



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION IN CONNECTION WITH THE NORTH SAN JUAN FIRE SUPPRESSION SYSTEM PROJECT AND APPROVING A MANAGEMENT PLAN FOR DEVELOPMENT WITHIN 100 FEET OF WETLANDS LOCATED ON ASSESSOR'S PARCEL NUMBERS 060-110-001, 060-090-008, 060-120-023, 060-120-016, 060-120-067, 060-120-055, 060-120-054 AND PUBLIC RIGHT-OF-WAY (FILE NOs. PLN23-0121; MGT23-0026; EIS23-0004).

WHEREAS, development of the North San Juan Fire Suppression System is proposed by the Nevada County Department of Public Works; and,

WHEREAS, the Resolution of Application to apply to the Nevada County Local Area Formation Commission for formation of the County Service Area (CSA) to support the operation and maintenance of the North San Juan Fire Suppression System submitted to the Board of Supervisors by the Nevada County Department of Public Works requires adoption of a California Environmental Quality Act document; and,

WHEREAS, on September 28, 2023, the Planning Department staff prepared an Initial Study and Mitigated Negative Declaration ("IS/MND") for the Project (EIS23-0004) a copy of which is attached to this Resolution as Exhibit A; and,

WHEREAS, the IS/MND was submitted directly to affected local, regional, state, and federal agencies, and was released for a 30-day public review period, commencing on September 28, 2023 and ending October 30, 2023; and,

WHEREAS, the IS/MND analyzes all the potential environmental impacts of the proposed Project and found that no significant impacts would result from the approval of the Project; and,

WHEREAS, the Nevada County Land Use and Development Code Section L-II 4.3.17 provides protection measures for watercourses, wetlands and riparian areas, requiring a Management Plan prepared by a qualified biologist for disturbance from development within 100-feet of annual watercourse and wetlands; and

WHEREAS, it has been identified that the proposed water pipeline is within 100-feet of wetlands and therefore qualified biologist Mr. Ted Beedy of Beedy Environmental Consulting prepared a wetlands Management Plan dated August 1, 2023, attached hereto as Exhibit B ; and,

WHEREAS, potential impacts to the wetlands have been reduced to less than significant because of the recommendations of the Management Plan, which have been incorporated into project IS/MND and will be implemented through the project's Conditions of Approval/Mitigation Monitoring and Reporting Program provided for in Exhibit C; and,

NOW, THEREFORE, BE IT RESOLVED, that the Nevada County Board of Supervisors has reviewed the Initial Study and proposed Mitigated Negative Declaration (EIS23-0004), together with all comments received during the public review period, and pursuant to the California Environmental Quality Act Guidelines Sections 15073.5 and 15074 hereby finds and determines as follows:

1. The above recitals are true and correct;
2. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned (including mitigation for potentially adverse impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire) might have any significant adverse impact on the environment;
3. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Board of supervisors; and that the mitigation measures attenuating potential impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire, will reduce potentially significant impacts to less than significant levels;
4. 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.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Mitigated Negative Declaration (EIS23-0004) for the *North San Juan Fire Suppression System* Project, and approves the Management Plan (MGT23-0026) to allow for the development of the fire suppression system within 100 feet of wetlands, and pursuant to the Nevada County Land Use and Development Code Division 4.3 Resources Standards hereby finds and determines as follows:

1. That while construction of a fire suppression system is proposed within an area designated as being within the 100-foot non-disturbance buffer of a wetland designated as a protected resource through Section L-II 4.3.17 of the Nevada County Land Use & Development Code, this sensitive resource area will be substantially

protected through recommendations in the August 2023 Management Plan prepared by Edward C. Beedy, a biological consultant pre-qualified by the County, and made Conditions of Approval, and no significant loss of resource value is anticipated to occur; and

2. That there is no feasible alternative location for the fire suppression system, therefore there is no alternative for avoiding or relocating the disturbance.