EXHIBIT "A"
REVISED CONDITIONS OF APPROVAL
North Star Water Treatment Project
U14-009, MGT14-015, EIS14-012

A. PLANNING DEPARTMENT

1. Use Permit U14-009 authorizes the construction of a groundwater collection conveyance and treatment system to manage water quality from the Drew Tunnel portal on the Grass Valley Wastewater Treatment Plant property, and an adit, culvert, and spring on the North Star Property between Allison Ranch Road and Wolf Creek. The conveyance system would run from the Wastewater Treatment Plant property to a series of settling and treatment ponds off Mote Lane which would treat the mine drainage using passive methods (oxidization and precipitation) and discharge the cleaned water to a tributary of Wolf Creek under a Limited Threat Discharge Permit issued and monitored by the Regional Water Board. Any intensification of use, which includes any modification that could result in a direct or indirect impact on the physical environment such as changes associated with privacy, aesthetics, noise, and onsite activity, shall require additional environmental review to ensure compatibility with adjacent uses. The approved project shall be consistent with the final stamped set of plans which contain the site plan, and associated pages, as well as the project description shown in the staff report. The southern half of the temporary construction staging area shall be removed from the plans, reducing the overall size of the staging area to approximately half the size proposed, from approximately 37,000 square feet to 18,500 square feet. The final plans shall be kept on file with the Planning Department. The applicant and all successors in interest shall be responsible for maintenance of the proposed project in perpetuity, or until such time as may be determined unnecessary by the Central Valley Regional Water Quality Control.

2. Prior to commencement of project operation, the applicant shall provide evidence to the Planning Department that they have obtained an approved Limited Threat Discharge Permit from the Central Valley Regional Water Quality Control Board and a Timber Harvest Permit from CALFIRE for the proposed project.

3. Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Use Permit (U14-009) (i.e., Final Project Action), unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Commission pursuant to Section 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.

4. Prior to issuance of grading permits, the applicant shall provide a letter of their intent to the Planning Department to formally close out the 1979 Reclamation Plan (U79-005). Staff will then work with the State Office of Mine Reclamation to have the Mine ID removed from the inactive/abandoned mine list.

5. A final set of plans shall be submitted to the Planning Department for review and inspection purposes.

6. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department an indemnity agreement, in a form approved by County Counsel, which shall be substantially in the form below. No further permits or approvals shall be issued for the project, including without limitation a grading permit, building permit or final map approval, unless and until the applicant has fully complied with this condition.

"The applicant shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul this approval or any prior or subsequent project-related approvals or conditions imposed by the County or any of its agencies, departments, commissions, agents, officers or employees concerning this project, or to impose personal liability against such agents, officer, or employees resulting from their involvement in the project, which claim, action, or proceeding is brought within the time providing by law, including any claim for private attorney general fees claimed by or awarded to any party from County. The County shall not be required to but may, within its unlimited discretion participate in the defense of any such claim, action, or proceeding in good faith at its own expense. The applicants shall not be required to pay or perform any settlement of such claim, action, or proceeding unless the settlement is approved by the applicants. The applicant's obligations under this condition shall apply regardless of whether any permits or entitlements are or have been issued under this project."

7. **Implement the <u>revised</u> landscape plan for the sedimentation pond and construction staging area (Mitigation Measure 1A).** Prior to issuance of any grading or building permits, the applicant shall submit a Final Landscape Plan in substantial conformance with the Preliminary Landscape Plan, <u>with a reduced construction staging area per Condition A.1,</u> and signed and stamped by a licensed landscape architect, to the Planning Department for review and approval, including the following:
   a. All details depicted on the preliminary plans and any modifications included by these conditions of approval; and
   b. The location of all required plant materials, evenly dispersed within each required planting area; and
   c. A legend listing the type, number and size of plant materials, indicating both the both the required number and the provided number of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. Show both common names and botanical names. Native vegetation must be included in all required plantings pursuant to subsection L-II 4.2.7.E.2.b of the Land Use and Development Code; and
   d. Irrigation plan per subsection L-II 4.2.7.E.3.c of the Land Use and Development Code; and
   e. A note that "All plantings and irrigation shall be maintained by the property owner and in any case where a required planting has not survived the property owner shall be responsible for replacement with equal or better plant materials."
   f. A note that "Fencing shall be maintained in perpetuity, for the life of the project. The fence shall be routinely checked and any areas that are broken, discolored or become degraded shall be replaced immediately." Final fencing shall be installed as shown on preliminary plans, and shall consist of black powder-coated chain link fencing around the sedimentation pond and as shown on plans for all other fencing.

g. Temporary, fast-growing plant species (shrubs/trees) shall be incorporated into the final landscape plan and installed following construction to augment the proposed planting plan. Following establishment of the proposed native planting plan, those temporary plants may be removed once adequate screening has been established.

Prior to project operation, the Planning Department shall verify that all plant materials have been established pursuant to the approved plan. Irrigation shall be maintained for a minimum of three years for all newly planted areas. Seeded areas do not require irrigation. Revegetated areas shall be monitored by the applicant at least twice each year in May and August for the first three years after construction is complete, and every individual of Armenian blackberry and Scotch broom that is found shall be eliminated. The results of monitoring shall be submitted to the Planning Department within two weeks, and the Planning Department shall verify through field inspection annually compliance with this mitigation measure for the first three years of project operation. Once desired revegetation species have established a dense stand of erosion-controlling vegetation, invasion by weeds may still occur, but would not be expected to jeopardize the bioengineering performance of the revegetation.
Timing: *Prior to issuance of grading and improvement plans, prior to operation, and biannually during operation*
Reporting: *Approval of the grading and improvement plans and operational permits, biannually*
Responsible Agency: *Nevada County Planning Department*

8. **Avoid and reduce impacts to nesting yellow warbler (Mitigation Measure 4A).** In the event that tree removal and/or operation of mechanized equipment of any kind is proposed to be newly initiated or initiated after one week of non-activity within 100 feet of RW-2 or FEW-2 (specific locations identified in the *Biological Inventory Report and Habitat Management Plan* prepared by Ecosynthesis, dated December 19, 2014) between May 1 and July 1, surveys for nesting yellow warblers shall be conducted by a qualified biologist in any suitable nesting habitat that lies within 100 feet of all locations where equipment operation would occur. Surveys shall be conducted between 7 and 14 days prior to initiation of construction, and during morning hours only. If adult yellow warblers are detected during the survey (nest sites may not be identifiable), no equipment operation shall occur within 100 feet of the suitable nesting habitat until it is conclusively determined that no nest is present, or the nest is identified and young have fledged. This measure shall be noted on the grading and construction plans for this project.
Timing: *Prior to issuance of the grading permits and improvement plans between May 1 and July 1*
Reporting: *Agency approval of permits and plans*
Responsible Agency: *Planning Department*

9. **Avoid and reduce impacts to California red-legged frog (CRF) (Mitigation Measure 4B).** Prior to issuance of any grading or improvement permits, the project applicant shall conduct a habitat suitability assessment according to USFWS guidelines and submit this assessment for USFWS concurrence. If the assessment determines that suitable breeding habitat occurs within one or more wetlands or other waters within the site, the project applicant shall hire a qualified, County-approved biologist to conduct a full protocol survey for the species itself, according to USFWS protocol and seasonal recommendations for the Project Area. If the survey does not detect the presence of CRF,

then the results of that survey shall be submitted to USFWS, and no further mitigation shall apply. If the survey detects presence of CRF within any water bodies of the Project Area, the project shall consult with USFWS to establish protective measures that would be implemented during construction to minimize the potential for loss of individual CRF. Such measures might include, but would not be limited to, installation of barrier fences to impede CRF from moving from occupied water bodies into areas of construction activity, minimization of the creation of temporary refuge sites in uncovered trenches or basins, and monitoring by a qualified biologist during construction activities. In the event that consultation with USFWS is not completed within a reasonable time period, such as six months, of submittal of the protocol survey results, the mitigation measure would be considered to have been satisfied if the project implements measures that have been accepted for other construction projects with similar circumstances. It is recommended but not required that the project applicant and/or the project biologist also obtain an incidental take permit if potential CRF breeding habitat in the Project Area is determined to be occupied. An incidental take permit protects the owner and contractor against penalties under the Endangered Species Act if individuals of a listed wildlife species are harmed despite the implementation of mitigation measures, and allows for capture of individuals if necessary to facilitate definitive identification.
Timing: *Prior to issuance of the grading permits and improvement plans*
Reporting: *Agency approval of permits and plans*
Responsible Agency: *Planning Department and USFWS*

10. **Avoid and reduce impacts to foothill yellow-legged frog (FYF) (Mitigation Measure 4C).** If the treated water from the project treatment ponds is discharged at PT-10 (specific location identified in the *Biological Inventory Report and Habitat Management Plan* prepared by Ecosynthesis, dated December 19, 2014), no mitigation is required. If the treated water is discharged at ST-1 (location identified in the *Biological Inventory*) as currently proposed, or any other location, then the project shall survey for FYF during the appropriate season to detect breeding individuals or egg masses (likely from March through June, but may require more than one visit depending upon weather during the year when the survey occurs). If the species is not detected, no further mitigation is required. If it is present, the applicant shall reroute the treated water discharge to unnamed tributary PT-10 (location identified in the *Biological Inventory*).
Timing: *Prior to issuance of the grading permits and improvement plans*
Reporting: *Agency approval of permits and plans*
Responsible Agency: *Planning Department*

11. **Avoid and reduce impacts to western pond turtle (Mitigation Measure 4D).** Prior to initiation of ground-disturbing activities in the area of the pond (PP-1) (specific location identified in the *Biological Inventory Report and Habitat Management Plan* prepared by Ecosynthesis, dated December 19, 2014), construction supervision staff and workers shall be educated regarding the presence of western pond turtle, the measures to be taken to minimize potential impacts, and procedures in the event that an individual pond turtle or nest is discovered during construction. A biological monitor shall be present during pipeline construction within 600 feet of the pond. In addition, the pipeline trench shall be covered at the end of each work day to prevent turtles from falling in and potentially becoming trapped, and it shall be inspected by the monitor each morning. If any pond turtles are discovered within the pipe trench, they shall be captured and relocated to the pond. In the event that a pond turtle nest is inadvertently disturbed during construction,

any undamaged eggs shall be salvaged and transferred to a wildlife rescue facility for rearing and release into the wild.
Timing: *Prior to issuance of the grading permits and improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

12. **Avoid and reduce impacts to pallid bat (Mitigation Measure 4E).** If trees are to be removed for project construction at any time after March 30 and before September 16, acoustical surveys for the presence or absence of pallid bat shall be performed by a biologist with experience in this type of survey. If pallid bat is not detected within the project site, then no further mitigation is required. If pallid bat is detected acoustically within the site, then no trees larger than 24 inches dbh ("potential roost trees") shall be removed until either follow-up acoustical surveys demonstrate that pallid bats are no longer foraging within the site; or each potential roost tree that is either designated to be removed or is located within a 50 foot radius of a tree to be removed is determined definitively not to contain a hollow suitable for pallid bat roosting use; or until the period of September 16 to March 30, during which trees of any size may be removed without other mitigation for potential impacts on pallid bat.
Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

13. **Avoid and reduce impacts to nesting raptors and migratory birds (Mitigation Measure 4F).** If feasible and where possible, the applicant shall conduct tree removal and initial grading between August 15 and October 15 to avoid both the later nesting season and the wet season. Mitigation actions for other time periods and types of activities shall be as follows:

    a. From October 15 through December 31, trees may be felled by crews working on foot and left on the ground for later removal, with no vehicle operation off of existing paved or unpaved roads; neither nesting bird surveys nor installation and maintenance of sediment controls is required.

    b. From October 15 through December 31, tree removal and clearing and grubbing of undisturbed vegetation areas may be carried out if sediment control measures are installed, monitored, and maintained as specified in the project's Timber Harvest Plan and Stormwater Pollution Prevention Plan, and subject to approval of autumn/early winter ground disturbance by Calfire, the Central Valley Regional Water Quality Control Board, and the Nevada County Building Department. During this time period, no surveys for nesting birds are required.

    c. From January 1 through May 1, sediment controls and applicable approvals are required by Calfire, the Central Valley Regional Water Quality Control Board, and the Nevada County Building Department for wet season ground disturbance. In addition, nesting bird surveys would be required as specified below.

    d. If vegetation removal, brush mastication, or ground surface disturbance (any form of grading) are to occur between January 1 and August 15, the applicant shall hire a qualified biologist to conduct nesting bird surveys, as appropriate to the season: from

January 1 to April 15, surveys would be targeted toward early nesting species (specifically, late afternoon and evening surveys for great horned owl); after April 15, surveys would be targeted toward nesting passerine birds. Surveys for the latter shall occur between 7 and 14 days prior to initiation of construction, between dawn and 11 AM for small birds and avoiding mid-day for all birds. Survey work shall cover all habitat within 100 feet of vegetation removal or ground disturbance, or a greater distance in the case of raptor/owl survey: a distance of 500 feet from the limit of disturbance, or to the limit of the Project Area, whichever is closer. In the event that nests are identified, temporary non-disturbance zones shall be the same width as the survey buffer (100-500 feet, depending on the species found to be nesting); a revisit by the biologist, with confirmed observations of fledglings in the nest vicinity, shall also be required prior to vegetation removal or soil disturbance, unless this were to be delayed past August 15. Results of required nesting bird surveys shall be submitted to the County prior to ground or vegetation disturbance.

Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

14. **Compensate for potential wetland loss (Mitigation Measure 4G).** The project shall purchase 0.048 acre of credit for perennial non-wetland surface waters and 0.025 acre of credit for seasonal wetland at an approved mitigation bank with a geographic service area including the site, or shall make a payment analogous to an in-lieu fee payment for nationwide permit impacts at an approved mitigation bank, for 0.048 acre of non-wetland waters and 0.025 acre at the rate applicable to seasonal wetland at the time that the project is initiated. In the event that the acreages of the three features in question are modified in the course of verification of the jurisdictional determination by the U.S. Army Corps of Engineers, the acreages of mitigation shall be correspondingly adjusted.
Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department, US Army Corps of Engineers*

15. **Reduce potential erosion into the Seasonal Tributary ST-1 (Mitigation Measure 4H).** Prior to issuance of grading or improvement permits, the project applicant shall compare the channel dimensions and gradients between ST-1 and PT-10 (the latter being known to be stable under flow regimes similar to the proposed discharge) (specific locations identified in the *Biological Inventory Report and Habitat Management Plan* prepared by Ecosynthesis, dated December 19, 2014) to determine whether the Seasonal Tributary segment has the capacity to conduct discharge flows year-round without resulting in significant erosion. For this purpose, hydrologic modeling of the channel watershed is not required. Comparison of channel dimensions and gradient between the seasonal and perennial segments suffices because the perennial segment provides an empirical standard of a channel in the same materials that remains stable when subjected to the same general flow regime (sustained wet-season flow from the NID canal being nearly as much as the flow of treated water). Once comparison has been made, the following actions shall be taken:

    a. If the Seasonal Tributary is determined to be stable under anticipated flows, no further actions are required other than the Outfall Design recommendations described below.

b. If the Seasonal Tributary is not reasonably expected to remain stable, the applicant shall pipe the treated water down to a point where it can be discharged into the lower, perennial portion of the tributary immediately above or below the existing culvert. At that point, the recommendations pertaining to Outfall Design would be implemented.
c. Outfall Design: In either case, the outflow structure shall be constructed as a wide rock-lined outfall without a single concentrated flow point (D_{50} of 4-6 inches; width: as wide as surrounding topography permits, or up to 8 feet wide at the level annual maximum flow), so as to disperse the outflows and minimize the potential for point erosion. Total width of the discharge conveyance includes "banks" outside the flow width. The outfall shall be constructed entirely outside jurisdictional limits and shall be feathered into the existing topography.

Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

16. **Reduce construction and operational sediment conveyance to Project Area wetlands and other waters (Mitigation Measure 4I).** Sediment containment (temporary BMPs) shall be installed prior to the arrival of any excavating equipment other than that used to install the BMPs. The central feature of temporary BMPs for construction of the proposed wetland pond is a silt fence installation between that project element and the wetlands and waters to the northwest. Straw rolls or wattles will not be effective and are not an acceptable BMP for sediment control in this location. Silt fencing shall be installed as follows and these criteria shall be included as a note on grading plans:

- At a minimum, the silt fencing system shall extend from the small topographic rise southeast of Perennial Pond PP-2 past the northern terminus of RW-2 (specific locations identified in the *Biological Inventory Report and Habitat Management Plan* prepared by Ecosynthesis, dated December 19, 2014).
- To provide sufficient sediment capacity and to prevent the possibility of concentrating flows to a degree that exceeds the ability of silt fence and its supporting stakes to contain water without collapsing, the silt fence system shall be constructed in a series of short runs, each terminating in an upwardly curved downhill end forming a mini-detention area.
- Silt fence shall be installed keyed into a 6-inch trench and over-backfilled. Due to the rocky nature of some of the soils present on site, a stockpile of screened material (with larger angular rocks that would damage the fabric removed) may be required for use as silt fence trench backfill.
- If rocky conditions prevent satisfactory keying in of the toe of the silt fence, it may be rolled into coir netting and a seal constructed at the soil surface from suitable erosion control fibers such as a separate layer of folded coir netting. Any such deviation from the trenching specification should occur only under the Project Engineer's authority (not by the implementing contractor alone) in consultation with a Certified Professional in Erosion and Sediment Control (CPESC) or other qualified individual with field experience monitoring BMP installations under extreme precipitation conditions.
- Silt fencing shall be fabric only (no metal wire, which interferes with achieving a good join with the soil surface and, in the very constrained space that is the case for the present project, presents nearly insurmountable difficulties in removal without destabilizing the detained sediment.

- Support stakes shall be at a maximum spacing of 10 feet, and less than that at the points where water is expected to be concentrated. Standard wooden stakes may not be effective in the site's rocky soils; substitution or supplementation by metal rods may be necessary.
- Additional support in the form of straw bales placed on the downhill side of the silt fencing at key locations is recommended.
- Silt fence shall be monitored, maintained, and repaired as necessary throughout construction and revegetation. It shall not be removed until the contained sediment behind it has been revegetated with a minimum absolute cover of 70 percent.
- If any soil is to remain exposed during the rainy season, weather forecasts shall be monitored daily, and, whenever any amount of rainfall greater than ¼ inch is expected within the next 24 hours, any loose exposed soil shall be covered with plastic sheeting, adequately weighted over its entire surface to prevent it from blowing loose during the winds that frequently precede or accompany rainfall in the project region. Straw wattles or erosion control blankets are not recommended for use even in areas other than the one critical silt fence installation described in detail above. However, if they are used, they shall be ones fabricated entirely of biodegradable materials; no plastic. Monofilament netting entails significant risk of wildlife entrapment. If rolled products are to be used, coir netting is recommended over all other alternatives. Provisions related to equipment maintenance, storage of materials, and stabilized access points that are included in the Stormwater Pollution Prevention Plan shall be implemented and monitored as specified therein.
- Additional sediment controls may also be required under the Stormwater Pollution Prevention Plan subject to approval by the Central Valley Regional Water Quality Control Board.

Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department, Central Valley Regional Water Quality Control Board*

17. **Permanently revegetate disturbed area to avoid indirect impacts on nearby wetlands and other waters (Mitigation Measure 4J).**

1. Soil management. The upper layer of existing soil shall be salvaged and stockpiled for use in construction of facility outslopes, on which it is important for revegetation to result in a thick stand of self-sustaining vegetation to preclude the need for costly maintenance and repair. The depth of the salvage shall be a minimum of six inches, or up to 12 inches depending on soil testing and calculation of the volume needed to construct the perimeter berms. If the soil stockpile is to be retained during the rainy season, it shall be seeded with the seed mix specified below. Vegetation resulting from seeding the stockpile will enhance the rate at which final revegetation occurs. The outer soil layer on slopes to be revegetated (such as outslopes of the proposed pond) shall not be compacted to a higher degree than 85% at optimum moisture content (OMC). If there is an engineering necessity for greater compaction of the interior, then an additional outer layer shall be installed for revegetation. Optionally, this may require creating excavator divots or subgrade benches at a one foot vertical interval to ensure that the revegetation soil layer does not slump when wet. Revegetation within the site shall not entail use of any high-nutrient amendments such as fertilizer of any nature including slow-release and biologically based

fertilizers. Compost may be employed if it does not contain manure supplements and if it is tilled in when the final soil surface is established.

2. Hydroseeding and mulch. Hydraulic erosion control application shall occur as soon as possible following completion of ground disturbing activities. If hydroseeding occurs when the soil surface is dry, mulch often fails to adhere and peels off at the first rainfall. Therefore, if conditions are dry, hydraulic applications shall occur in two passes: one of water and seed, the other of hydromulch. If the surface materials are rough (which is desirable from the perspective of capturing seed and rainfall and reducing sheet flow velocities), mulch application shall be from two directions so that full coverage is achieved. Hydromulch of the outslopes of the facilities shall employ bonded fiber matrix. Hydromulch used in other areas may be of any other kind as appropriate to manufacturer's specifications. Seed mix shall be as specified below, as based on what presently grows on site and species that are successful (not invasive) in the area. Seed specification is subject to revision by a qualified revegetation specialist based upon any additional soil observations or laboratory data that may be obtained:

   - Vulpia (Festuca) myuros (foxtail fescue), 5 lbs PLS/acre
   - Festuca sp. (perennial fescue – prefer red, meadow, or hard fescue in that order), 3 lbs PLS /acre
   - Bromus hordeaceus (Blando brome), 7 lbs PLS /acre
   - Dactylis glomerata (orchard grass) and/or Festuca arundinacea (tall fescue), 1 lbs PLS /acre either
   - species or combined
   - Elymus glaucus (blue wild-rye), 3 lbs PLS /acre
   - Either or both of the following nitrogen-fixing species:
   - Lupinus nanus (sky lupine), 4 lbs PLS /acre
   - Trifolium hirtum (rose clover), 2 lbs PLS/acre
   - Ceanothus prostratus var. prostratus (squaw carpet), 20 seeds/square foot on outslopes or other slopes at 3:1 or steeper.

   Lower application rates are still beneficial if insufficient seed supply is available. Seed pretreatment to enhance germination is required. If other seed sources are lacking, squaw carpet shall be the preferred backfill species.

   Seed shall be delivered in separate bags, not mixed, and each bag shall be labeled with species, origin or cultivar name, germination testing information and date, and weed seed content. Seed that is unlabeled or lacks any of the labeling listed above shall be rejected. Weed seed content shall not exceed 1 percent and shall not include any species of Melilotus or any species with a Cal-IPC rating of "High" in any amount. Any seed lot not meeting these weed seed criteria shall be rejected.

3. Revegetation maintenance. Revegetated areas shall be monitored at least twice each year in May and August for the first two years after construction is complete, and every individual of Armenian blackberry and Scotch broom that is found shall be eliminated from areas where the revegetation is critical to erosion control. The results of monitoring shall be submitted to the Planning Department within two weeks, and the Planning Department shall verify through annual field inspection compliance with this mitigation measure for the first three years of project operation. Particular

attention shall be paid to the berms containing the wetland pond and other facilities. Due to the close proximity of aquatic habitat, mechanical means are preferred; specifically, plants shall be uprooted rather than merely cut. Once desired revegetation species have established a dense stand of erosion-controlling vegetation, invasion by weeds may still occur, but would not be expected to jeopardize the bioengineering performance of the revegetation.

Timing: *Prior to issuance of the grading permits or improvement plans and twice a year for three years*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

18. **Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction (Mitigation Measure 5A).** All equipment operators and employees involved in any form of ground disturbance shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, 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 the grading permits and improvement plans*
Reporting: *Agency approval of permits and plans*
Responsible Agency: *Planning Department*

19. **Implement engineering controls and a maintenance program to reduce potential risks to the pipeline from unstable slopes along the Bypass Road alignment and in any area within the approximate zone of unstable slopes (Mitigation Measure 6A)**. Future slope movement may occur within and near the approximate zone of unstable slopes as shown on Figures 4-6 of the Geological Hazards Evaluation by MWH, especially during extremely wet conditions or during seismic events. The pipeline alignment along the Bypass Road is located upslope of an approximate zone of unstable slopes where slope movement has occurred in the past. Due to the proximity of the proposed pipeline alignment to the mapped head scarp and an approximate zone of potentially unstable slopes, the portion of the pipeline along the Bypass Road and in all other areas within the "approximate zone of unstable slopes" as shown on Figures 4-6 of the Geological Hazards Evaluation by MWH shall be designed to accommodate slope movement and/or stabilize the area to reduce the risk of pipeline deformation in the future. A monitoring and maintenance program shall be developed and implemented to regularly assess pipeline performance and verify that the system continues to perform as intended. Engineering controls and a monitoring and maintenance program shall be included in the pipeline design, based on the information provided in this report. The engineering controls and monitoring and maintenance program shall be submitted to Nevada County prior to issuance of any grading or improvement plans within the

designated "approximate zone of potentially unstable slopes" in MWH's December 2014 *Geologic Hazards Evaluation*.
Timing: *Prior to issuance of the grading permits and improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

20. **Maintain a 50-foot buffer from areas of excessive erosion and incised drainages (Mitigation Measure 6B).** In order to mitigate the potential for damage to project facilities by excessive erosion or deeply incised drainages as identified in the Geologic Hazards Evaluation by MWH dated December 2014, these areas shall be avoided by maintaining a minimum 50-foot buffer from engineered features. Additionally, in the identified "steep slope" area on Figure 3 of the Geologic Hazards Evaluation immediately northwest of TP 2, the pipeline shall be located along the west lane of Allison Ranch Road. Prior to issuance of grading permits and improvement plans, the project design shall reflect this avoidance.
Timing: *Prior to issuance of the grading permits and improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

21. **Maintain a 50-foot buffer from known areas of subsidence and underground mine workings where practicable (Mitigation Measure 6C).** The location of known underground mine workings shall be delineated prior to issuance of grading permits and improvement plans. Where practicable, facilities shall be constructed to avoid mapped areas of subsidence and known underground mine workings by a minimum of 50 feet offset, although those construction components that must be located within 50 feet to either collect or intercept the mine waters shall be allowed. Where these areas cannot be avoided, performance standards for engineering controls shall include the following: a) site-specific ground control plans shall accommodate movement due to subsidence and improve the pipeline's resistance to deformation; b) site-specific ground control plans shall avoid identified ground voids where possible; and c) site-specific ground control plans shall construct project components to ensure safe ground conditions for construction workers and the public in the near- and long-term.
Timing: *Prior to issuance of the grading permits and improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

22. **Implement seismic reinforcement measures to avoid potential impacts from seismic activity (Mitigation Measure 6D).** In order to mitigate the potential for damage caused by ground shaking, prior to the issuance of grading permits and improvement plans, the project applicant shall incorporate the parameters included in the Geologic Hazards Evaluation by MWH dated December 2014 into the project design, which include but are not limited to factors of Peak Ground Acceleration (PGA), shear wave velocity, and earthquake event return periods to ensure that all pipelines and structures associated with the project would be structurally sound and damage-resistant during potential seismic events.
Timing: *Prior to issuance of the grading permits and improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

23. **Reduce and reuse construction waste where feasible (Mitigation Measure 7A).** Prior to issuance of grading and improvement permits, the applicant shall include a note on all plans to the effect that project contractors shall "Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) to the greatest extent practicable."
Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

24. **Limit construction vehicle idling time (Mitigation Measure 7B).** Prior to issuance of grading and improvement permits, the applicant shall include a note on all plans to the effect that "Construction equipment idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.
Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

25. **Limit construction work hours to 7:00 AM to 7:00 PM (Mitigation Measure 12A).** During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday - ~~Saturday~~Friday. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction.
Timing: *Prior to issuance of grading and building permits*
Reporting: *Agency approval of permits and plans*
Responsible Agency: *Nevada County Planning Department*

26. **Comply with Nevada County noise standards and limit operation of generators to 8:00 AM to 5:00 PM, except as needed during an electrical power outage (Mitigation Measure 12B).** For regular generator maintenance, generators shall be exercised from 8:00 AM to 5:00 PM, Monday - Friday. Additionally, IDR noise standards as shown in the table shall apply to the property line of the subject property. If the County amends the noise standards in the future, any new noise standards shall apply. Noise standards shall be enforced through a complaint-driven process via the Nevada County Code Compliance Division.

Nevada County Exterior Noise Limits			
Zoning District	Time Period	Leq	Lmax
IDR	7 am – 7 pm	55	75
	7 pm – 10 pm	50	65
	10 pm – 7 am	40	55

Timing: *During project operation*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Code Compliance Division*

27. **Appropriately dispose of vegetative and toxic waste (Mitigation Measure 17A)**. Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. This mitigation measure shall be included as a note on all grading and improvement plans, which shall be reviewed and approved by the Planning Department prior to grading permit issuance.
Timing: *Prior to issuance of grading and improvement permits*
Reporting: *Agency approval of permits and plans*
Responsible Agency: *Nevada County Planning Department*

B. DEPARTMENT OF PUBLIC WORKS

1. Right-of-Way: Coordinate with the County of Nevada to establish a 60' surface easement that allows the County to perform routine maintenance, shoulder widening, road widening and drainage improvements, and fuel modification work within this right of way along applicant property abutting Allison Ranch Road and the Bypass Road. The County will not accepted deeded right of way in lieu of this easement, and all pipeline and appurtenant equipment will be located out of the proposed easement and remain property of the applicant. All proposed appurtenant equipment (excluding the sewer pipeline and manhole covers) will be located outside the surface easement boundary. Applicant will be responsible for maintenance of manhole covers and any other appurtenant equipment located within the proposed surface easement, and will be required to enter into an agreement with the County to better define these responsibilities.

2. Road Improvements:

   a) All work done within the proposed County Right of Way (either prescriptive or through the proposed surface easement) will require an Encroachment Permit issued by the Nevada County Department of Public Works. Applicant shall be responsible for funding all time and expenses incurred by The Public Works Inspector. Depending on staff workload and availability, the County reserves the right to direct the applicant to hire third party inspection services. These services will serve at the discretion and direction of the County but will be funded by the applicant.

   b) The applicant's engineer shall prepare improvement plans for the required work to be submitted to the Nevada County Building Department for approval. Improvements shall conform to all specifications for road construction, surfacing, and drainage outlined in LUDC Sec. XVII Road Standards.

   c) The applicant's engineer shall certify that the improvements were completed in conformance with the approved plans.

3. Road Maintenance: All trench backfill and other work done in the existing Allison Ranch Road and Bypass Road right of way shall meet the County's requirements for trenching, and the road shall be returned to a similar or better condition upon project completion.

4. **Implement a Traffic Control Plan during construction (Mitigation Measure 16A).** Prior to the issuance of grading or improvement permits and prior to the start of construction within the Nevada County road right-of-way, the applicant shall submit to

the Department of Public Works for their review and approval a complete Traffic Control Plan. The Traffic Control Plan shall include all public roadways where work is to be performed and shall indicate each stage of work, closure dates for street and section of closure (if necessary and otherwise allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The Traffic Control Plan shall be reviewed and approved by the County before the contractor begins work. Specific components of the Traffic Control Plan include the following:

a. At least one lane of traffic will be kept open at all times unless prior approval is provided by the County and any affected agency. No roads will be blocked or made inaccessible, due to the contractor's work, without prior written approval of the County and affected agencies. Fire lanes will not be blocked or obstructed at any time.
b. Work shall be accomplished to provide access to all side streets and properties whenever possible. If access to adjacent property cannot be provided, all property owners with restricted access shall be notified 24 hours in advance and adequate nearby parking shall be provided and maintained until direct access can be restored. The contractor shall provide for pedestrian traffic through work areas at all times.
c. Traffic control, signs, and barricades shall conform to current standards. Lighted barricades shall be used when required. Special attention shall be provided to excavation and open trenching.
d. Three flaggers shall be used for any one-way traffic flow situation (two working and one as standby), and shall be furnished by the contractor. The flaggers shall be properly equipped and trained.
e. Where flaggers are not visible to each other, additional flaggers shall be added as required by the County, or the contractor shall use radios.
f. All holes, trenches, etc., in pavement areas will be covered with 1-inch (minimum thickness) steel plates, shimmed with temporary asphalt on edges, by 5:00 p.m. or at the end of each work day. As an option to the contractor, the holes, trenches, etc., can be backfilled and all areas within pavement areas have temporary asphalt toppings. The temporary asphalt will be regularly maintained. All areas will be completely restored within 10 working days after the work has been completed at that location.
g. Contractor shall display "No Parking" signs in areas of work at least 72 hours in advance. The signs shall state the day(s), date(s), and time of construction work. "No Parking" signs shall be placed in full view along the side of the road and not more than 100 feet apart.
h. Contractor shall furnish, erect, maintain, and remove all necessary construction signs and barricades for the full term of the construction activities.
i. Closure of streets can occur only between 8:00 a.m. and 5:00 p.m. if allowed by the County. At least 48 hours before a street closure, the contractor must receive permission from the County and provide appropriate signage that meets their specifications. Approval to close a street is valid for one day only.
j. On the day the street is closed, the contractor will notify the Police/Sheriff and Fire Protection District and provide appropriate signage that meets County specifications.
k. Lane closures may be made for work periods only. At the end of each work period, all components of the traffic control system shall be removed from the traveled way, shoulder, and auxiliary lanes.

l. If emergency access is required during a temporary lane closure, workers will be present and available to take appropriate steps to immediately alter operations to provide access.
m. Replace all striping and pavement marking disturbed by construction to preconstruction configuration.
n. Restore all existing hardscape (pavement concrete or walkways, driveways, or other surface features disturbed by the contractor's work) to the pre-construction conditions acceptable to the County.
o. Prior to commencement of work, notify all affected agencies, including the appropriate Public Works Department, Police Department/Sheriff's Office, Fire Protection District, U.S. Postal Service, Disposal Services, and local ambulance/emergency response services.
p. Construction activities shall be scheduled to direct traffic flow to off-peak hours as much as practicable.

Timing: *Prior to issuance of grading and improvement permits for work within the County right-of-way and work that will affect traffic flow in the County right-of-way*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Public Works Department and Planning Department*

C. ENVIRONMENTAL HEALTH DEPARTMENT

1. **Routinely monitor and treat the proposed ponds for mosquito larvae (Mitigation Measure 8A).** For the first two summers after construction of the treatment ponds, the applicant shall contact the Environmental Health Department's Vector Control Division and coordinate a Vector Control inspection of the treatment ponds for mosquito larvae once a month from May through October. The Vector Control Division shall document the results of the visit. If no larvae and no potential breeding hotspots are found, no further action shall be taken beyond documentation of the visit and results. If larvae or possible breeding sites are found, Vector Control Division staff shall provide recommendations to the project applicant on engineering control methods as needed that the applicant shall implement within two weeks' time (e.g., re-grading any shallow spots, aerating or providing movement in the water at the location of the mosquito larvae). If these methods are insufficient to prevent the breeding of mosquitoes, Vector Control shall implement alternative methods, including but not limited to installation of mosquito fish and use of Bacillus thuringiensis israelenis (BTi) or other pesticides commonly used by Vector Control. If no larvae are found after the first two summers of monitoring, no further inspections shall be required except as determined necessary by Vector Control.
Timing: *Once per month from May through October during the first two summers of operation and as needed thereafter*
Reporting: *Project operation*
Responsible Agency: *Environmental Health Department, Vector Control Division*

D. BUILDING DEPARTMENT

1. **Implement the recommendations of a geotechnical evaluation for project grading and structural work (Mitigation Measure 6E).** Prior to issuance of grading permits and improvement plans, a geotechnical report shall be prepared by a licensed engineer and submitted to Nevada County and recommendations therein followed for all subsequent grading and structural work. The geotechnical investigation report shall provide

recommendations that ensure that fill soils are compacted to CBC standards and that any liquefiable soils, if present, are accounted for in the grading design and structural specifications for the site. Performance standards shall include the following: a) all grading and structural work shall meet the performance standards of applicable CBC regulations, b) construction methods shall be used which minimize risks to structures and do not increase the risk to the site, or to adjacent properties and their structures, from the geologic hazard; c) development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion; d) site planning shall minimize disruption of existing topography and vegetation; e) excavation and grading shall be minimized to the greatest extent practicable; f) any limitations to site disturbance, such as clearing restrictions, imposed as a condition of development approval shall be marked in the field and approved by the county prior to undertaking the project; and g) a monitoring program shall be prepared for construction activities occurring in geologic hazard areas and be marked on the face of the building permit.
Timing: *Prior to issuance of the grading permits and improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Building Department and Department of Public Works*

2. **Limit the grading season (Mitigation Measure 6F).** Grading plans shall include the time of year for construction activities. No grading shall occur after October 15 or before May 1 unless the Chief Building Inspector or his/her authorized agent determines project soil conditions to be adequate to accommodate construction activities.
Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department and Building Department*

3. **Prepare and implement an Erosion and Sediment Control Plan for areas outside the habitat management area (Mitigation Measure 6G).** Prior to issuance of grading permits or improvement plans for all project related grading including road construction and drainage improvements, said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

   a. During construction, Best Management Practices (BMPs) for temporary erosion control shall be implemented to control any pollutants that could potentially affect the quality of storm water discharges from the site. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in accordance with California State Water Resources Control Board (SWRCB) requirements. This SWPPP includes the implementation of BMP's for Erosion Control, Sediment Control, Tracking Control, Wind Erosion Control, Waste Management and Materials Pollution Control.
   b. If applicable, topsoil shall be removed and stockpiled for later reuse prior to excavation activities. Topsoil shall be identified by the soil-revegetation specialist who will identify both extent and depth of the topsoil to be removed.
   c. Upon completion of grading, stockpiled topsoil shall be combined with wood chips, compost and other soil amendments for placement on all graded areas. Revegetation shall consist of native seed mixes only. The primary objectives of the soil amendments and revegetation is to create site conditions that keep sediment on site, produce a stable soil surface, resist erosion and are aesthetically similar to the surrounding native forest ecosystem.

d. Geo-fabrics, jutes or other mats may be used in conjunction with revegetation and soil stabilization.

Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department and Building Department*

E. NEVADA COUNTY CONSOLIDATED FIRE DISTRICT

1. Within ninety (90) days from the project approval date, the applicant shall submit a project-specific Fire Protection Plan to the Planning Department and for review and approval by the Office of the Fire Marshal. No grading or improvement permits shall be issued until the Fire Protection Plan is approved.

F. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

1. **Implement dust control measures (Mitigation Measure 3A).** Prior to the approval of any grading or improvement permits, to reduce impacts of short-term construction, the following standards shall be noted on all grading plans and shall be included in project bidding documents in such a way as to make them easily accessible to contractors or machinery operators working on the project, with a descriptive heading such as "Dust Control":

   a. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
   b. All material excavated, stockpiled or graded shall be sufficiently watered, treated or converted to prevent fugitive dust form 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.
   c. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
   d. 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.
   e. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
   f. All inactive disturbed portions of the development site shall be covered, seeded or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying non-toxic soil stabilizers to all inactive construction areas.
   g. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
   h. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulation of silt and/or mud which may have resulted from activities at the project site.

   Timing: *Prior to issuance of the grading permits or improvement plans*
   Reporting: *Approval of the grading permit or improvement plans*
   Responsible Agency: *Northern Sierra Air Quality Management District*

2. **Use grid power rather than diesel generators during construction where feasible (Mitigation Measure 3B).** Prior to the approval of any grading or improvement permits, to reduce impacts of short-term construction, the following shall be noted on all

construction/grading plans and shall be included in project bidding documents in such a way as to make them easily accessible to contractors or machinery operators working on the project, with a descriptive heading such as "Use Grid Power Where Feasible": "Grid power shall be used (as opposed to diesel generators) for job site power needs where feasible during construction."
Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Approval of the grading permit or improvement plans*
Responsible Agency: *Northern Sierra Air Quality Management District*

3. **Use alternatives to open burning of vegetative material (Mitigation Measure 3C).** Prior to the approval of any grading or improvement permits, to reduce impacts of short-term construction, the following shall be noted on all construction/grading plans and shall be included in project bidding documents in such a way as to make them easily accessible to contractors or machinery operators working on the project, with a descriptive heading such as "Open Burning Prohibited": "Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless deemed infeasible to the Air Pollution Control Officer (APCO). Among suitable alternatives is chipping, mulching, or conversion to biomass fuel."
Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Approval of the grading permit or improvement plans*
Responsible Agency: *Northern Sierra Air Quality Management District*

4. **Comply with the Asbestos Airborne Toxic Control Measure (ACTM) for construction (Mitigation Measure 3D).** If serpentine, ultramafic rock, or naturally occurring asbestos is discovered during construction or grading, the NSAQMD shall be notified no later than the following business day and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations shall be strictly complied with.
Timing: *Prior to issuance of the grading permits or improvement plans*
Reporting: *Approval of the grading permit or improvement plans*
Responsible Agency: *Northern Sierra Air Quality Management District*