



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

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Sean Powers  
Community Development Agency Director

Brian Foss  
Planning Director

February 25, 2019

**TO:** Zoning Administrator

**FROM:** Sadie Caldas, Associate Planner

**HEARING DATE:** February 27, 2019

**SUBJECT: AT&T- Wild Life Lane: Public Comments**  
PLN17-0074, CUP17-0016, MIS18-0012; EIS17-0023

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Dear Mr. Zoning Administrator,

After the completion of the project staff report, one public comment has been provided to the Planning Department for your consideration and review (*Attached*). The comment is regarding Condition #23 (Mitigation Measure 5A) of the project Conditions of Approval. The United Auburn Indian Community (UAIC) recommended that work should be halted within 100-feet of an inadvertent discovery. As written, the mitigation measure does not specify the distance from the discovery that work shall be halted. Mitigation Measure 5A has been revised to include the recommendation from the UAIC. Please see the revision underlined below.

23. **Halt work and contact the appropriate agencies if human remains, cultural materials, or paleontological resources are discovered during project construction (Mitigation Measure 5A):** Prior to issuance of grading permits or improvement plans, all plans shall incorporate, at a minimum, the following cultural resources protection measures, which shall be implemented in the field: All equipment operators and employees involved in any form of ground disturbance at any phase of project improvements shall be advised of the remote possibility of encountering subsurface cultural or paleontological resources. If such resources are encountered or suspected, within 100 feet work shall be halted immediately and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County

shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for each phase of this project.

**Timing:** *Prior to issuance of grading or improvement permits and during construction*

**Reporting:** *Approval of grading or improvement permits*

**Responsible Agency:** *Planning Department*

The additional recommendation by the UAIC would clarify that work needs to be halted within 100 feet of the discovery and not just in the immediate area. The revision is recommended by Planning Department staff as an appropriate revision to this mitigation measure. Pursuant to Section 15073.5 of the CEQA Guidelines, recirculation of the project specific Initial Study/Mitigated Negative Declaration (EIS17-0023) is not required as a result of replacing mitigation measures with equal or more effective measures. The revision to Mitigation Measure 5A would result in the measure having equal or more effective requirements, and therefore, recirculation of the Mitigated Negative Declaration is not required. Because of a change to the project's mitigation, an additional finding is recommended to adopt the proposed Mitigated Negative Declaration. Please see the addition of CEQA Section 15073.5 and the additional finding underlined below.

Staff recommends the Zoning Administrator take the following action on the revised Mitigated Negative Declaration:

- I. After reviewing and considering the proposed Mitigated Negative Declaration, adopt the proposed Mitigated Negative Declaration (EIS17-0023) (*Attachment 2*) and Mitigation Monitoring and Reporting Program (*Attachment 1*) pursuant to Section 15073.5, 15074 and 15097 of the California Environmental Quality Act Guidelines making Findings A through D:
  - A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, including visual screening and limits on construction times and generator use, might have any significant adverse impact on the environment;
  - B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Zoning Administrator; and that the mitigation measures attenuating air quality concerns, impacts to nesting birds or native vegetation, impacts to a landmark oak tree, potential cultural or tribal cultural resource discovery, construction noise impacts, and disposal of waste during construction, will reduce potentially significant impacts to less than significant levels;
  - C. Recirculation of the Mitigated Negative Declaration, because of the revision to Mitigation Measure 5A, is not required due to the mitigation measure being revised and added with an equal or more effective measure; and
  - D. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

AT&T- Wild Life Lane  
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**Sadie Caldas**

**Enclosure: Public/Agency comments**