<td>$    -0-</td>
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<tr>
<td>Total</td>
<td>$ 31,876</td>
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<tr>
<td>Rounded to:</td>
<td>$ 31,900</td>
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</table>
PG&E Property
APNs 57-141-39 & -40
County of Nevada

AERIAL PHOTOGRAPH
I. INTRODUCTION

CLIENT, INTENDED USE, INTENDED USER(S)

The appraisal assignment is to estimate the fair market value of the property rights proposed to be acquired via a road right of way easement for the Combie Corridor Improvement Project. The client and intended user of the appraisal is the County of Nevada. The estimate of fair market value will be used by the intended user to establish their offer of compensation for the rights to be acquired for the Combie Corridor Improvement Project.

SCOPE OF WORK

The purpose of the appraisal is to estimate the fair market value of the proposed property acquisition. The function of the report is to estimate the compensation of the property being acquired for the Combie Road Improvement Project. The date of value is based on the inspection date, unless noted otherwise in the appraisal. The date of the report is the date the appraisal is transmitted to the client. The value estimates are stated in terms of cash, or terms equivalent to cash.

Valuation/Research Overview

The following is an overview of the valuation process and research involved for the subject property and comparable sales. The valuation of the property involved an investigation and analysis of the improvement areas, as well as the entire regional area, for social, economic, governmental, and environmental forces and trends that affect or could influence property values.

- Inspection of the subject property and neighborhood was completed on January 28, 2015 by Jared Calabrese, MAI of Bender Rosenthal, Inc. A representative of the ownership, Mr. Josh Hinkey, declined to be present at the inspection. David Wraa, MAI of Bender Rosenthal, Inc. inspected the site at a later date from the street.
- Study of the area, community, and neighborhood to determine market area.
- Research of public records to verify information about the subject property and comparables to ensure they are factually accurate and that there are no terms or additional influences that affect price or value.
- Zoning, and general plans obtained from County of Nevada Planning Department and the County of Nevada Planning Department, and other department websites;
- Review of applicable flood maps obtained from FEMA;
- Review public records obtained from the various city and county governmental agencies including the Planning Department, Assessor’s Office, and Tax Collector’s Office;
- A search of specific property transfers occurring during the past five years was conducted for the subject property.
• Research comparable property sales, listings, and offers to purchase or sales involving properties similar to the subject property and within the subject’s or competing market areas.

• Interview comparable property owners and brokers.

• Determine relevant methods of valuation to be used.

• Inspect potential comparable properties to determine most similar properties for comparison.

• Evaluate each comparable in comparison to the subject property to estimate the fair market value of the subject.

• Prepare report. The Appraisal Report contains a summary of all information significant to the solution of the appraisal problem.

**Valuation Approaches**

The appraisal process includes the investigation and analysis of the subject, market, and other relevant data for the purpose of estimating an opinion of the defined value for the subject property. All economic forces and factors are considered in arriving at the highest and best use and valuation of the subject property.

There are typically three approaches to value that may be used in the real property valuation process. They are the Sales Comparison Approach, Income Approach, and Cost Approach. Each approach provides an indicated value that is reconciled into a final estimate of value for the subject based on the interests appraised, the defined objective of the valuation, and the stated definition of value. An appraisal may include one, two or all three approaches to value based on the data available, the type of property and appraisal valuation problem.

**Sales Comparison Approach**

A value indication is derived by comparing the property being appraised to similar properties that have sold recently; making qualitative or quantitative comparisons to the subject; then applying units of comparisons to indicate a value for the larger parcel or remainder parcel. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of valuation when an adequate supply of comparable sales is available. Sales, listings and current escrows of comparables were considered in this analysis. Primary reliance has been placed on closed sales transactions.
**Income Approach**

A value indication is derived for income-producing property by converting its anticipated benefits (cash flows and reversion) into a value for real property interests. Typically the annual net income is capitalized at a market-derived capitalization rate to estimate the desired value. The income approach is most often used for income producing properties or real estate acquired as an investment.

**Cost Approach**

A value indication is derived for a property by estimating the current cost to construct a replacement/reproduction of the existing structure(s); deducting depreciation from all sources; and adding the estimated land value. The cost approach is most often used when valuing properties with new or relatively new improvements and also special use properties.

**Right of Way Appraisals**

Appraisals for public acquisitions involve acquiring fee title and/or easement rights from an owner. In situations whereby a property is leased, the property is valued as if title were held by a single entity, consistent with the unit rule (Uniform Appraisal Standards for Federal Land Acquisitions) or the undivided fee rule (California Code of Civil Procedure 1260.220(a)). Improvements not impacted by the project may not be included in the analysis.

**Full Interest Analysis**

The acquisition of all property rights using the applicable valuation methodology.

**Partial Acquisition Interest Analysis**

This methodology is applicable to the appraisal assignment. The analysis starts with an estimate of market value for the “undivided fee” interest of the larger parcel using the most applicable method for valuing similar properties.

Once the larger parcel value is estimated the following partial acquisition appraisal methodology is utilized:

- Value the part acquired.
- Value of the remainder parcel as part of the Larger Parcel, which is the value of the remainder before consideration of damages or benefits.
- Value the remainder parcel, after the proposed acquisition and before consideration of benefits. This identifies severance damages due to the acquisition, consisting of a potential loss of market value (by comparing to value of the remainder as part of the larger parcel) and cost to cure damages are estimated where applicable.
Value the remainder parcel, after the acquisition, considering benefits. This identifies benefits, consisting of a potential gain in market value due to the acquisition (by comparing to value of the remainder as part of the larger parcel).

The value of the acquisition is the value of the part acquired plus net severance damages as California law allows benefits to only offset severance damages.

DEFINITIONS USED IN THE REPORT

Fair Market Value

A) Fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

B) The fair market value of a property taken for which there is no relevant market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

The Code goes on to say that:

The fair market value of the property taken shall not include any increase or decrease in the value of the property that is attributable to any of the following:

A) The project for which the property is taken.

B) The eminent domain proceeding in which the property is taken.

C) Any preliminary actions of the plaintiff relating to the taking of the property.

Compensation for Property Taken

Compensation shall be awarded for the property taken. The measure of this compensation is the fair market value of the property taken.

Larger Parcel

In governmental land acquisitions, the tract or tracts of land that are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of

---

1 Section 1263.320 of the Code of Civil Procedure.
2 Section 1263.310 of the Code of Civil Procedure.
highest and best use. In most states, unity of ownership, contiguity, and unity of use are the three conditions that establish the larger parcel for the consideration of severance damages. In federal and some state cases, however, contiguity is sometimes subordinated to unitary use.

**Damage to Remainder**

Damage to the remainder is the damage, if any, caused to the remainder by either or both of the following:

A) The severance of the remainder from the part taken.

B) The construction and use of the project for which the property is taken in the manner proposed by the plaintiff whether or not the damage is caused by a portion of the project located on the part taken.

**Benefit to Remainder**

Benefit to the remainder is the benefit, if any, caused by the construction and use of the project for which the property is taken in the manner proposed by the plaintiff whether or not the benefit is caused by a portion of the project located on the part taken.

**Offset Rule**

On August 25, 1997, the California Supreme Court ended the rule that only benefits deemed "special" could be offset against severance damages in determining compensation in condemnation actions. Under its decision in the *Continental Development* case, all benefits, general and special can reduce an award of severance damage.

**Property Rights Defined**

*Fee Simple Estate* - Is the absolute ownership of real property unencumbered by any other interest, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

*Permanent Easement* - An interest in real property that conveys use, but not ownership, of a portion of an owner’s property. Access or right of way easements may be acquired by private parties or public utilities. Governments dedicate conservation, open space, and preservation easements.

*Temporary Construction Easement* - An easement granted for a specific purpose (construction of the proposed project) and applicable for a specific or limited period of time.

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4 Section 1263.420 of the Code of Civil Procedure.
5 Section 1263.430 of the Code of Civil Procedure.
6 The Dictionary of Real Estate Appraisal (Fifth Edition), Appraisal Institute, Chicago, Illinois, 2010, p. 78
GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report and the value estimates it contains are expressly subject to the following assumptions and/or limiting conditions.

1. Title to the property is marketable.

2. No survey of the properties has been made by the appraisers and property lines as they appear on the ground are assumed to be correct.

3. Data, maps, and descriptive data furnished by the client or his/her representatives are accurate and correct.

4. No responsibility is assumed for matters of law or legal interpretation.

5. No conditions exist that would affect the use and value of the property, which are not discoverable through normal, diligent investigation.

6. The valuation is based on information from sources believed reliable, and that such information is correct and accurately reported.

7. The value estimate is made subject to the purpose, date, and definition of value.

8. The report is to be considered in its entirety and use of only a portion will invalidate the appraisal.

9. This appraisal was made on the premise that there are no encumbrances prohibiting utilization of the property under the appraiser's estimate of highest and best use.

10. Possession of this report or a copy does not carry with it the right of publication nor may it be used for any purpose by anyone other than the client without the previous written consent of Bender Rosenthal, Inc., and then only with proper qualifications.

11. Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute. No part of this narrative report may be reproduced by any means nor disseminated to the public in any way without the prior written consent of Bender Rosenthal, Inc.

12. Any person or entity who obtains or reads this report, or a copy, other than the client specified in this report, expressly assumes all risk of damages to himself or third persons arising out of reliance on this report and waives the right to bring any action based on the appraisal, and neither the appraisers nor the appraisal firm shall have any liability to any such person or entity.

13. The appraisers shall not be required to give testimony or appear in court by reason of this appraisal with reference to the property described in this report unless prior arrangements have been made.

14. No responsibility is assumed for building permits, zone changes, engineering or any other services or duty connected with legally utilizing the subject property.
15. The properties appraised may or may not be subject to the Americans with Disabilities Act of 1990 (ADA). Title III of this act provides for penalties for discrimination in failing "... to remove architectural barriers ... in existing facilities [unless] an entity can demonstrate that the removal ... is not readily achievable. ..." Unless otherwise noted in this appraisal, it is assumed that the properties appraised are not substantially impacted by this law.

16. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraisers. The appraisers have no knowledge of the existence of such materials on or in the property. The appraisers, however, are not qualified to detect such substances. The presence of such substances as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

17. It is assumed that the properties appraised are competently managed and marketed.

**EXTRAORDINARY ASSUMPTIONS**

"An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser’s opinions or conclusions."

1. We were not provided with a Phase I Environmental Site Assessment for this appraisal. The value stated in this report is based on the assumption that the properties are “free and clear” of any potential toxics. The appraiser is not an expert in this field and is not qualified to detect or advise on similar matters. This appraisal, therefore, assumes that there is no toxic contamination on the subject property.

2. A stop sign and fire hydrant are located in the acquisition area. We assume these improvements will be relocated or re-established as part of the contract construction work.

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HYPOTHETICAL CONDITIONS

“A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.”\(^\text{10}\)

1. The fair market value of the property taken shall not include any increase or decrease in the value of the property that is attributable to any of the following: 1) the project for which the property is taken; 2) the eminent domain proceeding in which the property is taken; and 3) any preliminary actions of the plaintiff relating to the taking of the property.\(^\text{11}\)

2. The valuation of the remainder parcel(s) in their conditions after consideration of the partial acquisition and construction in the manner proposed presumes a hypothetical condition. This is due to, as of the effective date of value, the parts being acquired have not yet been severed from the larger parcels and the project has not yet been constructed. Information about the project and its improvements was provided by the client and relied upon in analyzing the impacts the proposed project will have on the subject remainder parcel(s).


\(^{11}\) Section 1263.330 of the Code of Civil Procedure.
II. NEVAD COUNTY REGIONAL OVERVIEW

Geographic Considerations. The subject property is located in Nevada County, in the community of Nevada City, 60± miles northeast of Sacramento’s Central Business District (CBD). A regional map is provided below.

The Greater Sacramento area, or officially Sacramento–Arden-Arcade–Yuba City, CA-NV Combined Statistical Area, is a combined statistical area consisting of several metropolitan statistical areas and seven counties in Northern California and one in Western Nevada. These are Sacramento, Yolo, El Dorado, Placer, Sutter, Yuba, and Nevada counties in California, and Douglas County in Nevada. The subject properties are located in Nevada County. The metropolitan area experienced a growth of nearly 20% in the last decade. In the 2000 census, the Sacramento MSA had a population of 1,930,857. The 2010 United States Census estimates for the region totaled a population of 2,461,780, making it the 4th largest metropolitan region in California and 18th largest in the United States.

The Sacramento MSA contains portions of the Central Valley and Sierra Nevada regions of California as well as a small region of Western Nevada and also contains sites of natural beauty including Lake Tahoe, the largest alpine lake in North America and numerous ski and nature resorts. The region's eastern counties are located in Gold Country, site of the California Gold Rush.
National Economy. The outlook for the U.S. economy is much brighter than it has been since before the most recent recession. Besides more than 3% growth in gross domestic product in 2Q14 and 3Q14, inflation remains low and the unemployment rate declined to 5.8% in October 2014. In fact, job growth has improved enough that employers are on pace to add the most jobs on an annual basis since 1999, according to the Bureau of Labor Statistics.

These are all positive indicators of primary importance, however, a variety of headwinds are still holding back the progress that many economists had been predicting. While unemployment appears healthy, the workforce participation rate has declined to 1978 levels, as the wages of the majority of workers remain relatively stagnant. In addition, the federal debt has ballooned to nearly $18 trillion, while major entitlement programs are underfunded. The housing sector has improved slightly, but the young adults we have relied on in the past to purchase homes are burdened with oversized amounts of student debt. Furthermore, many of the economies in Europe and Asia are contracting, and territory disputes from the Ukraine and Russia to Iraq and Syria have given rise to new levels of uncertainty. However, in the end, the U.S. economy appears to have many resilient elements in place to withstand future disruptions in the financial markets.

Current State of the Sacramento Regional Economy. According to preliminary data presented by the Center for Strategic Economic Research (CSER) in their September 2014 newsletter, the six-county Sacramento region grew by 1.9% between August 2013 and August 2014, similar to the statewide average and just above the national average. Although this reflects a gain of about 17,000 jobs from the previous year, this annual rate of growth is much slower than what the region posted in the previous month and in August 2013. All of the Sacramento region’s five largest sectors experienced a dip in annual job growth since last month, but four still posted positive annual job growth in August 2014. Only one sector, professional and business services, posted a rate greater than the previous year. Job gains in the area’s largest sector, government, were driven by growth in the state government portion while local and federal government experienced losses slowing this sector’s annual job growth to 0.6% in August 2014. Trade, transportation, and utilities’ 0.5% annual job growth was primarily attributed to gains in the retail component. After a brief period of positive annual job growth, the leisure and hospitality sector dipped back into negative territory posting a rate of -0.7% in August 2014. The component that includes restaurants and bars still showed job gains, but at a much lower level than the previous month and not enough of a gain to make up for losses in the accommodation and recreational segments.

The unemployment rate in the Sacramento MSA is 6.2% as of December 2014, down from a revised rate of 6.7% in November 2014, and well below the year-ago estimate of 7.5%. On the month, employment in the MSA decreased by 1,100 to 901,800 total jobs. The unemployment rate was able to drop due to the decrease in the size of the labor force. The following chart presents historical unemployment numbers for the greater Sacramento region.
### UNEMPLOYMENT RATE SUMMARY

<table>
<thead>
<tr>
<th>Area</th>
<th>Dec 2013</th>
<th>Nov 2014</th>
<th>Dec 2014</th>
<th>YOY Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>6.7%</td>
<td>5.8%</td>
<td>5.4%</td>
<td>-1.3%</td>
</tr>
<tr>
<td>California</td>
<td>8.3%</td>
<td>7.2%</td>
<td>6.7%</td>
<td>-1.6%</td>
</tr>
<tr>
<td>Sacramento Arden Arcade Roseville MSA</td>
<td>7.5%</td>
<td>6.7%</td>
<td>6.2%</td>
<td>-1.3%</td>
</tr>
</tbody>
</table>

*Source: California EDD*

Total farm decreased by 400 jobs, or 5.4%, over the month. Government led the month-over decline with a seasonal decrease of 3,200 jobs. The losses were predominately in local government education, down 3,000 jobs. State government dipped by 400 jobs, while federal government was up 300 jobs. Construction saw a seasonal decline of 1,800 jobs, which is about average for the industry from November to December. Specialty trade contractors scaled back 1,600 jobs for the month. Construction of buildings was down by 200 jobs. Six industries saw month-over job increases, however, led by trade, transportation, and utilities’ gain of 1,900 jobs. Leisure and hospitality saw an increase of 900 jobs, while financial activities grew by 600 jobs. Other industries posting job gains for the month included professional and business services (up 500 jobs), education and health services (up 400 jobs), and information (up 100 jobs).

On the year, the region has demonstrated sustained positive job growth across all regions. All industries but two (information and leisure & hospitality) added jobs on the year. Professional and business services maintained its robust year-over growth, expanding by 5,900 jobs. Professional, scientific, and technical services increased by 3,200 jobs. Administrative and support and waste services added 2,400 jobs, and management of companies and enterprises picked up 300 jobs. Educational and health services grew by the second largest amount, or 4,400 jobs (3.4%) for the year. Health care and social assistance accounted for a majority of the industry’s job growth with a gain of 4,300 jobs. Private education ticked up by 100 jobs. Specifically, Nevada County increased by 30 jobs on the month and expanded by 540 on the year.

**Demographic Trends.** Historically, the metropolitan area has benefited from being the capital and center of government for the state of California. The state currently has a population of almost 38 million and a gross domestic product that, if compared to other nations, would be among the top ten in the world. Northern California itself would rank 26th overall globally. According to the Sacramento Area Council of Governments (SACOG)\(^{12}\), the current area population is 2.4± million; this is approximately 6% of California's total population.

A primary contributing factor to past population growth has been in-migration from urbanized coastal regions. The relatively lower cost of living in the Sacramento area and the perceived good quality of life has contributed to this growth. Overall, SACOG research suggests continued growth in the area over the next 20 years. These projected increases, as shown in the chart, have been based in part on an expected influx of “baby-boomer” retirees rolling into the retirement age

\(^{12}\) This population total, and totals for all regional projections, is for Sacramento, Yolo, Placer, El Dorado, Sutter and Yuba counties, but not including the Tahoe Basin.
We harbor some doubt about this assumption now, as many of these baby boomers may have to continue working during this recessionary period and population growth has slowed in recent years.

**Housing Market.** The region, which witnessed one of the largest housing booms prior to the recession, also experienced one of the largest busts. The sharp and sustained decline in home values which defined the housing market in previous years was substantially tempered in 2010. The year 2011 was in many ways more of the same, as the number of building permits issued, number of new homes sales, and median sale prices all slowly slid lower, re-establishing historical lows which had been set the previous year. While there was essentially a halt on the construction on new homes, the demand for homes in the Sacramento area slowly and consistently rose. Existing home sales improved throughout 2012 and 2013 as a surplus of low priced homes attracted investors. In addition to existing home sales, new home construction and sales has also gained momentum over the course of the last several years in response to improving market conditions. Although nowhere near the pre-recession highs, new home pricing slowly increased over the course of the last several years in some areas and many projects have been observing absorption averaging anywhere from 1 to 4 units per month over the same time frame. Towards the end of 2013, prices began to rise sharply, and the year finished with appreciation of 22%.

The increase in buyer activity also led to an increase in building permit activity. By the end of 2013, the total inventory of real estate on the market was up 73% over the same time in 2012, while the average asking price increased by 14%. This upward motion began in early December 2012 and continued steadily throughout 2013. However, more recent quarters have experienced flatter pricing, which is anticipated to remain the norm in the near future.

The following chart presents basic historical housing market data for the Sacramento area (Sacramento, Placer, Yolo, Sutter, Yuba, Nevada, and El Dorado Counties).

<table>
<thead>
<tr>
<th>Historical Housing Market Data - Sacramento MSA</th>
<th>2014</th>
<th>2013</th>
<th>2012</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Median Price</td>
<td>$300,000</td>
<td>$266,000</td>
<td>$204,000</td>
<td>$206,000</td>
</tr>
<tr>
<td>Total SFR Sales</td>
<td>26,129</td>
<td>27,971</td>
<td>30,666</td>
<td>29,096</td>
</tr>
<tr>
<td>Average Days on Market</td>
<td>21</td>
<td>13</td>
<td>25</td>
<td>26</td>
</tr>
</tbody>
</table>

Pricing has recovered substantially over the last five years, but has still not reached pre-recession levels. The majority of the appreciation that occurred between 2013 and 2014 happened in 2013 or early 2014, with the second half of 2014 experiencing flatter pricing with nominal appreciation.

**Residential Land.** As prices for homes appreciated greatly during 2013 and 2014, interest renewed for residential subdivision land. Many of these speculative properties had been foreclosed upon and were still working themselves through the process in 2013, as is demonstrated by the sale comparables presented later in the Valuation section of this report. Overall, demand has been mild for this type of land, however this is a clear improvement over previous years. Finished lots that are shovel-ready have attracted the most attention, while builders remain wary of speculative land requiring greater preparation before becoming buildable. These types of property are generally still being purchased by investors, as home builders continue to be more cautious than
prior to the most recent recession. Market participants interviewed during the confirmation process indicated that sales of this type of property occur infrequently, however prices have shown moderate growth over the previous 2+ years.

**Regional Transportation Hub.** There are four major highways converging near Sacramento's CBD: Interstate 80 and U.S. Highway 50, which are east-west freeways, and Interstate 5 and State Highway 99, which run in a north-south direction. Interstate 5 is continuous from the Mexican border to the Canadian border. The convergence of these highways makes the extended Sacramento area a desired distribution center location. Interstate 80 provides easy access to either the San Francisco Bay area or Reno/Tahoe from Sacramento. The area is served by regional (Greyhound) and metropolitan bus companies, and Sacramento has a light rail transit service. AMTRAK provides train service along the Roseville – Sacramento – Davis – Bay area corridor. The Sacramento International Airport recently completed a massive project to completely renovate a terminal and expand the runway. The $1.1 billion terminal modernization project broke ground June 19, 2008, and was completed in the fourth quarter 2011, as scheduled.

**Regional Analysis Conclusion.** The Sacramento Metropolitan Area is strategically located with respect to transportation corridors and agricultural production within northern California and the great Central Valley region. Nevada County, a rural, foothills area, is not directly a part of this metropolitan area, but is influenced to a degree by what occurs within it. For at least some purposes, the U.S. Census Bureau considers Nevada City within the “Sacramento–Arden-Arcade–Yuba City, CA-NV Combined Statistical Area,” which is a reflection of the notion that it relates to at least some degree to the Sacramento Metropolitan Area.

Reasonable housing prices and the perceived overall quality of life in the area have been conducive to regional growth in the past. Also, historically, the entire area has benefitted from Sacramento being the capital and center of government for the state of California. Private sector job growth has been increasing over the last several years. Some major companies have announced plans to pull out of the area (e.g., Campbell Soup), or at least curtail some operations. Conversely, however, industrial and office vacancy rates have been trending down, signaling some increased activity.

While gradual, improvements in employment, residential home values, and the national economy have provided ample support of solid improvement over the previous 2+ years. Barring any major national or regional economic jolt we see reasonable market stability ahead.
III. CITY/NEIGHBORHOOD DESCRIPTION

**Location.** The subject is located in the western portion of Nevada County, within the foothill region of the Sierra Nevada range. Residents are drawn to the area due to its relatively close proximity to both Sacramento (60± miles to the south) and the Lake Tahoe region (60 miles to the east). Specifically, the subject property is located along the Highway 49 corridor in an unincorporated area of Nevada County known as Lake of the Pines. Although the property has a Grass Valley address, the property is 11± miles south of this city, while only approximately six miles north of Auburn. The southwest sectors of the county have developed extensively as a residential commuter location for Sacramento workers. An area map is provided below.

**AREA MAP**

**Community.** The subject is located immediately east of the Highway 49/Combie Road interchange. There is a small amount of commercial uses in this immediate area, consisting mainly of the Higgins Village shopping center, which is anchored by CVS and includes other tenants such as Subway, Chevron, and Starbucks. Other retail and office buildings in the area are typically occupied by local tenants. There are several planned new retail developments, however based on the small local population, existing development, and the slower growth rate over the previous 15+ years, the demand for additional space is debatable. Completion of the public sewer service would be integral to the success of any new developments.

In the subject's neighborhood, Combie Road mainly serves to connect Highway 49 with the Lake of the Pines private residential community, located less than one mile east of Highway 49. The following map depicts the general neighborhood.
The Lake of the Pines community has approximately 5,000 residents living in rural and semi-rural residential properties centered around the Lake of the Pines reservoir. Woven within this community is the Lake of the Pines Golf Course and the Darkhorse Golf Club.

Additional projects are planned for the area, including the residential community of Dark Horse with some 300 proposed lots, which were previously foreclosed and re-sold by the construction lender; Quail Lake with 93 parcels; Wolf Creek Ranches with its proposed 229 parcels, and Cascade Crossings. Like Dark horse, Cascade Crossings was foreclosed on by the construction lender and resold to a developer who will complete the project, with 83 lots and a small area available for a future phase of development. Houses within this project are actively being sold.

**Population Growth.** While the County experienced significantly high growth rates in past decades, more recently a slower, steadier rate of growth has been the norm. Most anticipate this more stable level of growth steadier will continue into the foreseeable future, as the forecasted population in 2020 is 104,343. Based on the current population of 97,225, the implied growth rate for the rest of this decade is 1.5%.
The following table presents historical population data for a one, three, and five mile radius around the subject property.

<table>
<thead>
<tr>
<th>Population</th>
<th>1-Mile Radius</th>
<th>3-Mile Radius</th>
<th>5-Mile Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>1,091</td>
<td>8,109</td>
<td>18,618</td>
</tr>
<tr>
<td>2010</td>
<td>1,096</td>
<td>8,107</td>
<td>18,546</td>
</tr>
<tr>
<td>2000</td>
<td>1,100</td>
<td>7,871</td>
<td>17,496</td>
</tr>
<tr>
<td>Growth 2010-2014</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

As to be expected, the search reveals a sparsely populated area. Growth over the last 14 years has been minimal, and specifically, over the previous four years, all areas reflected no net growth. According to Site to do Business, similar trends are expected for the future, with a small net gain (less than 0.4% annual growth rate) in population anticipated by the year 2019.

**Employment.** Most portions of Nevada County serve as a bedroom community to the employment centers in Sacramento and Roseville. Nevada County has over 10,000 commuters going out of the county for work, and over 4,000 coming into the county, for a net loss of 6,000 employees. The top destination out for work is Placer County (5,215), followed by Sacramento County (2,062), and Washoe County, Nevada (1,096). Commute times range from 30 minutes to Placer, 2 hours to Washoe, and up to 3.75 hours to the Sacramento Valley or San Francisco Bay Area (just under 1,000 commuters travel to these two destinations). Commuting has an economic impact on the community because residents may be spending time and money in other locations rather than locally, impacting both family life and local business activity.

However, there are some employers and local businesses of substantial size that provide job opportunities within the County. The largest private employers are centered around the tourism and recreation within the Lake Tahoe region at the eastern portion of the County. The following table provides basic information regarding the largest employers within Nevada County.

<table>
<thead>
<tr>
<th>Employer</th>
<th>No. of Employees</th>
<th>Type of Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boreal Mountain Resort</td>
<td>500-999</td>
<td>Ski Resort</td>
</tr>
<tr>
<td>County of Nevada</td>
<td>500-999</td>
<td>Government</td>
</tr>
<tr>
<td>Sierra Nevada Memorial Hospital</td>
<td>500-999</td>
<td>Health Care</td>
</tr>
<tr>
<td>Village Lodge - Sugar Bowl</td>
<td>500-999</td>
<td>Ski Resort</td>
</tr>
<tr>
<td>Tahoe Forest Hospital</td>
<td>500-999</td>
<td>Health Care</td>
</tr>
<tr>
<td>Interfaith Food Ministry</td>
<td>250-499</td>
<td>Non-Profit</td>
</tr>
<tr>
<td>Lodge at Tahoe Donner</td>
<td>250-499</td>
<td>Ski Resort</td>
</tr>
<tr>
<td>Clear Capital</td>
<td>250-499</td>
<td>Real Estate</td>
</tr>
<tr>
<td>Milhous School, Inc.</td>
<td>250-499</td>
<td>Education</td>
</tr>
<tr>
<td>Safeway</td>
<td>250-499</td>
<td>Retail</td>
</tr>
</tbody>
</table>

* California EDD
Conclusion. The subject property is located in southwest Nevada County, south of Grass Valley. The immediate area can be characterized as a mix of rural residences in heavily tree covered areas, with some commercial development at the Combie Road/Highway 49 interchange. The homes in the immediate area appear to older and in average condition with heavy tree cover that buffers the parcels. The neighborhood and the region as a whole have suffered from over-development at times in the past, however are currently relatively stable. Bank owned transactions are still prevalent, but are tapering off from previous highs.
IV. LARGER PARCEL PROPERTY DESCRIPTION

DETERMINATION OF LARGER PARCEL

In condemnation, that portion of a property, which has unity of ownership, contiguity, and unity of use.

We have reviewed ownership records for surrounding properties and found that the subject property owner does not own any contiguous parcels; therefore the subject’s larger parcel is considered to be the two parcels APNs 57-141-39 & -40, totaling 7.05± acres. The roadway easement impacts both parcels.

PARCEL OWNERSHIP

| Property Address: | 10118 & 10194 Combie Road  
|                  | Grass Valley, California |
| APNs:           | 57-141-39 & -40          |
| Owner:          | Pacific Gas & Electric, as per the chain of title provided by Fidelity National Title, dated December 11, 2014. |
| Mailing Address: | 6030 West Oaks Boulevard #3073 B  
|                 | Rocklin, California 95765 |
| Representative: | Mr. Josh Hinkey          |
| Telephone:      | (916) 472-2302           |
| Owner Title Interest: | Fee Simple               |
| Ownership History: | The property has been under the same ownership since 1977. To the best of our knowledge the property is not actively marketed for sale. |
| Date of Inspection: | January 28, 2015. Jared Calabrese with Bender Rosenthal, Inc. inspected the subject property. Representatives of the ownership declined to be present. David Wraa inspected the property from the street at a later date. |
| Date of Value:   | January 28, 2015         |
| Date of Report:  | February 6, 2015         |
ASSESSOR’S PARCEL MAP

Size: 7.050± acres (Source: Nevada County Assessor’s Map)

Frontage: The subject property has approximately 751± linear feet of frontage along the north side of Combie Road.

Accessibility: The subject property can be accessed along the north side of Highway 49.

Exposure: The larger parcel has average exposure and visibility along Combie Road.

Topography & Drainage: The subject property varies from level to sloping. Overall, the site slopes downward from north to south, towards Combie Road, where the flatter portions of the site are located. However, the substation is located on a large, level pad. The pad is substantially above grade relative to some areas of the site, and topography in these areas is significantly sloped. It appears that drainage is adequate.
Offsite Improvements: Concrete curbs and gutters along Combie Road.

Utilities: Electricity and water are available to the subject property. Sewer is not available to the site and will reportedly not be available to the site for a minimum of three years.

Zoning: R2-SC-SP, Medium Density Residential - Scenic Corridor - Site Performance (County of Nevada).

The Medium Density Residential district implements the General Plan’s Urban Medium Density Designation and provides for moderate density multiple-family housing, as well as other dwelling unit types. Densities of up to 6.0 dwelling units per acre are permitted. This District is appropriate for the development of affordable housing through clustering of residences or other design techniques.

The purpose of the Scenic Corridor Combining District is to protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors. The provisions of this Section shall apply to all Development Permits, Use Permits, and subdivisions.

The purpose of the Site Performance Combining District is to provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined. Such refinements shall ensure consistency with, and further the intent of, all General Plan policies.

Specific Plan: None

General Plan Designation: Urban Medium Density Residential

Current Entitlement Status: None
Parcel Improvements: The site is improved with a PG&E substation located in the middle of the property. The substation is surrounded by chain link fencing with barbed wire and accessed by an asphalt paved driveway. There are no improvements within the acquisition area except for the front-most portion of the driveway.

Easements: A preliminary title report was not provided for review. However, the appraisal maps call out an existing easement to Nevada Irrigation District. The easement is 20 feet wide and runs along the western line of the site. The purpose of the easement is for: "the right to excavate for, install, replace, maintain and use a pipeline not to exceed 10 inches in diameter for conveying water...and also ingress thereto and egress there from, together with a right of way, on along and in all of the strip of land." The impact of the easement is considered minimal as it is located in an area required for setbacks. Furthermore, similar easements are common in the greater Nevada County area.

Encroachments: None known to exist.

Private Restrictions: None known to exist.

Flood Zone: The subject is located in Flood Zone X (unshaded), areas of minimal flood hazard. Zone X is the area determined to be outside the 500-year flood and protected by levee from 100-year flood. FEMA Flood Insurance Rate Map Community Panel Number 06057C 0775E, dated February 3, 2010.

Wetlands: The subject may contain wetlands, but none were noted.

Seismic Information: The subject property is not within a Fault-Rupture Hazard Zone (formerly an Alquist-Priolo Special Studies Zone), according to Special Publication 42, "Fault-Rupture Hazard Zones in California", published by the California Department of Conservation, Division of Mines and Geology, revised 1997. No active faults are located on or in the proximity of the property. However, strong earthquakes generated along any of the active
California faults may affect the site depending on the characteristics of the earthquake and the location of the epicenter. In general, the effects should be confined to shaking and/or acceleration (shock waves) and potential damage to structures should be minimized by employing adequate design and construction procedures.

Because Nevada County, and most of the State of California, is a seismically active region, the potential for earthquake-induced hazards must be acknowledged. However, the history of past earthquake activity does not indicate that Nevada County is a particularly hazardous area. Current engineering design, and construction practices, such as the Uniform Building Code, provide the opportunity to reduce earthquake related hazards.

Cultural, Recreational Historical Significance: None

Toxic Hazards: We are unaware of any toxics investigation report. The appraiser is not an expert in this field; please refer to Item 16 & any extraordinary assumptions of the Assumptions and Limiting Conditions.

Property Tax Data: There are no tax records for the subject, as it is owned by a quasi-public entity and therefore is not subject to taxation.

Special Assessments: The subject property does not have any special assessments.

Overall Comments: The subject property is located on the north side of Combie Road, the primary east/west thoroughfare in the immediate area, with access and exposure provided along this highway. Furthermore, the property is just one block east of Highway 49, the primary highway within the greater region. The general area is semi-rural to rural in nature, with the vast majority of space dedicated to rural residential home sites or open space, although some commercial amenities are in close proximity.
V. PROJECT DESCRIPTION AND PROPOSED ACQUISITION

The County of Nevada is proposing road improvements along Combie Road which will ultimately facilitate the construction of additional travel lanes. Future construction of a multipurpose path, minor road widening, and landscaping may also be located in the easement. However, the initial phase of the improvements will be limited to undergrounding of the overhead electrical utilities and creation of a class one bike path. In addition, minor tree removal, reconstruction of driveway approaches, removal and/or replacement of fences, and erosion control will be done on an as needed basis.

DESCRIPTION OF PROPOSED ACQUISITION

The County of Nevada is proposing to construct roadway improvements along Combie Road. A roadway easement will be required to complete the project. The roadway easement consists of a roughly 37-foot± wide band extending along the entire Combie Road frontage (737± feet). The total area of the easement is 24,125 square feet. The acquisition area is generally at grade with the existing roadway.

There are no improvements located in the proposed easement area beyond a small portion of the asphalt paved access driveway. The westernmost end of the easement overlaps with an existing pipeline easement. The area of this overlap totals 727 square feet. However, as the easement is located in an area that would be required for setbacks, and because similar easements are common on similar properties in the area, the easement is not considered to negatively impact the subject and will not be given further consideration in this analysis.

The roadway easement will be discussed in greater detail later in this section. The following is a map which presents the general location of the roadway easement and existing pipeline easement.
ACQUISITION MAP

NEVADA COUNTY DEPT OF PUBLIC WORKS
NEVADA COUNTY, CALIFORNIA

PROJECT: Combie Road
THROUGH LAND OF Pacific Gas & Electric Co.

EXHIBIT "B"  DATE May 2, 2013
SCALE: 1"=200'

1" = 200'
SEC. 10, T.16N, R.8E,
M.D.M.

STATION: DOG BAR 2004
PID: DIV666
N 2100701.4600
E 6832110.7100

BASIS OF SURVEY:

THE BASIS OF THIS SURVEY (BASIS OF BEARING) IS GRID NORTH PER
THE CALIFORNIA STATE PLANE COORDINATE SYSTEM ZONE 2 AND
WAS ESTABLISHED BY TAKING GLOBAL POSITIONING SATELLITE
OBSERVATIONS ON STATIONS:

DOG BAR - 2004
HPGN D CA 03 GJ.

ALL COORDINATES AND DISTANCES SHOW HEREON ARE GRID
VALUES AND ARE VALID PER THE 2007 EPDC.

AT STATION HPGN D CA 03 GJ:

THE COMBINED SCALE FACTOR (GROUND TO GRID) IS 0.99985062
AND THE MAPPING ANGLE IS: 00°34'19"
A tabular summary of the planned acquisition follows.

<table>
<thead>
<tr>
<th>Item</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larger Parcel</td>
<td>7.050± Acres (307,097± SF)</td>
</tr>
<tr>
<td>Easement Acquisition</td>
<td>0.554± Acres (24,125± SF)</td>
</tr>
<tr>
<td>Remainder Parcel</td>
<td>7.050± Acres (307,097± SF)</td>
</tr>
</tbody>
</table>

*Source: Nevada County Assessor's Map and Appraisal Map provided by Ronald S. Dundas dated May 2, 2013.*

**DESCRIPTION OF THE REMAINDER PARCEL**

There is no fee acquisition associated with this project, therefore the remainder will remain the same size in the after condition, with a total area of 7.050± acres (307,097± SF). The easement being acquired allows for the excavation, installation, construction, reconstruction, repair, maintenance, and use of a road, multi-purpose pedestrian path, and minor landscaping, which is generally restrictive to the property owner. The easement area represents less than 8% of the total area of the site. The larger parcel will retain its same shape in the after condition, and have essentially the same amount of frontage and exposure along Combie Road. The area encumbered by the roadway easement will be included as part of the gross acreage when calculating the allowable density. Overall, the utility and highest and best use of the larger parcel remains unchanged, and the property is not considered to suffer any damages or inure any benefits as a result of the proposed acquisition.
VI. HIGHEST AND BEST USE ANALYSIS

In the analysis of highest and best use we have considered four criteria: legally permissible, physically possible, economically feasible and maximally productive. There are no building improvements located in the acquisition area, and therefore only the highest and best use as vacant is considered.

HIGHEST AND BEST USE OF LARGER PARCEL

Legally Permissible Uses. Possible uses are constrained by legal restrictions on a property both private and public. The subject property is zoned R2-SC-SP, Medium Density Residential - Scenic Corridor - Site Performance (County of Nevada). The Medium Density Residential district provides for moderate density multiple-family housing, as well as other dwelling unit types. Densities of up to 6.0 dwelling units per acre are permitted. The general plan designation is Urban Medium Density Residential. The legally permitted uses are concluded to be those uses permitted under the residential zoning district.

Physically Possible Uses. The size, topography, and location of the subject are important factors in determining the use of the property. The size of the site can have a significant effect on the type of development that is possible and on the economies of scale. The subject parcel is trapezoidal in shape and totals 7.05± acres in size, which is large enough to facilitate most permitted uses. Specifically the site could be developed with up to 42 units (7.05 acres X 6 units/acre = 42.3 units). The potential acquisition area will continue to be included in density calculations. The subject’s access and exposure are considered average and the site is located in immediate proximity to Highway 49. Such a location on a primary arterial (Combie Road) with immediate access to Highway 49 would most appeal to the buyer of a traditional, high-density residential subdivision, whereas the buyer of a larger, rural residential site would prefer to be located off the beaten path in an area with less traffic and more seclusion. However, both uses are physically possible.

Electricity and water are available to the site, however sewer is not available. Based upon discussions with Brad Torres, the Nevada County Wastewater Operations Manager, there is no current timeline to have sewer service provided to the site, and at a minimum the service will not be available for at least three years. Surrounding uses include rural residential home sites to the north and east, and a fire station to the west. Residential will be physically possible upon completion of necessary infrastructure, however this will not occur for at least three years, and could easily be several years beyond that. The physically possible uses are considered to be the legally permitted uses upon completion of the sewer infrastructure.

Financially Feasible/Maximally Productive Uses. A proposed property improvement must be able to deliver an income return that generates a market value sufficient to pay for the developmental costs, the risks involved, and a profit appropriate for the type of development.
The larger parcel could be developed as a residential subdivision with a maximum density of six units per acre, however, as the subject is comprised of two separate parcels, it would also be possible to sell the parcels (3.37 and 3.68 acres in size) off individually. Parcels of this size are smaller than that commonly developed with a density legally permitted by the zoning, and would most likely be put to a rural residential use, similar to many of the other surrounding properties to the north, east, and south. These survey of residential land sales from the immediate area are summarized in the following table.

<table>
<thead>
<tr>
<th>Address</th>
<th>Size AC</th>
<th>Sale Date</th>
<th>Sale Price</th>
<th>Price/Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>13640 Greenhorn Road, Grass Valley</td>
<td>3.12</td>
<td>5/14</td>
<td>$114,000</td>
<td>$36,538</td>
</tr>
<tr>
<td>14447 Penn Road, Grass Valley</td>
<td>3.00</td>
<td>6/14</td>
<td>$127,000</td>
<td>$42,333</td>
</tr>
<tr>
<td>17276 Harper Lane, Penn Valley</td>
<td>3.00</td>
<td>2/14</td>
<td>$50,000</td>
<td>$16,667</td>
</tr>
<tr>
<td>10279 Evergreen Ranch, Grass Valley</td>
<td>2.22</td>
<td>12/14</td>
<td>$140,000</td>
<td>$63,063</td>
</tr>
<tr>
<td>15355 Tyler Foote Road, Penn Valley</td>
<td>2.13</td>
<td>2/12</td>
<td>$85,000</td>
<td>$39,906</td>
</tr>
<tr>
<td>Median</td>
<td>2.69</td>
<td>----</td>
<td>$103,200</td>
<td>$39,701</td>
</tr>
</tbody>
</table>

Specifically, greater weight is given to the sale on Penn Road due to location and relatively recent date of sale, although the site had well and septic already completed, indicating a value at or slightly below $42,333 per acre. The survey of closed rural residential sales indicates a lower unit value than that concluded in the Valuation section for higher density subdivision development of $55,000 per acre. Development of the subject as a single site and to the highest density permitted under the zoning therefore appears prudent. This conclusion is supported by the location along a primary arterial with immediate access to Highway 49, more typical of subdivision development.

The housing market has shown increased improvement relative to other property types, however production, prices, and absorption have not reached the levels previously anticipated. There is little appetite for raw, unentitled land in more established locations such as Sacramento or Roseville, and peripheral locations in similar bedroom communities usually lag behind these more populated areas in terms of demand.

Based on the subject’s physical characteristics and improving residential market, the most likely financially feasible and maximally productive use for the subject is for development in the mid-future (5 to 10 years).

**Highest and Best Use as Vacant.** Considering all the preceding factors, it is our conclusion that the highest and best use of this site is for future development into a residential subdivision to the highest density permitted under the zoning designations, once market conditions make such development feasible and necessary infrastructure has been completed.
VII. VALUATION

VALUATION PREMISE

The subject larger parcel consists of approximately 7.050± acres of residential land located in an unincorporated portion of Nevada County. The subject has been utilized as a substation for several decades. The parcel is trapezoidal in shape, with typical utility. Water and electricity are available to the site, however sewer will not be available for several more years. The parcel is situated immediately north of existing commercial development, with the remaining surrounding uses primarily rural residential in nature. The County of Nevada is acquiring a small easement along the parcel's road frontage.

In reviewing the roadway easement proposed for the subject property, the easement being acquired allows for the excavation, installation, construction, reconstruction, repair, maintenance, and use of a road, multi-purpose pedestrian path, and minor landscaping, which is generally restrictive to the property owner. Furthermore, the acquisition will eventually be utilized for road widening. Such road easements are typically highly restrictive, and would essentially preclude any use or enjoyment of that portion of the property by the owner beyond reversion. Discussions with the County of Nevada Planning Department indicate that the easement area would be included in allowable density calculations, however as the timeline for development is still speculative, this benefit is discounted. Therefore, based upon analysis of the easement language provided by the County of Nevada, the easement is considered to represent 90% of the underlying fee value.

The three accepted approaches to value are the Sales Comparison Approach, the Income Approach (capitalization analysis) and the Cost Approach (reproduction or replacement cost analysis). We have utilized the Sales Comparison Approach to value as the best method to estimate the fair market value of the land. The Cost and Income Capitalization Approaches were not considered to be applicable to this appraisal problem because they are not typical approaches employed to estimate the value of similar vacant rural residential sites.

The Sales Comparison Approach compares the subject property to other similar properties that have recently sold in the market area. This is usually the preferred method when comparable sales data are available. The respective sales prices of the comparable sales are analyzed and compared to the subject based on the appraiser’s knowledge of market behavior, in order to derive an indication of market value. All sales properties were compared based on a unit value, consistent with the market.
Valuation of the Larger Parcel

The initial stages of the appraisal process include the investigation, organization, and analysis of relevant market data and other information that relate to the market value of the subject property. By searching public records and interviewing buyers, sellers, real estate agents, developers, and others, we have found data on sales of similar land parcels reasonably comparable to the subject property. Factors that influence value include the Nevada County regional demographics and economic conditions, neighborhood characteristics, and features. All of these need to be considered when rendering a value conclusion.

The subject’s current highest and best use has been concluded to be for future residential development at a density of six units per acre. The comparable land sales described are market transactions that were either consummated for cash or had financing terms that were consistent with prevailing market rates and terms at the time of sale. The unit of comparison is the price per acre, consistent with the market.

An extensive search for comparable data was conducted for property similar to the subject. The search reveals limited market data directly comparable to the subject, and therefore the search was expanded to include the neighboring portions of Placer County. The comparables found are the most relevant information available. Following the summary tables and comparable sales maps are discussions of the comparable sales in comparison to the subject property and a land value conclusion.

Summaries of the comparable sales used in this analysis are presented on the following page.
## COMPARABLE LAND SALES SUMMARY TABLE

<table>
<thead>
<tr>
<th>Sale #</th>
<th>Location</th>
<th>APN</th>
<th>Grantor</th>
<th>Grantee</th>
<th>Sale Date</th>
<th>Sale Price</th>
<th>Zoning</th>
<th>Units/Acre</th>
<th>Size AC</th>
<th>Price/Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>LS-1</td>
<td>Dairy Road</td>
<td>APN: 054-040-062</td>
<td>Benson Frank M&amp;DS Trust</td>
<td>Clean4Sale, Inc.</td>
<td>12/13</td>
<td>$355,000</td>
<td>R1-10</td>
<td>4.4</td>
<td>6.20</td>
<td>$57,258</td>
</tr>
<tr>
<td>LS-2</td>
<td>10536 Courtenay Lane</td>
<td>APN: 49-310-01 et al</td>
<td>Tri Counties Bank Tom</td>
<td>Communities</td>
<td>10/13</td>
<td>$495,000</td>
<td>RS-X</td>
<td>3.5</td>
<td>6.80</td>
<td>$72,794</td>
</tr>
<tr>
<td>LS-3</td>
<td>1120 Lantern View Drive</td>
<td>APN: 040-440-075, -076, -078, -079, -080</td>
<td>Community Business Bank</td>
<td>Lantern View Drive</td>
<td>5/13</td>
<td>$900,000</td>
<td>R-1-8.5</td>
<td>5.1</td>
<td>9.60</td>
<td>$93,750</td>
</tr>
<tr>
<td>LS-4</td>
<td>161 Upper Slate Creek Road</td>
<td>APN: 08-090-35 &amp; -47</td>
<td>North Valley Bank Ridge</td>
<td>Meadows Partners</td>
<td>5/12</td>
<td>$325,000</td>
<td>R-1</td>
<td>7.3</td>
<td>9.19</td>
<td>$35,365</td>
</tr>
<tr>
<td>Subject</td>
<td>10118 &amp; 10194 Combie Road</td>
<td>APN: 57-141-39 &amp; -40</td>
<td>----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>R2-SC-SP</td>
<td>6.0</td>
<td>7.05</td>
<td>-----</td>
</tr>
</tbody>
</table>

## COMPARABLE LAND SALES MAP
The respective sale prices of the comparables are adjusted quantitatively, if adequate market data exists from which to derive the adjustments. In this case, the subject and comparables are evaluated and ranked qualitatively using a bracketing approach based upon elements of comparison in order to derive an indication of market value. The unit value is price per acre, consistent with the market.

The elements of comparison include property rights transferred, financing, market conditions (time), conditions of sale/buyer expenditures, availability of utilities, and physical characteristics (location, size, site utility, zoning, etc.). The comparable discussion below focuses on highlighting the most significant differences between the subject and comparable. Elements of comparison that were deemed similar between the subject and comparables were considered in the analysis but not typically discussed below. The comparable sales consist of fee simple transfers with no conditions of sale or financing terms indicated that had an impact on the prices paid except where noted in the following discussion. All the sales reflect land purchased for future development.

**Comparable Land Sale No. 1.** This 6.2 acre residential property is located along Dairy Road in Auburn, between Luther Road to the north and Auburn Ravine Road to the south. The parcel is located half a mile west of Interstate 80 and half a mile east of Highway 49, and benefits from good freeway access. Surrounding land uses are exclusively residential type properties. The zoning is R-1 and there are plans for the property to be divided into 25 lots. The property is sloped and difficult to build on. Also, the agent stated that a portion of the property cross through wetlands and the street improvement costs would be higher in these areas, accordingly. There are customary utilities available at the street. The property sold in December 2013 for $355,000, or $57,258 per acre. The seller was motivated because the husband had passed away five years earlier and wanted to dispose of the property. The buyer, an investor, put down $97,500 and received a seller carry back loan for $257,500, with unknown terms.

This comparable has a similar location in an established residential area of Auburn. The property is centrally located to both Interstate 80 and Highway 49. In addition, the availability of utilities is superior to the subject. The permitted density is less than the subject and therefore slightly inferior. Furthermore, the seller was somewhat motivated and the property had some physical issues which would increase development costs. Overall, the inferior and superior qualities generally offset, indicating a value near $57,258 per acre is appropriate for the subject.
Comparable Land Sale No. 2. This 6.8 acre residential property is located at 10536 Courtenay Lane in Truckee. The property has 12 finished residential lots located within the Elkhorn Ridge Subdivision. The lots have customary utilities and are located off a fully improved street. The irregular shaped site has a sloped topography, however development was not affected. Surrounding land uses include residential type properties. The lot sold in December 2012 for $495,000, or $72,794 per acre. This property was an REO sale and the property was on the market for just under three months. The seller accepted the first offer, which was all cash, however the selling agent believed the property sold for market value.

This sale is very similar in size to the subject. The property was already subdivided at the time of sale and the lots were finished, with road improvements completed. Furthermore, utilities were available in the street. The overall location in Truckee is superior as well. Based on the availability of utilities, the location, and the finished nature of the lots, the comparable is clearly a high indicator of value for the subject.

Comparable Land Sale No. 3. This site consists of five smaller parcels that total 9.6 acres in size. The residential property is located on Lantern View Drive, just south of Auburn Folsom Road, in Auburn. The irregular shaped parcel has a sloped topography and a few trees. The topography creates some development issues on some of the individual lots. Surrounding land uses include low density subdivisions. The zoning allows one unit per 8,500 square feet, or just over five units per acre. The property had been zoned for condominiums for several decades,
however was changed to single family residential prior to sale. This change caused the water but power to be moved at the street at an unknown cost to the seller. The property sold in May 2013 for $900,000, or $93,750 per acre. The agent stated the property sold close to market value and would sell for more in today’s market. The property was on the market for almost two years and received a couple offers over that time period. The buyer paid $450,000 down (50%) and received a seller carry back loan for $450,000, with unknown terms. The buyer recently put a few of the 29 semi-finished lots on the market. They are 14,000 square feet in size and have a long, narrow shape. They are marketed as build-to-suit parcels for approximately $575,000.

This sale occurred during inferior market conditions. The permitted density is generally similar, however topography may result in less useable area and a lower density in actuality. Size is similar to the subject. The property was already subdivided at the time of sale with roads and street frontages in place. Furthermore, the overall location is significantly superior to the subject. For these reasons a value well below $93,750 per acre is warranted for the subject.

**Comparable Land Sale 4.** This sale is comprised of two parcels located near the southwest corner of Ridge Road and Upper Slate Creek Road within the City of Grass Valley, and has frontage along both of these streets. There are a variety of surrounding uses, however most are low density residential subdivisions or rural residential. The site is 9.19 acres in size and included some small building improvements, however these were reportedly not given any value in the purchase price. All utilities are available within the street, however the confirming party reported some access issues had to be resolved. The property had originally been approved for 50 lots, however was later foreclosed upon. The buyer paid $325,000, or $35,365 per acre.

While located in an incorporated part of Grass Valley, this comparable has an inferior location relative to the subject. Size is similar to the subject. The property has utilities available in the street, which is superior to the subject. Furthermore, permitted density is greater. The access issues are a negative factor that affected the sale. Overall, the comparable is considered a low indicator for the subject based on the inferior market conditions, location, and access issues, which more than offset the previously mentioned superior qualities.

**Location Analysis.** Specifically, for the element of comparison that pertains to location, consideration was given to median home values and median household incomes. Emphasis was placed on median household incomes since this is the ultimate basis of demand. In other words, the general price range for new homes in a particular area is related to the financial ability of households to afford them. The next table compares the median home value and median household income within a one-mile radius of the subject property with those of the comparable sales, and
then presents the derived qualitative location adjustment. While these boundaries do not necessarily encompass the entire geographic area from which the demand for housing originates, they provide a general indication as to the demographic profile of each location.

**LOCATION ANALYSIS**

<table>
<thead>
<tr>
<th>Location</th>
<th>Median Home Value*</th>
<th>Median Household Income*</th>
<th>Location Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Mile Radius (Subject Property)</td>
<td>$249,671</td>
<td>$61,039</td>
<td>----</td>
</tr>
<tr>
<td>Comparable Land Sale 1 (Auburn)</td>
<td>$270,845</td>
<td>8.5% Higher</td>
<td>$51,464</td>
</tr>
<tr>
<td>Comparable Land Sale 2 (Truckee)</td>
<td>$300,699</td>
<td>20.4% Higher</td>
<td>$82,840</td>
</tr>
<tr>
<td>Comparable Land Sale 3 (Auburn)</td>
<td>$357,979</td>
<td>43.4% Higher</td>
<td>$80,913</td>
</tr>
<tr>
<td>Comparable Land Sale 4 (Grass Valley)</td>
<td>$226,736</td>
<td>9.2% Lower</td>
<td>$43,666</td>
</tr>
</tbody>
</table>

As indicated by the preceding table, the percent difference in median home values and median household incomes do not match; nonetheless, the general trend is those locations with lower median household incomes usually have lower median home values and vice versa.

**Comparison Table.** The following table illustrates the elements of comparison used in comparing the comparable sales to the subject property.

The comparable observed range from $35,365 to $93,750 per acre, as shown below.

<table>
<thead>
<tr>
<th>Comp No.</th>
<th>Subject Value Less Than/ Greater Than</th>
<th>Sale Price Per Acre</th>
<th>Sale Date</th>
<th>Parcel Size (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LS-3</td>
<td>&lt;</td>
<td>$93,750</td>
<td>5/13</td>
<td>9.60</td>
</tr>
<tr>
<td>LS-2</td>
<td>&lt;</td>
<td>$72,794</td>
<td>10/13</td>
<td>6.80</td>
</tr>
<tr>
<td>LS-1</td>
<td>≈</td>
<td>$57,258</td>
<td>12/13</td>
<td>6.2</td>
</tr>
<tr>
<td><strong>Subject property range between $35,000 and $73,000 per acre</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LS-4</td>
<td>&gt;</td>
<td>$35,365</td>
<td>5/12</td>
<td>9.19</td>
</tr>
</tbody>
</table>

The subject property is bracketed between Comparables LS-4 ($35,365/acre) and LS-2 ($72,794/acre). Both comparables are similar in size to the subject. While Comparable LS-4 reflects a Grass Valley location, the specific demographics of the location are inferior. Furthermore, it is significantly older than the older sales, and quantitative and quantitative data indicates that market conditions have improved since this time. A value well above $35,365 is therefore appropriate Comparable LS-2 has available utilities and reflects finished lots in a superior
location. This comparable is clearly superior to the subject. Further refinement is provided by Comparable LS-1. This sale is the most recent transaction and the most similar to the subject in terms of location demographics. While it shares several dissimilarities with the subject, the inferior and superior qualities generally offset. This comparable gives strong support for a value from the middle of the range is appropriate for the subject. Therefore a value of $55,000 per acre is concluded for the subject.

Applying a market-derived adjustment of 35% to LS-4 to account for the changes in market conditions results in an adjusted value of $47,743 per acre. The comparable would still be expected to be a slightly low indicator in light of the location and access issues, and therefore lends additional support to the concluded value.

*Market Value Estimate (Land Only)*

\[
7.050 \text{ Acre Residential Site} \times \$55,000/\text{Acre} = \$387,750
\]

**VALUE OF PROPOSED ACQUISITIONS**

The portion of the property to be acquired in fee is its contributory value as part of the larger parcel. This includes land and improvements located in the area of the acquisition. The proposed project requires an easement acquisition area totaling 24,125± square feet, or 0.554 acres. The subject’s larger parcel is improved with an electrical substation, however these improvements are located outside of the acquisition area. Only an asphalt paved drive way, stop sign, and fire hydrant are located within the acquisition area. It is assumed the stop sign and fire hydrant will be relocated or re-established as part of the contract construction work (please refer to Extraordinary Assumption #2). It was previously determined that the roadway easement is akin to 90% of the total fee value.

**Market Value of the Partial Acquisition**

*Land*

\[
0.554 \text{ Acres} \times \$55,000 \times 90\% = \$27,423
\]

*Improvements*

Based on the inspection and the provided ROW exhibit, and measurements taken by the appraiser during the site inspection, there is 2,190 square feet of asphalt paving within the acquisition area.

The costs derived for the site improvements to be acquired were obtained from Marshall Valuation Service, Section 66 Page 1. The manual indicates a 1.15 multiplier is appropriate for the Nevada County area. The paving is in average to good condition and considered to be 25% depreciated. A 15% entrepreneurial profit is included in the compensation for the owner’s time and coordination.

\[
\text{Impacted Paving (2,190 SF} \times \$2.05/\text{SF} \times 1.15 \times 1.15 \times 0.75) = \$4,453
\]
Total Acquisition (Land & Improvements)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>$27,423</td>
</tr>
<tr>
<td>Improvements</td>
<td>$4,453</td>
</tr>
<tr>
<td>Total</td>
<td>$31,876</td>
</tr>
</tbody>
</table>

Value of the Remainder as Part of Larger Parcel (Land Only)

The value of the remainder as part of the larger parcel is its contributory value to the larger parcel.

Market Value Estimate (Land Only)

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remainder Unencumbered by Easement 6.496 Acre X $55,000/Acre</td>
<td>$357,280</td>
</tr>
<tr>
<td>Remainder Encumbered by Easement 0.554 Acre X $55,000/Acre X 10%</td>
<td>$3,047</td>
</tr>
<tr>
<td>Total</td>
<td>$360,327</td>
</tr>
</tbody>
</table>

Value of the Remainder, After Acquisition (Land Only)

The acquisition was determined to not negatively affect the utility, desirability, or marketability of the remainder property. The acquisition is located along the southern edge of the site in an area which would not be able to be improved with buildings due to set back requirements. The utility and development potential are essentially unchanged in the after conditions.

The value of the remainder after acquisition is as follows:

Market Value Estimate (Land Only)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$360,327</td>
</tr>
</tbody>
</table>

Severance Damages

The value of the remainder as part of the larger parcel is compared to the value of the remainder as a separate parcel after acquisition to estimate the loss in value to the remainder as a measure of severance damages. The remainder as valued above is compared to the remainder as part of the larger parcel with the following results:

Loss in Market Value

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Remainder as part of the larger parcel</td>
<td>$360,327</td>
</tr>
<tr>
<td>Less: Market Value of the land after</td>
<td>$360,327</td>
</tr>
<tr>
<td>Loss in Market Value</td>
<td>$-0-</td>
</tr>
</tbody>
</table>
VALUE OF REMAINDER AFTER ACQUISITION, CONSIDERING BENEFITS

The appraisal process requires the valuation of the remainder as a separate and distinct parcel considering all the market forces that indicate any increase in value to the remainder property(s). The value of the remainder after acquisition considering benefits is as follows:

$360,327

BENEFITS

It is noted that as part of the project a main sewer trunk line will be located in Combie Road. However, the line will not be active, and the only reason the line will be extended is to take advantage of the opportunity created while the other improvements are completed. Before a user could tie into the system they will have to pay in and pay hook-up fees ($14,700 per unit). In addition, a lift station will be required. The mere presence of the trunk line in the road is not considered to benefit the remainder. The remainder as valued above was compared to the remainder after acquisition before considering benefits with the following results:

$360,327 - $360,327 = $0

There are no benefits that inure to the subject property.

FAIR MARKET VALUE CONCLUSIONS

<table>
<thead>
<tr>
<th>Market Value of Acquisition (Land &amp; Site Improvements)</th>
<th>$ 31,876</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rounded</td>
<td>$ 31,900</td>
</tr>
</tbody>
</table>

This concludes the report.
VIII. APPRAISER’S CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.

2. The analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial and unbiased and professional analyses, opinions and conclusions.

3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.

4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.

6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP).

8. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.

9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

10. As of the date of this report, I have completed the continuing education program of the Appraisal Institute.

11. I made a personal inspection of the property that is the subject of this report.

12. I have not revealed the findings and results of this appraisal to anyone other than the proper officials of the client and I will not do so unless and until authorized by the client, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.
13. Such appraisal has been made in conformity with the appropriate California laws, Title VI of the 1964 Civil Rights Act, and regulations, policies, and procedures applicable to appraisal of right of way.

14. To the best of my knowledge, no portion of the value of the property appraised consists of items which are non-compensable under the established laws of California.

15. My opinion of the total fair market value of the appraised property identified in this report was derived without collusion, coercion or direction as to value.

16. We have provided no services on this property within the last three years.

Jared M. Calabrese, MAI
California Certified General Real Estate Appraiser
Certificate No. AG042740
I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial and unbiased and professional analyses, opinions and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
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9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. As of the date of this report, I have completed the continuing education program of the Appraisal Institute.
11. I made an inspection from the street of the property that is the subject of this report.
12. I have not revealed the findings and results of this appraisal to anyone other than the proper officials of the client and I will not do so unless and until authorized by the client, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.
13. Such appraisal has been made in conformity with the appropriate California laws, Title VI of the 1964 Civil Rights Act, and regulations, policies, and procedures applicable to appraisal of right of way.

14. To the best of my knowledge, no portion of the value of the property appraised consists of items which are non-compensable under the established laws of California.

15. My opinion of the total fair market value of the appraised property identified in this report was derived without collusion, coercion or direction as to value.

16. We have provided services on this property within the last three years.

David B. Wraa, MAI
California Certified General
Real Estate Appraiser
Certificate No. AG023713
ADDENDA
ITEM 1

SUBJECT PROPERTY PHOTOGRAPHS
SUBJECT PROPERTY PHOTOGRAPHS

Street scene: View to the west on Combie Road.

Street scene: View to the east on Combie Road.
SUBJECT PROPERTY PHOTOGRAPHS

View of the subject looking to the west along the acquisition area.

View from the street looking east along the access driveway towards the substation.
ITEM 2

PROFESSIONAL QUALIFICATIONS
PROFESSIONAL QUALIFICATIONS OF
JARED M. CALABRESE
Certified General Real Estate Appraiser
CL# AG042740

Jared M. Calabrese was born in Visalia, California in 1975. He attended Jesuit High School and received a Bachelor of Science degree in Biology: Ecology, Behavior and Evolution from the University of California at San Diego in 1997, where he lettered in swimming and water polo.

PROFESSIONAL EDUCATION
University of California, San Diego

APPRASIAL INSTITUTE COURSES
Standard of Professional Practices, Part A
Standard of Professional Practices, Part B
Appraisal Principals
Appraisal Procedures
Basic Income Capitalization
Advanced Income Capitalization
Advanced Sales Comparison and Cost Approach
Computer Enhanced Cash Flow Modeling
Land Valuation Assignments
Land Valuation Adjustment Procedures
El Dorado Hills Housing Symposium
General Market Analysis and Highest and Best Use
Appraisal Institute 2011 Economic Forecast

RELATED COLLEGE COURSES
Urban Development
California Real Estate

REAL ESTATE EXPERIENCE


MEMBERSHIPS

Urban Land Institute Young Leaders Group, 2010-2012 Membership Chair
Metro EDGE
Appraisal Institute (MAI), Current Member
PROFESSIONAL QUALIFICATIONS OF
DAVID B. WRAA, MAI
(Principal in the firm of Bender Rosenthal, Inc.)

PROFESSIONAL EXPERIENCE

David B. Wraa, MAI has been involved in real estate appraising and consulting since 1989. His professional experience in real estate appraisal encompasses a broad range of property types that include industrial, office, retail, multi-family, mobile home parks, self storage facilities, elderly housing, condemnation, right-of-way, residential subdivisions, theaters, schools, marinas, and various agricultural/rural residential property types. He is a member of the Appraisal Institute with the MAI designation, a Certified General Real Estate Appraiser in the State of California, and a member of the Sacramento Estate Planning Council.

Mr. Wraa is the President of the Sacramento-Sierra Chapter of the Appraisal Institute, current Regional Representative, as well as the past Vice President, Education Chair and Secretary Treasurer for the chapter.

Prior to his career in real estate, Mr. Wraa attended UC Davis, majoring in Agricultural Science and Management (Bachelor of Science degree). Upon graduation, he immediately entered the appraisal field with a specialty in wineries and vineyards (1989-1995). Mr. Wraa also has a diverse commercial background appraising various property types throughout the Bay Area and Sacramento regions since 1995.

REPRESENTATIVE VALUATIONS INCLUDE

* **Industrial** – Existing and proposed industrial properties including distribution warehouses, storage warehouses, light industrial/manufacturing and research and development properties.

* **Office** - Existing and proposed office developments for lending institutions and owners.

* **Retail** - Proposed and existing shopping centers, free standing buildings, mixed-use buildings, and restaurants.

* **Multi-Family Residential** - Existing and proposed apartment complexes, condominiums, and loft projects in the Sacramento Metropolitan Area and Bay Area.

* **Medical** - Existing and proposed medical clinics and dental offices.

* **Elderly Housing** – Existing and proposed congregate care and residential care facilities throughout the Bay Area and Central Valley.

* **Residential Developments** - Proposed and existing residential subdivisions throughout the Bay Area and Central Valley.

* **Agricultural** – Vineyards, wineries, orchards, field/row crop land, and rural residential properties.

* **Special Use Properties** – Special use properties include theaters throughout Northern California, schools in the Bay Area and Sacramento regions, marinas in the Sacramento MSA and Delta region.

* **Land** - Various types of land appraised such as commercial land, retail pad sites, residential land, transitional land, and agricultural/rural residential land.

* **Eminent Domain** - Improved and unimproved properties involving full and partial takings for municipalities, quasi-public companies, developers, and property owners.

* **Litigation** – Valuations performed on various property types for eminent domain, arbitration, and divorce cases.

PROFESSIONAL AFFILIATIONS

Appraisal Institute (MAI, #11903), Current Member, Past President of Sacramento-Sierra Chapter
Sacramento Estate Planning Council, Current Member

BRI 14179

__________________________ BENDER ROSENTHAL, INC.__________________________
ITEM 3

STATEMENT OF AND SUMMARY FOR BASIS OF APPRAISAL
STATEMENT OF AND SUMMARY OF THE BASIS FOR APPRAISAL

The following is a summary of the amount established as compensation by a valuation prepared in compliance with section 1255.010 Code of Civil Procedures and section 7267.2 of the Government Code. The valuation was made in accordance with accepted valuation principles, consistent with California valuation law. A statement of the valuation process, which was the basis for the valuation conclusions, follows.

BASIC PROPERTY DATA

Owner: Pacific Gas & Electric, as per the chain of title provided by Fidelity National Title, dated December 11, 2014.

Property Address: 10118 & 10194 Combie Road
Grass Valley, California 95602

Project: Combie Road Improvement

Total Property Area: 7.050± acres

Property to be Acquired: Easement

Improvements to be Acquired: None

Interests to be Acquired
Permanent Easement: 0.554± acres (24,125± SF)

Date of Valuation: January 28, 2015

Zoning: R2-SC-SP, Medium Density Residential - Scenic Corridor - Site Performance (County of Nevada)

Highest and Best Use: Future development of a single-family residential subdivision upon improvement in the market and completion of necessary infrastructure.

Current Use: PG&E substation
STATUTORY BASIS OF VALUATION

The fair market value for the property to be acquired is based upon an appraisal prepared in accordance with accepted appraisal principles and procedures.

Code of Civil Procedures Section 1263.320 defines Fair Market Value as follows:

Fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purpose for which the property is reasonably adaptable and available.

A) The fair market value of a property taken for which there is no relevant market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

Code of Civil Procedures Section 1263.330 further states:

The fair market value of the property acquired shall not include any increase or decrease in the value of the property that is attributable to any of the following:

A) The project for which the property is acquired.
B) The eminent domain proceeding in which the property is acquired.
C) Any preliminary actions of the plaintiff relating to the acquisition of the property.

VALUATION PROCESS SUPPORTING ESTIMATED COMPENSATION

The County of Nevada is proposing road improvements along Combie Road which will ultimately facilitate the construction of additional travel lanes. Future construction of a multipurpose path, minor road widening, and landscaping may also be located in the easement. However, the initial phase of the improvements will be limited to undergrounding of the overhead electrical utilities and creation of a class one bike path. In addition, minor tree removal, reconstruction of driveway approaches, removal and/or replacement of fences, and erosion control will be done on an as needed basis.

In reviewing the roadway easement proposed for the subject property, the easement being acquired allows for the excavation, installation, construction, reconstruction, repair, maintenance, and use of a road, multi-purpose pedestrian path, and minor landscaping, which is generally restrictive to the property owner. Furthermore, the acquisition will eventually be utilized for road widening. Such road easements are typically highly restrictive, and would essentially preclude any use or enjoyment of that portion of the property by the owner beyond reversion. Discussions with the County of Nevada Planning Department indicate that the easement area would be included in allowable density calculations, however as the timeline for development is still speculative, this benefit is discounted. Therefore, based upon analysis of the easement language provided by the County of Nevada, the easement is considered to represent 90% of the underlying fee value.
The three accepted approaches to value are the Sales Comparison Approach, the Income Approach (capitalization analysis) and the Cost Approach (reproduction or replacement cost analysis). The property will be valued using the Sales Comparison to value. Elements of the Cost Approach will be used in valuation of the site improvements, consisting of an asphalt paved driveway. The Income Capitalization Approach is not considered appropriate for this assignment. The exclusion of the Income Capitalization Approach from this report does not reduce the reliability of this report.

**SUMMARY OF VALUE CONCLUSIONS AND ESTIMATE OF COMPENSATION**

The Sales Comparison Approach was selected as the basis for valuation of the Larger Parcel.

*Market Value Estimate (Land Only)*

\[
7.050 \text{ Acre Residential Site} \times \$55,000/\text{Acre} = \$387,750
\]

*Market Value of the Partial Acquisition*

The portion of the property to be acquired in fee is its contributory value as part of the larger parcel. This includes land and improvements located in the area of the acquisition. The proposed project requires an easement acquisition area totaling 24,125± square feet, or 0.554 acres. The subject’s larger parcel is improved with an electrical substation, however these improvements are located outside of the acquisition area. Only an asphalt paved drive way, stop sign, and fire hydrant are located within the acquisition area. It is assumed the stop sign and fire hydrant will be relocated or re-established as part of the contract construction work (please refer to Extraordinary Assumption #2). It was previously determined that the roadway easement is akin to 80% of the total fee value.

*Land:*

\[
0.554 \text{ Acres} \times \$55,000 \times 90\% = \$ 27,423
\]

*Improvements*

Based on the inspection and the provided ROW exhibit, and measurements taken by the appraiser during the site inspection, there is 2,190 square feet of asphalt paving within the acquisition area.

\[
\text{Impacted Paving} (2,190 \text{ SF} \times \$2.05/\text{SF} \times 1.15 \times 1.15 \times 0.75) = \$ 4,453
\]

*Total Acquisition (Land & Improvements)*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>$27,423</td>
</tr>
<tr>
<td>Improvements</td>
<td>$4,453</td>
</tr>
<tr>
<td>Total</td>
<td>$31,876</td>
</tr>
</tbody>
</table>

*VALUE OF THE REMAINDER PARCELS AS PART OF LARGER PARCEL (LAND ONLY)*

The value of the portion of land and improvements not required for the project is called the remainder parcel. The value of the remainder land and improvements is their contributory value to the larger parcel. This includes land (fee, all easements, except TCE’s) and improvements located in the area of the acquisition. The highest and best use and concluded unit price remain unchanged in the after condition. Therefore, the proposed acquisition has a minimal impact on the remainder in the “after” condition.
The value of the remainder after acquisition, before considering benefits is:

\[
\text{Market Value Estimate (Land Only)}
\begin{align*}
\text{Remainder Unencumbered by Easement 6.496 Acre} & \times \$55,000/\text{Acre} = \$357,280 \\
\text{Remainder Encumbered by Easement 0.554 Acre} & \times \$55,000/\text{Acre} \times 10\% = \$3,047 \\
\text{Total} & = \$360,327
\end{align*}
\]

**VALUE OF THE REMAINDER, AFTER ACQUISITION (LAND ONLY)**

The acquisition was determined to not negatively affect the utility, desirability, or marketability of the remainder property. The acquisition is located along the southern edge of the site in an area which would not be able to be improved with buildings due to set back requirements. The utility and development potential are essentially unchanged in the after conditions.

The value of the remainder after acquisition is as follows:

\[
\text{Market Value Estimate (Land Only)}
\begin{align*}
\text{Value of Remainder as part of the larger parcel} & = \$360,327
\end{align*}
\]

The value of the remainder as part of the larger parcel is compared to the value of the remainder as a separate parcel after acquisition to estimate the loss in value to the remainder as a measure of severance damages. The remainder as valued above is compared to the remainder as part of the larger parcel with the following results:

\[
\text{Loss in Market Value}
\begin{align*}
\text{Value of Remainder as part of the larger parcel} & = \$360,327 \\
\text{Less: Market Value of the land after} & = \$360,327 \\
\text{Loss in Market Value} & = \$0
\end{align*}
\]

**VALUE OF REMAINDER AFTER ACQUISITION, CONSIDERING BENEFITS**

The appraisal process requires the valuation of the remainder as a separate and distinct parcel considering all the market forces that indicate any increase in value to the remainder property(s). The value of the remainder after acquisition considering benefits is as follows:

\[
\$360,327
\]

**BENEFITS**

It is noted that as part of the project a main sewer trunk line will be located in Combie Road. However, the line will not be active, and the only reason the line will be extended is to take advantage of the opportunity created while the other improvements are completed. Before a user could tie into the system they will have to pay in and pay hook-up fees ($14,700 per unit). In addition, a lift station will be required. The mere presence of the trunk line in the road is not considered to benefit the remainder. The remainder as valued above was compared to the remainder after acquisition before considering benefits with the following results:

\[
\$360,327 - \$360,327 = \$0
\]

There are no benefits that inure to the subject property.
**FAIR MARKET VALUE CONCLUSIONS**

<table>
<thead>
<tr>
<th>Market Value of Acquisition (Land &amp; Site Improvements)</th>
<th>$ 31,876</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rounded</strong></td>
<td><strong>$ 31,900</strong></td>
</tr>
</tbody>
</table>

In our opinion, this is the value that should be considered for compensation purposes.

The above is a summary valuation prepared, to be used to comply with Code of Civil Procedures section 1255.010. The appraisal is the basis for this summary was made in accordance with accepted appraisal principles, consistent with California Valuation Law.
### COMPARABLE LAND SALES SUMMARY TABLE

<table>
<thead>
<tr>
<th>Sale #</th>
<th>BRI #</th>
<th>Location</th>
<th>APN</th>
<th>Grantor</th>
<th>Grantee</th>
<th>Sale Date</th>
<th>Sale Price</th>
<th>Zoning Units/Acre</th>
<th>Size AC</th>
<th>Price/Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>LS-2</td>
<td>298</td>
<td>Dairy Road Auburn, California APN: 054-040-062</td>
<td>Benson Frank M&amp;DS Trust Clean4Sale, Inc.</td>
<td>12/13 113933</td>
<td>$355,000</td>
<td>R1-10 4.4</td>
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<tr>
<td>LS-2</td>
<td>300</td>
<td>10536 Courtenay Lane Truckee, California APNs: 49-310-01 et al</td>
<td>Tri Counties Bank Tom Winn Communities</td>
<td>10/13 29173</td>
<td>$495,000</td>
<td>RS-X 3.5</td>
<td>6.80</td>
<td>$72,794</td>
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<tr>
<td>LS-3</td>
<td>294</td>
<td>1120 Lantern View Drive Auburn, California APNs: 040-440-075, -076, -078, -079 &amp; -080</td>
<td>Community Business Bank Lantern View Drive Partners, LLC</td>
<td>5/13 43567</td>
<td>$900,000</td>
<td>R-1-8.5 5.1</td>
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<td>$93,750</td>
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<tr>
<td>LS-4</td>
<td>299</td>
<td>161 Upper Slate Creek Road Grass Valley, California APNs: 08-090-35 &amp; -47</td>
<td>North Valley Bank Ridge Meadows Partners</td>
<td>5/12 12134</td>
<td>$325,000</td>
<td>R-1 7.3</td>
<td>9.19</td>
<td>$35,365</td>
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<tr>
<td>Subject</td>
<td></td>
<td>10118 &amp; 10194 Combie Road Grass Valley, California APNs: 57-141-39 &amp; -40</td>
<td></td>
<td></td>
<td></td>
<td>***</td>
<td>***</td>
<td>***</td>
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</tr>
</tbody>
</table>

### COMPARABLE LAND SALES MAP
Attachment 3:
Initial Study/Mitigated Negative Declaration
May 30, 2012

THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF NEVADA
950 MAIDU AVENUE
NEVADA CITY, CA 95959

DATE OF MEETING: June 12, 2012

SUBJECT: Resolution Adopting the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project Mitigated Negative Declaration/Initial Study

RECOMMENDATION: Staff recommends the Nevada County Board of Supervisors adopt the proposed Mitigated Negative Declaration pursuant to Section 15074 of the California Environmental Quality Act (CEQA), and making findings A-D as outlined on page 3.

FUNDING: This project is funded with Congestion Mitigation Air Quality (CMAQ), RULE 20A and State Exchange funds.

PROJECT DESCRIPTION: This project is a component of the Higgins Area Plan (approved 12/05/2000), which outlines a continuous multipurpose path on the north side of Combie and Magnolia Roads from SR 49 to the Magnolia Intermediate School on Kingston Lane. The Magnolia Road portion of the project from W. Hacienda to Kingston Lane is complete. This project will provide for an extension of the existing meandering Class I Pedestrian path from W. Hacienda Drive to State Route 49 (approximately 0.83 miles).

The proposed path will be approximately 10-feet wide, and flanked by landscape buffers that vary in width from 2 to 5 feet and will ultimately connect to the existing pedestrian facility on the east side of West Hacienda via a crosswalk. Undergrounding of existing overhead utility lines within the County right-of-way will be conducted by PG&E.

Project construction would take place in two phases: 1) utility undergrounding, and 2) Class I bicycle path construction. Both phases will occur during the summer months (June – October) and will take approximately 3 – 6 weeks to complete. This project will require minor right-of-way and utility easement acquisitions.

PROJECT SCHEDULE: Our next steps after adoption of the proposed Mitigated Negative Declaration/Initial Study are as follows:

**PG&E Process**
1. PG&E R/W & Design
2. PG&E Undergrounding
   - December 2013
   - June 2014

**County Process**
3. Board Approval to Advertise Const.
4. Award Construction Contract
   - March 2015
5. Begin Construction
   - May 2015
6. Complete Construction
   - June 2015
   - October 2015
ENVIRONMENTAL REVIEW: The environmental review identified the following environmental issues and mitigations.

Air Quality: The proposed project could result in fugitive dust from project construction as well as pollutant emissions from heavy equipment used for construction activities. Additionally, the project is located in an area with a potential for Naturally Occurring Asbestos (NOA). However, project construction impacts would be considered less than significant with the incorporation of Mitigation Measures Sa-1 and Sc-1.

Biological Resources: Although no special-status plant species or wildlife species were observed in the project area during the December 19, 2011 field visit, suitable habitat exists for several special-status species. The proposed project could have a potentially significant impact, either directly or through habitat modifications, on six special-status plant species and five special-status wildlife species. Additionally, construction activities such as tree and shrub removal and trimming, excavation, and grading within or adjacent to the project area could result in direct impacts to nesting habitat for a number of migratory birds and raptors. Implementation of Mitigation Measures 7a-1 through 7a-7 would reduce potential impacts to a less-than-significant level.

Nevada County is proposing to avoid the removal of and minimize the disturbance of the roots of landmark trees and other native trees to the extent possible. However, during the engineering phase of the project it may be determined that tree removal and disturbance may be necessary. Implementation of mitigation measures 7e-1 would reduce potential impacts to remaining trees to a less-than-significant level.

Transportation/Circulation & Hazards: Traffic controls will be implemented during construction and although minimal traffic restrictions are anticipated, there could be potential impacts to traffic which could physically interfere with an adopted emergency response plan or emergency evacuation plan. Implementation of Mitigation Measures 9g-1 would reduce potential impacts to a less-than-significant level.

Noise: Noise levels during construction created by the proposed project may exceed the noise standards of the County General Plan Noise Element for residences and commercial uses in the project area; however, the excessive noise will be temporary. Implementation of the noise reducing construction practices identified in Mitigation Measures 10a-1 would reduce this impact to a less-than-significant level by limiting hours of construction operation and noise generated by construction equipment.

Cultural Resources: The archaeological survey did not identify any significant resources within the project’s area of potential effect. Nonetheless, there is potential for unanticipated discovery of cultural resources. This impact would be less than significant with the implementation of Mitigation Measures 15b-1 and 15d-1.

COMMENTS RECEIVED: Staff has circulated the proposed Mitigated Negative Declaration/Initial Study to various agencies and surrounding property owners for comment. The Department of Public Works received two comments on the Initial Study/Mitigated Negative Declaration: a letter from the Central Valley Regional Water Quality Control Board (May 16, 2012), and an email from Caltrans — District 3, Office of Transportation Planning (May 22, 2012). Both comments have been addressed in detail in the attached Response to Comments.

All comments received provided courtesy regulatory and permitting guidance for the construction phase of our project. The Nevada County Department of Public Works will obtain all necessary permits for construction. The Department appreciates the guidance and support provided by both agencies. There are no revisions, amendments, or items of clarification being incorporated into the IS/MND as a result of comments received during the public comment period.
Staff found three minor clerical errors, in Mitigation Measures 7a-3, 7a-5 and 7a-7. As a result corrective modifications were made within the attached List of Recommended Mitigation Measures for the purposes of clarification of wording and intent.

RECOMMENDATION: Staff recommends the Nevada County Board of Supervisors take the following actions after reviewing and considering the proposed Mitigated Negative Declaration:

1. Adopt the proposed Mitigated Negative Declaration pursuant to Section 15074 of the California Environmental Quality Act, and making the following findings:

   A. That the Board has received and considered the proposed Initial Study/Mitigated Negative Declaration attached hereto as Exhibit A together with all comments received during the public review process; and

   B. That, based on the entire record before the Board, there is no substantial evidence that the proposed project might have any significant adverse impact on the environment; and

   C. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Board of Directors;

   D. That minor modifications to the proposed mitigation measure are appropriate in order to clarify the wording and intent of the mitigation measure; and,

   E. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Department of Public Works, 950 Maidu Avenue, Nevada City, California.

Please contact me if additional information is required.

Sincerely,

BRIAN FOSS, INTERIM PLANNING DIRECTOR

BF:DG:cn

Attachments:

- List of Mitigation Measures/Mitigation Monitoring Matrix
- Mitigation Monitoring and Reporting
- Response to Comments
- Resolution adopting the proposed Mitigated Negative Declaration
- Mitigated Negative Declaration/Initial Study
RECOMMENDED MITIGATION MEASURES FOR THE COMBIE ROAD CLASS I PEDESTRIAN/BICYCLE FACILITY AND UTILITY UNDERGROUNDING PROJECT

List of Recommended Mitigation Measures:

5. AIR QUALITY: To reduce potentially significant construction emissions of Nitrogen Oxide (NO\textsubscript{x}) and to reduce the potentially significant airborne impacts of asbestos.

Mitigation Measure 5A-1: Implement Level A and Level B Mitigation Measures from NSAQMD Guidelines.

Suggested Level A and Level B mitigation measures (thresholds for construction-related pollutant emissions) applicable to the proposed project are outlined in the NSAQMD’s Guidelines for Assessing the Air Quality Impacts of Land Use Projects (Guidelines) (Northern Sierra Air Quality Management District 2007). These measures are not all inclusive and may be revised by the County in consultation with NSAQMD staff. Level A and Level B mitigation for use during the construction phase of a project includes the following:

- Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- Adequate dust control measures will be implemented in a timely and effective manner during all phases of project development and construction (pursuant to the project’s Dust Control Plan).
- Temporary traffic control will be provided during all phases of the construction to improve traffic flow as deemed appropriate by local transportation agencies and/or Caltrans.
- Construction activities should be scheduled to direct traffic flow to off-peak hours as much as practicable.
- All inactive portions of the construction site should be covered, seeded, or watered until a suitable cover is established.

In addition to the above mitigation measure, PG&E and the contractor chosen for bike path construction will prepare and submit a Dust Control Plan pursuant to Rule 226, Dust Control. Rule 226 requires that a Dust Control Plan be submitted to NSAQMD for approval prior to any surface disturbance, including clearing of vegetation. The following list outlines the NSAQMD’s Recommended Dust Control Plan Conditions (Northern Sierra Air Quality Management District 2007). This list is not all inclusive, and the NSAQMD may require that additional measures be included in the Dust Control Plan.

- The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
- All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
- All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
o All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.

o All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant may apply County-approved non-toxic soil stabilizers (according to manufacturers specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.

o All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance, and there must be a minimum of six inches of freeboard in the bed of the transport vehicle.

o Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently, if necessary to remove excessive or visibly raised accumulations of silt and/or mud which may have resulted from activities at the project site.

o Prior to final occupancy, the applicant shall re-establish ground cover on the site through seeding and watering in accordance with the local grading ordinance.

**Mitigation Measure 5c-1: Notify the NSAQMD and Implement ATCM Guidelines if NOA is Found at the Project Site.**

If NOA or other asbestos-containing materials are discovered during construction or operation of the proposed project, the NSAQMD must be notified immediately. In addition, PG&E and the chosen contractor for bike path construction must implement an asbestos dust mitigation plan (ADMP). The ADMP must be submitted to and approved by the NSAQMD before any clearing, grading, or construction begins and the provisions of the ADMP must be initiated at the beginning of the project (before clearing or grubbing) and maintained for the duration of the project. Refer to Appendix 5-1 for the ARB’s Asbestos ATCM and the NSAQMD’s ADMP Guidelines.

If asbestos-containing materials are found at the project site, the ARB requirements and development and implementation of an ADMP in consultation with the APCO at the NSAQMD would reduce airborne asbestos impacts to a less-than-significant level.

7. **BIOLOGICAL RESOURCES:** To avoid and minimize potentially significant impacts to special status plants, California red-legged frog, California Horned lizard, Western Pond Turtle, and Nesting Migratory Birds.

**Mitigation Measure 7a-1: Determine Presence/Absence of Special-Status Plant Species in the Proposed Project Area.**

Focused surveys will be conducted (at the appropriate times of year) for the special-status plant species with potential to be present on the site. Two rounds of surveys will be conducted by a qualified botanist to identify plants blooming at different times of the year; one survey should occur in the spring (April–May), and the other in the summer (July–August). If no special-status plant species are detected, no further mitigation will be necessary.

**Mitigation Measure 7a-2: Avoid and Minimize Impacts to Special-Status Plant Species.**

If any special-status plants are identified during the survey, the botanist will photograph, map, and flag locations of the plants, document the location and extent of the special-status plant population on a CNDDB survey form, and submit the completed survey form to the CNDDB. If feasible, buffers will be established and orange construction fencing will be erected around
special-status plant areas to avoid potential construction impacts on areas containing this species. A qualified biologist should approve placement of fencing, and periodically monitor construction activities to ensure that no impacts occur during or after grading operations.

If construction would affect the special-status plants and avoidance is not feasible, the botanist will consult with the DFG to identify potential issues and acceptable mitigation. A minimum 1:1 mitigation ratio should be utilized to offset impacts, although it should be noted that DFG may require a higher mitigation ratio. The USFWS will also be consulted if the species is federally listed. Compensation measures can include purchase and protection in perpetuity of another population of the affected species, and/or collection of seed to transplant into existing suitable habitat.

Mitigation Measure 7a-3: Determine Whether California Red-Legged Frogs Occur in the Proposed Project Area.

If recommended by USFWS after their review of the site assessment prepared for this project, Nevada County will retain qualified biologists to conduct surveys in accordance with USFWS (2005) guidelines to document the presence or absence of CRLF before implementation of the proposed project. USFWS may also recommend conducting surveys within suitable aquatic habitats within a 1-mile buffer of the project area, if access can be obtained.

The guidelines recommend that up to eight surveys be conducted to determine the presence of CRLF in the proposed project area. Two day surveys and four night surveys are recommended during the breeding season (January through June); and one day and one night survey is recommended during the non-breeding season (July 1 through September 30). Each survey must take place at least 7 days apart and at least one survey must be conducted prior to August 15. The survey period must be conducted over a minimum period of 6 weeks. If CRLF are identified at any time during the survey, no additional surveys will be necessary. Any CRLF identified during the survey will be mapped and documented as part of the public record.

If CRLF are identified during protocol-level surveys, it is strongly encouraged that incidental take permit, as described above under federal Endangered Species Act, be obtained from the USFWS prior to the start of construction activities.

Mitigation Measure 7a-4: Avoid or Minimize Impacts and Implement Protective Measures for California Red-Legged Frogs.

If CRLF are determined to be present, the County will implement the following measures before and during construction activities that occur within suitable habitat to minimize both direct and indirect impacts on CRLFs. USFWS may determine additional avoidance, minimization, and compensation requirements during the Section 7 process.

- An Environmental Training and Monitoring Program for construction crews will be conducted before beginning construction and will be ongoing during construction activities for new crew members. The education program will include information about the federal Endangered Species Acts, the consequences for noncompliance with environmental laws, identification of special-status plant and wildlife species and wetland habitats, and review of mitigation measures.

- Obtain a USFWS-approved biologist to conduct a preconstruction survey immediately preceding any construction activity that occurs in CRLF habitat or any activity that may result in take of the species. The USFWS-approved biologist will carefully search all obvious potential hiding spots for CRLFs and the perimeter of any aquatic habitat. In the event that a CRLF is found during the preconstruction survey, the biologist will implement minimization and avoidance measures identified in the Biological Opinion.
Prepare an erosion and sediment control plan that will include measures to prevent impacts to suitable aquatic habitat adjacent to the proposed project area. Tightly woven natural fiber netting or similar material will be used for erosion control or other purposes in the project site to ensure that CRLFs are not trapped. This limitation will be communicated to the contractor through use of special provisions included in the bid solicitation package. Coconut coir matting is an acceptable erosion control material. No plastic monofilament matting will be used for erosion control.

Limit access routes to proposed project area and the size of staging and work areas to the minimum necessary to achieve the project goals. Clearly mark routes and boundaries of the access roads prior to initiating construction grading.

Enclose all food and food-related trash in sealed trash containers at the end of each workday and remove it completely from the construction site once every 3 days.

No pets will be allowed on the construction site.

Maintain a speed limit of 15 miles per hour on dirt roads.

Maintain all equipment so that there will be no leakage of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.

Store all hazardous materials such as fuels, oils, solvents, etc., in sealable containers in a designated location that is at least 200 feet from the drainages or other aquatic habitats. All fueling and maintenance of vehicles and other equipment will occur at least 200 feet these areas.

Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas and temporary roads, will be recontoured if necessary, and revegetated to promote restoration of the area to preproject conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with revegetation experts.

Mitigation Measure 7a-5: Conduct Preconstruction Surveys for and Avoid and Minimize Impacts on California Horned Lizard.

Prior to any ground disturbing activities in grassland habitat, preconstruction surveys will be conducted in a manner to maximize detection of Coast horned lizard (i.e., during warm weather, walking slowly) the species. If any horned lizards are discovered within the work areas, they will be actively moved or passively encouraged to leave the work area. Workers will drive slowly when driving overland within grassland areas to allow any horned lizards to move out of the way of the vehicles. Construction areas will be surveyed and cleared before the start of work.

Mitigation Measure 7a-6: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Project Area

To avoid and minimize impacts on western pond turtles, the County will retain a qualified wildlife biologist to conduct a preconstruction survey 1 week before and within 48 hours of disturbance adjacent to aquatic habitat (the pond on the north side of Combie Road immediately adjacent to the project area). The survey objectives are to determine presence or absence of pond turtles within the pond.
If possible, the surveys should be timed to coincide with the time of day and year when turtles are most likely to be active (during the cooler part of the day 8 a.m. – 12 p.m. during spring, summer, and late summer). Prior to conducting presence/absence surveys the biologist should locate the microhabitats for turtle basking (logs, rocks, brush thickets) and determine a location to quietly observe turtles.

Each survey should include a 30 minute wait time after arriving onsite to allow startled turtles to return to open basking areas. The survey should consist of a minimum 15 minute observation time per area where turtles could be observed.

If turtles are observed within the project area during a survey, the County will install exclusion fence around the south end of the pond between the construction work area and the aquatic habitat. If this is determined to be infeasible, a monitor will need to be present during construction adjacent to the pond construction to ensure that turtles do not move into the construction area.

Mitigation Measure 7a-7: Conduct Vegetation Trimming and Removal Activities during the Nonbreeding Season or Conduct Preconstruction Surveys for Nesting Migratory Birds.

Vegetation removal will occur during the non-breeding season for most migratory birds (generally between October 1 and January 31) to the extent feasible.

If possible, construction activities will begin prior to the nesting season for most birds (generally, February 1 through September 30). Beginning construction prior to the breeding season will establish a level of noise disturbance that will dissuade noise-sensitive raptors and other birds from attempting to nest within or near the study area.

If beginning construction activities (including vegetation removal) prior to the breeding season is not possible, the County will retain a qualified wildlife biologist with knowledge of the relevant species to conduct nesting surveys before the start of construction. A minimum of three separate surveys will be conducted for migratory birds, including raptors. Surveys will include a search of all trees, shrubs, grassland, and marsh areas that provide suitable nesting habitat, in the project area. In addition, a 500 foot area around the project area will be surveyed for nesting raptors. If possible, surveys should occur during the height of the breeding season (March 1 to June 1) with one survey occurring in each of two consecutive months within this peak period and the final survey occurring within 1 week of the start of construction. If no active nests are detected during these surveys, no additional measures are required.

If an active nest is found in the survey area, a no-disturbance buffer will be established around the site to avoid disturbance or destruction of the nest site until the end of the breeding season (September 30) or until after a qualified wildlife biologist determines that the young have fledged and moved out of the project area (this date varies by species). The extent of these buffers will be determined by the biologist in coordination with USFWS and CDFG and will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species.

Mitigation Measure 7e-1: Employ Tree Protection BMPs.

In order to reduce potential impacts to oak trees, including heritage and landmark oaks, the County will employ BMPs which include, but are not limited to the following:
To the maximum extent possible, the path alignment shall not encroach into the drip line of mature oak trees (i.e. greater than 6 inches dbh).

During the tree removal phase of construction, and whenever there is flexibility about which tree to remove, the removal of small diameter oaks less than 12-inches DBH is preferred over the removal of larger oak trees.

Conserve and protect trees in stands or groups where possible.

Establish the preserved oaks and oak groves outside the Area of Potential Affect (APE) as Environmentally Sensitive Areas (ESAs) during construction. The boundary of the oak ESAs shall be established at the drip line of the preserved oaks or oak groves. Temporary orange construction fencing shall be erected around the drip line of oaks at the construction boundary; the fencing can be limited to only the construction side of the tree and need not encompass the entire drip line. This fencing shall be maintained until construction is complete.

Clearly identify tree protection areas with highly visible signs.

Keep construction materials and debris away from tree protection zones.

Keep equipment and foot traffic away as much as possible from tree protection areas to prevent root compaction.

Complete post-construction tree maintenance, including mulch, fertilization, irrigation, soil aeration, and pruning where necessary.

9. HAZARDS/HAZARDOUS MATERIALS: To reduce potential impacts to traffic during project construction.

Mitigation Measure 9g-1: Prepare a Traffic Control Plan.

The project contractor will prepare a traffic control plan that must be approved by the County to ensure there is no interference with emergency vehicles/services or response/evacuation plans.

10. NOISE: To reduce potentially significant construction noise impacts on sensitive receptors.

Mitigation Measure 10a-1. Employ Noise Reducing Construction Practices.

The County will employ noise-reducing construction practices such that construction noise complies with applicable County noise standards. Measures to be employed include but are not limited to the following:

- Hours of operation for construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday-Saturday.

- Fixed construction equipment, including compressors and generators, will be located as far as feasibly possible from residential properties.

- All construction equipment powered by gasoline or diesel engines will have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
Where necessary noise-reducing enclosures or temporary barriers will be used around noise-generating equipment. Where feasible existing barrier features (terrain, structures) will be used to block sound transmission.

15. CULTURAL RESOURCES: To reduce potentially significant impacts to buried archaeological resources or buried human remains.

Mitigation Measure 15b-1: Stop Work in Case of Accidental Discovery of Buried Archeological Resources

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

Mitigation Measure 15d-1: Stop Work in Case of Accidental Discovery of Buried Human Remains

If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of NAHC (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Nevada County coroner has been informed and has determined that no investigation of the cause of death is required; and

- If the remains are of Native American origin,
  - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98, or

- NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.
## Mitigation Monitoring Matrix:

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<tr>
<th>MEASURE</th>
<th>MONITORING AUTHORITY</th>
<th>WHEN IMPLEMENTED</th>
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<tr>
<td>5A-1</td>
<td>Department of Public Works</td>
<td>Prior to approval of grading/improvement plans</td>
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<tr>
<td>5C-1</td>
<td>Department of Public Works</td>
<td>During construction if asbestos is found</td>
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<tr>
<td>7A-1</td>
<td>Department of Public Works</td>
<td>Prior to approval of grading/improvement plans</td>
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<td>7A-2</td>
<td>Department of Public Works</td>
<td>Prior to approval of grading/improvement plans after construction</td>
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<tr>
<td>7A-3</td>
<td>Department of Public Works</td>
<td>Prior to approval of grading/improvement plans</td>
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<td>7A-4</td>
<td>Department of Public Works</td>
<td>Prior to approval of grading/improvement plans and during construction</td>
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<td>7A-5</td>
<td>Department of Public Works</td>
<td>Prior to approval of grading/improvement plans and during construction if resources discovered</td>
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<td>7A-6</td>
<td>Department of Public Works</td>
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<td>15D-1</td>
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RESPONSE TO COMMENTS

Introduction

The 20-day public review comment period for the Initial Study/Proposed Mitigated Negative Declaration (IS/MND) for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project closed on May 29, 2012. The comment period extended from Monday, May 7, 2012 when the Notice of Availability was published in The Union, to Tuesday, May 29, 2012.

California Environmental Quality Act (CEQA) Guidelines

Consideration and Adoption of a Mitigated Negative Declaration

Per CEQA Guidelines Section 15074(b):

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is not substantial evidence that the project will have a significant effect on the environment and, that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.

The information contained herein provides a summary of each of the comments received on the IS/MND and the Nevada County Department of Public Works responses to those comments. The responses provide clarifying information and, if applicable, direct the Nevada County Board of Supervisors, and the commenter, to the appropriate page or section within the IS/MND that addresses their topic in more detail, (CEQA Guidelines Section 15073.5).

The information contained in the responses meets one or more of the following criteria, as per CEQA Guidelines Section 15073.5:

1. Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

2. New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.

3. Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
4. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

**Comments Received**

The Nevada County Department of Public Works received two comment letters on the IS/MND. Provided below is the name of the person/agency that provided comments on the IS/MND. The comment letters are attached (Exhibit A).

**Written Comments**

1. Genevieve Sparks, Environmental Scientist  
   Central Valley Regional Water Quality Control Board  
   May 16, 2012

2. Shannon Calbertson, Associate Transportation Planner  
   Caltrans – District 3  
   May 22, 2012

**Amendments to the IS/MND**

There are no revisions, amendments, or items of clarification being incorporated into the IS/MND as a result of comments received during the public comment period.

**Responses to Comments**

**Letter No. 1**

Genevieve Sparks, Environmental Scientist  
Central Valley Regional Water Quality Control Board  
March 26, 2012

**Summary of Comments:** Ms. Sparks provides regulatory and permitting requirements summary for the following:
- Construction Storm Water General Permit, and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
- Phase I and II Municipal Separate Storm Sewer System (MS4) Permits
- Industrial Storm Water General Permit
- Clean Water Act Section 404 Permit
- Clean Water Act Section 401 Permit
- Waste Discharge Requirements

**Response:** The Nevada County Department of Public Works will comply with all applicable water quality regulations and obtain necessary permits as they pertain to the proposed project. Per section 402 of the Clean Water Act, the proposed project will be subject to an NPDES General Construction Permit for construction activities. It is not anticipated that construction activities associated with this project will
encroach into waters of the United States (streams or wetlands), thus Clean Water Act Section 404 and 401 permits would not be required.

Letter No. 2
Shannon Calbertson, Associate Transportation Planner
Caltrans – District 3
May 22, 2012

Summary of Comments: Although Caltrans did not submit a formal comment letter, the email received from Caltrans outlines that they do not expect significant impacts to the operation of the signal at the Combie Road/SR 49 intersection, however, they note that the project has the potential to increase the number of pedestrians and bicyclists crossing SR 49 at this intersection. They suggest that the County may want to consider extending the pedestrian path to connect to the existing pedestrian facilities located at the northeast corner of this intersection. All work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans’ standards and requires a Caltrans Encroachment Permit prior to commencing construction.

Response: During the design phase of the project the County will evaluate potential connections to existing facilities. Any work performed within the State Highway right-of-way will be done in accordance with Caltrans’ standards and, if applicable, a Caltrans Encroachment Permit will be obtained prior to commencing construction.
COMMENTS TO PROPOSED NEGATIVE DECLARATION, CLASS I PEDESTRIAN PATH ON THE NORTH SIDE OF COMBIE ROAD PROJECT, NEVADA COUNTY

Pursuant to the County of Nevada, Department of Public Works' 4 May 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Proposed Negative Declaration for the Class I Pedestrian Path on North Side of Combie Road Project, located in Nevada County.

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

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

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
Phase I and II Municipal Separate Storm Sewer System (MS4) Permits

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

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

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

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

Clean Water Act Section 404 Permit

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

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

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1 Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 260,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.
Clean Water Act Section 401 Permit – Water Quality Certification
If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

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

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

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.

Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program
032012NEV0008
NEV-49 PM 2.194

Mr. David A. Garcia, Jr.:

Thank you for the opportunity to review and comment on the proposed Class I Meandering Pedestrian Path Project (File #337008). The proposed project will construct an approximately 0.83 mile long pedestrian path along the north side of Combie Road from State Route (SR) 49 to West Hacienda Drive in Nevada County.

We do not intend to submit a formal comment letter for this project, but would like to provide the following suggestion for your consideration:

• We do not expect significant impacts to the operation of the signal at the Combie Road/SR 49 intersection, although it should be noted that the project has the potential to increase the number of pedestrians and bicyclists crossing SR 49 at this intersection. The County may want to consider extending the pedestrian path to connect to the existing pedestrian facilities located at the northeast corner of this intersection.

As a reminder, all work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans’ standards and requires a Caltrans Encroachment Permit prior to commencing construction. For more information on encroachment permits, the requirements, and an application form, please visit our web page at www.dot.ca.gov/doingbusiness and then click on "Encroachment Permits" or contact the Caltrans District 3 Office of Encroachment Permits directly by phone at (530) 741-4403.

Please reply to this email at your earliest convenience to acknowledge receipt of our comments. Additionally, please provide our office with notice of any further action taken on this project (i.e., project approval/rejection, conditions of approval, etc.).

If you should have any questions regarding these comments, please do not hesitate to contact me.

Thank you,

Shannon Culbertson
Associate Transportation Planner

Caltrans – District 3
Office of Transportation Planning
703 B Street
Marysville, CA 95901

Phone: (530) 741-5435 Email: shannon_culbertson@dot.ca.gov
RESOLUTION No._______
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ADOPTING COMBIE ROAD CLASS I PEDESTRIAN /BICYCLE FACILITY AND UTILITY UNDERGROUNDING PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

WHEREAS, the Nevada County Department of Public Works proposes to construct a meandering Class I Pedestrian path along the north side of Combie Road, between W. Hacienda Drive and State Route 49 (approximately 0.83 miles); and

WHEREAS, The Nevada County Department of Public Works has determined that the project is subject to the provisions of the California Environmental Quality Act and acting as the lead agency has prepared an Initial Study/Mitigated Negative Declaration (IS/MND); and

WHEREAS, the IS/MND was circulated for public review and comment for 22 days in accordance with Public Resources Code section 15105, and the Notice of Intent to adopt the IS/MND was duly published and posted as provided in Section 15072 of the CEQA Guidelines; and

WHEREAS, the IS/MND has concluded that although the project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been incorporated by the project proponent which reduce said potential to a less than significant level.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors hereby finds and determines as follows:

1. That the above recitals are true and correct.

2. That the Board has received and considered the proposed Initial Study/Mitigated Negative Declaration attached hereto as Exhibit A together with all comments received during the public review process.

3. That, based on the entire record before the Board, there is no substantial evidence that the proposed project might have any significant adverse impact on the environment.
4. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Board of Directors.

5. That minor modifications to the proposed mitigation measure are appropriate in order to clarify the wording and intent of the mitigation measure.

6. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Department of Public Works, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Initial Study/Mitigated Negative Declaration, Exhibit A, and Mitigation Monitoring and Reporting Program attached hereto, and directs the Director of the Nevada County Department of Public Works to file a Notice of Determination with the Nevada County Clerk within five (5) days from the date of this action.
Item Details:

1. Subject: Resolution Adopting the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project Mitigated Negative Declaration/Initial Study

2. Originating Department: Department of Planning

3. Contact Person: Brian Foss Phone #: 1256

4. Requested Board Meeting Date: 6/12/12 Time: Length:

Compelling Reasons Why This Item Cannot Be Held Beyond Requested Date:

5. Public Hearing Required: X No Yes - attach public hearing notice

6. Budget Amendment Required: X No Yes

7. District Supervisor Contacted: Yes No X N/A Individual District Agenda Item

8. Budget Code: 702 (10 copies to be charged to your dept.)

Attachments: (Check attached)

- Original Board Letter: X
- Resolution: X
- Contract/Agreement: X
- Supplementary Documents: X
- Insurance Required: Sent to Risk Manager.

Department Head Signature: Brian Foss Date: 5/31/12

STEP 1: COORDINATION: Submit item for login to CEO office.

County Executive Office: Date Received: 6/1-12

(If applicable, must obtain signatures from the following departments)

- County Counsel's Office: N/A All Ordinances/Certain Contracts
- Auditor-Controller's Office: N/A All Contracts/Financial Resolutions
- Information System's Office: N/A All Computer Related Matters
- Human Resources Office: N/A Staffing/Personnel Code/Personnel Matters

STEP 2: COORDINATION COMPLETED — Return item to CEO office:

Original (single sided) of paperwork required by Thursday, 4 p.m., 12 days before requested board meeting date.

DO NOT COMPLETE BELOW THIS LINE.

Late Submission: Yes Authorized by County Executive Officer: P

Reviewed by County Executive Officer: Date: 6/1/12

COMMENTS:
NEVADA COUNTY, CALIFORNIA
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

1. Project Title: Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project

2. Lead Agency Name and Address: Nevada County Department of Public Works
   950 Maidu Avenue
   Nevada City, CA 95959

3. Contact Person and Phone Number: David A Garcia, Jr., Transportation Planner, (530) 265-7038

4. Prepared By: ICF International Contact: Terry Rivasplata, Project Manager, (916) 737-3000

5. Project Location: Combie Road in the southwestern portion of Nevada County near the Lake of the Pines/Higgins Corner communities, Grass Valley, CA.


7. Zoning: CI-SC-SP (Neighborhood Commercial, Scenic Corridor, Site Performance Community Districts) and P-SC-SP (Public, Scenic Corridor, Site Performance Community Districts), R2-SC-SP (Medium Density Residential, Scenic Corridor, Site Performance Community Districts).

8. Description of Project: See below.

Project Location and Surrounding Land Uses

Combie Road is located in the southwestern portion of Nevada County near the Lake of the Pines/Higgins Corner communities, in Grass Valley, California. The project area is zoned as Medium Density Residential, Public and Commercial. Other nearby zoning includes Community Commercial and Residential Agriculture. General Plan designations include Planned Development, Public, and Urban Medium Density.

The intersection of State Route (SR) 49 and Combie Road supports a shopping center; other uses along Combie Road east of SR 49 include a fire station, small commercial strip, mobilehome park, and the entrance to the Lake of the Pines Community.

Project Description

Nevada County is proposing to develop a meandering Class I bicycle path on the north side of Combie Road from State Route 49 to West Hacienda Drive (approximately 0.83 miles). In addition, this project will provide for necessary utility undergrounding work along this section of the Combie Corridor (Figures 1 and 2). This project is a component of the Higgins Area Plan and will provide pedestrian and bicycle circulation for the Higgins area, a community comprised of over 2,000 lots of various zoning/general plan designations, which currently has no contiguous pedestrian facility.

1 A Class I path, as defined by the California Streets and Highways Code, provides a completely separated right-of-way for the exclusive use of bicycles and pedestrians with direct cross-flow of vehicular traffic minimized (California Streets and Highways Code Section 890.4).
The proposed path will be approximately 10-feet wide, and flanked by landscape buffers that vary in width from 2 to 5 feet and will ultimately connect to the existing pedestrian facility on the east side of West Hacienda via a crosswalk. This project will require minor right-of-way and utility easement acquisitions.

Ragsdale Creek flows at the southern edge of the proposed project, paralleling Combie Road. This historically intermittent stream now supports occasional summer flows due to year-round releases from ponds and golf course runoff. The general topography of the site is characterized by gentle to moderate slopes with elevations ranging from 1,423 feet to 1,541 feet. Surrounding land uses include low density residential and some commercial development.

Construction

Project construction would take place in a two phases: 1) utility undergrounding, and 2) Class I bicycle path construction. Both phases will occur during the summer months (June – October) and will take approximately 3 – 6 weeks to complete. The construction work hours would be Monday through Saturday between the hours of 7 a.m. and 6 p.m.

The design and construction of Phase 1, utility undergrounding will be conducted by Pacific Gas and Electric (PG&E).

The County plans to use a construction contractor for construction of phase 2, Class I bicycle path construction. Equipment materials and storage as well as parking for construction vehicles and personal vehicles would be on the project site.

Utility Undergrounding

Undergrounding of existing overhead utility lines within the County right-of-way will be conducted by PG&E. Trenches, approximately 4 to 6 feet deep, will be required for installation of utility lines and would be backfilled and compacted to a natural grade.

Class I Path Site Preparation and Grading Activities

Clearing and grubbing activities would take place along Combie Road to prepare for construction of the Class I path. Typically, these activities are performed by backhoes and grading equipment. Specific equipment will be determined by the contractor. Where minor grading is necessary, dust will be minimized by watering.

A total of two acres will be disturbed with an estimated 0.25 acres disturbed per day. Standard trenching, grading, and paving equipment will be utilized depending on contractor preference.

Standard Best Management Practices (BMPs) will be undertaken as part of the project to ensure erosion control. A Stormwater Pollution Prevention Plan (SWPPP) will also be prepared and implemented for this purpose.

The Class I bicycle path would be installed near Combie Road as indicated on the site plans. The surface of the Class I path will be paved and generally be at or slightly above existing grade, but not so much as to affect drainage patterns.
Traffic Controls

Most of the work on the project would occur outside of the traffic lanes. Traffic controls will be implemented during construction, although minimal traffic restrictions are anticipated. The project contractor will prepare a traffic control plan that must be approved by the County.

Operation and Maintenance

It is not anticipated that the Class I bicycle path will require more than minimal maintenance. The path will be maintained as necessary through routine weed abatement and placement of overlay material.

No regular maintenance of the utility lines is likely to be required; however, all underground utilities as installed during the project will be maintained by PG&E.
SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

Environmental Factors Potentially Affected:

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

|------------------------|-------------------------|-------------------|

The project is subject to a variety of regulations and standards that act to reduce its potential environmental impacts. The following resource discussions identify the applicable regulatory requirements under the common title of “best management practices” (BMPs) and take these BMPs into account when determining the potential significance of the project. Where there are no applicable BMPS or where BMPs alone are not sufficient to reduce a potential environmental impact to below the level of significance, additional mitigation measures are identified that will reduce the impact below the significance level.

Summary of Applicable BMPs

Per section 402 of the Clean Water Act, the proposed project will be subject to an NPDES General Construction Permit for construction activities. One requirement for an NPDES permit is the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that provides BMPs to prevent the discharge of pollutants and sediments into receiving waters. The BMPs associated with the SWPPP are sufficient to reduce potential environmental impacts to below the level of significance for the following sections.

3. GEOLOGY/SOILS:

Typical SWPPP erosion control BMPs include, but are not limited to:

- Keep all disturbed areas covered and minimize the amount of existing vegetation to be disturbed.
- Stabilized construction entrances will be installed as the first step of clearing and grading.
- Any sediment that is tracked onto pavement will be removed immediately by sweeping. The sediment collected by sweeping shall be removed or stabilized on-site.
- Dust is to be controlled on the construction site.
- Perimeter protection to filter sediment for sheetwash shall be located downslope of all disturbed areas and properly installed prior to upslope grading.
4. HYDROLOGY / WATER QUALITY:

Typical SWPPP water quality BMPs include, but are not limited to:

- Protect all storm drain inlets and streams located near the construction site to prevent sediment-laden water from entering the storm drain system.
- Limit access to and from the site. Stabilize construction entrances/exits to minimize the track out of dirt and mud. Conduct frequent street sweeping.
- Avoid storing or stockpiling materials near storm drain inlets or streams.
- Keep construction sites clean by removing trash, debris, wastes, etc. on a regular basis.
- Prevent erosion by implementing any or a combination of soil stabilization practices such as mulching, surface roughening, and temporary silt fencing.

Summary of Impacts and Recommended Mitigation Measures:

5. AIR QUALITY: To reduce potentially significant construction emissions of Nitrogen Oxide (NOx) and to reduce the potentially significant airborne impacts of asbestos.

Mitigation Measure 5A-1: Implement Level A and Level B Mitigation Measures from NSAQMD Guidelines.

Suggested Level A and Level B mitigation measures (thresholds for construction-related pollutant emissions) applicable to the proposed project are outlined in the NSAQMD’s Guidelines for Assessing the Air Quality Impacts of Land Use Projects (Guidelines) (Northern Sierra Air Quality Management District 2007). These measures are not all inclusive and may be revised by the County in consultation with NSAQMD staff. Level A and Level B mitigation for use during the construction phase of a project includes the following:

- Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- Adequate dust control measures will be implemented in a timely and effective manner during all phases of project development and construction (pursuant to the project’s Dust Control Plan).
- Temporary traffic control will be provided during all phases of the construction to improve traffic flow as deemed appropriate by local transportation agencies and/or Caltrans.
- Construction activities should be scheduled to direct traffic flow to off-peak hours as much as practicable.
- All inactive portions of the construction site should be covered, seeded, or watered until a suitable cover is established.

In addition to the above mitigation measure, PG&E and the contractor chosen for bike path construction will prepare and submit a Dust Control Plan pursuant to Rule 226, Dust Control. Rule 226 requires that a Dust Control Plan be submitted to NSAQMD for approval prior to any surface disturbance, including clearing of vegetation. The following list outlines the NSAQMD’s Recommended Dust Control Plan Conditions (Northern Sierra Air Quality Management District...
Nevada County Environmental Checklist

The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.

- All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.

- All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.

- All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.

- All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.

- All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant may apply County-approved non-toxic soil stabilizers (according to manufacturers specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.

- All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance, and there must be a minimum of six inches of freeboard in the bed of the transport vehicle.

- Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently, if necessary to remove excessive or visibly raised accumulations of silt and/or mud which may have resulted from activities at the project site.

- Prior to final occupancy, the applicant shall re-establish ground cover on the site through seeding and watering in accordance with the local grading ordinance.

Mitigation Measure 5c-1: Notify the NSAQMD and Implement ATCM Guidelines if NOA is Found at the Project Site.

If NOA or other asbestos-containing materials are discovered during construction or operation of the proposed project, the NSAQMD must be notified immediately. In addition, PG&E and the chosen contractor for bike path construction must implement an asbestos dust mitigation plan (ADMP). The ADMP must be submitted to and approved by the NSAQMD before any clearing, grading, or construction begins and the provisions of the ADMP must be initiated at the beginning of the project (before clearing or grubbing) and maintained for the duration of the project. Refer to Appendix 5-1 for the ARB’s Asbestos ATCM and the NSAQMD’s ADMP Guidelines.

If asbestos-containing materials are found at the project site, the ARB requirements and development and implementation of an ADMP in consultation with the APCO at the NSAQMD would reduce airborne asbestos impacts to a less-than-significant level.
7. **BIOLOGICAL RESOURCES:** To avoid and minimize potentially significant impacts to special status plants, California red-legged frog, California Horned lizard, Western Pond Turtle, and Nesting Migratory Birds.

**Mitigation Measure 7a-1: Determine Presence/Absence of Special-Status Plant Species in the Proposed Project Area.**

Focused surveys will be conducted (at the appropriate times of year) for the special-status plant species with potential to be present on the site. Two rounds of surveys will be conducted by a qualified botanist to identify plants blooming at different times of the year; one survey should occur in the spring (April—May), and the other in the summer (July—August). If no special-status plant species are detected, no further mitigation will be necessary.

**Mitigation Measure 7a-2: Avoid and Minimize Impacts to Special-Status Plant Species.**

If any special-status plants are identified during the survey, the botanist will photograph, map, and flag locations of the plants, document the location and extent of the special-status plant population on a CNDDB survey form, and submit the completed survey form to the CNDDB. If feasible, buffers will be established and orange construction fencing will be erected around special-status plant areas to avoid potential construction impacts on areas containing this species. A qualified biologist should approve placement of fencing, and periodically monitor construction activities to ensure that no impacts occur during or after grading operations.

If construction would affect the special-status plants and avoidance is not feasible, the botanist will consult with the DFG to identify potential issues and acceptable mitigation. A minimum 1:1 mitigation ratio should be utilized to offset impacts, although it should be noted that DFG may require a higher mitigation ratio. The USFWS will also be consulted if the species is federally listed. Compensation measures can include purchase and protection in perpetuity of another population of the affected species, and/or collection of seed to transplant into existing suitable habitat.

**Mitigation Measure 7a-3: Determine Whether California Red-Legged Frogs Occur in the Proposed Project Area.**

If recommended by USFWS after their review of the site assessment prepared for this project, Nevada County will retain qualified biologists to conduct surveys in accordance with USFWS (2005) guidelines to document the presence or absence of CRLF before implementation of the proposed project. USFWS may also recommend conducting surveys within suitable aquatic habitats within a 1-mile buffer of the project area, if access can be obtained.

The guidelines recommend that up to eight surveys be conducted to determine the presence of CRLF in the proposed project area. Two day surveys and four night surveys are recommended during the breeding season (January through June); and one day and one night survey is recommended during the non-breeding season (July 1 through September 30). Each survey must take place at least 7 days apart and at least one survey must be conducted prior to August 15. The survey period must be over a minimum period of 6 weeks. If CRLF are identified at any time during the survey, no additional surveys will be necessary. Any CRLF identified during the survey will be mapped and documented as part of the public record.

If CRLF are identified during protocol-level surveys, it is strongly encouraged that incidental take permit, as described above under federal Endangered Species Act, be obtained from the USFWS prior to the start of construction activities.
Mitigation Measure 7a-4: Avoid or Minimize Impacts and Implement Protective Measures for California Red-Legged Frogs.

If CRLF are determined to be present, the County will implement the following measures before and during construction activities that occur within suitable habitat to minimize both direct and indirect impacts on CRLFs. USFWS may determine additional avoidance, minimization, and compensation requirements during the Section 7 process.

- An Environmental Training and Monitoring Program for construction crews will be conducted before beginning construction and will be ongoing during construction activities for new crew members. The education program will include information about the federal Endangered Species Acts, the consequences for noncompliance with environmental laws, identification of special-status plant and wildlife species and wetland habitats, and review of mitigation measures.

- Obtain a USFWS-approved biologist to conduct a preconstruction survey immediately preceding any construction activity that occurs in CRLF habitat or any activity that may result in take of the species. The USFWS-approved biologist will carefully search all obvious potential hiding spots for CRLFs and the perimeter of any aquatic habitat. In the event that a CRLF is found during the preconstruction survey, the biologist will implement minimization and avoidance measures identified in the Biological Opinion.

- Prepare an erosion and sediment control plan that will include measures to prevent impacts to suitable aquatic habitat adjacent to the proposed project area. Tightly woven natural fiber netting or similar material will be used for erosion control or other purposes in the project site to ensure that CRLFs are not trapped. This limitation will be communicated to the contractor through use of special provisions included in the bid solicitation package. Coconut coir matting is an acceptable erosion control material. No plastic monofilament matting will be used for erosion control.

- Limit access routes to proposed project area and the size of staging and work areas to the minimum necessary to achieve the project goals. Clearly mark routes and boundaries of the access roads prior to initiating construction/grading.

- Enclose all food and food-related trash in sealed trash containers at the end of each workday and remove it completely from the construction site once every 3 days.

- No pets will be allowed on the construction site.

- Maintain a speed limit of 15 miles per hour on dirt roads.

- Maintain all equipment so that there will be no leakage of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.

- Store all hazardous materials such as fuels, oils, solvents, etc., in sealable containers in a designated location that is at least 200 feet from the drainages or other aquatic habitats. All fueling and maintenance of vehicles and other equipment will occur at least 200 feet these areas.

- Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas and temporary roads, will be recontoured if necessary, and revegetated to promote restoration of the area to preproject conditions. An area subject to “temporary” disturbance means any area that is disturbed during the project but that after project completion will not be subject to further disturbance and has the potential to be
revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with revegetation experts.

Mitigation Measure 7a-5: Conduct Preconstruction Surveys for and Avoid and Minimize Impacts on California Horned Lizard.

Prior to any ground disturbing activities in grassland habitat, preconstruction surveys will be conducted in a manner to maximize detection of Coast horned lizard (i.e., during warm weather, walking slowly) the species. If any horned lizards are discovered within the work areas, they will be actively moved or passively encouraged to leave the work area. Workers will drive slowly when driving overlaid within grassland areas to allow any horned lizards to move out of the way of the vehicles. Construction areas will be surveyed and cleared before the start of work.

Mitigation Measure 7a-6: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Project Area

To avoid and minimize impacts on western pond turtles, the County will retain a qualified wildlife biologist to conduct a preconstruction survey 1 week before and within 48 hours of disturbance adjacent to aquatic habitat (the pond on the north side of Combie Road immediately adjacent to the project area). The survey objectives are to determine presence or absence of pond turtles within the pond.

If possible, the surveys should be timed to coincide with the time of day and year when turtles are most likely to be active (during the cooler part of the day 8 a.m. – 12 p.m. during spring, summer, and late summer). Prior to conducting presence/absence surveys the biologist should locate the microhabitats for turtle basking (logs, rocks, brush thickets) and determine a location to quietly observe turtles.

Each survey should include a 30 minute wait time after arriving onsite to allow startled turtles to return to open basking areas. The survey should consist of a minimum 15 minute observation time per area where turtles could be observed.

If turtles are observed within the project area during a survey, the County will install exclusion fence around the south end of the pond between the construction work area and the aquatic habitat. If this is determined to be infeasible, a monitor will need to be present during construction adjacent to the pond construction to ensure that turtles do not move into the construction area.

Mitigation Measure 7a-7: Conduct Vegetation Trimming and Removal Activities during the Nonbreeding Season or Conduct Preconstruction Surveys for Nesting Migratory Birds.

Vegetation removal will occur during the non-breeding season for most migratory birds (generally between October 1 and January 31) to the extent feasible.

If possible, construction activities will begin prior to the nesting season for most birds (generally, February 1 through September 30). Beginning construction prior to the breeding season will establish a level of noise disturbance that will dissuade noise-sensitive raptors and other birds from attempting to nest within or near the study area.

If beginning construction activities (including vegetation removal) prior to the breeding season is not possible, the City will retain a qualified wildlife biologist with knowledge of the relevant species to conduct nesting surveys before the start of construction. A minimum of three separate
surveys will be conducted for migratory birds, including raptors. Surveys will include a search of all trees, shrubs, grassland, and marsh areas that provide suitable nesting habitat, in the project area. In addition, a 500 foot area around the project area will be surveyed for nesting raptors. If possible, surveys should occur during the height of the breeding season (March 1 to June 1) with one survey occurring in each of two consecutive months within this peak period and the final survey occurring within 1 week of the start of construction. If no active nests are detected during these surveys, no additional measures are required.

If an active nest is found in the survey area, a no-disturbance buffer will be established around the site to avoid disturbance or destruction of the nest site until the end of the breeding season (September 30) or until after a qualified wildlife biologist determines that the young have fledged and moved out of the project area (this date varies by species). The extent of these buffers will be determined by the biologist in coordination with USFWS and CDFG and will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species.

Mitigation Measure 7e-1: Employ Tree Protection BMPs.

In order to reduce potential impacts to oak trees, including heritage and landmark oaks, the County will employ BMPs which include, but are not limited to the following:

- To the maximum extent possible, the path alignment shall not encroach into the drip line of mature oak trees (i.e. greater than 6 inches dbh).
- During the tree removal phase of construction, and whenever there is flexibility about which tree to remove, the removal of small diameter oaks less than 12-inches DBH is preferred over the removal of larger oak trees.
- Conserve and protect trees in stands or groups where possible.
- Establish the preserved oaks and oak groves outside the Area of Potential Affect (APE) as Environmentally Sensitive Areas (ESAs) during construction. The boundary of the oak ESAs shall be established at the drip line of the preserved oaks or oak groves. Temporary orange construction fencing shall be erected around the drip line of oaks at the construction boundary; the fencing can be limited to only the construction side of the tree and need not encompass the entire drip line. This fencing shall be maintained until construction is complete.
- Clearly identify tree protection areas with highly visible signs.
- Keep construction materials and debris away from tree protection zones.
- Keep equipment and foot traffic away as much as possible from tree protection areas to prevent root compaction.
- Complete post construction tree maintenance, including mulch, fertilization, irrigation, soil aeration, and pruning where necessary.
9. HAZARDS/HAZARDOUS MATERIALS: To reduce potential impacts to traffic during project construction.

   Mitigation Measure 9g-1: Prepare a Traffic Control Plan.

   The project contractor will prepare a traffic control plan that must be approved by the County to ensure there is no interference with emergency vehicles/services or response/evacuation plans.

10. NOISE: To reduce potentially significant construction noise impacts on sensitive receptors.

   Mitigation Measure 10a-1. Employ Noise Reducing Construction Practices.

   The County will employ noise-reducing construction practices such that construction noise complies with applicable County noise standards. Measures to be employed include but are not limited to the following:

   • Hours of operation for construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday–Saturday.
   • Fixed construction equipment, including compressors and generators, will be located as far as feasibly possible from residential properties.
   • All construction equipment powered by gasoline or diesel engines will have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.

   Where necessary noise-reducing enclosures or temporary barriers will be used around noise-generating equipment. Where feasible existing barrier features (terrain, structures) will be used to block sound transmission.

15. CULTURAL RESOURCES: To reduce potentially significant impacts to buried archaeological resources or buried human remains.

   Mitigation Measure 15b-1: Stop Work in Case of Accidental Discovery of Buried Archeological Resources

   If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

   Mitigation Measure 15d-1: Stop Work in Case of Accidental Discovery of Buried Human Remains

   If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of NAHC (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
• the Nevada County coroner has been informed and has determined that no investigation of the cause of death is required; and

• if the remains are of Native American origin,

• the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98, or

• NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

Mitigation Monitoring Matrix:

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<td>Department of Public Works /Contractor</td>
<td>During construction if asbestos is found</td>
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<td>Department of Public Works</td>
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<td>Prior to approval of grading/improvement plans and during construction</td>
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<tr>
<td>9G-1</td>
<td>Department of Public Works</td>
<td>Prior to approval of grading/improvement plans</td>
</tr>
<tr>
<td>10A-1</td>
<td>Department of Public Works</td>
<td>Prior to approval of grading/improvement plans and during construction</td>
</tr>
<tr>
<td>15B-1</td>
<td>Department of Public Works /Contractor</td>
<td>During construction if resources found</td>
</tr>
<tr>
<td>15D-1</td>
<td>Department of Public Works /Contractor</td>
<td>During construction if resources found</td>
</tr>
</tbody>
</table>
INITIAL STUDY AND CHECKLIST

Introduction

This checklist is to be completed for all projects that are not exempt from environmental review under the California Environmental Quality Act (CEQA). The information, analysis and conclusions contained in the checklist are the basis for deciding whether an Environmental Impact Report (EIR) or Negative Declaration is to be prepared. If an EIR is determined to be necessary based on the conclusions of the Initial Study, the checklist is used to focus the EIR on the effects determined to be potentially significant.

This Initial Study uses the following terms to describe the level of significance of adverse impacts. These terms are defined as follows.

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

Regulatory Setting

Nevada County General Plan, Higgins Area Plan and Nevada County Bicycle Master Plan

The project is located within the Higgins Area Plan. This Plan is a policy document which implements County Ordinance No. 1930, as well as goals and policies of the General Plan. It supplements the General Plan in guiding development within the Higgins Area and was used in planning and development of the proposed project. The project is also part of the County's Bicycle Master Plan which identifies Combie Road as an integral part of the Nevada County bicycle and pedestrian network.

Existing Setting

The proposed project is a multi-use path to be located on the north side of Combie Road from State Route 49 to West Hacienda Drive. This project is a component of the Higgins Area Plan and will provide pedestrian and bicycle circulation for the Higgins area, a community comprised of over 2,000 lots of various zoning/general plan designations, which currently has no contiguous pedestrian facility. Land uses in the immediate project vicinity include residential and commercial development, and vacant land. Zoning designations along the proposed path include CI-SC-SP (Neighborhood Commercial, Scenic Corridor, Site Performance Community Districts), R2-SC-SP (Medium Density Residential, Scenic Corridor, Site Performance Community Districts), and P-SC-SP (Public, Scenic Corridor, Site Performance Community Districts). General Plan designations along the proposed path include Public (PUB, Community Commercial (CC), Urban Medium Density Res (UMD), and Neighborhood Commercial (NC))

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in structures and/or land uses incompatible with existing land uses?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. The induction of growth or concentration of population?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Result in the loss of open space?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Substantially alter the present or planned land use of an area, or conflict with a general plan designation or zoning district?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Disrupt or divide the physical arrangement of an established community, including a low-income or minority community?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Impact Discussion

la. The project is a multi-use bicycle/pedestrian path along an existing transportation corridor. The proposed project meets the goals and policies of both the General Plan and the Higgins Area Plan and will not result in incompatible structures or land uses compared with existing land uses. There is no impact.

lb. As a component of the Higgins Area Plan, the project would serve the existing and planned community population by providing a bicycle path outside of the travelled road. No housing is associated with the project itself and operation of the project would not induce growth or an increase in population. There is no impact.

c. The project includes utility undergrounding of existing overhead utility lines, however, it will not include the extension of sewer lines or access roads that would, in turn, increase capacity in order to serve new development beyond the purpose of the project. There is no impact.

d. As a multi-use bicycle and pedestrian path, the project would be located adjacent to some areas designated as open space on the Higgins Area Plan; however, no impacts as a result of operation of the project are anticipated.

e & f. As previously described, the project is a component of the Higgins Area Plan and is a component of the planned land use of the area. Direction provided by Design Policies 48 and 50 from the Higgins Area Plan include creating a multi-use trail to connect communities and developing land uses in ways to encourage alternate modes of transportation. Indeed, the project is designed to accomplish both policies. Therefore, there is no impact to planned land uses.

g. As described above, the proposed project is a multi-use bicycle/pedestrian path designed to connect communities along an existing transportation corridor and would not divide or disrupt any existing communities. In fact, by providing an additional connection between communities, the project has the potential to impact nearby established communities in a beneficial way. It would have no adverse impact.

Mitigation Measures

There are no anticipated significant impacts relating to Land Use/Planning; therefore no mitigation measures are required.
2. POPULATION / HOUSING

Regulatory Setting

Nevada County General Plan

The Nevada County General Plan Housing Element addresses housing issues; however, there are no goals or policies that pertain to the proposed project.

Existing Setting

As a multi-use path and utility undergrounding project, the proposed project would not have a direct or indirect effect on population and/or housing. The project is designed to enhance bicycle and pedestrian accessibility between residential communities and commercial development, as well as enhance local aesthetics by placing existing utilities underground.

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Impact Discussion

2a. The project is designed to enhance bicycle and pedestrian accessibility between surrounding residential communities and commercial development. The operation of the project would serve as a recreational use for planned and existing land uses in the area and would not directly induce population growth. There is no impact.

2b. The proposed project is a multi-use path and utility undergrounding project and would not displace existing housing. Therefore, there would be no impact.

2c. There is no displacement or relocation of residences associated with the project. There is no impact.

Mitigation Measures

There are no anticipated significant impacts relating to population or housing as a result of project implementation. No mitigation measures are necessary.
3. GEOLOGY / SOILS

Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act

California’s Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) (PRC 2621 et seq.), enacted in 1972, prohibits the location of most types of structures intended for human occupancy across the traces of active faults and strictly regulates construction in the corridors along active faults (Earthquake Fault Zones). It also defines criteria for identifying active faults, giving legal weight to terms such as active, and establishes a process for reviewing building proposals in and adjacent to Earthquake Fault Zones.

Seismic Hazard Mapping Act

Like the Alquist-Priolo Act, the Seismic Hazards Mapping Act of 1990 (PRC Section 2690-2699.6) is intended to reduce damage resulting from earthquakes. Whereas the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong groundshaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act: the state is charged with identifying and mapping areas at risk of strong groundshaking, liquefaction, landslides, and other corollary hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Under the Seismic Hazards Mapping Act, cities and counties are prohibited from issuing development permits for sites within Seismic Hazard Zones until appropriate site-specific geologic or geotechnical investigations have been carried out, and measures to reduce potential damage have been incorporated into the development plans.

Water Quality — General Construction Permit

As discussed below under Hydrology/Water Quality, Section 402 of the Clean Water Act will require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for the proposed project. This will include plans for erosion and sediment control and would adhere to the County’s grading ordinance and BMPs.

Typical construction erosion control BMPs include:

- Keep all disturbed areas covered and minimize the amount of existing vegetation to be disturbed.
- Stabilized construction entrances will be installed as the first step of clearing and grading.
- Any sediment that is tracked onto pavement will be removed immediately by sweeping. The sediment collected by sweeping shall be removed or stabilized on-site.
- Dust is to be controlled on the construction site.
- Perimeter protection to filter sediment for sheetwash shall be located downslope of all disturbed areas and properly installed prior to upslope grading.
Nevada County General Plan

The Soils Element and the Safety Element of the Nevada County General Plan include goals and a number of policies related to soils, erosion, and geologic hazards.

**Goal 12.1** Minimize adverse impacts of grading activities, loss of soils and soil productivity.

**Policy 12.1** Enforce Grading Ordinance provisions for erosion control on all new development projects by adopting provisions for ongoing monitoring of project grading. Project site inspection shall be required prior to initial site disturbance and grading to ensure all necessary control measures, including proper staking and tree protection measures, are in place. The installation, maintenance, and performance of erosion and sedimentation control measures shall be monitored by County or District staff (or their designee) and completely funded by a project applicant. All County projects shall comply with this policy.

**Policy 12.4** Require erosion control measures as an element of all County contracts, discretionary projects, and ministerial projects.

**Goal GH-10.2** Minimize injury and property damage due to geologic and seismic hazards.

**Policy GH-10.2.1.1** Continue to cooperate with the State Department of Conservation — California Geological Survey, the State Office of Emergency Services and other appropriate federal, state and local agencies and incorporate the most current data concerning the following as the basis for the County's Site Development Standards, and project site plan review:

a. geologic hazards; and

b. seismic hazard data for sensitive land uses such as schools, medical facilities, high-density residential uses, and intensive commercial uses.

The project review shall consider the need to mitigate development in such areas in accordance with federal, state, and local standards.

As part of the project site review process, require sufficient soils and geologic investigations to identify and evaluate the various geologic and seismic hazards that may exist for all proposed development, including subdivisions. Such investigations shall be required within an area determined to be seismically active by the State Department of Conservation — California Geological Survey, or within an area having potential geologic hazards, including slope instability and excessive erosion.

**Policy GH-10.2.1.3** Require that underground utility lines, particularly water and natural gas mains, be designed to withstand seismic forces.

**Existing Setting**

The project area is located in the geologic substructure group composed of Cenozoic Volcanic and Mesozoic Granite Formations. Hazards relating to landslide are generally low in most areas within the County in this group. The Soil Survey of Nevada County maps the project area site as Boomer-loam (BoC). Areas with this soil comprise gently rolling with rock outcrops covering less than 10% of the surface area. Runoff is slow to medium and erosion slight to moderate. The underlying bedrock is generally dense and the areas soils lack the depth and cohesion structure typically associated with ground stability failure. (Bartholomew and Associates, Inc., 1991:3-1)
Would the proposed project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a. Result in exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Result in disruption, displacement, compaction, or over-covering of the soil by cuts, fills, or extensive grading?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>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 offsite landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>d. 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?</td>
<td></td>
<td>X</td>
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<tr>
<td>e. Result in any increase in wind or water erosion of soils, on or off the site?</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>f. Changes in siltation, deposition or erosion, which may modify the channel of a river, or stream, or the bed any bay, inlet or lake?</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>g. Result in excessive grading on slopes of over 30 percent?</td>
<td></td>
<td>X</td>
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</table>

Impact Discussion

3a - 3g. The project consists of an approximately 10 foot wide multi-use path flanked by landscape buffers that will vary in width from 2 to 5 feet. The area is in a previously disturbed area (utilities, road construction) and is relatively flat. Minor grading, along with some utility trenches, approximately 4' - 6' deep, will be required, and backfilled and compacted to a natural grade. A SWPPP will be prepared and its BMPs implemented for the project to avoid erosion.

Therefore, impacts relating to erosion would be less than significant. No significant impacts are anticipated in relation to landslides or earthquakes hazards. In addition, although the utility undergrounding aspect of the project will be conducted by PG&E, all applicable standards regarding underground utility lines will be implemented.

Mitigation Measures

There are no anticipated significant impacts relating to soils, erosion, or geologic hazards as a result of project implementation. Therefore, no mitigation measures are necessary.
4. HYDROLOGY / WATER QUALITY

Regulatory Setting

Federal

Clean Water Act

Important applicable sections of the federal Clean Water Act (CWA) (33 USC 1251-1376) include:

- Sections 303 and 304 provide water quality standards, criteria, and guidelines.
- Section 402 establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharge of any pollutant (except for dredged or fill material) into waters of the United States. This permit program is administered by the Central Valley RWQCB. The proposed project would have a footprint greater than 1 acre. As a result, it will be necessary to obtain an NPDES General Construction Permit prior to any construction activities. One requirement for an NPDES permit is the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that provides BMPs to prevent the discharge of pollutants and sediments into receiving waters.

Typical BMPs include the following:
- Protect all storm drain inlets and streams located near the construction site to prevent sediment-laden water from entering the storm drain system.
- Limit access to and from the site. Stabilize construction entrances/exits to minimize the track out of dirt and mud. Conduct frequent street sweeping.
- Avoid storing or stockpiling materials near storm drain inlets or streams.
- Keep construction sites clean by removing trash, debris, wastes, etc. on a regular basis.
- Prevent erosion by implementing any or a combination of soil stabilization practices such as mulching, surface roughening, and temporary silt fencing.

State

Porter-Cologne Water Quality Act

The State of California’s Porter-Cologne Water Quality Control Act (California Water Code, Section 13000 et seq.) provides the basis for water quality regulation in California. The act requires a Report of Waste Discharge (ROWD) for any discharge of waste (liquid, solid, or otherwise) to land or surface waters that may impair a beneficial use of surface or groundwater of the state. Based on the report, the RWQCBs issue waste discharge requirements to minimize the effect of the discharge.

Nevada County will be required to comply with the Central Valley RWQCB’s general construction permit under the RWQCB’s administration of the NPDES program. This requires the implementation of BMPs (see above) to avoid impacts to surface hydrology and water quality.
Local

Nevada County General Plan

The Soils Element of the Nevada County General Plan includes a goal and policy related to erosion control.

Goal 12.1 Minimize adverse impacts of grading activities, loss of soils and soil productivity.

Policy 12.1 Enforce Grading Ordinance provisions for erosion control on all new development projects by adopting provisions for ongoing monitoring of project grading. Project site inspection shall be required prior to initial site disturbance and grading to ensure all necessary control measures, including proper staking and tree protection measures, are in place. The installation, maintenance, and performance of erosion and sedimentation control measures shall be monitored by County or District staff (or their designee) and completely funded by a project applicant. All County projects shall comply with this policy.

Existing Setting

The project is in the Bear River Watershed. Drainage from the project area flows into Ragsdale Creek, a tributary of Wolf Creek. Historically, the creek was an intermittent stream, but now supports occasional summer flows due to year-round releases from upstream ponds and golf course runoff. The majority of the creek is on the south side of Combie Road outside the project area, but a portion flows under the road via culverts in the project area. Two artificial ponds have been constructed within the channel, and the channel appears to have been altered or re-routed during the construction or widening of Combie Road. The channel feeds into the pond from the east, flowing towards the west. A channel is formed at the outlet of the pond after the water flows through an expansive culvert system.
The proposed project could result in the release of small amounts of vehicle and equipment fluids during construction and a slight increase in impervious surfaces and therefore in a slight increase in runoff. The project would not violate any water quality standards or waste discharge requirements or substantially degrade water quality. Any potential impacts would be less than significant because the project would have to comply with the requirements of BMPs under the construction general permit under the NPDES regulations, which include the preparation and implementation of a SWPPP.
4b. The proposed project is the construction and operation of a multi-use trail and utility undergrounding and does not contain elements that either add to or draw from groundwater. Therefore, there is no impact.

4c & 4d. The proposed project does not involve significantly altering the existing drainage patterns of the site or changing a course of a stream or river. No work will be performed within Ragsdale Creek or any other waterway. The increase of impermeable surfaces as a result of the project will be negligible and associated landscaping will serve to absorb runoff. The proposed project would comply with the construction general permit and so would not increase the amount of sedimentation either on or off site. The impacts associated with the alteration of drainage patterns are considered to be less than significant.

4e. The project would cause a slight increase in the quantity of runoff generated in a storm event through the increase in impervious areas associated with the pavement surface. The quantity of additional runoff generated from the project would be negligible, and flows from the roadway pavement would be contained within existing storm drains that are capable of handling the additional runoff. Therefore, this is considered a less-than-significant impact.

4g. No housing structures are planned as part of the project. Therefore, there would be no impact.

4h & 4i. The entire project is located outside the 100-year floodplain as depicted by FEMA. Implementation of this project would not place structures in the 100-year floodplain or impede existing flood flows. There would be no impact.

4j. As a multi-use bicycle/pedestrian path, the project would not create conditions conducive to inundation by mudflow. There is no impact.

Mitigation Measures

There are no anticipated significant impacts relating to Hydrology or Water Quality; therefore no mitigation measures are recommended.
5. AIR QUALITY

Existing Setting

Air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the air basin, and its meteorological conditions. State and federal criteria pollutant emission standards have been established for six pollutants: carbon monoxide (CO), ozone (O₃), particulate matter less than 10 microns in diameter (PM10) and particulate matter less than 2.5 microns in diameter (PM2.5), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead.

The proposed project area lies within Nevada County, which is located within the Mountain Counties Air Basin (MCAB). The air quality management agencies of direct importance in Nevada County include the U.S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), and the Northern Sierra Air Quality Management District (NSAQMD). Within the MCAB, the NSAQMD is responsible for ensuring that state and federal emission standards are not violated (See Appendix A, Table 5-1 for a comparison of ambient air quality standards between different pollutants). The NSAQMD develops and enforces air quality regulations for non-vehicular sources, issues permits, participates in air quality planning, and operates a regional air quality monitoring network. In addition, the NSAQMD is responsible for implementing strategies for air quality improvement and recommending mitigation measures for new growth and development.

The EPA has designated the western portion of Nevada County, which includes the project site, as a Subpart 1 nonattainment area for the federal 8-hour ozone standard. The eastern portion of the County is designated as an unclassified/attainment area for the federal 8-hour ozone standard. The EPA has designated the County as being an unclassified/attainment area for the PM2.5, PM10, CO, NO₂, SO₂, and lead federal standards (U.S. Environmental Protection Agency 2011). The ARB has classified Nevada County as a non-attainment area for the 1-hour and 8-hour ozone and PM10 statewide standards; an attainment area for the NO₂, SO₂, sulfate, and lead statewide standards; and an unclassified area for the PM2.5, CO, hydrogen sulfide, and visibility reducing particles statewide standards (California Air Resources Board 2011a).

The existing air quality conditions in the proposed project area can be characterized by monitoring data collected in the region. The nearest air quality monitoring station is located at the Litton Building monitoring station in Grass Valley. The Grass Valley station is located in the western portion of the county, at 200 Litton Drive, Suite 230, Grass Valley CA 95945. The Litton Building monitoring station monitors for 1-hour and 8-hour ozone, PM2.5, and NO₂. There are no monitoring stations in the project vicinity that monitor for CO or PM10, which are unclassified pollutants in Nevada County. (California Air Resources Board 2011). The Litton Building monitoring station has experienced 32 violations of the state 1-hour ozone standard, 158 violations of the state 8-hour ozone standard, 120 violations of the federal 8-hour ozone standard, and 26 violations of the federal PM2.5 standard during the 3-year monitoring period for which complete data is available (See Appendix A, Table 5-2).

Sensitive land uses are defined as locations where people reside or where members of the population particularly sensitive to the effects of air pollutants are located, such as children, the elderly and people with illnesses. Typical sensitive receptors are residents, schoolchildren, hospital patients, and the elderly. Sensitive land uses in the project area are scattered residences located within about 75 feet of proposed construction activity.
Impact Discussion

5a. **Construction.** Project construction would take place in two phases: 1) utility undergrounding and 2) Class I bicycle path construction along Combie Road. Construction activities for the proposed project would result in short-term impacts on ambient air quality in the area. Temporary construction emissions would result directly from site clearance, grading, and site preparation activities, and indirectly from construction equipment emissions and construction worker commute patterns. Pollutant emissions would vary daily depending on the level of activity, the specific operations, and the prevailing weather. Both phases will occur during the summer months (June–October) and will take approximately 3 to 6 weeks to complete. The construction work hours would be Monday through Saturday between the hours of 7 a.m. and 6 p.m.

Construction emissions were estimated using the URBEMIS 2007 model. Using average emissions factors over all horsepower classes, URBEMIS 2007 analyzes the type of construction equipment used and the duration of the construction period. Data provided by the County and professional judgment were used to determine model inputs. The following assumptions were used to estimate air emissions.

- **Construction Period Length:** Although construction of each of the two project phases is anticipated to generally last 3 to 6 weeks, each phase was assumed to last 6 weeks, as a worst-case-scenario. The following durations were assumed for modeling purposes:
  - Utility undergrounding from June 4, 2012 to July 14, 2012 and
  - Bike path construction from July 23, 2012 to September 8, 2012.

- **Total Acreage Graded:** 2 acres
- **Maximum Acreage Disturbed per Day:** 0.25 acres
- **Soil Imported:** 0 cubic yards
- **Soil Exported:** 0 cubic yards
**Construction Equipment:** Each piece of equipment was assumed to be operating 11 hours per day (7 a.m. to 6 p.m.) as a worst case scenario. Equipment horsepower ranged from 8 for a plate compactor to 189 hp for a water truck. See Appendix A, Table 5-3 for a summary of horsepower for all equipment.

The NSAQMD has established a tiered approach to significance where projects meeting Level A thresholds will require the least amount of mitigation, and projects meeting Level C thresholds will require the most extensive mitigation. In addition, emissions exceeding the Level C thresholds are considered to have a significant impact on air quality. Based on the construction-related criteria used to analyze the proposed project’s pollutant emissions, construction emissions of NO\textsubscript{X} are expected to exceed Level A thresholds and would be higher than the lower limit Level B threshold during bike path construction (See Appendix A, Table 5-4 for all results). According to the NSAQMD, this is a potentially significant impact, and the project would therefore require applicable Level A and Level B mitigation measures (Northern Sierra Air Quality Management District 2007) in order to reduce the impact below the level of significance.

**Mitigation Measure 5a-1: Implement Level A and Level B Mitigation Measures from NSAQMD Guidelines**

Suggested Level A and Level B mitigation measures applicable to the proposed project are outlined in the NSAQMD’s *Guidelines for Assessing the Air Quality Impacts of Land Use Projects* (Guidelines) (Northern Sierra Air Quality Management District 2007). These measures are not all inclusive and may be revised by the County in consultation with NSAQMD staff. Level A and Level B mitigation for use during the construction phase of a project includes the following:

- Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- Adequate dust control measures will be implemented in a timely and effective manner during all phases of project development and construction (pursuant to the project’s Dust Control Plan).
- Temporal traffic control will be provided during all phases of the construction to improve traffic flow as deemed appropriate by local transportation agencies and/or Caltrans.
- Construction activities should be scheduled to direct traffic flow to off-peak hours as much as practicable.
- All inactive portions of the construction site should be covered, seeded, or watered until a suitable cover is established.

In addition to the above mitigation measure, PG&E and the contractor chosen for bike path construction will prepare and submit a Dust Control Plan pursuant to Rule 226, *Dust Control*. Rule 226 requires that a Dust Control Plan be submitted to NSAQMD for approval prior to any surface disturbance, including clearing of vegetation. The following list outlines the NSAQMD’s Recommended Dust Control Plan Conditions (Northern Sierra Air Quality Management District 2007). This list is not all inclusive, and the NSAQMD may require that additional measures be included in the Dust Control Plan.

- The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
Nevada County Environmental Checklist

- All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.

- All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.

- All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.

- All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.

- All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant may apply County-approved non-toxic soil stabilizers (according to manufacturers specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.

- All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance, and there must be a minimum of six inches of freeboard in the bed of the transport vehicle.

- Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently, if necessary to remove excessive or visibly raised accumulations of silt and/or mud which may have resulted from activities at the project site.

- Prior to final occupancy, the applicant shall re-establish ground cover on the site through seeding and watering in accordance with the local grading ordinance.

Compliance with Mitigation Measure 5a-1 and Rule 226 will reduce this construction impact to a less-than-significant level, and the proposed project would not result in substantial air pollutant emissions or deterioration of ambient air quality.

**Operation.** All underground utilities as installed during the project will be maintained by PG&E. No regular maintenance of the newly undergrounded utility lines is anticipated. Operational activities for the proposed Class I bike path are expected to occur only two days per year, and only one vehicle would be required. In addition, construction of a Class I bike path under the proposed project is expected to reduce vehicle trips in the project area, which would offset any pollutant emissions from the minimal operational activities. Therefore, the proposed project would not result in substantial air pollutant emissions or deterioration of ambient air quality. Operational activities would result in a less-than-significant impact.

5b. Refer to the construction and operational impact discussions for Impact 5a. With implementation of Mitigation Measure 5a-1 and compliance with Rule 226, the construction activities associated with the proposed project would be reduced below NSAQMD thresholds, and there are no substantial operational activities associated with the proposed project. In addition, construction of a Class I bike path under the proposed project is expected to reduce vehicle trips in the project area, which would offset any pollutant emissions from the minimal operational activities. Therefore, with mitigation incorporated, the proposed project would not lead to a violation of any air quality standard or contribute to an existing or projected air quality violation. This impact would be less than significant with mitigation incorporated.
5c. Construction activities would entail the use of diesel-powered equipment that would generate emissions of Diesel Particulate Matter (DPM), which the EPA and several other organizations have categorized as a human carcinogen (California Air Resources Board 2008). The NSAQMD has indicated that they do not have a formal policy regarding health risk associated with DPM exposure from construction activities. Guidance from the NSAQMD indicates that when construction activities would occur for an extended period of time in close proximity to sensitive receptors, mitigation measures should be implemented to minimize emissions of DPM (Longmire pers. comm.). Typically, health risks are estimated based on a chronic exposure period of 70 years. Because construction activities will be short-term (1.5 to 3 months), transitory (construction activities will proceed linearly along the utility trench and proposed bike path, minimizing exposure to potential receptors), and well below the typical exposure period of 70 years, it is not anticipated that exposure to construction-related DPM would result in an elevated health risk. This impact is less than significant.

In addition to DPM, airborne asbestos is another TAC of potential concern. There is a California Department of Conservation (DOC)-compiled map showing the general locations of ultramafic rock in California that are more likely to contain Naturally Occurring Asbestos (NOA). According to the map, the project vicinity is located in an area with a high potential for the occurrence of NOA or asbestos-containing ultramafic and serpentine rocks (California Department of Conservation 2000). The NSAQMD Guidelines refer to the Statewide Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining Operations (Asbestos ATCM) for asbestos control, which is codified in the California Code of Regulations, Title 17, Section 93105. The Asbestos ATCM contains requirements for projects located in areas mapped as having, or observed to have, ultramafic rock or serpentine. In addition, the NSAQMD guidelines note that every project location in the District should be evaluated for asbestos-containing rock types and that post-construction stabilization of disturbed areas is required. (Northern Sierra Air Quality Management District 2007.)

If NOA is found at the project site, construction activities could result in airborne impacts of asbestos. This is considered a significant impact. Implementation of Mitigation Measure 5c-1 is required to ensure that appropriate actions are taken if NOA is found.

Mitigation Measure 5c-1: Notify the NSAQMD and Implement ATCM Guidelines if NOA is Found at the Project Site

If NOA or asbestos-containing materials are discovered during construction or operation of the proposed project, the NSAQMD must be notified immediately. In addition, PG&E and the chosen contractor for bike path construction must implement an asbestos dust mitigation plan (ADMP). The ADMP must be submitted to and approved by the NSAQMD before any clearing, grading, or construction begins and the provisions of the ADMP must be initiated at the beginning of the project (before clearing or grubbing) and maintained for the duration of the project. Refer to Appendix 5-1 for the ARB’s Asbestos ATCM and the NSAQMD’s ADMP Guidelines.

If asbestos-containing materials are found at the project site, the ARB requirements and development and implementation of an ADMP in consultation with the APCO at the NSAQM would reduce airborne asbestos impacts to a less-than-significant level.

5d. No smoke or ash would result from proposed project construction or operation. Diesel exhaust from construction activities may generate temporary odors while construction of project improvements is underway. Once construction activities have been completed, these odors would cease. Odor impacts are considered significant if they would cause a public nuisance. Nuisance
odors generally result from permanent, stationary odor sources, such as factories or agricultural feedlots. Temporary odor impacts that may result from proposed project construction would not result in nuisance conditions, and this impact is considered less than significant.

5e. Construction activities for the proposed project would create dust during site clearance, grading, and site preparation activities. As discussed for Impact 5a, all projects are required to submit and adhere to a Dust Control Plan to comply with NSAQMD’s Rule 226, Dust Control, while Mitigation Measure 5a-1 would also help to reduce potential dust emissions associated with construction activities. Compliance with Rule 226 would reduce any impacts from dust to less-than-significant levels.

5f. Refer to the discussion for Impact 5a. As discussed for Impact 5a, implementation of Mitigation Measure 5a-1 and compliance with Rule 226 would reduce project impacts below NSAQMD thresholds. Air District thresholds are created to ensure that projects would not exceed air quality pollutant levels established in various planning documents. Therefore, with mitigation incorporated, the proposed project would not exceed any potentially significant thresholds adopted in County Plans and Goals, and this impact would be less than significant.

5g. As described for Impact 5a, the proposed project would not create a significant air quality impact after implementation of Mitigation Measure 5a-1. The NSAQMD standards are designed to determine cumulative impacts. In addition, construction of a Class I bike path under the proposed project is expected to reduce vehicle trips in the project area, which would reduce vehicular pollutant emissions. Therefore, a cumulatively considerable net increase of any criteria pollutant would not occur, and this impact is considered less than significant after mitigation.
6. TRANSPORTATION / CIRCULATION:

Regulatory Setting

Nevada County has regulations and protocol regarding work on or near roads. Since the proposed project is a County project, no permits are required. However, the County will undertake standard traffic control measures during construction as required by the current State of California Manual of Traffic Controls for Construction and Maintenance Work Zones. All work and material will conform to applicable Nevada County Department of Public Works Standards and current California Department of Transportation Standard Specifications. Nevada County Standards shall govern should there be a conflict between the two sets of standards.

All construction work shall be planned and carried out so there will be the least possible inconvenience to the traveling public. Traffic shall be permitted to pass at all times unless otherwise specified. It is anticipated that traffic control will be minimal as the project is off the paved surface.

In addition, during construction, the roadway surface shall be kept free of dirt or gravel as much as practical. Any potential hazard, such as mud or gravel, shall be removed immediately.

Existing Setting

Combie Road, along which the project will be constructed, is a County-maintained “major collector” road and provides access to various commercial and residential nearby land uses. Most of this portion of Combie Road consists of two travel lanes. However, additional turn lanes are made available as Combie Road approaches SR 49. In 2010, the Nevada County Department of Public Works counted 15,738 daily vehicle trips on Combie Road, east of SR 49 (down from 16,983 daily trips in 2009).
### Impact Discussion

**6a.** The project will provide an alternative, separate path for bicyclists and pedestrians travelling along Combie Road. It will not increase road capacity or otherwise result in an increase in existing levels of automobile and truck traffic. Therefore, there is no impact.

**6b.** The Class I bicycle path will require occasional maintenance. This will not appreciably increase the need for maintenance along Combie Road. There is no impact.

**6c.** The proposed Class I bicycle path and utility undergrounding will not affect existing parking at the adjoining shopping centers and strip commercial areas. There is no impact.

**6d.** The proposed bicycle path will reduce potential conflicts between bicycles and vehicular traffic along this portion of Combie Road by separating the traffic. This will reduce hazards. Therefore, there is no impact.
6e. This is a bicycle path and utility undergrounding project and will not negatively impact transit services. Indeed, the project is designed to encourage alternative modes of transportation (bicycling, walking) as well as to connect residential and commercial land uses. Therefore, the proposed project has the potential to impact current patterns of circulation in a positive manner by providing an alternative to motorized vehicle travel. It will have no adverse impact.

6f. This is a bicycle path and utility undergrounding project. It will have no effect on air or rail travel. Therefore, there is no impact.

6g. The proposed Class I bicycle path will reduce potential conflicts between bicycles and vehicular traffic along this stretch of Combie Road by separating the traffic. This will reduce hazards. There is no impact.

6h. The project will be designed to County traffic design standards and therefore will not result in inadequate site distance or access, it will have only a minor effect on road capacity (to the extent that it may smooth traffic flow by reducing the number of cyclists on Combie Road itself), and will have no effect on emergency access.

6i. The project is consistent with the Nevada County General Plan, Higgins Area Plan, and Nevada County Bicycle Master Plan. See discussion for 6e above. The project is designed to encourage alternative modes of transportation. It will have no adverse impact.
7. BIOLOGICAL RESOURCES

Regulatory Setting

This section describes the federal, state, and local plans, policies, and laws relevant to biological resources in the project region.

Federal

**Endangered Species Act**

The federal Endangered Species Act (ESA) protects fish and wildlife species and their habitats that have been identified by the U.S. Fish and Wildlife Service (USFWS) as threatened or endangered. *Endangered* refers to species, subspecies, or distinct population segments that are in danger of extinction through all or a significant portion of their range. *Threatened* refers to those likely to become endangered in the near future.

**Section 9: Endangered Species Act Prohibitions**

Section 9 prohibits the take of any wildlife species federally listed as endangered. Take of threatened species also is prohibited under Section 9, unless otherwise authorized by federal regulations. *Take*, as defined by ESA, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” *Harm* is defined as “any act that kills or injures the species, including significant habitat modification.” In addition, Section 9 prohibits removing, digging up, cutting, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction.

**Migratory Bird Treaty Act**

The MBTA (16 USC 703) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 21; 50 CFR 10). Most actions that result in taking or in permanent or temporary possession of a protected species constitute violations of MBTA. USFWS is responsible for overseeing compliance with MBTA.

**Clean Water Act**

**Section 404: Permits for Fill Placement in Waters and Wetlands.**

Section 404 regulates the discharge of dredged and fill materials into waters of the United States. *Waters of the United States* refers to oceans, bays, rivers, streams, lakes, ponds, and wetlands, including:

- areas within the ordinary high water mark (OHWM) of a stream, including nonperennial streams with a defined bed and bank and any stream channel that conveys natural runoff, even if it has been realigned, and
- seasonal and perennial wetlands.

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2 In some cases, exceptions may be made for threatened species under Section 4[d]. In such cases, USFWS or the National Marine Fisheries Service (NOAA Fisheries) issues a “4[d] rule” describing protections for the threatened species and specifying the circumstances under which take is allowed.
Waters of the United States are subject to Section 404 of the Clean Water Act and are regulated by the USACE. This project is not subject to Section 404.

**Section 401: Water Quality Certification.**

Applicants for a federal license or permit to conduct activities that may result in the discharge of a pollutant into waters of the United States must obtain state certification (including projects that require federal agency approval, such as issuance of a Section 404 permit) and comply with Section 401 by obtaining a permit from the Regional Water Quality Control Board. This project does not have a federal component and as previously mentioned, does not require a Section 404 permit. Therefore, the project is not subject to Section 401.

**Fish and Wildlife Coordination Act**

The Fish and Wildlife Coordination Act requires consultation with USFWS when the waters of any stream or other body of water are proposed, authorized, permitted, or licensed to be impounded, diverted, or otherwise controlled or modified under a federal permit or license. Most USFWS comments on applications for permits under CWA Section 404 or River and Harbors Act Section 10 are conveyed to USACE through the consultation process required by this act.

USFWS provides advisory comments and recommends mitigation measures to avoid impacts on wetlands or modify activities that may directly affect wetlands. Mitigation recommended by USFWS may include restoring or creating habitat to avoid a net loss of wetland functions and values. Although consultation with USFWS is required, USACE is not required to implement USFWS recommendations.

**State**

**Section 1600: Streambed Alteration Agreements**

DFG has jurisdictional authority over wetland resources associated with rivers, streams, and lakes under Sections 1600-1607. DFG has the authority to regulate all work under the jurisdiction of the State of California that would substantially divert, obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a streambed.

In practice, DFG marks its jurisdictional limit at the top of the stream or lake bank or the outer edge of the riparian vegetation, where present, and sometimes extends its jurisdiction to the edge of the 100-year floodplain. Because riparian habitats do not always support wetland hydrology or hydric soils, wetland boundaries, as defined by CWA Section 404, sometimes include only portions of the riparian habitat adjacent to a river, stream, or lake. Therefore, jurisdictional boundaries under Section 1600 may encompass a greater area than those regulated under CWA Section 404.

**California Department of Fish and Game Code**

California Department of Fish and Game Code (CFGC) 3503 prohibit the killing of birds or the destruction of bird nests. CFGC 3503.5 prohibits the killing of raptor species and destruction of raptor nests. Many bird species could potentially nest in the proposed project area or vicinity and their nests would be protected under these sections of the CFGC.
Environmental Setting

For the purpose of this section, the proposed project area encompasses the north shoulder of Combie Road from Highway 49 at the west end to Hacienda Road at the east end (approximately 0.83 mile) (Figure 2). It also includes the area immediately adjoining within 20 feet of the north shoulder.

Ragsdale Creek occurs on the south side of Combie Road throughout most of the project area. Based on information from the County, Ragsdale Creek was historically an ephemeral stream but now supports occasional summer flows due to year-round releases from ponds and golf course runoff. The majority of the channel is on the south side of Combie Road outside the project area, but a portion of the creek flows under the road via culverts in the project area. Two artificial ponds have been constructed within the channel, and the channel appears to have been altered or re-routed during the construction or widening of Combie Road. The channel feeds into the pond from the east, flowing towards the west. A channel is formed at the outlet of the pond after the water flows through an expansive culvert system.

Portions of Ragsdale Creek and a pond are located with the proposed project area. The majority of the project area comprises three vegetation communities; mixed oak woodland, non-native annual grassland, and foothill pine/blue oak woodland. These vegetation communities are subject to frequent disturbance, due to their proximity to Combie Road and residential areas. Additionally, wetland vegetation is present on the margins of a pond located in the project area, and within the inlet and outlet drainage associated with the pond. Disturbed and/or developed areas are also present, including residences and other structures, driveways, and ornamental landscaping. Photos of the project area are included in Appendix B.

Methods

Prefield Investigation

To prepare for the field survey, ICF biologists reviewed the following existing resource information related to the proposed project to evaluate whether special-status species or other sensitive biological resources (e.g., wetlands) could occur in the proposed project area.

- California Natural Diversity Database (CNDDB) records search for the Auburn, Chicago Park, Colfax, Gold Hill, Grass Valley, Greenwood, Lake Combie, Rough and Ready, and Wolf USGS quadrangles (California Natural Diversity Database 2011) (Appendix C);
- The California Native Plant Society’s (CNPS) 2011 online Inventory of Rare and Endangered Plants of California for the Auburn, Chicago Park, Colfax, Gold Hill, Grass Valley, Greenwood, Lake Combie, Rough and Ready, and Wolf U.S. Geological Survey (USGS) quadrangles;
- U.S. Fish and Wildlife Service (USFWS) list of endangered, threatened, and proposed species for the Auburn, Chicago Park, Colfax, Gold Hill, Grass Valley, Greenwood, Lake Combie, Rough and Ready, and Wolf USGS quadrangles (Appendix D). This list was obtained from the USFWS website (U.S. Fish and Wildlife Service 2011);
- the Nevada County General Plan (adopted 1995); and
- ICF file information.

This information was used to develop lists of special-status species and other sensitive biological resources that could be present in the proposed project area (Appendix E and F).
Field Survey

Following this resource review, ICF botanist/wetland ecologist John Holson and wildlife biologist Will Kohn conducted a reconnaissance-level field survey throughout the proposed project area on December 19, 2011. The purpose of the biological field survey was to:

- characterize biological communities and their associated wildlife habitat uses;
- determine if special-status species have the potential to occur in the proposed project area and if additional surveys would be required during the appropriate season; and
- determine if any potential wetlands or other water features that would qualify as waters of the United States or any other sensitive biological communities occur in the proposed project area.

On December 19, 2011, Mr. Kohn also conducted a habitat assessment for California red-legged frog (Rana draytonii). The habitat assessment involved assessing aquatic habitats in the project area and within 1 mile of the project area.

Existing Conditions

Overview of Site Conditions

The site contains six community types: annual grassland, mixed oak woodland, foothill pine/blue oak woodland, fresh emergent marsh, open water, and urban communities. Of these, fresh emergent marsh and open water would be considered sensitive natural communities. Sensitive natural communities are habitats considered sensitive because of their high species diversity, high productivity, unusual nature, limited distribution, or declining status. Local, state, and federal agencies consider these habitats important, and compensation for loss of sensitive communities is generally required by agencies. The CNDDB contains a current list of rare natural communities throughout the state. USFWS considers certain habitats, such as wetlands and riparian communities, important to wildlife; and USACE and EPA consider wetland habitats important for water quality and wildlife. Each of the community types is described below. Lists of plant and wildlife species observed during the field survey are included in Appendix E and F.

Annual grassland is present throughout most of the project area. Vegetation consisted of non-native grass species such as soft chess brome (Bromus hordeaceae), ripgut brome (Bromus diandrus), and red brome (Bromus madritensis ssp. rubens). Several herbaceous annual species such as yellow star thistle (Centaurea solstitialis) and Mediterranean mustard (Hirschfeldia incana) were also observed in this community. Common wildlife species that occur in this habitat are California quail (Callipepla californica), western meadowlark (Sturnella neglecta), mourning dove (Zenaida macroura), white-crowned sparrow (Zonotrichia leucophrys), and California ground squirrel (Citellus beecheyi).

In the project area, mixed oak woodland occurs in several locations along Combie Road. This community is dominated by blue oaks (Quercus douglasii), in addition to scattered interior live oak (Quercus wislizenii) and valley oaks (Q. lobata). Deerbrush (Ceanothus integerrimus) and poison oak (Toxicodendron diversilobum) occur in the shrub layer. The herbaceous layer consists largely of the non-native annual grassland species mentioned above. Common wildlife species that occur in this habitat are California quail, acorn woodpecker (Melanerpes formicivorus), western scrub jay (Aphelocoma californica), oak titmouse (Baeolophus inornatus), spotted towhee (Pipilo maculatus), California ground squirrel, western gray squirrel (Sciurus griseus), and mule deer (Odocoileus hemionus).
The foothill pine/blue oak woodland community is similar to mixed oak woodland, and is dominated by foothill pine (*Pinus sabiniana*) and blue oak trees. Plant species observed in the shrub and understory layers were the same as those observed in the mixed oak woodland community. Common wildlife species that occur in this habitat are dark-eyed junco (*Junco hyemalis*), western scrub jay, northern flicker (*Colaptes auratus*), olive-sided flycatcher (*Contopus borealis*), western wood pewee (*Contopus sordidulus*), hermit thrush (*Catharus guttatus*), western gray squirrel, and mule deer.

Small areas of fresh emergent marsh vegetation occur along the southern edge of the pond near Bear River High School, in addition to the banks of the inlet and outlet channels. Vegetation was dominated by species such as common rush (*Juncus effusus*), umbrella sedge (*Cyperus eragrostis*), common cattail (*Typha latifolia*), and Baltic rush (*Juncus balticus*). Fresh emergent marsh is among the most productive habitats and provides cover, food, and water for a large number of birds, such as various species of waterfowl and red-winged blackbird (*Agelaius phoeniceus*). Other common species include Pacific tree frog (*Hyla regilla*) and muskrat (*Ondatra zibethica*).

Open water in the project area consists of a large pond adjacent to Combie Road. Open water is especially important for avian species, such as waterfowl, swifts, and swallows, as well as some bat species that forage for insects over open water.

Urban areas comprise areas disturbed by prior construction, on-going maintenance activities, access roads, developed recreational activities, and urban encroachment. These areas tend to support invasive plant species, particularly in areas of high traffic or soil disturbance (e.g., soil compaction, grading, ground disturbance, etc.). Common invasive plant species in urban areas include annual grasses, thistles, Klamathweed (*Hypericum perforatum*), periwinkle (*Vinca major*), English ivy (*Hedera helix*), and Himalayan blackberry (*Rubus armeniaca*). Common wildlife species that may occur in urban areas include western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis melanoleucus*), northern mockingbird (*Mimus polyglottos*), house finch (*Carpodacus mexicanus*), house sparrow (*Passer domesticus*), opossum (*Didelphis virginiana*), raccoon (*Procyon lotor*), and striped skunk (*Mephitis mephitis*).

**Special-Status Species**

For the purpose of this IS/MND, special-status species are defined as the following:

- species listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (ESA) (Title 50, Code of Federal Regulations [CFR], Section 17.12 for listed plants, 50 CFR 17.11 for listed animals, and various notices in the Federal Register for proposed species);
- species that are candidates for possible future listing as threatened or endangered under ESA;
- species that are listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (Title 14, California Code of Regulations [CCR], Section 670.5);
- plants listed as rare under the California Native Plant Protection Act of 1977 (California Fish and Game Code, Section 1900 et seq.);
- plants considered by CNPS to be “rare, threatened, or endangered in California”;
- species that meet the definitions of rare or endangered under the State CEQA Guidelines, Section 15380; and
- animal species of special-concern to the California Department of Fish and Game (DFG 2011).
The special-status plant and wildlife species that have potential to occur in the project area or vicinity are listed in Appendix E and F. Based on a review of the CNDDB (2011), none of these species have been previously reported on or within 1 mile of the proposed project area. However, the lack of recorded sightings does not negate the potential for special-status species to occur within the proposed project area if suitable habitat conditions are present. Discussions of special-status plants, waters of the United States, and special-status wildlife in the project area are included below.

Special-Status Plants

A review of existing information and CNDDB records resulted in the identification of fourteen special-status plant species that are known to occur within a 5-mile radius around the proposed project area. Based on habitat requirements, elevational range, and other available information, six special-status species that have the potential to occur in the proposed project area (Table 7-1):

- Brandegee’s clarkia (Clarkia biloba ssp. brandegeae),
- Pine Hill flannelbush (Fremontodendron decumbens),
- Butte County fritillary (Fritillaria eastwoodiae),
- Sierra blue grass (Poa sierra),
- brownish-beaked rush (Rhynchospora capitellata), and
- Oval-leaved viburnum (Viburnum ellipticum).

Other special-status plant species that have been identified within 5 miles of the proposed project area are either out of elevational range or have specific microhabitat requirements that are not present in the project area (e.g., serpentine outcrops).

Three special-status plant species, Pine Hill flannelbush, Sierra blue grass, and oval-leaved viburnum, were identified as having a low potential to occur in the project area. As shown in Appendix E, the proposed project area is within the species’ ranges and marginally suitable habitat conditions are present.

The remaining three special-status plant species—Brandegee’s clarkia, Butte County fritillary, and brownish-beaked rush—were identified as having a moderate potential to occur in the proposed project area because the project area is within the species’ range, records of occurrences are within 5 miles of the project area, and suitable habitats for the species are present. Surveys were conducted outside of the identification period (blooming period) for these species.

Special-Status Wildlife

Based on a review of the existing information; including CNDDB records, the USFWS species list, and knowledge of the proposed project area, eleven special-status wildlife species were identified as having potential to occur in the project region (Appendix F). Following the field survey and based on existing habitat conditions, the following five wildlife species were considered to have potential to occur in the proposed project area:

- California red-legged frog (CRLF),
- Western pond turtle (Actinemys marmorata),
- Coast horned lizard (Phrynosoma blainvillii),
- Pallid bat (Antrodouz pallidus), and
- Townsend’s big-eared bat (Corynorhinus townsendii).
Other Protected Species

Non-special-status migratory birds including raptors have the potential to nest in trees and shrubs throughout and adjacent to the proposed project area. Although these species are not considered special-status wildlife species, their occupied nests and eggs are protected by California Fish and Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act (MBTA) (50 CFR 10 and 21). Non-special status bats have the potential to roost (including maternity roosts) within the project area and roosts of some non-special status bats may be protected under CEQA.

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>X</td>
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<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<td>X</td>
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<td>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td></td>
<td>X</td>
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<td>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?</td>
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<td>X</td>
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<td>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
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<tr>
<td>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?</td>
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<td>X</td>
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Impact Discussion

Biological resources could be directly or indirectly impacted during construction activities associated with the proposed project.

- Direct impacts refer to impacts that could cause harm or mortality of individuals or remove important habitat, including wetlands and drainages, during construction.

- Indirect impacts refer to reasonably foreseeable impacts caused by the project that are later in time or at some distance from the project area.
- A temporary impact would occur only during construction or subsequent restoration.

The following types of activities could result in impacts to biological resources.

- Ground disturbance and vegetation removal during construction-related activities such as grading, clearing, placing of fill material, movement of construction vehicles, the creation of temporary construction staging areas.
- Trimming and removal of trees.
- Excavation activities during installation of underground utilities.
- Temporary stockpiling and sidecasting of soil, construction materials, or other construction waste.
- Soil compaction, dust, and water runoff from construction sites.
- Fill of wetlands.
- Degradation of water quality in adjacent wetlands resulting from construction runoff.

These impact mechanisms were used to assess project-related impacts on biological resources in the proposed project area. Construction activities associated with the proposed project and described above could result in temporary or permanent impacts on biological resources in the proposed project area. All potential impacts would be either less than significant or reduced to less than significant by the implementation of mitigation measures.

7a. Special-Status Plants and Wildlife. The proposed project could have a potentially significant impact, either directly or through habitat modifications, on six special-status plant species—Brandegee's clarkia, Butte County fritillary, brownish-beaked rush, Pine Hill flannelbush, Sierra blue grass, and oval-leaved viburnum—and five special-status wildlife species—CRLF, California horned lizard, western pond turtle, pallid bat, and Townsend's big-eared bat.

Although no special-status plant species were observed in the proposed project area during the December 19, 2011 field visit, this visit was conducted when these species would not necessarily be evident and identifiable. Similarly, no special-status wildlife species have been documented in the proposed project area, but suitable habitat is present. Ponds adjacent to Combie Road provide suitable aquatic habitat for CRLF and western pond turtles, the grassland areas adjacent to the north shoulder of Combie Road provide suitable habitat for Coast horned lizards; and one large snag at the west end of the project area provide suitable roosting habitat for pallid bat and/or Townsend's big-eared bat. Additionally, trees and shrubs in the project area provide suitable nesting habitat for non-special-status birds and roosting habitat for non-special-status bats.

Construction activities such as vegetation removal, excavation, and grading within or adjacent to the project area in natural habitats could result in direct and indirect impacts to special-status plant species.

This impact would be considered potentially significant. Implementation of Mitigation Measures 7a-1 and 7a-2 would reduce this impact to a less-than-significant level.

Mitigation Measure 7a-1: Determine Presence/Absence of Special-Status Plant Species in the Proposed Project Area.

Focused surveys will be conducted (at the appropriate times of year) for the special-status plant species with potential to be present on the site. Two rounds of surveys will be conducted by a
qualified botanist to identify plants blooming at different times of the year; one survey should occur in the spring (April–May), and the other in the summer (July–August). If no special-status plant species are detected, no further mitigation will be necessary.

Mitigation Measure 7a-2: Avoid and Minimize Impacts to Special-Status Plant Species.

If any special-status plants are identified during the survey, the botanist will photograph, map, and flag locations of the plants, document the location and extent of the special-status plant population on a CNDDB survey form, and submit the completed survey form to the CNDDB. If feasible, buffers will be established and orange construction fencing will be erected around special-status plant areas to avoid potential construction impacts on areas containing this species. A qualified biologist should approve placement of fencing, and periodically monitor construction activities to ensure that no impacts occur during or after grading operations.

If construction would affect the special-status plants and avoidance is not feasible, the botanist will consult with the DFG to identify potential issues and acceptable mitigation. A minimum 1:1 mitigation ratio should be utilized to offset impacts, although it should be noted that DFG may require a higher mitigation ratio. The USFWS will also be consulted if the species is federally listed. Compensation measures can include purchase and protection in perpetuity of another population of the affected species, and/or collection of seed to transplant into existing suitable habitat.

California Red-Legged Frog. Construction activities could potentially result in the temporary disturbance of upland and aquatic habitats for federally listed CRLF. Two large ponds are located immediately adjacent to the project. One pond is located on the north side of Combie Road and one pond is located on the south side of Combie Road. Although a habitat assessment has been done, no surveys for the presence of CRLF in accordance with USFWS guidelines have been conducted. Both ponds contain emergent and submergent vegetation and bullfrogs and fish were not observed in the ponds during the field survey. Construction of the proposed project could result in direct and indirect impacts to suitable aquatic and breeding habitat for CRLF. The temporary and permanent loss of aquatic habitat and the temporary disturbance to upland habitat, loss of individual CRLF, and the disruption of movement during the breeding season could result in a substantial reduction of the local population.

This impact would be considered significant. Implementation of Mitigation Measures 7a-3 and 7a-4 would reduce this impact to a less-than-significant level.

Mitigation Measure 7a-3: Determine Whether California Red-Legged Frogs Occur in the Proposed Project Area.

If recommended by USFWS after their review of the site assessment prepared for this project, Nevada County will retain qualified biologists to conduct surveys in accordance with USFWS (2005) guidelines to document the presence or absence of CRLF before implementation of the proposed project. USFWS may also recommend conducting surveys within suitable aquatic habitats within a 1-mile buffer of the project area, if access can be obtained.

The guidelines recommend that up to eight surveys be conducted to determine the presence of CRLF in the proposed project area. Two day surveys and four night surveys are recommended during the breeding season (January through June); and one day and one night survey is recommended during the non-breeding season (July 1 through September 30). Each survey must take place at least 7 days apart and at least one survey must be conducted prior to August 15. The survey period must be conducted over a minimum period of 6 weeks. If CRLF are identified at
any time during the survey, no additional surveys will be necessary. Any CRLF identified during the survey will be mapped and documented as part of the public record.

If CRLF are identified during protocol-level surveys, it is strongly encouraged that incidental take permit, as described above under federal Endangered Species Act, be obtained from the USFWS prior to the start of construction activities.

**Mitigation Measure 7a-4: Avoid or Minimize Impacts and Implement Protective Measures for California Red-Legged Frogs.**

If CRLF are determined to be present, the County will implement the following measures before and during construction activities that occur within suitable habitat to minimize both direct and indirect impacts on CRLFs. USFWS may determine additional avoidance, minimization, and compensation requirements during the Section 7 process.

- An Environmental Training and Monitoring Program for construction crews will be conducted before beginning construction and will be ongoing during construction activities for new crew members. The education program will include information about the federal Endangered Species Acts, the consequences for noncompliance with environmental laws, identification of special-status plant and wildlife species and wetland habitats, and review of mitigation measures.

- Obtain a USFWS-approved biologist to conduct a preconstruction survey immediately preceding any construction activity that occurs in CRLF habitat or any activity that may result in take of the species. The USFWS-approved biologist will carefully search all obvious potential hiding spots for CRLFs and the perimeter of any aquatic habitat. In the event that a CRLF is found during the preconstruction survey, the biologist will implement minimization and avoidance measures identified in the Biological Opinion.

- Prepare an erosion and sediment control plan that will include measures to prevent impacts to suitable aquatic habitat adjacent to the proposed project area. Tightly woven natural fiber netting or similar material will be used for erosion control or other purposes in the project site to ensure that CRLFs are not trapped. This limitation will be communicated to the contractor through use of special provisions included in the bid solicitation package. Coconut coir matting is an acceptable erosion control material. No plastic monofilament matting will be used for erosion control.

- Limit access routes to proposed project area and the size of staging and work areas to the minimum necessary to achieve the project goals. Clearly mark routes and boundaries of the access roads prior to initiating construction/grading.

- Enclose all food and food-related trash in sealed trash containers at the end of each workday and remove it completely from the construction site once every 3 days.

- No pets will be allowed on the construction site.

- Maintain a speed limit of 15 miles per hour on dirt roads.

- Maintain all equipment so that there will be no leakage of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.

- Store all hazardous materials such as fuels, oils, solvents, etc., in sealable containers in a designated location that is at least 200 feet from the drainages or other aquatic habitats. All
fueling and maintenance of vehicles and other equipment will occur at least 200 feet these areas.

- Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas and temporary roads, will be recontoured if necessary, and revegetated to promote restoration of the area to preproject conditions. An area subject to “temporary” disturbance means any area that is disturbed during the project but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with revegetation experts.

**Coast Horned Lizard.** The proposed project is within the range of Coast horned lizard and suitable habitat for this species was identified in the grasslands adjacent to the proposed project area. Construction activities could result in the loss of Coast horned lizards. Implementation of mitigation measure 7a-5 will minimize the potential impacts.

**Mitigation Measure 7a-5: Conduct Preconstruction Surveys for and Avoid and Minimize Impacts on California Horned Lizard.**

Prior to any ground disturbing activities in grassland habitat, preconstruction surveys will be conducted in a manner to maximize detection of Coast horned lizard (i.e., during warm weather, walking slowly) the species. If any horned lizards are discovered within the work areas, they will be actively moved or passively encouraged to leave the work area. Workers will drive slowly when driving overland within grassland areas to allow any horned lizards to move out of the way of the vehicles. Construction areas will be surveyed and cleared before the start of work.

**Western Pond Turtle.** The pond located on the north side of Combie Road immediately adjacent to the project area provides suitable aquatic habitat for western pond turtles and annual grasslands within 1,200 feet of suitable aquatic habitat provide nesting habitat. Western pond turtles could be crushed and killed during construction that occurs adjacent to suitable aquatic habitat. In addition, western pond turtles and nests containing hatchlings or eggs could be crushed and killed during movement of construction equipment in suitable nesting habitat. Potential effects on western pond turtles include temporary disturbance to upland nesting habitat or cover habitat and the potential for the loss of individuals. These effects would be considered significant. Implementation of mitigation measure 7a-6 would reduce this impact to a less-than-significant level.

**Mitigation Measure 7a-6: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Project Area**

To avoid and minimize impacts on western pond turtles, the County will retain a qualified wildlife biologist to conduct a preconstruction survey 1 week before and within 48 hours of disturbance adjacent to aquatic habitat (the pond on the north side of Combie Road immediately adjacent to the project area). The survey objectives are to determine presence or absence of pond turtles within the pond.

If possible, the surveys should be timed to coincide with the time of day and year when turtles are most likely to be active (during the cooler part of the day 8 a.m. – 12 p.m. during spring, summer, and late summer). Prior to conducting presence/absence surveys the biologist should locate the microhabitats for turtle basking (logs, rocks, brush thickets) and determine a location to quietly observe turtles.
Each survey should include a 30 minute wait time after arriving onsite to allow startled turtles to return to open basking areas. The survey should consist of a minimum 15 minute observation time per area where turtles could be observed.

If turtles are observed within the project area during a survey, the County will install exclusion fence around the south end of the pond between the construction work area and the aquatic habitat. If this is determined to be infeasible, a monitor will need to be present during construction adjacent to the pond construction to ensure that turtles do not move into the construction area.

Nesting Habitat for Migratory Birds and Raptors. Construction activities such as tree and shrub removal and trimming, excavation, and grading within or adjacent to the project area could result in direct impacts to nesting habitat for a number of common migratory birds and raptors, such as American kestrel (*Falco sparverius*), red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), and great-horned owl (*Bubo virginianus*) and cavity nesters such as acorn woodpecker, Nuttall’s woodpecker (*Picoides nuttallii*), and tree swallow (*Tachycineta bicolor*).

The project may require the removal of approximately two trees. Removing or causing the abandonment of active nests (with eggs or young) violates California Fish and Game Code 3503 and 3503.5 and the MBTA and would be considered significant. Implementation of Mitigation Measure 7a-7 would reduce this impact to a less-than-significant level.

**Mitigation Measure 7a-7: Conduct Vegetation Trimming and Removal Activities during the Nonbreeding Season or Conduct Preconstruction Surveys for Nesting Migratory Birds.**

Vegetation removal will occur during the non-breeding season for most migratory birds (generally between October 1 and January 31) to the extent feasible.

If possible, construction activities will begin prior to the nesting season for most birds (generally, February 1 through September 30). Beginning construction prior to the breeding season will establish a level of noise disturbance that will dissuade noise-sensitive raptors and other birds from attempting to nest within or near the study area.

If beginning construction activities (including vegetation removal) prior to the breeding season is not possible, the City will retain a qualified wildlife biologist with knowledge of the relevant species to conduct nesting surveys before the start of construction. A minimum of three separate surveys will be conducted for migratory birds, including raptors. Surveys will include a search of all trees, shrubs, grassland, and marsh areas that provide suitable nesting habitat, in the project area. In addition, a 500 foot area around the project area will be surveyed for nesting raptors. If possible, surveys should occur during the height of the breeding season (March 1 to June 1) with one survey occurring in each of two consecutive months within this peak period and the final survey occurring within 1 week of the start of construction. If no active nests are detected during these surveys, no additional measures are required.

If an active nest is found in the survey area, a no-disturbance buffer will be established around the site to avoid disturbance or destruction of the nest site until the end of the breeding season (September 30) or until after a qualified wildlife biologist determines that the young have fledged and moved out of the project area (this date varies by species). The extent of these buffers will be determined by the biologist in coordination with USFWS and CDFG and will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient
levels of noise and other disturbances, and other topographical or artificial barriers. Suitable
buffer distances may vary between species.

**Roosting Bats.** Tree removal and trimming could result in direct impacts (injury or mortality,
loss of roost sites) to roosting bats. Removing or causing the abandonment of an active roost or
maternity roost would be considered significant because it could result in the loss of large
numbers of a bat colony. However, the project may require the removal of approximately two
trees. Given the limited number of trees that would be affected, this would be a less than
significant impact.

7b. The proposed project area does not include areas of riparian habitat, therefore, there is no impact
and no mitigation is required.

7c. The proposed project is not subject to Section 404 and, therefore, will not have an adverse effect
on federally protected wetlands as defined by Section 404 of the Clean Water Act. There is no
impact.

7d. Because the proposed project involves the installation of a pedestrian/bicycle path immediately
adjacent to Combie Road, the path would not result in the impediment of movement of resident
deer and other mammals that reside in the area. No mitigation is necessary.

7e. The project proponent is proposing to avoid the removal of and minimize the disturbance of the
roots of landmark trees and other native trees to the extent possible. However, the project
proponent may determine during the final engineering phase that the removal of individual trees
or disturbance activities within the root zone may be necessary. Construction activities near the
canopies or roots of trees could also result in damage to remaining trees. This would be a
significant impact. Implementation of mitigation measure 7e-1 would reduce tree impacts to a
less-than-significant level.

**Mitigation Measure 7e-1: Employ Tree Protection BMPs.**

In order to reduce potential impacts to oak trees, including heritage and landmark oaks, the
County will employ BMPs which include, but are not limited to the following:

- To the maximum extent possible, the path alignment shall not encroach into the drip line of
  mature oak trees (i.e. greater than 6 inches dbh).
- During the tree removal phase of construction, and whenever there is flexibility about which
tree to remove, the removal of small diameter oaks less than 12-inches DBH is preferred over
the removal of larger oak trees.
- Conserve and protect trees in stands or groups where possible.
- Establish the preserved oaks and oak groves outside the Area of Potential Affect (APE) as
  Environmentally Sensitive Areas (ESAs) during construction. The boundary of the oak ESAs
  shall be established at the drip line of the preserved oaks or oak groves. Temporary orange
  construction fencing shall be erected around the drip line of oaks at the construction
  boundary; the fencing can be limited to only the construction side of the tree and need not
  encompass the entire drip line. This fencing shall be maintained until construction is
  complete.
- Clearly identify tree protection areas with highly visible signs.
- Keep construction materials and debris away from tree protection zones.
o Keep equipment and foot traffic away as much as possible from tree protection areas to prevent root compaction.

o Complete post construction tree maintenance, including mulch, fertilization, irrigation, soil aeration, and pruning where necessary.

7f. 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 within an area covered by any of these types of plans. Therefore, there is no impact and no mitigation is required.
8. MINERAL RESOURCES

Regulatory Setting

Nevada County General Plan

The Nevada County General Plan has goals and a number of policies relating to mineral resources within the County. However, none of these apply directly to the project.

Existing Setting

Historically, in Nevada County, mining activities have played an important role in not only the local economics, but also in regional, state and national economics. When gold was discovered in the area in 1849, until WWII, the County the local gold mining industry supported most of the County’s population either directly or indirectly. Other metals produced in the County include silver, copper, lead, zinc, chromite and small amounts of tungsten. Also, sand and gravel and various types of construction aggregate are found throughout the County.

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
</tbody>
</table>

Impact Discussion

8a & 8b. According to the Mineral Land Classification Map for Nevada County, the project area is not located within an area classified as one containing mineral resources. Therefore, no impacts to mineral resources are anticipated as a result of project activities or operation. There is no impact.

Mitigation Measures

No significant impacts to mineral resources are anticipated. Therefore no mitigation measures are recommended.
9. HAZARDS / HAZARDOUS MATERIALS

Existing Setting

The project site has no known regulated or unregulated hazardous waste generators, leaking tanks spills, toxic spills, or other sites affecting the environment. The proposed project would consist of construction of a multi-use path and utility undergrounding. Construction activities will involve the use of asphalt and diesel fuels, but these uses will be temporary and BMPs and the County-required SWPPP will be implemented.

<table>
<thead>
<tr>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
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<td>X</td>
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<tr>
<td>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td></td>
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<td>X</td>
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<tr>
<td>d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<tr>
<td>h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Impact Discussion

9a - 9b. Construction of the proposed project would involve small quantities of commonly used materials, such as fuels and oils, to operate construction equipment. Accidental releases of small quantities
of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard. This impact would be considered potentially significant. However, because standard construction BMPs would be implemented to reduce the emissions of pollutants during construction of the proposed project, this impact is considered less than significant. In addition, a Stormwater Pollution Prevention Plan (SWPPP) will also be prepared prior to construction. Once construction is complete, there would be no further use of hazardous materials or potential exposure associated with the project. This impact is considered less than significant.

9c. The nearest school to the project is the Bear River High School located at 11130 Magnolia Road approximately 0.5 miles northeast of the project site. The proposed project would not generate any hazardous emissions or handle hazardous substances or waste, and therefore would have no impact.

9d. The project site is not located on a Superfund or other NPL site and therefore would not result in a significant hazard to the public or the environment through exposure to such sites. There would be no impact.

9e–9f. The nearest airport to the project area is the Auburn Municipal Airport, located approximately 5 miles south of the project site, and the nearest private airstrip is Alta Sierra Airport located approximately 4 miles north of the proposed project site. Therefore, there would be no safety issues associated with airport operations. There is no impact.

9g. Most of the work on the project would occur outside of the traffic lanes. Traffic controls will be implemented during construction and although minimal traffic restrictions are anticipated, there could be potential impacts to traffic which could physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact would be considered potentially significant, however, implementation of Mitigation Measures 9g-1 would reduce this impact to a less-than-significant level.

Mitigation Measure 9g-1: Prepare a Traffic Control Plan.

The project contractor will prepare a traffic control plan that must be approved by the County to ensure there is no interference with emergency vehicles/services or response/evacuation plans. Therefore, the impact would be less than significant.

9h. The project site is located in an area mapped as “high” for fire hazards (Bartholomew and Associates, Inc. 1991:8–1). As a result, there is an increased risk for wildfire in this area. The project area is located within the Higgins Fire Protection District and the nearest fire station is located immediately west of the project alignment. The nature of project construction and operations will not increase fire hazards and the nearby fire resources would lessen any significant impacts relating to fire hazards. This impact is less than significant.
10. **NOISE**

**Regulatory Setting**

**Nevada County General Plan**

The General Plan establishes maximum allowable noise levels for land use projects and encourages future sensitive land uses to be located in areas where noise generation is limited.

**Existing Setting**

Land uses in the project area include scattered residences and commercial uses. Residences are located within about 75 feet of proposed construction activity and commercial uses are located within about 50 feet. Ambient noise levels in the project vicinity are primarily a result of roadway traffic on Combie Road.

<table>
<thead>
<tr>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose persons to or generate noise levels in excess of the County’s adopted standards established in the General Plan and Land Use and Development Code?</td>
<td>X</td>
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<td>b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels (e.g., blasting)?</td>
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<td>X</td>
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<tr>
<td>c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>
Impact Discussion

10a. Construction. Construction of the proposed project would involve developing a Class I bicycle path along Combie Road, and undergrounding existing overhead utility lines. Primary construction equipment to be used includes an excavator, grader, paver, truck, and compactor. Typical noise levels produced by each piece of equipment vary. $L_{\text{max}}$ sound levels at 50 feet range from 76 dBA for a dump truck to 85 dBA for a grader. The acoustical use factor is the percentage of time each piece of construction equipment is assumed to be operating at full power (i.e., its noisiest condition) during construction operation and is used to estimate $L_{eq}$ values from $L_{\text{max}}$ values. For example the $L_{eq}$ value for a piece of equipment that operates at full power 50% of the time (acoustical use factor of 50) is 3 dB less than the $L_{\text{max}}$ value (See Appendix G, Table 10-1).

The three loudest pieces of equipment that are likely to operate at the same time include a compactor, an excavator, and a grader. The combined maximum noise level for this equipment is 88 dBA at 50 feet. Using utilization factors identified in FHWA 2006, the combined $L_{eq}$ for this equipment is 83 dBA at 50 feet. Noise from a point source such as construction equipment typically attenuates at a rate of 6 dB per doubling of distance over hard surfaces and 7.5 dB per doubling of distance of acoustically soft surfaces such as grass, vegetation, or plowed ground. See Appendix G, Table 10-2 for a summary of predicted construction noise levels in the project area as measured at increasing receiver distances from the source.

Noise levels during construction created by the proposed project may exceed the noise standards of the County General Plan Noise Element at residences and commercial uses in the project; however the excessive noise will be temporary and once the site is developed the noise created will be less than noise standards. Because of the potential for county noise standards to be exceeded this impact is considered to be significant. Implementation of the noise reducing construction practices identified in Mitigation Measure 10a-1 would reduce this impact to a less-than-significant level by limiting hours of construction operation and by limiting noise generated by construction equipment.

Mitigation Measure 10a-1. Employ Noise Reducing Construction Practices.

The County will employ noise-reducing construction practices such that construction noise complies with applicable County noise standards. Measures to be employed include but are not limited to the following:

- Hours of operation for construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday-Saturday.
- Fixed construction equipment, including compressors and generators, will be located as far as feasibly possible from residential properties.
- All construction equipment powered by gasoline or diesel engines will have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
- Where necessary noise-reducing enclosures or temporary barriers will be used around noise-generating equipment. Where feasible existing barrier features (terrain, structures) will be used to block sound transmission.

Operation. Operation of the proposed project would present a less-than-significant impact, as users of the bicycle path will not be a substantial source of noise.
10b. Construction of the proposed project will not involve the use of highly dynamic construction equipment such as pile drivers or pavement breakers. As such, excessive ground vibration from construction equipment is not anticipated, and there is no impact.

10c. Users of the bicycle path will not be a substantial source of noise. As such, the project will not result in a substantial permanent increase in noise, and this impact is less than significant.

10d. According to the predicted construction noise levels as outlined in Appendix G, Table 10-2, construction activity could result in a substantial temporary increase in noise. This impact is therefore considered to be significant. Implementation of mitigation measure 10a-1 would reduce this impact to a less-than-significant level.

10e. The project does not involve the development of new noise sensitive land uses and is not located within 2 miles of an airport; therefore, there is no impact.

10f. The project does not involve the development of new noise sensitive land uses and is not located in the vicinity of an airstrip; therefore, there is no impact.
11. PUBLIC SERVICES:

Existing Setting

The project is located within the Higgins Fire District service area. Fire protection is also coordinated with the California Department of Forestry (CDF). CDF maintains their headquarters at the intersection of Combie Road and State Highway 49.

The Nevada County Sheriff's Department provides law enforcement services to the proposed project area. Nearby schools include Pleasant Ridge Elementary School and the Nevada Union High School District.

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following the public services:</td>
<td></td>
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</tr>
<tr>
<td>1) Fire protection?</td>
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<td>X</td>
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<tr>
<td>2) Police protection?</td>
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<td>X</td>
<td></td>
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<tr>
<td>3) Schools?</td>
<td></td>
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<td>X</td>
<td></td>
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<tr>
<td>4) Parks?</td>
<td></td>
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<td>X</td>
<td></td>
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<tr>
<td>5) Other public services or facilities?</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

Impact Discussion

11a(1-5) The project is a multi-use bicycle and pedestrian path as well as a utility undergrounding component that will improve bicycle and pedestrian traffic and safety. Due to the nature of the facility as previously described, it is expected that the project not will necessitate an increase in fire or police protection services. Additionally, the proposed project is not associated with a direct immigration or population increase that would, in turn, increase the use or demand for existing public services including schools or parks. Consequently, there are no impacts to local public service providers.

Mitigation Measures

There would be no significant impacts to Public Services as a result of project implementation. No mitigation measures are recommended.
12. UTILITIES / SERVICE SYSTEMS

Existing Setting

Electrical service and is provided by Pacific Gas & Electric (PG&E). Natural gas is established along Combie Road. Domestic water service in the area surrounding the project is provided by the Nevada County Irrigation District. Solid waste generated during the development of the project will be disposed of at the McCourtney Road Transfer Site, which is maintained by the County of Nevada.

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in a need for the extension of electrical power or natural gas?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Require the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f. Be served by a landfill or transfer station with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h. Require a need for the extension of communication systems?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Impact Discussion

12a. Utility undergrounding of existing overhead electrical lines is a component of the project. No aspect of the project however, would result in the need for an extension of electrical or gas lines. There is no impact.

12b. The project, as a multi-use bicycle/pedestrian path and utility undergrounding, would not result in the construction or expansion of wastewater treatment facilities; therefore, there is no impact.

12c. Neither construction nor operation of the project involves the generation of wastewater. Therefore, there would be no impact to wastewater treatment requirements.

12d. The proposed project involves the construction of a multi-use bicycle/pedestrian path and utility undergrounding. It would not require a change in water facilities or an increase in supplies. There would be no impact.
12e. Increased stormwater runoff resulting from the proposed project will be negligible and captured by existing stormwater systems (i.e., drainage ditches) that are sufficient to capture increased stormwater from the proposed project. There is no impact.

12f. Construction of the project may generate a small amount of concrete materials or other construction debris. This waste would be sent to the County transfer station for disposal. This impact is considered less than significant.

12g. The proposed project construction would comply with all federal, state, and local laws and regulations related to solid waste. There would be no impact.

12h. The project, as a multi-use bicycle/pedestrian path and utility undergrounding, would not result in the extension of communication systems; therefore, there is no impact.

Mitigation Measures

There are no anticipated significant impacts relating to Utilities; therefore no mitigation measures are recommended.
13. AESTHETICS

Regulatory Setting

Higgins Area Plan

The project is subject to Design Guidelines as detailed in the Higgins Area Plan (2000). These guidelines state, in part, that projects within the Plan Area should strive to maintain as much of the natural topography and drainage features and native trees as possible and be designed to complement rather than dominate the natural landscape.

Existing Setting

The project is located along an arterial transportation corridor that connects Lake of the Pines and other subdivisions in addition to several schools, commercial development and residential properties. The general topography of the site is characterized by gentle to moderate slopes with elevations ranging from 1,423 feet to 1,541 feet.

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in demonstrable, negative, aesthetic effects on scenic vistas or views open to the public?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Create a visually incompatible structure within a designated historic district?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Impact Discussion

13a.–e. The project is located within an existing transportation corridor and would not detract or block views of any vistas, open spaces, or any other scenic resources. Trees and vegetation may be trimmed for clearance but this impact would not be significant. The project does not include any new sources of light or glare that would affect nighttime views. Standard roadside signs and pavement markings will be installed but this would not change the visual character of the area.

Mitigation Measures

There would be no significant Aesthetic impacts as a result of project implementation. No mitigation measures are recommended.
14. AGRICULTURAL RESOURCES

Existing Setting

The project area is not compatible with agricultural activities and does not contain any areas suitable for grazing or farming. No farmlands of statewide importance as identified on the California Department of Conservation’s Important Farmlands Map (2010).

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation’s Division of Land Resource Protection, to non-agricultural use?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Impact Discussion

14a. -c. The project site does not contain any important farmlands. Therefore, the project would have no impact on agricultural resources.

Mitigation Measures

No significant impacts to Agricultural Resources are anticipated. Therefore, no mitigation measures are recommended.
15. CULTURAL RESOURCES

Existing Setting

Cultural resources investigations conducted for the project included: a records search, pedestrian surface survey and Native American consultation. Results of this investigation are described below.

A records search was conducted at the North Central Information Center (NCIC) at California State University Sacramento, on December 19, 2011. The NCIC’s database of previous studies and recorded cultural resources were consulted, as well as pertinent historical inventories and historic maps. One resource has been recorded within the project area. The Higgins Corner fire station was constructed in 1948. Since that time, numerous alterations were made which compromised the historical integrity of the resource. Because of the lack of integrity, Lindstrom (2008) recommended the Higgins Fire Station as not significant under CEQA.

In order to identify cultural resources within the project area, a pedestrian surface survey was conducted on December 22, 2011. Transects no more than 10-meters wide were walked to ensure maximum ground coverage in a timely manner. No cultural resources were identified as a result of the survey.

The Native American Heritage Commission (NAHC) was consulted and asked to conduct a search of the sacred lands file database. The NAHC responded on December 21, 2011 that a search of the sacred lands files failed to identify any Native American cultural resources in the project area. A list of Native American individuals/organizations that may have further information regarding cultural resources in the area was also provided. All individuals/organizations listed by the NAHC were sent letters with project maps. The Auburn Rancheria requested a copy of any environmental documents produced for the project and that they are contacted if any cultural resources are discovered on site. No other individuals/organizations have responded to date.

The project site is located in the geological substructure group composed of Cenozoic Volcanic and Mesozoic Granite Formations.

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Impact Discussion

15a. No historical or architectural resources that meet the criteria of significance under CEQA are located on or adjacent to the project site. There would be no impact.
15b. No archaeological resources were identified as a result of cultural resources investigations, but it is still possible that significant buried archaeological materials are present on the project site. Disturbance or destruction of these resources may result from ground-disturbing activities associated with project construction. This impact would be significant, but implementation of Mitigation Measure 15b-1 would reduce this impact to a less-than-significant level.

**Mitigation Measure 15b-1: Stop Work in Case of Accidental Discovery of Buried Archeological Resources**

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

15c. No paleontological resources were identified as a result of cultural resources investigations, and the geologic substructure group composed of Cenozoic Volcanic and Mesozoic Granite Formations is unlikely to support paleontological remains. Disturbance or destruction of any such resources is unlikely to result from ground-disturbing activities associated with project construction.

15d. No known human remains are present at the project site. However, it is possible that buried human remains exist below ground surface. As such, human remains, particularly those outside a designated cemetery, could be encountered during ground-disturbing activities associated with project construction. This impact would be significant, but implementation of Mitigation Measure 15d-1 would reduce this impact to a less-than-significant level.

**Mitigation Measure 15d-1: Stop Work in Case of Accidental Discovery of Buried Human Remains**

If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of NAHC (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- the Nevada County coroner has been informed and has determined that no investigation of the cause of death is required; and
- if the remains are of Native American origin,
- the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98, or
- NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity
of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.
16. RECREATION

Existing Setting

The project area is served by the Bear River Parks and Recreation District. This District currently operates the Magnolia Sports Complex and baseball field in conjunction with the Pleasant Ridge School District. These facilities are located on the Pleasant Ridge Elementary School grounds.

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c. Conflict with established recreation uses of the area, including biking, equestrian and/or hiking trails?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Impact Discussion

16 a–c The project is a recreational facility and would not create additional recreational demands nor conflict with existing facilities. The project would enhance recreational offerings in the area. There would be no impacts to recreation or recreational facilities.

Mitigation Measures

There would be no significant impacts to recreational facilities as a result of project implementation. No mitigation measures are recommended.
17. GREENHOUSE GASES

Existing Setting

Gases that trap heat in the atmosphere are often called greenhouse gases (GHGs). GHGs are both naturally occurring and artificial. Examples of GHGs that are produced both by natural processes and industry include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Examples of GHGs created and emitted primarily through human activities include fluorinated gases (hydrofluorocarbons [HFCs] and perfluorocarbons [PFCs]) and sulfur hexafluoride (SF₆). The primary GHG generated by the proposed project—CO₂, CH₄, and N₂O—are discussed below.

The Intergovernmental Panel on Climate Change (IPCC) estimates that CO₂ accounts for more than 75% of all anthropogenic (i.e., human-made) GHG emissions. Approximately 75% of anthropogenic CO₂ emissions are the result of fossil fuel burning; approximately 25% are the result of land use change (Intergovernmental Panel on Climate Change 2007). Methane is the second-largest contributor of anthropogenic GHG emissions and results from growing rice, raising cattle, combustion, and mining coal (National Oceanic and Atmospheric Administration 2005). Nitrous oxide, while not as abundant as CO₂ or CH₄, is a powerful GHG. Sources of N₂O include agricultural processes, nylon production, fuel-fired power plants, nitric acid production, and vehicle emissions.

To simplify reporting and analysis, methods have been set forth to describe emissions of GHGs in terms of a single gas. The most commonly accepted method to compare GHG emissions is the “global warming potential” methodology defined in the IPCC reference documents (Intergovernmental Panel on Climate Change 1996, 2001). The IPCC defines the global warming potential of various GHG emissions on a normalized scale that recasts all GHG emissions in terms of CO₂ equivalent (CO₂e), which compares the gas in question to that of the same mass of CO₂ (CO₂ has a global warming potential of 1 by definition).

Table 17-1 lists the global warming potential of CO₂, CH₄, and N₂O; their lifetimes; and abundances in the atmosphere in parts per trillion (ppt).

Table 17-1. Lifetimes and Global Warming Potentials of Several Greenhouse Gases

<table>
<thead>
<tr>
<th>GHG</th>
<th>Global Warming Potential (100 years)</th>
<th>Lifetime (years)</th>
<th>2005 Atmospheric Abundance (ppm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon Dioxide</td>
<td>1</td>
<td>50-200</td>
<td>379</td>
</tr>
<tr>
<td>Methane</td>
<td>21</td>
<td>9-15</td>
<td>1.7</td>
</tr>
<tr>
<td>Nitrous oxide</td>
<td>310</td>
<td>120</td>
<td>0.32</td>
</tr>
<tr>
<td>Sulfur hexafluoride</td>
<td>23,900</td>
<td>3,200</td>
<td>0.00000042</td>
</tr>
</tbody>
</table>

* 1 ppt is a mixing ratio unit indicating the concentration of a pollutant in ppt by volume.
* ppm is parts per million.

Although there is currently no federal overarching law or policy related to climate change or the regulation of GHGs, recent activity, suggests that regulation may be forthcoming. Foremost among recent developments has been the U.S. Supreme Court’s decision in Massachusetts v. EPA, the “Endangerment Finding,” and “Cause or Contribute Finding.” Despite these findings, the future of GHG regulations at the federal level is still uncertain. EPA regulation may be pre-empted by congressional action should a cap and trade bill be passed prior to adoption of EPA regulation.

The State of California has adopted legislation, and regulatory agencies have enacted policies, addressing various aspects of climate change and GHG emissions mitigation. Much of this legislation and policy
activity is not directed at citizens or jurisdictions but rather establishes a broad framework for the state’s long-term GHG mitigation and climate change adaptation program.

The NSAQMD has not adopted any rules or thresholds pertaining to GHGs, but the NSAQMD Guidelines do suggest that GHG emissions should be quantified for decision-makers and the public to consider (Northern Sierra Air Quality Management District 2007).

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Impact Discussion

17a. Construction. GHG emissions from construction are primarily the result of fuel use by equipment and vehicles. The primary GHG emissions generated by these sources are CO₂, CH₄, and N₂O.

CO₂ emissions were estimated using URBEMIS2007 and the assumptions described under Impact 5a in Section 5, Air Quality. URBEMIS does not quantify CH₄ and N₂O emissions from off-road equipment or vehicle traffic. Emissions of CH₄ and N₂O from diesel equipment were determined by scaling the construction CO₂ emissions predicted by URBEMIS by the ratio of CH₄/CO₂ (0.000057) and N₂O/CO₂ (0.000026) emissions expected per gallon of diesel fuel according to the California Climate Action Registry (CCAR) (California Climate Action Registry 2009).

Emissions from construction are a result of fuel combustion from heavy-duty equipment and employee vehicle travel. These emissions are emitted only during construction and are therefore considered short-term. Table 17-2 summarizes construction-related GHG emissions in metric tons (t).

**Table 17-2. Summary of Construction-Related GHG Emissions (metric tons/year)**

<table>
<thead>
<tr>
<th></th>
<th>CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
<th>CO₂e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Undergrounding Emissions</td>
<td>0.97</td>
<td>0.00</td>
<td>0.00</td>
<td>0.98</td>
</tr>
<tr>
<td>Bike Path Construction Emissions</td>
<td>1.60</td>
<td>0.00</td>
<td>0.00</td>
<td>1.62</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2.57</td>
<td>0.00</td>
<td>0.00</td>
<td>2.60</td>
</tr>
</tbody>
</table>

Sources: California Climate Action Registry 2009; Garcia pers. comm.; Urbemis 2007.

Construction of the proposed project would generate an estimated 2.60 total metric tons of GHG emissions, which is equivalent to adding 0.462 of a typical passenger vehicle to the road during the construction period, which was assumed to last 3 months (6 weeks per construction phase) (U.S Environmental Protection Agency 2011). Because the proposed project involves construction of a Class I bike path, project construction is expected to reduce vehicle trips in the project area, which reduce vehicular GHG emissions. Over time, it is highly likely that the
reduction in vehicle trips achieved through bike path construction would more than offset GHGs produced during construction. Therefore, there would be no net increase in GHG emissions resulting from project construction activities, and this impact would be less than significant.

**Operation.** Because operation and maintenance activities are only expected to occur two days per year and would require only one vehicle, GHG emissions resulting from operational activities were considered negligible and were not quantified. In addition, construction of a Class I bike path under the proposed project is expected to reduce vehicle trips in the project area, which would offset any GHG emissions from the minimal operational activities. Therefore, there would be no net increase in GHG emissions resulting from project construction activities, and this impact would be less than significant.

17b. Refer to the discussion for Impact 17a. The proposed project is not expected to result in any net increase in GHG emissions. In addition, part of the proposed project is to construct a Class I bike path, which accommodates non-motorized transportation and is consistent with GHG reduction plans and goals. Therefore, it would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

**Mitigation Measures**

Significant impacts relating to greenhouse gases are not anticipated as a result of project implementation. No mitigation measures are recommended.
18. **MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT**

<table>
<thead>
<tr>
<th>Would the proposed project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Does the project have environmental effects that are individually limited but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Does the project require the discussion and evaluation of a range of reasonable alternatives, which could feasibly attain the basic objectives of the project?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Impact Discussion**

18a. The proposed project would have a low potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. However, compliance with existing federal, state, and local regulations, as well as the identified mitigation measures, would reduce all potential impacts of the proposed project to a less-than-significant level, including potential impacts to air quality, biological resources, noise, and cultural resources. Therefore, the proposed project would not have the potential to substantially degrade the quality of the environment related to those resources, and this impact is less than significant.

18b. A project's cumulative impacts are considered significant when the incremental effects of the project are "cumulatively considerable," meaning that the project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. Reasonably foreseeable projects that could have similar impacts to the proposed project include other anticipated projects within the project vicinity that could be constructed or operated within the same timeframe as the project. However, because most of the project impacts would be short-term construction impacts that are not anticipated to be substantially adverse with mitigation, the proposed project is not anticipated to considerably contribute to cumulative impacts. Additionally, all of the proposed project's impacts, including operational impacts, can be reduced to a less-than-significant level with implementation of the mitigation measures identified and compliance with existing federal, state, and local regulations. Therefore, the proposed project
would have less than significant environmental effects that are individually limited but cumulatively considerable.

18c. Project construction and grading could result in temporary impacts to human beings through improper disposal of construction waste. However, implementation of the mitigation measures in this Initial Study, in addition to compliance with existing federal, state, and local regulations, would reduce any adverse direct or indirect effects on human beings to a less-than-significant level.

18d. The project, with the mitigation measures identified in the Initial Study, would not result in a significant effect on the environment. No discussion of alternatives is required.
RECOMMENDATION OF THE PROJECT PLANNER:

On the basis of this initial evaluation:

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

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

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

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

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

Name/Title ____________________________ Date ____________________________
REFERENCES CITED

Printed:


California Department of Conservation’s Important Farmlands Map (2010)


Personal Communications:


Longmire, Samuel F. Air Pollution Control Specialist III. Northern Sierra Air Quality Management District, Grass Valley, CA. August 27, 2009—E-mail to Laura Smith (ICF International) regarding odors, dust emissions, and health risk from construction DPM.
**List of Acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alquist-Priolo Act</td>
<td>Alquist-Priolo Earthquake Fault Zoning Act</td>
</tr>
<tr>
<td>ARB</td>
<td>California Air Resources Board</td>
</tr>
<tr>
<td>Asbestos ATCM</td>
<td>Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining Operations</td>
</tr>
<tr>
<td>BMP</td>
<td>Best Management Practice</td>
</tr>
<tr>
<td>BoC</td>
<td>Boomer-loam</td>
</tr>
<tr>
<td>CC</td>
<td>Community Commercial</td>
</tr>
<tr>
<td>CCAR</td>
<td>California Climate Action Registry</td>
</tr>
<tr>
<td>CCIC</td>
<td>Central California Information Center</td>
</tr>
<tr>
<td>CDF</td>
<td>California Department of Forestry</td>
</tr>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>CESA</td>
<td>California Endangered Species Act</td>
</tr>
<tr>
<td>CFGC</td>
<td>California Department of Fish and Game Code</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CH₄</td>
<td>methane</td>
</tr>
<tr>
<td>CNDDB</td>
<td>California Natural Diversity Database</td>
</tr>
<tr>
<td>CNPS</td>
<td>California Native Plant Society</td>
</tr>
<tr>
<td>CO</td>
<td>carbon monoxide</td>
</tr>
<tr>
<td>CO₂</td>
<td>carbon dioxide</td>
</tr>
<tr>
<td>CO₂e</td>
<td>carbon dioxide equivalent</td>
</tr>
<tr>
<td>CRLF</td>
<td>California Red-Legged Frogs</td>
</tr>
<tr>
<td>CWA</td>
<td>Clean Water Act</td>
</tr>
<tr>
<td>dbh</td>
<td>diameter breast height</td>
</tr>
<tr>
<td>DFG</td>
<td>California Department of Fish and Game</td>
</tr>
<tr>
<td>DOC</td>
<td>California Department of Conservation</td>
</tr>
<tr>
<td>DPM</td>
<td>Diesel Particulate Matter</td>
</tr>
<tr>
<td>Earthquake Fault Zones</td>
<td>corridors along active faults</td>
</tr>
<tr>
<td>EIR</td>
<td>Environmental Impact Report</td>
</tr>
<tr>
<td>EPA</td>
<td>U.S. Environmental Protection Agency</td>
</tr>
<tr>
<td>ESA</td>
<td>federal Endangered Species Act</td>
</tr>
<tr>
<td>GHGs</td>
<td>greenhouse gases</td>
</tr>
<tr>
<td>Guidelines</td>
<td>Northern Sierra Air Quality Management District’s Guidelines for Assessing the Air Quality Impacts of Land Use Projects</td>
</tr>
<tr>
<td>HFC</td>
<td>hydrofluorocarbons</td>
</tr>
<tr>
<td>IPCC</td>
<td>Intergovernmental Panel on Climate Change</td>
</tr>
<tr>
<td>MBTA</td>
<td>Migratory Bird Treaty Act</td>
</tr>
<tr>
<td>MCAB</td>
<td>Mountain Counties Air Basin</td>
</tr>
<tr>
<td>N₂O</td>
<td>nitrous oxide</td>
</tr>
<tr>
<td>NAHC</td>
<td>Native American Heritage Commission</td>
</tr>
<tr>
<td>NC</td>
<td>Neighborhood Commercial</td>
</tr>
<tr>
<td>NO₂</td>
<td>nitrogen dioxide</td>
</tr>
<tr>
<td>NOA</td>
<td>Naturally Occurring Asbestos</td>
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</table>

Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project Initial Study

May 2012

ICF 00760.11
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>NOAA Fisheries</td>
<td>National Marine Fisheries Service</td>
</tr>
<tr>
<td>NOx</td>
<td>Nitrogen Oxide</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>NSAQMD</td>
<td>Northern Sierra Air Quality Management District</td>
</tr>
<tr>
<td>O3</td>
<td>Ozone</td>
</tr>
<tr>
<td>OHWM</td>
<td>Ordinary high water mark</td>
</tr>
<tr>
<td>OS</td>
<td>Open Space</td>
</tr>
<tr>
<td>PD</td>
<td>Planned Development</td>
</tr>
<tr>
<td>PFC</td>
<td>Perfluorocarbons</td>
</tr>
<tr>
<td>PG&amp;E</td>
<td>Pacific Gas &amp; Electric</td>
</tr>
<tr>
<td>PM10</td>
<td>Particulate matter less than 10 microns in diameter</td>
</tr>
<tr>
<td>ppm</td>
<td>Parts per million</td>
</tr>
<tr>
<td>ppt</td>
<td>Parts per trillion</td>
</tr>
<tr>
<td>PUB</td>
<td>Public</td>
</tr>
<tr>
<td>ROWD</td>
<td>Report of Waste Discharge</td>
</tr>
<tr>
<td>RWQCB</td>
<td>Regional Water Quality Control Board</td>
</tr>
<tr>
<td>SC</td>
<td>Scenic Corridor</td>
</tr>
<tr>
<td>SF6</td>
<td>Sulfur hexafluoride</td>
</tr>
<tr>
<td>SO2</td>
<td>Sulfur dioxide</td>
</tr>
<tr>
<td>SP</td>
<td>Site Performance</td>
</tr>
<tr>
<td>SR</td>
<td>State Route</td>
</tr>
<tr>
<td>SWPPP</td>
<td>Stormwater Pollution Prevention Plan</td>
</tr>
<tr>
<td>UMD</td>
<td>Urban Medium Density Res</td>
</tr>
<tr>
<td>USFWS</td>
<td>U.S. Fish and Wildlife Service</td>
</tr>
<tr>
<td>USGS</td>
<td>U.S. Geological Survey</td>
</tr>
<tr>
<td>Pollutant</td>
<td>Symbol</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Ozone</td>
<td>Oₐ</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>CO</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Nitrogen dioxide</td>
<td>NO₂</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>SO₂</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydrogen sulfide</td>
<td>H₂S</td>
</tr>
<tr>
<td>Vinyl chloride</td>
<td>C₂H₅Cl</td>
</tr>
<tr>
<td>Ininhale particulate matter</td>
<td>PM10</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Sulfate particles</td>
<td>SO₄</td>
</tr>
<tr>
<td>Lead particles</td>
<td>Pb</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm (effective January 22, 2010). Note that the EPA standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units have be converted from ppb to ppm.

On June 2, 2010, the U.S. EPA established a new 1-hour SO2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. Note that the new standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the new primary national standard to the California standard the units have been converted to ppm.

Source: California Air Resources Board 2010
Table 5-2. Ambient Air Quality Monitoring Data Measured at the Grass Valley-Litton Building Monitoring Station

<table>
<thead>
<tr>
<th>Pollutant Standards</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1-Hour Ozone</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 1-hour concentration (ppm)</td>
<td>0.111</td>
<td>0.103</td>
<td>0.093</td>
</tr>
<tr>
<td>1-hour California designation value</td>
<td>0.11</td>
<td>0.10</td>
<td>0.10</td>
</tr>
<tr>
<td>1-hour expected peak day concentration</td>
<td>0.108</td>
<td>0.103</td>
<td>0.103</td>
</tr>
<tr>
<td>Number of days standard exceeded&lt;sup&gt;a&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;0.09 ppm)</td>
<td>8</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td><strong>8-Hour Ozone</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National maximum 8-hour concentration (ppm)</td>
<td>0.108</td>
<td>0.091</td>
<td>0.087</td>
</tr>
<tr>
<td>National second-highest 8-hour concentration (ppm)</td>
<td>0.096</td>
<td>0.087</td>
<td>0.084</td>
</tr>
<tr>
<td>State maximum 8-hour concentration (ppm)</td>
<td>0.109</td>
<td>0.091</td>
<td>0.088</td>
</tr>
<tr>
<td>State second-highest 8-hour concentration (ppm)</td>
<td>0.097</td>
<td>0.087</td>
<td>0.085</td>
</tr>
<tr>
<td>8-hour national designation value</td>
<td>0.091</td>
<td>0.087</td>
<td>0.084</td>
</tr>
<tr>
<td>8-hour California designation value</td>
<td>0.098</td>
<td>0.097</td>
<td>0.092</td>
</tr>
<tr>
<td>8-hour expected peak day concentration</td>
<td>0.104</td>
<td>0.098</td>
<td>0.095</td>
</tr>
<tr>
<td>Number of days standard exceeded&lt;sup&gt;a&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAAQS 8-hour (&gt;0.075 ppm)</td>
<td>24</td>
<td>17</td>
<td>6</td>
</tr>
<tr>
<td>CAAQS 8-hour (&gt;0.070 ppm)</td>
<td>42</td>
<td>38</td>
<td>18</td>
</tr>
<tr>
<td><strong>Particulate Matter (PM2.5)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National&lt;sup&gt;b&lt;/sup&gt; maximum 24-hour concentration (µg/m&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>102.2</td>
<td>12.9</td>
<td>10.5</td>
</tr>
<tr>
<td>National&lt;sup&gt;b&lt;/sup&gt; second-highest 24-hour concentration (µg/m&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>65.1</td>
<td>10.0</td>
<td>9.5</td>
</tr>
<tr>
<td>State&lt;sup&gt;c&lt;/sup&gt; maximum 24-hour concentration (µg/m&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>102.2</td>
<td>36.0</td>
<td>19.7</td>
</tr>
<tr>
<td>State&lt;sup&gt;c&lt;/sup&gt; second-highest 24-hour concentration (µg/m&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>65.1</td>
<td>26.6</td>
<td>15.6</td>
</tr>
<tr>
<td>National annual designation value (µg/m&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>6.9</td>
<td>6.3</td>
<td>—</td>
</tr>
<tr>
<td>National annual average concentration (µg/m&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>9.5</td>
<td>4.5</td>
<td>—</td>
</tr>
<tr>
<td>State annual designation value (µg/m&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>6</td>
<td>—</td>
<td>4</td>
</tr>
<tr>
<td>State annual average concentration (µg/m&lt;sup&gt;3&lt;/sup&gt;)&lt;sup&gt;e&lt;/sup&gt;</td>
<td>—</td>
<td>—</td>
<td>4.3</td>
</tr>
<tr>
<td>Number of days standard exceeded&lt;sup&gt;a&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAAQS 24-hour (&gt;35 µg/m&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Notes:
- CAAQS = California ambient air quality standards.
- NAAQS = national ambient air quality standards.
- — = insufficient data available to determine the value.
- <sup>a</sup> An exceedance is not necessarily a violation.
- <sup>b</sup> National statistics are based on standard conditions data. In addition, national statistics are based on samplers using federal reference or equivalent methods.
- <sup>c</sup> State statistics are based on local conditions data, except in the South Coast Air Basin, for which statistics are based on standard conditions data. In addition, State statistics are based on California approved samplers.
- Measurements usually are collected every 6 days.
- State criteria for ensuring that data are sufficiently complete for calculating valid annual averages are more stringent than the national criteria.
- Mathematical estimate of how many days concentrations would have been measured as higher than the level of the standard had each day been monitored. Sources: California Air Resources Board 2011.
Table 5-3. Estimated Construction Equipment

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Horsepower (hp)</th>
<th>Hours per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Utility Undergrounding</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Dumper/Tender</td>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td>1 Plate Compactor</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>1 Tractor/Loader/Backhoe</td>
<td>108</td>
<td>11</td>
</tr>
<tr>
<td>1 Trencher</td>
<td>63</td>
<td>11</td>
</tr>
<tr>
<td>1 Water Truck</td>
<td>189</td>
<td>11</td>
</tr>
<tr>
<td><strong>Bike Path Construction</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Dumper/Tender</td>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td>1 Grader</td>
<td>174</td>
<td>11</td>
</tr>
<tr>
<td>1 Roller</td>
<td>95</td>
<td>11</td>
</tr>
<tr>
<td>1 Tractor/Loader/Backhoe</td>
<td>108</td>
<td>11</td>
</tr>
<tr>
<td>1 Paver</td>
<td>100</td>
<td>11</td>
</tr>
<tr>
<td>1 Water Truck</td>
<td>189</td>
<td>11</td>
</tr>
</tbody>
</table>

The equipment horsepowers listed are defaults from the URBEMIS 2007 model. Each piece of equipment was assumed to be operating 11 hours/day (7 a.m. and 6 p.m.) as a worst case scenario. Source: URBEMIS 2007.

Table 5-4. Summary of Construction-Related Criteria Pollutant Emissions

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Undergrounding Emissions</td>
<td>2.57</td>
<td>17.26</td>
<td>13.90</td>
<td>6.17</td>
</tr>
<tr>
<td>Bike Path Construction Emissions</td>
<td>4.56</td>
<td>30.88</td>
<td>23.31</td>
<td>7.12</td>
</tr>
<tr>
<td>NSAQMD Level A Threshold</td>
<td>&lt;24</td>
<td>&lt;24</td>
<td>NA</td>
<td>&lt;79</td>
</tr>
<tr>
<td>NSAQMD Level B Threshold</td>
<td>24-136</td>
<td>24-136</td>
<td>NA</td>
<td>79-136</td>
</tr>
<tr>
<td>NSAQMD Level C Threshold</td>
<td>&gt;136</td>
<td>&gt;136</td>
<td>NA</td>
<td>&gt;136</td>
</tr>
<tr>
<td>Threshold Exceeded for Utility Undergrounding?</td>
<td>None</td>
<td>None</td>
<td>NA</td>
<td>None</td>
</tr>
<tr>
<td>Threshold Exceeded for Bike Path Construction?</td>
<td>None</td>
<td>Level A</td>
<td>NA</td>
<td>None</td>
</tr>
</tbody>
</table>

*CO2 is presented in metric tons/year.
Sources: Garcia pers. comm.; Northern Sierra Air Quality Management District 2007; URBEMIS 2007.
Photo 1. View to east of foothill pine/blue oak woodland and non-native annual grassland.

Photo 2. View to the west of mixed oak woodland and non-native annual grassland.
Photo 3. View to the west of pond and wetland vegetation.

Photo 4. View to the west of unnamed drainage.
<table>
<thead>
<tr>
<th>ScientificName</th>
<th>CommonName</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allium jepsonii</td>
<td>Jepson's onion</td>
</tr>
<tr>
<td>Ammonitella yatesii</td>
<td>tight coin (=Y</td>
</tr>
<tr>
<td>Andrena subapasta</td>
<td>A vernal poo</td>
</tr>
<tr>
<td>Banksula galilei</td>
<td>Galile's cave</td>
</tr>
<tr>
<td>Calystegia stebbinsii</td>
<td>Stebbins' mo</td>
</tr>
<tr>
<td>Chlorogalum grandiflorum</td>
<td>Red Hills soap</td>
</tr>
<tr>
<td>Clarkia biloba ssp. brandeegeae</td>
<td>Brandegee's</td>
</tr>
<tr>
<td>Corynorhinus townsendii</td>
<td>Townsend's I</td>
</tr>
<tr>
<td>Emys marmorata</td>
<td>western pond</td>
</tr>
<tr>
<td>Fremontodendron decumbens</td>
<td>Pine Hill flans</td>
</tr>
<tr>
<td>Fritillaria eastwoodiae</td>
<td>Butte County</td>
</tr>
<tr>
<td>Juncus digitatus</td>
<td>finger rush</td>
</tr>
<tr>
<td>Laterallus jamaicensis coturniculus</td>
<td>California blaa</td>
</tr>
<tr>
<td>Lathyrus sulphureus var. argillaceus</td>
<td>dubious pea</td>
</tr>
<tr>
<td>Martes pennanti (pacific) DPS</td>
<td>Pacific fishr sensitive</td>
</tr>
<tr>
<td>Phrynosoma blainvillii</td>
<td>coast horned</td>
</tr>
<tr>
<td>Poa sierrae</td>
<td>Sierra blue gr</td>
</tr>
<tr>
<td>Rana boylii</td>
<td>foothill yellow</td>
</tr>
<tr>
<td>Rhynchospora capitellata</td>
<td>brownish bee</td>
</tr>
<tr>
<td>Sidalcea stipularis</td>
<td>Scadden Flat</td>
</tr>
<tr>
<td>Viburnum ellipticum</td>
<td>oval-leaved v</td>
</tr>
</tbody>
</table>
December 29, 2011

document number: 111229123233

Will Kohn
ICF International
630 K Street
Sacramento, CA 95829

Subject: Species List for Combie Road Pedestrian/Bicycle Facility Project

Dear: Mr. Kohn

We are sending this official species list in response to your December 29, 2011 request for information about endangered and threatened species. The list covers the California counties and/or U.S. Geological Survey 7½ minute quad or quads you requested.

Our database was developed primarily to assist Federal agencies that are consulting with us. Therefore, our lists include all of the sensitive species that have been found in a certain area and also ones that may be affected by projects in the area. For example, a fish may be on the list for a quad if it lives somewhere downstream from that quad. Birds are included even if they only migrate through an area. In other words, we include all of the species we want people to consider when they do something that affects the environment.

Please read Important Information About Your Species List (below). It explains how we made the list and describes your responsibilities under the Endangered Species Act.

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be March 28, 2012.

Please contact us if your project may affect endangered or threatened species or if you have any questions about the attached list or your responsibilities under the Endangered Species Act. A list of Endangered Species Program contacts can be found here.

Endangered Species Division
Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in the Counties and/or U.S.G.S. 7 1/2 Minute Quads you requested

Document Number: 111229123233

Database Last Updated: September 18, 2011

Quad Lists

Listed Species

Invertebrates

- Branchinecta lynchi
  - vernal pool fairy shrimp (T)

- Desmocerus californicus dimorphus
  - valley elderberry longhorn beetle (T)

- Lepidurus packardi
  - vernal pool tadpole shrimp (E)

Fish

- Hypomesus transpacificus
  - delta smelt (T)

- Oncorhynchus mykiss
  - Central Valley steelhead (T) (NMFS)
  - Critical habitat, Central Valley steelhead (X) (NMFS)

- Oncorhynchus tshawytscha
  - Central Valley spring-run chinook salmon (T) (NMFS)
  - winter-run chinook salmon, Sacramento River (E) (NMFS)
Amphibians

- Rana draytonii
  - California red-legged frog (T)

Plants

- Calystegia stebbinsii
  - Stebbins's morning-glory (E)

- Fremontodendron californicum ssp. decumbens
  - Pine Hill flannelbush (E)

Candidate Species

Mammals

- Martes pennanti
  - Fisher (C)

Quads Containing Listed, Proposed or Candidate Species:

GREENWOOD (526B)

AUBURN (527A)

GOLD HILL (527B)

CHICAGO PARK (541B)

COLFAX (541C)

GRASS VALLEY (542A)

ROUGH AND READY (542B)

WOLF (542C)

LAKE COMBIE (542D)

County Lists

No county species lists requested.

Key:

- (E) Endangered - Listed as being in danger of extinction.
- (T) Threatened - Listed as likely to become endangered within the foreseeable future.
- (P) Proposed - Officially proposed in the Federal Register for listing as endangered or threatened.
- (NMFS) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.
Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco.

The animals on your species list are ones that occur within, or may be affected by projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what’s in the surrounding quads through the California Native Plant Society’s online Inventory of Rare and Endangered Plants.

Surveying

Some of the species on your list may not be affected by your project. A trained biologist and/or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list.

See our Protocol and Recovery Permits pages.

For plant surveys, we recommend using the Guidelines for Conducting and Reporting Botanical Inventories. The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).
Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal consultation with the Service.
- During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.
- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.
- Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our Map Room page.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts. More info

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6520.
Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be March 28, 2012.
## Appendix E

### Special-Status Plants Table 7-1
<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Legal Status</th>
<th>Geographic Distribution</th>
<th>Habitat Requirements</th>
<th>Blooming Period</th>
<th>Potential to Occur in the Study Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jepson's onion</td>
<td>Allium jepsonii</td>
<td>1B.2</td>
<td>Sierra Nevada foothills in Butte County; 1 disjunct population in Tuolumne County</td>
<td>Serpentinite or basalt outcrops in oak woodland and lower montane coniferous forest; at 980-3800 feet</td>
<td>May-Aug</td>
<td>No potential to occur in Project area due to lack of suitable habitat requirements, in this case serpentine or basalt outcrops.</td>
</tr>
<tr>
<td>Stebbins's morning-glory</td>
<td>Calystegia stebbinsii</td>
<td>1B.1</td>
<td>Northern Sierra Nevada foothills: El Dorado and Nevada Counties</td>
<td>Chaparral (openings), cismontane woodland, serpentine or gabbroic. 600-2,400 ft.</td>
<td>May-Jun</td>
<td>No potential to occur in Project area due to lack of suitable habitat requirements, in this case serpentine or gabbro soils.</td>
</tr>
<tr>
<td>Red Hills Soaproot</td>
<td>Chlorogalum grandiflorum</td>
<td>1B.2</td>
<td>North and central Sierra Nevada foothills: Amador, Placer, El Dorado, and Tuolumne Counties</td>
<td>Chaparral and foothill pine-blue oak woodland on serpentine or gabbro soils, between 1,000-1,650'</td>
<td>May-Jun</td>
<td>No potential to occur in Project area due to lack of suitable habitat requirements, in this case serpentine or gabbro soils.</td>
</tr>
<tr>
<td>Brandgee's clarkia</td>
<td>Clarkia biloba ssp. brandgeaeae</td>
<td>1B.2</td>
<td>Northern Sierra Nevada foothills from Butte to El Dorado Counties</td>
<td>Chaparral, cismontane woodland, often on roadcuts at 900-2700 feet above msl.</td>
<td>May-July</td>
<td>Moderate potential to occur in the project area as the area is within the species’ range, records of occurrences are within 5 miles of the project area, and suitable habitats for the species are present.</td>
</tr>
<tr>
<td>Pine Hill flannelbush</td>
<td>Fremontodendron decumbens</td>
<td>E R 1B.2</td>
<td>Pine Hill area in El Dorado County, Grass Valley vicinity in Nevada County</td>
<td>Chaparral, cismontane woodland, and lower montane coniferous forest (openings), sometimes serpentine. 100-4,500 ft.</td>
<td>April-July</td>
<td>Low Potential to occur as the proposed project area is within the species’ ranges but marginally suitable habitat conditions are present.</td>
</tr>
<tr>
<td>Common Name</td>
<td>Scientific Name</td>
<td>Legal Statusa</td>
<td>Geographic Distribution</td>
<td>Habitat Requirements</td>
<td>Blooming Period</td>
<td>Potentialb to Occur in the Study Areac</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----------------------</td>
<td>---------------</td>
<td>-------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>----------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Butte County fritillary</td>
<td>Fritillaria eastwoodiae</td>
<td>-</td>
<td>Sierra Nevada foothills, from Shasta County to Yuba County</td>
<td>Oak woodland, grassy openings in chaparral, and Ponderosa pine forest; 165-4,935 feet above msl.</td>
<td>Mar-May</td>
<td>Moderate potential to occur in the project area as the area is within the species' range, records of occurrences are within 5 miles of the project area, and suitable habitats for the species are present.</td>
</tr>
<tr>
<td>Finger rush</td>
<td>Juncus digitatus</td>
<td>-</td>
<td>Nevada and Shasta Counties</td>
<td>Mesic openings and vernal pools in cismontane woodland and lower montane coniferous forest; between 1980-2310 feet above msl.</td>
<td>May-Jun</td>
<td>No potential to occur as Project area is located outside of the species' elevational range.</td>
</tr>
<tr>
<td>Dubious pea</td>
<td>Lathyrus sulphureus var. argillaceus</td>
<td>-</td>
<td>Klamath Ranges, north Coast Ranges, Sierra Nevada, Nevada, Placer, Shasta, and Tehama Counties</td>
<td>Woodlands, lower and upper coniferous forests, 1,960-8,200'</td>
<td>April</td>
<td>No potential to occur as Project area is located outside of the species' elevational range.</td>
</tr>
<tr>
<td>Follet's monardella</td>
<td>Monardella follettii</td>
<td>-</td>
<td>Nevada and Plumas Counties</td>
<td>Lower montane coniferous forest, open rocky slopes and serpentine soils. 1,900-6,600 ft.</td>
<td>June-July</td>
<td>No potential to occur as Project area is located outside of the species' elevational range.</td>
</tr>
<tr>
<td>Cedar crest popcorn-flower</td>
<td>Plagiobothrys glyptocarpus var. modestus</td>
<td>-</td>
<td>Near Grass Valley, Nevada County</td>
<td>Cismontane woodland. 2,800-2,900 ft.</td>
<td>April-May</td>
<td>No potential to occur as Project area is located outside of the species' elevational range.</td>
</tr>
<tr>
<td>Common Name</td>
<td>Scientific Name</td>
<td>Legal Status(a)</td>
<td>Geographic Distribution</td>
<td>Habitat Requirements</td>
<td>Blooming Period</td>
<td>Potential(b) to Occur in the Study Area(c)</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------</td>
<td>--------------------</td>
<td>------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>----------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Sierra blue grass</td>
<td>Poa sierrae</td>
<td>Federal</td>
<td>State</td>
<td>CNPS</td>
<td>Butte, Madera, Nevada, Placer, Plumas, and Shasta Counties</td>
<td>Lower montane coniferous forest; 1100-4500 feet.</td>
</tr>
<tr>
<td>Brownish beaked-rush</td>
<td>Rhynchospora capitellata</td>
<td>Federal</td>
<td>State</td>
<td>CNPS</td>
<td>Butte, El Dorado, Mariposa, Nevada, Plumas, Sonoma, Tehama, Trinity, and Yuba Counties, in addition to parts of Oregon and Texas.</td>
<td>Mesic areas in upper and lower montane coniferous forest, meadows, marshes, and swamps; 1,400-6,600 ft. above msl</td>
</tr>
<tr>
<td>Scadden Flat checkerbloom</td>
<td>Sidalcea stipularis</td>
<td>Federal</td>
<td>State</td>
<td>CNPS</td>
<td>Two occurrences near Scadden Flat, Nevada County</td>
<td>Marshes and swamps, wet montane marshes fed by springs; 2,200-2,400 ft above msl.</td>
</tr>
<tr>
<td>Oval-leaved viburnum</td>
<td>Viburnum ellipticum</td>
<td>Federal</td>
<td>State</td>
<td>CNPS</td>
<td>Northwest California, San Francisco Bay Area, north and central Sierra Nevada foothills: Contra Costa, Fresno, El Dorado, Glenn, Humboldt, Mendocino, Napa, Shasta, Sonoma Counties; Oregon and Washington</td>
<td>Chaparral, cismontane woodland, and lower montane coniferous forest; 645-3200 feet above msl.</td>
</tr>
</tbody>
</table>

\(a\) Status explanations:

- CNPS = California Native Plant Society.
- Federal = listed as endangered under the federal Endangered Species Act.
- State = no listing.
- Federal = listed as endangered under the federal Endangered Species Act.
Table 7-1. Continued

State
E = listed as endangered under the California Endangered Species Act.
R = listed as rare under the California Endangered Species Act.

California Native Plant Society

1B = List 1B species: rare, threatened, or endangered in California and elsewhere.
2 = List 2 species: plants rare, threatened, or endangered in California, but more common elsewhere.
3 = List 3 species: plants about which we need more information—a review list.

CNPS Code Extensions:
.1 = seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat
.2 = fairly endangered in California (20-80% of occurrences threatened)
.3 = not very endangered in California (<20% of occurrences threatened or not current threats known)

Definitions of levels of potential occurrence:

High potential: California Natural Diversity Database or other documents record the known occurrence of the species within five miles of the project, or the project area supports suitable habitat conditions.

Moderate potential: California Natural Diversity Database or other documents record the known occurrence of the species within five miles of the project, or the project area supports suitable habitat conditions, but the area lacks suitable microhabitat conditions.

Low potential: California Natural Diversity Database or other documents do not record the occurrence of the species within five miles of the project, or the habitat conditions in the area are of poor quality.

No potential: California Natural Diversity Database or other documents do not record the occurrence of the species within five miles of the project, and suitable habitat is not present in any condition.
Appendix F

List of Wildlife Species Observed in the Project Area
Appendix F

Wildlife Species Observed During Field Survey (December 19, 2011)

Mallard (Anas platyrhynchos)
Turkey vulture (Cathartes aura)
Red-tailed hawk (Buteo jamaicensis)
California quail (Callipepla californica)
Rock dove (Colomba livia)
Mourning Dove (Zenaida macroura)
Northern flicker (Colaptes auratus)
Acorn woodpecker (Melanerpes formicivorus)
Nuttall’s woodpecker (Picoides nuttallii)
Black phoebe (Sayornis nigricans)
Northern mockingbird (Mimus polyglottos)
White-breasted nuthatch (Sitta carolinensis)
Western bluebird (Sialia mexicana)
White-crowned sparrow (Zonotrichia leucophrys)
Golden-crowned sparrow (Zonotrichia atricapilla)
Muskrat (Ondatra zibethicus)
Appendix G
Noise Tables 10-1 and 10-2
Table 10-1. Construction Equipment Expected to be Used for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project

<table>
<thead>
<tr>
<th>Equipment Description</th>
<th>Acoustical use Factor (%)</th>
<th>$L_{\text{max}}$ @ 50ft (dBA)</th>
<th>$L_{\text{eq}}$ @ 50ft (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compactor</td>
<td>20</td>
<td>83</td>
<td>76</td>
</tr>
<tr>
<td>Dump Truck</td>
<td>40</td>
<td>76</td>
<td>72</td>
</tr>
<tr>
<td>Excavator</td>
<td>40</td>
<td>81</td>
<td>77</td>
</tr>
<tr>
<td>Paver</td>
<td>50</td>
<td>77</td>
<td>74</td>
</tr>
<tr>
<td>Grader</td>
<td>40</td>
<td>85</td>
<td>81</td>
</tr>
</tbody>
</table>

Source: Federal Highway Administration 2006
<table>
<thead>
<tr>
<th>Distance Between Source and Receiver (ft.)</th>
<th>Geometric Attenuation (dB)</th>
<th>Ground Effect Attenuation (dB)</th>
<th>Calculated Lmax Sound Level (dBA)</th>
<th>Calculated Leq Sound Level (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>0</td>
<td>0.0</td>
<td>88</td>
<td>83</td>
</tr>
<tr>
<td>100</td>
<td>-6</td>
<td>-1.5</td>
<td>81</td>
<td>76</td>
</tr>
<tr>
<td>200</td>
<td>-12</td>
<td>-3.0</td>
<td>73</td>
<td>68</td>
</tr>
<tr>
<td>300</td>
<td>-16</td>
<td>-3.9</td>
<td>69</td>
<td>64</td>
</tr>
<tr>
<td>400</td>
<td>-18</td>
<td>-4.5</td>
<td>65</td>
<td>61</td>
</tr>
<tr>
<td>500</td>
<td>-20</td>
<td>-5.0</td>
<td>63</td>
<td>58</td>
</tr>
<tr>
<td>600</td>
<td>-22</td>
<td>-5.4</td>
<td>61</td>
<td>56</td>
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<tr>
<td>700</td>
<td>-23</td>
<td>-5.7</td>
<td>59</td>
<td>55</td>
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<tr>
<td>800</td>
<td>-24</td>
<td>-6.0</td>
<td>58</td>
<td>53</td>
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<tr>
<td>900</td>
<td>-25</td>
<td>-6.3</td>
<td>57</td>
<td>52</td>
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<tr>
<td>1000</td>
<td>-26</td>
<td>-6.5</td>
<td>56</td>
<td>51</td>
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<tr>
<td>1200</td>
<td>-28</td>
<td>-6.9</td>
<td>54</td>
<td>49</td>
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<tr>
<td>1400</td>
<td>-29</td>
<td>-7.2</td>
<td>52</td>
<td>47</td>
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<td>1600</td>
<td>-30</td>
<td>-7.5</td>
<td>50</td>
<td>46</td>
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<tr>
<td>1800</td>
<td>-31</td>
<td>-7.8</td>
<td>49</td>
<td>44</td>
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<tr>
<td>2000</td>
<td>-32</td>
<td>-8.0</td>
<td>48</td>
<td>43</td>
</tr>
<tr>
<td>2500</td>
<td>-34</td>
<td>-8.5</td>
<td>46</td>
<td>41</td>
</tr>
<tr>
<td>3000</td>
<td>-36</td>
<td>-8.9</td>
<td>44</td>
<td>39</td>
</tr>
</tbody>
</table>

Geometric attenuation based on 6 dB per doubling of distance.

Ground effect attenuation based on 1.5 dB per doubling of distance

Note: This calculation does not include the effects, if any, of local shielding from walls, topography or other barriers which may reduce sound levels further.
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE
COMBIE ROAD CLASS I PEDESTRIAN/BICYCLE
FACILITY AND UTILITY UNDERGROUNDING
PROJECT

County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

May 2012

ICF
INTERNATIONAL
630 K Street, Suite 400
Sacramento, CA 95814
Mitigation Monitoring and Reporting Program

Introduction

Section 21081.6(a)(1) of the California Environmental Quality Act (CEQA) of the Public Resources Code, requires public agencies, as part of the certification of a Mitigated Negative Declaration (MND), to prepare and approve a reporting or monitoring program. This program should be structured to ensure that changes to the project that the lead agency has adopted to mitigate or avoid significant environmental impacts are carried out during project implementation.

The Mitigation Monitoring and Reporting Program (MMRP) is intended to be used by County of Nevada (County) staff, responsible and participating agencies, and mitigation monitoring personnel during implementation of the project. The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP consists of a compliance checklist that identifies the adopted mitigation measures, the timing of implementation of the measures, the monitoring frequency of the measures, the entity responsible for their implementation and monitoring, and the performance criteria used to evaluate implementation of the mitigation measures. The mitigation measures presented in the following table are incorporated into the proposed project.
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Initiation of Mitigation</th>
<th>Monitoring Frequency</th>
<th>Responsibility for Verification of Compliance</th>
<th>Performance Criteria</th>
<th>Date Compliance Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Mitigation Measure 5A-1: Implement Level A and Level B Mitigation Measures from NSAQMD Guidelines**

Suggested Level A and Level B mitigation measures (thresholds for construction-related pollutant emissions) applicable to the proposed project are outlined in the NSAQMD’s Guidelines for Assessing the Air Quality Impacts of Land Use Projects (Guidelines) (Northern Sierra Air Quality Management District 2007). These measures are not all inclusive and may be revised by the County in consultation with NSAQMD staff. Level A and Level B mitigation for use during the construction phase of a project includes the following:

- Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.

- Adequate dust control measures will be implemented in a timely and effective manner during all phases of project development and construction (pursuant to the project’s Dust Control Plan).

- Temporary traffic control will be provided during all phases of the construction to improve traffic flow as deemed appropriate by local transportation agencies and/or Caltrans.

| Prior to approval of grading and/or improvement plans and throughout construction period | Throughout construction period | County and primary construction contractor | Consultation with NSAQMD in developing measures to reduce emissions and submittal of Dust Control Plan to the NSAQMD |                         |                         |
Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Initiation of Mitigation</th>
<th>Monitoring Frequency</th>
<th>Responsibility for Verification of Compliance</th>
<th>Performance Criteria</th>
<th>Date Compliance Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Construction activities should be scheduled to direct traffic flow to off-peak hours as much as practicable.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>o All inactive portions of the construction site should be covered, seeded, or watered until a suitable cover is established.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In addition to the above mitigation measure, PG&E and the contractor chosen for bike path construction will prepare and submit a Dust Control Plan pursuant to Rule 226, Dust Control. Rule 226 requires that a Dust Control Plan be submitted to NSAQMD for approval prior to any surface disturbance, including clearing of vegetation. The following list outlines the NSAQMD's Recommended Dust Control Plan Conditions (Northern Sierra Air Quality Management District 2007). This list is not all inclusive, and the NSAQMD may require that additional measures be included in the Dust Control Plan.

- The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily.
Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Initiation of Mitigation</th>
<th>Monitoring Frequency</th>
<th>Responsibility for Verification of Compliance</th>
<th>Performance Criteria</th>
<th>Date Compliance Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>with complete site coverage.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.</td>
<td></td>
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<tr>
<td>• All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.</td>
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<td>• All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant may apply County-approved non-toxic soil stabilizers (according to manufacturers specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.</td>
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<td>• All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance, and there must be a minimum of six inches of freeboard in the bed of the transport vehicle.</td>
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<td>• Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently, if necessary to</td>
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<td>Mitigation Measure</td>
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<td>remove excessive or visibly raised accumulations of silt and/or mud which may have resulted from activities at the project site.</td>
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<td>Prior to final occupancy, the applicant shall re-establish ground cover on the site through seeding and watering in accordance with the local grading ordinance.</td>
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**Mitigation Measure 5c-1: Notify the NSAQMD and Implement ATCM Guidelines if NOA is Found at the Project Site.**

If NOA or other asbestos-containing materials are discovered during construction or operation of the proposed project, the NSAQMD must be notified immediately. In addition, PG&E and the chosen contractor for bike path construction must implement an asbestos dust mitigation plan (ADMP). The ADMP must be submitted to and approved by the NSAQMD before any clearing, grading, or construction begins and the provisions of the ADMP must be initiated at the beginning of the project (before clearing or grubbing) and maintained for the duration of the project. Refer to Appendix 5-1 for the ARB's Asbestos ATCM and the NSAQMD's ADMP Guidelines.

If asbestos-containing materials are found at the project site, the ARB requirements and development and implementation of an ADMP in consultation with the APCO at the NSAQMD would reduce airborne asbestos impacts to a less-than-significant level.

**Mitigation Measure 7a-1: Determine Presence/Absence of Special-Status Plant Species**

Before beginning any construction or N/A County and qualified If plants are found, Measure
Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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</thead>
<tbody>
<tr>
<td>Mitigation Measure 7a-2: Avoid and Minimize Impacts to Special-Status Plant Species.</td>
<td>Before beginning any construction or ground-disturbing activities</td>
<td>Throughout construction period</td>
<td>County, primary construction contractor and qualified biologist</td>
<td>As described in Measure 7a-2</td>
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</table>

Focused surveys will be conducted (at the appropriate times of year) for the special-status plant species with potential to be present on the site. Two rounds of surveys will be conducted by a qualified botanist to identify plants blooming at different times of the year; one survey should occur in the spring (April–May), and the other in the summer (July–August). If no special-status plant species are detected, no further mitigation will be necessary.

If any special-status plants are identified during the survey, the botanist will photograph, map, and flag locations of the plants, document the location and extent of the special-status plant population on a CNDDB survey form, and submit the completed survey form to the CNDDB. If feasible, buffers will be established and orange construction fencing will be erected around special-status plant areas to avoid potential construction impacts on areas containing this species. A qualified biologist should approve placement of fencing, and periodically monitor construction activities to ensure that no impacts occur during or after grading operations.

If construction would affect the special-status plants and avoidance is not feasible, the botanist will consult with the DFG to identify potential issues and acceptable mitigation. A minimum 1:1 mitigation ratio should be utilized to offset impacts, although it should be noted that DFG may require a higher mitigation ratio. The USFWS will also be consulted if the species is federally listed. Compensation measures can include purchase and protection in perpetuity of another.
### Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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<td>population of the affected species, and/or collection of seed to transplant into existing suitable habitat.</td>
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<tr>
<td><strong>Mitigation Measure 7a-3: Determine Whether California Red-Legged Frogs Occur in the Proposed Project Area.</strong></td>
<td>Before beginning any construction or ground-disturbing activities</td>
<td>Throughout construction period</td>
<td>County and qualified biologist</td>
<td>According to the USFWS requirements</td>
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<tr>
<td>If recommended by USFWS after their review of the site assessment prepared for this project, Nevada County will retain qualified biologists to conduct surveys in accordance with USFWS (2005) guidelines to document the presence or absence of CRLF before implementation of the proposed project. USFWS may also recommend conducting surveys within suitable aquatic habitats within a 1-mile buffer of the project area, if access can be obtained. The guidelines recommend that up to eight surveys be conducted to determine the presence of CRLF in the proposed project area. Two day surveys and four night surveys are recommended during the breeding season (January through June); and one day and one night survey is recommended during the non-breeding season (July 1 through September 30). Each survey must take place at least 7 days apart and at least one survey must be conducted prior to August 15. The survey period must conducted be over a minimum period of 6 weeks. If CRLF are identified at any time during the survey, no additional surveys will be necessary. Any CRLF identified during the survey will be mapped and documented as part of the public record. If CRLF are identified during protocol-level surveys, it is strongly encouraged that incidental take permit, as described above under federal Endangered Species Act, be obtained from the USFWS prior to the start of construction activities.</td>
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Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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<tbody>
<tr>
<td><strong>Mitigation Measure 7a-4: Avoid or Minimize Impacts and Implement Protective Measures for California Red-Legged Frogs.</strong></td>
<td>Before beginning any construction or ground-disturbing activities</td>
<td>Throughout construction period</td>
<td>County, primary construction contractor and USFWS-approved biologist</td>
<td>According to the USFWS requirements</td>
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<tr>
<td>If CRLF are determined to be present, the County will implement the following measures before and during construction activities that occur within suitable habitat to minimize both direct and indirect impacts on CRLFs. USFWS may determine additional avoidance, minimization, and compensation requirements during the Section 7 process.</td>
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<tr>
<td>o An Environmental Training and Monitoring Program for construction crews will be conducted before beginning construction and will be ongoing during construction activities for new crew members. The education program will include information about the federal Endangered Species Acts, the consequences for noncompliance with environmental laws, identification of special-status plant and wildlife species and wetland habitats, and review of mitigation measures.</td>
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<tr>
<td>o Obtain a USFWS-approved biologist to conduct a preconstruction survey immediately preceding any construction activity that occurs in CRLF habitat or any activity that may result in take of the species. The USFWS-approved biologist will carefully search all obvious potential hiding spots for CRLFs and the perimeter of any aquatic habitat. In the event that a CRLF is found during the preconstruction survey, the biologist will implement minimization and avoidance measures identified in the Biological Opinion.</td>
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<td>o Prepare an erosion and sediment control plan.</td>
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Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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<tr>
<td>that will include measures to prevent impacts to suitable aquatic habitat adjacent to the proposed project area. Tightly woven natural fiber netting or similar material will be used for erosion control or other purposes in the project site to ensure that CRLFs are not trapped. This limitation will be communicated to the contractor through use of special provisions included in the bid solicitation package. Coconut coir matting is an acceptable erosion control material. No plastic monofilament matting will be used for erosion control.</td>
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<td>o Limit access routes to proposed project area and the size of staging and work areas to the minimum necessary to achieve the project goals. Clearly mark routes and boundaries of the access roads prior to initiating construction/grading.</td>
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<td>o Enclose all food and food-related trash in sealed trash containers at the end of each workday and remove it completely from the construction site once every 3 days.</td>
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<td>o No pets will be allowed on the construction site.</td>
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<td>o Maintain a speed limit of 15 miles per hour on dirt roads.</td>
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<td>o Maintain all equipment so that there will be no leakage of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.</td>
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<tr>
<td>o Store all hazardous materials such as fuels, oils, solvents, etc., in sealable containers in a</td>
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Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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<tr>
<td>- designated location that is at least 200 feet from the drainages or other aquatic habitats. All fueling and maintenance of vehicles and other equipment will occur at least 200 feet these areas.</td>
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<tr>
<td>- Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas and temporary roads, will be recontoured if necessary, and revegetated to promote restoration of the area to preproject conditions. An area subject to &quot;temporary&quot; disturbance means any area that is disturbed during the project but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with revegetation experts.</td>
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<tr>
<td>Mitigation Measure 7a-5: Conduct Preconstruction Surveys for and Avoid and Minimize Impacts on California Horned Lizard. Prior to any ground disturbing activities in grassland habitat, preconstruction surveys will be conducted in a manner to maximize detection of Coast horned lizard (i.e., during warm weather, walking slowly) the species. If any horned lizards are discovered within the work areas, they will be actively moved or passively encouraged to leave the work area. Workers will drive slowly when driving overland within grassland areas to allow any horned lizards to move out of the way of the vehicles. Construction areas will be surveyed and cleared before the start of work.</td>
<td>Before beginning any construction or ground-disturbing activities</td>
<td>Throughout construction period</td>
<td>County and qualified biologist</td>
<td>Avoidance of individual lizards.</td>
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</table>
Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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<tbody>
<tr>
<td><strong>Mitigation Measure 7a-6: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Project Area</strong></td>
<td>Before beginning any construction or ground-disturbing activities</td>
<td>Throughout construction period</td>
<td>County and qualified wildlife biologist</td>
<td>Exclusion of the Western Pond Turtle from the construction area</td>
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<tr>
<td>To avoid and minimize impacts on western pond turtles, the County will retain a qualified wildlife biologist to conduct a preconstruction survey 1 week before and within 48 hours of disturbance adjacent to aquatic habitat (the pond on the north side of Combie Road immediately adjacent to the project area). The survey objectives are to determine presence or absence of pond turtles within the pond. If possible, the surveys should be timed to coincide with the time of day and year when turtles are most likely to be active (during the cooler part of the day 8 a.m. - 12 p.m. during spring, summer, and late summer). Prior to conducting presence/absence surveys the biologist should locate the microhabitats for turtle basking (logs, rocks, brush thickets) and determine a location to quietly observe turtles. Each survey should include a 30 minute wait time after arriving onsite to allow startled turtles to return to open basking areas. The survey should consist of a minimum 15 minute observation time per area where turtles could be observed. If turtles are observed within the project area during a survey, the County will install exclusion fence around the south end of the pond between the construction work area and the aquatic habitat. If this is determined to be infeasible, a monitor will need to be present during construction adjacent to the pond construction to ensure that turtles do not move into the construction area.</td>
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<tr>
<td>Mitigation Measure 7a-7: Conduct Vegetation Trimming and Removal Activities during the</td>
<td>Before beginning any construction</td>
<td>Throughout construction</td>
<td>County and qualified wildlife biologist</td>
<td>According to USFWS and</td>
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Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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<tbody>
<tr>
<td>Nonbreeding Season or Conduct Preconstruction Surveys for Nesting Migratory Birds.</td>
<td>activities including vegetation removal or tree trimming</td>
<td>period</td>
<td>biologist</td>
<td>CDFG requirements</td>
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Vegetation removal will occur during the non-breeding season for most migratory birds (generally between October 1 and January 31) to the extent feasible.

If possible, construction activities will begin prior to the nesting season for most birds (generally, February 1 through September 30). Beginning construction prior to the breeding season will establish a level of noise disturbance that will dissuade noise-sensitive raptors and other birds from attempting to nest within or near the study area.

If beginning construction activities (including vegetation removal) prior to the breeding season is not possible, the County will retain a qualified wildlife biologist with knowledge of the relevant species to conduct nesting surveys before the start of construction. A minimum of three separate surveys will be conducted for migratory birds, including raptors. Surveys will include a search of all trees, shrubs, grassland, and marsh areas that provide suitable nesting habitat, in the project area. In addition, a 500 foot area around the project area will be surveyed for nesting raptors. If possible, surveys should occur during the height of the breeding season (March 1 to June 1) with one survey occurring in each of two consecutive months within this peak period and the final survey occurring within 1 week of the start of construction. If no active nests are detected during these surveys, no additional measures are required. If an active nest is found in the survey area, a no-disturbance buffer will be established around the site to avoid disturbance or destruction of the nest site until the end of the breeding season (September 30) or
Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project
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<td>until after a qualified wildlife biologist determines that the young have fledged and moved out of the project area (this date varies by species). The extent of these buffers will be determined by the biologist in coordination with USFWS and CDFG and will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species.</td>
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<tbody>
<tr>
<td><strong>Mitigation Measure 7e-1: Employ Tree Protection BMPs</strong></td>
<td>Before beginning any construction or ground-disturbing activities</td>
<td>Throughout construction period</td>
<td>County and construction contractor</td>
<td>All construction personnel have completed BMPs, and environmentally-sensitive areas have been identified</td>
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In order to reduce potential impacts to oak trees, including heritage and landmark oaks, the County will employ BMPs which include, but are not limited to the following:

- To the maximum extent possible, the path alignment shall not encroach into the drip line of mature oak trees (i.e. greater than 6 inches dbh).
- During the tree removal phase of construction, and whenever there is flexibility about which tree to remove, the removal of small diameter oaks less than 12-inches DBH is preferred over the removal of larger oak trees.
- Conserve and protect trees in stands or groups where possible.
- Establish the preserved oaks and oak groves outside the Area of Potential Affect (APE) as Environmentally Sensitive Areas (ESAs) during construction. The boundary of the oak ESAs shall be established at the drip line of the preserved oaks or oak groves. Temporary orange construction fencing shall be erected around the drip line of oaks at the construction boundary; the fencing can be limited to only the construction side of the tree and need not encompass the...
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<td>entire drip line. This fencing shall be maintained until construction is complete.</td>
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<td>- Clearly identify tree protection areas with highly visible signs.</td>
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<td>- Keep construction materials and debris away from tree protection zones.</td>
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<tr>
<td>- Keep equipment and foot traffic away as much as possible from tree protection areas to prevent root compaction.</td>
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<td>- Complete post construction tree maintenance, including mulch, fertilization, irrigation, soil aeration, and pruning where necessary.</td>
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Mitigation Measure 9g-1: Prepare a Traffic Control Plan.
The project contractor will prepare a traffic control plan that must be approved by the County to ensure there is no interference with emergency vehicles/services or response/evacuation plans.

Mitigation Measure 10a-1. Employ Noise Reducing Construction Practices.
The County will employ noise-reducing construction practices such that construction noise complies with applicable County noise standards. Measures to be employed include but are not limited to the following:

At initiation of and throughout construction period | Throughout construction period | County and construction contractor | Construction equipment is properly maintained and equipped with all feasible noise
### Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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<tr>
<td>Hours of operation for construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday-Saturday.</td>
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<td>control, such as mufflers, in accordance with manufacturers' specifications</td>
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<td>Fixed construction equipment, including compressors and generators, will be located as far as feasibly possible from residential properties.</td>
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<td>All construction equipment powered by gasoline or diesel engines will have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.</td>
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<td>Where necessary noise-reducing enclosures or temporary barriers will be used around noise-generating equipment. Where feasible existing barrier features (terrain, structures) will be used to block sound transmission.</td>
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Mitigation Measure 15b-1: Stop Work in Case of Accidental Discovery of Buried Archeological Resources

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

Mitigation Measure 15d-1: Stop Work in Case of Accidental Discovery of Buried Human Remains

If buried human remains are discovered during ground disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

Notification is made to a qualified archaeologist.

Notification is submitted to the
Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

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<tr>
<td>If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of NAHC (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</td>
<td>activities, and throughout construction period</td>
<td>period</td>
<td>contractor</td>
<td>County Coroner and, if necessary, NAHC</td>
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<tr>
<td>1. the Nevada County coroner has been informed and has determined that no investigation of the cause of death is required; and</td>
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<tr>
<td>2. if the remains are of Native American origin,</td>
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<tr>
<td>3. the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98, or</td>
<td></td>
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</tr>
<tr>
<td>4. NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.</td>
<td></td>
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</tbody>
</table>

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the
Mitigation Monitoring and Reporting Program for the Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding Project (continued)

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Initiation of Mitigation</th>
<th>Monitoring Frequency</th>
<th>Responsibility for Verification of Compliance</th>
<th>Performance Criteria</th>
<th>Date Compliance Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>coroner must contact the NAHC.</td>
<td></td>
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</tbody>
</table>
Attachment 4:
Resolution Adopting Initial Study/Mitigated Negative Declaration
RESOLUTION No. 12-204

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ADOPTING COMBIE ROAD CLASS I PEDESTRIAN /BICYCLE FACILITY AND UTILITY UNDERGROUNDING PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

WHEREAS, the Nevada County Department of Public Works proposes to construct a meandering Class I Pedestrian path along the north side of Combie Road, between W. Hacienda Drive and State Route 49 (approximately 0.83 miles); and

WHEREAS, The Nevada County Department of Public Works has determined that the project is subject to the provisions of the California Environmental Quality Act and acting as the lead agency has prepared an Initial Study/Mitigated Negative Declaration (IS/MND); and

WHEREAS, the IS/MND was circulated for public review and comment for 22 days in accordance with Public Resources Code section 15105, and the Notice of Intent to adopt the IS/MND was duly published and posted as provided in Section 15072 of the CEQA Guidelines; and

WHEREAS, the IS/MND has concluded that although the project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been incorporated by the project proponent which reduce said potential to a less than significant level.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors hereby finds and determines as follows:

1. That the above recitals are true and correct.

2. That the Board has received and considered the proposed Initial Study/Mitigated Negative Declaration attached hereto as Exhibit A together with all comments received during the public review process.

3. That, based on the entire record before the Board, there is no substantial evidence that the proposed project might have any significant adverse impact on the environment.
4. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Board of Directors.

5. That minor modifications to the proposed mitigation measure are appropriate in order to clarify the wording and intent of the mitigation measure.

6. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Department of Public Works, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Initial Study/Mitigated Negative Declaration, Exhibit A, and Mitigation Monitoring and Reporting Program attached hereto, and directs the Director of the Nevada County Department of Public Works to file a Notice of Determination with the Nevada County Clerk within five (5) days from the date of this action.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 12th day of June, 2012, by the following vote of said Board:


Noes: None.

Absent: None.

Abstain: None.

ATTEST:

DONNA LANDI
Clerk of the Board of Supervisors

By: Donna Landi

Ted S. Owens, Chair

06/12/2012 cc: DPW* 
A-C*
Attachment 5:
Notice of Determination
NOTICE OF DETERMINATION

TO:  ✓ Office of Planning and Research  
     1400 Tenth Street, Room 121  
     Sacramento, CA 95814

✓ County Recorder  
County of Nevada

FROM: Nevada County Planning Department  
950 Maidu Avenue  
Nevada City, CA 95959-8617

SUBJECT: Filing of Notice of Determination in compliance with Section 21108  
or 21152 of the Public Resources Code.

Project Title: Combie Road Class I Pedestrian/Bicycle Facility and Utility Undergrounding  
Project Initial Study/Mitigated Negative Declaration.

State Clearinghouse: N/A  
Contact Person: David A. Garcia, Jr.  
Telephone Number: (530) 265-7038

Project Location: North side of Combie Road, between W. Hacienda Drive to State Route 49  
(approximately 0.83 miles)

Project Description: This project is a component of the Higgins Area Plan (approved 12/05/2000),  
which outlines a continuous multipurpose path on the north side of Combie and Magnolia Roads from SR  
49 to the Magnolia Intermediate School on Kingston Lane. The Magnolia Road portion of the project  
from W. Hacienda to Kingston Lane is complete. This project will provide for an extension of the existing  
meandering Class I Pedestrian path from W. Hacienda Drive to State Route 49 (approximately 0.83  
miles).

The proposed path will be approximately 10-feet wide, and flanked by landscape buffers that vary in  
width from 2 to 5 feet and will ultimately connect to the existing pedestrian facility on the east side of  
West Hacienda via a crosswalk. Undergrounding of existing overhead utility lines within the County  
right-of-way will be conducted by PG&E.

Project construction would take place in two phases: 1) utility undergrounding, and 2) Class I bicycle  
path construction. Both phases will occur during the summer months (June – October) and will take  
approximately 3 – 6 weeks to complete. This project will require minor right-of-way and utility easement  
acquisitions.

This is to advise that the Nevada County Board of Supervisors (Lead Agency) adopted the  
above described Mitigated Negative Declaration/Initial Study on June 12, 2012 making the  
following determinations regarding the above described project:

1. The project ☑️ will, ☐ will not, have a significant effect on the environment.
2. ☑️ An Environmental Impact Report was prepared for this project pursuant to the  
provisions of CEQA.
3. Mitigation measures ✔ were, ____ were not, made a condition of the approval of the project.

4. A Statement of Overriding Considerations ____ was, ✔ was not, adopted for this project.

5. Findings ✔ were, ____ were not, made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration/Initial Study, with comments and responses, if applicable, and a record of approval is available to the General Public at the Nevada County Department of Public Works, 950 Maidu Avenue, Nevada City, California 95959.

Signature (Public Agency)       June 15, 2012       Transportation Planner
                                      Date                 Title

FISH & GAME FEE: $2,101.50
ADM. FEE PD.       ✔ YES       ____ N/A
PG&E Gas and Electric
Advice Filing List
General Order 96-B, Section IV

AT&T
Albion Power Company
Alcantar & Kahl LLP
Anderson & Poole
BART
Barkovich & Yap, Inc.
Bartle Wells Associates
Braun Blaising McLaughlin, P.C.
ENERGY POWER
California Cotton Ginners & Growers Assn
California Energy Commission
California Public Utilities Commission
California State Association of Counties
Calpine
Casner, Steve
Center for Biological Diversity
City of Palo Alto
City of San Jose
Clean Power
Coast Economic Consulting
Commercial Energy
Cool Earth Solar, Inc.
County of Tehama - Department of Public Works
Crossborder Energy
Davis Wright Tremaine LLP
Day Carter Murphy
Defense Energy Support Center
Dept of General Services
Division of Ratepayer Advocates
Douglass & Liddell
Downey & Brand
Ellison Schneider & Harris LLP
G. A. Krause & Assoc.
GenOn Energy Inc.
GenOn Energy, Inc.
Goodin, MacBride, Squeri, Schlotz & Ritchie
Green Power Institute
Hanna & Morton
In House Energy
International Power Technology
Intestate Gas Services, Inc.
K&L Gates LLP
Kelly Group
Leviton Manufacturing Co., Inc.
Linde
Los Angeles County Integrated Waste Management Task Force
Los Angeles Dept of Water & Power
MRW & Associates
Manatt Phelps Phillips
Marin Energy Authority
McKenna Long & Aldridge LLP
McKenzie & Associates
Modesto Irrigation District
Morgan Stanley
NLine Energy, Inc.
NRG Solar
Nexant, Inc.
Occidental Energy Marketing, Inc.
Office of Ratepayer Advocates
OnGrid Solar
Pacific Gas and Electric Company
Praxair
Regulatory & Cogeneration Service, Inc.
SCD Energy Solutions
SCE
SDG&E and SoCalGas
SPURR
Seattle City Light
Sempra Energy (Socal Gas)
Sempra Utilities
SoCalGas
Southern California Edison Company
Spark Energy
Sun Light & Power
Sunshine Design
Tecogen, Inc.
Tiger Natural Gas, Inc.
TransCanada
Utility Cost Management
Utility Power Solutions
Utility Specialists
Verizon
Water and Energy Consulting
Wellhead Electric Company
Western Manufactured Housing Communities Association (WMA)
YEP Energy