

**NEVADA COUNTY ZONING ADMINISTRATOR**  
**STAFF REPORT**

**APPLICANT:** Tahoe Donner Association      **HEARING DATE:** September 14, 2016

**OWNER:** Tahoe Donner Association      **FILE NO:** MGT16-004-MGT16-008, EIS16-002

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**PROJECT:** Five Management Plans for portions of the Tahoe Donner Trails Five-Year Implementation Plan (5YIPlan) located within sensitive environmental resource protection areas.

**LOCATION:** The 5YIPlan is located on private land owned by the Tahoe Donner Association and is located in the northwest part of the Town of Truckee and the eastern portion of Nevada County. The project area is located on the Norden, Truckee, Independence Lake, and Hobart Mills, California USGS Quads. It is at roughly 39.21.10N latitude and 120.14.37W longitude, though it extends in all directions beyond that point.

**APN(s):** 16-060-14, 16-060-15, 16-060-21, 16-060-23, 16-060-24, 16-060-28, 17-020-05, 17-020-27

**PROJECT PLANNER:** Patrick Dobbs, Senior Planner (530) 265-1423

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**General Plan:** FOR-40, FOR-80, FR-160, REC, RES  
**Zoning:** FR-40-PD, FR-80-PD, FR-160, IDR  
**Region/Center:** Truckee Community Region  
**Flood Map:** FEMA Panel #250, 508, 509, 525  
**Flood Zones:** X, A, D  
**Recreation:** Truckee Donner Park and Rec.  
**Schools:** Tahoe Truckee Unified School Dist.  
**ZDM #:** 122, 123, 124, 127, 128, 129

**Water:** N/A  
**Sewage:** N/A  
**Fire:** Truckee Fire/Cal Fire  
**Sup. District:** V  
**Date Filed:** January 28, 2016  
**Receipt #:** 61000029870

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**STAFF RECOMMENDATIONS:**

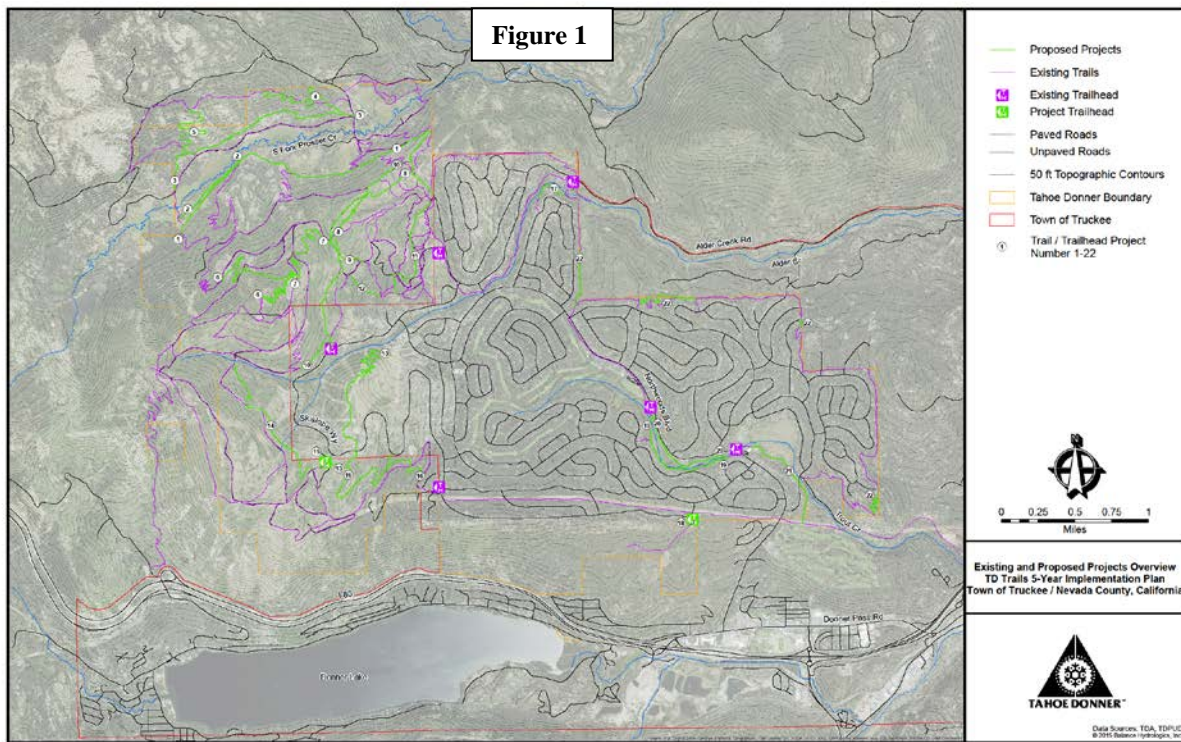
**ENVIRONMENTAL ACTION:** Adopt a Mitigated Negative Declaration.

**PROJECT ACTION:** Conditional approval of all five Management Plans.

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**Attachments:**

1. Recommended Mitigation Measures and Conditions of Approval
2. Management Plans
  - A. Historical and Archaeological Resources Inventory Report
  - B. Hydrologic Analysis and Recommendations for the 5YIPlan
  - C. Biological Constraints Analysis
3. Proposed Initial Study and Mitigated Negative Declaration
4. Application materials including the 5YIPlan overview, project specific features, typical details, and maps are available at:  
<http://www.mynevadacounty.com/nc/cda/planning/Pages/Tahoe-Donner-Trails-Plan.aspx>



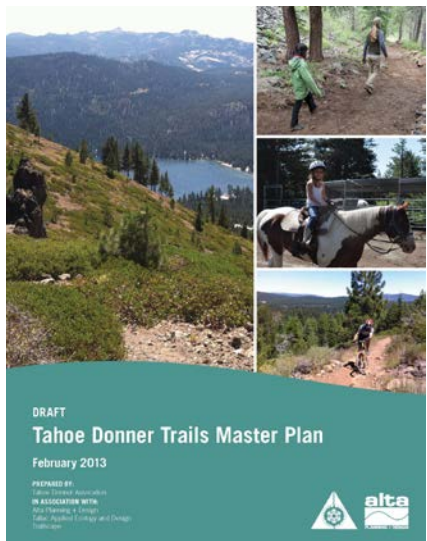
**Project Description:** The project consists of five Management Plans for those projects of the Tahoe Donner Association Trails Five-Year Implementation Plan (5YIPlan) that are located within the unincorporated area of Nevada County, and furthermore what portions of those trail projects are located within sensitive environmental resource protection areas described in Section L-II 4.3 of the Nevada County Zoning Ordinance. The 5YIPlan includes trail projects in both the unincorporated area of Nevada County as well as in the incorporated Town of Truckee (see Fig. 1, above). The 5YIPlan is organized into 22 individual trail projects designed to improve legacy environmental conditions of 10-miles of existing trails and rough graded access roads, and construction of 12-miles of sustainable new single track shared-use trails, as well as two (2) parking lot/trailhead area improvement projects. The five proposed Management Plans for those portions of the trail projects that fall within sensitive areas in the County’s jurisdiction are:

- 1) a Floodplain Management Plan (MGT16-004) to address the project impacts within the 100 foot non-disturbance area of a 100 year-floodplain or surface waters;
- 2) a High Erosion Potential Management Plan (MGT16-005) to address soil stability and sustainable trail design in areas prone to erosion;
- 3) a Watercourses, Wetlands, and Riparian Areas Management Plan (MGT16-006) to address potential project impacts to botanical, fish and wildlife resources;
- 4) a Significant Cultural Resources Management Plan (MGT16-007) to address potential impacts to unique archeological, historical, and cultural resources; and
- 5) a Rare, Threatened and Endangered Species and Their Habitat Management Plan to assess potential impacts to those protected species and habitat (MGT16-008).

The proposed trail projects cross eight (8) parcels within the County’s jurisdiction. The remaining trail projects that were evaluated in the projects Initial Study and Mitigated Negative

Declaration are located within the Town of Truckee which has a similar discretionary permit process for entitlements to construct trails within the Town, requiring a Minor Use Permit (MUP) for projects located within 200-feet of a wetland, and grading permit.

**Background:** The Tahoe Donner subdivision was initially created in the early 1970's. Its 6500+ properties were created in phases, with each phase identifying common area open space and recreational-use lands managed and owned in fee-title by the Tahoe Donner Association (TDA). The historical trail system was only roughly identified and its creation informal, consisting primarily of rough-graded dirt access roads created for utility installation and access, as well as fire suppression and maintenance activities. As Tahoe Donner developed and the population



grew, many informal trails were established by the hiking, biking and equestrian communities linking key destinations within and adjacent to the TDA boundary. The establishment of this informal system of trails continued for nearly 40 years unchecked and without dedicated management and maintenance. As the Tahoe Donner community continued to expand toward its 25,000 current membership, and with the more recent introduction and popularity of mountain bike use, the importance of planning, managing and maintaining the trail system has risen in importance. TDA's early 2013 creation of the TD Trails Master Plan represented the first real effort to plan for a comprehensive and sustainable trail system and now, with the 5YI Plan effort, provides more detail and better specificity in both addressing existing trail issues and providing for an expanded and linked trail system.

**Comprehensive Project Scope:** Portions of the proposed project fall outside the jurisdiction of Nevada County, but are included for informational purposes to address the potential environmental impacts of implementing the overall project. Since areas of the 5YI Plan are situated within both the Town of Truckee and the County of Nevada, the 5YI Plan proposal necessarily will involve the entitlement review by both jurisdictions. The actions being requested of the Zoning Administrator are to adopt the environmental document (IS/MND) for the entire 5YI Plan, and approve those trail projects that are located within the unincorporated area of Nevada County. The remaining 5YI Plan individual trail projects that are located within the jurisdictional limits of the Town of Truckee will not be decided upon by Nevada County and will require a similar discretionary public permit process for entitlements from the Town of Truckee to construct trails within the Town limits.

The 5YI Plan is intended to provide both a comprehensive assessment of the specific trail system needs (e.g. rehabilitation of existing) and desires (new trail connections) as well as provide the framework and details of these needs and desires to promote its efficient implementation, including the many levels and layers of agency processing and permitting it involves, over its initial five-year life. This 5YI Plan will also serve as the foundation for future trail project proposals by Tahoe Donner recognizing that the 22 projects it contains does not, and reasonably cannot, capture all of the new and rehabilitation trail projects needed or desired in the future.

Beyond being comprehensive for the purpose of efficiency in implementation, this 5YIPlan also seeks to allow for a broader CEQA review in providing a set of proposed trail projects versus the segmented and segregated environmental analysis that occurs, and disfavored by CEQA Guidelines, with a project-by-project approach. The comprehensive and longer-term approach of this 5YIPlan effort is intended to provide and promote the ‘big picture’ analysis of the trail improvements proposed over the next five years to insure protection of the lands and resources it encompasses, while at the same time providing a level of detail and specificity that is adequate to assess, and mitigation when and where necessary, potential impacts.

**General Plan and Zoning Consistency:** The Recreation Element of the Nevada County General Plan specifically addresses trails with the following Goals, Objectives and Policies:

Goal 5.1 – Provide a variety of active and passive recreational opportunities.

Objective 5.1 – Provide a diverse range of recreational opportunities at a regional, district, community and neighborhood level.

Objective 5.5 – Coordinate future park and trail planning with other responsible agencies.

Directive Policies

- 5.11 – Cooperate with other public and private entities providing recreation activities to coordinate activities in the County and eliminate duplication of recreational services. The County shall encourage those agencies providing recreational programs and activities to continue those programs and activities.
- 5.13 – Encourage cooperation among local, state, and federal agencies to maximize the use of public land and facilities for public use and recreation.

The 5YIPlan implements an extension of an existing trail system that is identified in the Truckee Trails and Bikeways Master Plan. The 5YIPlan is consistent with the County’s General Plan goals and policies regarding recreation trail opportunities. Trails are an allowed (e.g., by-right) permissible primary land use, subject to building/grading permit requirements, within the underlying Forest and Interim Development Reserve (IDR) zoning districts applicable to those parcels in the Nevada County’s jurisdiction, and will not conflict with any applicable land use plan, policy, or regulation.

**Project Environmental Setting:** The project area is various and diverse and encompasses not only the developed Tahoe Donner residential subdivision, but also the largely undeveloped adjacent lands acquired by the TDA over time. Similarly, the environmental resources existing within the project area are many and differ between areas of ‘backcountry’ versus the built environment. The proposed trails traverse a diversity of landscape features within Tahoe Donner Association (TDA) lands that include areas with outstanding scenic vantage points of nearby Donner Lake and Donner Pass, coniferous forests, rocky terrain studded with granite outcrops, and riparian stream environment zones. The forest lands that surround the developed areas of the TDA are laced with numerous user created trails and old logging roads, many of which were created for salvage logging following the 1960 Donner Fire, then subsequently for the recreation amenity focused subdivision development in the 1970’s, and more recently for forest thinning and masticating projects in support of fire safety, defensible space, and forest health.

Located in a largely forested subalpine setting just east of the Sierra Nevada crest the project area lies within three primary subwatersheds of the Truckee River. The three blue-line streams present within the project area are; Trout Creek, Alder Creek, and South Fork Prosser Creek. Wetlands (such as Montane Wet Meadow) provide foraging habitat and a water source for a wide variety of wildlife including invertebrates, amphibians, birds, mammals, and fish. The wetlands, creeks, and small drainages are typically considered Waters of the US within the US Army Corps of Engineers and Lahontan Regional Water Quality Control Board jurisdiction in accordance with the Clean Water Act.

Common resident and migratory wildlife species utilize the mosaic of habitats found in the project area for foraging, breeding, and shelter. Twenty-six special status wildlife species have been recorded within the vicinity or have geographic ranges that overlap with the Study Area. Of those 26 species, two are considered present and extant, four have a high potential to occur and four have a moderate potential to occur.

The multi-tiered regulatory framework of the proposed 5YIPlan includes review and entitlements issued by Nevada County and the Town of Truckee, as well as other portions of the project which may require review by various federal and state agencies where there may be potential for impacts to state or federally protected biological resources. Nevada County and the Town of Truckee's General Plans, policies, and/or regulations for sensitive or special status species implement state and federal biological protections which are administered by the California Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and the Lahontan Regional Water Quality Control Board.

**Project Impacts:** The 5YIPlan is a low-intensity local-access trail, not a destination trail, which is light on the land and will result in a net improvement, and benefit to, individual natural resources and the larger environment. Nevertheless, because the 5YIPlan is a linear project traversing a wide variety of natural settings, the environmental review of the 5YIPlan identified various potentially significant impacts to: air quality related to dust and the disposal of cleared vegetation; biological resources related to wetland disturbance and potential impacts to special-status plants, wildlife, and nesting birds; cultural resources related to the discovery or historical or archaeological resources; hydrology/water quality related to construction in erosive soils and associated storm runoff in addition to impacts to non-disturbance buffers to watercourses; and noise impacts related to construction hours for projects utilizing motorized/mechanized equipment in proximity to residences. Many of these potential impacts are localized to specific areas within the various trail projects, and all identified impacts to environmentally sensitive resources are will be less than significant with the implementation of project specific Mitigation Measures and Permit Conditions of Approval.

**Air Quality:** Due to existing PM10 (particulate matter between 2.5 and 10 microns in diameter) emissions the Truckee area is designated as a non-attainment area under state ambient air quality standards. Much of the project's construction methodology utilizes hand tools and crews to build the single-track trail, however some projects, like trailhead construction, include grading activities that will disturb soil utilizing motorized equipment which will generate airborne dust, specifically PM10 that may affect air quality in the localized area. Additionally, any open

burning of vegetation cleared for the 5YIPlan would also increase emissions of PM10. To reduce impacts of dust and particulate matter emissions TDA shall implement dust control measures for specifically identified projects that are likely to generate PM10 emissions (e.g., trailhead Projects 15 and 18, and other equipment and material staging areas), and are prohibited from open burning vegetation.

**Biological Resources:** A project-specific Management Plan for biological resources was prepared by biologist Micki Kelly, PWS. Several special-status wildlife species such as the Sierra Nevada red fox (State Threatened) and Sierra Nevada yellow-legged frog (Federal Endangered, State Threatened) have historically occurred in the area, but have since been extirpated. Other special-status such as the Willow flycatcher (State Endangered), yellow warbler (SSC), Townsend’s big-eared bat (State Candidate), and the Sierra Nevada snowshoe hare (CDFW SSC), Sierra Nevada mountain beaver (CDFW SSC), Lahontan cutthroat trout (Federal Threatened) and several upland nesting birds (i.e., northern goshawk, rufus hummingbird, white-headed woodpecker and olive-sided flycatcher) all have potential habitat in various locations of the project area. Additionally, the 5YIPlan will impact jurisdictional wetlands, however impacts are limited to the minimum amount necessary to correct existing legacy environmental problems that persist. Once implemented the trail work is expected to improve the overall quality and functionality of wetlands and “other waters” in the vicinity of the work.

Protecting the environment and sensitive biological resources has been a guiding factor in the development of the 5YIPlan, following a hierarchy approach to first avoid possible biological impacts and if avoidance is not possible then minimize, and if necessary, mitigate the impacts. Final trail alignments will include a pre-construction site visit by a qualified biologist, to confirm the current potential presence/absence of biological resources in the vicinity of the proposed work. The proposed 5YIPlan does not include construction of structures such as permanent fencing, large buildings, or roads, which could block or compromise use of wildlife corridors and high value wildlife habitats, including denning and fawning areas.

Specific Mitigation Measures to be implemented as part of the approved 5YIPlan include requirements to: compensate for wetland disturbance; implement and maintain temporary BMPs and post project restoration plans; avoid and minimize impacts to the bed, channel, or banks or rivers, streams, or lakes; avoid and minimize impacts to special-status plan species; prevent the introduction and spread of noxious/invasive weeds; avoid and minimize impacts to riparian nesting birds including willow flycatcher and yellow warbler; avoid and minimize impacts to upland nesting birds; avoid and minimize impacts to roosting bats including Townsend’s Big-Eared Bat; avoid and minimize impacts to terrestrial mammal species; avoid and minimize reduce impacts to common aquatic wildlife/fisheries species; and avoid and reduce impacts to special status aquatic wildlife/fisheries species.

**Cultural Resources:** Known historical and archaeological resources are within or in proximity to 50 percent of the proposed trails. In terms of archaeological sensitivity, 55 percent fall in the moderate range, with 27 percent highly sensitive to contain historical and archaeological resources and the remaining trails span areas of low to moderate sensitivity. Although the project area has already been subjected to a systematic surface investigation, it is possible that buried or



concealed historical and archaeological resources could be present that may be detected during project implementation. The project-specific Management Plan for Cultural Resources prepared by Susan Lindström, Ph.D., Consulting Archaeologist follows a simple but comprehensive list of protocols that are modeled according to an "if then" scenario -- if a certain situation exists, then it triggers a certain response. These protocols include pre-field research, field reconnaissance, historical and archaeological resource recordation and evaluation, and mitigation. To mitigate potential cultural resource impacts associated with the project construction activities, a qualified archaeologist shall complete all field reconnaissance/resource discovery work for all final trail alignments. In the unlikely event that human remains are discovered, work within the area will be stopped and the appropriate authorities contacted

***Hydrology/Water Quality:*** Most soils within the project area have been assigned a “severe hazard rating” by the NRCS, which require sustainable trail design practices and erosion control measures to be utilized. Protection of water quality and aquatic habitat is a fundamental priority of the 5YIPlan and a key element to sustainable trail development. Balance Hydrologics Inc. has prepared a hydrologic analysis and Management Plan for this project established hydrologic and water quality management guidelines for the 5YIPlan that have been incorporated into the project.

Some elements of project construction would involve activities such as excavation and material stockpiling that would generate erodible soils that, if not properly managed, could cause sedimentation runoff. To minimize construction related water quality impacts, TDA shall obtain a Storm Water Construction General Permit from the LRWQCB, which requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the 5YIPlan in accordance with National Point Discharge Elimination System (NPDES) requirements. TDA is required to protect surface water quality by preventing eroded material or contaminants from entering waterways during construction through the use of best management practices (BMPs).

The project incorporates site- and issue-specific design features to protect water quality and aquatic habitat during trail planning and construction. The primary goals of these measures are to: a) avoid constructing or maintaining trails in a manner that contributes to erosion and water quality impairment, and b) identify opportunities to reduce erosion and impacts associated with legacy land uses as part of the trail construction effort. Decommissioning or improved management of road and trail drainage has the potential to drastically reduce the volume of sediment generated and delivered to downstream areas, and is a primary sediment reduction strategy outlined by the Lahontan Regional Water Quality Board (LRWQCB) as part of the Truckee River Sediment TMDL.

***Noise:*** To ensure substantial temporary or periodic increase in ambient noise levels in the 5YIPlan vicinity do not impact nearby sensitive noise receptors, construction hours are limited to daytime hours from 7:00 AM to 7:00 PM, Monday through Saturday, and mechanized and motorized construction activity is prohibited on Sundays.

**SUMMARY:**

The 5YIPlan is comprised of twenty-two (22) individual trail projects designed to improve TDA's existing trail network with a comprehensively planned and connected trail system resulting in a net improvement of, and benefit to the users experience, individual natural resources, and the larger environment. The 5YIPlan improvements include activities related to new trail construction, rehabilitation of existing trails and rough-graded maintenance road, and two designated trailheads (1 existing and 1 new) with paved parking lots. The 5YIPlan connects and integrates with the regional trail network surrounding Tahoe Donner on land managed by the Town of Truckee, the Truckee Donner Land Trust and U.S. Forest Service. Collectively, the 22 specific trail projects contained within the 5YIPlan represent recreation trail work planned to be completed by the TDA over a five year period.

To address potential project impacts to environmentally sensitive resource areas within the unincorporated portions of the project area, five Management Plans have been submitted to Nevada County for discretionary review and approval of those portions of trails that are located within or have potential to affect the following protected resource areas: flood plains, areas with high erosion potential, potentially significant cultural resources, and watercourses, wetlands, and riparian areas, and rare and endangered species and their habitat.

**ACTIONS FOR CONSIDERATION:** Staff recommends the Zoning Administrator take the following actions:

- I. After reviewing and considering the proposed Mitigated Negative Declaration (EIS16-002), adopt the proposed Mitigated Negative Declaration, pursuant to Section 15074 of the California Environmental Quality Act Guidelines, and make the following findings:
  - A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, 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 as provided and agreed to by the applicant will reduce potentially significant impacts to less than significant levels;
  - C. 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;
- II. After reviewing and considering the proposed Floodplain Management Plan, approve MGT16-004, subject to the mitigation measures and conditions of approval listed in Attachment "1", or as may be modified at the public hearing, making the following findings, pursuant to Section L-II 4.3.10 of the Nevada County Land Use and Development Code:
  - A. That the issuance of this Management Plan (floodplains/non-disturbance buffers to watercourses) is consistent with the provisions of Section L-II 4.3.10, Floodplains, in that



none of the projects in the County's jurisdiction are located within the 100-year floodplain, and those portions of 5YIPlan Projects 1 and 2 that are within the non-disturbance buffer of the 100-foot floodplain in the Euer Valley are elevated well outside floodzone for Prosser Creek. Additionally, the 5YIPlan's CEQA document identified Project 17 may lie within the 100-year floodplain of Alder Creek, and that portions of Projects 19, 20, and 21 are likely to lie within the 100-year floodplain of Trout Creek. Projects 17, 19, 20, and 21 are all located within the Town of Truckee and are limited to rehabilitation of existing structures and trails necessary for public health and safety.

B. That the proposed project, together with its design and existing improvements, is consistent with the Nevada County General Plan, and with any specific plan in effect within the project area, including the Nevada County Land Use and Development Code.

III. After reviewing and considering this Management Plan (high erosion potential), approve MGT16-005, subject to the mitigation measures and conditions of approval listed in Attachment "1", or as may be modified at the public hearing, making the following findings, pursuant to Section L-II 4.3.13 of the Nevada County Land Use and Development Code:

A. That the issuance of this Management Plan (high erosion potential) is consistent with the provisions of Section L-II 4.3.13, Steep Slopes/High Erosion Potential, in that nearly all of the soil types found within the project area are classified by the USDA NRCS as having a "severe" hazard rating. A "severe" rating indicates that significant erosion and soil loss can be expected from unsurfaced roads and trails, and that frequent maintenance or erosion control measures should be expected. Being a recreation trails project, a geotechnical report is not required for the single track trails.

B. That some areas near the proposed trail alignment exceed 30% slopes, however because of the flexibility of the narrow trail tread and multitude of routes across the terrain, the 5YIPlan avoids slopes of 30 percent or greater.

C. That minimization has been attained through the provisions for erosion control measures and sustainable trail design contained in the Management Plan prepared by Balance Hydrologics, Inc., dated January 2016. The bigger issue with highly erodible soils as it relates to trail projects is storm runoff, slope stability and drainage; as such the 5YIPlan includes a number of erosion control measures. Additionally, several permit conditions address erosion and drainage including: Condition #7 which requires temporary BMPs to be installed and maintained throughout the 5YIPlan; Condition #19, requires approval of a storm water pollution prevention plan (SWPPP) in accordance with National Point Discharge Elimination System (NPDES) requirements, and Condition #21 which calls for the implementation of water quality guidelines developed specifically for the 5YIPlan to minimize long-term trail maintenance, provide erosion and water quality control, avoid impacts to stream, wetland, and floodplain functions; and c) mitigation of impacts when avoidance is not feasible.

- D. That the proposed project, together with its design and existing improvements, is consistent with the Nevada County General Plan, and with any specific plan in effect within the project area, including the Nevada County Land Use and Development Code.

IV. After reviewing and considering this Management Plan (watercourses, wetlands and riparian areas), approve MGT16-006, subject to the mitigation measures and conditions of approval listed in Attachment “1”, or as may be modified at the public hearing, making the following findings, pursuant to Section L-II 4.3.17 of the Nevada County Land Use and Development Code:

- A. That the issuance of this Management Plan (watercourses, wetlands and riparian areas) is consistent with the provisions of Section L-II 4.3.17, Watercourses, Wetlands and Riparian Areas, in that portions of Projects 1 and 2 and located within 100-feet of the high-water mark of the South Fork Prosser Creek, Project 2 is located within 50-feet of an intermittent springs, and wetland areas occur on or adjacent to Projects 1, 2, 9-12, 17, 19-21- and other areas. A project specific biological inventory was prepared by a County approved qualified biologist.
- B. That minimization has been attained utilizing biological resource protection measures that have been incorporated into the 5YI Plan as set forth in biologist Micki Kelly’s Biological Constraints Analysis report, combined with the project mitigation measures and conditions of approval will ensure there will be no net loss of habitat functions or values of the wetlands or riparian area.
- C. That Permit Conditions 6, 8, 9, 11, 13 and 16 require appropriate authorizations from the U.S. Fish and Wildlife Service, State Department of Fish and Game, and U.S. Army Corps of Engineers prior to project approval. Any provisions to avoid, mitigate, or compensate for impacts to the wetlands or riparian areas contained in such authorizations shall become conditional of project approval.
- D. That based on preliminary reconnaissance and mapping estimates, a total of approximately 0.02 acres (996 sq. ft.) of potential wetlands and 0.02 acres (896 sq. ft.) of potential “other waters” would be impacted by all 22 miles of trail work proposed in the 5YI Plan. The estimates shall be confirmed during the required preconstruction field surveys and impacts shall be mitigated by the restoration or creation of wetland habitat. Permit Condition #6 requires TDA to meet the minimum requirements specified in Section L-II 4.3.17 of the Nevada County Zoning Ordinance, which state that any wetlands removed or destroyed as part of a project must be mitigated by the restoration or creation of wetland habitat at a 2 to 1 ratio (two units of restored habitat for each unit of habitat removed or destroyed).
- E. That the proposed project, together with its design and existing improvements, is consistent with the Nevada County General Plan, and with any specific plan in effect within the project area, including the Nevada County Land Use and Development Code.

- V. After reviewing and considering this Management Plan (significant cultural resources), approve MGT16-007, subject to the mitigation measures and conditions of approval listed in Attachment “1”, or as may be modified at the public hearing, making the following findings, pursuant to Section L-II 4.3.6 of the Nevada County Land Use and Development Code:
- A. That the issuance of this Management Plan (cultural resources, significant) is consistent with the provisions of Section L-II 4.3.6, Cultural Resources, Significant, of the Nevada County Zoning Ordinance in that Dr. Susan Lindström, Ph.D., consulting archaeologist, has prepared a project specific report to identify areas and issues associated with historical and archaeological resources within the project area. Lindström initiated a search of archaeological records housed at the North Central Information Center at California State University, Sacramento, an adjunct of the State Office of Historic Preservation or SHPO. Results of the records search disclosed that 53 archaeological studies have been conducted within and/or adjacent to the 5YIPlan and at least 26 archaeological sites have been formally recorded. One-third of the trails have been previously reviewed and received some sort of partial archaeological coverage. Known historical and archaeological resources are within or in proximity to 50 percent of the proposed trails. In terms of archaeological sensitivity, 55 percent fall in the moderate range, with 27 percent highly sensitive to contain historical and archaeological resources and the remaining trails span areas of low to moderate sensitivity.
  - B. That minimization has been attained based on the simple but comprehensive list of cultural resource protocols will be utilized for the 5YIPlan, as described in Dr. Susan Lindström’s historical and archaeological report for the project. It is based on a hierarchy of mitigation steps that assign levels of constraints to each trail project with reference to the various applicable protections, specifications and standards. Note that the historical and archaeological resource management protocols outlined below (pre-field research, field reconnaissance, historical and archaeological resource recordation and evaluation, and mitigation) are modeled according to an "if-then" scenario -- if a certain situation exists, then it triggers a certain response. These protocols include pre-field research (Phase 1A), field reconnaissance (Phase 1b), historical and archaeological resource evaluation (Phase 1C), historical and archaeological resource evaluation (Phase 2) and mitigation-data recovery (Phase 3). Protocols follow a hierarchy of effectively avoiding, minimizing and/or mitigating any potential project impacts associated with any given trail project.
  - C. That Condition of Approval #18 requires TDA to halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction until a professional archaeologist develops appropriate management recommendations for archaeological resource treatment in compliance with California law.
  - D. That the proposed project, together with its design and existing improvements, is consistent with the Nevada County General Plan, and with any specific plan in effect within the project area, including the Nevada County Land Use and Development Code.

- VI. After reviewing and considering this Management Plan (rare, threatened and endangered species and their habitat), approve MGT16-008, subject to the mitigation measures and conditions of approval listed in Attachment “1”, or as may be modified at the public hearing, making the following findings, pursuant to Section L-II 4.3.12 of the Nevada County Land Use and Development Code:
- A. That the issuance of this Management Plan (rare, threatened and endangered species and their habitat) is consistent with the provisions of Section L-II 4.3.12, Rare Threatened and Endangered Species and Their Habitat, in that twenty-nine special status plant species have potential to occur in or near the project area. No plants protected by state or federal plant protection laws have been documented as present in the project area, however, two California Native Plant Society (CNPS) listed species have been observed and eight state federal, and/or CNPS listed have a medium or higher potential to occur within it. Additionally, twenty-six special status wildlife species have been recorded within the vicinity or have geographic ranges that overlap with the 5YIPlan study area. Of those 26 species, two are considered present and extant, four have a high potential to occur and four have a moderate potential to occur.
  - B. That minimization has been attained pursuant to the eleven biological resource protection Mitigation Measures conditioned below to ensure the 5YIPlan would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species. These biological protection guidelines developed for the 5YIPlan by biologist Micki Kelly, PWS, follow the hierarchy to first avoid possible biological impacts and if avoidance is not possible, the next step will be to minimize the impacts. Only then, will mitigation be considered.
  - C. That implementation of the individual trail alignments will include a pre-construction site visit by a qualified biologist, to confirm the current potential presence/absence of biological resources in the vicinity of the proposed work. Any discovery of a candidate, sensitive, or special-status (or location of nest or dens of these species) shall be reported to Nevada County in writing. These species, nests or dens will be protected in accordance with all federal, state and local guidelines. Upon discovery, all work shall cease until Nevada County (or other appropriate agency) confirms that work may resume without adverse impact to species.
  - D. That the proposed project, together with its design and existing improvements, is consistent with the Nevada County General Plan, and with any specific plan in effect within the project area, including the Nevada County Land Use and Development Code.

Respectfully submitted,



BRIAN FOSS  
Planning Director

## **TAHOE DONNER TRAILS (5YIPLAN) MANAGEMENT PLANS – ATTACHMENT 1**

### **Recommended Mitigation Measures and Conditions of Approval MGT16-004 – MGT16-008 and EIS16-002**

#### **A. PLANNING DEPARTMENT**

1. Project includes five (5) Management Plans (MGT16-004 – MGT16-008) for construction of the Tahoe Donner Trails (5YIPlan) which consists of 22 specific trail projects to improve TDA’s existing trail network with a comprehensively planned and connected trail system that is sustainably designed and constructed to enhance the user’s experience, and restore and protect the environment.
2. Construction pursuant to this permit approval must be completed and the use commenced thereon within five (5) years from the effective date of the approval of the Management Plans (MGT16-004-MGT16-008) (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.
3. A final set of plans shall be submitted to the Planning Department for review and inspection purposes.
4. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department a Defense and Indemnification Agreement, in a form approved by County Counsel. 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 standard Defense and Indemnification Agreement shall be attached to the approval letter.
5. **Use alternative methods to open burning for vegetation disposal (Mitigation Measure 3B):** 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 in such a way as to make them evident to contractors or machinery operations working on the project, with a descriptive heading such as “Open Burning Prohibited”. Suitable alternatives to open burning of vegetative material on the project site include chipping, grinding, hauling to an approved disposal site, cutting for firewood, and conversion to biomass fuel.  
*Timing: Prior to permit issuance or if no permit is required prior to construction*  
*Reporting: Agency approval of permits and plans*  
*Responsible Agency: Planning Department*
6. **Compensate for wetland disturbance (Mitigation Measure 4A):** Wetland areas occur on or adjacent to Trails 1, 2, 9-12, 17, 19-21, and other areas. Prior to soil, hydrology, or plant altering activities that may impact Waters of the United States, Waters of the State, and/or wetlands, a qualified biologist shall conduct a final delineation of existing waters of the United States affected by the 5YIPlan. The final delineation shall be submitted to the Army Corps of Engineers (Corps) for verification. If the area is not within federal jurisdiction, but could potentially be classified as Waters of the State, the Lahontan Regional Water Quality Control Board (RWQCB) shall be consulted as to their jurisdiction. TDA shall consult with the Corps and RWQCB and obtain appropriate authorization (e.g., Section 404 Permit (Corps), Section 401 Prohibition Exemption (RWQCB)), and provide such authorization to

the Nevada County Planning Department or Town of Truckee Planning Division prior to the issuance of trail construction entitlement permits. Any provisions to avoid, mitigate, or compensate for impacts to the wetlands or riparian areas contained in Corps or RWQCB authorizations shall be implemented with all associated project activities.

Based on preliminary reconnaissance and mapping estimates, a total of approximately 0.02 acres (996 sq. ft.) of potential wetlands and 0.02 acres (896 sq. ft.) of potential “other waters” would be impacted by all 22 miles of trail work proposed in the 5YIPlan. The estimates shall be confirmed during the required preconstruction field surveys and impacts shall be mitigated by the restoration or creation of wetland habitat. Mitigation shall meet the minimum requirements specified in Section L-II 4.3.17 of the Nevada County Zoning Ordinance which requires that any wetlands removed or destroyed as part of a project must be mitigated by the restoration or creation of wetland habitat at a 2 to 1 ratio (two units of restored habitat for each unit of habitat removed or destroyed).

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*

7. **Implement temporary BMPs and post project restoration plans (Mitigation Measure 4B):** To protect water quality within the project area TDA shall implement appropriate source control Best Management Practices (BMP) measures that minimize the stormwater flow rate and quantity; and minimize stormwater pollutant discharges to the maximum extent possible. These measures shall be incorporated into all final grading and construction plans and shall include but not be limited to the following:

1. Installation of fiber rolls or silt fencing as shown in the attached typical details (Attachment 1) at the top of cut and toe of fill slopes that are three feet tall (or greater) and where natural ground slope is greater than 20 percent, when disturbance is within twenty (20) feet of water or water bodies, as well as all equipment and material staging areas.
2. Development of a post construction restoration plan that addresses final clean-up, stabilization and revegetation procedures. The restoration plan shall address ground de-compaction, soil amendment, erosion control and revegetation, as well as regrading temporary cut and fill areas to mimic the surrounding natural topography.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*

8. **Avoid and reduce impacts to the bed, channel, or bank of rivers, streams, or lakes (Mitigation Measure 4C):** Prior to 5YIPlan implementation a qualified biologist or hydrologist selected by the applicant and approved by the County shall make a final determination whether a specific project may impact the bed, channel, or bank of rivers, streams, or lakes, and submit a memorandum of findings to the Nevada County Planning Department. If the determination concludes there is potential to impact the bed, channel, or bank of rivers, streams, or lakes TDA shall consult with the California Department of Fish and Wildlife (CDFW) to determine whether a Lake and Stream Alteration Agreement (SAA) is needed. TDA shall obtain appropriate authorizations from CDFW prior to potential alterations to drainage with a bed and bank. Any provisions to avoid, mitigate, or compensate for impacts to the bed, channel, or bank of rivers, streams, or lake are considered conditions of approval and shall be implemented as such. Documentation of CDFW consultation and/or

appropriate permit(s) shall be provided to the County prior to permit issuance of those 5YIPlan trail projects that have potential to affect said bed, channel, or bank of rivers, streams, or lakes.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*

**9. Avoid and reduce impacts to special-status plant species (Mitigation Measure 4D):**

Twenty-nine sensitive plant species are potentially present within the project area. Prior to soils or vegetation clearing activities within 250 feet of where special status plant species could occur (such as the wetland areas mentioned above), a qualified botanist shall conduct plant surveys, at the appropriate time of the year when plants are identifiable, along all final trail alignments and associated projects, and document the findings in a memorandum that shall be submitted to the County, California Department of Fish and Wildlife (CDFW), as well as the United States Fish and Wildlife Service (USFWS) if a federally listed plant species. If special status plants are not found during preconstruction surveys no further mitigation shall be required. If special-status plant populations are found, TDA shall consult with CDFW and USFWS, as necessary, utilizing a hierarchical approach to avoid special-status plants to the maximum extent practicable to ensure no net loss of special status plants results from implementation of the 5YIPlan. TDA is required to maintain viable plant populations on-site, where feasible, and shall identify avoidance measures for existing population(s) to be retained. Avoidance measures shall include temporarily fencing populations before construction and exclusion of project activities from the fenced off areas, and construction monitoring by a qualified biologist or botanist to keep construction crews away from the protected populations. Mitigation measures may include avoiding special-status species to the maximum extent practicable, preserving and enhancing existing populations, creation of off-site populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Any comments received from CDFW or USFWS shall be subsequently submitted to the Nevada County Planning Department within seven (7) business days of TDA's receipt of CDFW and USFWS comments and conditions.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: CDFW, USFWS, Planning Department*

**10. Prevent the introduction and spread of noxious/invasive weeds (Mitigation Measure 4E):**

Prior to construction on any trail, the current Cal-IPC and CDFA lists shall be reviewed. Then, the final trail alignment (and associated work areas) shall be surveyed by a qualified professional for noxious/invasive weed infestations and the survey results shall be submitted to the Nevada County Planning Department. If noxious/invasive weeds are present TDA shall implement appropriate management methods to control the infestation and reduce the potential for spreading the noxious/invasive species. These methods include washing equipment, shoes, and clothing that was used near an existing or recently controlled infestation in a manner that removes weed seeds and propagules, before entering another area. Erosion control measures such as straw bales or straw (or pine needle) wattles shall be certified weed free. Native pine needle mulch and/or native woodchip material may be used as a mulch or ground cover to minimize spread of infestations.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*



11. **Avoid and reduce impacts to riparian nesting birds including willow flycatcher and yellow warbler (Mitigation Measure 4F):** Avoid construction during the avian breeding season (March 15 through August 31) along riparian areas or within 500 feet of willow riparian habitat (i.e., portions of Trails 1, 2, 19 and 20). If construction must occur between March 15 through August 31 along riparian areas or within 500 feet of willow riparian habitat, pre-construction protocol-level surveys for willow flycatcher, yellow warbler, and all bird nests and eggs shall be conducted by a qualified biologist between 7 and 14 days prior to any construction during said dates, and in said locations. The pre-construction survey results shall be submitted to the Nevada County Planning Department. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the area(s) shall be resurveyed by a qualified biologist prior to construction resuming, and those results submitted to the County. Should active nests be identified by these surveys, species specific project exclusionary buffers shall be established by a qualified biologist in consultation with CDFW, and the nest sites shall be protected from all construction activities of the nest site until the young have fledged.

*Timing:* Prior to permit issuance or if no permit is required prior to construction

*Reporting:* Agency approval of permits and plans

*Responsible Agency:* CDFW, Planning Department

12. **Avoid and reduce impacts to upland nesting birds (Mitigation Measure 4G):** Ground-disturbing activities and/or removal of vegetation occurring within 500-feet of potential nesting areas should occur during the non-nesting season (defined as September 1 through March 14) to avoid impacts to active nests. If any ground-disturbing activities or vegetation removal must occur during the avian breeding season (March 15 through August 31) and within 500-feet of potential nesting areas, pre-construction protocol-level breeding bird surveys (i.e., northern goshawk, rufus hummingbird, white-headed woodpecker and olive sided flycatcher), shall be conducted by a qualified biologist within 14 days of any ground disturbance during said dates in said locations. The pre-construction survey results shall be submitted to the Nevada County Planning Department. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the area(s) shall be resurveyed by a qualified biologist prior to construction resuming, and those results submitted to the County or Town. Should active nests be identified by these surveys, species specific project exclusionary buffers shall be established by a qualified biologist, and the nest sites shall be protected from all construction activities of the nest site until the young have fledged.

*Timing:* Prior to permit issuance or if no permit is required prior to construction

*Reporting:* Agency approval of permits and plans

*Responsible Agency:* Planning Department

13. **Avoid and reduce impacts to roosting bats including Townsend's Big-Eared Bat (Mitigation Measure 4H):** This measure applies to proposed Trail 3. Avoid trail alignment within 250 feet of historic structures (e.g., Spring House) in the Euer Valley. If work is to occur within 250 feet of the structure(s), an internal roost survey shall be performed by a qualified biologist prior to construction and the survey results submitted to Nevada County Planning. If roosting bats or evidence of roosting bats is absent, no further protection measures are required. If roosting bats or evidence of roosting bats are found, the trail should be realigned to be greater than 250 feet from the roost. If that is not feasible, depending on the nature of the work and type of the roost (hibernation or maternity), a qualified biologist shall determine if work could be completed during seasonal work windows (September 1 to October 31). If there is a potential for a "take", a CDFW approved 2081 Incidental Take Permit shall be obtained and submitted to the Nevada County Planning Department prior to beginning construction of Trail 3.

**Timing:** *Prior to permit issuance or if no permit is required prior to construction*

**Reporting:** *Agency approval of permits and plans*

**Responsible Agency:** *CDFW, Planning Department*

14. **Avoid and reduce impacts to terrestrial mammal species (Mitigation Measure 4I):** To the extent possible, proposed trail work should occur between August 1 and March 31 to avoid the reproductive season of most of the special-status mammals in the 5YIPlan. If any ground-disturbing activities or vegetation removal must occur between April 1 and July 31, pre-construction surveys shall be conducted by a qualified biologist to identify active den or fawning locations within 500 feet of proposed disturbance areas, and the survey results shall be submitted to the Nevada County Planning Department. If any active denning or fawning locations are identified during the surveys, exclusion buffers shall be established by the qualified biologist.

**Timing:** *Prior to permit issuance or if no permit is required prior to construction*

**Reporting:** *Agency approval of permits and plans*

**Responsible Agency:** *Planning Department*

15. **Avoid and reduce impacts to common aquatic wildlife/fisheries species Mitigation Measure 4J:** To the extent possible all proposed trail work shall be scheduled to avoid work within streams or wetlands when water is present. To prevent the spread of invasive aquatics, equipment, boots, waders, etc. shall be cleaned using the most applicable regional, state or federal protocols for avoiding the spread of invasive species before entering water in streams or ponds. A note to this effect shall be included on all applicable grading and construction plans for the 5YIPlan.

**Timing:** *Prior to permit issuance or if no permit is required prior to construction*

**Reporting:** *Agency approval of permits and plans*

**Responsible Agency:** *Planning Department*

16. **Avoid and reduce impacts to special status aquatic wildlife/fisheries species (Mitigation Measure 4K):** Due to the potential presence of Lahontan cutthroat trout, a Federal Threatened species along South Fork Prosser Creek and Alder Creek, in-water channel work shall be avoided where possible. If avoidance is not feasible, consultation with USFWS is required to determine required species protection measures. Prior to permit issuance for projects that may affect the Lahontan cutthroat trout copies of all consultation with the USFWS shall be submitted to the Nevada County Planning Department.

**Timing:** *Prior to permit issuance or if no permit is required prior to construction*

**Reporting:** *Agency approval of permits and plans*

**Responsible Agency:** *Planning Department*

17. **Complete Phase 1B field reconnaissance/resource discovery for all final trail alignments (Mitigation Measure 5A):** Prior to specific trail construction a qualified archaeologist must submit evidence that the “if-then” protocols outlined in Question 5.a, above have been completed in accordance with the Susan Lindstrom, Ph.D. 5YIPlan report entitled Phase 1a Historical and Archaeological Resources Inventory Report, Tahoe Donner Trails Project Five-Year Implementation Plan, Truckee, California, Nevada County (December 2015). Documentation of any and all cultural resources located within the project area during Phase 1B shall be submitted to the Nevada County Planning Department prior to construction of those affected trail projects.

**Timing:** *Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and 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 5B):** 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 TDA 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. These standards shall be noted on all grading plans in such a way as to make them evident to contractors or machinery operations working on the project, with a descriptive heading such as “Historical and Archaeological Discovery”.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*

19. **Preparation of a SWPPP is required to address potential construction related water quality impacts (Mitigation Measure 9A):** The SWPPP shall be prepared for the site in accordance with NPDES requirements and shall be submitted to the Nevada County Planning Department. The requirements set forth within the SWPPP shall be noted on all grading and improvement plans and implemented throughout the entire construction process.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*

20. **Limited grading season within the 100 year floodplain (Mitigation Measure 9B):** All work within the 100 year floodplain and jurisdictional wetlands shall be restricted to May 1st to October 15th in order to avoid water quality impacts and disturbance to riparian habitat adjacent to Trout Creek and Alder Creek. Restricting work to this timeframe shall limit work to the driest period of the year, thereby avoiding excessive runoff and erosion. Should work within the 100 year floodplain or jurisdictional wetlands be required outside this time frame, it shall be subject to County and LRWQCB approval.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*

21. **Implement recommendations from the 5YIPlan’s hydrologic analysis (Mitigation Measure 9C)** In order to mitigate the potential for impacts to hydrology and drainage within the project area, water quality guidelines identified in the Hydrologic Analysis and Recommendations for the 5-Year Trails Implementation Plan: Tahoe Donner Association by Balance Hydrologics, Inc. dated January 2016 shall be implemented and maintained through completion of the project. Performance standards shall include the following: a) improvement or incorporation of adequate trail and road drainage treatments which minimize long-term trail maintenance, and provide erosion and water quality control; b) avoidance of impacts to stream, wetland, and floodplain functions; and c) mitigation of impacts when avoidance is not feasible.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*

22. **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. Mechanized and motorized construction activity is prohibited on Sundays. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction.

*Timing: Prior to permit issuance or if no permit is required prior to construction*

*Reporting: Agency approval of permits and plans*

*Responsible Agency: Planning Department*

## **B. BUILDING DEPARTMENT**

1. Complete grading and erosion control plans shall be submitted for review at time of building/grading permit submittal in conformance with Nevada County Land-Use Code Chapter V prior to any grading activity being started.
2. The plans shall be designed and wet stamped/signed by a California Licensed Design Professional (Architect and/or Engineer).
3. If the project is disturbing over 1 acre of soil area a Storm Water Pollution Prevention Plan shall be obtained from the CA State Water Resources Control Board.
4. Drainage calculations may be required depending on each specific project and how the grading affects the site drainage.
5. When possible trails, paths and nature walk areas, or portions of them, shall be constructed with gradients permitting at least partial use by wheelchair occupants.
6. When possible nature trails and similar educational and informational areas shall be accessible to individuals with vision impairments by the provision of rope guidelines, raised Arabic numerals and symbols, or other similar guide and assistance devices.

## **C. COUNTY OF NEVADA FIRE MARSHALL**

1. Road surfaces and culvert crossings shall be capable of supporting a 40,000 pound legally-loaded vehicle.
2. Roadway surface width shall be ten (10) feet minimum with one (1) foot shoulders.
3. Gate entrances shall be at least two feet wider than the width of the traffic lanes serving the gate.
4. Roadside vegetation: A fuel modification area shall be provided for a distance of 10 feet on each side of the roadway.
5. Vertical clearance shall be fifteen (15) feet minimum, measured from the outside edge of the shoulder.

6. Any dead ends roads will require an approved turnaround at the terminus of the road.

**D. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT**

1. **Implement dust control measures (Mitigation Measure 3A):** To reduce impacts of short-term construction associated with trailhead projects (Projects 15 and 18) and other equipment and material staging areas, TDA shall obtain NSAQMD approval of a Dust Control Plan (DCP) which shall include, but not be limited, to the standards provided below to the satisfaction of the NSAQMD. Prior to issuance of permits for trailhead and/or projects involving equipment and designated material staging areas, TDA shall provide a copy of the approved DCP to the Nevada County Planning Department and Town of Truckee Planning Division and shall include the requirements of DCP as notes on all applicable construction plans. The appropriate local jurisdiction's Building Department (County or Town) shall verify that the requirements of the DCP are being implemented during grading inspections.
  - a. TDA 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 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.
  - 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 5YIPlan 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.
  - i. Where trails pass near populated areas TDA shall take reasonable measures on an as needed basis to stabilize the trail surface through the application of sawdust, woodchips or a dust suppressant.

**Timing:** *Prior to permit issuance or if no permit is required prior to construction*

**Reporting:** *Agency approval of permits and plans*

**Responsible Agency:** *Northern Sierra Air Quality Management District*

**E. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

1. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Game Code, a fee in the amount of \$2,210.25 must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife; it is not for County purposes.