

**INITIAL STUDY #2019-006 FOR PARCEL MAP #2019-001,
ABOUSSLEMAN, STRINGER**

DETERMINATION:

On the basis of this Initial Study:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project and mitigation measures have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT will be required.



Maurice L. Anderson,
Environmental Review Officer

7.24.20

Date

| | |
|--------------------------------------|---|
| Project Title: | Parcel Map #2019-001, Initial Study #2019-006, Aboussleman, Stringer |
| Lead Agency Name and Address: | Lassen County Department of Planning and Building Services 707 Nevada Street, Suite 5 Susanville, CA 96130 |
| Project Location: | The subject parcel is located approximately 3.5 miles south of the intersection of State Route 299 and Old Highway Road at 545-100 Kaufenberg Road, McArthur, CA 96056. APN: 013-070-41 (013-070-25 is an old APN that predates recordation of Lot Line Adjustment #2019-004) |
| Proponent's Names: | Joseph Aboussleman and Shelly Stringer |
| General Plan: | "Rural Residential" land use designation in the <i>Pittville Area Plan, 1986</i> |
| Zoning: | A-2-B-20 (Agricultural Residential District, 20-Acre Building Site Combining District) |
| Authority: | Parcel Maps, Lassen County Code Chapter 16.20 |

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ATTACHMENTS

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| Attachment 1, Project Applications and Supporting Information |
| Attachment 2, Notice of Early Consultation |
| Attachment 3, Request for Early Consultation Letter from the Governor’s Office of Planning and Research dated November 8, 2019 |
| Attachment 4, Response to Notice of Early Consultation from the California Department of Fish and Wildlife (CDFW) dated November 6, 2019 |
| Attachment 5, First Hold Letter to Applicant dated November 15, 2019 |
| Attachment 6, Response Letter from Applicant to Lassen County Department of Planning and Building Services (LCPBS) dated November 22, 2019 |
| Attachment 7, Response to CDFW from LCPBS dated December 23, 2019 |
| Attachment 8, Response to LCPBS from CDFW dated January 27, 2020 |
| Attachment 9, Second Hold Letter from LCPBS to Applicant dated February 10, 2020 |
| Attachment 10, <i>March 2020 Biological Resources Assessment: Parcel Subdivision, Pittville, Lassen County, California, Prepared for Aboussleman and Stringer prepared by VESTRA Resources, Inc., date-stamped April 16, 2020</i> |

Initial Study #2019-006 for Parcel Map #2019-001
Applicants: Joseph Aboussleman and Shelly Stringer
July 23, 2020

Attachment 11, Central Valley Regional Water Quality Control Board Response to Notice of Early
Consultation dated November 5, 2019

Attachment 12, LCPBS emails to California Department of Forestry and Fire Protection (Cal Fire) dated June
15, 2020 and June 12, 2020

Attachment 13, Cal Fire Response Email and Attached Letter dated June 25, 2020

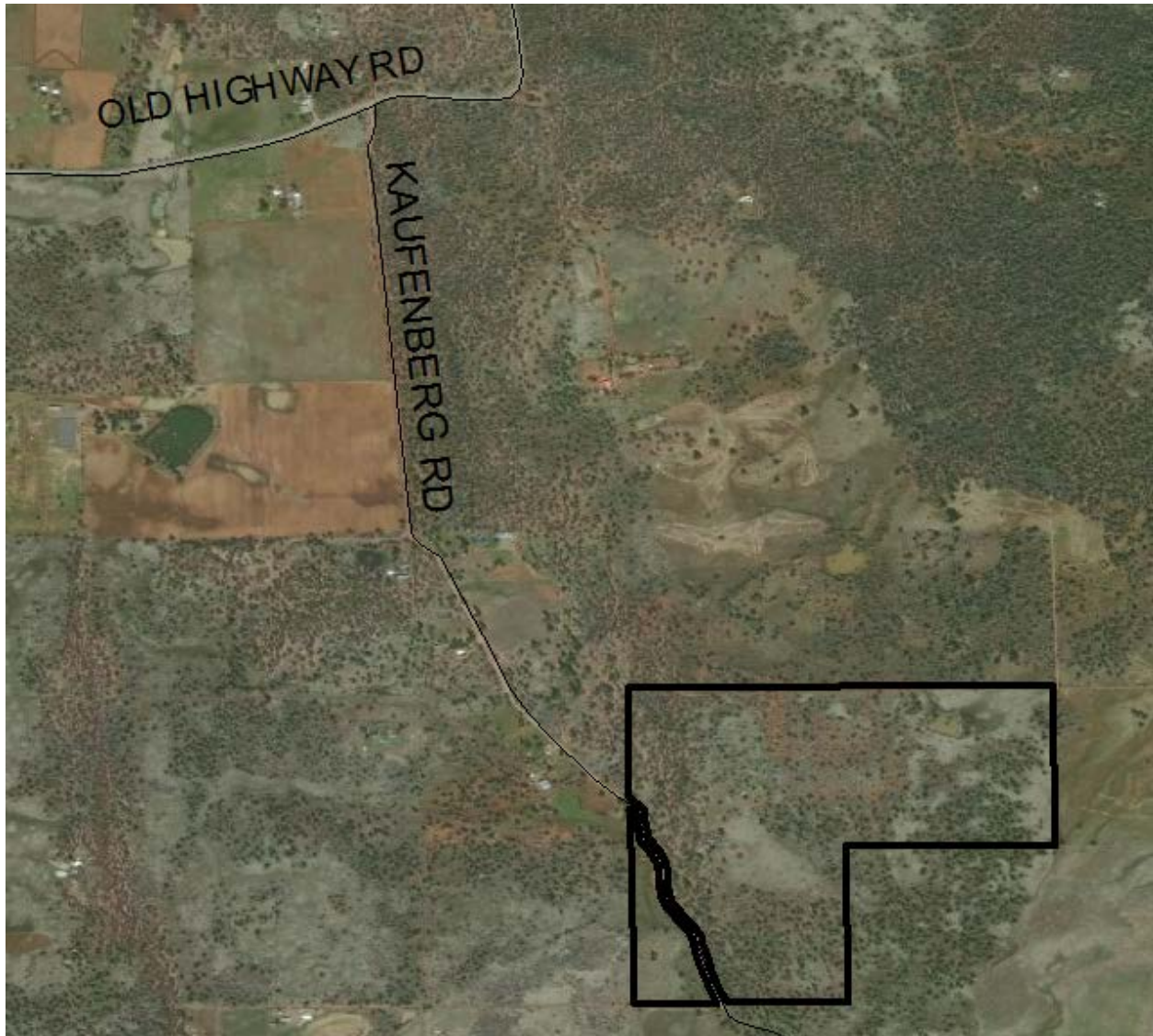


Figure 1. Vicinity Map

Project Description: Proposal to divide a 111-acre parcel into four parcels: Proposed Parcel 1 would be 20.22 acres in size, Proposed Parcel 2 would be 21.11 acres in size, Proposed Parcel 3 would be 21.37 acres in size, and Proposed Parcel 4 would be 48.08 acres in size. The subject parcel is zoned A-2-B-20 (Agricultural Residential District, 20-Acre Building Site Combining District) and has a “Rural Residential” land use designation in the *Pittville Area Plan, 1986*.

Project Location: The subject parcel is located approximately 3.5 miles south of the intersection of Highway 299 and Old Highway Road at 545-100 Kaufenberg Road, McArthur, CA 96056. The subject parcels are located in the Pittville 7.5-minute Quadrangle as identified by the United States Geological Survey.

Environmental Setting: The subject parcel contains a manufactured home, a septic system, and a well.

ACCESS: Access to the project site is from Kaufenberg Road (County Road 402), Old Highway Road, and U.S. Highway 299. In its email dated November 5, 2019, the Lassen County Department of Public Works indicated that the proposed project will require encroachment permits from its Roads Division. See Section 6, titled “Transportation/Traffic,” for more information.

VEGETATION: According to the *March 2020 Biological Resources Assessment: Parcel Subdivision, Pittville, Lassen County, California, Prepared for Aboussleman and Stringer* (biological study) prepared by VESTRA Resources, Inc. and Todd Sloat Biological Consulting, Inc.¹, habitat at the site consists of low-density mixed chaparral and eastside pine forest with an understory dominated by great basin sagebrush. Said biological study further states:

The tree canopy is comprised of juniper trees (juniperus sp.), white oak (Quercus alba) and Ponderosa pine (Pinus ponderosa). The herbaceous vegetation is primarily Idaho fescue (Festuca idahoensis) and medusahead (Taeniatherum caput-medusae). A few individual plants of great basin wildrye (Leymus cinereus) and antelope bitterbrush (Purshia tridentata) were also found.

According to the California Department of Fish and Wildlife’s California Natural Diversity Database, special plant species in the Pittville Quadrant include:

- Howell’s thelypodium (ranked “1B.2” [plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California])
- Boggs Lake hedge-hyssop (classified as “endangered”² in the State of California and also ranked “1B.2”)

WILDLIFE: According to the biological study referenced above,

Common wildlife in this habitat were observed including American robin (Turdus migratorius), California quail (Callipepla californica), dark-eyed junco (Junco hyemalis), and California ground squirrel (Otospermophilus beecheyi). The only species encountered in this habitat type in Pittville are nesting Cooper’s hawk and golden eagle, and these are very rare encounters. Neither were found during surveys, and due to the regular activity in the area from road use and livestock, they are not expected to occur. Mule deer (Odocoileus hemionus) and black-tailed subspecies (O. hemionus columbianus) are also present onsite in low numbers.

¹ According to email from VESTRA Biologist Anna Prang, dated July 21, 2020, Mr. Todd Sloat of Todd Sloat Biological Consulting, Inc. and Ms. Prang together prepared the biological study, based on Mr. Sloat’s field survey.

² The classification provided to a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

No rare, threatened, or endangered wildlife species are known to populate the subject parcel; however, according to the California Department of Fish and Wildlife's California Natural Diversity Database, animals in the Pittville Quadrant that are under special federal or state status include:

- Bald Eagle (listed as "endangered" and "fully protected"³ in California)
- Greater Sandhill Crane (listed as "threatened"⁴ and "fully protected" in California)
- Gray Wolf (listed as "endangered" both under the federal Endangered Species Act⁵ and in the State of California)
- Sierra Nevada red fox (listed as a "candidate"⁶ under the Endangered Species Act, and "threatened" in the State of California)
- Western Pond Turtle ("species of special concern"⁷ according to the California Department of Fish and Wildlife)

See https://apps.wildlife.ca.gov/bios/docs/CNDDDB_QuickView_FieldDescriptions.htm or Section 7, of this initial study, titled "Biological Resources," for more information.

HYDROLOGY: The biological study described above states:

An ephemeral drainage is present, which is impounded by an offsite one-acre pond that provides water for livestock and wildlife. No wetland vegetation is present within the

³ This classification was the State of California's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians, and reptiles, birds and mammals. Most of the species on these lists have subsequently been listed under the state and/or federal endangered species acts.

⁴ The classification provided to a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts.

⁵ The classification provided to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

⁶ The classification provided to an animal or plant that has been studied by the United States Fish and Wildlife Service, and the Service has concluded that it should be proposed for addition to the Federal Endangered and Threatened species list.

⁷ It is the goal and responsibility of the Department of Fish and Wildlife to maintain viable populations of all native species. To this end, the Department has designated certain vertebrate species as "Species of Special Concern" because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating species as "Species of Special Concern" is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long-term viability.

pond as it is heavily used by livestock. Due to the porous volcanic soils in the area, the pond does not hold water long into the late spring, and no irrigation water is pumped to maintain the water level. Not wetlands, including vernal pools, are present at the site.

The Federal Emergency Management Agency identifies the subject parcels as in a Zone “X” floodplain zone, defined as an “area of minimal flood hazard” (Zone “X,” Panel #06089C0525G, 3/17/2011).

SOILS: According to the Natural Resources Conservation Service’s (NRCS) Web Soil Survey, soils at the subject parcel primarily (approximately 75 percent of the site) comprise Pittville sandy loam, 9 to 15 percent slopes (land capability classification 2e [irrigated] and 3e [nonirrigated]).

Approximately another 20 percent of the site (along the western end of the subject parcel) comprises Pittville sandy loam, 15 to 30 percent slopes (land capability classification 4e [irrigated] and 4e [nonirrigated]).

The remaining approximately five to nine percent of the project site comprises Splawn-Jellico complex, 5 to 15 percent slopes (no irrigated land capability classification, but a 6s nonirrigated land capability classification), Pittville sandy loam, 0 to 5 percent slopes (land capability classification 2e [irrigated] and 3e [nonirrigated]), and Jellicamp-Ollierivas complex, 2 to 9 percent slopes (no irrigated land capability classification, but a 4e nonirrigated land capability classification).

GEOLOGY: According to the California Department of Conservation California Geological Survey’s *Earthquake Fault Zone, Special Studies Zone Maps* for the Pittville Quadrangle, effective November 1991, the Pittville Quadrangle has several “active faults” (considered to have been active during Holocene time and to have a relatively high potential for surface rupture). The subject parcels are not in a special studies zone (active fault) boundary.

Surrounding Land Use: The subject parcel is located approximately 3.5 miles south of the intersection of Highway 299 and Old Highway Road at 545-100 Kaufenberg Road, McArthur, CA 96056. The subject parcel comprises Parcels ‘B’ as shown by Certificate of Lot Line Adjustment #2019-004, recorded on August 27, 2019, at Document Number 2019-03323 of the Official Records of Lassen County, California. Immediately surrounding parcels consist parcels designated as “Rural Residential” and “Grazing and Sagebrush Environment”⁸ by the *Pittville Area Plan, 1986*. Said parcels are zoned as illustrated in Table 1 below:

⁸ The “Grazing and Sagebrush Environment” land use designation was replaced by the “Extensive Agriculture” land use designation in the *Lassen County General Plan, 2000*.

| | Zoning (see notes at bottom) | Parcel Size (acres) | Land Use Designation (<i>Lassen County General Plan, 2000</i>) |
|--------------|--|-------------------------------|--|
| North | A-2-B-20*, A-3-B-80** | 160 | “Rural Residential, Grazing and Sagebrush Environment” |
| East | U-C***, U-C-2^ | 120 | “Rural Residential, Grazing and Sagebrush Environment” |
| South | A-3-B-80, U-C-B-160^^ | 367 | “Rural Residential, Grazing and Sagebrush Environment” |
| West | A-2-B-20, A-2-B-10-NH^^^ | 17.98 | “Rural Residential” |

* The A-2-B-20 zoning district is the “Agricultural Residential District, 20-Acre Building Site Combining District” as defined in Chapters 18.18 and 18.84 of the Lassen County Code

**The A-3-B-80 zoning district is the “Agricultural District, 80-Acre Building Site Combining District” as defined in Chapters 18.20 and 18.84 of the Lassen County Code

***The U-C zoning district is the “Upland Conservation District” as defined in Chapter 18.68 of the Lassen County Code

^The U-C-2 zoning district is the “Upland Conservation District/Resource Management District” as defined in Chapter 18.69 of the Lassen County Code

^^ The U-C-B-160 zoning district is the “Upland Conservation District, 160-Acre Building Site Combining District” as defined in Chapters 18.68 and 18.84 of the Lassen County Code

^^^The A-2-B-10-NH zoning district is the “Agricultural Residential District, 10-Acre Building Site Combining District, Natural Habitat Combining District” as defined in Chapters 18.18 and 18.84 and 18.94 of the Lassen County Code

1. LAND USE AND PLANNING

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

- (a) The proposed project would not block any existing access or otherwise physically divide any “established community,” as the project site (or its surroundings) does not constitute an “established community.”
- (b) The subject parcel is zoned A-2-B-20 (Agricultural Residential District, 20-Acre Building Site Combining District) and has a “Rural Residential” land use designation in the *Pittville Area Plan, 1986*. According to Lassen County Code Section 18.84.020(10), the building site area required “[s]hall be indicated by a figure following the B in the district designation, which figure represents the minimum required area in acres.” Therefore, the “20” in the A-2-B-20 zoning district sets forth a 20-acre minimum parcel size. All proposed parcels are at least 20 acres in size.

In addition, the *Pittville Area Plan, 1986* states as follows:

The term “Rural Residential” shall mean that the land is suitable for residential use, but that consideration of the area’s rural character, environment, and resource constraints and other suitability factors suggest that residential density should generally not exceed one dwelling unit per 5 acres (i.e., no less than 5 acres minimum parcel size)

- Residential Policy 1: Residential development of all types should be directed to areas of highest availability of support factors (access, water, soils for septage disposal) and lowest sensitivity to environmental impact.

- Residential Policy 2: Development of housing shall be consistent with the policies and provisions in the Housing Element of Lassen County's General Plan.
- Residential Policy 3: Within areas designated for residential or rural residential use, encourage location of housing in the least environmentally sensitive areas (see Figures 2 through 11 in the Planning Alternatives Study)
- Residential Policy 8: Residential development shall be designed in a manner to minimize impacts on wildlife and natural habitats.
- Residential Implementation Measure 3: For all new residential development, ensure fiscal balance with respect to providing County and other public services for new population by complying with the measures required in this Chapter under Section H, "Public Services/Fiscal Impacts."
- Residential Implementation Measure 4: Require all new development to provide for multiple access and options for safe, reliable access to major public roads to ensure ease of circulation for emergency conditions.
- Agriculture/Rangeland Policy 2: Where livestock grazing or agricultural production occurs on smaller (10-160) acre parcels in conjunction with commercial, industrial, or residential uses, promote coexistence of the different issues by minimizing conflicts.

Furthermore, the following goals, objectives, implementation measures and descriptions from the *Lassen County General Plan, 2000*, also pertain to the proposal:

Designation of Land Uses

- *GOAL L-1: To maintain a system of land use designations which sets forth the County's policies pertaining to the general distribution and intensity of land uses, and which strives to ensure compatibility between land use types by providing for efficient and complimentary [sic] patterns and mixtures of land uses.*
- *Implementation Measure LU-A: The County shall utilize the zoning provisions of the Lassen County Code to adopt and enforce corresponding zoning districts, and to consider the approval of related use permits and land divisions, which implement and are compatible with the policies, general land uses and programs specified in this Land Use Element and in area plans adopted as part of the General Plan.*
- *Implementation Measure LU-B: The County recognizes the need and legal requirements for making land use decisions which are consistent with the General Plan.*

1. ISSUE: Land Use Compatibility

- *GOAL L-4: Compatibility between land use types by providing for complementary mixtures and patterns of land uses.*
- *LU-6 POLICY: The County recognizes general plan land use designations and consistent zoning as the appropriate and primary tools for attempting to achieve and maintain compatibility of land uses within the context of the County's land use authority and local control.*
- *Implementation Measure LU-F: The County shall continue to utilize the California Environmental Quality Act (CEQA) process, when applicable, to evaluate the potential impacts of proposed changes in land uses on surrounding lands and to implement appropriate mitigation measures when needed.*

2. ISSUE: Growth and Development

- *GOAL L-5: Orderly, contiguous growth and appropriate land-conserving densities as an alternative to sprawl and "leap-frog" development.*

4. ISSUE: Neighborhood Quality

- *GOAL L-8: Neighborhoods which offer safe and pleasant living environments for the residents of Lassen County.*
- *LU21 POLICY: The County supports the need to maintain safe and pleasant living environments and, in consideration of related land use decisions, shall require mitigation of impacts which significantly threaten such qualities.*
- *LU22 POLICY: The County shall encourage expansion of existing residential areas and discourage sprawl and scattered development.*
- *GOAL L-10: Reasonable development and design review standards which protect communities from poorly designed development which detracts from the overall quality of the area.*

5. ISSUE: Transportation

- *GOAL L-11: Transportation systems which compliment [sic] and support the County's land use patterns.*
- *LU25 POLICY: The County shall continue to review and, when warranted, formulate improved standards for the necessary improvement and maintenance of*

roads serving new development, including standards for the incremental improvement or development of public roads.

- *Implementation Measure LU-R: Pursuant to impacts evaluated in an environmental impact report or other form of project review, the County may require mitigation measures which will insure that project developers adequately and fairly compensate or participate with the County in the necessary upgrading and/or repair of roads which will be significantly damaged by a project.*

The proposed project is consistent with the above land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect and therefore will result in less than significant impacts to such land use plans, policies, and regulations.

- (c) The proposed project does not conflict with any known applicable habitat conservation plan or natural community conservation plan.

2. POPULATION AND HOUSING

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

- (a) The project will likely induce minimal population growth at most. If approved, the project would create three additional parcels, and likely three additional households. The project proposes to use existing roads for access. In light of the above, the project will have a less than significant impact to population growth in the area, either directly or indirectly.
- (b) The project will not displace any existing housing and will not necessitate the construction of replacement housing elsewhere.
- (c) The project will not displace any people and will not necessitate the construction of replacement housing elsewhere.

3. GEOLOGIC PROBLEMS

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION:

According to the Natural Resources Conservation Service's (NRCS) Web Soil Survey, soils at the subject parcel primarily (approximately 75 percent of the site) comprise Pittville sandy loam, 9 to 15 percent slopes (land capability classification 2e [irrigated] and 3e [nonirrigated]).

Approximately another 20 percent of the site (along the western end of the subject parcel) comprises Pittville sandy loam, 15 to 30 percent slopes (land capability classification 4e [irrigated] and 4e [nonirrigated]).

The remaining approximately five to nine percent of the project site comprises Splawn-Jellico complex, 5 to 15 percent slopes (no irrigated land capability classification, but a 6s nonirrigated land capability classification), Pittville sandy loam, 0 to 5 percent slopes (land capability classification 2e [irrigated] and 3e [nonirrigated]), and Jellicamp-Ollierivas complex, 2 to 9 percent slopes (no irrigated land capability classification, but a 4e nonirrigated land capability classification).

In addition, the *Pittville Area Plan, 1986*, states as follows:

Topographic and Geologic Hazards

Steep slopes on the Day Bench, foothills and mountains are subject to high seasonal fire hazards, erosion and/or landslides as a result of soil instability. Areas of steep slopes pose difficult access problems for utility and emergency vehicles as well as problems of erosion and ground failure.

- Natural Hazards Policy 1: Direct the greatest part of future land use growth to areas having 0%-15% slope, and lesser growth (with only low intensity development) to areas having 15%-30% slope. Only permit very limited development on slopes greater than 30%, which are more prone to ground failure.
- Natural Hazards Implementation Measure 1: Construction standards for all structures, both public and private, shall adhere to local and state seismic safety standards for Seismic Zone 3.
- Natural Hazards Implementation Measure 3: Development on slopes over 15% shall be encouraged to follow natural contours of the land, avoid interrupting natural drainage channels, and comply with appropriate grading practices with guidance from the County Public Works Department and Planning Department.

- (a, c) According to the California Department of Conservation California Geological Survey's *Earthquake Fault Zone, Special Studies Zone Maps* for the Pittville Quadrangle, effective November 1991, the Pittville Quadrangle has several "active faults" (considered to have been active during Holocene time and to have a relatively

high potential for surface rupture). The subject parcel is not in a special studies zone (active fault) boundary, nor is it located on an earthquake fault. The nearest fault boundary is a mile and a half away. As shown on the submitted parcel map application, most of the project site relatively flat, although Proposed Parcel 1 does have areas of 8 percent and 14 percent slopes.⁹ Both erosion and landslides are more common on steeper terrain. However, any proposed development or use would be low intensity residential or agricultural in nature with very low population density as well.

Therefore, the proposed project would not expose people or structures to potential substantial adverse effect, including the risk of loss, injury, or death involving the rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), or landslides. Furthermore, the project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and the project would not potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Neither would the project induce substantial erosion. There is a less than significant effect to the environment on account of the above.

- (b) The project will result in a less than significant effect related to erosion (see subsection “a” above).

According to the U.S. Department of Agriculture, topsoil is “the upper part of the soil¹⁰, which is the most favorable material for plant growth. It is ordinarily rich in organic matter and is used to topdress roadbanks, lawns, and land affected by

⁹ Furthermore, the NRCS Web Soil Survey recognizes that even steeper slopes may exist at the project site. See subsection (b) below.

¹⁰ In its Web Soil Survey’s rating titled, “Suitability for Aerobic Soil Organisms,” NRCS describes “soil” as follows:

Soil is the habitat for a wide variety of organisms, ranging from microscopic viruses, bacteria, archaea, fungi, and protozoa to micro- and meso-fauna including nematodes, mites, and springtails to macrofauna such as earthworms, centipedes and beetles to name just a few. A healthy soil is a living system that supports an abundant and diverse biological community that aids crop production by providing key services and functions. These include: 1) the decomposition of organic materials and conversion into soil organic matter; 2) enhanced nutrient cycling; 3) improved soil structure and stability that positively influences water flow, storage and availability; 4) plant protection against disease, pests, and environmental stress; and, 5) detoxification of pollutants. Soil microbes are generally most abundant in the surface layer around plant roots (termed the rhizosphere). Soils vary in their inherent ability to foster plant growth and thus also in their ability to support microbial populations. Although bacteria and archaea possess alternative metabolic strategies to survive under low or no oxygen content (i.e., anaerobic conditions), all other soil organisms require oxygen and the majority of soil bacteria in agricultural soils function more efficiently in aerobic conditions. Therefore, only aerobic organisms are considered.

mining.”¹¹ As stated in the “Environmental Setting” section of the beginning of this initial study, almost 95 percent of the project site comprises Pittville sandy loam (in some cases 9 to 15 percent slopes and in others 15 to 30 percent slopes). NRCS’s Web Soil Survey rates Galeppi sandy loam as a “somewhat favorable”¹² source of aerobic organisms, which directly relate to topsoil quality (as opposed to a “very favorable” or “very limited” source). Limiting factors to impacts to topsoil include the fact that the project site is already zoned for agricultural residential use; disturbance of the ground and soil on account of conventional agriculture (through tilling or plowing) is a cause of the depletion of topsoil (as opposed to using cover crops). Also, even at maximum buildout allowed by right (four homes and related accessory structures), the proposed parcel map would not cause a significant impact in terms of loss of topsoil. In light of these considerations, the project will result in a less than significant loss of topsoil.

- (d) Expansive soils are predominantly composed of clays, which expand in volume when water is absorbed and shrink when the soil dries. Expansion is measured by shrink-swell potential, which is the volume change in soil with a gain in moisture. Soils with a moderate to high shrink-swell potential can cause damage to buildings and infrastructure. According to the NRCS’s Web Soil Survey, Pittville sandy loam is a “clayey sand” as defined by the Unified Soil Classification System. Clayey sand is classified as a coarse-grained soil, meaning that more than 50 percent of material is larger than a No. 200 sieve size. Clays, however, are classified as fine-grained soil, meaning that 50 percent or more of material is smaller than a No. 200 sieve size. Only about a fifth of Pittville sandy loam is clay, while the remaining soil is percent sand and silt). Pittville sandy loam is on the lowest end of the “moderate” linear extensibility classification with a linear extensibility (shrink-swell potential) of 3.0 percent.¹³

Furthermore, the California Supreme Court has determined that ordinary “CEQA analysis is concerned with a project’s impact on the environment, rather than with the environment’s impacts on a project and its users or residents.”¹⁴ Therefore, any

¹¹ United States Department of Agriculture. *Glossary of Soil Survey Terms*, October 2015. Online at: <https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/ref/>. Site visited June 24, 2020.

¹² “Somewhat favorable” indicates that the soil has features that are moderately favorable for aerobic soil organisms. The soil can be made more favorable by careful management. Fair performance and moderate maintenance can be expected. *Suitabilities and Limitations for Use-Suitability for Aerobic Soil Organisms*. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Site visited June 24, 2020.

¹³ Natural Resources Conservation Service. *National Soil Survey Handbook*, amended November 2017, (Figure 618-A12 on Page 618-A.40) classifies shrink-swell as “low” for soils with a linear extensibility percent of less than three percent. Online at: <https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=41981.wba>. Site visited June 24, 2020.

¹⁴ *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, Case No. S213478.

impacts to residents or visitors on account of expansive soils would not be analyzed in this document.

In light of the above, the proposed project will not create substantial risks to life or property. Therefore, there is a less than significant impact to the environment on account of expansive soil.

- (e) According to NRCS's Web Soil Survey, "Septic tank absorption fields are areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. The ratings are based on the soil properties that affect absorption of the effluent, construction and maintenance of the system, and public health." Pittville sandy loam is rated "very limited."¹⁵ Potential problems include slow water movement and issues with slope.

This initial study will be forwarded to the Lassen County Environmental Health Department (Environmental Health) during the public comment period for review. Given the fact that the subject parcel (and surrounding properties) is developed and disposes of waste by means of septic systems, it would seem that notwithstanding potential problems with filtration of waste, it is possible to satisfactorily install a septic system without causing significant effects to the environment.

The applicant must work with Environmental Health to properly install a septic system that will have a less than significant impact to the environment.

¹⁵ This rating indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. *Suitabilities and Limitations for Use: Sanitary Facilities-Septic Tank Absorption Fields*. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Site visited June 24, 2020.

4. HYRDOLOGY AND WATER QUALITY

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The following policies and implementation measure from the *Pittville Area Plan, 1986*, pertain to this project:

- Water Resources Policy 1: Protect and maintain groundwater quality at or better than current levels and within adopted standards.
- Water Resources Policy 2: Groundwater recharge areas (the Day Bench and watershed in hills and mountains surrounding Fall River Valley) shall be protected from development that would interfere with the critical function they perform.
- Water Resources Implementation Measure 1: For building projects, where necessary, and for all subdivision and parcel maps, as a condition of map or building permit approval, appropriate County departments shall require site-specific soils investigations on suitability for disposal of bulk septage or individual septic tank/leachfield systems, as well as depth to groundwater, to avoid impairment to groundwater quality.

DISCUSSION:

- (a) Waste water discharge to surface and groundwater is regulated by the Central Valley Regional Water Quality Control Board (Central Valley). In its letter (dated November 5, 2019) in response to the Notice of Early Consultation circulated by the Lassen County Department of Planning and Building Services, Central Valley has required that a General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; CGP) be secured in the case that construction activity, including demolition, results in land disturbance of one acre or more. Although no construction is proposed as part of this project, the above will be included as a condition of approval for this project and apply in the case that building permits for construction are applied for after recordation of this parcel map application. It is reasonable to believe that, if necessary, the applicant will be able to secure the above permit from Central Valley, and therefore, the proposed project will not violate any water quality standards.

In addition, the placement of septic tanks and routing of leach lines is regulated by the Lassen County Department of Environmental Health. The proposed project does not violate any known waste discharge requirements.

Both of the above agencies will receive a copy of this initial study during the public comment period in order to have an opportunity to provide additional comment.

- (b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The project site is located in between the Fall River Valley and Big Valley Groundwater Basins, and although it is closer to the Fall River Valley Basin (approximately a mile away), the project site is not in either of the groundwater basins above. Furthermore, the project proposes to create three additional parcels; any impacts to groundwater will be less than significant.
- (c) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. There are no rivers or streams at the project site. At its nearest point, the Pit River is approximately 1.25 miles southwest of the project site.
- (d) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

As referenced in Section 3, titled “Geologic Problems,” the project site is primarily (95%) underlain with Pittville sandy loam. According to the NRCS Web Soil Survey, Pittville sandy loam is in a “well-drained” natural drainage class and has a “none” rating for flooding, meaning that flooding is not probable. The chance of flooding is nearly zero percent in any year; flooding occurs less than once in 500 years.

Lastly, as indicated in the “Hydrology” portion of the “Environmental Setting” Section of this initial study, the Federal Emergency Management Agency identifies the subject parcels as mostly in a Zone “X” floodplain zone, defined as an “area of minimal flood hazard” (Zone “X,” Panel #06089C0525G, 3/17/2011).

For the above reasons, any project impacts related to flooding would at most be less than significant.

- (e) The project will not create contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. See subsection (d) above.
- (f) The project will not otherwise substantially degrade water quality.
- (g) There are no homes proposed as part of the project (yet); more importantly, however, is that the project site is not in the 100-year floodplain.

- (h) The project site is not in the 100-year floodplain.
- (i) The project will not expose people or structures to a significant risk of loss, injury, or death involving flooding.
- (j) The project will not expose people or structures to a significant risk of loss, injury, or death by inundation on account of a seiche, tsunami, or mudflow.

Given the above considerations, the project will result in less than a significant effect to water quality and hydrology.

5. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION:

The following goals, policies and implementation measures that pertain to air quality found in the *Lassen County General Plan, 2000* inform the analysis of this section:

GOAL N-22: Air quality of high standards to safeguard public health, visual quality, and the reputation of Lassen County as an area of exceptional air quality.

NR74 POLICY: The Board of Supervisors will continue to consider, adopt and enforce feasible air quality standards which protect the quality of the County's air resources.

Implementation Measure NR-Q: The County will continue to regulate the emission of pollutants within its jurisdiction through the regulations and procedures adopted for the Lassen County Air Pollution Control District (APCB).

Furthermore, the following goals, policies and implementation measures that pertain to air quality found in the *Pittville Area Plan, 1986* also inform the analysis of this section:

Goal: Air Resources

- *Maintain the quality of air resources.*

Air quality in the Planning Area is considered good. Although no serious problems currently exist, the Fall River Valley is considered a closed basin susceptible to temperature inversions. Isolated incidences of air pollution may occur during colder months when wood-burning stoves are heavily used. Twenty four hour standards set by the State Air Resources Board have never been exceeded.

Air Resources Policy 1: Protect the current high quality of the Planning Area's air resources.

Implementation:

Preservation of air quality will primarily be achieved by following the recommended land use designations and zones proposed in other sections of [Chapter IV of the Pittville Area Plan, 1986 titled, "Policies and Implementation Measures"], which maintain much of the Planning Area in open space or rural densities.

The United States Environmental Protection Agency (EPA) makes national designations for six airborne pollutants: ozone (O₃), particulate matter (suspended particulate matter [PM₁₀]¹⁶ and fine suspended particulate matter [PM_{2.5}]¹⁷), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead (Pb). These pollutants are regulated by the EPA's National Ambient Air Quality Standards (NAAQS), which measure the maximum amount of a pollutant that can be present in outdoor air over a specific period of time without harming public health. Lassen County is either "in attainment" or "unclassified" pursuant to the national area designations prepared by the EPA. Federal law requires that all states attain the NAAQS¹⁸.

California also has ambient air quality standards (California Ambient Air Quality Standards or CAAQS) that predate the original NAAQS. In addition to the six criteria pollutants above, the CAAQS monitor four more: sulfates, hydrogen sulfide, visibility reducing particles, and vinyl chloride¹⁹, although attainment²⁰ of the NAAQS has precedence over attainment of the CAAQS.

¹⁶ Particulate matter 10 microns (micrometer) in diameter or less.

¹⁷ Particulate matter 2.5 microns in (micrometer) diameter or less.

¹⁸ The "unclassified" designation does not violate the NAAQS.

¹⁹ California Air Resources Board (CARB, or alternately, ARB). Vinyl chloride is a colorless gas with a mild, sweet odor. Most vinyl chloride is used in the process of making polyvinyl chloride (PVC) plastic and vinyl products, and thus may be emitted from industrial processes. Vinyl chloride has been detected near landfills, sewage treatment plants, and hazardous waste sites, due to microbial breakdown of chlorinated solvents, although levels above the standard have not been measured in California since the 1970's. Today, vinyl chloride exposure is primarily an occupational concern. Vinyl chloride is the only pollutant that has a California Ambient Air Quality Standard and is also listed as a toxic air contaminant because of its carcinogenicity. Current regulatory efforts are under CARB's Air

With the exception of vinyl chloride, the CAAQS pollutants are monitored by the California Air Resources Board (CARB).

CARB has designated Lassen County as “in attainment” or “unclassified”²¹ in relation to the CAAQS for every pollutant (Lassen County’s carbon monoxide and hydrogen sulfide levels are unclassified like the rest of the Northeast Plateau Air Basin; its visibility-reducing particle levels are also unclassified like the rest of California, except for Lake County)²². Notably, almost every county in California exceeds the state standards for airborne particulates.

Under state law, local and regional air pollution control districts have the primary responsibility for controlling air pollutant emissions from all sources other than vehicular sources.²³ CARB divides California into air basins and adopts standards of quality for each air basin. Lassen County is part of the Northeast Plateau Air Basin (along with Modoc and Siskiyou counties) and its air quality is managed locally by the Lassen County Air Pollution Control District. According to the Lassen County Air Pollution Control District (APCD), the Air Quality Index in Lassen County is classified as “GOOD”²⁴ for the majority of the year, although events such as wildfires and inversion layers in winter months can periodically degrade air quality.²⁵

According to the *Lassen County 2012 Regional Transportation Plan* (RTP), PM₁₀ can be caused by sources including fugitive dust, combustion from automobiles and heating, road salt, and conifers, among others. “Constituents that comprise suspended particulates include organic, sulfate, and nitrate aerosols that are formed in the air from emitted hydrocarbons, chloride, sulfur oxides, and oxides of nitrogen. Particulates reduce visibility and pose a health hazard by causing respiratory and related problems.” CARB further identifies motor vehicles, wood-burning stoves and fireplaces, dust from construction, landfills, and agriculture, wildfires and brush/waste burning, industrial sources, and windblown dust from open lands as major sources of PM₁₀.

Toxics Program. Given the above, project-induced impacts related to the emission of vinyl chloride has been determined to have no known impact. Online at: <https://www.arb.ca.gov/research/aaqs/common-pollutants/vc/vc.htm>. Site visited May 13, 2020.

²⁰ “Attainment” is the category given to an area with no violations in the last three years.

²¹ “Unclassified” is the category given to an area with insufficient data.

²² CARB’s most update designations can be found at <https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations>. Site accessed May 13, 2020.

²³ *Lassen County 2012 Regional Transportation Plan*. Control of vehicular air pollutant emissions is the responsibility of the California Air Resources Board (CARB).

²⁴ *Lassen County 2012 Regional Transportation Plan*. The low population density (7.7 people per square mile), limited number of industrial installations, the fact that over half of Lassen County is forest land all contribute to Lassen County’s good air quality.

²⁵ If natural events generate pollutants that exceed the CAAQS, CARB may designate such exceptional events “exceedances” and not necessarily violations of the CAAQS.

Among other measures, CARB generally recommends dust control for roads and construction, landscaping and fencing to reduce windblown dust, and driving slowly on unpaved roads and other dirt surfaces to reduce PM₁₀ pollution.

In addition, APCD Rule 4:18, titled “Fugitive Dust Emissions,” states that “reasonable precautions shall be taken to prevent particulate matter from becoming airborne” and allows for the application of “asphalt, oil, water, or suitable chemicals to dirt roads, material stockpiles, land clearing, excavation, grading or other surfaces which can give rise to airborne dusts.”

This Initial Study will be referred to the Lassen County Air Pollution Control Officer for comment, as said officer is charged with enforcing the rules and regulations pertaining to air quality known as the Rules and Regulations of the Lassen County Air Pollution Control District (APCD Rule 1:1-Title).

- (a) The project will not conflict with or obstruct implementation of any applicable air quality plan.
- (b) The project will not violate any air quality standard nor contribute substantially to an existing or projected air quality violation.
- (c, d, e) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, as Lassen County is not in “non-attainment” for any criteria pollutants.

Neither will the project expose sensitive receptors to substantial pollutant concentrations, not create objectionable odors affecting a substantial number of people, in such a way that will have anything more than a less than significant effect.

The project will likely cause some emission of pollutant particulate both during construction of any ministerially allowed buildings (e.g., homes, accessory buildings) and on account of any such residential or agricultural use allowed by right in the A-2 (Agricultural Residential) zoning district.

Given the above considerations, the project will result in a less than significant impact to air quality.

6. TRANSPORTATION/TRAFFIC

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways, or conflict with CEQA Guidelines Section 15064.3(b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Adversely affect rail, waterborne or air traffic? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

The primary roads that provide access to the project site are Kaufenberg Road (County Road 402), Old Highway Road, and State Route 299. According to the *Lassen County General Plan, 2000* and the *Lassen County 2012 Regional Transportation Plan (RTP)*, State Route 299 is classified as a “minor arterial.” In conjunction with principal arterials, minor arterials road system link cities and larger towns and form an integrated network providing interstate and intercountry service. Minor arterials constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to-through movement.

The RTP classifies Old Highway Road as a “minor collector.” Collectors provide a less highly developed level of service at a lower speed for short distances by collecting traffic from local roads and connecting them with arterials. The Federal Highway Administration (FHWA) further delineates collectors into major and minor rural collectors. Minor collectors generally connect local roadways to major connectors and major collectors connect to arterials or regional destinations.

Lastly, the RTP classifies Kaufenberg Road as a “local road.” The Federal Highway Administration describes local roads not defined as arterials or collectors whose primary function is to provide direct access to individual properties, with little or no through movement. The majority of maintained roads in Lassen County are classified as local roads.

The RTP describes State Route 299 as in Lassen County as follows:

A small segment of SR 299 traverses the northwest corner of Lassen County serving the communities of Nubieber and Bieber. The facility is a rural 2-lane highway with 1- to 4-foot shoulders and provides access to the Ash Creek Wildlife Area.

According to Figure 2 of the RTP, in 2010, SR 299 received approximately 1,500 average annual daily traffic volume near the Shasta County Line; a slight increase from 2000 (AADT 1,300), albeit almost half the AADT from 2005 (2,900). Figure 3 of the RTP gives SR 299 an “A” Existing Daily Level of Service Rating.²⁶

In addition, the following goals, policies, and implementation measures from the Circulation Element of the *Lassen County General Plan, 2000*, inform the project:

- *GOAL C-1: A comprehensive, efficient and safe transportation system to serve the needs of County residents and to stimulate the economic progress of Lassen County.*

²⁶ Table CE-1 of the *Lassen County General Plan, 2000*, titled “Level of Service (LOS) Ratings,” describes the Level of Service “A” rating as “[f]ree flow driving. Unrestricted.”

- *CE-7 POLICY: In order to promote higher standards of access and road maintenance to residential areas, the County will encourage that access roads serving residential development be built to County standards and offered for acceptance into the County maintained system. Unless the County accepts the roads into its maintained system, new residential development projects shall be required to provide for the future maintenance of their roads through assessment districts or other practical and effective methods.*
 - *CE-8 POLICY: No new roads should be accepted into the County road system unless those roads have been constructed to a paved standard appropriate for the classification of the road being offered for dedication for public use.*
 - *CE-9 POLICY: The County should encourage and assist homeowner associations and other non-public entities to develop funding mechanisms (e.g., assessment district, etc.) to insure that private roads within their organizational responsibility will be adequately maintained.*
 - *Implementation Measure CE-B: Subdivision and planned unit development ordinances and project approvals will, when applicable, contain provisions to insure the success of proposed homeowner and other associations to adequately maintain private roads serving residential areas.*
 - *CE 12 POLICY: No public highway or roadway should be allowed to fall or exist for a substantial amount of time at or below a Level of Service rating of 'E' (i.e., road at or near capacity; reduced speeds; extremely difficult to maneuver; some stoppages).*
 - *Implementation Measure CE-E: The County shall consider the acquisition of needed right-of-way dedications with the approval of subdivisions, use permits, and other discretionary actions.*
 - *GOAL C-2: Adequate, cost-effective public transit services, especially to accommodate the needs of the elderly and handicapped.*
- (a) The proposed project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Neither will the proposed project conflict with CEQA Guidelines Section 15064.3(b) in such a way that would cause a significant effect on the environment, since the project is small nature (creating three additional parcels). This would not increase vehicle miles travelled to a significant effect.

- (b) The proposed project will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Given State Route 299's existing level of service rating of "A" in Lassen County, as well as the low amount of traffic on Kaufenberg and Old Highway Roads, any impacts to traffic and transportation on account of construction will be less than significant.

See CE12 Policy above, as said policy relates to level of service as a measure of effectiveness for the performance of the circulation system.

- (c) The proposed project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risk. There is no known airport or airstrip in the vicinity of the project site.
- (d) The proposed project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Any impacts are at most less than significant for the purposes of CEQA.
- (e) Access to Proposed Parcels 1 through 3 is provided by Kaufenberg Road (County Road 402) and access to Parcel 4 is provided by Sunset Road (Sunset Road is not County-maintained). Sunset Road connects to Kaufenberg Road, which in turn connects to Old Highway Road, which in turn connects to State Route 299, a minor arterial in Lassen County that would provide access to first responders or other emergency personnel in the case of such an emergency. Furthermore, in its letter dated June 25, 2020, regarding applicable road standards, Cal Fire does not identify multiple access as an issue. Any impacts are at most less than significant for the purposes of CEQA.

In addition, the width of the existing road is acceptable to the Director of Public Works and Cal Fire.²⁷

- (f) The following goal and policies from the *Lassen County General Plan, 2000* relate to alternative (non-automobile-related) forms of transportation:
- *GOAL C-6: Expanded development and use of bicycle paths and pedestrian ways to reduce dependence upon automobiles.*
 - *CE26 POLICY: The County supports development and maintenance of safe and efficient alternative transportation routes that promote non-motorized forms of transportation for residents of more densely populated areas of the county to*

²⁷ The project site is in State Responsibility Area, meaning that the California Department of Forestry and Fire Protection (Cal Fire) provides fire protection for the project site.

travel between home, work, businesses and schools through the planning, acquisition, development and management of trails in public right-of-ways.

- *CE27 POLICY: When projects are planned, and where a direct nexus between growth and development and the need for trails and pathways is determined, developers should be required as a condition of project approval to contribute to the development of previously identified public trail projects.*

Although the above policies promote non-motorized alternative transportation in Lassen County, they do so in “more densely populated areas of the county.” The proposed project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities in such a way so as to cause more than a less than significant effect on the environment as it relates to transportation and traffic.

Additionally, this initial study will be sent to the California Department of Transportation (Caltrans) and the Lassen County Department of Public Works for comment during the public comment period.

- (g) The proposed project will not adversely affect rail, waterborne or air traffic. No such forms of traffic exist within the vicinity of the proposed project.

7. BIOLOGICAL RESOURCES

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION:

The following policy and implementation measures from the *Lassen County General Plan, 2000*, pertain to biological resources at the project site:

- *GOAL W-1: To protect and enhance the overall health of wildlife habitats and special resource areas to maintain healthy, abundant, and diverse wildlife populations.*
- *WE-2 POLICY: The County supports the cooperative identification of “areas of significant wildlife value” or similar designations for areas where it is demonstrated by sound biological science that the habitat values are of significant importance to the health and/or survival of one or more species of wildlife. The County may apply a special designation to these areas, and/or agree to support specific resource management objectives, policies and voluntary programs to protect wildlife resources within these areas.*
- *Implementation Measure WE-C: Information from the California Department of Fish and Game will be used by the County to evaluate potential impacts to fish and wildlife as a result of proposed County policies and land use decisions. The County shall consider recommendations from the Department of Fish and Game and other agencies, special commissions and interested organizations regarding the identification of important wildlife habitat areas and the need for measures by the County, including special general plan amendments and zoning, to provide adequate protection of wildlife resources. Information and related recommendations should be provided in a manner which can be used to formulate protective measures which can be implemented on a programmatic (as opposed to a case-by-case) basis.*
- *Implementation Measure WE-E: In review of project proposals, the County will continue to utilize the California Environmental Quality Act process to evaluate the potential for significant adverse impacts upon wildlife resources and will require appropriate related project decisions and necessary mitigation measures.*
- *WE-4 POLICY: The County recognizes that some areas which are designated and zoned for development, including but not limited to rural residential lands and areas indicated for planned development, may also have wildlife resources and open space values which need to be addressed and considered for protection. The County will address the need for protection of wildlife resources and open space values in areas which are zoned for development during the review of development proposals.*
- *WE-5 POLICY: Prior to the imposition of substantial wildlife-related mitigation measures by the County, the County shall review evidence demonstrating that the proposed action or project could otherwise have potentially significant adverse impacts to wildlife and that the proposed measures will, in fact, help accomplish practical and necessary mitigation objectives.*

- *Implementation Measure WE-F: The County shall, in consultation with land owners, sports groups, and other concerned groups, agencies and organizations, consider the use of specific resource protection and management tools for wildlife habitat when warranted, including but not limited to the use of: clustered development and conservation subdivisions; conservation easements; building restrictions such as special setbacks; natural vegetation retention requirements; mechanisms to facilitate transfers of development rights; developer credits and density bonuses; 'wildlife mitigation funds' with funds to be used for acquisition and/or improvement of wildlife habitat; land dedication to public agencies or land trusts; and habitat banking. When used as mitigation measures, such actions shall be proportional to the magnitude of impacts caused by the project in question.*
- *WE-9 POLICY: The County supports cooperation between the California Department of Fish and Game and the Nevada Department of wildlife in the management of interstate deer herds.*
- *GOAL W-2: Protection of rare, threatened, and endangered wildlife species with an ecosystem approach to habitat management which also supports multiple land uses.*
- *GOAL W-3: Enhanced opportunities for consumptive and non-consumptive uses of wildlife resources recognizing the economic, educational, recreational and aesthetic benefits these uses bring to the County.*
- *GOAL W-4: Protect and enhance the wildlife habitat of riparian areas and wetlands.*
- *WE16 POLICY: The County supports interagency efforts to protect and restore the wildlife habitat values of lakes, riverine and riparian areas and wetlands.*
- *Implementation Measure WE-H: In consideration of proposed projects which may affect lakes, streams, riparian areas or wetlands, the County will review the potential for proposed impacts through the CEQA process and require appropriate mitigation measures to avoid and mitigate significant adverse impacts.*

In addition, the following policies and implementation measures from the *Pittville Area Plan, 1986*, inform biological resources at the project site:

- *Rare and Endangered Plants and Wildlife Policy 1: Land Use Development shall not impair the habitat of rare and/or endangered plant or wildlife species, nor otherwise threaten their existence.*
- *Rare and Endangered Plants and Wildlife Implementation Measure 2: Review proposed projects for conformance with stated policies regarding protection of rare and/or endangered species.*

- *Rare and Endangered Plants and Wildlife Implementation Measure 3: In accordance with CEQA, which requires an environmental evaluation for many projects where the County exercises discretionary authority, require botanical surveys and/or review by the State Department of Fish and Game and other interested organizations as a condition of approval for any parcel or subdivision map in areas identified as having sensitive habitat where rare and/or endangered plant wildlife species may exist.*
- *Rare and Endangered Plants and Wildlife Implementation Measure 4: In accordance with CEQA, require applicants to satisfactorily mitigate potential impacts to sensitive habitat as a condition of approval of parcel and subdivision maps.*
- *Wildlife and Natural Habitat Policy 1: Direct and encourage property development onto lands with the least environmental sensitivity and natural constraints.*
- *Wildlife and Natural Habitat Policy 2: Where development must unavoidably occur on or adjacent to lands having “high environmental sensitivity,” limit to low intensity and very low density uses, or special comprehensive design of area development to mitigate impacts.*
- *Wildlife and Natural Habitat Implementation Measure 2: In order to prevent erosion, protect water quality and preserve watershed, the County should, whenever possible, limit the removal of native vegetation for development of building sites, roads and agricultural production to the minimum amount necessary for accomplishing the project.*

In its letter dated November 6, 2019, the California Department of Fish and Wildlife (CDFW), brought up several concerns related to biological resources, critical deer wintering range, wildlife-friendly fencing, wetlands, nesting bird migration, and lighting, all in response to early consultation.²⁸ Said concerns are described below:

Biological Resources

CDFW states that since the project is proposed in wildlife habitat, CDFW requires a basic botanical, wildlife, and habitat assessment (conducted at the appropriate time of year) to determine whether focused or protocol-level surveys are warranted.

Critical Deer Wintering Range

According to CDFW, the proposed project is in critical deer wintering range. CDFW recommends that any new construction occur along existing road frontage, with homes or accessory buildings clustered near one another, thereby allowing larger portions of the parcels to remain open for deer. CDFW is also amenable to other design configurations as appropriate.

²⁸ CDFW goes on to state: “As a trustee for the State’s fish and wildlife resources, [CDFW] has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat.”

Wildlife Friendly Fencing

CDFW recommends using wildlife friendly fencing, if fencing is needed. CDFW goes on to state:

Ideally, this type of fencing is visible to ungulates and birds, allows wildlife to jump over or crawl under and provides access to important habitats (water sources) and mitigation corridors. The Department recommends using four-strand, high tension wire fencing where the first strand is smooth and is 16 inches off the ground, the second and third strand are barbed, with the fourth strand measures 12 inches from the third strand for a total maximum of 42 inches in height.

Wetlands

CDFW also states that the Google Earth view shows ponding in the northeast corner of the parcel. If wetlands and/or streams are observed on site, CDFW recommends that a wetland delineation should be conducted by a qualified professional.

Nesting Bird Mitigation

In order to avoid impacts to nesting birds and/or raptors protected under Fish and Game Code Sections 3503 and 3503.5, one of the following shall be implemented:

- 1) Conduct vegetation removal and other ground-disturbance activities associated with construction from September 1 through January 31, when birds are not nesting; or
- 2) Conduct pre-construction surveys for nesting birds if vegetation removal or ground disturbing activities are to take place during the nesting season (February 1 through August 31). These surveys shall be conducted by a qualified biologist no more than one week prior to vegetation removal or construction activities during the nesting season. If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department. No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys should be sent to the Department at: California Department of Fish and Wildlife, Attn: CEQA 601 Locust Street, Redding, CA 96001 or emailed to R1CEQARedding@wildlife.ca.gov.

Lighting

The Department recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered mitigation patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated

with the Project be downward facing, fully-shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

- (a) According to the Lassen County Department of Planning and Building Services' query of the California Natural Diversity Database (CNDDB), the following special-status species as well as sensitive vegetation are known to exist within the Pittville Quadrangle:

Plants

- Howell's thelypodium (*Thelypodium howellii* ssp. *howellii*)(California Rare Plant Rank 1B.2)
- Boggs Lake hedge-hyssop (*Gratiola heterosepala*)(classified as "endangered" in the State of California and California Rare Plant Rank 1B.2)

Wildlife

- Bald Eagle (*Haliaeetus leucocephalus*)(listed as "endangered" and "fully protected" in California)
- Greater Sandhill Crane (*Antigone Canadensis tabida*)(listed as "threatened" and "fully protected" in California)
- Gray Wolf (*Canis lupus*)(listed as "endangered" both under the federal Endangered Species Act²⁹ and in the State of California)
- Sierra Nevada red fox (*Vulpes vulpes necator*)(listed as a "candidate" under the Endangered Species Act, and "threatened" in the State of California)
- Western Pond Turtle (*Emys marmorata*)(“species of special concern” according to the California Department of Fish and Wildlife)

In addition to the above special-status species from the CNDDB, the biological study prepared for this project identified several other special-status species that could potentially occur at the site (found at Table 1 of the attached biological survey). Said table identified potential, albeit less than significant impacts to the following, given proposed mitigation measures:³⁰

²⁹ The classification provided to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

³⁰ Besides the above-identified special status species to which the project could have potential impacts to, VESTRA Resources, Inc. (VESTRA) identified in Table 1 of its biological study that the project would have no impact to the following potentially occurring special status species:

- Greater sandhill crane (*Antigone Canadensis tabida*)
- Tricolored blackbird (*Agelaius tricolor*)
- Purple martin (*Progne subis*)
- Great blue heron (*Ardea Herodias*)
- Bald eagle (*Haliaeetus leucocephalus*)
- Shasta crayfish (*Pacifastacus fortis*)
- Slender Orcutt grass (*Orcuttia tenuis*): No impact as development will avoid the ephemeral drainage onsite.
- Boggs Lake hedge hyssop (*Gratiola heterosepala*): No impact as development will avoid the ephemeral drainage onsite.

- Prairie falcon (*Falco mexicanus*)³¹
- Sierra Nevada red fox (*Vulpes vulpes necator*)
- Silver-haired bat (*Lasionycteris noctivagans*)³²

Prairie Falcon

The biological study states as follows in regard to prairie falcon:

Prairie falcons are raptors that are distributed from annual grasslands to alpine meadows, but are associated primarily with perennial grasslands, savannahs, rangeland, some agricultural fields, and desert scrub areas. This species usually nests in a scrape on a sheltered ledge of a cliff overlooking a large, open area. Foraging behavior includes diving from a perch or from searching flight 15-90 [meters] (50-300 [feet]) above ground with rapid pursuit of the prey item. According to the CNDDDB, Prairie falcons have been documented in the general vicinity of the Town of Pittville.

No nesting habitat occurs within the proposed parcel map area as no rock outcrops or ledges are present onsite. Surveys have determined that rock outcrops do not occur within the proposed parcel map area. No Prairie falcon nesting habitat will be disturbed as a result of the proposed parcel map or residential development. There is potential for Prairie falcons to fly overhead while searching for prey in the general area. Prairie falcons in flight will likely avoid the project area while construction activities occur and will select alternate foraging habitat in the surrounding areas. The project will have a less than significant impact on prairie falcons.

VESTRA states that because “no rock outcrops or ledges are present onsite,” no prairie falcon habitat exists onsite, although there is the potential for prairie falcon to occur in the “general area for use as foraging habitat.” However, no evidence suggests that project impacts (related to residential or agricultural development) would result in a significant effect to prairie falcon. The Environmental Review Officer concurs that given the above, the project will have a less than significant impact to prairie falcon.

Sierra Nevada Red Fox

The biological study states as follows in regard to the Sierra Nevada red fox:

-
- Howell’s thylpodium (*Thylpodium howellii*)

³¹ According to VESTRA, the prairie falcon is protected by California Fish and Game Code Sections 3503, 3503.5, and 3513.

³² Although the Department of Planning and Building Services’ query of the CNDDDB did not show silver-haired bat to be a special-status species, the biological study prepared by VESTRA does identify silver-haired bat as a California Department of Fish and Wildlife-designated “species of special concern.”

The Sierra Nevada red fox historically occupied alpine and subalpine habitats in the Sierra Nevada and Cascade Mountains of California and Oregon. Inhabiting remote, high elevation habitats, Sierra Nevada red fox was historically widespread but occurred at low population densities throughout its range. Estimates of Sierra Nevada red fox home ranges vary from 160 to 17,150 acres. Sierra Nevada red fox diet consists of mammals, reptiles, anthropods, fruit and manmade items, in that order of abundance. Dens have been recorded as occurring in a variety of habitats from tallus slopes to woodland habitat. While not many dens have been observed, characteristics of the few observed dens include multiple entry/exit holes and a close proximity to water.

...

The prevailing long-term potential impact to [Sierra Nevada red fox (SNRF)] from development and grazing is the loss of foraging habitat Residential development generally results in the loss of acreage of native vegetation and open space. Grazing of non-native livestock presents competition for SNRF herbivorous prey species such as voles because they rely on the same grasses that are grazed by cattle and sheep. While the presence of SNRF is not anticipated to occur, there is potential for the parcel map boundary to overlap with the home range of a SNRF. Due to the large home range of an individual Sierra Nevada red fox, if any foxes occur in the area they will likely select foraging habitat outside of the proposed development.

Due to the potential for SNRF to be present based on historic data, and the critical need for conserving the few remaining SNRF individuals in the area, surveys for SNRF dens and den habitat were completed. The survey found that there are no dens or habitat for denning within the proposed parcel map boundary. If this species is determined to inhabit the project site at any time during development onsite, the disturbance of the animal or to den habitat would be considered a “take” under the California Fish and Game Code Section 86 and Section 10 of the Endangered Species Act. Consultation with the U.S. Fish and Wildlife Service should occur to determine appropriate measures to avoid or minimize impacts to SNRF.

Although VESTRA conducted a survey and found that there are no Sierra Nevada red fox “dens or habitat for denning within the proposed parcel map boundary,” VESTRA nevertheless states that there is “[p]otential [for Sierra Nevada red fox] to occur in [the] general area “due to the large home range of” Sierra Nevada red fox, and that “there is potential for the parcel map boundary to overlap with the home range of a SNRF.”³³

³³ See Figure 6 of the biological study, titled “SNRF Current Range Map,” for more information.

Because of this, VESTRA recommends the following mitigation measures:

- In the event that a Sierra Nevada red fox (SNRF) is observed on the property, the observation will be reported to the California Department of Fish and Wildlife California Natural Diversity Database (CNDDB) and the Sierra Nevada Red Fox Sighting Report portal (<https://wildlife.ca.gov/Conservation/Mammals/Sierra-Nevada-Red-Fox/Sighting-Report>).
- If any development or land disturbance is proposed in the future, and more than five years has passed since the SNRF habitat assessment completed for this parcel map on March 6, 2020, an updated species-specific survey should be completed. Any observed SNRF individuals or den structures should be reported to CDFW.
- Large piles of woody debris should be checked for presence of wildlife prior to disturbance or removal. If wildlife is present, disturbance to wildlife should be avoided until the animal has left the site.

Again, however, according to VESTRA, the existing environmental conditions (or baseline) at the project site do(es) not show any presence of Sierra Nevada red fox. This means that there are currently no potentially significant impacts to Sierra Nevada red fox for which mitigation would be necessary.

Therefore, the above will be included as recommended conditions of approval, but not as mitigation measures.

Silver-haired Bat

The biological study states as follows in regard to silver-haired bat:

Silver haired bats are among the most common bats of America, most closely associated with coniferous or mixed coniferous and deciduous forest types, especially in areas of old growth. They can be found throughout California during spring and fall migrations (Harris 2005). They form maternity colonies almost exclusively in tree cavities or small hollows in the spring. These aggregations stay together until the young are independent in the late summer or early fall. During this time, adult males most typically roost singly, or, less commonly, in bachelor colonies (Johnston 2004).

During the summer months when bats are most active and raising their young, they frequently use one roost during the day where they sleep and keep their young, and another roost at night for resting and digesting food. Day roosts tend to be cryptic and concealed; night roosts are more open and exposed. In fall, silver-haired bats migrate to southern areas, their movements closely associated

with cold fronts. They overwinter mostly in the southern third of North America, returning north in spring.

Ecological requirements for bat roosts, including maternity roosts, include an appropriate thermal gradient, shelter from predators, and appropriate proximity to foraging sites near open water; the roost can occur in small hollows or even underneath exfoliating tree bark (Johnston 2004). Silver haired bats have previously been documented within the proposed parcel area. Roost habitat has the potential to occur in the shrub and tree canopies onsite.

Project activities that involve vegetation removal have the potential to disturb a silver-haired bat roost. With the incorporation of [mitigation measures], impacts from project activities related to the parcel map and residential development will have a less than significant impact on silver-haired bats.

According to VESTRA, “[s]ilver haired bats have been previously documented within the proposed parcel area,” and “[r]oost habitat has the potential to occur in the shrub and tree canopies onsite.” Because of this, VESTRA prepared the following mitigation measures:

- If removal of vegetation identified to have roost structure potential will occur during the bat maternity season (March 1-August 31), when young are non-volant, or during the bat hibernacula (November 1-March 1), when bats have limited ability to safely relocate roosts, a two-day removal process should be implemented by which the non-habitat trees and brush are removed along with smaller tree limbs on the first day, and the remainder of the tree limbs and the tree trunk on the second day. These activities should be guided by a biologist with experience conducting bat exclusions.
- To minimize impacts of lighting to birds and other nocturnal species, any artificial lighting associated with short term and long term project activities should be downward facing, fully shielded, and designed and installed to minimize photo-pollution of adjacent wildlife habitat.

However, no silver-haired bats were identified on-site during the survey of the subject parcel, and no evidence has been submitted to show that project impacts would have a significant effect on silver-haired bat that would need to be mitigated against, and therefore, the above is instead included as recommended conditions of approval.

Migratory Birds

As discussed above, CDFW states as follows:

In order to avoid impacts to nesting birds and/or raptors protected under Fish and Game Code Sections 3503 and 3503.5, one of the following shall be implemented:

- 1) Conduct vegetation removal and other ground-disturbance activities associated with construction from September 1 through January 31, when birds are not nesting; or*
- 2) Conduct pre-construction surveys for nesting birds if vegetation removal or ground disturbing activities are to take place during the nesting season (February 1 through August 31). These surveys shall be conducted by a qualified biologist no more than one week prior to vegetation removal or construction activities during the nesting season. If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department. No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys should be sent to the Department at: California Department of Fish and Wildlife, Attn: CEQA 601 Locust Street, Redding, CA 96001 or emailed to RICEQARedding@wildlife.ca.gov.*

Furthermore, the project's biological consultant recommends the following:

If vegetation removal will occur during the bird nesting season (February 1-August 31), a qualified biologist shall conduct a nesting bird survey within 7 days before construction activities. If nesting birds are found, CDFW will be consulted. An appropriate buffer will be placed around the nest until the young have fledged.

The Environmental Review Officer agrees that the applicant should comply with the above. However, it is not a given that vegetation removal and other ground-disturbing activities would necessarily have a potentially significant effect on migratory birds that needs to be mitigated. Therefore, the above from CDFW and VESTRA will serve as the basis for a recommended condition of approval (and not a mitigation measure).

Lighting

CDFW states in its letter as follows:

[CDFW] recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered mitigation patterns. To minimize adverse effects of artificial light on wildlife, the Department

recommends that lighting fixtures associated with the Project be downward facing, fully-shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

Again, the applicant's consulting biologist also recommends the following:

To minimize impacts of lighting to birds and other nocturnal species, any artificial lighting associated with short term and long term project activities should be downward facing, fully shielded, and designed and installed to minimize photo-pollution of adjacent wildlife habitat.

Similarly to what was stated previously, the Environmental Review Officer agrees that the applicant should comply with the above.³⁴ However, it is not a given that lighting would necessarily have a potentially significant effect on migratory birds that needs to be mitigated. Therefore, the above from CDFW and VESTRA will serve as the basis for a recommended condition of approval (and not a mitigation measure).

Slender Orcutt Grass and Boggs Lake Hedge-Hyssop

As identified in the biological study, the two plants above will not be impacted on account of the project because "development will avoid the ephemeral drainage onsite." Indeed, at the time of preparation of this initial study, the applicant has not identified any development proposals. However, although no development is currently proposed, this does not mean that development will not be proposed in the future. According to the rationale in the biological study, if future development were indeed proposed near the "ephemeral drainage onsite," potentially significant impacts to slender Orcutt grass and Boggs Lake hedge-hyssop could occur.

In her email dated July 20, 2020, VESTRA Biologist Anna Prang states: "If any development is proposed on this parcel, then a buffer of 25 feet from [the] edge of riparian habitat or from [the] stream bank, whichever is larger, should have no development and no large equipment."

Therefore, the Environmental Review Officer recommends that a 25-foot buffer from the ephemeral drainage (including the edge of any riparian habitat or the stream bank, whichever is extends further from the drainage) be drawn on the final map as a mitigation measure, in order to mitigate against potentially significant effects to slender Orcutt grass and Boggs Lake hedge-hyssop. Additionally, the Environmental Review Officer

³⁴ Lassen County Code Section 18.108.155 also states:

Unless otherwise provided in this title, the following lighting requirements shall apply: all lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location so as to constitute a hazard to vehicular traffic, either on private property or on abutting streets.

recommends that the above be captured as a note on the final map as follows if this project is ultimately approved:

- All development must avoid the ephemeral drainage (including the edge of any riparian habitat or the stream bank, whichever extends further from the drainage) as demonstrated by the 25-foot buffer drawn on this map.

Miscellaneous

The applicant's consulting biologist also recommends the following:

- All work and stockpiling of materials will be confined to the project disturbance area.

It is unclear which special-status species the above applies to, and in any case, does not mitigate a potentially significant effect.

MITIGATION:

BR-1: The applicant shall cause a 25-foot buffer from the ephemeral drainage (including the edge of any riparian habitat or the stream bank, whichever extends further from the drainage) to be drawn on the final map in order to mitigate against potentially significant effects to slender Orcutt grass and Boggs Lake hedge-hyssop.

BR-2: The applicant shall cause the following note to be written on the final map: "All development must avoid the ephemeral drainage (including the edge of any riparian habitat or the stream bank, whichever extends further from the drainage) as demonstrated by the 25-foot buffer drawn on this final map."

- (b) The proposed project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. No riparian habitat exists at the project site.
- (c) The proposed project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The proposed parcel map does not propose the removal, filling, or interruption of any of the above. In addition, the biological study for this project states:

An ephemeral drainage is present, which is impounded by an offsite one-acre pond that provides water for livestock and wildlife. No wetland vegetation is present within the pond as it is heavily used by livestock. Due to the porous

volcanic soils in the area, the pond does not hold water long into the late spring, and no irrigation water is pumped to maintain the water level. No wetlands, including vernal pools, are present at the site.

Therefore, the proposed project will not result in impacts to the above.

(d, e, f) Critical Deer Wintering Range

As stated in the discussion portion of this section, CDFW identified that the proposed project is in “critical deer wintering range.” CDFW recommends that any new construction occur along existing road frontage, with homes or accessory buildings clustered near one another, thereby allowing larger portions of the parcels to remain open for deer. However, CDFW is also amenable to other design configurations as appropriate.

Wildlife-Friendly Fencing

CDFW also recommends that any fencing be “wildlife-friendly,” because of migration corridors for ungulates (including deer), but for birds and other wildlife as well. CDFW goes on to state:

Ideally, this type of fencing is visible to ungulates and birds, allows wildlife to jump over or crawl under and provides access to important habitats (water sources) and mitigation corridors. The Department recommends using four-strand, high tension wire fencing where the first strand is smooth and is 16 inches off the ground, the second and third strand are barbed, with the fourth strand measures 12 inches from the third strand for a total maximum of 42 inches in height.

Additionally, the *Pittville Area Plan, 1986* states as follows in regard to deer migration:

- *Deer Migration Corridor and Critical Habitat Policy 1: Preserve the viability of the Day [Bench] Deer Herd by:*
 - a. *Protecting the critical migration route of the Day Herd along the Day Bench from impacts of residential encroachment, and*
 - b. *Maintaining the integrity of winter, spring and fall habitat for resident and migratory deer.*
- *Deer Migration Corridor and Critical Habitat Policy 2: Require land improvements to conform with habitat protection policies, measures, and standards contained in [the Pittville Area Plan, 1986].*

- *Deer Migration Corridor and Critical Habitat Policy 3: Support deer habitat enhancement wherever feasible.*
- *Deer Migration Corridor and Critical Habitat Policy 4: Encourage land exchanges which would bring private lands into public ownership within areas critical to viability of deer herds.*
- *Deer Migration Corridor and Critical Habitat Policy 5: Wherever possible, leave corridors of open space between developments in areas designated for residential development but surrounded by critical deer habitat and migratory route land.*
- *Deer Migration Corridor and Critical Habitat Implementation Measure 1: In accordance with CEQA, which requires the preparation of environmental evaluation for projects where the County exercises discretionary authority, use the Initial Study for each such project to evaluate potential impacts and recommend appropriate mitigation measures consistent with the [Pittville Area Plan, 1986].*
- *Deer Migration Corridor and Critical Habitat Implementation Measure 7: In areas zoned with an “average” parcel size (versus a minimum parcel size), and with “N-H”, Combining District designations, encourage clustering of homesites on smaller parcels contiguous with existing development, leaving larger parcels or parts of parcels in open space continuous with off-site undeveloped land and as necessary to mitigate impacts on wildlife resources.*
 - *Several options of lot configurations and homesite clustering are available, minimizing interruption of deer habitat and migration routes to varying degrees. They include:*
 - *Deep lots with homes along road frontage and all “back yards” in open space;*
 - *Homes clustered in fours at the central adjoining corners of four lots, leaving peripheral land open;*
 - *Grouping smaller new parcels near a road frontage with remaining larger portions lying behind as open space; and*
 - *Other configurations as appropriate.*
- *Deer Migration Corridor and Critical Habitat Implementation Measure 8: In all areas implementing “Planned Development” options or averaging parcel sizes, ensure the future maintenance of open space through mechanisms such as:*

- *Deeding open space to a Land Trust;*
- *Zoning open space land “O-D”, Primitive Area District, “O-S”, Open Space District, or other appropriate Zoning District;*
- *Tax incentives (as permitted by local statutes) for land permanently restricted as open space granted by the County Tax Assessor;*
- *Waivers of access standards or other development requirements by the County Planning Department (as permitted by local statutes) as an incentive to place land under enforceable open space restrictions;*
- *Wildlife easement corresponding to major deer migration corridor routes and links to critical habitat placed on all tentative maps for development in these areas. Criteria specifying acceptable uses of open space and easements shall be compatible with policies and development standards in this Area Plan (e.g., limiting firewood cutting).*
- *Deer Migration Corridor and Critical Habitat Implementation Measure 10: Encourage exchange or transfer of private lands to public ownership in critical wildlife areas to enhance wildlife habitats.*
- *Deer Migration Corridor and Critical Habitat Implementation Measure 12: For all areas ... zoned for residential development, encourage education of prospective new residents for deer depredation problems and possible preventive measures (e.g., fencing in gardens).*

Moreover, the biological study for this project states as follows in regard to the Day Bench Mule Deer Herd:

In the Great Basin, mule deer occur in semi-desert shrublands of sagebrush, saltbush (Atriplex spp.) Stansbury cliffrose (Purshia Mexicana var. stansburiana), and winterfat (Krascheninnikovia lanata). At high elevations, mule deer occur in juniper-pinyon woodlands and in forests of lodgepole, ponderosa, Great basin bristlecone (P. longaeva), and/or limber (P. flexilis) pine. Great Basin conifer woodland and Great basin montane scrubland also provide good habitat for mule deer. Pinyon-juniper woodlands are used as year-long mule deer rangeland but are particularly valuable as winter rangeland. Montane and subalpine conifer forests, particularly those near mountain meadows or quaking aspen communities, serve primarily as summer rangelands (Innes 2013).

In the Pittville Planning Area, critical habitat for the Day Bench herd has been designated by the U.S. Fish and Wildlife Service (USFWS). The critical habitat boundaries are based on documented deer migration patterns as well as predicted

habitat suitability and serve to indicate critical summer range, critical winter range, fall holding area, and fawning ground for deer. This critical habitat was accessed through the CNDDDB. The parcel map area lies within the critical winter range for mule deer (Odocoileus hemionus) and is approximately two miles south from the fall holding area. The critical habitat is shown on Figure 7 [of the biological study].

Critical deer winter range can include corridors essential for movement, staging areas where deer temporarily congregate, habitats containing high quality winter forage, or other elements important to the survival of deer in winter. Winter ranges are generally at lower elevations and are far less abundant than summer ranges making them vulnerable to human impacts and often a limiting factor in populations. Deer from different summer ranges may share a common winter range where breeding typically occurs. This mixing of genes on winter ranges contributes to genetically diverse and healthy populations. Fall holding areas are used by deer when transitioning to winter ranges. These areas can also be used in mild winters where adequate forage is available and escape from deepening from deepening snows is unnecessary.

Segmentation of deer migratory routes restricts seasonal and daily movements between essential habitat components for foraging, breeding, and evading predators. Certain fencing designs, particularly, woven wire that is 40 inches or higher, present a barrier that obstructs movement of deer (Hanophy 2009). Alternative designs have been issued which minimize the danger and movement restriction to deer; these are referred to as “deer-friendly” fencing. CDFW recommended the use of deer-friendly fencing whenever feasible during the implementation of the parcel map and associated residential development. Use of deer-friendly fencing as described in Section 1.2 has been shown to significantly reduce the adverse impacts to mule deer herds and other long-range and migratory wildlife.

VESTRA goes on to recommend the following, presumably as a condition of approval or mitigation measure, “When possible, cluster residences to limit disturbance to deer range areas.” However, the above standalone formulation is problematic, if anything because it is open-ended (i.e., “when possible”), because it does not specify how or where residences can be effectively clustered when taking into account the four 20-plus-acre parcels proposed to be created as part of this application, and because it does not acknowledge “deer-friendly fencing” as identified in the above excerpt from the biological study, as well as by California and U.S. Fish and Wildlife. In effect, the above amounts to a non-condition.

Instead, in order to address potential impacts to wildlife movement, including and especially mule deer from the Day Bench Mule Deer Herd, the Environmental Review Officer recommends as a condition of approval that any fencing comply with the spirit of

CDFW's recommendation as follows (and be placed on final recorded map if this project is ultimately approved):

Any and all fencing (except for fencing within a radius of the residence or residences on the parcel(s) as determined by the Department of Planning and Building Services or Planning Commission or Board of Supervisors, the latter two on appeal) shall be four-strand, high tension wire fencing as follows:

- *The first strand must be smooth and at least 16 inches off the ground;*
- *The second and third strand may be barbed;*
- *The fourth strand must be at least 12 inches from the third strand but a maximum of 42 inches from the ground;*
- *At its highest point, the fence must not be more than 42 inches from the ground.*

Again, the above is a recommended condition of approval, and not a mitigation measure that would mitigate against a potentially significant impact. Since the parcel map boundary is a half-mile long at its widest boundary, and the deer migration corridor, as depicted in Figure 7 of the attached biological study, is approximately five miles long at the location of the proposed parcel map, project impacts to the mule deer migration corridor are less than significant.

8. MINERAL RESOURCES

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

- (a) The project will not result in the loss of availability of a known material resource that would be of value to the region and the residents of the state.
- (b) The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

urbanized areas or where residences are intermixed
with wildlands?

DISCUSSION:

- (a,b) The proposed project will not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, nor through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Any development would be of a residential or agricultural character as allowed in the A-2-B-20 zoning district; such development is common throughout the planning area and has less than significant hazardous/hazardous material impacts.
- (c) The proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed project, as the project site is not within one-quarter mile of an existing or proposed project.
- (d) The project is not located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code 65962.5 (the “Cortese list”), and will not create a significant hazard to the public or the environment. Staff consulted the “List of Hazardous Waste and Substances”³⁵ compiled by the California Department of Toxic Substances Control and the “List of Leaking Underground Storage Tank Sites”³⁶ compiled by the California Department of Water Resources to this effect. Other consulted Cortese List resources can be found at <https://calepa.ca.gov/SiteCleanup/CorteseList/>.
- (e) The project site is not within an airport land use plan or within two miles of a public airport. The nearest airport is in Bieber, approximately 10 miles away.
- (f) The project site is not within the vicinity of a known private airstrip.
- (g) The project will not impair implementation of or physically interfere with any known adopted emergency response plan or known emergency evacuation plan.
- (h) The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, for the following reasons:

³⁵ California Department of Toxic Substances Control. EnviroStor online database. Online at: <http://www.envirostor.dtsc.ca.gov/public/>. Site visited June 10, 2020.

³⁶ State Water Resources Control Board. Geotracker online database. Online at: <http://geotracker.waterboards.ca.gov/>. Site visited June 10, 2020.

First, the project is subject to the 30-foot setback requirement found at Lassen County Code Section 9.16.103(d)(1)(A) and Section 1276.01 of the 2020 State Responsibility Fire Safe Regulations. Said sections are intended to reduce the spread of wildfire from building to building across property lines.

As alluded to above, the project site is also in a “State Responsibility Area” (SRA), meaning that the State of California has financial responsibility for fire and fire protection. Specifically, the California Department of Forestry and Fire Protection (Cal Fire) provides fire protection on behalf of the State of California in SRAs for wildland fire. The McArthur Fire Protection District is responsible for medical aids, structure fires, and traffic collisions at or near the project site.

Cal Fire and the McArthur Fire Protection District received a Notice of Early Consultation for this project that was circulated on October 21, 2019. While the latter has not submitted any comment regarding fire concerns, Cal Fire finds the proposed project design (in terms of road access) to be adequate for fire concerns. Both agencies will receive a copy of this initial study once it is circulated for public comment in order to express any (additional) concerns they may have.

For these reasons, the proposed project will have a less than significant effect in terms of its exposure of people or buildings to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Given the above considerations, the project will result in a less than significant impact on account of hazards and hazardous materials.

10. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire severity zones, would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The *Pittville Area Plan, 1986* states as follows in regard to fire hazards:

- *The fire hazard in this area of Lassen County ranges from Low in agricultural portions of Fall River Valley, to Moderate in surrounding foothills, including the Day Bench. During the summer months the hazard is regarded as High in timber and brush areas.*
- *Natural Hazards Implementation Measure 8: By ordinance, in areas where the fire hazard is classified High or Extreme by the California Department of Forestry, the Northwest Lassen County Fire District or Bureau of Land Management, require new dwellings to conform to building and site preparation safety standards recommended by these agencies.*

DISCUSSION:

According to LU-10 Policy in the *Lassen County General Plan, 2000*, “[s]ubdivision map applications proposing to create parcels primarily for residential development shall not be approved in areas outside of fire protection districts (with limited exceptions, supported with special findings, through processes such as Segregation of Homesites, etc.).”

As stated in subsection (h) of Section 9 above, titled “Hazards and Hazardous Materials,” the proposed project is located in a “Very High” Fire Hazard Severity Zone in a “State Responsibility Area” (SRA), meaning that the State of California has financial responsibility for fire and fire protection. Specifically, the California Department of Forestry and Fire Protection (Cal Fire) provides fire protection on behalf of the State of California in SRAs. The “Very High” Fire Hazard Severity Zone is the most hazardous classification in an SRA. See the above subsection for more details.

- (a) The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- (b) The proposed project would not exacerbate wildfire risks due to slope, prevailing winds, or other factors, thereby exposing project occupants to pollution concentrations from a wildfire or the uncontrolled spread of a wildfire, in such a way that would cause a significant effect, even taking into account the slope of the project site.
- (c) The proposed project would not require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that would exacerbate fire risk or result in temporary or ongoing substantial impacts to the environment. All utilities would be placed underground unless otherwise approved by the Planning Commission or Board of Supervisors.
- (d) The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, in such a way that would cause a significant effect on the environment. As stated in previous sections, the project site is not in a flood zone as identified by the Federal Emergency Management Agency.

Again, Cal Fire and the McArthur Fire Protection District will receive a copy of this initial study once it is circulated for public comment in order to express any concerns they may have.

11. NOISE

Would the project result in:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: The *Pittville Area Plan* states as follows in regard to noise:

- Aesthetic, Scenic and Acoustical Qualities Policy 5: Noise levels shall be kept low through low densities and low intensities of use, and through the use of noise impact analyses [involving] substantial noise generation, or location near noise generators.
- Aesthetic, Scenic and Acoustical Qualities Implementation Measure 5: Noise levels shall be consistent with the Noise Element in the Lassen County General Plan.

- (a-f) The proposed parcel map will lead to increased noise on account of the development it will facilitate as allowed in the A-2-B-20 zoning district. However, said uses allowed by right are residential and agricultural in nature, and will have at most less than significant effects. The noise impacts of any uses allowed by use permit that might have more substantial noise impacts would be analyzed during the environmental review of such a discretionary permit application. The project site is not within the vicinity of any airport land use plan or in the vicinity of any known private airstrips. Given the above considerations, the project would result in a less than significant impact to the environment on account of noise issues.

12. PUBLIC SERVICES

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| v) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The Pittville Area Plan, 1986 states as follows in regard to public services:

The following policies and implementation measures are designed to fulfill the County's goal of ensuring that the rate of growth and development does not result in the significant reduction of existing levels of public services and facilities or cause excessive tax or fee increases to be imposed on the area and/or County property owners.

Area Plan policies would ultimately precipitate overcrowding in most schools in the two school districts that serve the Planning Area, unless corrective measures are implemented as growth occurs. Development impact fees, for example, offer one method of providing for the critical need for additional school staff and facilities.

- *Public Services/Fiscal Impacts Policy 1: Increase levels of County and other public services, excluding the provision of County roads, to meet future population growth, maintaining current (1985) or improved delivery of service levels.*

- *Public Services/Fiscal Impacts Policy 2: The County should consider requiring new development to provide sufficient revenues to the County and other public service districts to maintain services at current (1985) or enhanced levels of operation.*

- *Public Services/Fiscal Impacts Implementation*

With the exception of capital costs for school expansion, the projected development pattern is expected to provide adequate revenues for anticipated services, including an additional sheriff's deputy when warranted by population growth in the Planning Area and surroundings. (One deputy per 1,000 residents is considered optimal.)

- *Public Services/Fiscal Impacts Implementation Measure 1: Require construction of on-site and off-site capital improvement for roads, drainage, etc., in connection with subdivision and major development project approval, or an in-lieu cash contribution.*
- *Public Services/Fiscal Impacts Implementation Measure 2: Consider school impact fees to assist with school expansion to accommodate new students in the Planning Area.*

DISCUSSION:

(a)(i-v) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Any increased fire or police protection needed is expected to be minimum.

In addition, neither the California Department of Fire and Forestry Protection (CalFire) nor the McArthur Fire Protection District, (the latter also provides fire protection for the area in which the project site is in), have responded to the Notice of Early Consultation that the Lassen County Department of Planning and Building Services sent by mail on October 21, 2019. Said agencies will have an opportunity to comment on this initial study during the comment period. The Lassen County Sheriff's Office also did not respond to the above Notice of Early Consultation.

For the above reasons, the project will result in a less than significant effect on the environment on account of any public services that may need to be provided.

13. UTILITIES AND SERVICE SYSTEMS

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

- (a) The Central Valley Regional Water Quality Control Board (Central Valley) provided a letter to the Lassen County Department of Planning and Building Services in response to the circulated notice of early consultation, but did not express concerns that the proposed project would exceed wastewater its treatment requirements. Central Valley has required that a General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; CGP) be secured in the case

that construction activity, including demolition, results in land disturbance of one acre or more, which will be made a condition of approval (see Section 4 above, titled “Hydrology and Water Quality,” for more information). Therefore, there are no impacts on account of an exceedance of wastewater treatment requirement from that board known to the Department of Planning and Building Services.

- (b) The proposed project will require the construction of new wastewater treatment facilities in the form of and individual septic tank. The Lassen County Department of Environmental Health has permitting authority over the above, and has not responded to the Notice of Early Consultation sent October 21, 2019. Said department will receive a copy of this initial study to provide another opportunity for comment. Moreover, the applicant must comply with any and all applicable wastewater discharge requirements of the Lassen County Department of Environmental Health. No evidence to this point has been submitted that would indicate that the proposed project could not comply with the above-referenced requirements. Indeed, a permitted residence already exists on the existing parcel, along with a septic system; the Environmental Review Officer has not been made aware of any problems, if any exist, with the existing septic system. In light of the above, the environmental effects of any wastewater treatment facilities will be less than significant.
- (c) The proposed parcel is not in a floodplain, and no new storm water drainage facilities are proposed.
- (d) Increased development on account of the proposed parcel map may require additional water supplies (i.e., wells), but the issuance of well permits and their construction and operation will not cause a significant effect to the environment. See Section 4, titled “Hydrology and Water Quality” for more information.
- (e) No wastewater treatment provider serves or will serve the project site. Any development related to the proposed project will be served by septic systems.
- (f) The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs. According to the California Department of Resources Recycling and Recovery’s Solid Waste Information System (SWIS)³⁷, actively operational solid waste facilities that are closest to the project site and located in Lassen County are the Bieber Small Volume Transfer Station and the Little Valley Transfer Station, located a half mile north of Bieber on County Road 415, and on County Road 1, northwest of Little Valley, respectively.

The former is permitted under Permit #18-AA-0021, while the latter is permitted under Permit #18-AA-0001. The Bieber permit allows a maximum of four tons of throughput

³⁷ California Department of Resources Recycling and Recovery. Solid Waste Information System (SWIS). Online at: <http://www2.calrecycle.ca.gov/SWFacilities/Directory/>. Site visited on June 11, 2020.

per day, with a maximum of 21 tons of capacity per day, whereas the Little Valley permit allows a maximum throughput of 90 tons per year, with a maximum capacity of two tons per day. Given the above considerations, the landfill has the capacity to serve the proposed project, and there is at most a less than significant impact related to this subsection.

- (g) The project must comply with all federal, state, and local statutes and regulations related to solid waste. There has been no indication that the project is not in compliance with any such regulations.

Given the above considerations, the project will result in a less than significant impact to the environment on account of utilities and service systems.

14. ENERGY

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The Pittville Area Plan, 1986 states as follows in regard to energy:

Residents of Lassen County currently obtain energy from conventional sources—primarily from existing utility firms using water, oil and natural gas harvested for power generation, and secondarily from locally harvested wood for heating...

Although the climate is mild in the summer months, and the absence of a large population or energy consumptive industry moderates energy demand, a long cold season combined with potential growth in the area may increase the demand for energy.

- *Energy Consumption Policy 4: Encourage homebuilders and developers to incorporate solar features and access into the design and orientation of structures.*

In addition, the energy element of the general plan states:

- *4.3.1.3 General Policies Implementation Measure G: Road mitigation fees or road maintenance agreements shall be established prior to project approval as mitigation for projects which will significantly impact road maintenance requirements.*
- *4.3.1.3 General Policies Implementation Measure I: Road conditions and implementation of related mitigation measures shall be monitored by the County as part of an approved project's mitigation monitoring and compliance program.*

DISCUSSION:

- (a) The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, either during project construction or operation. As discussed throughout this document, the proposed project proposes to create three additional parcels, in addition to the existing one parcel, and is zoned A-2-B-20, which allows for standard residential and agricultural uses. Any consumption of energy resources during construction or operation of the proposed project is likely to result in a less than significant impact. Nevertheless, Pacific Gas & Electric, which provides power currently and would provide power to any additional parcels, will receive a copy of this initial study during the public comment period and will have an opportunity to provide any comments it may have in regard to this matter.
- (b) The *Lassen County Energy Element, 1993* (a local plan for renewable energy or energy efficiency and part of the general plan) contains the following policies that are relevant to the project:
- *Goal 4: Efficient utilization and management of the County's natural energy resources.*
 - *General Energy Conservation Policy 1: The siting and design of new development shall maximize solar access and minimize the need for heating, cooling, and lighting.*
 - *General Energy Conservation Policy 2: Whenever possible, new buildings shall be oriented with major window areas located on the southern walls and coordinated with landscaping for passive solar heating and cooling.*
 - *General Energy Conservation Policy 4: The County supports the use of drought-tolerant and water conserving landscaping in new development.*

Furthermore, the following policies and excerpt from the energy element of the general plan that relate both to energy and transportation (in addition to Land Use and Transportation Policy 3 above) state as follows:

- *Land Use and Transportation Policy 1: In order to minimize vehicular travel and the resulting consumption of fuel, the pattern of residential, commercial, and industrial land use shall be compact and relate to transit routes and centers.*
- *Land Use and Transportation Policy 2: Development of vacant lots within developed areas (infill), or orderly expansion to adjacent areas, is encouraged over leapfrog development.*
- *3.4 OPPORTUNITIES FOR ENERGY CONSERVATION*

3.4.7 Transportation and Land Use Planning

In general, the energy required to meet transportation needs is directly related to land use development patterns. It should be noted that, traditionally, land use development in California has occurred in a particularly energy inefficient manner. The low density and suburban residential developments which characterize most of today's urban development require substantial energy consumption for transportation, and result in costly and less efficient provision of public services. In addition, suburban subdivisions are often located far from employment and commercial centers. Provision of public transportation in such low density development is often not economically viable and thus, this development pattern requires greater dependence on private transportation...

For new development, a more effective reduction of individual automobile use can be achieved through efficient land use planning to reduce the distances between home-work-shopping-recreation areas. Because distances between residential, commercial, and industrial developments influence an individual's decision to walk, bicycle, drive, or use public transit, land use policies need to consider the location of housing in relation to shopping and employment centers. Recreation opportunities should also be provided within, or in the vicinity of, a residential neighborhood. Higher density and clustered development should be encouraged. Development of vacant lots within developed areas (infill) should be preferred over leapfrog development... A balanced growth and distribution of commercial, industrial, and residential expansion in a community can decrease the number and length of vehicle trips and assure more efficient usage of transportation-related energy.

Several of the policies from the energy element above link energy conservation to compact development forms and to reducing the distance between different types of uses. The current development pattern outside of Pittville and McArthur (and of the A-2-B-20 zoning district) is that of "rural residential" or small ranchette development, a development pattern that is not very energy efficient, requiring driving as the primary and nearly sole means of transportation, as well as an extension of power transmission lines.

However, although the applicant has not proposed to design buildings with major south-facing windows, or any other design features that might promote passive (solar) heating, cooling, or lighting, or proposed to use drought-tolerant or water-conserving landscaping materials, not implementing said measures, and the "rural residential" nature of the development pattern described above the proposed parcel map would reinforce, do not in and of themselves constitute significant impacts to the environment. While the above policies may be good ideas, in the case of this project, said policies would have to be implemented either as conditions of approval or by decision of the property owner, not through the CEQA process.

In light of this, although the proposed project conflicts with the above local policies for energy efficiency, it does so in such a way that would have at most a less than significant effect on the environment.

15. AESTHETICS

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION: The *Pittville Area Plan, 1986*, states the following in regard to aesthetics:

- Aesthetic, Scenic and Acoustical Qualities Policy 3: Encourage new development to have colors, architectural styles, and overall design that blend in with the landscape.
- Aesthetic, Scenic and Acoustical Qualities Policy 4: Glare from outdoor lighting shall be minimized.
- Aesthetic, Scenic and Acoustical Qualities Implementation Measure 3: Require all new development to maintain natural vegetation wherever possible and to plant vegetation screens where necessary to make improvements blend in with the landscape. Developers should use plants and materials compatible with and appropriate to the surrounding landscape...
- Aesthetic, Scenic and Acoustical Qualities Implementation Measure 4: Retain natural contours to the greatest extent possible.

(a-d) The project site is not in a “scenic corridor” as identified by the *Lassen County General Plan, 2000*, the *Lassen County Energy Element, 1993*, or the *Pittville Area Plan, 1986*. Neither is the proposed project likely to substantially damage scenic resources, including trees, rock outcroppings, or historic buildings within a state scenic highway. The proposed project is also unlikely to substantially degrade the existing visual character or quality of the site and its surroundings.

Furthermore, all lighting that would occur on account of future development related to the proposed parcel map would be subject to Lassen County Code Section 18.108.155, which states:

Unless otherwise provided in this title, the following lighting requirements shall apply: all lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location so as to constitute a hazard to vehicular traffic, either on private property or on abutting streets.

Given the above, the proposed project will not create a new source of substantial light or glare which would adversely affect day or nighttime views.

For the above reasons, the proposed project will have a less than significant impact to the aesthetic quality of the environment.

16. CULTURAL RESOURCES

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

The applicant hired Alta Archaeological Consulting (Alta) to prepare a cultural resources inventory for the proposed parcel map. Kevin Dalton of Alta prepared the *Archaeological Survey Report, Aboussleman Parcel Division, Lassen County, California*. The survey took into account information from a records search conducted by the Northeast Information Center of the California Historical Resources Information System (Records Search I.C. File #I19-1) located in Chico, CA. The records search included a review of all study reports on file within a 1/8-mile search radius of the project area. Also included in the review were:

- National Register of Historic Places—Listed and Determined Eligible Properties (2012)
- California Register of Historical Resources (2012)
- California Points of Historical Interest (2012)
- California Investigation of Historic Resources (1976)
- California Historical Landmarks (2012)
- Gold Districts of California—Bulletin 193 (2005)
- Directory of Properties in the Historic Property Data File for Lassen County (2012)
- Handbook of North American Indians, Vol. 8, California (1978)
- Historic Spots in California (Kyle 1990)
- Lassen County Historical Society website

According to Mr. Dalton, no historic landmarks or points of interest are present in the project area.

Mr. Dalton conducted a field survey of the project area on March 26, 2020. Ground surface visibility was generally good (50-70%), and, the entire 111-acre project area was intensively surveyed with survey transects spaced between 10 and 20 meters. The archaeological field survey identified two cultural resources within the project area (ALTA20-20-P01 and ALTA20-20-H01) and one isolated historic artifact (ALTA20-20-ISO-01).

ALTA20-20-P01

The prehistoric site consists of sparse lithic scatter, containing obsidian and metavolcanics materials. The site is 54 meters by 70 meters.

ALTA20-20-H01

This resource is comprised of a rock wall/alignment; however, the antiquity of the resource is undetermined. The alignment has a height of 17", a width of 25", and a length of 54'. Much of the alignment is collapsed, however, intact portions are built 2-3 construction courses high.

ATA20-20-ISO-01

The isolated historic artifact consists of a neck and lip fragment of an amethyst glass bottle. The height of amethyst glass manufacture is generally accepted to be between 1885 to 1920s.

Also, the *Pittville Area Plan, 1986* states as follows in regard to cultural resources:

Two major groups—the Achumawi and Atsugewi—historically occupied territories within the vicinity of the Pittville Planning Area. According to the California Archaeological Inventory Information Center located at Chico State University, many areas within the Planning Area are considered moderately to highly sensitive. Recent surveys have uncovered isolated finds—possible campsites—that are considered significant... No significant historic sites are located in the Planning Area.

- *Cultural Resources Policy 1: If possible, avoid development of lands in sensitive archaeological resource areas. Any development should recognize resource values and ensure their protection from adverse impacts. Appropriate reviews and mitigation measures should be implemented.*
- *Cultural Resources Implementation Measure 1: In areas identified as having a high probability of cultural sites, require archaeological surveys before substantial development occurs.*
- *Cultural Resources Implementation Measure 2: In areas identified as having a moderate probability of cultural sites, require a cessation to construction in the event of a site discovery until the resource can be appropriately evaluated.*

- (a) According to the *Archaeological Survey Report, Aboussleman Parcel Division, Lassen County, California*, prepared by Kevin Dalton of Alta Archaeological Consulting on April 15, 2020, “[t]he project will not cause a substantial adverse change in the significance of a historical resource as defined in [Section 15064.5 of the 2020 CEQA Guidelines].” However, before that, Mr. Dalton states:

We make the following recommendations to ensure that cultural resources are not adversely affected by the proposed project. The project, as presently designed, is not expected to have an adverse effect on cultural resources. The project should be allowed to proceed given the following recommendations.

Therefore, it appears that Mr. Dalton is stating that *only if certain recommendations are followed* will the project not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the 2020 CEQA Guidelines. Per Section 15064.5(b) of the 2020 CEQA Guidelines, “[a] project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” This implies that (at least some) of the cultural resources identified are in fact “historic resources,” and that if his recommendations are not followed, a significant impact to such historic resources would occur on account of the project.

However, CEQA requires that findings of significance be based on substantial evidence,³⁸ which “shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”³⁹

Mr. Dalton further states:

Cultural resources present within the project area have not been formally evaluated to determine eligibility for listing on the [California Register of Historical Resources]. For the purposes of this project these cultural resources will be assumed potentially [eligible] of state and federal registers and be

³⁸ Section 15064(f) of the 2020 CEQA Guidelines states, “The decision as to whether a project may have [a] significant effect shall be based on substantial evidence in the record of the lead agency.”

Section 15384(a) of the 2020 CEQA Guidelines states:

“Substantial evidence” as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, ...does not constitute substantial evidence.

³⁹ Per Section 15384(b) of the 2020 CEQA Guidelines.

avoided. Project proponents will ensure that cultural resources are not adversely affected by the project. If cultural resources cannot be avoided and ground disturbance will occur within the recorded site limits [then] the site(s) will be formally evaluated to determine they meet the regulatory criteria for eligibility to the [California Register of Historical Resources].

The above appears to be some sort of recommended mitigation measure or recommended condition of approval. However, it is unclear why it should be assumed that the identified cultural resources are eligible for listing (eligibility is a criterion for what constitutes a “historical resource” under Section 15064.5(a)(1) of the 2020 CEQA Guidelines) when said cultural resources have not been evaluated for eligibility for listing on the California Register of Historical Resources. Indeed, if the above assumption is not made, the cultural resources identified in the above archaeological survey do not meet the criteria for what constitutes a “historical resource” under Section 15064.5(a) of the 2020 CEQA Guidelines⁴⁰ or Section 5024.1 of the Public Resources Code.⁴¹

Furthermore, Mr. Dalton does not directly substantiate, based on “facts, reasonable assumptions based on facts, and expert opinion based on facts” why the above cultural resources should be “assumed” to be eligible for registry on the California Register of Historical Resources.

Therefore, given the evidence provided (and lack thereof), the proposed project will not have any effect on historical resources, since the cultural resources identified above have not been demonstrated to be “historical resources” as defined at Section 15064.5(a) of the

⁴⁰ Section 15064.5(a)(4) of the 2020 CEQA Guidelines states:

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

⁴¹ Section 5024.1(c) of the Public Resources Code states that “a resource may be listed as an historical resource in the California register if it meets any of the following National Register of Historic Places criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.”

2020 CEQA Guidelines and at Section 5024.1 of the Public Resources Code.⁴² However, the above cultural resources as *cultural resources* (and not as historical resources) should still be avoided. For these reasons, Mr. Dalton's recommendations are better seen as recommended conditions of approval, rather than mitigations, because they aren't mitigating against otherwise-significant effects to historical resources, since given the above analysis, properly speaking, there are no historical resources as defined by Section 5024.1(c) of the Public Resources Code.

In light of the above, the following serve as recommended conditions of approval based upon Mr. Dalton's recommendations:

- The following note must be placed on the final recorded map if the project is ultimately approved: All cultural resources as identified in the *Archaeological Survey Report, Aboussleman Parcel Division, Lassen County, California*, prepared by Kevin Dalton of Alta Archaeological Consulting on April 15, 2020, must be avoided, unless they are found to be ineligible for listing on the California Registry of Historical Resources.
- All previously unidentified cultural resources that may be encountered during development must be avoided. Such resources may include, but are not limited to the following:
 - Prehistoric resources: chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials.
 - Historic resources: stone or abode foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps, often located in old wells or privies.
- If any human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and further recommendations regarding treatment of the remains is provided.

⁴² Section 15064(b)(1) of the CEQA Guidelines gives public agencies (in this case, Lassen County) authority to determine whether projects will have a significant effect on the environment: "The determination of whether a project may have a significant effect on the environment calls for careful judgement on the part of the public agency involved, based to the extent possible on scientific and factual data..."

- (b) Section 15064.5(c) of the 2020 CEQA Guidelines states that “CEQA applies to effects on archaeological sites.” CEQA further distinguishes between unique and nonunique archaeological resources. As defined in Public Resources Code Section 21083.2(g), a “unique archaeological resource” is:

[A]n archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.*
- (2) Has a special and particular quality such as being the oldest of its type or the best available of its type.*
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

Any archaeological resource that does not meet the definition of a “unique archaeological resource” as defined above is considered a nonunique archaeological resource. Impacts to nonunique archaeological resources that are not historical resources are not considered significant impacts pursuant to Public Resources Code Section 21083.2(a) and Section 15064.5(c)(4) of the 2020 CEQA Guidelines. There are no known unique or nonunique archaeological resources at the project site or any known archaeological resource that is also a historical resource as described above.

- (c) There are no known impacts to any unique paleontological resources or sites or any unique geologic features.
- (d) The project will result in no known impact to any human remains, including those interred outside of formal cemeteries. Sections 15064.5(e) and (f) of the 2020 CEQA Guidelines require in part that steps be taken in the event of the accidental discovery of any human remains located outside of a designated cemetery, and that provisions be taken to have any accidentally discovered historical or unique archaeological resources evaluated by a qualified archaeologist, respectively. As stated above, the following is a recommended condition based on Mr. Dalton’s recommendation and the sections described above regarding accidental discovery of human remains.
- If any human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a “Most

Initial Study #2019-006 for Parcel Map #2019-001
Applicants: Joseph Aboussleman and Shelly Stringer
July 23, 2020

Likely Descendant” can be designated and further recommendations regarding treatment of the remains is provided.

17. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape, that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:

| Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------------------------|--|------------------------------------|--------------|
|--------------------------------------|--|------------------------------------|--------------|

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

(a,b) The California Native American tribes that are traditionally and culturally affiliated with the project area received the Notice of Early Consultation for this project (and tribes that have requested consultation were also consulted with pursuant to California Assembly Bill 52 [codified at Public Resources Section 21080.3.1 et seq.]), but no tribes responded to any consultation. Adequate conditions will be in place to ensure that if any such resources are found during development of the proposed parcel map, the appropriate tribes will be contacted and appropriate measures will be taken. Please see Section 16 above, titled “Cultural Resources,” for more information.

18. RECREATION

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

(a,b) The proposed 4-lot parcel map may encourage a handful of people to move to the subject parcel(s) but the subject parcels are not near any known neighborhood or regional parks, nor any other recreational facilities. If there are recreational facilities that any new residents on account of the parcel map would use, any such use would be negligible, and at most have a less than significant effect in terms of physical deterioration of any such facilities. The proposed parcel map does not include or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Again, at most, there is a less than significant impact to recreational services.

19. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION:

- (a) The subject parcels are not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the California Important Farmland Finder⁴³ of the California Department of Conservation (part of the Farmland Mapping and Monitoring Program).
- (b) The subject parcels are zoned A-2-B-20 (Agricultural Residential, 20-Acre Building Site Combining District), which generally requires a 20-acre minimum parcel size, so the proposed parcel sizes are consistent with the agricultural/residential zoning. Additionally, the subject parcels are not in a Williamson Act contract. Therefore, the proposed project will not conflict with the existing zoning for agricultural use.
- (c, d) The subject parcel does not contain any timberland or forest land as defined by Public Resources Code Section 12220(g) or Public Resources Code Section 4526, nor any timberland zoned Timberland Production as defined by Government Code Section 51104(g).
- (e) The proposed project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (See subsections “a” and “b” above).

⁴³ California Department of Conservation. California Important Farmland Finder. Online at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Site visited on June 16, 2020.

20. GREENHOUSE GAS EMISSIONS

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

- (a) Any development related to the proposed project would result in an increase in greenhouse gas emissions from construction equipment and vehicle trips during operation. However, greenhouse gas emissions due to vehicle emissions or otherwise will be less than significant, as the parcel map creates only three additional parcels with low-intensity uses allowed by right.
- (b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Additionally, there are no thresholds of significance for the Northeast Plateau Air Basin.

Given the above considerations, the project will result in a less than significant impact to greenhouse gas emissions.

21. MANDATORY FINDINGS OF SIGNIFICANCE

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION:

- (a) The project has the potential to degrade the quality of the environment; however, given the information and analysis provided in this initial study, any such degradation will have a less than significant effect.
- (b) Any cumulative effect resulting from the project will be less than significant.
- (c) The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.



TENTATIVE PARCEL MAP/SUBDIVISION APPLICATION

FILING FEE: \$754 PARCEL MAP; \$913 AND \$56 PER LOT SUBDIVISION

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

OCT 10 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink.

All sections must be completed in full. Only attach additional sheets if necessary.

FILE NO. PN#2019-001

| Property Owner/s | Property Owner/s |
|--|---|
| Name: LARRY G. PLOG | Name: JOSEPH ABOUSSLEMAN & SHELLY STRINGER |
| Mailing Address: P.O. BOX 292 | Mailing Address: 545-580 KAUFENBERG RD |
| City, ST, Zip: MCARTHUR, CA 96056 | City, ST, Zip: MCARTHUR, CA 96056 |
| Telephone: _____ Fax: _____ | Telephone: _____ Fax: _____ |
| Email: _____ | Email: _____ |

| Applicant/Authorized Representative* | Agent (Land Surveyor/Engineer/Consultant) |
|---|--|
| Same as above: <input type="checkbox"/> | Correspondence also sent to: <input checked="" type="checkbox"/> |
| Name: _____ | Name: NST ENGINEERING, INC |
| Mailing Address: _____ | Mailing Address: 1495 RIVERSIDE DRIVE |
| City, ST, Zip: _____ | City, ST, Zip: SUSANVILLE, CA 96130 |
| Telephone: _____ Fax: _____ | Telephone: (530) 257-5173 Fax: _____ |
| Email: _____ | Email: nst@frontiernet.net License #: 4647 |

| | | | |
|---|---------------------------|--|--------------------------------|
| Project Address or Specific Location: 545-100 KAUFENBERG RD | | | |
| Deed Reference: Book: _____ | Page: _____ | Year: _____ | Doc#: 2018-03168 |
| Zoning: <u>A-2-B-2D</u> | | General Plan Designation: <u>Agriculture Residential Dist.</u> | |
| Parcel Size (acreage): 111 | Section: 15 | Township: 37 | Range: 6 |

| | | | |
|-------------------------------------|-----------------------|-----|-----|
| Assessor's Parcel Number(s): | 013 - 070 - 25 | - - | - - |
|-------------------------------------|-----------------------|-----|-----|

| | | | |
|--|-----------------------|--|--|
| <input type="checkbox"/> Subdivision (5 or more parcels created) | | | |
| Number of Parcels: _____ Parcel Size Range: _____ (acres or square feet). Use: _____ | | | |
| <input checked="" type="checkbox"/> Parcel Map (4 or fewer parcels created). | | | |
| Parcel No. <u>1</u> | Size: <u>20.15 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>2</u> | Size: <u>20.13 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>3</u> | Size: <u>20.00 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>4</u> | Size: <u>48.08 AC</u> | (acres or square feet). Uses: <u>AG</u> | |

| | |
|--|--|
| SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. | *SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). |
| Date: _____ Date: _____ | Date: <u>3-11-19</u> Date: _____ |

See associated process form for required attachments.

1. Multiple (secondary) access provided for emergency fire equipment and shown on the Tentative Map:
___ Yes X No. Explain reason for lack of multiple access (e.g. parcels over forty acres, parcels front a publicly maintained road, etc.; see Lassen County Code Section 9.16.102): CO. RD. NO 402 FRONTAGE
2. Proposed Water Source: ___ Public System X Private System
Explain WELL
3. Method of Sewage Disposal: ___ Public System X Private System
Explain LEACHFIELD
4. List All Recorded Access and Utility Easements: DEED DOC #2001-05975
5. Does the Owner Own Other Land Near the Project Site? ___ No X Yes APN(s) 013-070-33
013-070-27
013-070-28
013-070-30
013-070-29
013-160-40
013-160-39



Initial Study Application

FILING FEE: \$611.00
DEPARTMENT OF PLANNING AND BUILDING SERVICES
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912
(530) 251-8269 · (530) 251-8373 (fax)
www.co.lassen.ca.us

RECEIVED

OCT 10 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.
This application consists of one page; only attach additional sheets if necessary.

FILE NO. IS #2019-006

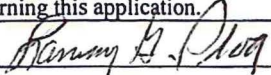
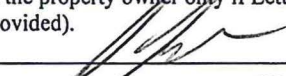
| Property Owner/s | Property Owner/s |
|-----------------------------------|--|
| Name: LARRY G. PLOG | Name: JOSEPH ABOUSSLEMAN & SHELLY STRINGER |
| Mailing Address: P.O. BOX 292 | Mailing Address: 545-580 KAUFENBERG RD |
| City, ST, Zip: MCARTHUR, CA 96056 | City, ST, Zip: MCARTHUR, CA 96056 |
| Telephone: Fax: | Telephone: Fax: |
| Email: | Email: |

| Applicant/Authorized Representative* | Agent (Land Surveyor/Engineer/Consultant) |
|---|--|
| Same as above: <input type="checkbox"/> | Correspondence also sent to: <input checked="" type="checkbox"/> |
| Name: | Name: NST ENGINEERING, INC |
| Mailing Address: | Mailing Address: 1495 RIVERSIDE DRIVE |
| City, ST, Zip: | City, ST, Zip: SUSANVILLE, CA 96130 |
| Telephone: Fax: | Telephone: (530) 257-5173 Fax: |
| Email: | Email: nst@frontiernet.net License #: 4647 |

| | | | |
|---|--|--------------|------------------|
| Project Address or Specific Location: 545-100 KAUFENBERG RD | | | |
| Deed Reference: Book: | Page: | Year: | Doc#: 2018-03168 |
| Zoning: A-2-B-20 | General Plan Designation: Agriculture Residential District | | |
| Parcel Size (acreage): ±111 | Section: 15 | Township: 37 | Range: 6 |

| | | | |
|------------------------------|----------------|-----|-----|
| Assessor's Parcel Number(s): | 013 - 070 - 25 | - - | - - |
| - - | - - | - - | - - |

| |
|--|
| Project Description: PARCEL MAP TO CREATE THREE PARCELS, ±20 AC, AND ONE PARCEL OF ±48AC |
| |
| |
| |

| SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. | *SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). |
|---|---|
|  Date: |  Date: |
| Date: | Date: 3-11-19 |

ENVIRONMENTAL SETTING:

A. Describe the project site as it exists before the project, including information on size of parcel, topography, soil stability, plants and animals, and any cultural, historic or scenic aspects. Describe any existing structures on the site, and the use of the structure. Attach photographs of the site (optional).

Parcel slopes to the southwest, soils are volcanic w/ vol. rocks,
deer, rabbits & other small rodents. Exist homesite on
Parcel 2, No cultural, historic or scenic aspects

B. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type and intensity of the land use (residential, commercial, agricultural, etc.). Attach photographs of the vicinity (optional).

Residential & Agricultural
Surrounding properties have a similar environment, 20-40
Acres in size used for homesites & ag. lands

Slope of Property:

| | | |
|--|----|------------|
| (Approx. percentage of property having following slopes) | 90 | (0-8%) |
| | 10 | (9-15%) |
| | | (16-20%) |
| | | (over 20%) |

List all county, state, federal, or regional agencies from which a permit or approval is required:

Lassen County Planning Commission

Has any form of environmental document been prepared for the project:

Yes _____ If yes, attach. No X

List districts involved:

Feather River Junior Unified School District,
McArthur Fire Protection District

Are there any natural or man-made drainage channels through or adjacent to the property?

None

(Name and/or type of drainage channels)

Are the following items applicable to the project or its effects? Discuss below all items checked 'yes' (attach additional sheets as necessary).

NOTE: Applicant may be required to submit additional data and information if deemed necessary by the Environmental Review Officer or Lead Agency.

YES NO

_____ X 1. Change in lake, stream, or other body of water or ground water quality, or alteration of existing drainage patterns.

_____ X 2. Change in dust, ash, smoke, fumes, or odors in vicinity.

_____ X 3. Change in existing features of any bodies of water, live or intermittent streams, hills, or substantial alteration of ground contours.

Mitigation Measures proposed by the Property Owner/Applicant:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

October 21, 2019

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

NOTICE OF EARLY CONSULTATION

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Applicant/Owner: Larry Plog, Joseph Aboussleman, and Shelly Stringer

File No.: Parcel Map #2019-001, Initial Study #2018-006, Plog, Aboussleman, Stringer

Project: Proposal to divide a 111-acre parcel into four parcels: Proposed Parcel 1 would be 20.22 acres in size, Proposed Parcel 2 would be 21.11 acres in size, Proposed Parcel 3 would be 21.37 acres in size and Proposed Parcel 4 would be 48.08 acres in size. The subject parcel is zoned A-2-B-20 (Agricultural Residential District, 20-Acre Building Site Combining District) and has a "Rural Residential" land use designation in the *Pittville Area Plan, 1986*.

Location: The subject parcel is located approximately 3.5 miles south of the intersection of Highway 299 and Old Highway Road at 545-100 Kaufenberg Road, McArthur, CA 96056.

A.P.N.: 013-070-41 (013-070-25 is an old APN that predates recordation of Lot Line Adjustment #2019-004)

Staff Contact: Stefano Richichi, Associate Planner

The project described above is being referred to your agency for early consultation to obtain comments concerning potentially significant impacts which could result from project approval and development. The information provided by your agency will assist Lassen County in determining whether a Negative Declaration or Environmental Impact Report should be prepared as the appropriate environmental document for the project.

Attached with this letter are the parcel map application, the initial study application, a plot plan, and a vicinity map depicting the location of the project. Graphics and other supporting material are available through this Department upon request.

Comments submitted by your agency should focus on the potentially significant project-related impacts that are within your agency's jurisdiction and area of expertise. In addition to commenting on the significance of potential impacts, you are encouraged to suggest any known mitigation measures which would reduce such impacts to a less than significant level. You are also encouraged to make recommendations regarding any additional studies or other information that may be needed to accurately determine the significance of project impacts and/or appropriate mitigation measures.

In order to be considered prior to determining whether a Negative Declaration or Environmental Impact Report is required for this project, your comments will need to be received by this office no later than Wednesday, November 6, 2019.

Please also be aware that certain aspects of the above project may not be subject to the California Environmental Quality Act (CEQA) pursuant to Section 15183 of the CEQA Guidelines, as the above project is consistent with the development density established by existing zoning and the *Pittville Area Plan, 1986*.

If you have any questions concerning the project, please contact Stefano Richichi, Associate Planner, at (530) 251-8269 or at srichichi@co.lassen.ca.us.

Sincerely,



FL Maurice L. Anderson,
Environmental Review Officer

MLA:smr

Enclosures:

Parcel Map Application #2019-001
Initial Study Application #2019-006
Plot Plan
Vicinity Map

Distribution: Supervisor Albaugh (5); Larry Plog, Joseph Aboussleman and Shelly Stringer (Property Owners); NST Engineering, Inc. (Agent); Co. Assessor's Office; Co. Building Official; Co. Fire Warden/CAL FIRE; Co. Environmental Health Dept.; Co. Public Works; Co. Public Works/Road Div.; Co. Public Works/Transportation; Sheriff; Central Valley RWQCB; Dept. of Water Resources (DWR); Dept. of Fish & Wildlife: (Redding/Wendel); Caltrans, District 2; State Clearinghouse (15 Copies); Pit River Tribe of California; Greenville Rancheria of Maidu Indians; Susanville Indian Rancheria; Honey Lake Maidu; Washoe Tribe of Nevada and California; McArthur Fire Protection District; Co. Air Pollution Control Officer; Fall River Unified School District; PG & E.

S:/PLA:/Planning/2019/PM #2019-001, Plog, Aboussleman, Stringer/Initial Study/Notice of Early Consultation



TENTATIVE PARCEL MAP/SUBDIVISION APPLICATION

RECEIVED

OCT 10 2019

FILING FEE: \$754 PARCEL MAP; \$913 AND \$56 PER LOT SUBDIVISION

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink.

All sections must be completed in full. Only attach additional sheets if necessary.

FILE NO. PN#2019-001

| Property Owner/s | Property Owner/s |
|--|---|
| Name: <u>LARRY G. PLOG</u> | Name: <u>JOSEPH ABOUSSLEMAN & SHELLY STRINGER</u> |
| Mailing Address: <u>P.O. BOX 292</u> | Mailing Address: <u>545-580 KAUFENBERG RD</u> |
| City, ST, Zip: <u>MCARTHUR, CA 96056</u> | City, ST, Zip: <u>MCARTHUR, CA 96056</u> |
| Telephone: _____ Fax: _____ | Telephone: _____ Fax: _____ |
| Email: _____ | Email: _____ |

| Applicant/Authorized Representative* | Agent (Land Surveyor/Engineer/Consultant) |
|---|--|
| Same as above: <input type="checkbox"/> | Correspondence also sent to: <input checked="" type="checkbox"/> |
| Name: _____ | Name: <u>NST ENGINEERING, INC</u> |
| Mailing Address: _____ | Mailing Address: <u>1495 RIVERSIDE DRIVE</u> |
| City, ST, Zip: _____ | City, ST, Zip: <u>SUSANVILLE, CA 96130</u> |
| Telephone: _____ Fax: _____ | Telephone: <u>(530) 257-5173</u> Fax: _____ |
| Email: _____ | Email: <u>nst@frontiernet.net</u> License #: <u>4647</u> |

| | | | |
|--|--|---------------------|-------------------------|
| Project Address or Specific Location: <u>545-100 KAUFENBERG RD</u> | | | |
| Deed Reference: Book: _____ | Page: _____ | Year: _____ | Doc#: <u>2018-03168</u> |
| Zoning: <u>A-2-B-2D</u> | General Plan Designation: <u>Agriculture Residential Dist.</u> | | |
| Parcel Size (acreage): <u>111</u> | Section: <u>15</u> | Township: <u>37</u> | Range: <u>6</u> |

| | | | |
|--|---|---|---|
| Assessor's Parcel Number(s): <u>013 - 070 - 25</u> | - | - | - |
|--|---|---|---|

| | | | |
|--|-----------------------|--|--|
| <input type="checkbox"/> Subdivision (5 or more parcels created) | | | |
| Number of Parcels: _____ Parcel Size Range: _____ (acres or square feet). Use: _____ | | | |
| <input checked="" type="checkbox"/> Parcel Map (4 or fewer parcels created). | | | |
| Parcel No. <u>1</u> | Size: <u>20.15 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>2</u> | Size: <u>20.13 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>3</u> | Size: <u>20.00 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>4</u> | Size: <u>48.08 AC</u> | (acres or square feet). Uses: <u>AG</u> | |

| | | | |
|--|--|--|--|
| SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. | | *SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). | |
| <u>[Signature]</u> Date: _____ | | <u>[Signature]</u> Date: <u>3-11-19</u> | |
| Date: _____ | | Date: _____ | |

See associated process form for required attachments.

1. Multiple (secondary) access provided for emergency fire equipment and shown on the Tentative Map:
☐ Yes ☒ No. Explain reason for lack of multiple access (e.g. parcels over forty acres, parcels front a publicly maintained road, etc.; see Lassen County Code Section 9.16.102): CO. RD. NO 402 FRONTAGE

2. Proposed Water Source: ☐ Public System ☒ Private System
Explain WELL

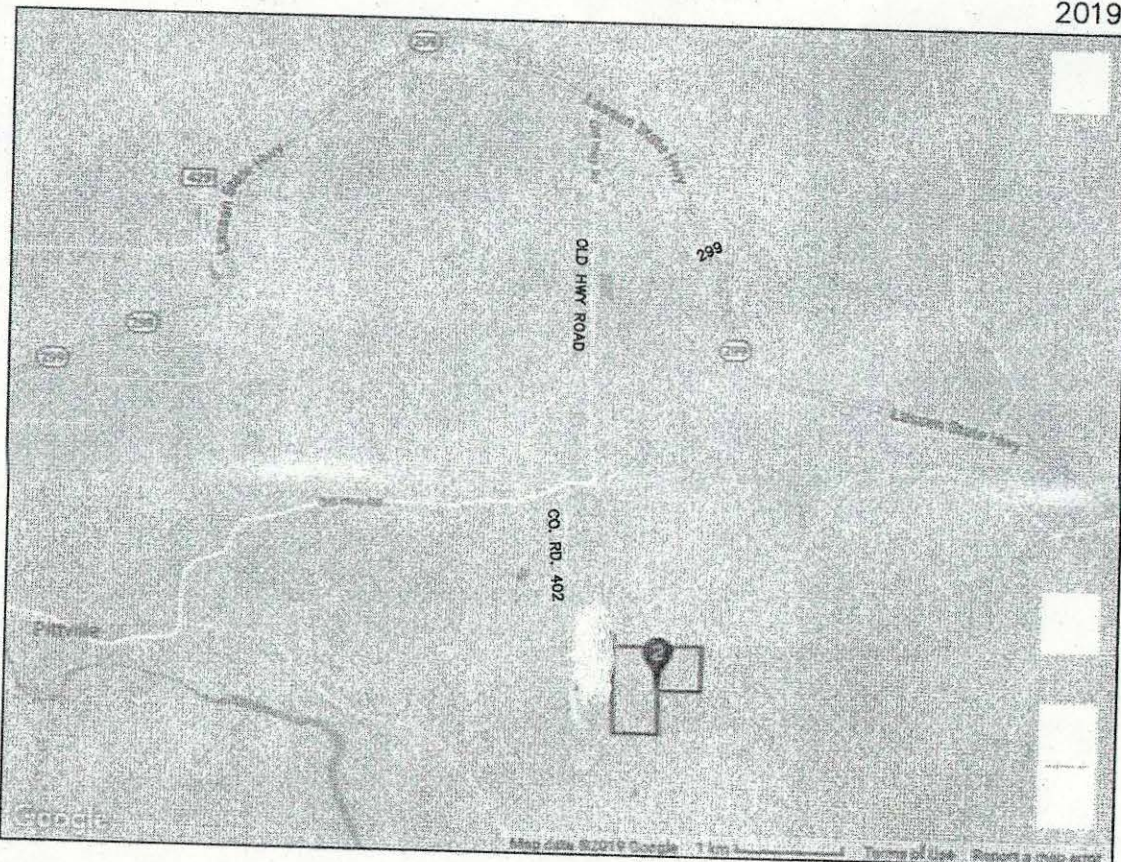
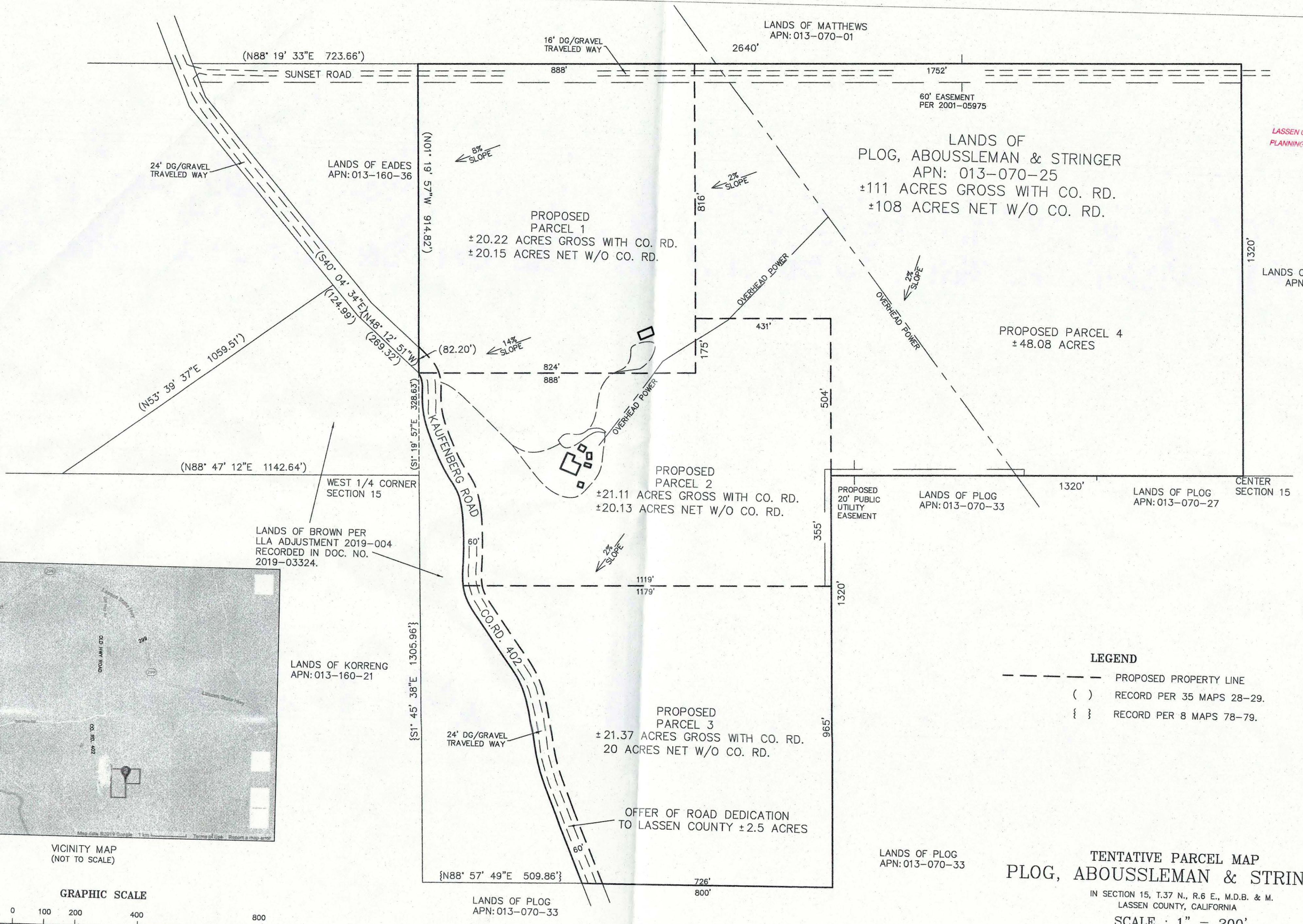
3. Method of Sewage Disposal: ☐ Public System ☒ Private System
Explain LEACHFIELD

4. List All Recorded Access and Utility Easements: DEED DOC #2001-05975

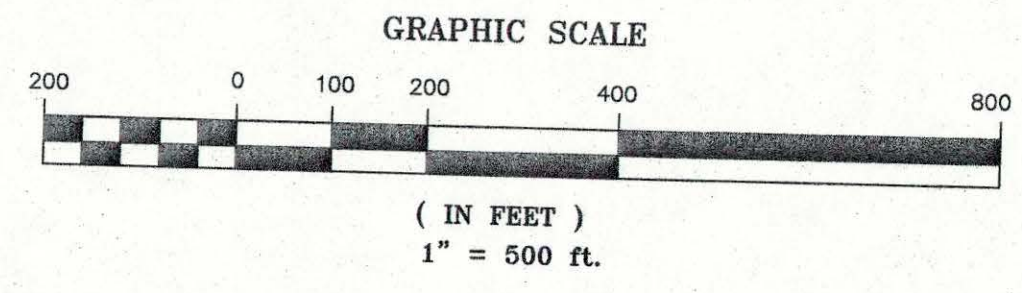
5. Does the Owner Own Other Land Near the Project Site? ☐ No ☒ Yes APN(s) 013-070-33
013-070-27
013-070-28
013-070-30
013-070-29
013-160-40
013-160-39

SCALE : 1" = 200'

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OCT 10 2019
LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES



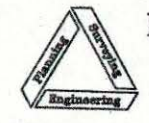
VICINITY MAP
(NOT TO SCALE)



TENTATIVE PARCEL MAP
PLOG, ABOUSSLEMAN & STRINGER

IN SECTION 15, T.37 N., R.6 E., M.D.B. & M.
LASSEN COUNTY, CALIFORNIA

SCALE : 1" = 200'



NST Engineering, Inc.
1495 Riverside Drive
Susanville, CA 96130
(530) 267-5173

FEBRUARY 2019

2018-066

SHEET 1 OF 1



Initial Study Application

FILING FEE: \$611.00
DEPARTMENT OF PLANNING AND BUILDING SERVICES
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912
(530) 251-8269 · (530) 251-8373 (fax)
www.co.lassen.ca.us

RECEIVED

OCT 10 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

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This application consists of one page; only attach additional sheets if necessary.

FILE NO. IS #2019-006

| Property Owner/s | Property Owner/s |
|-----------------------------------|--|
| Name: LARRY G. PLOG | Name: JOSEPH ABOUSSLEMAN & SHELLY STRINGER |
| Mailing Address: P.O. BOX 292 | Mailing Address: 545-580 KAUFENBERG RD |
| City, ST, Zip: MCARTHUR, CA 96056 | City, ST, Zip: MCARTHUR, CA 96056 |
| Telephone: Fax: | Telephone: Fax: |
| Email: | Email: |

| Applicant/Authorized Representative* | Agent (Land Surveyor/Engineer/Consultant) |
|---|--|
| Same as above: <input type="checkbox"/> | Correspondence also sent to: <input checked="" type="checkbox"/> |
| Name: | Name: NST ENGINEERING, INC |
| Mailing Address: | Mailing Address: 1495 RIVERSIDE DRIVE |
| City, ST, Zip: | City, ST, Zip: SUSANVILLE, CA 96130 |
| Telephone: Fax: | Telephone: (530) 257-5173 Fax: |
| Email: | Email: nst@frontiernet.net License #: 4647 |

| | | | |
|---|--|--------------|------------------|
| Project Address or Specific Location: 545-100 KAUFENBERG RD | | | |
| Deed Reference: Book: | Page: | Year: | Doc#: 2018-03168 |
| Zoning: A-2-B-20 | General Plan Designation: Agriculture Residential District | | |
| Parcel Size (acreage): ±111 | Section: 15 | Township: 37 | Range: 6 |

| | | | |
|------------------------------|----------------|-----|-----|
| Assessor's Parcel Number(s): | 013 - 070 - 25 | - - | - - |
| - - | - - | - - | - - |

| |
|--|
| Project Description: PARCEL MAP TO CREATE THREE PARCELS, ±20 AC, AND ONE PARCEL OF ±48AC |
| |
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| |

| SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. | *SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). |
|---|---|
| | |
| Date: | Date: |
| Date: | Date: 3-11-19 |

ENVIRONMENTAL SETTING:

A. Describe the project site as it exists before the project, including information on size of parcel, topography, soil stability, plants and animals, and any cultural, historic or scenic aspects. Describe any existing structures on the site, and the use of the structure. Attach photographs of the site (optional).

Parcel slopes to the southwest, soils are volcanic w/ vol. rocks,
deer, rabbits & other small rodents. Exist homesite on
Parcel 2. No cultural, historic or scenic aspects

B. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type and intensity of the land use (residential, commercial, agricultural, etc.). Attach photographs of the vicinity (optional).

Residential & Agricultural
Surrounding properties have a similar environment, 20-40
Acres in size used for homesites & ag. lands

Slope of Property:

| | | |
|--|----|------------|
| (Approx. percentage of property having following slopes) | 90 | (0-8%) |
| | 10 | (9-15%) |
| | | (16-20%) |
| | | (over 20%) |

List all county, state, federal, or regional agencies from which a permit or approval is required:

Lassen County Planning Commission

Has any form of environmental document been prepared for the project:

Yes _____ If yes, attach. No X

List districts involved:

Feather River Junior Unified School District,
McArthur Fire Protection District

Are there any natural or man-made drainage channels through or adjacent to the property?

None

(Name and/or type of drainage channels)

Are the following items applicable to the project or its effects? Discuss below all items checked 'yes' (attach additional sheets as necessary).

NOTE: Applicant may be required to submit additional data and information if deemed necessary by the Environmental Review Officer or Lead Agency.

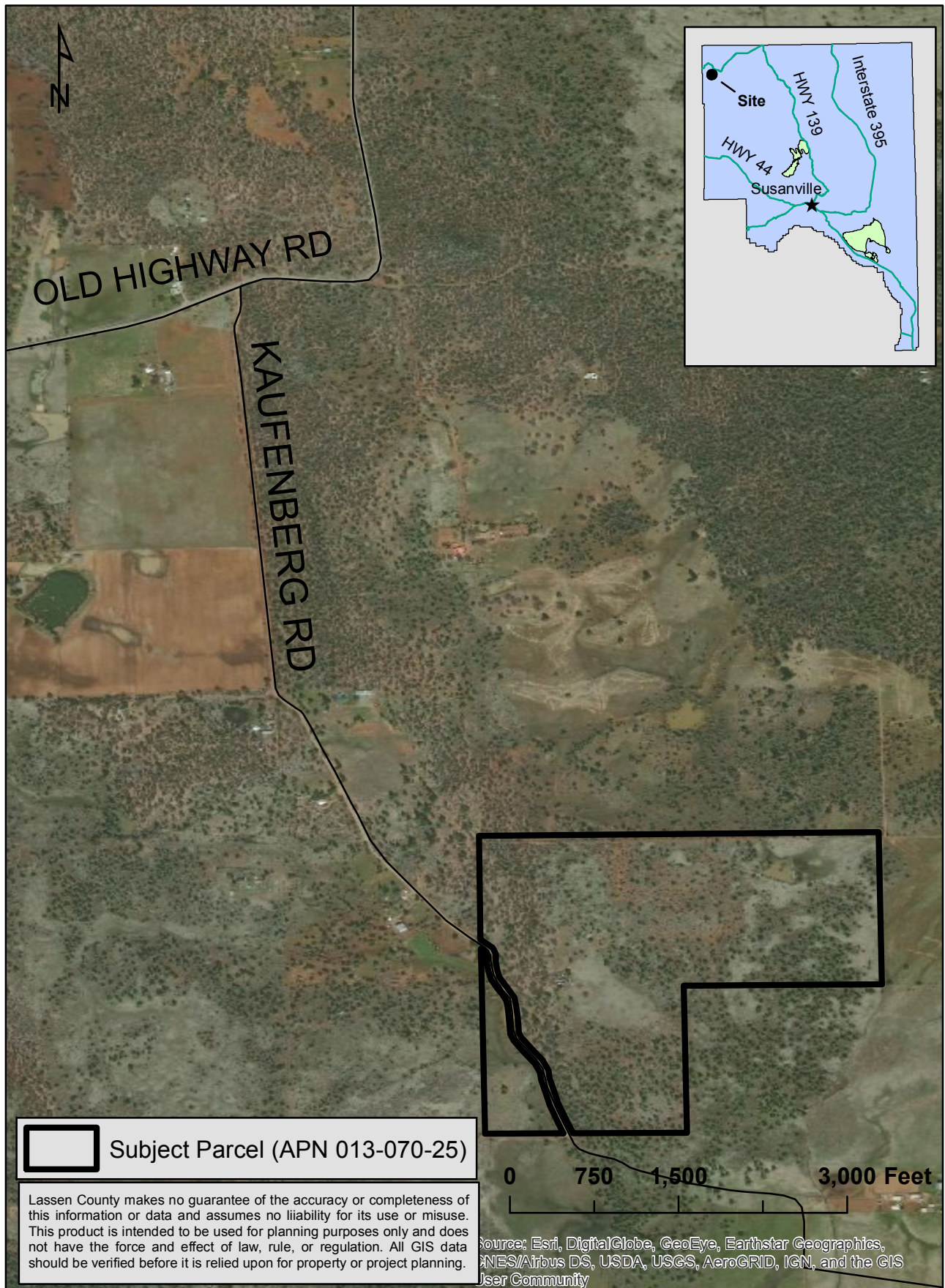
YES NO

_____ X 1. Change in lake, stream, or other body of water or ground water quality, or alteration of existing drainage patterns.

_____ X 2. Change in dust, ash, smoke, fumes, or odors in vicinity.

_____ X 3. Change in existing features of any bodies of water, live or intermittent streams, hills, or substantial alteration of ground contours.

Parcel Map #2019-001, Initial Study #2019-006, Plog, Aboussleman, Stringer





Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

November 8, 2019

Stefano Richichi
Lassen County
707 Nevada Street, Suite 5
Susanville, CA 96130

Subject: Parcel Map #2019-001, Initial Study #2018-006, Plog, Aboussleman, Stringer
SCH#: 2019100508

Dear Stefano Richichi:

The State Clearinghouse submitted the above named CON to selected state agencies for review. The review period closed on 11/7/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2019100508/2> for full details about your project.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

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NOV 12 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND RESEARCH



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Region 1 – Northern
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



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NOV 06 2019

November 6, 2019

Stefano Richichi, Associate Planner
 County of Lassen
 Department of Planning and Building Services
 707 Nevada Street, Suite 5
 Susanville, CA 96130

LASSEN COUNTY DEPARTMENT OF
 PLANNING AND BUILDING SERVICES

received by email-SR

**Subject: Review of the Early Consultation Request for Parcel Map 2019-001.
 Initial Study 2018-006 (Plog, Aboussleman, Stringer), Assessor
 Parcel Numbers 013-070-41, State Clearinghouse Number
 2019100508, Near the Communities of Pittville and McArthur, Lassen
 County**

Dear Mr. Richichi:

The California Department of Fish and Wildlife (Department) has reviewed the early consultation Agency Referral dated October 21, 2019, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. The following are informal comments intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

Project Description

The Project as proposed is *"to divide a 111-acre parcel into four parcels: Proposed Parcel 1 would be 20.22 acres in size, Proposed Parcel 2 would be 21.11 acres in size, Proposed Parcel 3 would be 21.37 acres in size and Proposed Parcel 4 would be 48.08 acres in size."*

The Project is located approximately 3.5 miles south of the intersection of Highway 299 and Old Highway Road at 545-100 Kaufenberg Road.

Comments and Recommendations

The Department has the following recommendations and comments as they
Conserving California's Wildlife Since 1870

pertain to biological resources.

Biological Resources

Since the Project is proposed in wildlife habitat, the Department will require a basic botanical, wildlife, and habitat assessment (conducted at the appropriate time of the year) to determine whether focused or protocol-level surveys are warranted. The Department recommends all plant and wildlife species identified in the California Natural Diversity Database (CNDDDB) and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) be analyzed for the potential to occur within the Project area.

All surveys should be conducted prior to approval of the Project and survey results should be sent to the Department at the following address: Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA 96001 or submitted via email to R1CEQARedding@wildlife.ca.gov. A thorough assessment of rare plants and rare natural communities should be conducted following the Department's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (<https://www.wildlife.ca.gov/conservation/survey-protocols#377281280-plants>). If any special-status species are found during surveys, the Department requests that CNDDDB forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Critical Wintering Deer Range

The proposed Project is in critical deer winter range. The Department recommends any new construction occur along the road frontage, clustered near one another allowing the larger portions of the parcels to remain open for the deer, or other design configurations as appropriate.

Wildlife Friendly Fencing

The Department recommends using wildlife friendly fencing, if fencing is needed. Ideally, this type of fencing is visible to ungulates and birds, allows wildlife to jump over or crawl under and provides access to important habitats (water sources) and migration corridors. The Department recommends using four-strand, high tension wire fencing where the first strand is smooth and is 16 inches off the ground, the second and third strand are barbed, with the fourth strand measures 12 inches from the third strand for a total maximum of 42 inches in height.

Wetlands

The Google Earth view shows ponding in the northeast corner of the parcel. If

wetlands and/or streams are observed onsite, a wetland delineation should be conducted by a qualified professional.

Mitigation

Avoidance and mitigation measures for impacts to special-status species and sensitive habitats, if found, should be proposed in subsequent environmental review to avoid any significant effects the Project would have on the species or its habitat. Examples of mitigation measures for special-status species and habitat include, but are not limited to, project modification to avoid the species and its habitat, enhancement of existing onsite habitat, offsite restoration or enhancement of habitat, or onsite/offsite preservation of habitat.

Nesting Bird Mitigation

In order to avoid impacts to nesting birds and/or raptors protected under FGC sections 3503 and 3503.5, one of the following shall be implemented:

- a) Conduct vegetation removal and other ground-disturbance activities associated with construction from September 1 through January 31, when birds are not nesting; or
- b) Conduct pre-construction surveys for nesting birds if vegetation removal or ground disturbing activities are to take place during the nesting season (February 1 through August 31). These surveys shall be conducted by a qualified biologist no more than one week prior to vegetation removal or construction activities during the nesting season. If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department. No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys should be sent to the Department at: California Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA, 96001 or emailed to R1CEQARedding@wildlife.ca.gov.

Lighting

The Department recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully-shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

Stefano Richichi, Associate Planner
November 6, 2019
Page 4

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 225-2779, or by email at Amy.Henderson@wildlife.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam', with a long, sweeping horizontal line extending to the right.

Adam McKannay
Interior Cannabis and Conservation Planning Supervisor

ec: Stefano Richichi, Associate Planner
County of Lassen
srichichi@co.lassen.ca.us

State Clearinghouse
State.clearinghouse@opr.ca.gov

Chron



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

November 19, 2019

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

Larry G. Plog
P.O. Box 292
McArthur, CA 96056

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Joseph Aboussleman and Shelly Stringer
545-580 Kaufenberg Road
McArthur, CA 96056

RE: Initial Study #2019-006 for Parcel Map #2019-001, Plog, Aboussleman, Stringer

This letter is to inform you that this Department has put the above-referenced initial study on hold to give you the opportunity to respond to the letters this Department recently received from the California Department of Fish and Wildlife (CDFW), the Central Valley Regional Water Quality Control Board (Water Quality Board), and the Northeast Center of the California Historical Resources Information System (CHRIS). These letters were received in response to this Department's Notice of Early Consultation, dated October 21, 2019, whose purpose is to consult with agencies responsible for resources affected by the project to obtain recommendations as to whether an environmental impact report (EIR) or negative declaration should be prepared, as required by the California Environmental Quality Act (CEQA). Although none of the above letters specifically recommends that an EIR or negative declaration be prepared, said recommendations are relevant to the CEQA initial study process.

1. California Department of Fish and Wildlife

In its letter dated November 6, 2019, CDFW recommends that this Department require "a basic botanical, wildlife, and habitat assessment (conducted at the appropriate time of year) to determine whether focused or protocol-level surveys are warranted." CDFW further recommends that all plant and wildlife species identified in the California Natural Diversity Database and other biological resource databases be analyzed for the potential to occur within the project area.

Furthermore, CDFW recommends measures to mitigate impacts to critical wintering deer range and to nesting birds, measures to minimize lighting impacts to birds and other nocturnal species, a wetland delineation if wetlands or streams are observed on-site, and wildlife friendly fencing. Please see CDFW's letter attached for more information.

2. Central Valley Regional Water Quality Control Board

In its letter dated November 5, 2019, the Water Quality Board's states that "[c]onstruction activity, including demolition, resulting in land disturbance of one acre or more must obtain coverage under the [General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)]." The Water Quality Board further states that the project "must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP." Please see the Water Quality Board's letter attached for more information.

3. Northeast Center of the California Historical Resources Information System

In its letter dated November 8, 2019, CHRIS recommends that a professional archaeologist conduct a cultural resources survey of the entire project area, among other things. Please see CHRIS's letter attached for more information.

Section 15063(g) of the 2019 CEQA Guidelines states in part that during preparation of an initial study for a project, the lead agency (in this case, Lassen County) may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid significant effects. Your comments may confirm that you are willing to modify the project as recommended by the above agencies, and/or may include additional or alternative measures to address the above concerns.

Moreover, your comments regarding the above recommendations may inform this Department's consideration of said recommendations, including whether the above-described botanical and wildlife assessment or cultural resources survey may be necessary. For reference, this Department has the authority to require you to submit data and information necessary to determine whether your project may have a significant effect on the environment, pursuant to Section 21160 of the Public Resources Code.

Again, this Department has put the above-referenced initial study on hold to give you the opportunity to respond to the above recommendations. For further information, you may also review the attached parcel map process form, which describes the CEQA process in more detail. Please contact Associate Planner Stefano Richichi at (530) 251-8269 or at srichichi@co.lassen.ca.us if you have further questions.

Sincerely,



FJR
Maurice L. Anderson,
Director

MLA:smr

Enclosures: Notice of Early Consultation dated October 21, 2019
Letter from California Department of Fish and Wildlife dated November 6, 2019
Letter from the Central Valley Regional Water Quality Control Board dated November 5, 2019
Letter from the Northeast Center of the California Historical Resources Information System dated November 8, 2019
Parcel Map Process Form

cc: NST Engineering, Inc.



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

October 21, 2019

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

NOTICE OF EARLY CONSULTATION

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Applicant/Owner: Larry Plog, Joseph Aboussleman, and Shelly Stringer

File No.: Parcel Map #2019-001, Initial Study #2018-006, Plog, Aboussleman, Stringer

Project: Proposal to divide a 111-acre parcel into four parcels: Proposed Parcel 1 would be 20.22 acres in size, Proposed Parcel 2 would be 21.11 acres in size, Proposed Parcel 3 would be 21.37 acres in size and Proposed Parcel 4 would be 48.08 acres in size. The subject parcel is zoned A-2-B-20 (Agricultural Residential District, 20-Acre Building Site Combining District) and has a "Rural Residential" land use designation in the *Pittville Area Plan, 1986*.

Location: The subject parcel is located approximately 3.5 miles south of the intersection of Highway 299 and Old Highway Road at 545-100 Kaufenberg Road, McArthur, CA 96056.

A.P.N.: 013-070-41 (013-070-25 is an old APN that predates recordation of Lot Line Adjustment #2019-004)

Staff Contact: Stefano Richichi, Associate Planner

The project described above is being referred to your agency for early consultation to obtain comments concerning potentially significant impacts which could result from project approval and development. The information provided by your agency will assist Lassen County in determining whether a Negative Declaration or Environmental Impact Report should be prepared as the appropriate environmental document for the project.

Attached with this letter are the parcel map application, the initial study application, a plot plan, and a vicinity map depicting the location of the project. Graphics and other supporting material are available through this Department upon request.

Comments submitted by your agency should focus on the potentially significant project-related impacts that are within your agency's jurisdiction and area of expertise. In addition to commenting on the significance of potential impacts, you are encouraged to suggest any known mitigation measures which would reduce such impacts to a less than significant level. You are also encouraged to make recommendations regarding any additional studies or other information that may be needed to accurately determine the significance of project impacts and/or appropriate mitigation measures.

In order to be considered prior to determining whether a Negative Declaration or Environmental Impact Report is required for this project, your comments will need to be received by this office no later than Wednesday, November 6, 2019.

Please also be aware that certain aspects of the above project may not be subject to the California Environmental Quality Act (CEQA) pursuant to Section 15183 of the CEQA Guidelines, as the above project is consistent with the development density established by existing zoning and the *Pittville Area Plan, 1986*.

If you have any questions concerning the project, please contact Stefano Richichi, Associate Planner, at (530) 251-8269 or at srichichi@co.lassen.ca.us.

Sincerely,



FL Maurice L. Anderson,
Environmental Review Officer

MLA:smr

Enclosures:

Parcel Map Application #2019-001
Initial Study Application #2019-006
Plot Plan
Vicinity Map

Distribution: Supervisor Albaugh (5); Larry Plog, Joseph Aboussleman and Shelly Stringer (Property Owners); NST Engineering, Inc. (Agent); Co. Assessor's Office; Co. Building Official; Co. Fire Warden/CAL FIRE; Co. Environmental Health Dept.; Co. Public Works; Co. Public Works/Road Div.; Co. Public Works/Transportation; Sheriff; Central Valley RWQCB; Dept. of Water Resources (DWR); Dept. of Fish & Wildlife: (Redding/Wendel); Caltrans, District 2; State Clearinghouse (15 Copies); Pit River Tribe of California; Greenville Rancheria of Maidu Indians; Susanville Indian Rancheria; Honey Lake Maidu; Washoe Tribe of Nevada and California; McArthur Fire Protection District; Co. Air Pollution Control Officer; Fall River Unified School District; PG & E.

S:/PLA:/Planning/2019/PM #2019-001, Plog, Aboussleman, Stringer/Initial Study/Notice of Early Consultation



TENTATIVE PARCEL MAP/SUBDIVISION APPLICATION

RECEIVED

OCT 10 2019

FILING FEE: \$754 PARCEL MAP; \$913 AND \$56 PER LOT SUBDIVISION

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink.

All sections must be completed in full. Only attach additional sheets if necessary.

FILE NO. PN#2019-001

| Property Owner/s | Property Owner/s |
|--|---|
| Name: <u>LARRY G. PLOG</u> | Name: <u>JOSEPH ABOUSSLEMAN & SHELLY STRINGER</u> |
| Mailing Address: <u>P.O. BOX 292</u> | Mailing Address: <u>545-580 KAUFENBERG RD</u> |
| City, ST, Zip: <u>MCARTHUR, CA 96056</u> | City, ST, Zip: <u>MCARTHUR, CA 96056</u> |
| Telephone: _____ Fax: _____ | Telephone: _____ Fax: _____ |
| Email: _____ | Email: _____ |

| Applicant/Authorized Representative* | Agent (Land Surveyor/Engineer/Consultant) |
|---|--|
| Same as above: <input type="checkbox"/> | Correspondence also sent to: <input checked="" type="checkbox"/> |
| Name: _____ | Name: <u>NST ENGINEERING, INC</u> |
| Mailing Address: _____ | Mailing Address: <u>1495 RIVERSIDE DRIVE</u> |
| City, ST, Zip: _____ | City, ST, Zip: <u>SUSANVILLE, CA 96130</u> |
| Telephone: _____ Fax: _____ | Telephone: <u>(530) 257-5173</u> Fax: _____ |
| Email: _____ | Email: <u>nst@frontiernet.net</u> License #: <u>4647</u> |

| | | | |
|--|--|---------------------|-------------------------|
| Project Address or Specific Location: <u>545-100 KAUFENBERG RD</u> | | | |
| Deed Reference: Book: _____ | Page: _____ | Year: _____ | Doc#: <u>2018-03168</u> |
| Zoning: <u>A-2-B-2D</u> | General Plan Designation: <u>Agriculture Residential Dist.</u> | | |
| Parcel Size (acreage): <u>111</u> | Section: <u>15</u> | Township: <u>37</u> | Range: <u>6</u> |

| | | | |
|--|---|---|---|
| Assessor's Parcel Number(s): <u>013 - 070 - 25</u> | - | - | - |
|--|---|---|---|

| | | | |
|--|-----------------------|--|--|
| <input type="checkbox"/> Subdivision (5 or more parcels created) | | | |
| Number of Parcels: _____ Parcel Size Range: _____ (acres or square feet). Use: _____ | | | |
| <input checked="" type="checkbox"/> Parcel Map (4 or fewer parcels created). | | | |
| Parcel No. <u>1</u> | Size: <u>20.15 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>2</u> | Size: <u>20.13 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>3</u> | Size: <u>20.00 AC</u> | (acres or square feet). Uses: <u>RESIDENTIAL</u> | |
| Parcel No. <u>4</u> | Size: <u>48.08 AC</u> | (acres or square feet). Uses: <u>AG</u> | |

| | | | |
|--|--|--|--|
| SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. | | *SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). | |
| <u>[Signature]</u> Date: _____ | | <u>[Signature]</u> Date: <u>3-11-19</u> | |
| Date: _____ | | Date: _____ | |

See associated process form for required attachments.

1. Multiple (secondary) access provided for emergency fire equipment and shown on the Tentative Map:
☐ Yes ☒ No. Explain reason for lack of multiple access (e.g. parcels over forty acres, parcels front a publicly maintained road, etc.; see Lassen County Code Section 9.16.102): CO. RD. NO 402 FRONTAGE
2. Proposed Water Source: ☐ Public System ☒ Private System
Explain WELL
3. Method of Sewage Disposal: ☐ Public System ☒ Private System
Explain LEACHFIELD
4. List All Recorded Access and Utility Easements: DEED DOC #2001-05975
5. Does the Owner Own Other Land Near the Project Site? ☐ No ☒ Yes APN(s) 013-070-33
013-070-27
013-070-28
013-070-30
013-070-29
013-160-40
013-160-39

OCT 10 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

LANDS OF VAN STAAVERN
APN: 013-070-35

LANDS OF MATTHEWS
APN: 013-070-01

2640

(N88° 19' 33"E 723.66')

E SUNSET ROAD E

16' DG/GRAVEL
TRAVELED WAY

2640

60' EASEMENT
PER 2001-05975

24' DG/GRAVEL
TRAVELED WAY

LANDS OF EADES
APN: 013-160-36

(NOT 19 5/ W 914.82)

8%
SLOPE

PROPOSED
PARCEL 1
± 20.22 ACRES GROSS WITH CO. RD.
± 20.15 ACRES NET W/O CO. RD.

2%

OVERHEAD POWER

2% SLOPE

PROPOSED PARCEL 4
± 48.08 ACRES

(N53° 39' 37"E 1059.51')

(N88° 47' 12"E 1142.64')

WEST 1/4 CORNER
SECTION 15

LANDS OF BROWN PER
LLA ADJUSTMENT 2019-004
RECORDED IN DOC. NO. _____
2019-03324.

LANDS OF KORRENG
APN: 013-160-21

{S1° 45' 38"E 1305.96'}

24' DG/GRAVEL
TRAVELED WAY

PROPOSED
PARCEL 3
ACRES GROSS WITH CO. RD.
ES NET W/O CO. RD.

OFFER OF ROAD DEDICATION
TO LASSEN COUNTY ± 2.5 ACRES

{N88° 57' 49"E 509.86'}

LANDS OF PLOG
APN: 013-070-33

LANDS OF PLOG
APN: 013-070-33

LEGEND

— — — — — PROPOSED PROPERTY LINE
 () RECORD PER 35 MAPS 28-29.
 { } RECORD PER 8 MAPS 78-79.

TENTATIVE PARCEL MAP
PLOG, ABOUSSLEMAN & STRINGER

IN SECTION 15, T.37 N., R.6 E., M.D.B. & M.
LASSEN COUNTY, CALIFORNIA

SCALE : 1" = 200'

NST Engineering, Inc.
1495 Riverside Drive
Susanville, CA 96130
(530) 257-5173

FEBRUARY 2019

2018-066

SHEET 1 OF 1

VICINITY MAP
(NOT TO SCALE)

GRAPHIC SCALE

(IN FEET)
1" = 500 ft

$$1'' = 500 \text{ ft.}$$

108



Initial Study Application

FILING FEE: \$611.00
DEPARTMENT OF PLANNING AND BUILDING SERVICES
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912
(530) 251-8269 · (530) 251-8373 (fax)
www.co.lassen.ca.us

RECEIVED

OCT 10 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.
This application consists of one page; only attach additional sheets if necessary.

FILE NO. IS #2019-006

| Property Owner/s | Property Owner/s |
|-----------------------------------|--|
| Name: LARRY G. PLOG | Name: JOSEPH ABOUSSLEMAN & SHELLY STRINGER |
| Mailing Address: P.O. BOX 292 | Mailing Address: 545-580 KAUFENBERG RD |
| City, ST, Zip: MCARTHUR, CA 96056 | City, ST, Zip: MCARTHUR, CA 96056 |
| Telephone: Fax: | Telephone: Fax: |
| Email: | Email: |

| Applicant/Authorized Representative* | Agent (Land Surveyor/Engineer/Consultant) |
|---|--|
| Same as above: <input type="checkbox"/> | Correspondence also sent to: <input checked="" type="checkbox"/> |
| Name: | Name: NST ENGINEERING, INC |
| Mailing Address: | Mailing Address: 1495 RIVERSIDE DRIVE |
| City, ST, Zip: | City, ST, Zip: SUSANVILLE, CA 96130 |
| Telephone: Fax: | Telephone: (530) 257-5173 Fax: |
| Email: | Email: nst@frontiernet.net License #: 4647 |

| | | | |
|---|--|--------------|------------------|
| Project Address or Specific Location: 545-100 KAUFENBERG RD | | | |
| Deed Reference: Book: | Page: | Year: | Doc#: 2018-03168 |
| Zoning: A-2-B-20 | General Plan Designation: Agriculture Residential District | | |
| Parcel Size (acreage): ±111 | Section: 15 | Township: 37 | Range: 6 |

| | | | |
|------------------------------|----------------|-----|-----|
| Assessor's Parcel Number(s): | 013 - 070 - 25 | - - | - - |
| - - | - - | - - | - - |

| | |
|----------------------|---|
| Project Description: | PARCEL MAP TO CREATE THREE PARCELS, ±20 AC, AND ONE PARCEL OF ±48AC |
| | |
| | |
| | |

| SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. | *SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). |
|---|---|
| | |
| Date: | Date: |
| Date: | Date: 3-11-19 |

ENVIRONMENTAL SETTING:

A. Describe the project site as it exists before the project, including information on size of parcel, topography, soil stability, plants and animals, and any cultural, historic or scenic aspects. Describe any existing structures on the site, and the use of the structure. Attach photographs of the site (optional).

Parcel slopes to the southwest, soils are volcanic w/ vol. rocks,
deer, rabbits & other small rodents. Exist homesite on
Parcel 2, No cultural, historic or scenic aspects

B. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type and intensity of the land use (residential, commercial, agricultural, etc.). Attach photographs of the vicinity (optional).

Residential & Agricultural
Surrounding properties have a similar environment, 20-40
Acres in size used for homesites & ag. lands

Slope of Property:

| | | |
|--|----|------------|
| (Approx. percentage of property having following slopes) | 90 | (0-8%) |
| | 10 | (9-15%) |
| | | (16-20%) |
| | | (over 20%) |

List all county, state, federal, or regional agencies from which a permit or approval is required:

Lassen County Planning Commission

Has any form of environmental document been prepared for the project:

Yes _____ If yes, attach. No X

List districts involved:

Feather River Junior Unified School District,
McArthur Fire Protection District

Are there any natural or man-made drainage channels through or adjacent to the property?

None

(Name and/or type of drainage channels)

Are the following items applicable to the project or its effects? Discuss below all items checked 'yes' (attach additional sheets as necessary).

NOTE: Applicant may be required to submit additional data and information if deemed necessary by the Environmental Review Officer or Lead Agency.

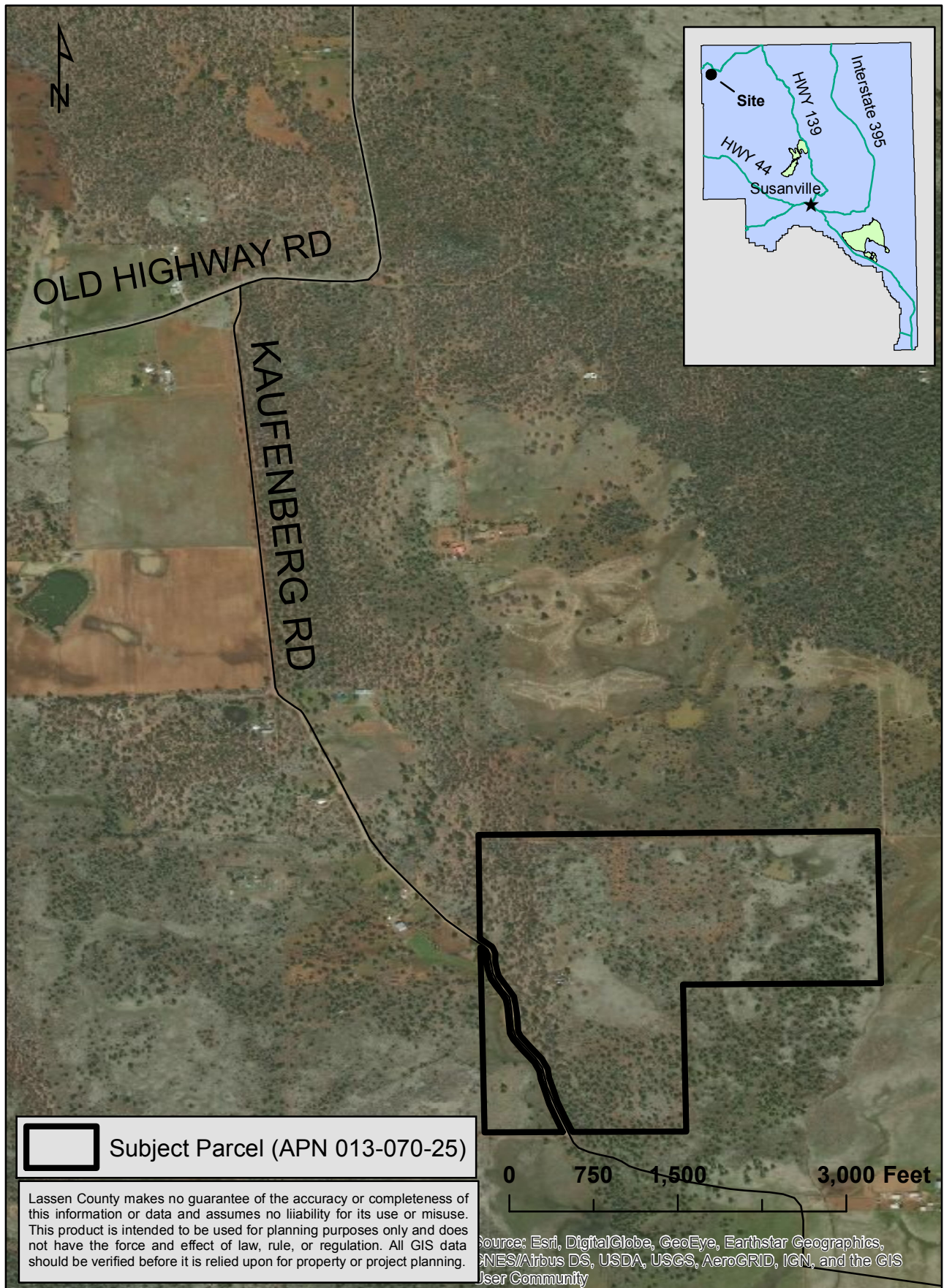
YES NO

_____ X 1. Change in lake, stream, or other body of water or ground water quality, or alteration of existing drainage patterns.

_____ X 2. Change in dust, ash, smoke, fumes, or odors in vicinity.

_____ X 3. Change in existing features of any bodies of water, live or intermittent streams, hills, or substantial alteration of ground contours.

Parcel Map #2019-001, Initial Study #2019-006,
Plog, Aboussleman, Stringer





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



RECEIVED

NOV 06 2019

November 6, 2019

Stefano Richichi, Associate Planner
County of Lassen
Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

received by email-SR

**Subject: Review of the Early Consultation Request for Parcel Map 2019-001.
Initial Study 2018-006 (Plog, Aboussleman, Stringer), Assessor
Parcel Numbers 013-070-41, State Clearinghouse Number
2019100508, Near the Communities of Pittville and McArthur, Lassen
County**

Dear Mr. Richichi:

The California Department of Fish and Wildlife (Department) has reviewed the early consultation Agency Referral dated October 21, 2019, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. The following are informal comments intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

Project Description

The Project as proposed is "to divide a 111-acre parcel into four parcels: Proposed Parcel 1 would be 20.22 acres in size, Proposed Parcel 2 would be 21.11 acres in size, Proposed Parcel 3 would be 21.37 acres in size and Proposed Parcel 4 would be 48.08 acres in size."

The Project is located approximately 3.5 miles south of the intersection of Highway 299 and Old Highway Road at 545-100 Kaufenberg Road.

Comments and Recommendations

The Department has the following recommendations and comments as they

Conserving California's Wildlife Since 1870

pertain to biological resources.

Biological Resources

Since the Project is proposed in wildlife habitat, the Department will require a basic botanical, wildlife, and habitat assessment (conducted at the appropriate time of the year) to determine whether focused or protocol-level surveys are warranted. The Department recommends all plant and wildlife species identified in the California Natural Diversity Database (CNDDDB) and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) be analyzed for the potential to occur within the Project area.

All surveys should be conducted prior to approval of the Project and survey results should be sent to the Department at the following address: Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA 96001 or submitted via email to R1CEQARedding@wildlife.ca.gov. A thorough assessment of rare plants and rare natural communities should be conducted following the Department's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (<https://www.wildlife.ca.gov/conservation/survey-protocols#377281280-plants>). If any special-status species are found during surveys, the Department requests that CNDDDB forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Critical Wintering Deer Range

The proposed Project is in critical deer winter range. The Department recommends any new construction occur along the road frontage, clustered near one another allowing the larger portions of the parcels to remain open for the deer, or other design configurations as appropriate.

Wildlife Friendly Fencing

The Department recommends using wildlife friendly fencing, if fencing is needed. Ideally, this type of fencing is visible to ungulates and birds, allows wildlife to jump over or crawl under and provides access to important habitats (water sources) and migration corridors. The Department recommends using four-strand, high tension wire fencing where the first strand is smooth and is 16 inches off the ground, the second and third strand are barbed, with the fourth strand measures 12 inches from the third strand for a total maximum of 42 inches in height.

Wetlands

The Google Earth view shows ponding in the northeast corner of the parcel. If

wetlands and/or streams are observed onsite, a wetland delineation should be conducted by a qualified professional.

Mitigation

Avoidance and mitigation measures for impacts to special-status species and sensitive habitats, if found, should be proposed in subsequent environmental review to avoid any significant effects the Project would have on the species or its habitat. Examples of mitigation measures for special-status species and habitat include, but are not limited to, project modification to avoid the species and its habitat, enhancement of existing onsite habitat, offsite restoration or enhancement of habitat, or onsite/offsite preservation of habitat.

Nesting Bird Mitigation

In order to avoid impacts to nesting birds and/or raptors protected under FGC sections 3503 and 3503.5, one of the following shall be implemented:

- a) Conduct vegetation removal and other ground-disturbance activities associated with construction from September 1 through January 31, when birds are not nesting; or
- b) Conduct pre-construction surveys for nesting birds if vegetation removal or ground disturbing activities are to take place during the nesting season (February 1 through August 31). These surveys shall be conducted by a qualified biologist no more than one week prior to vegetation removal or construction activities during the nesting season. If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department. No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys should be sent to the Department at: California Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA, 96001 or emailed to R1CEQARedding@wildlife.ca.gov.

Lighting

The Department recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully-shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

Stefano Richichi, Associate Planner
November 6, 2019
Page 4

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 225-2779, or by email at Amy.Henderson@wildlife.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam', with a long, sweeping horizontal line extending to the right.

Adam McKannay
Interior Cannabis and Conservation Planning Supervisor

ec: Stefano Richichi, Associate Planner
County of Lassen
srichichi@co.lassen.ca.us

State Clearinghouse
State.clearinghouse@opr.ca.gov

Chron

Central Valley Regional Water Quality Control Board

5 November 2019

RECEIVED

Stefano Richichi, Associate Planner
County of Lassen
707 Nevada Street, Suite 5
Susanville, CA 96130

NOV 12 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

**COMMENTS ON THE NOTICE OF EARLY CONSULTATION FOR PARCEL MAP
#2019-001, INITIAL STUDY #2018-006, PLOG, ABOUSSLEMAN, STRINGER
PROJECT, STATE CLEARINGHOUSE NUMBER 2019100508, MCARTHUR,
LASSEN COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 28 October 2019, we received your request for comments on the Notice of Early Consultation for Parcel Map #2019-001, Initial Study #2018-006, Plog, Aboussleman, Stringer Project (Project).

The applicant proposes to divide a 111-acre parcel into four parcels. Proposed Parcel 1 would be 20.22 acres in size; proposed Parcel 2 would be 21.11 acres in size; proposed Parcel 3 would be 21.37 acres in size; and proposed Parcel 4 would be 48.08 acres in size. The Project site is located approximately 3.5 miles south of the intersection of Highway 299 and Old Highway Road at 545-100 Kaufenberg Road in McArthur with APN number 013-070-41.

Based on our review of the information submitted for the proposed project, we have the following comments:

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. Parcel Map #2019-001, Initial Study #2018-006, Plog, Aboussleman, Stringer Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website [Water Boards Stormwater Construction Permits](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

(https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at Jerred.Ferguson@waterboards.ca.gov.



Jerred Ferguson
Environmental Scientist
Storm Water & Water Quality Certification Unit

JTF: db

cc: Larry G. Plog, McArthur
Joseph Aboussleman & Shelly Stringer, McArthur
NST Engineering, Inc., Susanville



PARCEL MAP PROCESS

DEPARTMENT OF PLANNING AND BUILDING SERVICES
707 Nevada Street, Suite 5 • Susanville, CA 96130-3912
(530) 251-8269 • (530) 251-8373 (fax)
www.co.lassen.ca.us

A subdivision is any division of land for the purposes of sale, lease, or finance, and is governed by the State Subdivision Map Act (California Government Code Section 66410-66499.58) and Lassen County Subdivision Ordinance No. 475. The process of subdividing land, as required by the Map Act and regulated by the Lassen County Code, applies to all subdividers regardless of the number of parcels created and whether or not the land is improved. The leasing of agricultural land for agricultural purposes, however, is exempt from this process (as are mineral, oil, and gas leases). In general, divisions of property resulting in the creation of five (5) or more parcels are considered Subdivisions, and divisions of property resulting in the creation of less than five (5) parcels are considered Parcel Maps. Following is a brief description of the Parcel Map process in Lassen County.

An application for a Parcel Map begins with an Initial Study to determine the extent of impact, if any, that the proposed division would have on the environment. The Initial Study is the first step in the environmental review process set forth by the California Environmental Quality Act (CEQA) and implemented by the Lassen County Environmental Review Guidelines (Resolution No. 01-043). (A copy of the Lassen County Environmental Review Guidelines, which provides a more detailed explanation of the environmental review process, can be obtained at the Department of Planning and Building Services). The applicant is required to fill out an Initial Study (Appendix A) and return it to the Department of Planning and Building Services along with three (3) copies of the preliminary tentative map of the proposed division and a check in the amount of \$611.00 to cover the Initial Study processing fee. In most cases a separate check in the amount of \$75.00 made out to CSU Chico Research Foundation must accompany the application materials to cover the cost of an archaeological records search related to the project site (NOTE: Additional project review fees may be required by the California Archaeological Inventory Center). The preliminary tentative map is not the tentative map referred to in Ordinance 475, but is prepared according to the same criteria.

Appendix A and the preliminary tentative map are reviewed by the Environmental Review Officer (ERO). The ERO will prepare a more detailed environmental impact assessment (Initial Study Appendix B) in an effort to disclose all potential environmental impacts associated with the proposed project. The ERO may then make one of the following determinations: (1) That the proposed project would not have a significant effect on the environment and that a Negative Declaration should be prepared; or (2) That although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because mitigation measures designed to eliminate the significant impacts or reduce them to a level of insignificance have been incorporated into the project, and a Negative Declaration should be prepared; or (3) That the project may have a significant effect on the environment and that an Environmental Impact Report (EIR) should be prepared. Alternatively, the ERO may choose to refer applications to the Planning Commission for the purposes of making a determination of whether an EIR or Negative Declaration should be prepared. If the Initial Study Application is referred to the Planning Commission for determination, surrounding property owners and affected agencies will be notified of the proposed project and will be requested to submit comments and/or concerns they may have regarding potential environmental impacts resulting from the proposal.

The Parcel Map application can be submitted concurrently with the Initial Study application or after a Negative Declaration or EIR has been prepared. The fees are \$754.00. Part of the Parcel Map application will include the submittal of a minimum of five (5) copies of the tentative Parcel Map. Upon determination that the application is complete, the Parcel Map application is then reviewed by the Technical Advisory Committee (TAC). The TAC consists of the Planning Director, County Engineer, County Surveyor, Assessor, Road Commissioner, Sanitarian, and Fire Warden. The TAC reviews the technical aspects of the proposed project and makes

recommendations to the Planning Commission regarding specific conditions to be attached should the project be approved.

The project, with the recommendations of the TAC, is then presented to the Planning Commission at their next scheduled meeting. The Planning Commission is responsible for approving, conditionally approving, or denying Parcel Map applications.

If the Planning Commission makes the necessary findings to approve a Parcel Map application, the applicant would have an approved tentative map. Approved tentative maps are "alive" for a period of two (2) years, during which time the applicant must meet all conditions of approval. Only after all conditions have been satisfactorily met can the final Parcel Map be recorded. Please note: The final Parcel Map must be prepared by a licensed engineer/surveyor. The two year expiration date may be extended by the Planning Commission upon written request by the applicant. Any such written request must include the reasons to justify the extension, and must be submitted prior to the expiration date of the tentative map. Extensions may be denied, or additional conditions can be imposed. Up to three extensions, a maximum of 1 year each, may be granted for a tentative map. A fee of \$238 is required for consideration of an extension request.

It is important that prospective applicants recognize that the fees identified above are for the processing of the application and are non-refundable even if an application is ultimately denied. Prospective applicants are strongly urged to consult with the Department of Planning and Building Services staff prior to submitting any application materials.

If your project is approved by the County, a Notice of Determination (NOD) will be filed with the County Clerk by the Planning and Building Services Department. The NOD starts a 30-day statute of limitations on any legal challenge to the project's environmental document. Prior to filing the NOD, Section 711.4 of the California Fish and Game Code requires that the County collect an environmental filing fee on behalf of the Department of Fish and Game. The fee varies according to the environmental document prepared for your project as indicated in the table below.

DEPARTMENT OF FISH AND WILDLIFE
ENVIRONMENTAL FILING FEES
(Fish and Game Code 711.4)

| <u>CEQA DOCUMENT</u> | <u>FEE (effective January 1, 2019)</u> |
|--------------------------------|--|
| Negative Declaration | \$2,354.75 |
| Mitigated Negative Declaration | \$2,354.75 |
| Environmental Impact Report | \$3,271.00 |
| County Clerk Processing Fee | \$ 50.00 |

If you believe your project will have *no effect* on fish and wildlife, you may contact the California Department of Fish and Wildlife to discuss an exemption from the fees. For more information about the fees and possible exemption you should contact the Department of Fish and Wildlife directly at (530) 225-2300 or at the DFW Website at www.wildlife.ca.gov.

IMPORTANT NOTE: Even if your project is approved by the County, the project is not operative, vested, or final, and any local permits issued for the project are invalid if the fees are not paid.

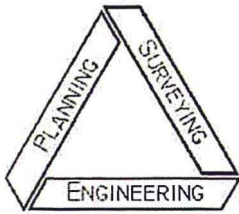
The Planning staff would be happy to help you through the Parcel Map process, and refer you to other public agencies that may be involved in your particular project. Please feel free to contact the Lassen County Planning and Building Services Department if you have any questions regarding the Parcel Map process.

CRITERIA FOR TENTATIVE PARCEL MAPS
From Subdivision Ordinance 475, Chapter 16.05

16.05.120 Form and Contents. The tentative map shall be prepared in a manner acceptable to the Lassen County Planning and Building Services Department and shall be prepared by a registered civil engineer, licensed land surveyor, or qualified person. The Subdivider shall file with the Lassen County Planning and Building Services Department the number of tentative maps the Lassen County Planning and Building Services Department may deem necessary, but not less than five (5).

The tentative map shall be clearly and legibly drawn on one or more sheets, each one no more than 11" X 17" unless such standards are waived by the Planning Director, and shall include but not be limited to the following information:

- A. Boundary line and dimensions of parcel being divided.
- B. Proposed division lines with dimensions of each parcel being created using dashed lines.
- C. All existing structures together with their dimensions, distance between structures, and approximate distance from boundary lines.
- D. The approximate area of the original parcel and the minimum area of each proposed new parcel.
- E. Names, locations, and widths of all existing streets, or right-of-way known to the owner, located on or near the property, by reference to the book and page of recordation thereof in the office of the County Recorder.
- F. Approximate location and dimensions of all existing easements, wells, leachlines, seepage pits or other underground structures.
- G. Approximate location and dimensions of all easements for utilities, and drainage.
- H. Approximate location of all creeks and drainage channels and general indication of slope of the land.
- I. North point and approximate scale of drawing.
- J. Vicinity map or other data sufficient to locate the site.



NST ENGINEERING, INC.

1495 Riverside Drive • Susanville, CA 96130
(530) 257-5173 • FAX (530) 257-6272

Jeffery A. Morrish, R.C.E.
Vernon H. Templeton, R.L.S.
Stephen H. Schmidt, R.L.S.

November 22, 2019

Stefano Richichi
Lassen County Planning Dept.
707 Nevada Street
Susanville, CA 96130

RECEIVED

NOV 25 2019

Re: Parcel Map No. 2019-001
Plog, Aboussleman, and Stringer

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

received by email - SL

Stefano,

In response to your letter dated November 19, 2019 which references the Initial Study No. 2019-006, our thoughts and the thoughts of our Clients are as follows:

1. It is our contention that "a basic botanical, wildlife, and habitat" assessment was completed through the Master Environmental Assessment Pittville Planning Area dated February 1982 and the subsequent Pittville Area Plan dated December 1, 1986 and should have been referenced on the "Review of the Early Consultation Request" letter from California Department of Fish and Wildlife dated November 6, 2019. We feel the Pittville Area Plan should have also been referenced in the letter from the Northeast Center of the California Historical Resources.
2. Quad maps and Google Earth show a seasonal stock pond in the northeast corner of the parcel.

We would be comfortable in proposing mitigation measures to address the "Notice of Early of Consultation". Those mitigation measures would be:

- a. Note on Final Map addressing Wildlife friendly fencing
- b. Archaeological Note "In the event that any Archaeological or Cultural Resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified Archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures identified to reduce impacts to Cultural Resources to a less than significant level."
- c. No building zone around stock pond shown on Final Map.
- d. Note on the Map addressing the Central Valley Regional Water Quality Control Board's concern during future construction.

Thank you for your time and consideration, let us know if you have any questions.

Sincerely,

Vernon H. Templeton
Vernon H. Templeton



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

ATTACHMENT 7

December 23, 2019

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Amy Henderson, Senior Environmental Scientist
California Department of Fish and Wildlife Northern Region
601 Locust Street
Redding, CA 96001

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: Initial Study #2019-006 for Parcel Map #2019-001, Plog, Aboussleman, Stringer

Dear Ms. Henderson:

This letter follows the attached letter from NST Engineering, Inc. (NST), the agent acting on behalf of the property owners for the project above, which was written in response to your letter to Associate Planner Stefano Richichi dated November 6, 2019. In your letter, the California Department of Fish and Wildlife (CDFW) recommends the following:

- A basic botanical, wildlife, and habitat assessment
- That all plant and wildlife species identified in the California Natural Diversity Database and other biological resource databases be analyzed for the potential to occur within the project area
- Measures to mitigate impacts to critical wintering deer range and to nesting birds
- Measures to minimize lighting impacts to birds and other nocturnal species
- A wetland delineation if wetlands or streams are observed on-site
- Wildlife friendly fencing

In response to the above, NST contends as follows:

A basic botanical, wildlife, and habitat assessment was completed through the Master Environmental Assessment for the Pittville Planning Area dated February 1982 and the subsequent Pittville Area Plan dated December 1, 1986 and should have been referenced on the "Review of the Early Consultation Request" letter from the California Department of Fish and Wildlife dated November 6, 2019.

By extension, the applicant contends that the above assessment is not necessary for the above reason. This Department tentatively agrees with the applicant's argument, but would like CDFW's opinion regarding the applicant's argument as well. Both the *Master Environmental Assessment for the Pittville Planning Area, 1982* and the *Environmental Impact Report for Pittville Area Plan, 1986* address biological resources. You may access the *Pittville Area Plan, 1986* at <http://www.lassencounty.org/government/resources/planning-and-building-services>.

In addition, the proposed project is consistent with the development density established by existing zoning and the *Pittville Area Plan, 1986*. CEQA Guidelines Section 15183 in part states that projects that are consistent with the development density established by existing zoning and the applicable community plan for which an EIR was certified shall not require additional environmental review, *except as might be necessary to examine whether there are project-specific significant effects which*

are peculiar to the project or its site. In its letter to this Department dated November 6, 2019, CDFW did not submit sufficient evidence to demonstrate that additional environmental review would be necessary to examine whether there are project- or site-specific significant effects.

In terms of other concerns raised by CDFW, the applicant proposes to place a note on the final recorded parcel map to address wildlife-friendly fencing and ensure a "no building zone" around the stock pond.

Again, this Department tentatively agrees with the applicant's argument that a biological assessment is not necessary, but invites CDFW's substantiated opinion on said matter. Specifically, this Department is interested in whether CDFW can provide substantiated evidence that demonstrates that additional environmental review (such as the referenced biological assessment) would be necessary to examine whether there are project- or site-specific significant effects that would result on account of the project.

Thank you in advance for your assistance in these matters. This Department would like to receive your response to this letter by January 20, 2020. If you have any questions concerning the project, please contact Stefano Richichi, Associate Planner, at (530) 251-8269, or by email at srichichi@co.lassen.ca.us.

Sincerely,



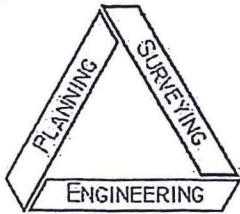
✓✓ Maurice L. Anderson, Director
Environmental Review Officer

MLA:smr

Enclosures: Letter from NST Engineering, Inc. dated November 22, 2019

cc: Vernon H. Templeton, NST Engineering, Inc.

S:/PLA:/Planning/2019/PM #2019-001, Plog, Aboussleman, Stringer/Initial Study/Letter to CDFW



NST ENGINEERING, INC.

1495 Riverside Drive • Susanville, CA 96130
(530) 257-5173 • FAX (530) 257-6272

Jeffery A. Morrish, R.C.E.
Vernon H. Templeton, R.L.S.
Stephen H. Schmidt, R.L.S.

November 22, 2019

Stefano Richichi
Lassen County Planning Dept.
707 Nevada Street
Susanville, CA 96130

RECEIVED

NOV 25 2019

Re: Parcel Map No. 2019-001
Plog, Aboussleman, and Stringer

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

received by email-SR

Stefano,

In response to your letter dated November 19, 2019 which references the Initial Study No. 2019-006, our thoughts and the thoughts of our Clients are as follows:

1. It is our contention that "a basic botanical, wildlife, and habitat" assessment was completed through the Master Environmental Assessment Pittville Planning Area dated February 1982 and the subsequent Pittville Area Plan dated December 1, 1986 and should have been referenced on the "Review of the Early Consultation Request" letter from California Department of Fish and Wildlife dated November 6, 2019. We feel the Pittville Area Plan should have also been referenced in the letter from the Northeast Center of the California Historical Resources.
2. Quad maps and Google Earth show a seasonal stock pond in the northeast corner of the parcel.

We would be comfortable in proposing mitigation measures to address the "Notice of Early of Consultation". Those mitigation measures would be:

- a. Note on Final Map addressing Wildlife friendly fencing
- b. Archaeological Note "In the event that any Archaeological or Cultural Resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified Archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures identified to reduce impacts to Cultural Resources to a less than significant level."
- c. No building zone around stock pond shown on Final Map.
- d. Note on the Map addressing the Central Valley Regional Water Quality Control Board's concern during future construction.

Thank you for your time and consideration, let us know if you have any questions.

Sincerely,


Vernon H. Templeton

cc Plog, Amoussleman, Stringer



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



RECEIVED

JAN 28 2020

LASSEN COUNTY DEPARTMENT OF
 PLANNING AND BUILDING SERVICES

received by email-JR

January 27, 2020

Maurice L. Anderson, Director
 County of Lassen
 Department of Planning and Building Services
 707 Nevada Street, Suite 5
 Susanville, CA 96130

Subject: Response to County of Lassen Rebuttal of Department of Fish and Wildlife Early Consultation Comments for Initial Study #20190996 for Parcel Map #2019-001

Dear Mr. Anderson:

The California Department of Fish and Wildlife (Department) has reviewed your letter dated December 23, 2019, in response to the Department's California Environmental Quality Act (CEQA) early consultation comment letter dated November 6, 2019. As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. Per your request, the Department offered comments and recommendations on this Project in our role as the State's trustee and responsible agency pursuant to CEQA, California Public Resources Code section 21000 et seq. The informal comments prepared by the Department were intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

The original documentation received by the Department from the County of Lassen specifically states:

"The project described above is being referred to your agency for early consultation to obtain comments concerning potentially significant impacts which could result from project approval and development. The information provided by your agency will assist Lassen County in determining whether a Negative Declaration or Environmental Impact Report should be prepared as the appropriate environmental document for the project."

Conserving California's Wildlife Since 1870

The early consultation documentation continues, *"You are also encouraged to make recommendations regarding any additional studies or other information that may be needed to accurately determine the significance of project impacts and/or appropriate mitigation measures."*

The Department formulated its early consultation comments based on the information you provided in your request. The Department recommended conducting standard biological surveys in order to determine whether focused or protocol-level surveys would be required, which would have allowed the Department to more *"accurately determine the significance of project impacts and/or appropriate mitigation measures."* The Department typically allows the use of surveys that are five years or less for general biological assessments and two years or less for endangered and/or threatened species. However, more recent surveys may be warranted for the following reasons¹:

- Fire history, land use, or the physical or climatic conditions of the project area have changed since the last field survey was conducted.
- Changes in vegetation or plant distribution have occurred since the last field surveys were conducted, such as those related to habitat alteration, fluctuations in abundance, invasive species, seed bank dynamics, or other factors.
- Recent taxonomic studies, status reviews or other scientific information has resulted in a revised understanding of the special status plants with potential to occur in the project area.

In this case, any previous surveys of the Project site were conducted more than 37 years ago and therefore the Department requires updated surveys in order to provide meaningful and accurate recommendations to the Lead Agency.

Your letter dated December 23, 2019, states that additional surveys are not necessary because the project site has already been assessed through the February 1982 Master Environmental Assessment for the Pittville Planning Area and the Environmental Impact Report for Pittville Area Plan, completed in 1986. It should be noted that the Pittville Area Plan and its supporting documents, including the biological surveys referenced in your letter, were not provided to the

¹ Department of Fish and Wildlife, 2008. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

Department as part of the early consultation request nor was a pathway to accessing these documents provided. Your letter states:

"In addition, the proposed project is consistent with the development density established by existing zoning and the Pittville Area Plan, 1986. CEQA Guidelines Section 15183 in part states that projects that are consistent with the development density established by existing zoning and the applicable community plan for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. In its letter to this Department dated November 6, 2019, CDFW did not submit sufficient evidence to demonstrate that additional environmental review would be necessary to examine whether there are project-or site-specific significant effects."

The Pittville Area Plan describes how to implement the plan and specifically calls out the fact that botanical surveys have not been performed over much of the area and that undiscovered species may potentially exist (Pittville Area Plan, page 22). It also explains that *"Land use and development shall not impair the habitat of rare and/or endangered plant and wildlife species, nor otherwise threaten their existence."* The Pittville Area Plan states (page 23):

Implementation:

1. *The County should participate in identifying and mapping potential and known habitat locations of rare and/or endangered wildlife as Areas of Special Biological Importance (ASBI) in the Planning Area. Verify new locations of rare and/or endangered plants or animals using updated resource maps from the relevant state agencies (California Department of Fish and Game, California Native Plant Society).*
2. *Review proposed projects for conformance with stated policies regarding protection of rare and/or endangered species.*
3. ***In accordance with CEQA, which requires an environmental evaluation for many projects where the County exercises discretionary authority, require botanical surveys and/or review by the State Department of Fish and Game and other interested organizations as a condition of approval for any parcel or subdivision map in areas identified as having sensitive habitat where rare and/or endangered plant wildlife species may exist.***

4. *In accordance with CEQA, require applicants to satisfactorily mitigate potential impacts to sensitive habitat as a **condition of approval of parcel and subdivision maps.***

The Department's comments reiterated the Pittville Area Plan's requirement for additional site-specific biological assessments to be completed prior to any subsequent discretionary actions by the County. It is unclear to the Department on when implementation of these measures will occur if not during the current process of determining whether a Negative Declaration or Environmental Impact Report will be required, which was the decision outlined in the County's early consultation request.

The Department, by law, is not allowed to trespass on private property. The early consultation did not include a site visit nor permission to inspect the project site for biological resources. In a situation where the surveys are outdated, the Department requested basic botanical, wildlife, and habitat information in order to provide a thorough desktop review to determine if any special status wildlife or botanical species could be present. Because the requested surveys have not been conducted, the Department cannot determine whether the project would result in significant impacts.

As indicated above, the Department was not provided the Master Environmental Assessment, the Pittville Area Plan, or any biological survey performed as part of those planning efforts. Absent this information the Department is limited in its ability to provide an accurate assessment of the survey effort undertaken during preparation of those earlier plans. The Department's modern recommendation is that all plant and wildlife species identified in the California Natural Diversity Database (CNDDDB) and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) be analyzed for the potential to occur within the Project area.

A query of the CNDDDB, using a standard "9-quad search" identified special-status wildlife and botanical species within those quads that include, but not limited to, those species found in the attached enclosure. The CNDDDB is a positive sighting database. It does not predict where something may be found. The Department maps occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.

The next step is to conduct updated surveys to document what is actually present today and submit the information on special status species to the Department and CNDDDB. All surveys should be conducted prior to approval of the Project and

survey results shall be e-mailed to the Department at the R1CEQARedding@wildlife.ca.gov. A thorough assessment of rare plants and rare natural communities should be conducted following the Department's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (<https://www.wildlife.ca.gov/conservation/survey-protocols#377281280-plants>). If any special-status species are found during surveys, the Department requests that CNDDDB forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

In addition to the fact that update survey information allows the Department, land use planning agencies, and project proponents to make educated land use decisions is the potential for outdated information to lead to complex permit requirements. For instance, 1982 Master Environmental Assessment states that the Sierra Nevada Red Fox (SNRF) has been reported in the Planning Area with a den discovered in 1981 on the Day Bench rim. The SNRF, CESA-listed as threatened, should be assumed to be currently present within the Planning Area based off the 1981 survey findings if no new surveys are conducted that would verify the current accuracy of this species detection. SNRF species accounts from the time period when the Pittville Area Plan was approved indicate that SNRF numbers were already in decline (Schempf and White 1977). In the Lassen Peak area, biologists believe the total population of SNRF to be fewer than 50 foxes and perhaps as low as 15 foxes and, as noted by the Sierra Nevada Red Fox Interagency Working Group, this population may already be too small to persist.

Given the extremely limited population and range of SNRF and the documented occurrence in the planning area, the Department would recommend that additional surveys occur within the planning area and Project site in order to determine if this species is present and would be impacted by Project activities. CEQA section 15065(a)(1) indicates that lead agencies must make a mandatory finding of significance if a project has the potential to substantially reduce habitat for fish and wildlife species like SNRF; cause a wildlife species' population to drop below self-sustaining levels, as could be the case with SNRF and its limited range and population; and/or substantially reduce the number or restrict the range of an endangered, threatened, or rare species. If SNRF is actively maintaining a den within the Pittville Area Plan boundaries, development within this area would likely degrade SNRF habitat, reduce its forage area, reduce prey density, and further restrict its range.

If it is determined that SNRF is present within the Project area, or if presence is assumed based off the 1981 survey, the project applicant may need to obtain an Incidental Take Permit to lawfully take this state threatened species. Take of

Maurice L. Anderson, Director
County of Lassen
January 27, 2020
Page 6

species listed as threatened under CESA is unlawful unless authorized by the Department. However, a CESA 2081(b) Incidental Take Permit may authorize incidental take during Project construction or over the life of the Project. The Project's CEQA document must state whether the Project could result in any amount of incidental take of any CESA-listed species. Early consultation for incidental take permitting is encouraged, as significant modification to the Project's description and/or mitigation measures may be required in order to obtain a CESA Permit. The Department's issuance of a CESA Permit for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA will consider the Lead Agency's CEQA document for the Project. The Department may require additional mitigation measures for the issuance of a CESA Permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA Permit. More information on CEQA permitting is available here: <https://wildlife.ca.gov/Conservation/CESA>.

The Department appreciates the opportunity to clarify the importance of using current biological data to inform the CEQA decision making process. If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 225-2779, or by e-mail at Amy.Henderson@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

Enclosure

ec: Stefano Richichi, Associate Planner
County of Lassen
srichichi@co.lassen.ca.gov

Adam McKannay, Amy Henderson
California Department of Fish and Wildlife
Adam.McKannay@wildlife.ca.gov, Amy.Henderson@wildlife.ca.gov

References

Schempf, P. F., and M. White. 1977. Status of six furbearer populations in the mountains of northern California. U.S. Dep. Agric., For. Serv., San Francisco, Calif. 51pp.



County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

February 10, 2020

Maurice L. Anderson, Director
 707 Nevada Street, Suite 5
 Susanville, CA 96130-3912
 Phone: 530 251-8269
 Fax: 530 251-8373
 email: landuse@co.lassen.ca.us
 website: www.co.lassen.ca.us

Larry G. Plog
 P.O. Box 292
 McArthur, CA 96056

Zoning & Building
 Inspection Requests
 Phone: 530 257-5263

Joseph Aboussleman and Shelly Stringer
 545-580 Kaufenberg Road
 McArthur, CA 96056

RE: Initial Study #2019-006 for Parcel Map #2019-001, Plog, Aboussleman, Stringer

This letter is to inform you that the above-referenced initial study is still on hold. In its most recent letter, dated January 27, 2020, the California Department of Fish and Wildlife (CDFW) substantiates its recommendation from its November 6, 2019, letter that a “basic botanical, wildlife, and habitat assessment (conducted at the appropriate time of year) to determine whether focused or protocol-level surveys are warranted” is necessary for processing of the above initial study. CDFW’s most recent letter is in response to both this Department’s letter dated December 23, 2019, and your agent’s letter dated November 22, 2019. Given the clarification provided in CDFW’s most recent letter, this Department agrees with CDFW, and is requiring that you cause a “basic botanical, wildlife, and habitat assessment” to be prepared as described above and in CDFW’s two letters.

In addition, this Department is also requiring you to cause a professional archaeologist to conduct a cultural resources survey of the entire project area, as described in the Northeast Center of the California Historical Resources Information System (CHRIS) letter dated November 8, 2019, previously provided to you. Alternatively, you may propose specific sites within which any future construction might be limited (i.e., building sites); in that case, you could limit the cultural resources survey to the boundaries of such proposed building sites.

As you may recall, the above letters from CDFW and CHRIS are in response to this Department’s Notice of Early Consultation, dated October 21, 2019, whose purpose is to consult with agencies responsible for resources affected by the project to obtain recommendations as to whether an environmental impact report (EIR) or negative declaration should be prepared, as required by the California Environmental Quality Act (CEQA). Although none of the above letters specifically recommends that an EIR or negative declaration be prepared, said recommendations are relevant to the CEQA initial study process.

As stated in this Department’s previous letter, this Department has the authority to require you to submit data and information necessary to determine whether your project may have a significant effect on the environment, pursuant to Section 21160 of the Public Resources Code.

Again, the above-referenced initial study is still on hold until you provide the above (biological and cultural resource) surveys. Please contact Senior Planner Stefano Richichi at (530) 251-8269 or at srichichi@co.lassen.ca.us if you have further questions.

Sincerely,



Maurice L. Anderson,
Director

MLA:smr

Enclosures: Letter from California Department of Fish and Wildlife dated January 27, 2020

cc: NST Engineering, Inc.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



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JAN 28 2020

January 27, 2020

Maurice L. Anderson, Director
County of Lassen
Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

received by email: SR

Subject: Response to County of Lassen Rebuttal of Department of Fish and Wildlife Early Consultation Comments for Initial Study #20190996 for Parcel Map #2019-001

Dear Mr. Anderson:

The California Department of Fish and Wildlife (Department) has reviewed your letter dated December 23, 2019, in response to the Department's California Environmental Quality Act (CEQA) early consultation comment letter dated November 6, 2019. As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. Per your request, the Department offered comments and recommendations on this Project in our role as the State's trustee and responsible agency pursuant to CEQA, California Public Resources Code section 21000 et seq. The informal comments prepared by the Department were intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

The original documentation received by the Department from the County of Lassen specifically states:

"The project described above is being referred to your agency for early consultation to obtain comments concerning potentially significant impacts which could result from project approval and development. The information provided by your agency will assist Lassen County in determining whether a Negative Declaration or Environmental Impact Report should be prepared as the appropriate environmental document for the project."

Conserving California's Wildlife Since 1870

The early consultation documentation continues, "*You are also encouraged to make recommendations regarding any additional studies or other information that may be needed to accurately determine the significance of project impacts and/or appropriate mitigation measures.*"

The Department formulated its early consultation comments based on the information you provided in your request. The Department recommended conducting standard biological surveys in order to determine whether focused or protocol-level surveys would be required, which would have allowed the Department to more "*accurately determine the significance of project impacts and/or appropriate mitigation measures.*" The Department typically allows the use of surveys that are five years or less for general biological assessments and two years or less for endangered and/or threatened species. However, more recent surveys may be warranted for the following reasons¹:

- Fire history, land use, or the physical or climatic conditions of the project area have changed since the last field survey was conducted.
- Changes in vegetation or plant distribution have occurred since the last field surveys were conducted, such as those related to habitat alteration, fluctuations in abundance, invasive species, seed bank dynamics, or other factors.
- Recent taxonomic studies, status reviews or other scientific information has resulted in a revised understanding of the special status plants with potential to occur in the project area.

In this case, any previous surveys of the Project site were conducted more than 37 years ago and therefore the Department requires updated surveys in order to provide meaningful and accurate recommendations to the Lead Agency.

Your letter dated December 23, 2019, states that additional surveys are not necessary because the project site has already been assessed through the February 1982 Master Environmental Assessment for the Pittville Planning Area and the Environmental Impact Report for Pittville Area Plan, completed in 1986. It should be noted that the Pittville Area Plan and its supporting documents, including the biological surveys referenced in your letter, were not provided to the

¹ Department of Fish and Wildlife, 2008. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

Department as part of the early consultation request nor was a pathway to accessing these documents provided. Your letter states:

"In addition, the proposed project is consistent with the development density established by existing zoning and the Pittville Area Plan, 1986. CEQA Guidelines Section 15183 in part states that projects that are consistent with the development density established by existing zoning and the applicable community plan for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. In its letter to this Department dated November 6, 2019, CDFW did not submit sufficient evidence to demonstrate that additional environmental review would be necessary to examine whether there are project-or site-specific significant effects."

The Pittville Area Plan describes how to implement the plan and specifically calls out the fact that botanical surveys have not been performed over much of the area and that undiscovered species may potentially exist (Pittville Area Plan, page 22). It also explains that *"Land use and development shall not impair the habitat of rare and/or endangered plant and wildlife species, nor otherwise threaten their existence."* The Pittville Area Plan states (page 23):

Implementation:

- 1. The County should participate in identifying and mapping potential and known habitat locations of rare and/or endangered wildlife as Areas of Special Biological Importance (ASBI) in the Planning Area. Verify new locations of rare and/or endangered plants or animals using updated resource maps from the relevant state agencies (California Department of Fish and Game, California Native Plant Society).*
- 2. Review proposed projects for conformance with stated policies regarding protection of rare and/or endangered species.*
- 3. In accordance with CEQA, which requires an environmental evaluation for many projects where the County exercises discretionary authority, require botanical surveys and/or review by the State Department of Fish and Game and other interested organizations as a condition of approval for any parcel or subdivision map in areas identified as having sensitive habitat where rare and/or endangered plant wildlife species may exist.*

- 4. In accordance with CEQA, require applicants to satisfactorily mitigate potential impacts to sensitive habitat as a condition of approval of parcel and subdivision maps.*

The Department's comments reiterated the Pittville Area Plan's requirement for additional site-specific biological assessments to be completed prior to any subsequent discretionary actions by the County. It is unclear to the Department on when implementation of these measures will occur if not during the current process of determining whether a Negative Declaration or Environmental Impact Report will be required, which was the decision outlined in the County's early consultation request.

The Department, by law, is not allowed to trespass on private property. The early consultation did not include a site visit nor permission to inspect the project site for biological resources. In a situation where the surveys are outdated, the Department requested basic botanical, wildlife, and habitat information in order to provide a thorough desktop review to determine if any special status wildlife or botanical species could be present. Because the requested surveys have not been conducted, the Department cannot determine whether the project would result in significant impacts.

As indicated above, the Department was not provided the Master Environmental Assessment, the Pittville Area Plan, or any biological survey performed as part of those planning efforts. Absent this information the Department is limited in its ability to provide an accurate assessment of the survey effort undertaken during preparation of those earlier plans. The Department's modern recommendation is that all plant and wildlife species identified in the California Natural Diversity Database (CNDDDB) and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) be analyzed for the potential to occur within the Project area.

A query of the CNDDDB, using a standard "9-quadrant search" identified special-status wildlife and botanical species within those quads that include, but not limited to, those species found in the attached enclosure. The CNDDDB is a positive sighting database. It does not predict where something may be found. The Department maps occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.

The next step is to conduct updated surveys to document what is actually present today and submit the information on special status species to the Department and CNDDDB. All surveys should be conducted prior to approval of the Project and

Maurice L. Anderson, Director
County of Lassen
January 27, 2020
Page 5

survey results shall be e-mailed to the Department at the R1CEQARedding@wildlife.ca.gov. A thorough assessment of rare plants and rare natural communities should be conducted following the Department's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (<https://www.wildlife.ca.gov/conservation/survey-protocols#377281280-plants>). If any special-status species are found during surveys, the Department requests that CNDDDB forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

In addition to the fact that update survey information allows the Department, land use planning agencies, and project proponents to make educated land use decisions is the potential for outdated information to lead to complex permit requirements. For instance, 1982 Master Environmental Assessment states that the Sierra Nevada Red Fox (SNRF) has been reported in the Planning Area with a den discovered in 1981 on the Day Bench rim. The SNRF, CESA-listed as threatened, should be assumed to be currently present within the Planning Area based off the 1981 survey findings if no new surveys are conducted that would verify the current accuracy of this species detection. SNRF species accounts from the time period when the Pittville Area Plan was approved indicate that SNRF numbers were already in decline (Schempf and White 1977). In the Lassen Peak area, biologists believe the total population of SNRF to be fewer than 50 foxes and perhaps as low as 15 foxes and, as noted by the Sierra Nevada Red Fox Interagency Working Group, this population may already be too small to persist.

Given the extremely limited population and range of SNRF and the documented occurrence in the planning area, the Department would recommend that additional surveys occur within the planning area and Project site in order to determine if this species is present and would be impacted by Project activities. CEQA section 15065(a)(1) indicates that lead agencies must make a mandatory finding of significance if a project has the potential to substantially reduce habitat for fish and wildlife species like SNRF; cause a wildlife species' population to drop below self-sustaining levels, as could be the case with SNRF and its limited range and population; and/or substantially reduce the number or restrict the range of an endangered, threatened, or rare species. If SNRF is actively maintaining a den within the Pittville Area Plan boundaries, development within this area would likely degrade SNRF habitat, reduce its forage area, reduce prey density, and further restrict its range.

If it is determined that SNRF is present within the Project area, or if presence is assumed based off the 1981 survey, the project applicant may need to obtain an Incidental Take Permit to lawfully take this state threatened species. Take of

Maurice L. Anderson, Director
County of Lassen
January 27, 2020
Page 6

species listed as threatened under CESA is unlawful unless authorized by the Department. However, a CESA 2081(b) Incidental Take Permit may authorize incidental take during Project construction or over the life of the Project. The Project's CEQA document must state whether the Project could result in any amount of incidental take of any CESA-listed species. Early consultation for incidental take permitting is encouraged, as significant modification to the Project's description and/or mitigation measures may be required in order to obtain a CESA Permit. The Department's issuance of a CESA Permit for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA will consider the Lead Agency's CEQA document for the Project. The Department may require additional mitigation measures for the issuance of a CESA Permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA Permit. More information on CEQA permitting is available here: <https://wildlife.ca.gov/Conservation/CESA>.

The Department appreciates the opportunity to clarify the importance of using current biological data to inform the CEQA decision making process. If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 225-2779, or by e-mail at Amy.Henderson@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

Enclosure

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References

Schempf, P. F., and M. White. 1977. Status of six furbearer populations in the mountains of northern California. U.S. Dep. Agric., For. Serv., San Francisco, Calif. 51pp.

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APR 16 2020

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

BIOLOGICAL RESOURCES ASSESSMENT

PARCEL SUBDIVISION
PITTVILLE, LASSEN COUNTY, CALIFORNIA



Prepared for

Aboussleman & Stringer

Prepared by



VESTRA Resources Inc.
5300 Aviation Drive
Redding, California 96002

MARCH 2020

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1.0 INTRODUCTION

This Biological Assessment describes the biological resources present in the proposed parcel map area in Pittville, Lassen County, California. The project site is located on Kaufenberg Road, approximately one mile south of the intersection with Old Hwy Road. The current Assessor Parcel Number (APN) of the property is 013-070-41 (historically, APN 013-070-250) and coordinates of the proposed site entrance are 41.045541, -121.273587. The site is located in Section 15, Township 37, Range 6. The project site location is shown on Figure 1.

1.1 Project Description

The proposed parcel map includes splitting a 111-acre parcel into four parcels. The area is zoned as A-2-B-20 (Agriculture-Residential District); meaning that the average parcel size must be equal to twenty acres in size. The parcel map site plan is included as Appendix A. The size and proposed use of each of the four proposed parcels are as follows:

- Parcel one would be a 20.22-acre lot zoned as “Residential.” Currently, one outbuilding is proposed on this parcel. A residence would ultimately be developed.
- Proposed Parcel two would be a 21.11-acre lot zoned as “Residential.” The existing structures on this parcel include a residence and several outbuildings. No additional development is proposed on this lot.
- Parcel three would be a 21.37-acre lot zoned as “Residential.” No development is being proposed on this parcel but would be allowed in the future.
- Parcel four would be 48.08-acre lot zoned as “Agricultural.” No development is proposed on this lot as it would continue to serve as pasture for cattle grazing, but development would be allowed in the future.

Early consultation with the California Department of Fish and Wildlife (CDFW) was conducted for the project in 2019. During this consultation, CDFW stated the need for biological surveys to determine whether any focused or protocol-level surveys would be required onsite because the previous biological studies completed in the area were more than five years old and are considered to be outdated.

The purpose of this Biological Assessment is to provide an updated investigation of potentially occurring special-status species within the project site to determine the need for additional site surveys and/or mitigations to protect sensitive species.

1.2 Pittville Area Plan Considerations

The Pittville Area Plan includes goals, policies, and implementation measures for development of lands with a designated land use of “rural-residential.” The policies and measures described in the Area Plan have been considered in the design and review of the proposed parcel map and the associated development in order to avoid and minimize the potential environmental impacts and adverse impacts to sensitive natural resources:

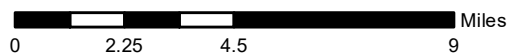
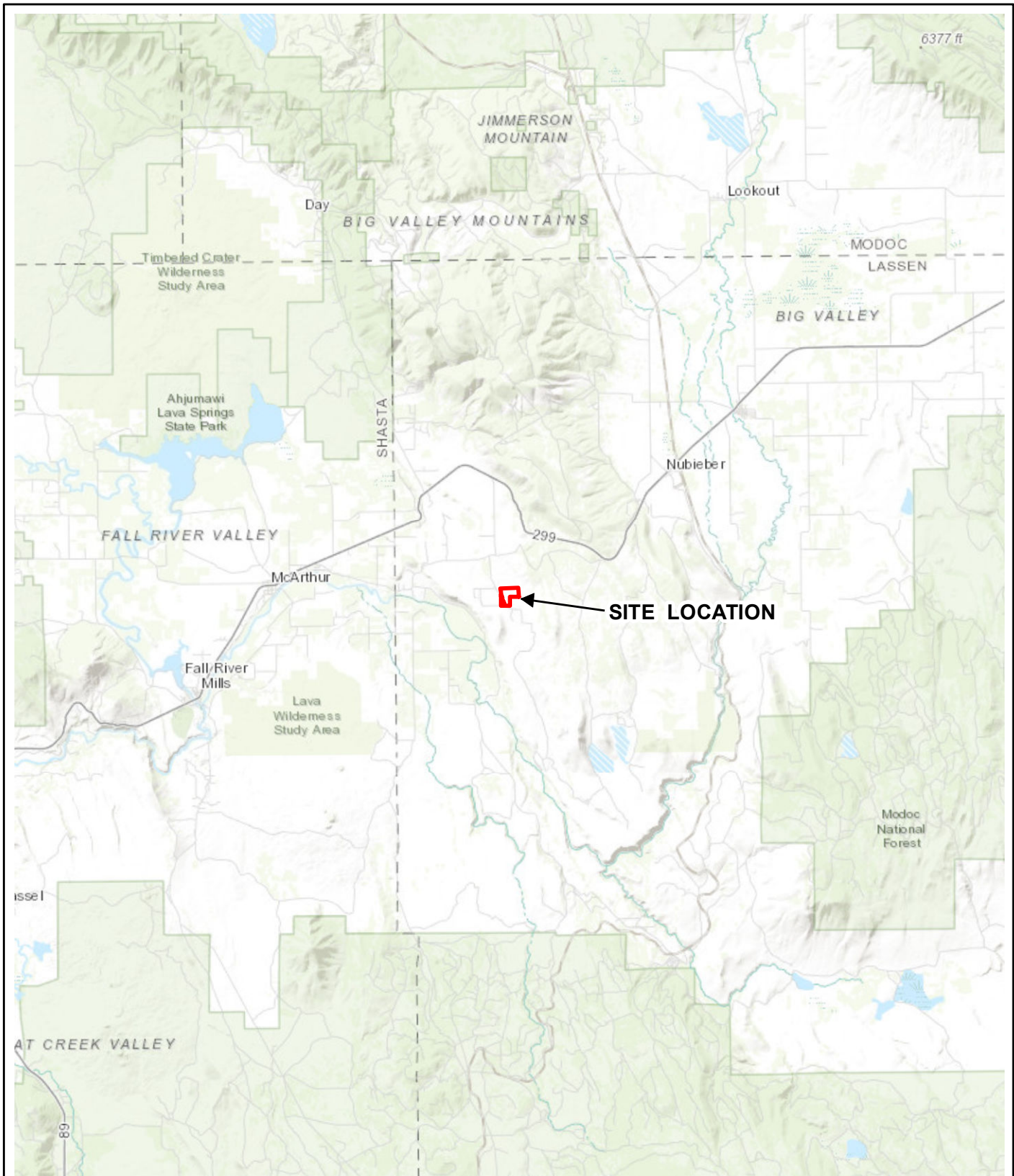


FIGURE 1
GENERAL SITE LOCATION
 APN 013-070-25
 LASSEN COUNTY, CALIFORNIA

- Land designated as “rural-residential” is suitable for residential use, but residential density should generally not exceed one dwelling per five acres (i.e. five acre minimum parcel size);
- The removal of native vegetation for development of building sites, roads, and agricultural production should be minimized such that only the minimum amount necessary to accomplish the project is disturbed;
- Through education and onsite guidance, promote adherence of Planning Area residents to conservative guidelines for firewood harvesting (primarily oak species);
- The use of deer-friendly perimeter fencing should be installed wherever feasible to preserve habitat availability for the Day Bench deer herd and other migratory wildlife. Specifications for such fencing include use of barbed wire (woven hog-wire is prohibited), with wire spacing as follows:
 - The first (bottom) strand should be eighteen inches above the ground;
 - The second strand should be eight inches above the first strand;
 - The third strand should be ten inches above the second strand;
 - An optional fourth strand can be twelve inches above the third strand;
- In accordance with CEQA, botanical surveys and/or review by CDFW and any other interested organizations are required as a condition of approval for any parcel map in areas where special-status plant or wildlife species may exist;
- In accordance with CEQA, mitigation of project impacts to sensitive habitat is required as a condition of approval for any parcel map.

2.0 BIOLOGICAL SITE SURVEY

2.1 Pre-Survey Review

Special-status plant and animal species and sensitive habitats that have the potential to occur within the project area were determined, in part, by reviewing agency databases, literature, and other relevant sources. The following information sources were reviewed to aid this determination:

- Pittville, California, USGS 7.5-minute quadrangle;
- Aerial photography of the project area and vicinity;
- The U.S. Fish and Wildlife Service (USFWS) official list of endangered and threatened species that may occur, or be affected by projects, as provided by the Klamath, Sacramento, and Yreka Fish and Wildlife Office (Consultation Code 08EKLA00-2020-SLI-0048);
- The California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) (California Department of Fish and Wildlife 2015a) records for the Pittville, California USGS 7.5-minute quadrangle and the eight surrounding quadrangles;
- The California Native Plant Society (CNPS) online Inventory of Rare and Endangered Plants (California Native Plant Society 2015) records for the Pittville, California USGS 7.5-minute quadrangle and the eight surrounding quadrangles;
- California Wildlife Habitat Relationships (CWHHR) System (California Department of Fish and Game 2020).
- GIS shapefiles of designated critical habitat from the USFWS Critical Habitat Portal website;
- CDFW publications including State and Federally Listed Endangered, Threatened and Rare Plants of California (California Department of Fish and Wildlife 2015b); State and Federally Listed and Threatened Animals of California (California Department of Fish and Wildlife 2015d); and Special Animals List (California Department of Fish and Wildlife 2015e); and
- Pertinent biological literature including Bird Species of Special Concern in California (Shuford and Gardali 2008).

2.2 Survey Methods

A habitat assessment was conducted by a Forest Creek Restoration, Inc. to determine the current biological resources onsite. The pedestrian survey was completed on March 6, 2020, and considered the potentially occurring special-status wildlife and botanical species on all proposed parcels associated with the project. In addition to the site survey, general familiarity with the site informed the habitat assessment, as the biologist has spent several hundred hours in this general area recreating, farming, and ranching.

2.3 Survey Results

Based on the habitat assessment, habitat at the site consists of low-density mixed chaparral and eastside pine forest with an understory dominated by great basin sagebrush. The tree canopy is comprised of juniper trees (*Juniperus* sp.), white oak (*Quercus alba*) and Ponderosa pine (*Pinus ponderosa*). The herbaceous vegetation is primarily Idaho fescue (*Festuca idahoensis*) and medusahead (*Taeniatherum caput-medusae*). A few individual plants of great basin wildrye (*Leymus cinereus*) and antelope bitterbrush (*Purshia tridentata*) were also found.

An ephemeral drainage is present, which is impounded by an offsite one-acre pond that provides water for livestock and wildlife. No wetland vegetation is present within the pond as it is heavily used by livestock. Due to the porous volcanic soils in the area, the pond does not hold water long into the late spring, and no irrigation water is pumped to maintain the water level. No wetlands, including vernal pools, are present at the site.

Common wildlife in this habitat were observed including American robin (*Turdus migratorius*), California quail (*Callipepla californica*), dark-eyed junco (*Junco hyemalis*), and California ground squirrel (*Otospermophilus beecheyi*). The only species encountered in this habitat type in Pittville are nesting Cooper's hawk and golden eagle, and these are very rare encounters. Neither were found during surveys, and due to the regular activity in the area from road use and livestock, they are not expected to occur. Mule deer (*Odocoileus hemionus*) and black-tailed subspecies (*O. hemionus columbianus*) are also present onsite in low numbers.

3.0 REGULATORY FRAMEWORK FOR BIOLOGICAL RESOURCES

This section describes the federal and state regulation of special-status species and natural resources as they apply to the proposed project.

3.1 Federal Regulations

3.1.1 Federal Endangered Species Act

Section 9 of the federal Endangered Species Act of 1973 (ESA) prohibits acts that result in the “take” of threatened or endangered species. As defined by the federal ESA, “endangered” refers to any species that is in danger of extinction throughout all or a significant portion of its current range. The term “threatened” is applied to any species likely to become endangered within the foreseeable future throughout all or a significant portion of its current range. “Take” is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Sections 7 and 10 of the federal ESA provide methods for permitting otherwise lawful actions that may result in “incidental take” of a federally listed species. Incidental take refers to take of a listed species that is incidental to, but not the primary purpose of, an otherwise lawful activity. Incidental take is permitted under Section 7 for projects on federal land or involving a federal action; Section 10 provides a process for non-federal actions. The act is administered by the USFWS for terrestrial species.

3.1.2 Clean Water Act

The objective of the Clean Water Act (1977, as amended) is to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. Discharge of dredged or fill material into waters of the United States, including jurisdictional wetlands, is regulated by the Corps under Section 404 of the Clean Water Act (33 USC 1251-1376) under a permitting process. Applicants for Section 404 permits are also required to obtain water quality certification or waiver through the local Regional Water Quality Control Board under Section 401 of the Clean Water Act (33 USC 1341).

Corps regulations implementing Section 404 define waters of the United States to include intrastate waters, including lakes, rivers, streams, wetlands, and natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce. Wetlands are defined for regulatory purposes as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3; 40 CFR 230.3). To comply with the Corps policy of no net loss of wetlands, discharge into wetlands must be avoided and minimized to the extent practicable. For unavoidable impacts, compensatory mitigation is typically required to replace the loss of wetland functions in the watershed.

Impacts to waters of the United States (WOTUS) would require authorization under Section 404, and an Army Corps 404 permit and Section 401 water quality certification would be required. This assessment understands that no impacts to WOTUS are being proposed.

3.1.3 Migratory Bird Treaty Act

Migratory birds are protected under the Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Mitigation measures can be identified to avoid or minimize adverse effects on migratory birds. Nesting habitat is present throughout the study area in trees, shrubs, ground and other structures.

3.2 State Regulatory Requirements

3.2.1 California Endangered Species Act

The California Endangered Species Act lists species of plants and animals as threatened or endangered. Projects that may have adverse effects on state-listed species require formal consultation with CDFW. “Take” of protected species incidental to otherwise lawful activities may be authorized under Section 2081 of the California Fish and Game Code. Authorization from the CDFW is in the form of an Incidental Take Permit, and measures can be identified to minimize take. CDFW Species of Special Concern are considered under the California Endangered Species Act.

3.2.2 Streambed Alteration Agreement

A Lake or Streambed Alteration Agreement (Sections 1600-1616 of the California Fish and Game Code) requires an entity to notify CDFW prior to commencing any activity that may substantially obstruct the natural flow or use any material from a river, stream, or lake, or deposit or dispose of debris where it may pass into any river, stream, or lake. The notification requirement applies to any ephemeral or perennial river, stream, or lake in California. The project will not occur within any river, stream, or lake and is not subject to a Lake or Streambed Alteration Agreement.

3.2.3 Birds of Prey

Under Section 3503.5 of the California Fish and Game Code, it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird, except as otherwise provided by this code or any regulation adopted pursuant thereto. Project features will be implemented to protect nesting migratory birds and birds of prey to comply with this code.

3.2.4 Migratory Birds

The California Fish and Game Code Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA. Project features will be implemented to protect nesting migratory birds and birds of prey to comply with this code.

3.2.5 Fully Protected Species

California statutes also accord “fully protected” status to a number of specifically identified birds, mammals, reptiles, amphibians, and fish. These species cannot be “taken,” even with an incidental take permit (California Fish and Game Code, Sections 3505, 3511, 4700, 5050, and 5515). No “fully protected species,” have been documented in the study area.

3.3 Local Regulatory Requirements (Pittville Area Plan)

The Pittville Area Plan was adopted by Lassen County Board of Supervisors in December 1986. An Environmental Assessment was prepared for the purpose of informing zoning and land use decisions to be implemented during future development in the Pittville area. The Area Plan’s issues, goals, and implementation measures reflect the environmental review of development in the Pittville vicinity. The Area Plan acts to avoid land use conflicts in the 32,000-acre planning area by avoiding pitfalls of incompatible development and encourage positive aspects of development while maintaining a healthy and clean environment.

The conservation of sensitive biological resources is mentioned and addressed in-part in the Pittville Area Plan. Special-status species protection policies detailed in the Plan applies to all development within the Pittville planning area; these include the following:

- Land use and development shall not impair the habitat of rare and/or endangered plant and wildlife species, not otherwise threaten their existence;
- Preserve the Day Bench Deer Herd by protecting the critical migration route of the herd along the Day Bench from impacts of residential encroachment and maintaining winter, spring, and fall habitat for resident and migratory deer;
- Support deer habitat enhancement whenever possible;
- Wherever possible, leave corridors of open space between developments in areas designated for residential development and surrounded by critical deer habitat and migratory route land.

Areas with a designated land use of “rural residential” are suitable for residential use, but the areas rural character, environment, and resource constraints and other suitability factors suggest that residential density should not exceed one dwelling unit per five acres (i.e. 5 acre minimum parcel size) as well as other general policies. See Pittville Area Plan Chapter 3, Sections A (Land Use) and Section D (Wildlife and Natural Habitat). The proposed parcel map area is designated “rural residential”.

The Area Plan designates certain parcels as “natural habitat,” which denotes certain special wildlife areas in need of development standards to ensure compatibility with other uses in the surrounding area. Standards within these areas were formulated by the California Department of Fish and Wildlife. These standards generally ensure that no development shall be allowed to have an adverse impact on any species of animal or plant officially designated as rare or endangered by the Fish and Game Commission (i.e. special-status species). Residential development in these “N-H” designated areas should be clustered such that eighty percent of the project area is managed as open space, and shall include fencing standards for perimeter

fencing that allow for free-movement of deer onto and off of the property, and native vegetation should be conserved. The proposed parcel map does not include any land with a designated “natural habitat” land use. None of the proposed parcel map area is designated as “natural habitat.”

4.0 AFFECTED ENVIRONMENT

4.1 General Setting

The topography of the study area is generally flat with gentle slopes and rocky ridges occurring in higher elevations. The project site occurs at elevations between approximately 715 and 785 feet above sea level. Slope of the landscape drains in relation to the seasonal stream that runs in a southeast direction across the property. primarily occurs as rain and annual rainfall is approximately 34 inches (Western Regional Climate Center 2006). Air temperatures range between an average January high of 55 degrees Fahrenheit (°F) and an average July high of 98°F. The year-round average high is approximately 75°F (Western Regional Climate Center 2006).

4.2 Vegetation Communities

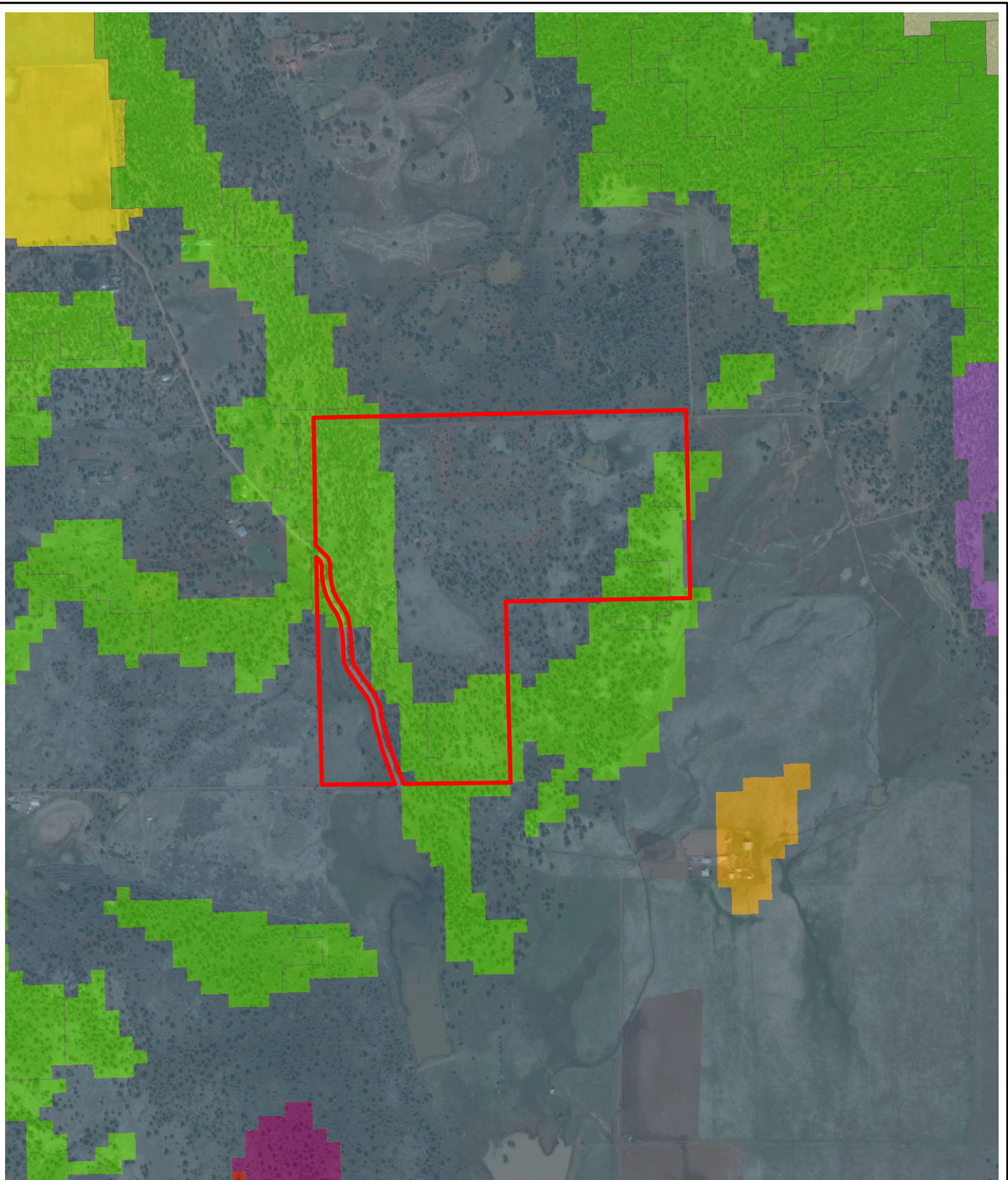
Vegetation communities in the study area were classified as *Sagebrush* and *Pinyon-Juniper* habitat types based on descriptions provided in A Guide to Wildlife Habitats of California (CDFW 1988), which describes typical California Wildlife Habitat Relationships (CWHR). The CWHR map is included as Figure 2.










4.2.1 Sagebrush

Sagebrush (SGB) stands are typically large, open, discontinuous stands of big sagebrush of fairly uniform height; density ranges from very open, widely spaced, small plants to large, closely spaced plants with canopies overlapping. Sagebrush habitat is composed of pure stands of big sagebrush sub species (*Artemisia tridentata* ssp.), but many stands include other species of sagebrush, rabbitbrush (*Ericamerica nauseosa*), and bitterbrush (*Purshia tridentata*). Trees are sparse or absent from the sagebrush habitat type. This habitat type is shown on Figure 3.



Figure 3. Sagebrush Habitat



- | | | |
|--|---|---|
|  Annual Grassland |  Mixed Chaparral |  Sagebrush |
|  Cropland |  Montane Chaparral |  Sierran Mixed Conifer |
|  Eastside Pine |  Montane Hardwood |  Approximate Parcel Boundary |



0 0.1 0.2 0.4 Miles

SOURCE: USFS CALVEG 2019

FIGURE 2
CWHR TYPES
APN 013-070-25
LASSEN COUNTY, CALIFORNIA

4.2.2 Pinyon-Juniper

Pinyon-juniper (PJN) habitat typically is open woodland comprised of low, round crowned, bushy Pinyon pine (*Pinus* sp.) and juniper (*Juniperus* sp.) trees with canopy cover rarely exceeding fifty percent. On favorable sites that have little disturbance, pinyon-juniper forms dense cover. On drier sites, spacing between trees increases and tree size decreases. Shrub-size plants in the subcanopy include small individuals of the overstory species, especially California juniper, as well as big sagebrush (*A. tridentata* ssp.), rabbitbrush (*Ericameria nauseosa*), bitterbrush (*Purshia tridentata*), narrowleaf golden bush (*Ericameria linearifolia*), curleaf mountain mahogany (*Cercocarpus ledifolius*), antelope bitterbrush (*Purshia tridentata*), and chamise (*Adenostoma* sp.). Ground cover includes annual and perennial grasses and forbs. This habitat type is shown on Figure 4.



Figure 4. Pinyon-Juniper Habitat

4.3 Special-Status Species

4.3.1 Special-Status Plants

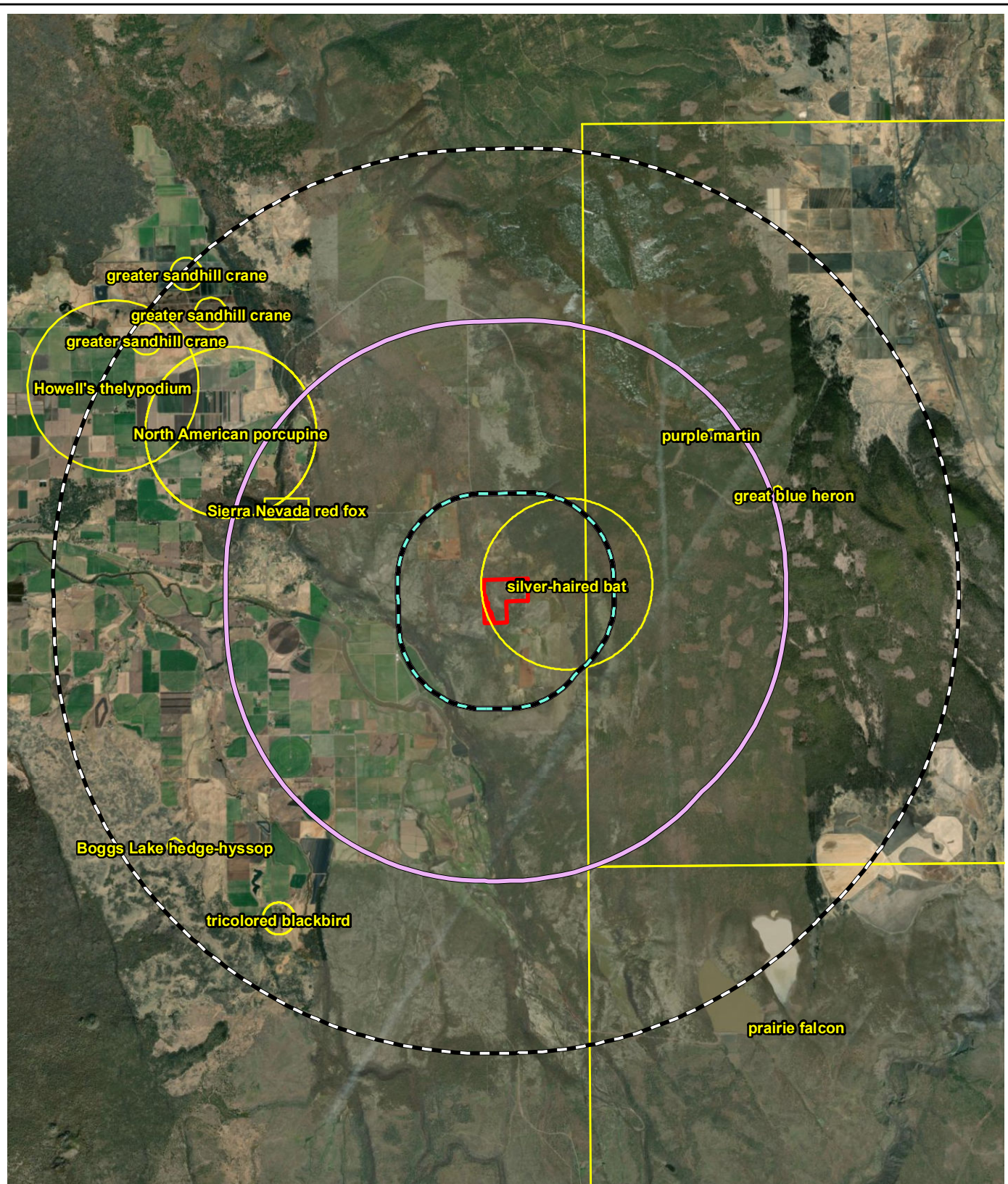
Special-status plant species include plants that are (1) designated as rare by CDFW or USFWS or are listed as threatened or endangered under the California Endangered Species Act (CESA) or ESA; (2) proposed for designation as rare or listing as threatened or endangered; (3) designated as state or federal candidate species for listing as threatened or endangered; and/or (4) ranked as California Rare Plant Rank (RPR) 1A, 1B, 2A, 2B, or 3. A list of regionally occurring special-status plant species was compiled based on a review of pertinent literature, the results of the field surveys, and a review of the USFWS species list and CNDDB and a nine-quad search (Timbered Crater, Day, Lookout, Fall River Mills, Pittville, Bieber, Hogback Ridge, Cable Mountain, and Little Valley) of CNPS database records.






4.3.2 Special-Status Animals

Special-status animal species include species that are (1) listed as threatened or endangered under the CESA or the ESA; (2) proposed for federal listing as threatened or endangered; (3) identified as state or federal candidates for listing as threatened or endangered; and/or (4) identified by the CDFW as Species of Special Concern or California Fully Protected Species.

A list of regionally occurring special-status wildlife species was compiled based on a review of pertinent literature and consultations with the USFWS Information for Planning and Consultation (iPAC) database (Appendix D) and California Natural Diversity Database (CNDDDB) database records, and a query of the California Wildlife Habitats Relationship (CWHHR) system.

For each special-status wildlife species, habitat and other ecological requirements were evaluated and compared to the habitats in the study area and immediate vicinity to assess the presence of potential habitat. The habitat assessment is provided in Table 1. The CNDDDB query results are included as Figure 5.



- | | |
|---|--|
|  CNDDDB Occurrence |  1-Mile Buffer Around Parcel Boundary |
|  Approximate Parcel Boundary |  3-Mile Buffer Around Parcel Boundary |
| |  5-Mile Buffer Around Parcel Boundary |



0 1 2 4 Miles

SOURCE: CDFW MARCH 2020 CNDDDB

FIGURE 5
CNDDDB OCCURRENCES
APN 013-070-25
LASSEN COUNTY, CALIFORNIA

5.0 POTENTIAL IMPACTS TO BIOLOGICAL RESOURCES

5.1 Special-Status Species

The regionally occurring species identified during the pre-survey consultation were assessed based on the potential for their habitat to occur within the project area. The habitat of each species and determination of whether the species is likely to occur in the project area is summarized in Table 1.

Species that are determined to potentially occur in the project area were included in the scope of a biological resources survey. The potential impacts to these species are discussed in Table 1.

| Table 1 POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES | | | | |
|---|-----------------------------------|---|---|---|
| Common Name | Scientific Name | Conservation Status | Habitat | Impact Determination |
| Birds | | | | |
| Greater sandhill crane | <i>Antigone Canadensis tabida</i> | State Threatened | Wetland, meadow & seep | No impact |
| Tricolored blackbird | <i>Agelaius tricolor</i> | State Threatened | Freshwater wetlands, streams, and lakes | No impact |
| Purple martin | <i>Progne subis</i> | CDFW Species of Special Concern | Summer resident in CA; nests in variety of habitats/substrates | Not anticipated to occur due to likely near-extirpation from Lassen County. No impact. |
| Great blue heron | <i>Ardea Herodias</i> | CDFW Species of Special Concern | Estuary; freshwater marsh; riparian forest; wetland | No impact |
| Prairie falcon | <i>Falco mexicanus</i> | FGC Sections 3503, 3503.5, and 3513. | Sagebrush, grassland, agricultural fields, alpine meadows up to 11,000 feet elevation. Nest on rocky cliffs. | Potential to occur in general area for use as foraging habitat. Habitat not impacted (Section 5.4). Potential impact is less than significant. |
| Bald eagle | <i>Haliaeetus leucocephalus</i> | Bald and Golden Eagle Protection Act of 1940 | Riparian forest; nest in mature trees such as Cottonwood | No impact |
| Mammals | | | | |
| Sierra Nevada red fox | <i>Vulpes vulpes necator</i> | State Threatened/ Federal Candidate Endangered | Meadow and seep, Riparian forest, Wetland, Upper montane coniferous forest | Potential to occur in general area. Potential impact is less than significant with incorporation of measures in Section 5.4. |
| Silver-haired bat | <i>Lasionycteris noctivagans</i> | CDFW Species of Special Concern | Includes valley foothill woodlands below 2,750 m., roost in trees either in foliage or under bark; feed over water. | Potentially suitable roosting trees present in or adjacent to the study area. Potential impact is less than significant with incorporation of measures in Section 5.4. |

| <p style="text-align: center;">Table 1 POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES</p> | | | | |
|---|------------------------------|---|---|--|
| Common Name | Scientific Name | Conservation Status | Habitat | Impact Determination |
| Invertebrates | | | | |
| Shasta crayfish | <i>Pacifastacus fortis</i> | Federal endangered | Aquatic habitats; Pit River | Lack of habitat onsite. No impact. |
| Plants | | | | |
| Slender orcutt grass | <i>Orcuttia tenuis</i> | State Endangered/ Federal Threatened | Gravelly soils in vernal pools, wetlands | Potential to occur. No impact is anticipated as development will avoid the ephemeral drainage onsite. |
| Boggs Lake hedge hyssop | <i>Gratiola heterosepala</i> | 1B.2: Rare, threatened, or endangered in CA and elsewhere | Clay soils in shallow water; vernal pool, wetland | |
| Howell's thelypodium | <i>Thelypodium howellii</i> | 1B.2: Rare, threatened, or endangered in CA and elsewhere | Alkaline clay mixed with recent alluvial silts within sagebrush scrub | Lack of alkaline soils onsite. No impact. |

Prairie falcon
Falco mexicanus

Prairie falcons are raptors that are distributed from annual grasslands to alpine meadows, but are associated primarily with perennial grasslands, savannahs, rangeland, some agricultural fields, and desert scrub areas. This species usually nests in a scrape on a sheltered ledge of a cliff overlooking a large, open area. Foraging behavior includes diving from a perch or from searching flight 15-90 m (50-300 ft.) above ground with rapid pursuit of the prey item. According to the CNDDDB, Prairie falcons have been documented in the general vicinity of the town of Pittville

No nesting habitat occurs within the proposed parcel map area as no rock outcrops or ledges are present onsite. Surveys have determined that rock outcrops do not occur within the proposed parcel map area. No Prairie falcon nesting habitat will be disturbed as a result of the proposed parcel map or residential development. There is potential for Prairie falcons to fly overhead while searching for prey in the general area. Prairie falcons in flight will likely avoid the project area while construction activities occur and will select alternate foraging habitat in the surrounding area. The project will have a less than significant impact on prairie falcons.

Sierra Nevada red fox
Vulpes vulpes necator

The Sierra Nevada red fox historically occupied alpine and subalpine habitats in the Sierra Nevada and Cascade Mountains of California and Oregon. Inhabiting remote, high elevation habitats, Sierra Nevada red fox was historically widespread but occurred at low population densities throughout its range. Estimates of Sierra Nevada red fox home ranges vary from 160 to 17,150 acres. Sierra Nevada red fox diet consists of mammals, reptiles, arthropods, fruit and manmade items, in that order of abundance. Dens have been recorded as occurring in a variety

of habitats from tallus slopes to woodland habitat. While not many dens have been observed, characteristics of the few observed dens include multiple entry/exit holes and a close proximity to water.

The known range of Sierra Nevada red fox today is limited to two small populations in California; one is near Lassen Peak, and a second lives near Sonora Pass on the Humboldt-Toiyabe and Stanislaus National Forests. The Lassen population is limited to a small area that includes portions of the Lassen Volcanic National Park and Lassen National Forest. Surveys completed in 1981 found a SNRF den located approximately two miles northwest of the project area. Data collected since the den was discovered suggests that populations of SNRF have declined in recent decades. Data collected near Lassen Peak found that the total population of SNRF may be between 50 and 15 foxes.

The Center for Biological Diversity mapped the approximate historical and known current ranges of Sierra Nevada red fox using a conservative interpretation of historical range maps and information about the fox's current known range. While this map should be considered a very rough estimate of both ranges, it depicts a 96 percent reduction from approximate historical range (12,454,124 acres) to approximate current known range (566,197 acres). The project area is outside of this updated range map, which is included in this report as Figure 6.

The prevailing long-term potential impact to SNRF from development and grazing is the loss of foraging habitat. Residential development generally results in the loss of acreage of native vegetation and open space. Grazing of non-native livestock presents competition for SNRF herbivorous prey species such as voles because they rely on the same grasses that are grazed by cattle and sheep. While the presence of SNRF is not anticipated to occur, there is potential for the parcel map boundary to overlap with the home range of a SNRF. Due to the large home range of an individual Sierra Nevada red fox, if any foxes occur in the area they will likely select foraging habitat outside of the proposed development.

Due to the potential for SNRF to be present based on historic data, and the critical need for conserving the few remaining SNRF individuals in the area, surveys for SNRF dens and den habitat were completed. The survey found that there are no dens or habitat for denning within the proposed parcel map boundary. If this species is determined to inhabit the project site at any time during development onsite, the disturbance of the animal or to den habitat would be considered as "take" under the California Fish and Game Code Section 86 and Section 10 of the Endangered Species Act. Consultation with the US Fish and Wildlife Service should occur to determine appropriate measures to avoid or minimize impacts to SNRF.

Silver-haired bat

Lasionycteris noctivagans

Silver-haired bats are among the most common bats in forested areas of America, most closely associated with coniferous or mixed coniferous and deciduous forest types, especially in areas of old growth. They can be found throughout California during spring and fall migrations (Harris 2005). They form maternity colonies almost exclusively in tree cavities or small hollows in the spring. These aggregations stay together until the young are independent in the late summer or early fall. During this time, adult males most typically roost singly or, less commonly, in bachelor colonies (Johnston 2004).

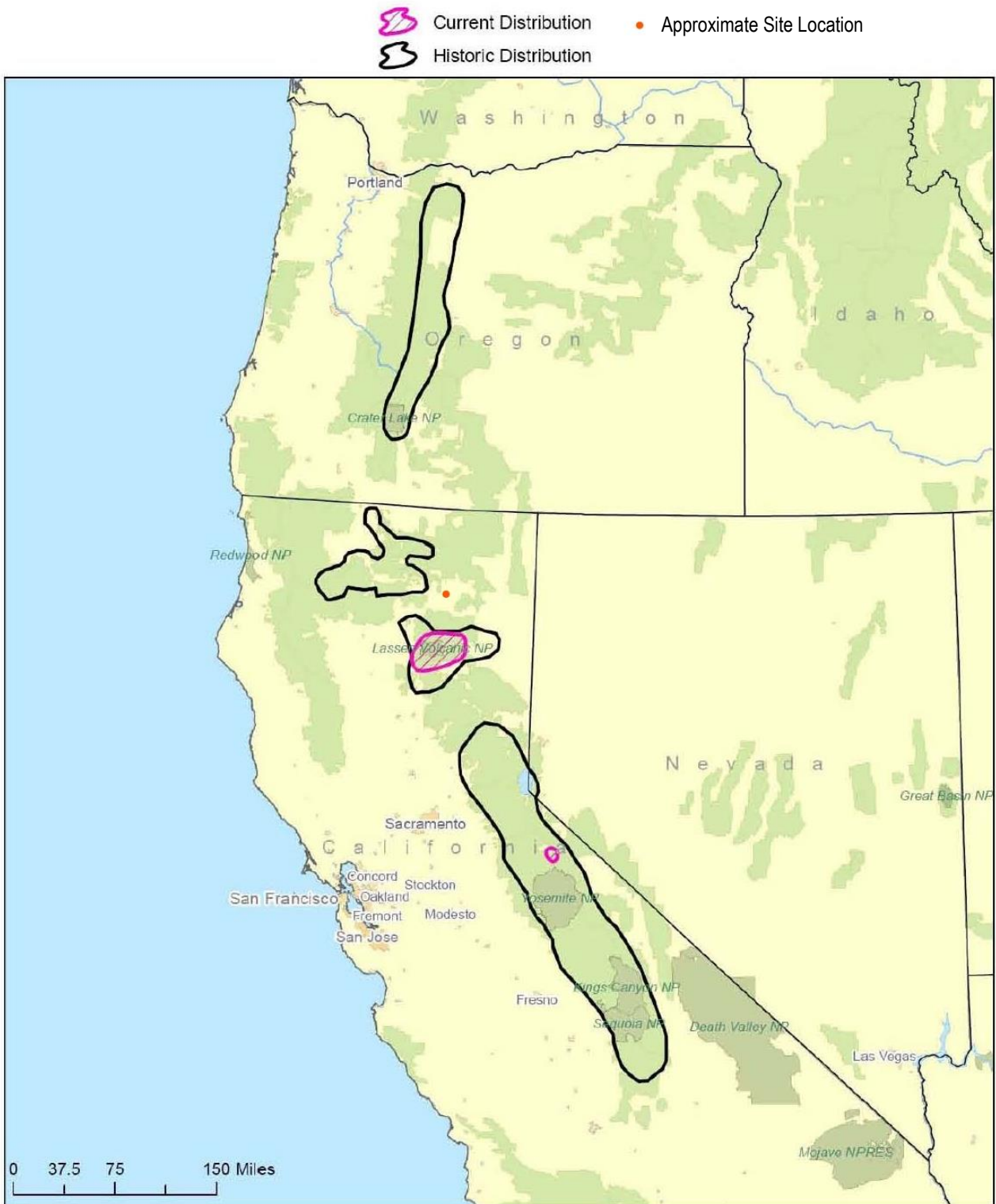


FIGURE 6
SNRF CURRENT RANGE MAP
ABOUSSLEMAN
PITTVILLE, CA



SOURCE: Center for Biological Diversity 2011

During the summer when bats are most active and raising their young, they frequently use one roost during the day where they sleep and keep their young, and another roost at night for resting and digesting food. Day roosts tend to be cryptic and concealed; night roosts are more open and exposed. In fall, silver-haired bats migrate to southern areas, their movements closely associated with cold fronts. They overwinter mostly in the southern third of North America, returning north in spring.

Ecological requirements for bat roosts, including maternity roosts, include an appropriate thermal gradient, shelter from predators, and appropriate proximity to foraging sites near open water; the roost can occur in small hollows or even underneath exfoliating tree bark (Johnston 2004). Silver haired bats have previously been documented within the proposed parcel area. Roost habitat has the potential to occur in the shrub and tree canopies onsite.

Project activities that involve vegetation removal have the potential to disturb a silver-haired bat roost. With the incorporation of the measures described in Section 5.4, impacts from project activities related to the parcel map and residential development will have a less than significant impact on silver-haired bats.

5.2 Raptors and Migratory Birds

Raptor species (birds of prey) and migratory birds may nest in trees and other vegetation located within or in the immediate vicinity of the study area. All raptors and migratory birds, including common species and their nests, are protected from “take” under the California Fish and Game Code Section 3503 and 3503.5, and federal Migratory Bird Treaty Act. Large trees onsite and in the surrounding forest provide potential nesting habitat for raptors and migratory birds.

Implementation of the conservation measures described in Section 5.4 would reduce potential impacts on nesting migratory birds and raptors. Construction activities during the nesting season (February 1 – August 31), such as tree removal and trenching activities that disturb a nesting bird or destroy active nests, could result in impacts to nesting birds. Should a site survey detect nesting raptors in close proximity to the project area, appropriate spatial and temporal buffers will be implemented. The project is not anticipated to have a direct effect on raptors or migratory birds or their habitat.

5.3 Day Bench Deer Herd (Mule Deer)

In the Great Basin, mule deer occur in semi-desert shrublands of sagebrush, saltbush (*Atriplex* spp.), Stansbury cliffrose (*Purshia mexicana* var. *stansburiana*), and winterfat (*Krascheninnikovia lanata*). At high elevations, mule deer occur in juniper-pinyon woodlands and in forests of lodgepole, ponderosa, Great Basin bristlecone (*P. longaeva*), and/or limber (*P. flexilis*) pine. Great Basin conifer woodland and Great Basin montane scrubland also provide good habitat for mule deer. Pinyon-juniper woodlands are used as year-long mule deer rangeland but are particularly valuable as winter rangeland. Montane and subalpine conifer forests, particularly those near mountain meadows or quaking aspen communities, serve primarily as summer rangelands (Innes 2013).

In the Pittville Planning Area, critical habitat for the Day Bench deer herd has been designated by the U.S. Fish and Wildlife Service (USFWS). The critical habitat boundaries are based on documented deer migration patterns as well as predicted habitat suitability and serve to indicate critical summer range, critical winter range, fall holding area, and fawning ground for deer. This critical habitat was accessed through the CNDDDB. The parcel map area lies within the critical winter range for mule deer (*Odocoileus hemionus*) and is approximately two miles south from the fall holding area. The critical habitat is shown on Figure 7.

Critical deer winter range can include corridors essential for movement, staging areas where deer temporarily congregate, habitats containing high quality winter forage, or other elements important to the survival of deer in winter. Winter ranges are generally at lower elevations and are far less abundant than summer ranges making them vulnerable to human impacts and often a limiting factor in populations. Deer from different summer ranges may share a common winter range where breeding typically occurs. This mixing of genes on winter ranges contributes to genetically diverse and healthy populations. Fall holding areas are used by deer when transitioning to winter ranges. These areas can also be used in mild winters where adequate forage is available and escape from deepening snows is unnecessary.

Segmentation of deer migratory routes restricts seasonal and daily movements between essential habitat components for foraging, breeding, and evading predators. Certain fencing designs, particularly woven wire that is 40 inches or higher, present a barrier that obstructs movement of deer (Hanophy 2009). Alternative designs have been issued which minimize the danger and movement restriction to deer; these are referred to as “deer-friendly” fencing. CDFW recommended the use of deer-friendly fencing wherever feasible during the implementation of the parcel map and associated residential development. Use of deer-friendly fencing as described in Section 1.2 has been shown to significantly reduce the adverse impacts to mule deer herds and other long-range and migratory wildlife.

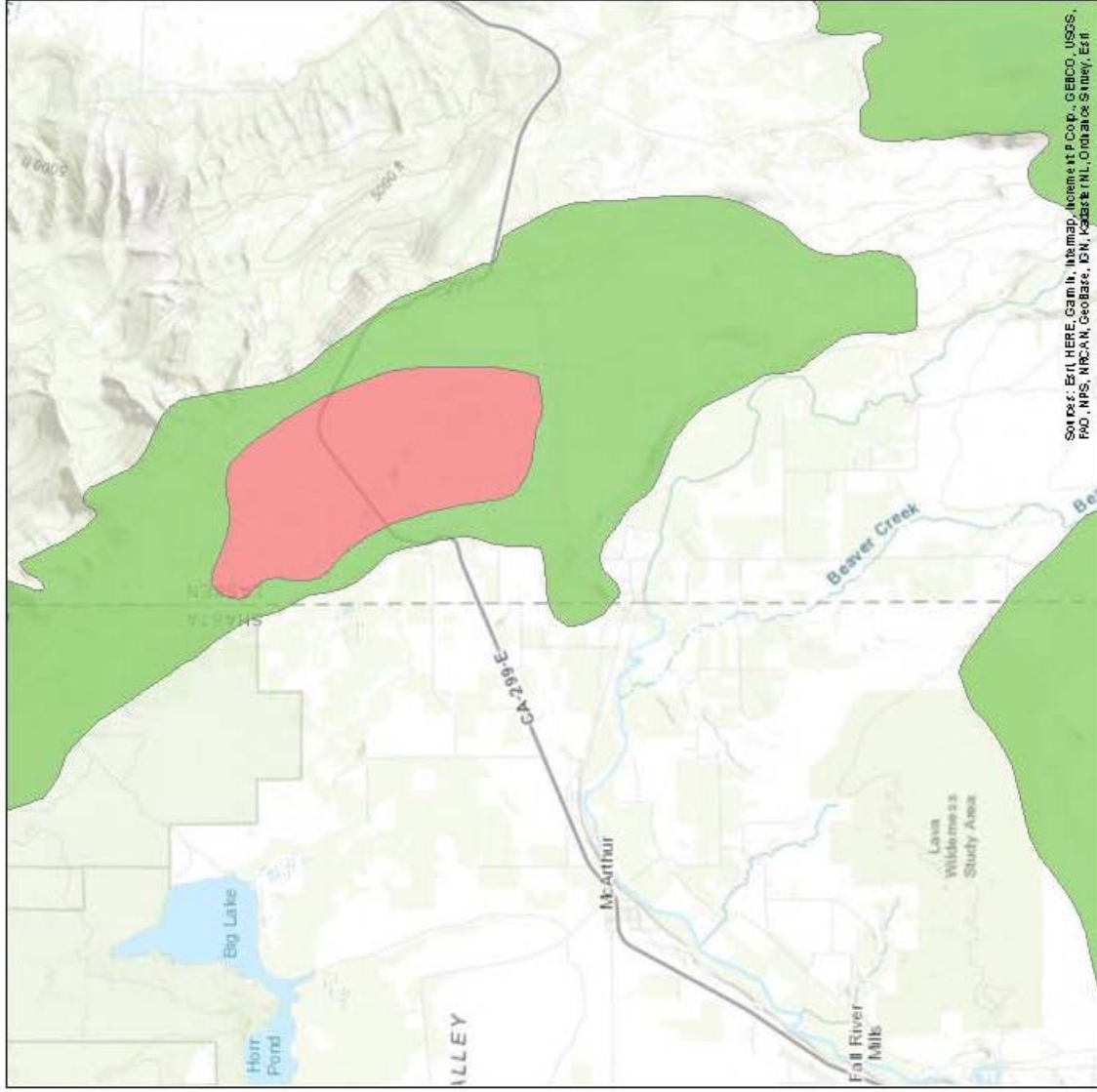
5.4 Recommended Actions and Considerations

Other special-status species considerations that should be included for any project include:

- If vegetation removal will occur during the bird nesting season (February 1- August 31), a qualified biologist shall conduct a nesting bird survey within 7 days before construction activities. If nesting birds are found, CDFW will be consulted. An appropriate buffer will be placed around the nest until the young have fledged;
- If removal of vegetation identified to have roost structure potential will occur during the bat maternity season (March 1- August 31), when young are non-volant, or during the bat hibernacula (November 1-March 1), when bats have limited ability to safely relocate roosts, a two-day removal process should be implemented by which the non-habitat trees and brush are removed along with smaller tree limbs on the first day, and the remainder of the tree limbs and the tree trunk on the second day. These activities should be guided by a biologist with experience conducting bat exclusions;
- In the event that a Sierra Nevada red fox (SNRF) is observed on the property, the observation will be reported to the California Department of Fish and Wildlife California Natural Diversity Database (CNDDDB) and the Sierra Nevada Red Fox Sighting Report

Mule Deer Range, Region 1
[ds277]

- Critical Summer Range
- Critical Winter Range
- Fall Holding Area
- Fawning Ground



Source: Esri, HERE, Garmin, Intermap, increment p Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, IGN, Kadaster NL, Ordnance Survey, Esri

FIGURE 7
MULE DEER CRITICAL HABITAT
ABOUSSLEMAN
PITTVILLE, CA



SOURCE: California Natural Diversity Database 2020

portal (<https://wildlife.ca.gov/Conservation/Mammals/Sierra-Nevada-Red-Fox/Sighting-Report>);

- If any development or land disturbance is proposed in the future, and more than five years has passed since the SNRF habitat assessment completed for this parcel map on March 6, 2020, an updated species-specific survey should be completed. Any observed SNRF individuals or den structures should be reported to CDFW.
- To minimize impacts of lighting to birds and other nocturnal species, any artificial lighting associated with short term and long term project activities should be downward facing, fully shielded, and designed and installed to minimize photo-pollution of adjacent wildlife habitat;
- Large piles of woody debris should be checked for presence of wildlife prior to disturbance or removal. If wildlife is present, disturbance to wildlife should be avoided until the animal has left the site;
- All work and stockpiling of materials will be confined to the project disturbance area.
- When possible, cluster residences to limit disturbance to deer range areas.

6.0 REFERENCES

- Harris, J. 2005. Silver Haired Bat Distribution, Abundance, and Seasonality. California Department of Fish and Wildlife, California Wildlife Habitat Relationships System. Accessed August 7, 2019.
- California Department of Fish and Wildlife (CDFW). California Interagency Wildlife Task Group. 2014. CWHR version 9.0 personal computer program. Sacramento, CA.
- Calflora. Information on California plants for education, research and conservation, with data contributed by public and private institutions and individuals, including the [Consortium of California Herbaria](http://www.calflora.org/). [web application]. 2019. Berkeley, California. <https://www.calflora.org/> (Accessed: Aug 08, 2019).
- California Native Plant Society. 2015. Inventory of rare and endangered plants (online edition, v8- 02). California Native Plant Society, Sacramento, CA. <http://www.rareplants.cnps.org/> (accessed August 2015).
- Callas, Rich. June 2014. Mule Deer Range. California Department of Fish and Wildlife (CDFW) Biogeographic Data Branch. Accessed on March 16, 2020.
- DeBecker, S. and A. Sweet. 1988. Crosswalk between WHR and California vegetation classifications. Pages 21-39 in: K.E. Mayer, and W.F. Laudenslayer, eds. 1988. A Guide to Wildlife Habitats of California. State of California, The Resources Agency, Department of Forestry and Fire Protection, Sacramento, California.
- Gogol-Prokurat, Melanie. November 2016. Western Spadefoot Predicted Habitat. California Department of Fish and Wildlife (CDFW) Biogeographic Data Branch. Accessed on February 13, 2020.
- Hanophy, W. 2009. Fencing with Wildlife in Mind. Colorado Division of Wildlife, Denver, CO. 36 pp
- Harris, J. 2005. Silver Haired Bat Distribution, Abundance, and Seasonality. California Department of Fish and Wildlife, California Wildlife Habitat Relationships System. Accessed August 7, 2019.
- Innes, Robin J. 2013. *Odocoileus hemionus*. In: Fire Effects Information System, [Online]. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer). Available: www.fs.fed.us/database/feis/animals/mammal/odhe/all.html [2020, March 16].
- Johnston, Dave. Tatarian, Greg. Pierson, Elizabeth. Trapp, Gene. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. Published December 29, 2004. HT Harvey & Associates.

McDonald, Philip M. Unpublished data. Pacific Southwest Forest and Range Experiment Station, Redding, CA.

https://www.srs.fs.usda.gov/pubs/misc/ag_654/volume_2/quercus/douglasii.htm

Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento. Accessed on July 17 and July 24, 2019.

U.S. Fish and Wildlife Service. 1991. The distribution, habitat, and status of the valley elderberry longhorn beetle. U.S. Fish and Wildlife Service.

Western Regional Climate center, 2006. Cooperative Climatological Data Summaries: Redding Fire Station 4. Web. Accessed August 8, 2019. <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca7300>

Appendix A
Proposed Parcel Map Site Plan

Appendix B
U.S. Fish and Wildlife Service iPAC Species List



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Klamath Falls Fish And Wildlife Office
1936 California Avenue
Klamath Falls, OR 97601
Phone: (541) 885-8481 Fax: (541) 885-7837



In Reply Refer To:
Consultation Code: 08EKLA00-2020-SLI-0048
Event Code: 08EKLA00-2020-E-00127
Project Name: Pittville Parcel Map

March 13, 2020

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as designated and proposed critical habitat that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). For anadromous fish species (i.e., salmon), please contact the National Marine Fisheries Service at http://www.westcoast.fisheries.noaa.gov/protected_species/species_list/species_lists.html.

Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. These provisions apply to non-Federal lands when there is a Federal nexus (e.g., funding or permits).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally threatened, endangered, proposed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*; <http://www.fws.gov/midwest/eagle/protect/laws.html>). The Service developed the National Bald Eagle Management Guidelines (<http://www.fws.gov/northeast/ecologicalservices/eaglenationalguide.html>) to provide guidance on measures that may be used to avoid and minimize adverse impacts to bald eagles. Projects affecting bald or golden eagles may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds, including bald and golden eagles, and bats.

The Migratory Bird Treaty Act (16 U.S.C. 703-712; <http://www.fws.gov/midwest/eagle/protect/laws.html>) implements protections for migratory birds. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project that you submit to our office.

For projects in California, the office shown in the letterhead may not be the lead office for your project. Table 1 below provides lead Service field offices by county and land ownership/project type for northern California. Please refer to this table when you are ready to contact the field office corresponding to your project; a map and contact information for the Pacific Southwest Region field offices is located here: <http://www.fws.gov/cno/es/>.

Table 1: Lead Service offices by County and Ownership/Program in Northern California

| County | Ownership/Program | Office Lead* |
|---------------|--|-----------------|
| Lassen | Modoc National Forest | KFFWO |
| | Lassen National Forest | SFWO |
| | Toiyabe National Forest | RFWO |
| | BLM Surprise and Eagle Lake Resource Areas | RFWO |
| | BLM Alturas Resource Area | KFFWO |
| | Lassen Volcanic National Park | SFWO |
| | All other ownerships | By jurisdiction |

| | | |
|-----------------|---|--------------------|
| | | (see map) |
| Modoc | Modoc National Forest | KFFWO |
| | BLM Alturas Resource Area | KFFWO |
| | Klamath Basin National Wildlife Refuge Complex | KFFWO |
| | BLM Surprise and Eagle Lake Resource Areas | RFWO |
| | All other ownerships | By jurisdiction |
| | | (see map) |
| Shasta | Shasta Trinity National Forest except Hat Creek Ranger District (administered by Lassen National Forest) | YFWO |
| | Hat Creek Ranger District | SFWO |
| | Whiskeytown National Recreation Area | YFWO |
| | BLM Alturas Resource Area | KFFWO |
| | Caltrans | SFWO/ AFWO |
| | Ahjumawi Lava Springs State Park | SFWO |
| | All other ownerships | By jurisdiction |
| | | (see map) |
| Siskiyou | Klamath National Forest (except Ukonom District) | YFWO |
| | Six Rivers National Forest and Ukonom District of Klamath National Forest | AFWO |
| | Shasta Trinity National Forest | YFWO |
| | Lassen National Forest | SFWO |
| | Modoc National Forest | KFFWO |

| | | |
|------------|--|-------------------------------------|
| | Lava Beds National Volcanic Monument | KFFWO |
| | BLM Alturas Resource Area | KFFWO |
| | Klamath Basin National Wildlife Refuge Complex | KFFWO |
| | All other ownerships | By jurisdiction (see map) |
| All | FERC-ESA | By jurisdiction (see map) |

***Office Leads:**

AFWO=Arcata Fish and Wildlife Office

BDFWO=Bay Delta Fish and Wildlife Office

KFFWO=Klamath Falls Fish and Wildlife Office

RFWO=Reno Fish and Wildlife Office

YFWO=Yreka Fish and Wildlife Office

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Klamath Falls Fish And Wildlife Office

1936 California Avenue

Klamath Falls, OR 97601

(541) 885-8481

Project Summary

Consultation Code: 08EKLA00-2020-SLI-0048

Event Code: 08EKLA00-2020-E-00127

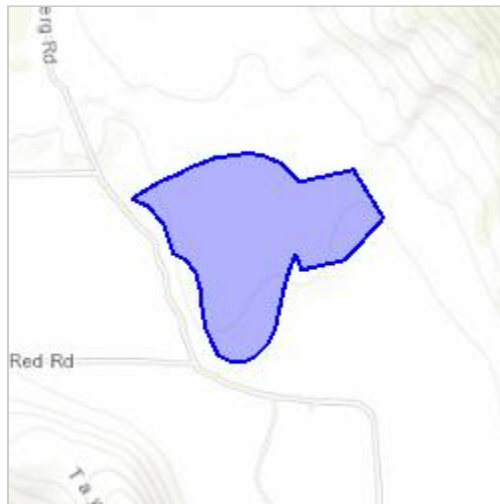
Project Name: Pittville Parcel Map

Project Type: Guidance

Project Description: 4 parcel subdivision

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.044970598068105N121.26941605839602W>



Counties: Lassen, CA

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Crustaceans

| NAME | STATUS |
|---|------------|
| Shasta Crayfish <i>Pacifastacus fortis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8284 | Endangered |

Flowering Plants

| NAME | STATUS |
|--|------------|
| Slender Orcutt Grass <i>Orcuttia tenuis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1063 | Threatened |

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON |
|---|------------------------|
| Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626 | Breeds Dec 1 to Aug 31 |
| White Headed Woodpecker <i>Picoides albolarvatus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9411 | Breeds May 1 to Aug 15 |

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

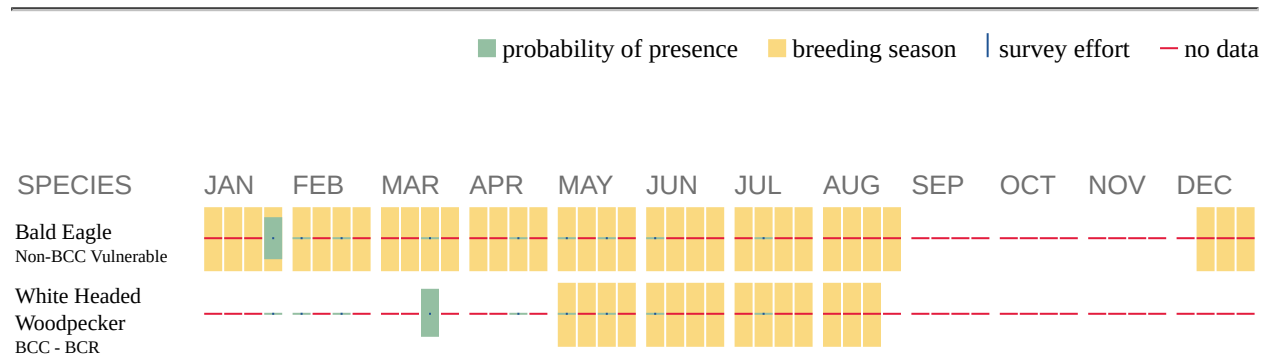
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER POND

- [Palustrine](#)



Central Valley Regional Water Quality Control Board

5 November 2019

RECEIVED

Stefano Richichi, Associate Planner
County of Lassen
707 Nevada Street, Suite 5
Susanville, CA 96130

NOV 12 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

COMMENTS ON THE NOTICE OF EARLY CONSULTATION FOR PARCEL MAP #2019-001, INITIAL STUDY #2018-006, PLOG, ABOUSSLEMAN, STRINGER PROJECT, STATE CLEARINGHOUSE NUMBER 2019100508, MCARTHUR, LASSEN COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 28 October 2019, we received your request for comments on the Notice of Early Consultation for Parcel Map #2019-001, Initial Study #2018-006, Plog, Aboussleman, Stringer Project (Project).

The applicant proposes to divide a 111-acre parcel into four parcels. Proposed Parcel 1 would be 20.22 acres in size; proposed Parcel 2 would be 21.11 acres in size; proposed Parcel 3 would be 21.37 acres in size; and proposed Parcel 4 would be 48.08 acres in size. The Project site is located approximately 3.5 miles south of the intersection of Highway 299 and Old Highway Road at 545-100 Kaufenberg Road in McArthur with APN number 013-070-41.

Based on our review of the information submitted for the proposed project, we have the following comments:

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. Parcel Map #2019-001, Initial Study #2018-006, Plog, Aboussleman, Stringer Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website [Water Boards Stormwater Construction Permits](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml) (https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley

If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at Jerred.Ferguson@waterboards.ca.gov.



Jerred Ferguson
Environmental Scientist
Storm Water & Water Quality Certification Unit

JTF: db

cc: Larry G. Plog, McArthur
Joseph Aboussleman & Shelly Stringer, McArthur
NST Engineering, Inc., Susanville

Stefano Richichi

From: Gaylon Norwood
Sent: Monday, June 15, 2020 9:26 AM
To: Christopherson, Chris@CALFIRE
Cc: Don Willis; Stefano Richichi
Subject: FW: Parcel Map #2019-001, Initial Study #2019-006, Aboussleman, Stringer

Chris:

The discussion in the previous email from Don may be pertinent to your analysis. The key fact for me is that an engineer certified in writing that the road is 20 foot wide...

Sincerely,

Gaylon F. Norwood
 Assistant Director of Planning
 and Building Services
 Lassen County
 707 Nevada Street Suite 5
 Susanville, CA 96130
 (530) 251-8269
 Fax: (530) 251-8373

From: Don Willis <DWillis@co.lassen.ca.us>
Sent: Friday, June 12, 2020 3:47 PM
To: Gaylon Norwood <GNorwood@co.lassen.ca.us>
Subject: RE: Parcel Map #2019-001, Initial Study #2019-006, Aboussleman, Stringer

Gaylon,

The subject road (Sunset Road) was required to be improved to a standard of a "Rural Road" when Parcel Map Waiver No. 2002-027 was approved (it was recorded in 2006). This was a land division that is located easterly of the current proposal. This road standard requires a 20 ft. minimum wide surface and the private engineer certified in writing that the road was constructed to County standards. I provided a copy of that letter to Stefano. This road standard will apply to the current proposal as well since only one parcel is being added that will utilize the roadway.

I questioned Vern Templeton at NST about the 16 ft. width which is shown on their tentative map and he replied that this was a minimum width that was measured. I also spoke with Larry Millar about this and he informed me that he would not require any additional road construction for the current proposal. Perhaps CalFire will require some improvement but I wanted you to know of the past history, in case you were not aware of it.

Sincerely,

Don Willis
 County Surveyor
 Lassen County Department of
 Planning and Building Services
 707 Nevada Street, Suite 5
 Susanville, California 96130
 (530) 251-8122 Direct
 (530) 251-8269 Main Office



From: Stefano Richichi <SRichichi@co.lassen.ca.us>

Sent: Friday, June 12, 2020 1:20 PM

To: Christopherson, Chris@CALFIRE <Chris.Christopherson@fire.ca.gov>

Cc: Gaylon Norwood <GNorwood@co.lassen.ca.us>; Don Willis <DWillis@co.lassen.ca.us>; Cobb, Rob@CALFIRE <Rob.Cobb@fire.ca.gov>

Subject: Parcel Map #2019-001, Initial Study #2019-006, Aboussleman, Stringer

Chris,

Do you mind looking at the attached parcel map application in light of the 2020 SRA Fire Safe Regulations? You may have seen this attached with the Notice of Early Consultation our office sent to the Fire Warden in October. We're hoping to take this project to the July 2 TAC meeting, but wanted to get your take as early as possible in case there are improvements or other standards the applicant might have to meet to let him know as soon as possible.

Specifically, the attached parcel map application shows a 16-foot decomposed granite/gravel travelled way for Sunset Road; looking at Google Earth, it may in fact be wider, at least in some areas. Proposed Parcels 1-3 front Kaufenberg Road (a County-maintained road), but Proposed Parcel 4 does not have access from Kaufenberg, and would have access from Sunset. This parcel is in the SRA (although McArthur Fire Protection provides fire protection as well, like we emailed about yesterday), and as far as I can tell, the 2020 SRA Fire Safe Regulations require that roads have two-ten foot lanes per Section 1271.

Does this road need to be improved to meet the above standard? Again, the aerial imagery I'm looking at suggests it might be wider, but we may want to confirm/reach out to the applicant on this.

Also, can you tell whether this parcel map would meet multiple access requirements? If there's anything else we should be aware of 4290-wise on this, please let us know as soon as you can.

Thanks in advance for your help on this.

Stefano M. Richichi
Senior Planner
Lassen County Planning & Building Services
707 Nevada St, Suite 5
Susanville CA 96130
(530) 251-8269
(530) 251-8373 (FAX)



Stefano Richichi

From: Christopherson, Chris@CALFIRE <Chris.Christopherson@fire.ca.gov>
Sent: Thursday, June 25, 2020 8:03 PM
To: Gaylon Norwood
Cc: Don Willis; Stefano Richichi
Subject: Re: Parcel Map #2019-001, Initial Study #2019-006, Aboussleman, Stringer
Attachments: Plog, Aboussleman, Stringer.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

This message comes from an external sender. EXTERNAL SENDER WARNING!

Stefano/Gaylon,

Attached is the letter related to the Parcel/Sub Division application. The only identified issue is the requirement of the 20' wide road (Sunset). If the County accepts the road from the engineer letter, CAL FIRE will also accept.

Respectfully,

Chris Christopherson #2246
Battalion Chief Law Enforcement
CAL FIRE Lassen-Modoc Unit

Fire Prevention Bureau
 697-345 Highway 36
 Susanville, CA 96130
 Office: 530.257.8520
 Cell: 530.310.2220

Chris.Christopherson@fire.ca.gov

Proudly serving Lassen, Modoc, and Plumas Counties.

"No one Cares how much you know, Until they know how much you Care"
 Theodore Roosevelt

From: Gaylon Norwood <GNorwood@co.lassen.ca.us>
Sent: Monday, June 15, 2020 9:25 AM
To: Christopherson, Chris@CALFIRE <Chris.Christopherson@fire.ca.gov>
Cc: Don Willis <DWillis@co.lassen.ca.us>; Stefano Richichi <SRichichi@co.lassen.ca.us>
Subject: FW: Parcel Map #2019-001, Initial Study #2019-006, Aboussleman, Stringer

Warning: this message is from an external user and should be treated with caution.
 Chris:

The discussion in the previous email from Don may be pertinent to your analysis. The key fact for me is that an engineer certified in writing that the road is 20 foot wide...

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Lassen Modoc Plumas Unit
697-345 Highway 36
Susanville, CA 96130
(530) 257-4171



June 25, 2020

From: The Lassen County Fire Warden's Office
697-345 Highway 36
Susanville, CA 96130
(530) 257-4171

To: Lassen County Building and Planning Department
707 Nevada St # 5
Susanville, CA
(530) 251-8269

RE: Tentative Parcel Map/ Subdivision Application (Plog, Aboussleman, Stringer)

Findings:

1. The parcels are located within the McArthur River Fire Protection District.
2. The parcels are located within the SRA (State Responsibility Area)
3. The parcels are within a *Very High* Fire Hazard Severity Zone (FHSZ).

Conditions:

This development is subject to the California Board of Forestry and Fire Protection SRA Fire Safe Regulations, as of January 1, 2020. The sections applicable to this request include:

ARTICLE 2. EMERGENCY ACCESS AND EGRESS

1273.00. Intent

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

1273.01. Width.

(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall

provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

1273.02. Road Surfaces

(a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.

Respectfully,



Chris M. Christopherson
Battalion Chief
CAL FIRE Lassen-Modoc Unit
Lassen County Fire Warden's Office