

NEVADA CITY PLANNING DEPARTMENT
317 Broad Street
Nevada City CA 95959
INITIAL DISTRIBUTION / PROJECT DESCRIPTION

DATE: December 23, 2019

To: Nevada City Engineer – B. McAlister	N. Sierra Air Quality Mgt. Dist.
Nevada City Public Works – B. Highsmith	Native American Heritage Commission
Nevada City Police – C. Ellis	CA Fish & Wildlife
Nevada City Fire – S. Goodspeed	AT&T
Nev. Co. Building Dept. – C. Griesbach	PGE
Nevada City School District	Nevada County Board of Realtors
Waste Management – D. Adler	Nevada County Transportation Commission
CalTrans –S. Zanchi	Friends of Nevada City
Cal Fire –Timber Resources	FREED
Nevada City Parks & Rec.- D. Zydonis	City Manager – C. Olson
	City Attorney – H. DeGraw/C. Hodgson

This project is being distributed to you for your review and comment. Your comments and/or conditions must be received, *in writing*, no later than **Friday, January, 24, 2020**. Please e-mail a digital copy of your comments to the City Planner. If you need additional information to complete your review, please contact the City Planner before the comment deadline.

PLEASE NOTE: The following supplemental documents are available on the Planning Department page of the Nevada City website under the “current projects” heading. This list will be updated as maps and studies are revised or added for the duration of project processing:

1. *Applicant Cover Letter*
2. *Project Application/Questionnaire*
3. *Subdivision Map Proposal*
4. *Biological Inventory*
5. *NCIC Letter*
6. *Site Photos (including photo locational map)*
7. *Property Deed*
8. *Preliminary Title Report*

Please contact the City Planner (contact info below) if you would like a full-scale map or if you prefer to have hard copies of any of the supplemental material.

PROJECT: Application to the Planning Commission for a tentative Parcel Map to subdivide a 3.01-acre parcel into a total of three residential parcels. Parcel 1 is developed with an existing residence. Resulting parcels 2 and 3 are currently vacant and are proposed with building envelopes that avoid sensitive resources. The applicant is proposing to serve all three lots with a driveway easement commencing from the neighboring parcel at APN 035-230-047 (property developed with Jacobson Chiropractor).

The site has a base zoning designation of RR, Rural Residential (RR) and has both a Planned Development (PD) and Annexation (AN) combining in districts. The standard RR density limitation is one unit per acre. The proposal includes approximately 300 linear feet of new driveway improvements.

The site is encumbered by an existing seasonal drainage channel along with associated areas of slope in excess of 30%. These features are located toward the

north of the property and within the rear lot portions of proposed Parcels 2 and 3. Proposed building envelopes avoid these sensitive resources.

REPRESENTATIVE APPLICANT: Sandy Janson, California Survey Company

OWNER: Justin Dunne

APNs: 035-230-048

LOCATION: 198 Gold Flat Road

General Plan: SF

Water: City

Zoning: RR/AN/PD

Sewage: City

Flood Map: Panel 375, Zone X

Fire: Nevada City Fire Dist.

ParcelSize: 3.01

Schools: Nevada City School Dist

Prev. File #(s): Parcel Map

Recreation: Nevada City Park & Rec District

DateFiled: November 12, 2019

PROJECT PLANNER: Amy Wolfson, City Planner
(530) 265-1496 x130 Email: amy.wolfson@nevadacityca.gov

California Survey Company

land surveys-site planning-topographic mapping

136 Idaho Maryland Road, Grass Valley, CA 95945
Phone: (530) 273-6651 Fax: (530) 273-2930 Web: calsurv.com

November 8, 2019

Amy Wolfson, Planning Director
City of Nevada City
317 Broad Street
Nevada City, CA 95959

Re: Application for Parcel Map – 198 Gold Flat Road

Amy,

Enclosed here and on the enclosed thumb drive, is an application for a tentative parcel map – for adding two more parcels within an existing, developed, 3-acre parcel.

This parcel map has been cautiously planned to protect the heritage chestnut trees, and preserve many of the fruit trees on this site, a former home orchard on a gently sloping site.

Because the access for the owner's existing parcel is through the Jacobsen Chiropractic encroachment on Gold Flat, and the residence to the east of the owner's parcel is another residential parcel with access through both the Jacobsen and the owner's parcel, we are proposing the two new parcels be served by a shared driveway (an easement through Parcel)1 to minimize hard and possibly impervious surfaces. The shared driveway includes a turn out and terminates in a hammerhead. We are suggesting 4 additional guest parking spaces in the existing extra-wide graveled area, currently a traveled way used by the residence to the east and the existing Parcel 1 residence.

This parcel split will add at minimum two new residential housing units for Nevada City close to Hwy 49/20 and the Seven Hills District.

We look forward to working with you through this process.

Thank you,



Sandy Jansen
Project Management

Enc.

LAND USE APPLICATION

Please print or type in black ink

Type of application(s) for which you are applying:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Tentative Map | <input type="checkbox"/> Ordinance Amendment | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Use Permit | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Voluntary Merger |
| <input type="checkbox"/> Development Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Home Business |
| <input type="checkbox"/> Administrative Dev. Permit | <input type="checkbox"/> Variance | <input type="checkbox"/> Temporary Commercial Permit |
| <input type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Setback Easement | <input type="checkbox"/> Management Plan |
| <input type="checkbox"/> Other (specify): _____ | | |

PROJECT DESCRIPTION: 3-way parcel split

Assessor's Parcel No(s): 035-230-048

Applicant Name(s): California Survey Co.

Applicant Mailing Address: 136 Idaho Maryland Rd GV

Telephone #: () 530-273-6651 E-Mail: sam@calsurv.com FAX#: _____

Property Owners Full Names: Justine Dunne

Property Owner Mailing Address: PO Box 1513

Telephone #: () 530 388-0432 E-Mail: % justine.dunne@yahoo.com FAX#: _____

Name of Representative (if applicable): Sandy Jansen - California Survey Co.
Address of Representative: see above

Telephone #: () 530 273-6651 E-Mail: sam@calsurv.com FAX#: _____

Site address(es): 198 Gold Flat Rd Acreage(s): 3.01 Ac

Water Source: NID Method of Sewage Disposal: Sewer City

I hereby acknowledge that I have read the instructions for filing this application and state under penalty of perjury that the information provided on all attached documents is correct.

Signature of Property Owner(s) or () Authorized Representative*

Justine Dunne

Date: 1-31-19
Date: _____

*Representative may sign application if a Letter of Authorization from the owner(s) is provided.

**CITY OF NEVADA CITY
PROJECT INFORMATION QUESTIONNAIRE**

The information provided in this questionnaire will be used for preparation of the project Initial Study (environmental review) and for overall project review. All questions must be answered completely with legible responses, typed or in black ink, providing more than a simple "yes", "no" or "NA" response. Attach separate written discussion pages where needed to provide a complete response.

1. Project Description:

a. Describe the proposed project including any proposed phasing:

2 additional parcels from one developed 3 ac parcel
(3 - 1 ac parcels) with a shared driveway for the 2 new

b. Are any exceptions to required standards proposed or required for this project (a Variance)? *If yes, identify the nature of the proposed variance:*

c. **Code Violations:** To your knowledge, are there any Code violations occurring on this property, including the issuance of a Warning Notice or a Citation for the subject property? yes no *If yes, describe:*

2. Land Use:

a. Does this project have a relationship to a larger project or a series of projects?
 yes no *If yes, describe:*

b. Describe existing on-site land uses:

residential

c. Describe surrounding land uses, indicating distance to nearest residence:

professional office to the north - residential to the
south

d. Describe project potential to change the character of the surrounding area, including the loss of open space.

no significant change

e. Will this project displace any residential units? ___ yes X no *If yes, describe:*

f. Will this project result in a population increase in the immediate project area?
___ yes ___ no Explain:

possible 2-4 additional residential units

g. List any specialized plans or zoning restrictions applicable to this project site, e.g., an "HD" zoning, a Master Plan, a Specific Plan, an Area Plan?

RR- PD- AN Zoning

3. Geology/Soils:

a. A Preliminary Grading Plan is attached. ___ yes X no

b. A Soils/Geologic Report is attached. ___ yes X no

c. Slopes that exist on site prior to grading:

Gentle (0-10%) . 3 AC sq. ft/acres 10 % of site

Rolling (10-30%) 2. 7 AC sq. ft/acres 90 % of site

Steep (more than 30%) ___ sq. ft/acres ___ % of site

___ 30%> slopes are cross-hatched or highlighted on the site plan or tentative map

d. Does the project propose to encroach into slopes of 30% or greater?

If yes, is a Management Plan included in this application? ___ yes X no

e. Is the site on filled land? ___ yes X no *If yes, explain:*

f. Are there existing erosion problems or geologic hazards occurring on this site, such as landslides, mudslides, ground failures, earthquake faults or similar hazards? *If yes, describe:* N/A

g. Will a grading permit be required? ___ yes X no

If yes, have you attached a preliminary grading plan? ___ yes ___ no

Describe proposed site grading:

How many cubic yards of soil will be imported, exported or moved on site?

Maximum proposed depth and slope of any excavation and the type: _____

Grading material sources or disposal sites: _____

Transport methods and haul routes: _____

The location and height of any proposed or required retaining walls: _____

4. **Water Quality:**

- a. Describe any water bodies on, or adjacent to, the property, including lakes, rivers, creeks, seasonal and/or perennial water courses, irrigation ditches or drainage swales.

Seasonal drainage to rear of property

- b. Is there a floodplain on or within 100 feet of this project site? *If yes*, is it identified on the Federal Emergency Management Agency (FEMA) maps and have you included a copy of that map with this application? yes no

- c. For development projects, describe impervious surfacing created by this project:

<u>Lot Coverage:</u>	<u>EXISTING</u>		<u>PROPOSED</u>	
building coverage	_____	%	_____	%
surfaced areas	_____	%	_____	%
landscaped areas	_____	%	_____	%
permanent open space (excluding <i>required</i> landscaping)	_____	%	_____	%
Total	100	%	100	%

- d. Describe any discharge to surface waters that will result from this project, including any wastewaters other than storm water runoff that may be present in the discharge:

none

- e. Identify the water body or feature that receives runoff waters, describing proposed methods for treating and controlling runoff before it enters the drainage or watercourse.

GOLD RUN

- f. Will a permit be required from the California Regional Water Quality Control Board?
 yes no *If application for a State permit has been made, provide the permit #: _____.*

- g. Are there any wetlands or riparian areas on this site? yes no

If yes, describe: GOLD RUN SEASONAL TRIBUTARY

Will wetlands be affected by the proposed project? yes no

Will an Army Corps of Engineers wetlands permit be required? yes no

If yes, is correspondence to or from the Army Corps attached? yes no

- h. Does this project propose to encroach into the required buffer from any perennial or seasonal waterbodies or riparian area? yes no

If yes, is a Management Plan included in this application? yes no

5. **Air Quality:**

a. Describe any air pollutants, i.e. dust, smoke, fumes or odors, which may be generated by this project both during and after construction (short and long term impacts).

SHORT-TERM INCREASES IN POLLUTANT FROM FUTURE CONSTRUCTION IS POSSIBLE

b. Is the project site mapped within an area known to contain naturally occurring asbestos?

no no Source of information: _____

6. **Transportation/Circulation:**

a. A traffic study is included with this application. no no

b. Does this project require/include a Petition for Exceptions? no no

c. Describe the access roads serving this project:

<u>Road name</u>	<u>Right of Way width</u>	<u>Surfacing</u>	<u>Finish grade</u>
<u>Gold Flat Rd</u>	<u>60-90'</u>	<u>A/C PAVEMENT</u>	

d. Is the access road serving the site a dead-end road? no no If yes, what is the distance to the nearest through road?

e. Who provides the road maintenance for each road accessing your project?

CAL - TRANS
☪ COUNTY RD (S21 AE1)

f. Will this project result in substantial or cumulative impacts to the circulation system in this area? no no Explain:

g. What road improvements are proposed? none

h. Describe how this project provides for pedestrian needs:

PROJECT IS WITHIN WALKING DISTANCE OF
DOWNTOWN NEVADA CITY ☪ 7 HILLS DISTRICT

i. Describe how this project will provide transportation alternatives including:

1) The estimated number of employees or residents that will work/live on the project site.

PROJECT ALLOWS RESIDENTIAL SPACE FOR 2 ADDED FAMILIES

- 2) Identify existing and potential alternatives to individual automobile use, including but not limited to, access to public transportation services, bicycle racks, or provisions for developer-sponsored carpooling or bussing.

SITE IS 0.2 MILES FROM GOLD COUNTRY
STAGE 2100 ST STOP

- 3) Proposals to incorporate one or more measures into the project to ensure use of viable alternatives.

- 4) For projects employing 50 or more persons: describe feasible measures for reducing auto dependence.

7. **Biological Resources:**

- a. Is the required Biological Inventory attached? yes no
c. Does the project involve encroachment into sensitive biological resources?
 yes no If yes, is mitigation included in the Inventory? yes no

c. How many native oaks exist on the project site? _____

d. How many oaks have trunk diameters of 36" or more, measured at breast height (4')?
NONE

e. Number, size, type and location of trees that will require removal, including those for road and sewage disposal construction (as shown on site plan):

NONE FOR PARCEL MAP

f. Is a Tree Protection Plan for trees to be retained attached or addressed in your Biological Inventory? yes no

g. Does this project have the potential to preclude the future use of any natural resource i.e., forests or water? yes no *If yes, explain:*

h. Has this site been logged site in the last 10 years? yes no

If yes, was a Timber Harvest Plan approved? yes no

Is there an active Timber Harvest Plan on file? yes no

If yes to either, a copy of the approved and/or proposed Plan(s) is attached.

8. **Mineral Resources:**

- a. Is this site mapped as an MRZ-2, Significant Mineralized Area, by the State Dept. of Conservation? yes no

b. Does this project have the potential to deplete any non-renewable minerals?

___ yes no *If yes, explain:*

9. Risk of Upset/Health Hazards

a. Have you included the required Nevada County Hazardous Materials/Waste Statement with this application? yes ___ no

b. Do you have knowledge, or is there evidence, of any past, potentially hazardous materials use, including underground fuel storage tanks, dumpsites, or surface or subsurface mining activity?
___ yes no

If yes, a Phase I Assessment must be submitted with this application. Contact the County Department of Environmental Health for information regarding what research must be conducted for the specified past use.

c. Does this project propose the handling, storage or transportation of any potentially hazardous materials, toxic substances, flammables or explosives? ___ yes no

If yes, briefly describe the potentially hazardous materials:

d. Will the proposed project include the use of hazardous materials in quantities greater than 55 gallons, 200 cubic feet or 500 pounds? ___ yes no

If yes, have you attached a Hazardous Materials Inventory Statement with this application? ___ yes ___ no

e. Does this project propose, or will this project result in, the generation of hazardous waste as defined by the California Health & Safety Code, Chapter 6.5?
___ yes no

f. Does this project propose fuel tanks, either above or below ground? *If yes, in what quantities?*

g. Is this project site within two air miles of an airport? yes ___ no

If yes, is the project site mapped with the boundaries of an airport Comprehensive Land Use Plan (CLUP)? ___ yes no

10. Noise:

a. Is a Noise Study attached? ___ yes no

b. Describe any noise-sensitive land uses (homes, schools, hospitals, churches, libraries, nursing homes) within a half-mile of the project site.

NONE

- c. Describe any noise that will be generated by this project both during and after construction; identifying the noise source and the hours of operation for the noise generating use, including any outdoor activity areas, i.e., storage yards, outdoor music, playgrounds, animals pens.

SHORT-TERM INCREASE IN NOISE DURING

CONSTRUCTION OF FUTURE RESIDENCES

11. Public Services:

- a. List agencies providing the following public services to your project site:

Fire Protection: NEVADA CITY

Domestic water: NEVADA CITY

Sewage disposal: NEVADA CITY

Road maintenance: CAL-TRANS / COUNTY

Other special districts: _____

- b. If public sewer is proposed, how many EDUs are allocated to this site? _____
- c. How many EDU's are required for the proposed use? _____
- d. Is trash and recycling service available to serve the project site? yes no
- e. As a result of this project will there be significant amounts of solid waste generated, including stumps or inert matter? yes no *If yes, describe how the solid waste will be handled/removed:*
- _____
- _____

f. Within what Fire Severity zone is the project site mapped (Moderate, High or Very High) on the CalFire Fire Severity Hazard maps? VERY HIGH

g. Will this project result in the need for additional public services including fire, police, water, sewage disposal or recreation, including annexation to a special district?
 yes no *If yes, describe:*

12. Utilities & Services Systems:

- a. List the public utilities that are available to serve the project site and the entities that provides service:

Telephone: AT&T

Electricity: PG & E

Gas (propane or natural gas) _____

High speed internet service: _____

b. Will this project require the extension of service for any energy source?
 yes no *If yes, describe:*

- c. Will this project require the recording of a new utility easement?
 ___ yes no *If yes, the proposed easement must be shown on the site plan.*
- d. Describe how this project maximizes energy efficiency, i.e., utilizes alternative energy sources, pursuant to General Plan policies EC-8.6.1, EC-8.6.4 & 14.2:
SITE NOT SUITABLE FOR SOLAR, BUT ADDRESSES
IN-FILL DEVELOPMENT
- e. What type of sewage disposal system is proposed for this project (public sewer, individual septic systems, community system, centralized system)?
public sewer hook up

13. Aesthetics:

- a. Will there be a change to any highly visible ridgelines or any scenic viewsheds?
 ___ yes no
If yes, is a Management Plan included in this application? ___ yes ___ no
- b. Is this project visible from a scenic highway, a large population center, or a public recreation area? ___ yes no *If yes, describe:*

- c. Does this project propose any outdoor storage, activity or use (other than parking)?
 ___ yes no *If yes, describe the use:*

- d. Does this project propose new fencing? ___ yes no *If yes, describe fence type, height, materials and colors:*

- e. Will this project require the installation of new overhead utility lines, visible from public roadways or adjacent properties? ___ yes no *If yes, describe:*

- f. Is any new exterior lighting proposed? ___ yes no
If yes:
 Is the location of all exterior lighting shown on the site plan? ___ yes ___ no

Is a comprehensive Lighting Plan included in this application, which describes existing and proposed lighting, the number and type of light fixtures, i.e., compact-fluorescent, metal-halide, incandescent; the location (wall-mounted, pole); and type of shielding to prevent off-site light spill? ___ yes ___ no

Development project information (not applicable to Tentative Maps)

17. Proposed use:

- a. Proposed use/occupancy type: _____
- b. Building type & hazard classification: _____
- c. Days & hours of operation: _____
- d. Total number of employees: _____
- e. Describe any outdoor activity proposed, including area square footage:

- f. Number of parking spaces, pursuant to Sec. L-II 4.2.9.f. of Zoning Regulations:

	<u>Required</u>	<u>Proposed</u>
Regular stalls:	_____	_____
Compact stalls:	_____	_____
Wheelchair accessible:	_____	_____
TOTAL:	_____	_____

- g. Are loading bays or drop off areas proposed or required? _____

18. Building Characteristics of each proposed building:

- a. Building size in square feet (existing and proposed):
1st floor _____ 3rd floor _____
2nd floor _____ 4th floor _____
- b. If assembly area without fixed seats, state UBC and/or designed occupancy: _____
- c. Building height, measured from average finished grade to highest point _____
- d. Proposed exterior building:

	<u>Materials</u>	<u>Colors</u>
Roofing:	_____	_____
Siding:	_____	_____
Trim:	_____	_____
Windows:	_____	_____

- e. Describe proposed architectural features or details (roof overhangs, offsets, wainscoting, etc) incorporated to comply with applicable County Design Guidelines:

19. Building Permits: List any building or grading permits related to this project that have been applied for and/or issued.

20. **Signage:**

- A Comprehensive Sign Plan been submitted that identifies:
 - a. Number of signs
 - b. Total sign square footage
 - c. Sign style (wall sign, monument, free-standing)
 - d. Sign lighting
 - e. Sign placement/location
 - f. Design, e.g., colors, materials, lettering style

21. **Residential Projects**

- a. Number of dwelling units:
 Single-family _____
 Multiple-family _____

- b. If multiple family or condominium project, number of dwelling units with:
 One Bedroom _____ Two Bedrooms _____
 Three Bedrooms _____ Four or More Bedrooms _____

- c. Does this project include a conversion of residential real property to a condominium project? yes no

 If yes, have you provided tenant notice pursuant to Sec. 66427.4 of the Subdivision Map Act, and attached a report on the impact to tenants are required by Sec. 66427.4?
 yes no

 If yes, you must provide verification of such notice.
 Is that documentation attached? yes no



I understand that failure to provide a complete and accurate response to all questions on this form may deem this application incomplete and may result in project processing delays.

Signature of () Property Owner(s) or () Authorized Representative that completed this document:

_____ Date: _____

**NEVADA CITY
HAZARDOUS MATERIALS / WASTE STATEMENT**

APN: 035-230-048 Property Owner: Danne, Justin

Hazardous sites: General Plan policy requires the County pursue the cleanup of sites contaminated by mine waste or other hazardous materials prior to approving land use projects. Where hazardous waste or hazardous materials may occur on a project site, a Phase I site assessment may be required prior to processing or approving your project. Respond to the following questions and provide the requested information:

1. Is there evidence of any past, potentially hazardous use on or near the project site, including underground fuel storage tanks, dumpsites, artillery ranges, surface or subsurface mining activity?

Yes Provide a Memo from the County Dept. of Environmental Health that adequate information is on file to accept the project for processing.

No List the research and/or source of information justifying your response.

Visual inspection

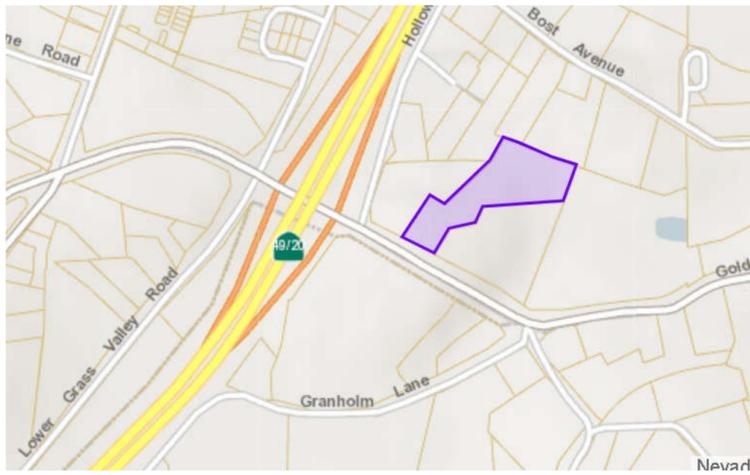
Hazardous use. It is the applicant's responsibility to understand the definition of "hazardous material" and "hazardous waste," as defined in the California Health & Safety Code, Chapter 6.5. The storage of hazardous materials and the generation of hazardous waste are regulated under federal, state and county codes. The storage of hazardous materials in quantities equal to or greater than, a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas; or the generating of hazardous wastes in any quantity, requires a permit from the Nevada County Department of Environmental Health.

2. **Will hazardous materials be used, or will hazardous waste be generated from the facility resulting from this project? Check the appropriate response and provide the listed information.**

Yes A Hazardous Materials Inventory Statement (HMIS), obtained from the Department of Environmental Health, must be filed with this project application.

No Explain why no hazardous materials are used for the proposed use or business:

parcel split - no additional development.

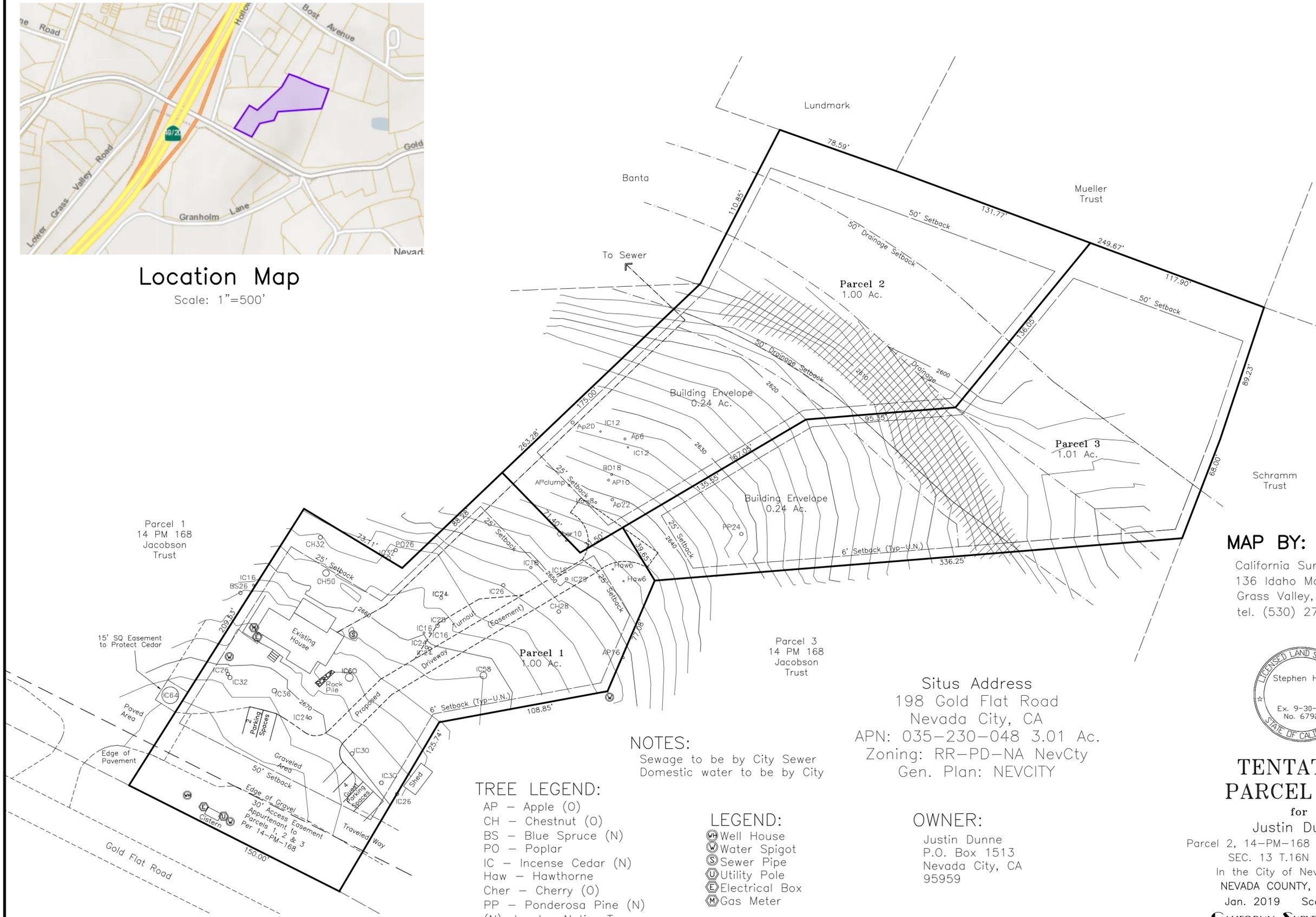


Location Map

Scale: 1"=500'



1" = 40'



MAP BY:

California Survey Company
 136 Idaho Maryland Rd.
 Grass Valley, CA 95945
 tel. (530) 273-6651



**TENTATIVE
 PARCEL MAP**

for
 Justin Dunne
 Parcel 2, 14-PM-168 and a portion of
 SEC. 13 T.16N R.8E MDM
 In the City of Nevada City of
 NEVADA COUNTY, CALIFORNIA
 Jan. 2019 Scale 1"=40'
CALIFORNIA SURVEY COMPANY
 (530) 273-6651
 Job#5355

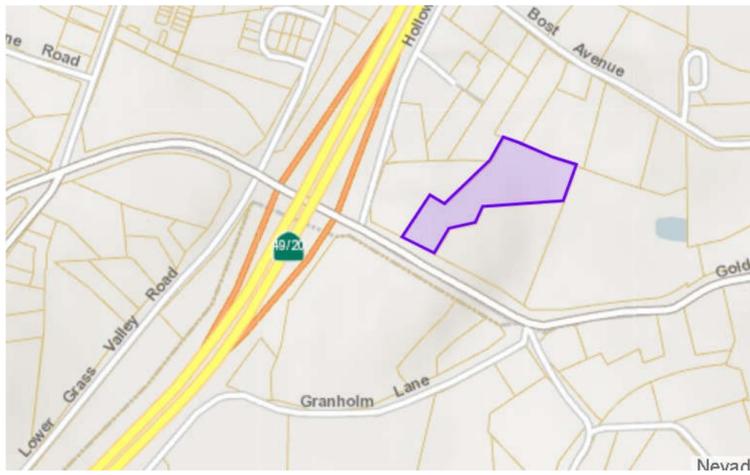
Situs Address
 198 Gold Flat Road
 Nevada City, CA
 APN: 035-230-048 3.01 Ac.
 Zoning: RR-PD-NA NevCty
 Gen. Plan: NEVCITY

OWNER:
 Justin Dunne
 P.O. Box 1513
 Nevada City, CA
 95959

NOTES:
 Sewage to be by City Sewer
 Domestic water to be by City

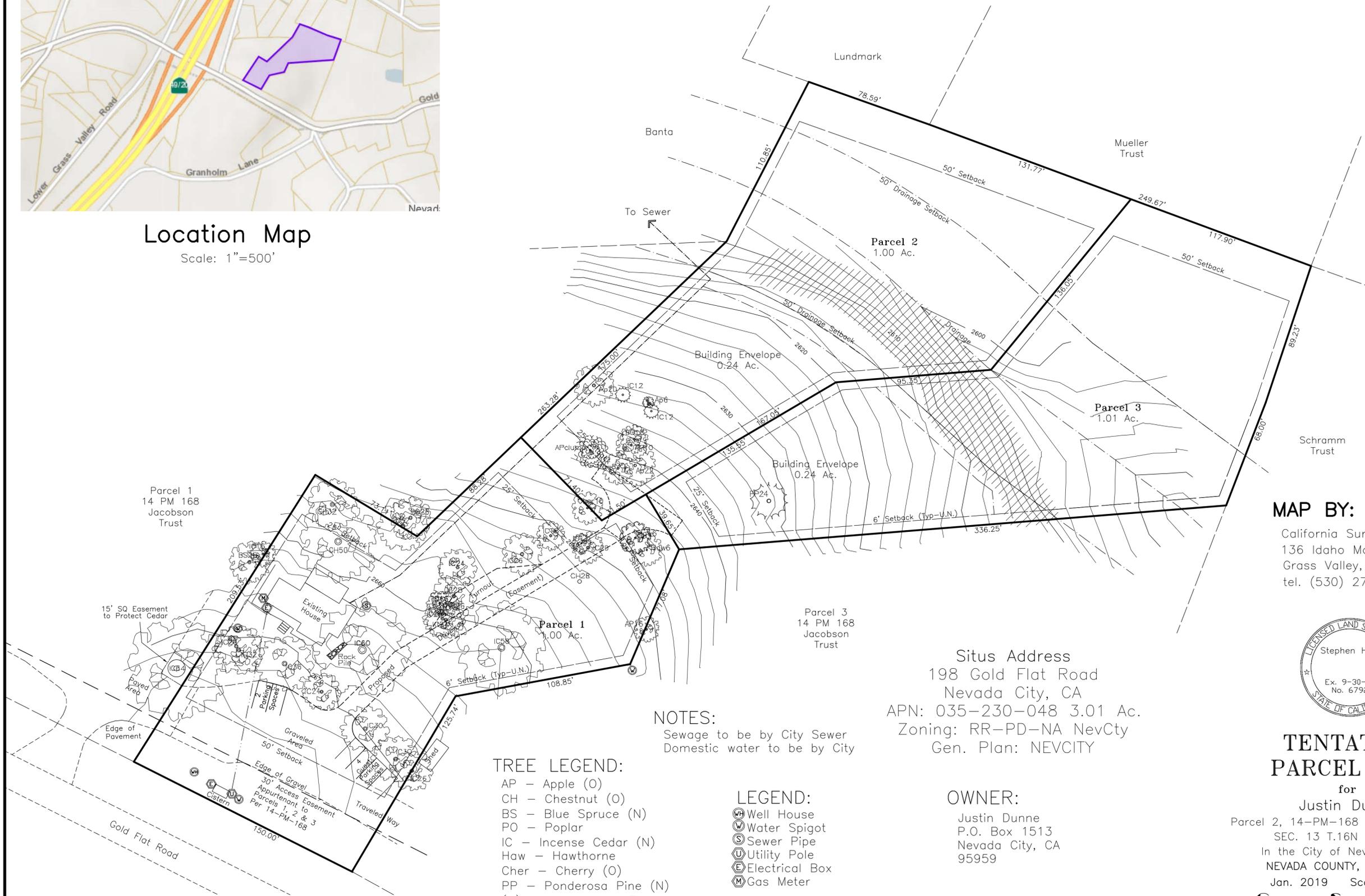
- TREE LEGEND:**
- AP - Apple (O)
 - CH - Chestnut (O)
 - BS - Blue Spruce (N)
 - PO - Poplar
 - IC - Incense Cedar (N)
 - Haw - Hawthorne
 - Cher - Cherry (O)
 - PP - Ponderosa Pine (N)
 - (N) denotes Native Trees
 - (O) denotes Orchard Trees

- LEGEND:**
- ⊕ Well House
 - ⊕ Water Spigot
 - ⊕ Sewer Pipe
 - ⊕ Utility Pole
 - ⊕ Electrical Box
 - ⊕ Gas Meter
 - ▨ Slopes in excess of 30%



Location Map

Scale: 1"=500'



Parcel 1
14 PM 168
Jacobson
Trust

Parcel 1
1.00 Ac.

Parcel 3
14 PM 168
Jacobson
Trust

Parcel 2
1.00 Ac.

Parcel 3
1.01 Ac.

NOTES:
Sewage to be by City Sewer
Domestic water to be by City

- TREE LEGEND:**
- AP - Apple (O)
 - CH - Chestnut (O)
 - BS - Blue Spruce (N)
 - PO - Poplar
 - IC - Incense Cedar (N)
 - Haw - Hawthorne
 - Cher - Cherry (O)
 - PP - Ponderosa Pine (N)
 - (N) denotes Native Trees
 - (O) denotes Orchard Trees

- LEGEND:**
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Situs Address
198 Gold Flat Road
Nevada City, CA
APN: 035-230-048 3.01 Ac.
Zoning: RR-PD-NA NevCty
Gen. Plan: NEVCITY

OWNER:
Justin Dunne
P.O. Box 1513
Nevada City, CA
95959

MAP BY:
California Survey Company
136 Idaho Maryland Rd.
Grass Valley, CA 95945
tel. (530) 273-6651



**TENTATIVE
PARCEL MAP**

for
Justin Dunne
Parcel 2, 14-PM-168 and a portion of
SEC. 13 T.16N R.8E MDM
In the City of Nevada City of
NEVADA COUNTY, CALIFORNIA
Jan. 2019 Scale 1"=40'
CALIFORNIA SURVEY COMPANY
(530) 273-6651
Job#5355

DUNNE PROPERTY SUBDIVISION

198 GOLD FLAT RD, NEVADA CITY
APN 035-230-048



BIOLOGICAL INVENTORY

Prepared for:

Justin Dunne
P.O. Box 1513
Nevada City, CA 95959

Prepared by:

Carolyn Chainey-Davis
Chainey-Davis Biological Consulting
182 Grove Street
Nevada City, CA 95959
(530) 205-6218
chaineydavisbioconsulting@gmail.com

September 2019

SUMMARY

This Biological Inventory was prepared to assess impacts to biological resources resulting from the proposed three-way subdivision of a 3-acre parcel (APN 035-230-048) at 198 Gold Flat Road, just east of Hollow Way and State Route 49/20 in Nevada City, within the City limits (Figures 1 and 2). The applicant, Justin Dunne, is proposing to split the parcel into three 1-acre parcels. The 3-acre property is already developed with a single-family residence. Two 0.24-acre building envelopes were designated outside a 50-foot setback for the ephemeral stream near the northern boundary.

The project area is located in a fragmented, urbanized ponderosa pine forest just east of highway 49/20 at an elevation of approximately 2,650 feet in the Little Deer Creek watershed (Figure 3). An unnamed intermittent stream bisects the northern portion of the parcel, flowing from west to east, draining into another unnamed intermittent stream and pond offsite, and terminating at Gold Run Creek, a perennial stream, approximately 4.4 miles downstream. The stream on the property is not depicted on the USGS topographic map or in the national Hydrography Dataset (NHD). It appears to be supported in part by a 48-inch culvert under Hollow Way, presumably conveying highway storm runoff.

Three plant communities were documented on the property: 1) early to mid-successional ponderosa pine forest, including some older, large diameter conifers in the stream corridor; 2) abandoned orchard of mature fruit trees, predominantly apple, with a weedy/grassy understory, and 3) a dense, multi-layered riparian woodland with wetlands along the stream and low-lying portions of the stream buffer. Adjacent land uses are low to moderate density residential, commercial, and industrial.

No state or federal listed species were found or are expected to occur, based on the absence of suitable habitat. No other special-status plant species were observed during the August 29, 2019 survey and none are expected to occur based on the dense, weedy understory layer throughout the property. No other special-status animals were observed, but there is suitable nesting habitat in the large trees and dense riparian-wetland habitat in the stream zone: watch list species Cooper's hawk (*Accipiter cooperi*) and California spotted owl (*Strix occidentalis occidentalis*), a CDFW Special Concern Species. The high quality habitat in the stream zone could also seasonally support a variety of other nesting birds, which are protected from disturbance during the nesting season under state and federal laws.

The project is in compliance with the Nevada City Stream Zone Standards (Section 17.80.120). The proposed new driveway would not require crossing a stream, and no riparian vegetation would be affected by building of the building envelopes and construction of a new driveway. Habitat values, soil, and water quality on the ephemeral stream would be protected by the 50-foot setback between the stream and boundary of the building envelopes. The proposed

development would not interfere with native or resident fish or wildlife species movement or migratory corridors.

Buildout of the two new building envelopes and driveway is likely to require removing a few incense cedar (*Calocedrus decurrens*) in the 6 to 18-inch range. There are a number of ponderosa pine (*Pinus ponderosa*) in the 6 to 18-inch range in the building envelopes but all appeared to be in decline due to pine blister rust, and are not expected to survive more than another year. The Nevada City Tree Removal Standards (Section 17.80.090 requires a permit for cutting or removal of protected trees. Protected trees include native trees with a cumulative DBH of 6 inches or greater, and for oaks, manzanita, and madrone a cumulative diameter of 4 inches or greater.

Implementation of the mitigation measures listed below and described in more detail in this report would ensure the project would not conflict with the City's development standards and ensure the project will not result in significant impacts to biological resources.

1. Conduct tree removal outside of the nesting season (Aug. 15 to Mar. 1) or retain biologist to conduct nesting bird survey to confirm absence of nesting birds in affected trees.
2. Obtain a Tree Removal Permit from the City of Nevada City prior to the start of grading or tree removal.
3. Maintain the Stream Buffer as a Non-Disturbance Area

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APPENDICES

APPENDIX A. California Natural Diversity Database (CNDDDB) Report & Map	
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INTRODUCTION

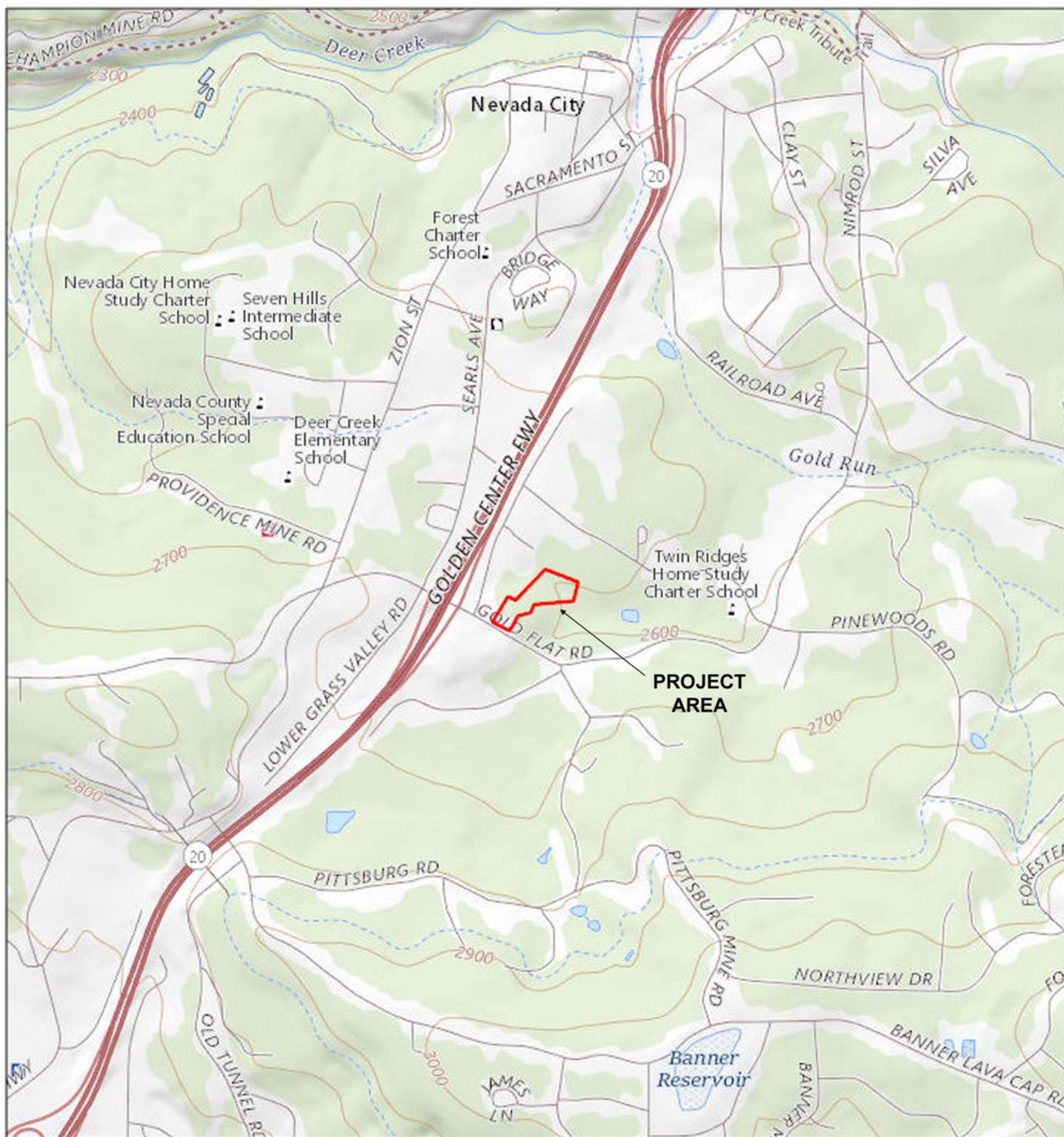
This Biological Inventory was prepared to assess impacts to biological resources resulting from the proposed three-way subdivision of a 3-acre parcel (APN 035-230-048) at 198 Gold Flat Road, just east of Hollow Way and State Route 49/20 in Nevada City, within the City limits (Figures 1 and 2). The applicant, Justin Dunne, is proposing to split the parcel into three 1-acre parcels. The 3-acre property is already developed with a single-family residence. Two 0.24-acre building envelopes were designated outside a 50-foot setback for the ephemeral stream near the northern boundary.

The biological inventory includes a description of the plants and wildlife in project area, and discussions of wetlands and waters of the State/waters of the United States, special-status species, sensitive plant communities, and other important biological resources that occur or could potentially occur in the project area. In addition, the report discusses the potential impacts to biological resources of the proposed project, including conflicts with local zoning ordinances and policies, and prescribes mitigation measures to ensure the project does not result in significant impacts to biological resources.

Full scale drawings of the project site plan and construction details are provided separately by the Applicant; Figure 2 includes an 11x17 reduction of the site plan.

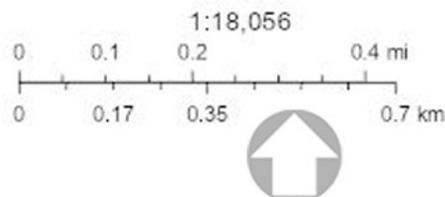
PROJECT LOCATION

The project area is located north of Gold Flat Road, west of Hollow Way, and south of Bost Avenue at 198 Gold Flat Road. The project is located within the Nevada City 7.5-minute USGS quadrangle, in Township 16 north, Range 8 east, Section 13. The Latitude/Longitude at the driveway entrance off Gold Flat Road is for the pond at the southern end of the project area: 39.2609, -121.1091. The UTM coordinates: Zone 10S, Northing 4346135, Easting 670549.

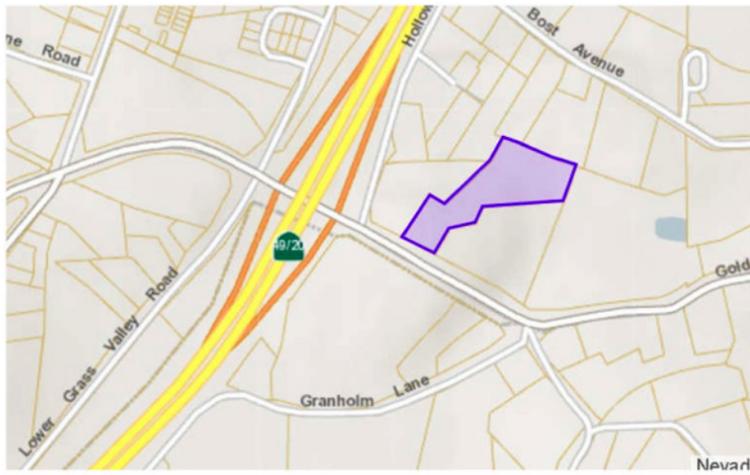


**Figure 1. Project Vicinity Map
Dunne Subdivision Biological Inventory**

198 Gold Flat Rd, Nevada City, CA
 APN 035-230-048 (3.01 ac.)
 Nevada City USGS 7.5 min. quadrangle
 T16N, R8E, Section 13



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census

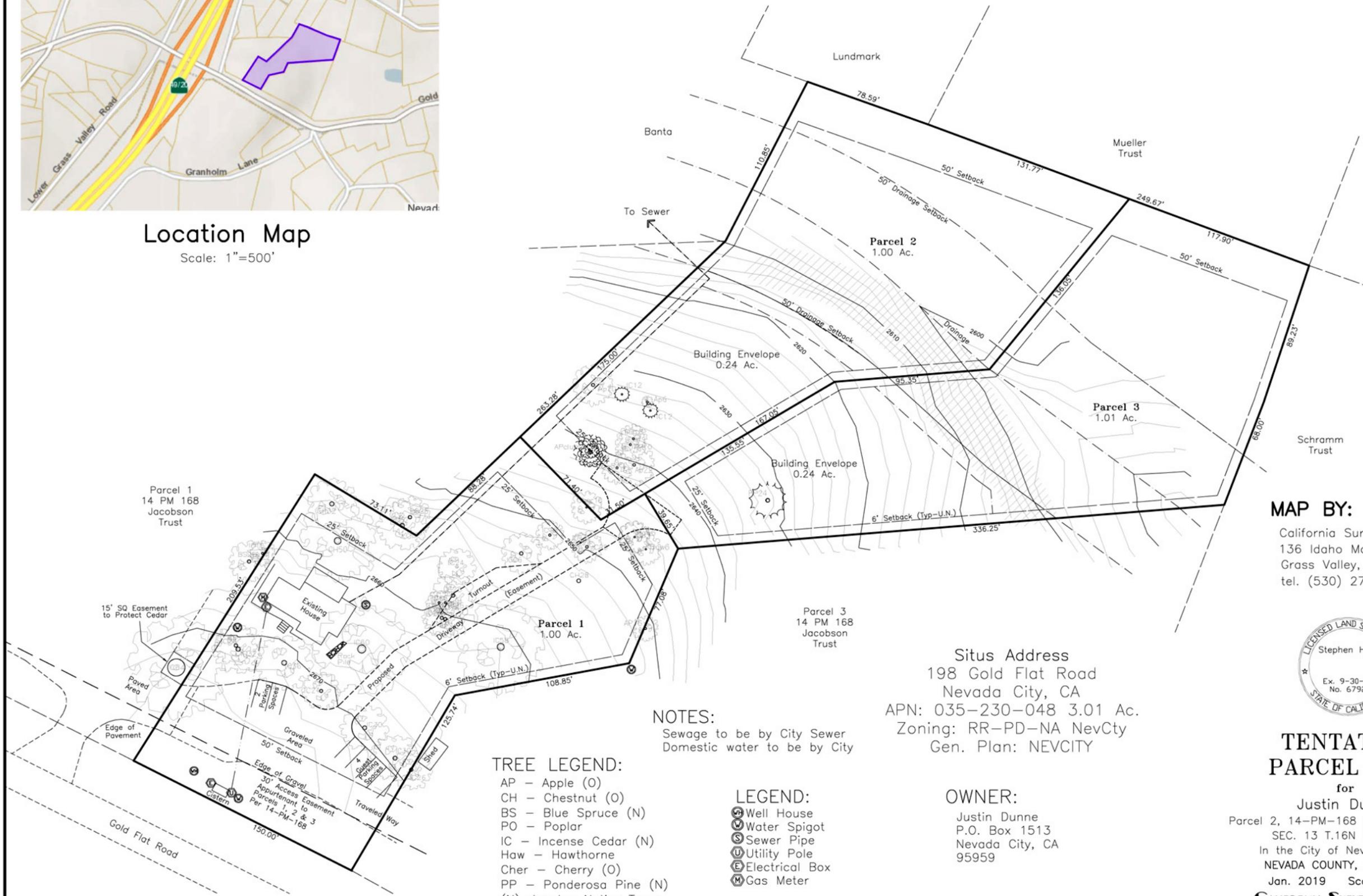


Location Map

Scale: 1"=500'



1" = 40'



MAP BY:

California Survey Company
 136 Idaho Maryland Rd.
 Grass Valley, CA 95945
 tel. (530) 273-6651



**TENTATIVE
 PARCEL MAP**

for
 Justin Dunne
 Parcel 2, 14-PM-168 and a portion of
 SEC. 13 T.16N R.8E MDM
 In the City of Nevada City of
 NEVADA COUNTY, CALIFORNIA
 Jan. 2019 Scale 1"=40'

CALIFORNIA SURVEY COMPANY
 (530) 273-6651
 Job#5355

Situs Address
 198 Gold Flat Road
 Nevada City, CA
 APN: 035-230-048 3.01 Ac.
 Zoning: RR-PD-NA NevCty
 Gen. Plan: NEVCITY

OWNER:
 Justin Dunne
 P.O. Box 1513
 Nevada City, CA
 95959

NOTES:
 Sewage to be by City Sewer
 Domestic water to be by City

- TREE LEGEND:**
- AP - Apple (O)
 - CH - Chestnut (O)
 - BS - Blue Spruce (N)
 - PO - Poplar
 - IC - Incense Cedar (N)
 - Haw - Hawthorne
 - Cher - Cherry (O)
 - PP - Ponderosa Pine (N)
 - (N) denotes Native Trees
 - (O) denotes Orchard Trees

- LEGEND:**
- Well House
 - Water Spigot
 - Sewer Pipe
 - Utility Pole
 - Electrical Box
 - Gas Meter
 - Slopes in excess of 30%

REGULATORY FRAMEWORK

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The California Environmental Quality Act (CEQA) also requires mitigation for projects or actions that are in conflict with local ordinances. The CEQA definition of mitigation includes all of the following:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impact by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
5. Compensating for the impact by replacing or providing substitute resources or environments.

RELEVANT LOCAL ORDINANCES

NEVADA CITY TREE REMOVAL STANDARD

The Tree Removal Standard (Section 17.80.090 of the City's development standards) requires a permit for cutting or removal of protected trees. Protected trees include native trees with a cumulative DBH of 6 inches or greater, and for oaks, manzanita, and madrone a cumulative diameter of 4 inches or greater. Sugar pines of all sizes and any rare or unusual trees are also protected, as well as groves that provide valuable habitat. The total number of 10 in DBH and greater trees removed shall not exceed 20 percent of the total number of all trees on the property greater than 10 inches DBH, unless approved by the Planning Commission.

NEVADA CITY STREAM ZONE STANDARD

The Stream Zone Standard (Section 17.80.120) requires that construction within 100 feet of a perennial stream and 25 feet of a seasonal stream is prohibited unless a variance is obtained.

DEFINITIONS

PLANT COMMUNITIES

Assemblages of plant species living in an area under the same or similar biological and environmental factors.

COMMON PLANT COMMUNITIES

Native or naturalized vegetation types that are locally and regionally abundant.

SENSITIVE PLANT COMMUNITIES

Sensitive plant communities support unique or biologically important plant or wildlife species, or perform important ecological functions (e.g., bank stabilization or water filtration). These communities are usually locally and regionally scarce and therefore vulnerable to elimination due to housing construction and other ground-disturbing activities. Sensitive plant communities include “Waters of the United States” (wetlands are a subset of these, see definition below), riparian, and other habitats that are of particular concern to local, state, and federal agencies. Sensitive plant communities also include rare communities tracked by the CDFW Vegetation Classification and Mapping Program.

WATERS OF THE UNITED STATES, INCLUDING WETLANDS

“Waters of the United States” is an encompassing term for areas that qualify for federal regulation under Section 404 of the Clean Water Act. Waters of the United States include “wetlands” and “other waters of the United States.” For regulatory purposes, wetlands are defined 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. Wetlands generally include swamps, marshes, bogs, and similar areas (CFR 328.3, CFR 230.3).”

“Other waters of the United States” refer to unvegetated waterways and other water bodies with a defined bed and bank, such as creeks, rivers, and lakes, including ephemeral streams. They are defined by ordinary high water criteria. The “ordinary high water mark” on non-tidal rivers and streams is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; removal or scouring of terrestrial vegetation; the presence of plant litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.”

WATERS OF THE STATE

Fish and wildlife resources are held in trust for the people of the State by and through the CDFW (Fish and Game Code (FGC) § 711.7). Fish and Game Code (FGC) Sections 1600-1616 were enacted to conserve the natural resources associated with streams (and lakes). Streams that are afforded protection under FGC Section 1600 et sequence are those bodies of water associated with a local biological community, or that contribute to the chemical, physical, or biological integrity of downstream waters or ecosystems. Whether flow is ephemeral, intermittent or perennial, streams, their sources (e.g., swales, springs, ponds, lakes, marshes, wetlands, or other such features), floodplains, and associated ecosystems (i.e., the living flora and fauna, and physical processes that sustain their habitats) are all considered integral parts of a stream system and are extended protection accordingly.

ORDINARY HIGH WATER MARK

Corps regulations define the term “ordinary high water mark” for purposes of the Clean Water Act (CWA) lateral jurisdiction at 33 CFR 328.3(e), which states:

“The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

EPHEMERAL AND INTERMITTENT STREAMS

“Ephemeral streams” are streams that flow only during or in response to storm events; “intermittent streams” flow through the rain season and for a period following the end of the rain season. The term “swales” is used to describe drainage contours that are vegetated with upland plants and contain no evidence of flows, such as shelving, scour, and deposition, or other indicators of ordinary high water. The term “stream” includes features that have been altered.

“PROTECTED TREES”

Protected trees under the Nevada City Tree Preservation ordinance include: bigleaf maple, cedar, fir, ponderosa pine, giant sequoia, and all other unspecified trees with a cumulative DBH of 6 in. or greater. “Cumulative” is a reference to multi-stemmed trees. The ordinance also protects madrone, oaks, and manzanita greater than 4 in. DBH, and sugar pines of any size.

SPECIAL STATUS SPECIES

- Animal and plant species that are listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (50 CFR 17.11 for wildlife, 50 CFR 17.12 for plants; various notices in the Federal Register for individual, proposed species);
- Animal and plant species that are candidates for listing as threatened or endangered under the federal Endangered Species Act (50 CFR 17, February 28, 1996);
- Species that are listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (California Administrative Code, Title 14, Section 670.5);
- Animal species identified by the CDFW as species of concern (wildlife species that do not have state or federal threatened or endangered status but may still be threatened with extinction [Shuford and Gardali 2008, Jennings and Hayes 1994, Williams 1986]);
- Animal species that are designated as fully protected by CDFW (California Administrative Code, Title 14, Section 670.5);
- CNDDDB plants considered to be rare, threatened, or endangered in California and elsewhere (Tibor 2001, CNPS 2013); and

- Plant species that meet the definition of rare or endangered under the California Environmental Quality Act (1970).

IMPORTANT TIMBER RESOURCES

“Important Timber Resources” are defined by the General Plan as parcels that are 40 acres or larger, and mapped within the Forest designation, that have ideal soil characteristics for timber production, identified as those soils having a high site class or index by the Soil Surveys of Nevada County, prepared by the Soil Conservation Service and the Tahoe National Forest.

METHODS

PRE-FIELD INVESTIGATION

The pre-field survey research included a review of the California Natural Diversity Database (CNDDDB 2019) to determine if special-status species have been documented on or near the site and to assess the potential for special-status species to occur in the project area (Appendix A). The search included a nine-quadrangle area centered on the Nevada City 7.5-minute US Geological Survey (USGS) quadrangle. The CalFlora occurrence library (2019) – a consortium of university herbaria – and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (2019) were reviewed to determine if there are additional rare plant species known from the vicinity that are not currently in the CNDDDB.

The June 2018 Google Earth aerial photos, Nevada City quadrangle topographic map, National Wetland Inventory (NWI 2019), and National Hydrography Database (NHD 2019) were reviewed to determine the hydrologic connection of the project area to downstream aquatic resources. The Natural Resources Conservation Service (NRCS 2018) Web Soil Survey data for the project area was reviewed for the potential presence of hydric soils in the project area, and for serpentine or gabbro soils, which are associated with a number of rare plant species in the region. Other sources reviewed include the *Nevada County Natural Resources Report* (Beedy & Broussard 2002) for information of the project area resources in a regional context.

FIELD SURVEY

The description of biological resources is based on a field survey conducted by the Nevada County-Approved Biological Consultant and wetland ecologist Carolyn Chainey-Davis on August 29, 2019. The field survey focused on the resources that would be directly or indirectly affected by the proposed subdivision as depicted in Figure 2.

Plant communities and their dominant and associated plant species were noted, as well as the habitat structure and quality, wildlife habitat values, ecological threats, and management opportunities of the remaining oak groves, including potential mitigation areas. The percent canopy cover of oak woodland was based on comparison to sample percent cover diagrams (CNPS 2018), as used by the state’s vegetation program for rapid assessments.

Due to survey timing, investigations for some special-status species were limited to habitat suitability, or to conditions known to support special-status plants and animals known to occur in the region, based on their general and micro-habitat preferences, elevation range, and general distribution in the project vicinity (CNDDDB 2019).

The assessment for wetlands was based on guidelines contained in the US Army Corps of Engineers (USACE) *Wetland Delineation Manual* (USACE 1987), and the *Regional Supplement to*

the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0) (Mersel et al. 2010). The wetland indicator status codes were obtained from *The National Wetland Plant List: 2016 (v3.3) wetland indicators* Lichvar et al. 2016).

The identification of the ordinary high water mark (OHWM) for streams was based on guidelines contained in *A Guide to Ordinary High Water Mark (OHWM) Delineation for Non-Perennial Streams in the Western Mountains, Valleys, and Coast Region of the United States* (USACE 2014).

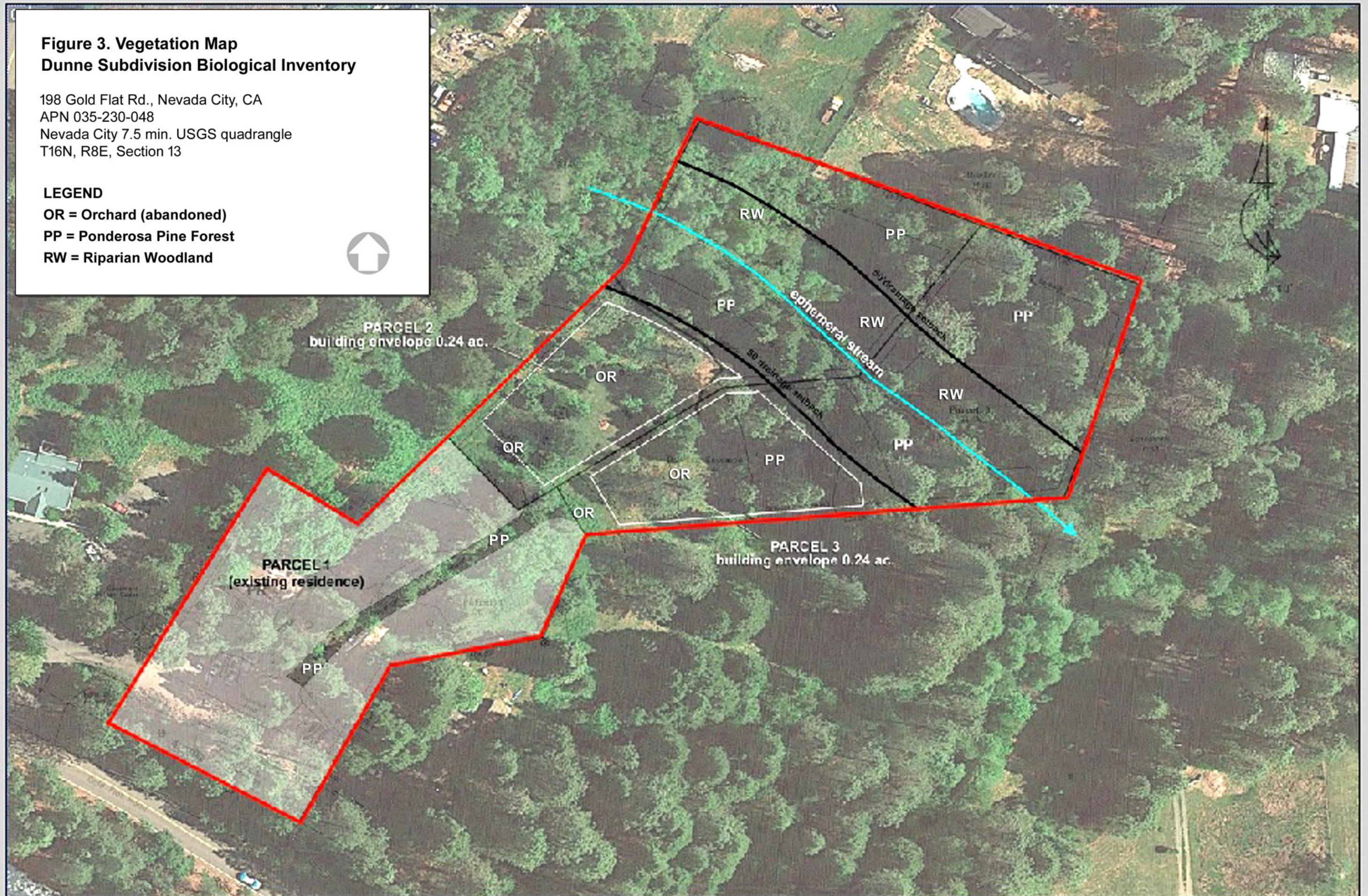
A map of the plant communities, streams, pond, and other biological constraints is provided in Figure 3. The map in Figure 4 is from the National Hydrographic Dataset (NHD).

**Figure 3. Vegetation Map
Dunne Subdivision Biological Inventory**

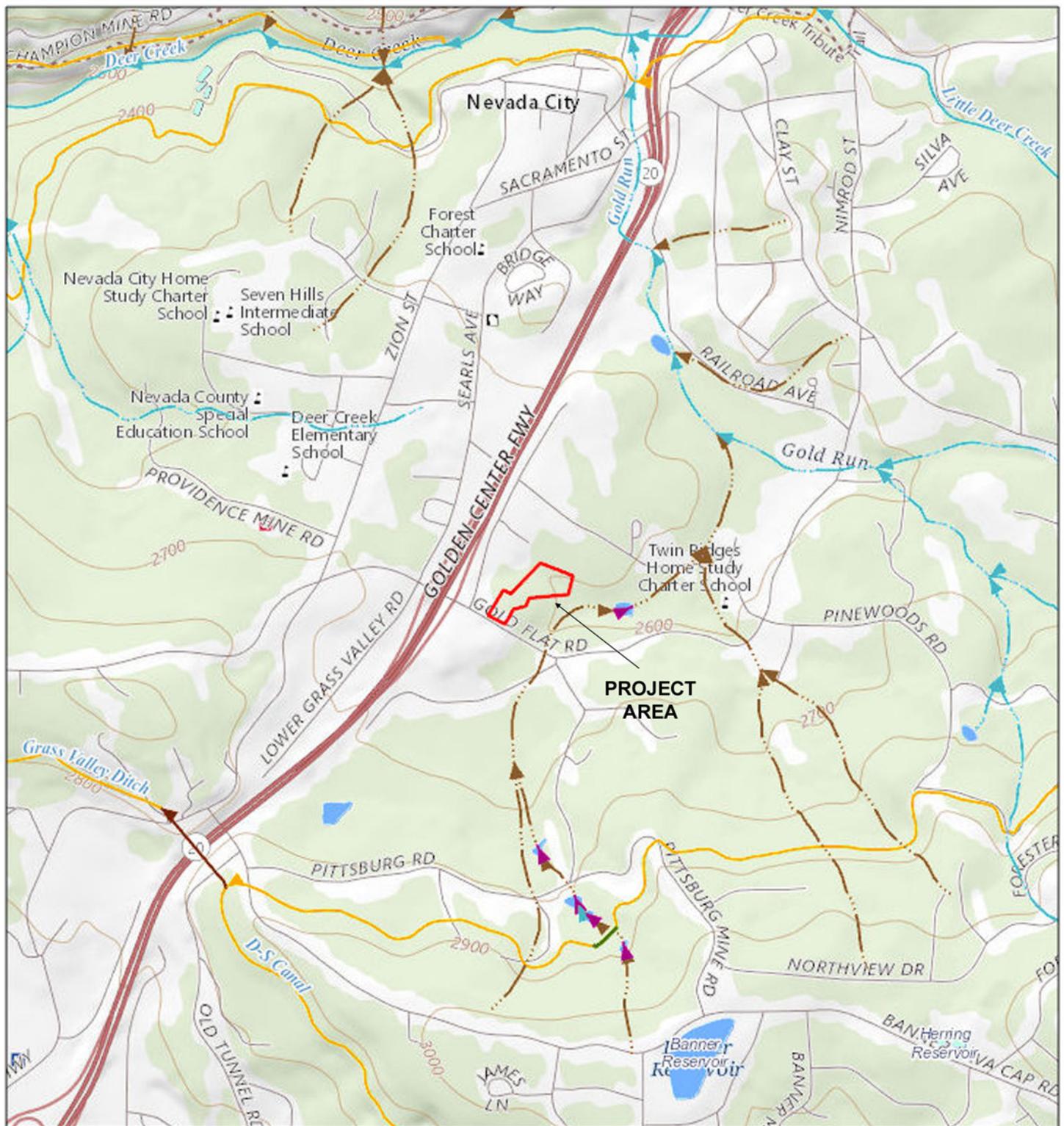
198 Gold Flat Rd., Nevada City, CA
APN 035-230-048
Nevada City 7.5 min. USGS quadrangle
T16N, R8E, Section 13

LEGEND

OR = Orchard (abandoned)
PP = Ponderosa Pine Forest
RW = Riparian Woodland



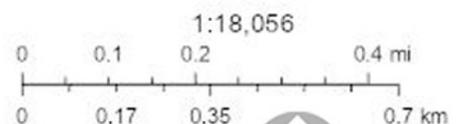
NATIONAL HYDROGRAPHY DATASET (NHD)



**Figure 4. National Hydrography Dataset (NHD) Map
Dunne Subdivision Biological Inventory**

198 Gold Flat Rd, Nevada City, CA
 APN 035-230-048 (3.01 ac.)
 Nevada City USGS 7.5 min. quadrangle
 T16N, R8E, Section 13

- Perennial
- - - Intermittent
- · · Ephemeral
- Artificial Path
- Canal Ditch



USGS TNM – National Hydrography Dataset. Data Refreshed July, 2019.
 USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and

Figure 5. Photos of the Project Area

(Below) Mid-successional ponderosa pine forest in the northeast portion of the project area, at the edge of the 50-foot stream buffer.



(Below) Abandoned orchard typical of the habitat in the building envelopes.



Figure 5. Photos of the Project Area

(Below) Understory of the white alder-willow riparian woodland, which includes an overstory of conifers, and patches of emergent marsh (bulrush) wetlands in the low-lying areas along the stream.



(Left) 48-inch highway culvert under Hollow Way that supports the intermittent stream. Photo taken just off the northwest boundary of the property.

RESULTS

ENVIRONMENTAL SETTING

The project occurs in the lower montane zone of the Sierra Nevada at an elevation of approximately 2,650 feet in the Little Deer Creek watershed of the South Fork Yuba River (Figure 4). The topography is predominantly gentle to moderate slopes underlain by a well-drained clay loam derived from sedimentary rock in the Josephine soil series (NRCS 2019). The property is currently developed with a single-family residence. Adjacent land uses are low to moderate density residential, commercial, and industrial.

Three plant communities were documented on the property: 1) early to mid-successional ponderosa pine forest, including some older, large diameter conifers in the stream corridor; 2) abandoned orchard of mature fruit trees, predominantly apple, with a weedy/grassy understory, and 3) a dense, multi-layered riparian woodland with wetlands along the stream and low-lying portions of the stream buffer

The plant communities are described in more detail below, followed by a discussion of aquatic resources, and special-status species.

PLANT COMMUNITIES

PONDEROSA PINE FOREST

The dominant plant community around the perimeter of the project area and along the intermittent stream corridor is a mid-successional forest of ponderosa pine (*Pinus ponderosa*). Ponderosa pine dominates the overstory, but incense cedar (*Calocedrus decurrens*) is also common. Broadleaf trees in the subcanopy include an assortment of escaped horticultural species, i.e., naturalized fruit trees, and Pacific madrone (*Arbutus menziesii*). Most conifers are in the 6 to 18-inch size class, with some individuals up to 30 inches diameter in the stream zone.

The shrub and herb layers are variable, depending on the available sunlight, and better developed at canopy openings. Common shrubs are characteristic of ponderosa pine forest in urban and mesic settings, including the invasive Himalayan blackberry (*Rubus armeniacus*), and sapling and young conifers and naturalized fruit trees. Common native shrubs include California hazelnut (*Corylus cornuta*), poison oak (*Toxicodendron diversilobum*), and hoary honeysuckle (*Lonicera hispidula*). The herb layer is dominated by non-native species including hedgehog dogtail grass (*Cynosurus echinatus*) and Japanese parsley (*Torilis arvensis*). Common native species include small-flowered miner's lettuce (*Claytonia perfoliata* ssp. *perfoliata*), blue wildrye (*Elymus glaucus*), common madia (*Madia elegans*), foothill sanicle (*Sanicula crassicaulis*), purple sanicle (*Sanicula bipinnatifida*), and sweet cicely (*Osmorhiza* spp.).

Ponderosa pine-black oak forests support a high diversity of animal species, but the high level of human activity, the proximity of the highway, and habitat fragmentation in the project area limits the value of the habitat for some wildlife species. Ponderosa pines provide nesting sites for many neotropical migrant bird species, including several species of warblers, vireos, flycatchers, western tanager (*Piranga ludoviciana*) and black-headed grosbeak (*Pheucticus melanocephalus*). Several woodpeckers and one sapsucker are fairly common residents of ponderosa pine forests with large-diameter trees including hairy woodpecker (*Picoides villosus*), northern flicker (*Colaptes auratus*), and red-breasted sapsucker (*Sphyrapicus ruber*). All of these species are primary cavity nesters and use the decaying parts of both live and dead pines. Many bird species consume the nutritious sap that exudes from maturing cones and wounds in the bark caused by insects, tree falls, and fires. Especially important are the high-protein seeds that are eaten by a diversity of bird species including white-breasted (*Sitta carolinensis*) and red-breasted (*Sitta canadensis*) nuthatches, chickadees, towhees, and dark-eyed juncos (*Junco hyemalis*).

In Nevada County, ponderosa pine forest forms a broad band above approximately 1,400 feet and below 5,160 feet, but isolated stands can be found as low as 500 feet elevation on the north-facing slopes of river and stream drainages (Beedy & Brussard 2002). A total of approximately 65,150 acres of ponderosa pine forest occur in Nevada County, roughly 80 percent of this is in private ownership.

RIPARIAN WOODLAND

The 100-foot wide stream zone consists of an overstory of large diameter conifers and a dense and multi-layered riparian woodland of white alder (*Alnus rhombifolia*), Italian poplar (*Populus nigra*), red willow (*Salix laevigata*), shining willow (*Salix lasiandra*), California hazelnut, and a variety of naturalized fruit tree and fruit-bearing horticultural species. There are also pockets of densely shaded emergent wetlands in the low-lying areas, dominated by native wetland plants such as small-fruited bulrush (*Scirpus microcarpus*).

Despite their relatively small acreage in Nevada County, riparian woodlands support a disproportionately high number of animals because they provide all of the habitat requirements: food, cover, and a source of water. In Nevada County, riparian woodlands may support up to 178 vertebrate species, the highest total for any large patch ecosystem in the county (Beedy & Brussard 2002). About 133 of these use riparian areas for breeding. The riparian woodlands in the project area provide foraging, nesting, and roosting habitat for many migrant and resident species, including yellow-rumped warblers (*Dendroica coronata*), Pacific-slope flycatchers (*Empidonax difficilis*), black phoebes (*Sayornis nigricans*), downy woodpeckers (*Picoides pubescens*), and western tanagers. The riparian habitat also offers a movement corridor for mule deer, gray fox (*Urocyon cinereoargenteus*), coyotes (*Canis latrans*), and other wide-ranging animals.

Aside from their value to wildlife, riparian habitats such as those in the project area also provide valuable ecological functions such as dissipating stream energy associated with high water, filtering sediment, capturing bedload, and improving ground water recharge (Gregory et al.

1991). The filtering effect of riparian vegetation removes particulate inorganic sediments and toxic nutrients in runoff, thereby benefiting water quality and productivity. Riparian vegetation helps anchor soil and protect stream banks from the erosive effects of high water (Kondolf et al. 1996). Riparian ecosystems also play a crucial role in maintaining fish habitat, shading and cooling the water, providing cover and breeding sites, and as a source of nutrients in the form of leaf drop (Moyle et al. 1996).

Riparian habitats are considered sensitive plant communities and in some circumstances they may be regulated under California Fish & Game Code, Sections 1600 – 1616. Where riparian vegetation occurs below the ordinary high water mark of a stream, it may also be regulated under Section 404 of the federal Clean Water Act.

ORCHARD

A remnant fruit orchard dominates the two proposed building envelopes, interspersed with patches of Himalayan blackberry and non-native annual grasses. Dominant cultivated species include apple (*Malus* sp.), cherry (*Prunus* sp.), and chestnut (*Castanea* sp.). Other horticultural species include hawthorn (*Crataegus monosperma*), Colorado blue spruce (*Picea pungens*), Italian poplar (*Populus nigra italica*). The understory is quite weedy, and includes Scotch broom (*Cytisus scoparius*), perennial sweet pea (*Lathyrus odoratus*), and Himalayan blackberry.

The abundance of abandoned fruit is likely to attract a variety of mammals, including bear (*Ursus americanus californiensis*), western gray fox (*Urocyon cinereoargenteus*), California mule deer (*Odocoileus hemionus californicus*), California racoon (*Procyon lotor californicus*), and the insectivorous birds attracted to the rotting fruit. The apple and cherry trees attract a variety of pollinators, and fruit-eating birds such as American robin, black-headed grosbeak, Stellar’s jay, Cedar waxwing, northern flicker, and many more.

Himalayan blackberry is widely regarded as a pest plant; however, in some it may serve important temporary functions such as erosion control on steep, potentially erodible slopes above streams, or as dense shrub cover or nest sites safe for wildlife such as California quail (*Callipepla californica*).

AQUATIC RESOURCES

Aquatic resources in the project area are limited to the intermittent stream that bisects the northern portion of the parcel, flowing from west to east, originating at a 48-inch highway culvert under Hollow Way, and draining into another unnamed seasonal stream that drains into Gold Run Creek, a perennial stream, approximately 4.4 miles downstream. The stream on the property is not depicted on the USGS topographic map or in the National Hydrography Dataset (NHD). The channel is approximately 4 feet wide and 12 inches deep at ordinary high water, with a substrate of silty clay loam. There are also small pocket wetlands of emergent marsh (bulrush) in the densely shaded understory of the riparian woodland.

Because ephemeral streams flow only during storm events, they rarely support riparian vegetation, other than Himalayan blackberry, a facultative species that occurs equally in non-wetlands and wetlands.

Ephemeral streams with a surface hydrologic connection to intermittent and perennial streams come under the jurisdiction of the federal Clean Water Act and state water code.

SPECIAL-STATUS SPECIES

No state or federal-listed animals were found or are expected to occur based on an absence of suitable habitat. No other special-status plants or animals were observed. However, the mature forest and Italian poplar stand could potentially support the watch list species Cooper’s hawk (*Accipiter cooperii*). There is no breeding or other suitable habitat for the federal Threatened California red-legged frog (*Rana draytonii*) or for foothill yellow legged frog (*Rana boylei*), a Candidate for state listing.

No special-status plants were found or are expected to occur based on an absence of suitable habitat. Surveys were conducted at a time of year adequate for detecting the one special-status plant with potential for occurrence – Humboldt lily (*Lilium humboldtii* ssp. *humboldtii*) – but it was not observed. Most special-status plants in the vicinity are associated with serpentine or gabbro-derived soils, which are not present in the project area.

The project area conifer forest and Italian poplar stand could support nesting raptors and migratory birds protected under state and federal laws.

A list of special-status species known to occur in the project vicinity are listed in Table 1, below. Appendix A contains a map showing the distribution of special-status species in the project vicinity and a CNDDDB report for the Nevada City quadrangle.

TABLE 1. SPECIAL-STATUS SPECIES DOCUMENTED IN THE PROJECT VICINITY

Common Name <i>Scientific Name</i>	Status Fed/State/ CNDDDB Rare Plant Rank/ Other	Potential for Occurrence In Project Area
Stebbins' morning-glory <i>Calystegia stebbinsii</i>	E/E/1B.1	No Potential; no suitable habitat. No serpentine or gabbro soils in the project area.
chaparral sedge <i>Carex xerophila</i>	--/--/1B.2	No Potential; no suitable habitat. No serpentine or gabbro soils in the project area.
western pond turtle <i>Emys marmorata</i>	--/SSC/--	No Potential; no suitable habitat.
Pine Hill flannelbush <i>Fremontodendron decumbens</i>	E/R/1B.2	No Potential; no suitable habitat. No serpentine or gabbro soils in the project area.
coast horned lizard <i>Phrynosoma blainvillii</i>	--/--/SSC	No Potential; no suitable habitat.
foothill yellow-legged frog <i>Rana boylei</i>	--/CT/SSC	No Potential; no suitable habitat.

Sanborn's onion <i>Allium sanbornii</i>	--/--4.2	No Potential; no suitable habitat. No serpentine, gabbro, or lava cap soils in the project area.
Sierra foothills brodiaea <i>Brodiaea sierrae</i>	--/--/4.3	No Potential; no suitable habitat. No serpentine or gabbro soils in the project area.
Butte County fritillary <i>Fritillaria eastwoodiae</i>	--/--/3	No Potential; no suitable habitat.
Finger rush <i>Juncus digitatus</i>	--/--/1B.1	No Potential; no suitable habitat.
Humboldt lily <i>Lilium humboldtii</i> ssp. <i>Humboldtii</i>	--/--/4.2	Suitable habitat present but not observed. Surveys conducted at a time of year adequate to detect Humboldt lily, if present.
Bacigalupi's yampah <i>Perideridia bacigalupii</i>	--/--/4.2	No Potential; no suitable habitat.
California spotted owl <i>Strix occidentalis occidentalis</i>	--/SSC	Low to moderate potential in the large diameter conifers in the northern portion of the project area, and east of the project.
Cooper's hawk <i>Accipiter cooperi</i>	--/WL	Not observed. Moderate potential to occur in conifer forest and riparian habitat north of the building envelopes. Can be locally common.
California red-legged frog <i>Rana draytonii</i>	T/SSC	No Potential; no suitable habitat.
Foothill yellow-legged frog <i>Rana boylei</i>	--/CT	No Potential; no suitable habitat.

¹ = **Status explanations:**

Federal

- E = listed as endangered under the federal Endangered Species Act.
- T = listed as threatened under the federal Endangered Species Act.
- SSC = species of concern / species of local concern; species for which existing information indicates it may warrant listing but for which substantial biological information to support a proposed rule is lacking.

State

- E = listed as endangered under the California Endangered Species Act.
- R = listed as rare under the California Native Plant Protection Act. This category is no longer used for newly listed plants, but some plants previously listed as rare retain this designation.

California Rare Plant Rank [CNDDB Rank]

- 1B = List 1B species: rare, threatened, or endangered in California and elsewhere.
- 2 = List 2 species: rare, threatened, or endangered in California, but more common elsewhere.
- 3 = List 3 species: plants about which more information is needed to determine their status.
- 4 = List 4 species: plants of limited distribution – a watch list.

New Threat Code extensions and their meanings:

- .1 - Seriously endangered in California
- .2 - Fairly endangered in California
- .3 - Not very endangered in California

CALIFORNIA SPOTTED OWL (*STRIX OCCIDENTALIS OCCIDENTALIS*)

The spotted owl is a medium-sized brown owl with a mottled appearance – white spots on the head and breast, and a barred tail. It has dark brown eyes surrounded by prominent facial disks. California spotted owls are one of three subspecies of spotted owl. While they eat a diversity of prey, the majority of their diet consists of a few key species: northern flying squirrels and woodrats. They generally inhabit older forests that contain structural characteristics necessary for nesting, roosting, and foraging. Nests are typically found in areas of high canopy cover, with a multi-layered canopy, old decadent trees, a high number of large trees, and coarse downed woody debris.

Spotted owls form monogamous pairs, and each pair defends a territory surrounding a nesting and/or roosting site. Breeding typically begins in mid-February, and the female lays an average

of two eggs. Pairs divide the nesting roles – the male provides the female with food while she incubates the nest. Nests in the Sierras are most often cavities, but spotted owls can also use broken top trees or platform nests. Spotted owls do not typically nest every year, and nesting is highly dependent on weather conditions prior to and during the breeding season. Recent research suggests that past habitat loss due to removal of large trees and fire suppression may have partly contributed to its decline. Habitat loss due to large, high-severity fires and large-scale tree mortality from drought and bark beetle impacts, as well as some types of forest management practices including fuels reduction activities, salvage logging, and timber harvest also adversely affect the California spotted owl. Additionally, contaminants, primarily rodenticides from illegal marijuana cultivations, may also affect spotted owls.

No California spotted owl were observed during the survey, but the riparian woodland and older, larger diameter conifers in the stream zone provide foraging and possibly nesting habitat for this species.

COOPER'S HAWK (*ACCIPITER COOPERII*)

Cooper's hawks breed in dense-canopied trees from foothill pine-oak woodlands up to the mixed conifer forest (Zeiner et al. 1990). This species hunts in broken woodland and habitat edges, where they catch small birds in the air. They prefer nesting sites in riparian growths of deciduous trees, as in canyon bottoms and on river flood plains, although live oaks are often used (Grinnell and Miller 1944). They breed March through August, with peak activity occurring May through June (Zeiner et al. 1990). Cooper's hawk nests are often constructed in deciduous trees in crotches between 20' to 50' above the ground (Zeiner et al. 1990).

No Cooper's hawks were observed during the survey, but the riparian woodland and conifer forest at the site provide foraging and possibly nesting habitat for this species.

IMPACTS

Potential *direct and indirect* impacts to biological resources were evaluated in terms of the mandatory findings of significance of Section 15065 of CEQA and Appendix G of the State CEQA Guidelines, which includes impacts that are in conflict with local ordinances, such as tree ordinances. Detailed mitigation measures are provided in the chapter “Mitigation”, following the discussion of impacts, below. A summary of the project compliance with local, state, and federal laws, ordinances, and regulations is provided in Table 2, below.

The assessment of impacts was based on the project design depicted in Figure 2, prepared by California Survey Company, dated January 2019.

IMPACTS TO WATERS AND RIPARIAN HABITAT

No impacts to streams, wetlands, ponds, or canals would result from the buildout of the proposed subdivision. Impacts to nesting birds, including special-status birds and bats are likely if the high quality riparian habitat, including the conifers, cottonwoods, and willows in the stream zone are removed, and the tree removal would be in conflict with the City’s Stream Ordinance. There are also potential wetlands in the low-lying areas of the stream setback.

IMPACTS TO NATIVE TREES

The building envelopes consist primarily of abandoned fruit trees that are not protected under the City’s tree ordinance. There are several incense cedars in the 6 inch to 12-inch range, and several ponderosa pines in the 12-inch to 24-inch range that may require removal when the building envelopes are developed. It is difficult to project which trees will be removed as they are uncommon enough that avoidance may be possible or desired by the new owners. But particularly because all of the ponderosa pines were in a stage of decline due to pine blister rust, and it is likely they will not survive more than another year or two.

Mitigation requirements include a requirement for the new owner to obtain a tree removal permit when applying for a grading/building permit.

IMPACTS TO SPECIAL-STATUS SPECIES

No special-status species were found during the surveys. Two special-status raptor species have at least moderate potential for occurrence: California spotted owl (*Strix occidentalis occidentalis*), a CDFW Special Concern Species, and Cooper’s hawk (*Accipiter cooperii*). If present, they would be nesting in the large diameter trees within the 50-foot stream setback. No trees would be removed in the stream setback, but construction and tree removal in close proximity could cause nest abandonment, if present, if the disturbance occurred during the nesting season (Mar. 1 to Aug. 15).

TABLE 2. PROJECT COMPLIANCE WITH LAWS, ORDINANCES, AND REGULATIONS THAT AFFECT BIOLOGICAL RESOURCES

Jurisdiction	Administering Agency	Authority	Requirements/Compliance
Local	City of Nevada City	The Stream Zone Standard (Section 17.80.120) requires that construction within 100 feet of a perennial stream and 25 feet of a seasonal stream is prohibited unless a variance is obtained.	Project is in compliance with ordinance by designating building envelopes 50 feet from the seasonal stream.
Local	City of Nevada City	The Tree Removal Standard (Section 17.80.090 of the City’s development standards) requires a permit for cutting or removal of protected trees. Protected trees include native trees with a cumulative DBH of 6 inches or greater, and for oaks, manzanita, and madrone a cumulative diameter of 4 inches or greater. Sugar pines of all sizes and any rare or unusual trees are also protected, as well as groves that provide valuable habitat. The total number of 10 in DBH and greater trees removed shall not exceed 20 percent of the total number of all trees on the property greater than 10 inches DBH, unless approved by the Planning Commission.	At the time of build-out of the new lots, the Applicant must prepare a map of trees to be removed, including photos, species, and diameter, and obtain a Tree Removal Permit
Local	City of Nevada City, as lead agency under CEQA	Public Resources Code Section 21083.4: Oak Woodland Mitigation. Counties determine if project could result in significant conversion of oak woodlands. Mitigation options include, but are not limited to: <ol style="list-style-type: none"> 1. Conserving oaks through conservation easements 2. Planting and maintaining an appropriate number of trees (either on-site or by restoring former oak woodlands); tree planting limited to half the mitigation requirement 3. Contribute funds to Oak Woodland Conservation Fund for purpose of purchasing conservation easement. 	No oaks would be affected by the development of the two new building envelopes and driveway.
State	CDFW	State California Endangered Species Act of 1984; California Fish & Game Code §§ 2050 - 2098. Requires consultation with CDFW for projects that could affect a state listed threatened or endangered species. Section 2080 of CESA prohibits “take” of any of these species. The take of state listed species incidental to otherwise lawful activities requires a permit, pursuant to §2081(b) of CESA.	No state listed species were found or are expected to occur based on absence of suitable habitat.
State	CDFW	Native Plant Protection Act of 1977; California Fish & Game Code §§ 1900 et seq. The Native Plant Protection Act (NPPA) directs CDFG to carry out the Legislature’s intent to “preserve, protect and enhance rare and endangered plants in the State.” The NPPA gave the California Fish and Game Commission the power to designate native	No state listed plant species were found or are expected to occur based on absence of suitable habitat.

Jurisdiction	Administering Agency	Authority	Requirements/Compliance
		plants as endangered or rare, and to require permits for collecting, transporting, or selling such plants.	
State	CDFW	California Fish & Game Code § 3503, § 3513, and § 355 – 357. CDFG No taking or possessing of the nests or eggs of birds	If tree removal cannot be restricted to the non-nesting season (March 1 – August 15) pre-construction nesting bird surveys needed to verify absence of nesting birds.
State	CDFW	California Fish & Game Code § 3511 and § 5050. CDFG No taking of birds, reptiles, or amphibians listed as fully protected	No Fully Protected species were found or are expected to occur based on absence of suitable habitat.
State	CDFW Lake and Streambed Alteration Program (LSA)	California Fish & Game Code § 1600 – 1616. Section 1602 of the Fish and Game Code requires any project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of a stream or use materials from a streambed to notify CDFG before beginning the project.	The project buildout will not require crossing a stream.
State	CDFW	State Fish and Game Code §3513 - Adoption of Migratory Bird Treaty Act. Adopts the federal Migratory Bird Treaty Act’s provisions, so that it is unlawful to take or possess any migratory non-game bird as designated in the Migratory Bird Treaty Act; as with Migratory Bird Treaty Act, this state code offers no mechanism for obtaining an incidental take permit for the loss of nongame, migratory birds.	If tree removal cannot be restricted to the non-nesting season (March 1 – August 15) pre-construction nesting bird surveys needed to verify absence of nesting birds.
State	CDFW	State Fish and Game Code §3503.5 - Protection of Raptors. unlawful to take, possess, or destroy any birds-of-prey in the orders Falconiformes (hawks) or Strigiformes (owls). This statute does not provide for the issuance of any type of incidental take permit.	No trees or other vegetation will be removed and project area subject to regular human activity (school campus). If construction near the pond and stream occurs within the nesting season (March 1 – August 15) pre-construction surveys needed to verify absence of nesting birds.
State	RWQCB	Clean Water Act of 1977; Section 401 Water Quality Certification. Requires state certification from Regional Water Quality Control Board that federal permits allowing discharge of dredged or fill material into waters of US will not violate federal and state water quality standards. California Water Code section 13260 requires “any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the state to file a report of discharge. Waters of the state includes all surface waters, including isolated waters.	No impact to the seasonal stream is required; trenching is confined to the road prism of an existing culvert road crossing. Pipe inlet will not require the discharge of fill or pollutants (e.g., concrete).
Federal	USFWS	Federal Endangered Species Act of 1973; 16 USC § 1531 et seq.; 50 CFR Parts 17 and 222. Section 9 of the FESA and federal regulations prohibit	No federally-listed species were found or are expected to occur based on the absence of suitable habitat.

Jurisdiction	Administering Agency	Authority	Requirements/Compliance
		the “take” of federally listed species, which is defined as killing, harming, or harassment of such species. Take can also include habitat modification or degradation that affect essential behavioral patterns such as breeding, feeding, or sheltering, and therefore indirectly cause injury or death to the listed species	
Federal	USFWS	Migratory Bird Treaty Act; 16 USC §§ 703 - 711; 50 CFR Subchapter B. USFWS Protection of migratory birds. The Migratory Bird Treaty Act makes it unlawful to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird.	If tree removal cannot be restricted to the non-nesting season (March 1 – August 15) pre-construction nesting bird surveys needed to verify absence of nesting birds.
Federal	USACE	Clean Water Act of 1977; 33 USC § 1251 – 1376, 30 CFR § 330.5(a)(26). Protection of wetlands and waters of the United States. Section 404 of the Clean Water Act requires a permit prior to any activity that involves any discharge of dredged or fill material into “Waters of the United States”. Activities that require a permit under Section 404 include placing fill or riprap, grading, mechanized land clearing, and dredging. Any activity that results in the deposit of fill material within the “Ordinary High Water Mark” of Waters of the United States, including wetlands and ponds, usually requires a permit, even if the area is dry at the time the activity takes place.	Buildout of the project will not require impacts to waters of the US, including wetlands.

IMPACTS TO NESTING BIRDS

Vegetation clearing and removal of trees can directly or indirectly impact nesting raptors or migratory birds. Direct impacts could include removal of occupied nest trees, and prolonged disturbances to nearby nesting sites could lead to nest abandonment. CDFW codes protect migratory birds from harassment or harm, and also protect their eggs and nestlings. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a “taking” by CDFW. The federal Migratory Bird Treaty Act (16 U.S.C. Section 703, Supp. I 1989) prohibits the killing, possessing, or trading in migratory birds.

Raptor species such as red-tailed hawks, red-shouldered hawks, and Cooper’s hawks could nest in or near the project area. These species are protected in California under the California Fish and Game Code (Section 3503.5), which states that it is unlawful to take, possess, or destroy any birds of prey. "Take" applies to harassment of nesting birds of prey or failure of nests due to human disturbance. For example, construction during the breeding season (March 1–July 31) could result in the incidental loss of fertile eggs or nestlings, or lead to nest abandonment. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Impacts to nesting birds, including raptors and migratory birds protected under state and federal laws, can be avoided by confining tree removal and grading to the non-nesting period (Aug. 15 to Mar. 1). If this is not possible, a pre-construction nesting bird survey should be conducted, in accordance with guidelines in the Mitigation section of this report.

MITIGATION

The CEQA definition of mitigation (§ 15370) includes all of the following:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impact by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
5. Compensating for the impact by replacing or providing substitute resources or environments.

Mitigation measures described in more detail below include:

1. Confine work on the pond to the non-breeding season for birds or conduct pre-construction nesting bird survey.

2. Prior to the removal of trees or grading, obtain a Tree Removal Permit from the City of Nevada City.
3. Conifers and riparian trees in the 50-foot stream buffer shall not be removed.

1. AVOID IMPACTS TO NESTING RAPTORS AND MIGRATORY BIRDS

If construction of the pipe inlet at the pond is conducted during the breeding season (March 1 – August 15), potential impacts to nesting migratory birds can be avoided by conducting pre-construction a nesting bird survey of the habitat around the pond to verify that the construction and potential disturbance zones do not support nesting migratory birds. The surveys shall incorporate the following guidelines:

- An additional survey may be required if periods of construction inactivity (e.g., gaps of activity exceed three weeks, an interval during which bird species, in the absence of human or construction-related disturbances, may establish a nesting territory and initiate egg laying and incubation.
- Should any active nests or breeding areas be discovered, a buffer zone (protected area surrounding the nest, the size of which is to be determined by a qualified biologist) and monitoring plan shall be developed. Nest locations shall be mapped and submitted, along with a memo stating the survey results, to the Nevada County Planning Department and CDFW within one week of survey completion.
- A qualified wildlife biologist shall monitor the progression of reproductive stages of any active nests discovered during the preconstruction survey until a determination is made that nestlings have fledged and that a sufficient time for fledgling dispersal has elapsed; construction activities shall be prohibited within the buffer zone until such determination is made.

2. OBTAIN A TREE REMOVAL PERMIT

Prior to the start of grading or vegetation removal, the new owner shall prepare a map of trees to be removed, including species, diameter, and photos, and submit an application for a Tree Removal Permit to the City Planning Department. No trees within the 50-foot stream buffer shall be removed.

3. MAINTAIN THE 50-FOOT STREAM SETBACK AS A NON-DISTURBANCE BUFFER

The 50-foot setback on both sides of the seasonal stream shall be maintained as a non-disturbance buffer. No trees, including conifers, cottonwoods, and willows, shall be removed in order to maintain the high wildlife habitat values and protect the wetlands and riparian habitat.

REFERENCES

Beedy, E. C. and P. Brussard. 2002. *Nevada County Natural Resources Report: A Scientific Assessment of Watersheds and Ecosystems*. Prepared for the Nevada County Planning Department. 162 pp. + appendices.

California Native Plant Society (CNPS) 2019. *Electronic Inventory of Rare and Endangered Vascular Plants of California*. Database search for the Nevada City and surrounding USGS quadrangles. Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society. Sacramento, CA.

California Natural Diversity Data Base. 2019. California Natural Diversity Data Base Report for Nevada City and surrounding USGS quadrangles. California Department of Fish and Wildlife, Sacramento, CA.

CalFlora. 2019. Information on California plants for education, research, and conservation. [web application]. Berkeley, CA. Available on-line: <http://www.calflora.org>

Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. *The National Wetland Plant List: 2016 wetland ratings*. In: Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X. Online: <http://wetland-plants.usace.army.mil/>

Mersel, Matthew K., and Robert W. Lichvar. 2014. *A guide to ordinary high water mark (OHWM) delineation for non-perennial streams in the western mountains, valleys, and coast region of the United States*. No. ERDC/CRREL-TR-14-13. Engineer Research and Development Center Hanover NH, Cold Regions Research and Engineering Lab, 2014.

National Wetlands Inventory (NWI). 2016. *National Wetlands Inventory*. U.S. Fish and Wildlife Service, Washington, D.C. Online: <http://www.fws.gov/nwi/>

Natural Resource Conservation Service (NRCS). 2017. *Web Soil Survey (WSS)*. U.S. Department of Agriculture, Natural Resource Conservation Service. Online: <http://soils.usda.gov/>

Sawyer, J. O., T. Keeler-Wolf, and J. Evens. 2009. *A Manual of California Vegetation*; 2nd edition. In cooperation with The Nature Conservancy and the California Department of Fish and Wildlife. California Native Plant Society. Sacramento, California.

U.S. Fish and Wildlife Service (USFWS). 2017. *Species List for Nevada City USGS quadrangle, Nevada County, California*. U.S. Fish and Wildlife Service (USFWS), Sacramento Endangered Species Office. Sacramento, California

United States Army Corps of Engineers 1987. *Corps of Engineers Wetlands Delineation Manual*. Wetlands Research Program, Technical Report Y-87-1.

APPENDIX A

California Natural Diversity Database (CNDDDB) Report and Map

Map of Project Area

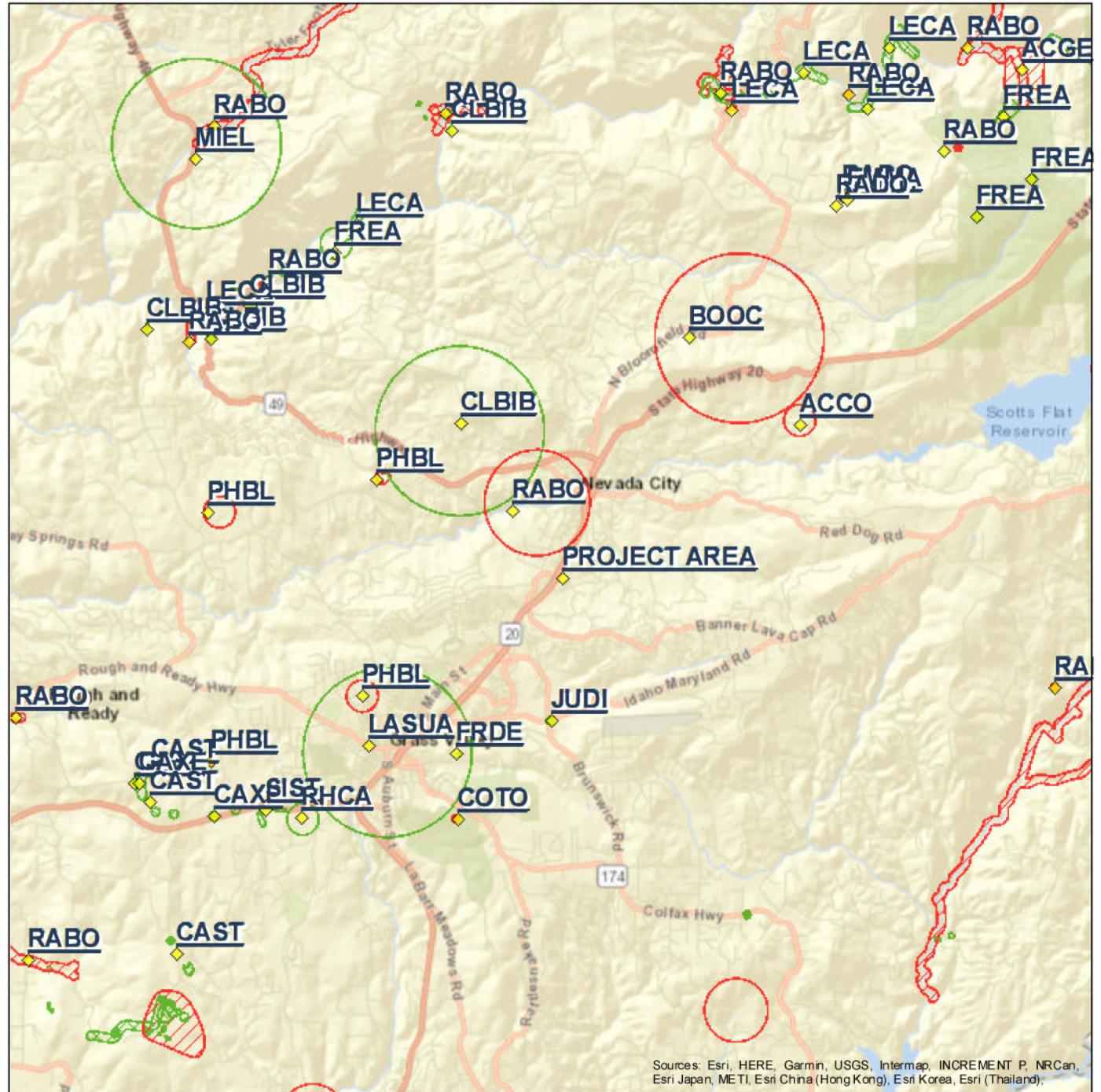
California Natural Diversity Database (CNDDDB) Government [ds45]

-  Plant (80m)
-  Plant (specific)
-  Plant (non-specific)
-  Plant (circular)
-  Animal (80m)
-  Animal (specific)
-  Animal (non-specific)
-  Animal (circular)



LEGEND

- CAST = Stebbins' morning-glory (*Calystegia stebbinsii*)
- CAXE = chaparral sedge (*Carex xerophila*)
- CLBIB = Brandegee's clarkia (*Clarkia biloba ssp. brandegeae*)
- COTO = Townsend's big-eared bat (*Corynorhinus townsendii*)
- EMMA = western pond turtle (*Emmys marmorata*)
- FREA = Butte County fritillary (*Fritillaria eastwoodiae*)
- FRDE = Pine Hill flannelbush (*Fremontodendron diversilobum*)
- JUDI = finger rush (*Juncus digitatus*)
- LECA = Cantelow's lewisia (*Lewisia cantelovii*)
- MIEL = elongate copper moss (*Mielichhoferia elongata*)
- PHBL = coast horned lizard (*Phrynosoma blainvillii*)
- RABO = foothill yellow-legged frog (*Rana boylei*)
- RHCA = brownish beaked-rush (*Rhynchospora capitellata*)
- SIST = Scadden FDIat checkerbloom (*Sidalcea stipularis*)



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

August 28, 2019



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: QuadIS (Nevada City (3912131))

Rana boylei		Element Code: AAABH01050	
foothill yellow-legged frog			
Listing Status:	Federal: None	CNDDDB Element Ranks:	Global: G3
	State: Candidate Threatened		State: S3
	Other: BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_NT-Near Threatened, USFS_S-Sensitive		
Habitat:	General: PARTLY-SHADED, SHALLOW STREAMS AND RIFFLES WITH A ROCKY SUBSTRATE IN A VARIETY OF HABITATS.		
	Micro: NEEDS AT LEAST SOME COBBLE-SIZED SUBSTRATE FOR EGG-LAYING. NEEDS AT LEAST 15 WEEKS TO ATTAIN METAMORPHOSIS.		

Occurrence No.	446	Map Index:	66300	EO Index:	66385	Element Last Seen:	2006-09-16
Occ. Rank:	Fair	Presence:	Presumed Extant	Site Last Seen:		2006-09-16	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2006-09-21	

Quad Summary: Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.29799 / -121.08919	Accuracy:	80 meters
UTM:	Zone-10 N4351586 E664769	Elevation (ft):	1193
PLSS:	T17N, R08E, Sec. 33, NW (M)	Acres:	0.0

Location: SOUTH YUBA RIVER, JUST DOWNSTREAM FROM THE OLD (ORIGINAL) HIGHWAY 49 BRIDGE, SOUTH YUBA RIVER STATE PARK.
Detailed Location: FROGS WERE OBSERVED IN A BACKWATER AREA (MEASURING ABOUT 1.5 M X 1.0 M), ADJACENT TO A TRANSITION FROM MAIN CHANNEL POOL TO RIFFLE.
Ecological: HABITAT CONSISTS OF AN AQUATIC SUBSTRATE OF BOULDER/COBBLE/GRAVEL. AVERAGE DEPTH = 10-20 CM.
General: INCIDENTAL OBSERVATION OF 6 JUVENILE FROGS (SVL = 18-25 MM) ON 16 SEP 2006.
Owner/Manager: DPR-SOUTH YUBA RIVER SP

Occurrence No.	505	Map Index:	73999	EO Index:	75000	Element Last Seen:	2008-09-12
Occ. Rank:	Unknown	Presence:	Presumed Extant	Site Last Seen:		2008-09-12	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2018-09-14	

Quad Summary: Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.32706 / -121.04835	Accuracy:	specific area
UTM:	Zone-10 N4354888 E668222	Elevation (ft):	1660
PLSS:	T17N, R08E, Sec. 23, N (M)	Acres:	64.0

Location: ALONG SOUTH YUBA RIVER NEAR PURDON CREEK, SOUTH YUBA RIVER STATE PARK, NORTH OF NEVADA CITY.
Detailed Location: MAPPED TO PROVIDED COORDINATES.
Ecological: HABITAT CONSISTED OF LOW TO HIGH GRADIENT RIFFLES, POOLS, RUNS, EDGEWATER, AND GLIDES WITH EXPOSED AND PROTECTED BANKS. STREAM SUBSTRATES CONSISTED OF BOULDER, GRAVEL, SAND, COBBLE, AND BEDROCK. MODERATE RECREATIONAL IMPACT.
General: 26 ADULTS, 11 JUVENILES, AND 1 EGG MASS FOUND ON 20 MAY 2008. 15 ADULTS, 3 JUVENILES, 2 LARVAE, 2 EGG MASSES FOUND ON 10 JUN 2008. 11 ADULTS, 79 JUVENILES, 2 LARVAE FOUND ON 12 SEP 2008.
Owner/Manager: DPR-SOUTH YUBA RIVER SP



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	729	Map Index:	74756	EO Index:	75754	Element Last Seen:	2016-06-02
Occ. Rank:	Good	Presence:	Presumed Extant	Site Last Seen:		2016-06-02	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2019-08-01	
Quad Summary:	Nevada City (3912131)						
County Summary:	Nevada						
Lat/Long:	39.34061 / -121.07798	Accuracy:	nonspecific area				
UTM:	Zone-10 N4356337 E665637	Elevation (ft):	2058				
PLSS:	T17N, R08E, Sec. 16 (M)	Acres:	331.0				
Location:	ALONG SHADY CREEK, NE OF HIGHWAY 49, NORTH OF NEVADA CITY.						
Detailed Location:	4.5 MILE STRETCH OF SHADY CREEK BETWEEN HIGHWAY 49 AND GRAVEL PIT ALONG WHITTLESEY LANE.						
Ecological:	PERENNIAL CREEK WITH RIPARIAN VEGETATION INCLUDING ALDER AND WILLOW. SUBSTRATE WAS 75% BEDROCK AND 25% SAND, SILT, AND ORGANIC MATTER.						
General:	MANY DETECTIONS ALONG THIS DRAINAGE, INCLUDING ALL LIFE STAGES, DURING VARIOUS SURVEYS IN 1996, 1997, 1998, 1999, 2002, 2003, 2008, 2011, 2012, 2013, AND 2016.						
Owner/Manager:	BLM, PVT						
Occurrence No.	1753	Map Index:	A8658	EO Index:	110453	Element Last Seen:	1997-05-05
Occ. Rank:	Unknown	Presence:	Presumed Extant	Site Last Seen:		1997-05-05	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2018-03-13	
Quad Summary:	Nevada City (3912131)						
County Summary:	Nevada						
Lat/Long:	39.35765 / -121.02447	Accuracy:	nonspecific area				
UTM:	Zone-10 N4358328 E670207	Elevation (ft):	2574				
PLSS:	T17N, R08E, Sec. 12, NE (M)	Acres:	31.0				
Location:	SHADY CREEK, NORTH OF MONTEZUMA RIDGE, SW OF THE TOWN OF NORTH COLUMBIA.						
Detailed Location:	LOCALITY DESCRIBED AS SHADY CREEK, T17N, R8E, NE 1/4 OF THE NE 1/4 OF SECTION 12. MAPPED TO SECTION OF CREEK ACCORDING TO T-R-S INFORMATION.						
Ecological:							
General:	DETECTED ON 5 MAY 1997.						
Owner/Manager:	BLM, PVT						



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Occurrence No.	1755	Map Index: A8665	EO Index: 110459	Element Last Seen:	2016-08-04
Occ. Rank:	Fair		Presence: Presumed Extant	Site Last Seen:	2016-08-04
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2018-03-15

Quad Summary: Nevada City (3912131)

County Summary: Nevada

Lat/Long:	39.29028 / -121.10483	Accuracy:	nonspecific area
UTM:	Zone-10 N4350702 E663440	Elevation (ft):	1098
PLSS:	T17N, R08E, Sec. 32, S (M)	Acres:	24.0

Location: LOWER 0.3 MILE OF RUSH CREEK, SOUTH YUBA RIVER STATE PARK, 5 MILES NW OF NEVADA CITY.

Detailed Location:

Ecological: SMALL TRIBUTARY TO THE SOUTH YUBA RIVER. MANY POOLS. COMPOSED OF MOSTLY BOULDERS, BEDROCK, AND LARGE COBBLE, VERY FEW RIFFLES.

General: 12 INDIVIDUALS DETECTED ON 13 SEP 2000. 13 INDIVIDUALS OBSERVED BETWEEN 13 JUN AND 14 OCT 2003. 2 ADULTS OBSERVED ON 4 AUG 2016.

Owner/Manager: DPR-SOUTH YUBA RIVER SP

Occurrence No.	1761	Map Index: A8682	EO Index: 110474	Element Last Seen:	1903-06-XX
Occ. Rank:	None		Presence: Extirpated	Site Last Seen:	1903-06-XX
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2018-09-14

Quad Summary: Nevada City (3912131)

County Summary: Nevada

Lat/Long:	39.26068 / -121.0289	Accuracy:	3/5 mile
UTM:	Zone-10 N4347557 E670060	Elevation (ft):	2400
PLSS:	T16N, R08E, Sec. 12 (M)	Acres:	776.0

Location: EAST OF CHAMPION MINE AND WEST OF NEVADA CITY.

Detailed Location: COLLECTION LOCALITY DESCRIBED AS "NEVADA CITY, OLYMPIC PARK, CREEK ON ROAD TO CHAMPION MINE." EXACT LOCATION UNKNOWN. MAPPED TO VICINITY BETWEEN NEVADA CITY AND CHAMPION MINE.

Ecological:

General: COLLECTED IN JUN 1903. ACCORDING TO JENNINGS AND LIND, RANA BOYLII IS EXTIRPATED AT THIS LOCATION.

Owner/Manager: UNKNOWN



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Occurrence No.	2584	Map Index: B3684	EO Index: 116597	Element Last Seen:	2019-07-06
Occ. Rank:	Excellent		Presence: Presumed Extant	Site Last Seen:	2019-07-06
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2019-08-12
Quad Summary:	Nevada City (3912131)				
County Summary:	Nevada				
Lat/Long:	39.32704 / -121.0058		Accuracy:	80 meters	
UTM:	Zone-10 N4354966 E671890		Elevation (ft):	1847	
PLSS:	T17N, R09E, Sec. 19, NE (M)		Acres:	5.0	
Location:	SOUTH YUBA RIVER, 1.2 MI W OF ITS CONFLUENCE WITH SPRING CREEK, SOUTH YUBA RIVER RECREATION LANDS, NORTH OF NEVADA CITY.				
Detailed Location:					
Ecological:	VERY LARGE POOL IN IMMEDIATE VICINITY SURROUNDED BY ROCK SLOPES, SMALL BEACHES COMPOSED OF SAND AND PEBBLE, AND GRADUAL BANKS. SOME RIPARIAN VEGETATION PRESENT JUST ABOVE THE ORDINARY HIGH WATER MARK.				
General:	1 ADULT OBSERVED ON 6 JUL 2019.				
Owner/Manager:	BLM				

<i>Emys marmorata</i>	Element Code: ARAAD02030
western pond turtle	
Listing Status: Federal: None	CNDDDB Element Ranks: Global: G3G4
State: None	State: S3
Other: BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_VU-Vulnerable, USFS_S-Sensitive	
Habitat: General: A THOROUGHLY AQUATIC TURTLE OF PONDS, MARSHES, RIVERS, STREAMS AND IRRIGATION DITCHES, USUALLY WITH AQUATIC VEGETATION, BELOW 6000 FT ELEVATION.	
Micro: NEEDS BASKING SITES AND SUITABLE (SANDY BANKS OR GRASSY OPEN FIELDS) UPLAND HABITAT UP TO 0.5 KM FROM WATER FOR EGG-LAYING.	

Occurrence No.	1335	Map Index: A3339	EO Index: 104971	Element Last Seen:	2016-05-19
Occ. Rank:	Unknown		Presence: Presumed Extant	Site Last Seen:	2016-05-19
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2017-01-11
Quad Summary:	Nevada City (3912131)				
County Summary:	Nevada				
Lat/Long:	39.35497 / -121.05519		Accuracy:	80 meters	
UTM:	Zone-10 N4357973 E667566		Elevation (ft):	2234	
PLSS:	T17N, R08E, Sec. 11, NW (M)		Acres:	5.0	
Location:	SHADY CREEK, ABOUT 2.2 MI NNE OF MONTEZUMA HILL & 2.75 MI SE OF THE TOWN OF NORTH SAN JUAN.				
Detailed Location:	MAPPED TO PROVIDED COORDINATES.				
Ecological:	SHALLOW STREAM WITH COBBLE SUBSTRATE.				
General:	1 JUVENILE OBSERVED ON 18 APR 2016. 1 ADULT OBSERVED ON 19 MAY 2016.				
Owner/Manager:	BLM				



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<i>Phrynosoma blainvillii</i>		Element Code: ARACF12100	
coast horned lizard			
Listing Status:	Federal: None	CNDDB Element Ranks:	Global: G3G4
	State: None		State: S3S4
	Other: BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_LC-Least Concern		
Habitat:	General: FREQUENTS A WIDE VARIETY OF HABITATS, MOST COMMON IN LOWLANDS ALONG SANDY WASHES WITH SCATTERED LOW BUSHES.		
	Micro: OPEN AREAS FOR SUNNING, BUSHES FOR COVER, PATCHES OF LOOSE SOIL FOR BURIAL, AND ABUNDANT SUPPLY OF ANTS AND OTHER INSECTS.		

Occurrence No.	603	Map Index:	39903	EO Index:	34905	Element Last Seen:	1991-05-28
Occ. Rank:	Good	Presence:	Presumed Extant	Site Last Seen:		1991-05-28	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		1998-10-06	

Quad Summary: Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.26496 / -121.06283	Accuracy:	specific area
UTM:	Zone-10 N4347969 E667122	Elevation (ft):	2500
PLSS:	T16N, R08E, Sec. 10, NE (M)	Acres:	11.8

Location: THREE PROPERTIES; 10448, 10347 & 10457 NEWTOWN ROAD, 2.5 AIR MILES FROM JUNCTION OF HIGHWAYS 49 & 20, NEVADA CITY.
Detailed Location: LIZARDS ARE SEEN FREQUENTLY IN THIS AREA.
Ecological: CHAPARRAL WITH DIGGER PINES, MANZANITA, MCNAB CYPRESS, AND CHAPARRAL PEA, ON SERPENTINE SOIL.
General: 5 (3 ADULTS & 2 JUVENILES) OBSERVED IN 1990. 2 ADULTS OBSERVED IN 1991.
Owner/Manager: PVT

Occurrence No.	604	Map Index:	39905	EO Index:	34907	Element Last Seen:	1990-08-28
Occ. Rank:	Unknown	Presence:	Presumed Extant	Site Last Seen:		1990-08-28	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		1998-10-06	

Quad Summary: Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.25910 / -121.09869	Accuracy:	1/5 mile
UTM:	Zone-10 N4347253 E664042	Elevation (ft):	2260
PLSS:	T16N, R08E, Sec. 08, SE (M)	Acres:	0.0

Location: NEW HOME SITES, ABOUT 0.7 MILE S OF JOHN WOOLMAN SCHOOL AND 4.5 MILES W OF THE HWY 49 & 20 SPLIT.
Detailed Location: CONSTRUCTION SITE OF NEW HOMES (5 ACRE LOTS). SEEN WHILE CONSTRUCTING DRIVEWAY FORMS.
Ecological: CHAPARRAL WITH ROCK OUTCROPS.
General: ONE, ~4" LONG ADULT OBSERVED, BASICALLY BROWN COLORATION.
Owner/Manager: PVT



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<i>Bombus occidentalis</i>		Element Code: IIHYM24250	
western bumble bee			
Listing Status:	Federal: None	CNDDDB Element Ranks:	Global: G2G3
	State: Candidate Endangered		State: S1
	Other: USFS_S-Sensitive, XERCES_IM-Imperiled		
Habitat:	General: ONCE COMMON & WIDESPREAD, SPECIES HAS DECLINED PRECIPITOUSLY FROM CENTRAL CA TO SOUTHERN B.C., PERHAPS FROM DISEASE.		
	Micro: <input type="checkbox"/>		

Occurrence No.	126	Map Index:	98319	EO Index:	99737	Element Last Seen:	1968-05-20
Occ. Rank:	Unknown	Presence:	Presumed Extant	Site Last Seen:		1968-05-20	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2015-12-03	
Quad Summary:	North Bloomfield (3912038), Nevada City (3912131)						
County Summary:	Nevada						
Lat/Long:	39.28863 / -120.98447		Accuracy:	1 mile			
UTM:	Zone-10 N4350744 E673823		Elevation (ft):	3000			
PLSS:	T17N, R09E, Sec. 32 (M)		Acres:	0.0			
Location:	3 MILES NORTHEAST OF NEVADA CITY.						
Detailed Location:	EXACT LOCATION UNKNOWN. MAPPED BY CNDDDB 3 AIR MILES NORTHEAST OF NEVADA CITY.						
Ecological:							
General:	COLLECTED 20 MAY 1968.						
Owner/Manager:	UNKNOWN						

<i>Mielichhoferia elongata</i>		Element Code: NBMUS4Q022	
elongate copper moss			
Listing Status:	Federal: None	CNDDDB Element Ranks:	Global: G5
	State: None		State: S4
	Other: Rare Plant Rank - 4.3, USFS_S-Sensitive		
Habitat:	General: CISMONTANE WOODLAND.		
	Micro: MOSS GROWING ON VERY ACIDIC, METAMORPHIC ROCK OR SUBSTRATE; USUALLY IN HIGHER PORTIONS IN FENS. OFTEN ON SUBSTRATES NATURALLY ENRICHED WITH HEAVY METALS (E.G. COPPER). 500-1300 M.		

Occurrence No.	5	Map Index:	45605	EO Index:	45605	Element Last Seen:	XXXX-XX-XX
Occ. Rank:	Unknown	Presence:	Presumed Extant	Site Last Seen:		XXXX-XX-XX	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2001-08-16	
Quad Summary:	Nevada City (3912131)						
County Summary:	Nevada						
Lat/Long:	39.32166 / -121.10374		Accuracy:	1 mile			
UTM:	Zone-10 N4354187 E663460		Elevation (ft):	1780			
PLSS:	T17N, R08E, Sec. 20 (M)		Acres:	0.0			
Location:	SHADY CREEK BETWEEN NEVADA CITY AND NORTH SAN JUAN.						
Detailed Location:	MAPPED AS BEST GUESS AT SHADY CREEK ON HWY BETWEEN NEVADA CITY AND NORTH SAN JUAN BY CNDDDB.						
Ecological:							
General:	NEEDS FIELDWORK.						
Owner/Manager:	UNKNOWN						



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Clarkia biloba ssp. brandegeeeae		Element Code: PDONA05053	
Brandegee's clarkia			
Listing Status:	Federal: None	CNDDB Element Ranks:	Global: G4G5T4
	State: None		State: S4
	Other: Rare Plant Rank - 4.2, BLM_S-Sensitive		
Habitat:	General: CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.		
	Micro: OFTEN IN ROADCUTS. 75-915 M.		

Occurrence No.	13	Map Index: 43429	EO Index: 43429	Element Last Seen:	2007-05-26
Occ. Rank:	Excellent		Presence: Presumed Extant	Site Last Seen:	2007-05-26
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2008-12-10
Quad Summary:	Nevada City (3912131)				
County Summary:	Nevada				
Lat/Long:	39.29796 / -121.09165		Accuracy:	specific area	
UTM:	Zone-10 N4351578 E664558		Elevation (ft):	1300	
PLSS:	T17N, R08E, Sec. 33, NW (M)		Acres:	27.5	
Location:	HIGHWAY 49 AT THE SOUTH YUBA RIVER, EXTENDING ABOUT 0.5 MILE NORTH AND 0.25 MILE SOUTH OF THE RIVER, NW OF NEVADA CITY.				
Detailed Location:	SEVERAL COLONIES FOUND IN THE PICNIC AND PARKING AREA OF THE SOUTH YUBA RECREATION AREA AND ON CUT BANKS AND SLOPES ABOVE HIGHWAY 49. PETAL LOBES SOMEWHAT WEAK ON SOME PLANTS, MAY BE HYBRIDS?				
Ecological:	OAK WOODLAND, CHAPARRAL, AND YELLOW PINE FOREST. ON STEEP GRITTY GRANITE SLOPES. ASSOCIATES: PHACELIA CICUTARIA, MIMULUS AURANTIACUS, LONICERA HISPIDULA, CYNOSURUS ECHINATUS, TORILIS ARVENSIS, QUERCUS KELLOGGII, Q. CHRYSOLEPIS, ET AL.				
General:	MORE THAN 700 PLANTS IN 1998; 5,100 PLANTS IN 2002 IN EXPANDED SURVEY; "ABUNDANT, SHOWY COLONIES" SEEN IN 2005; "COMMON" IN 2007. A 1956 COLLECTION BY BALLS & LENZ FROM "S FORK YUBA RIVER, 7.6 MI NW OF NEVADA CITY" ATTRIBUTED TO THIS SITE.				
Owner/Manager:	DPR-SOUTH YUBA RIVER SP, PVT				

Occurrence No.	14	Map Index: 43434	EO Index: 43434	Element Last Seen:	2002-06-20
Occ. Rank:	Excellent		Presence: Presumed Extant	Site Last Seen:	2002-06-20
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2004-08-04
Quad Summary:	Nevada City (3912131)				
County Summary:	Nevada				
Lat/Long:	39.28872 / -121.10054		Accuracy:	80 meters	
UTM:	Zone-10 N4350537 E663812		Elevation (ft):	1500	
PLSS:	T17N, R08E, Sec. 32, SE (M)		Acres:	0.0	
Location:	ALONG THE EAST SIDE OF HIGHWAY 49, APPROXIMATELY 0.75 MILE SOUTH OF THE SOUTH YUBA RIVER HIGHWAY 49 BRIDGE.				
Detailed Location:	MAPPED WITHIN THE SW 1/4 OF THE SE 1/4 OF SECTION 32.				
Ecological:	GROWING IN LOOSE, ROCKY SLOPE ALONG HIGHWAY 49. COMMON ASSOCIATES INCLUDE PINUS PONDEROSA, CEANOTHUS CUNEATUS, CYNOSURUS ECHINATUS, ARCTOSTAPHYLOS VISCIDA, TOXICODENDRON DIVERSILOBUM, AND ERIOPHYLLUM LANATUM.				
General:	100 PLANTS SEEN IN 2002. A 1947 COLLECTION BY LEWIS AND LEWIS ATTRIBUTED TO THIS SITE.				
Owner/Manager:	DPR-SOUTH YUBA RIVER SP				



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Occurrence No.	15	Map Index: 43435	EO Index: 43435	Element Last Seen:	XXXX-XX-XX
Occ. Rank:	Unknown		Presence: Presumed Extant	Site Last Seen:	XXXX-XX-XX
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2006-07-20

Quad Summary: Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.27288 / -121.04591	Accuracy:	1 mile
UTM:	Zone-10 N4348879 E668562	Elevation (ft):	2900
PLSS:	T16N, R08E, Sec. 02 (M)	Acres:	0.0

Location: CEMENT HILL, NEAR INDIAN FLAT, JUST NORTHWEST OF NEVADA CITY.
Detailed Location: MAPPED AS BEST GUESS BY CNDDDB; LOCATION GIVEN AS CEMENT HILL, NEAR INDIAN FLAT, 2900 FEET ELEVATION.

Ecological:
General: INCLUDES FORMER OCCURRENCE #16 FROM "HIGHWAY 49 AT INDIAN FLAT, WEST OF NEVADA CITY." BOTH SIGHTINGS ARE FROM A 1973 CHECKLIST OF PLANTS OF NEVADA COUNTY BY TRUE; NEEDS FIELDWORK.
Owner/Manager: UNKNOWN

Occurrence No.	32	Map Index: 56261	EO Index: 56277	Element Last Seen:	2002-06-20
Occ. Rank:	Excellent		Presence: Presumed Extant	Site Last Seen:	2002-06-20
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2004-07-30

Quad Summary: Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.32763 / -121.03937	Accuracy:	specific area
UTM:	Zone-10 N4354968 E668995	Elevation (ft):	2000
PLSS:	T17N, R08E, Sec. 23, NE (M)	Acres:	2.0

Location: SOUTH YUBA RIVER STATE PARK, 0.4 MILE UPSTREAM FROM PURDONS CROSSING, ALONG THE NORTHERN FORK OF THE SOUTH YUBA TRAIL.
Detailed Location: MAPPED WITHIN THE NE 1/4 OF THE NE 1/4 SECTION 23.
Ecological: FOUND GROWING IN LOOSE GRANITIC SOIL ON STEEP ERODING/CUT SLOPES ALONG TRAIL. COMMON PLANT ASSOCIATES INCLUDE CYNOSURUS, TORILIS ARVENSIS, QUERCUS KELLOGGII, Q. CHRYSOLEPIS, Q. WISLIZENI, ELYMUS GLAUCUS, ERIOPHYLLUM LANATUM, ET AL.
General: 4,400 PLANTS SEEN IN 2002 BETWEEN THIS SITE AND OCCURRENCE #33.
Owner/Manager: DPR-SOUTH YUBA RIVER SP



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Occurrence No.	33	Map Index: 56262	EO Index: 56278	Element Last Seen:	2002-06-20
Occ. Rank:	Excellent		Presence: Presumed Extant	Site Last Seen:	2002-06-20
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2006-07-05

Quad Summary: Nevada City (3912131)

County Summary: Nevada

Lat/Long:	39.32575 / -121.04832	Accuracy:	specific area
UTM:	Zone-10 N4354743 E668228	Elevation (ft):	2000
PLSS:	T17N, R08E, Sec. 23, NW (M)	Acres:	7.1

Location: DOWNSTREAM FROM PURDONS CROSSING, SOUTH YUBA RIVER STATE PARK.

Detailed Location: AT SEVERAL CUT SLOPE LOCATIONS ALONG PURDON ROAD NORTH OF BRIDGE AND ALONG LAKE VERA ROAD SOUTH OF BRIDGE. MAPPED WITHIN THE NW 1/4 OF SECTION 23.

Ecological: FOUND GROWING IN LOOSE GRANITIC SOIL ON STEEP ERODING/CUT SLOPES ALONG TRAIL. COMMON PLANT ASSOCIATES INCLUDE CYNOSURUS, TORILIS ARVENSIS, QUERCUS KELLOGGII, Q. CHRYSOLEPIS, Q. WISLIZENI, ELYMUS GLAUCUS, ERIOPHYLLUM LANATUM, ET AL.

General: 4,400 PLANTS SEEN IN 2002 BETWEEN THIS SITE AND OCCURRENCE #32.

Owner/Manager: DPR-SOUTH YUBA RIVER SP

Occurrence No.	34	Map Index: 56305	EO Index: 56321	Element Last Seen:	2002-05-23
Occ. Rank:	Excellent		Presence: Presumed Extant	Site Last Seen:	2002-05-23
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated:	2007-07-11

Quad Summary: Nevada City (3912131)

County Summary: Nevada

Lat/Long:	39.29050 / -121.11461	Accuracy:	specific area
UTM:	Zone-10 N4350709 E662595	Elevation (ft):	1400
PLSS:	T17N, R08E, Sec. 31, SE (M)	Acres:	1.8

Location: NORTH SLOPES OF JONES RAVINE, ALONG JONES BAR ROAD, SOUTH YUBA RIVER STATE PARK.

Detailed Location: NORTH SLOPE OF RAVINE ABOVE ABANDONED DITCH. MAPPED WITHIN THE NE 1/4 OF THE SE 1/4 OF SECTION 31.

Ecological: SOUTH-FACING ROAD CUT. GROWING IN BUCKBRUSH SERIES DOMINATED BY CEANOTHUS CUNEATUS. ASSOCIATES INCLUDE HETEROMELES ARBUTIFOLIA, QUERCUS DOUGLASII, AND ANNUAL GRASSES AND HERBS.

General: 60 PLANTS SEEN IN THREE DISTINCT PATCHES OF APPROXIMATELY 20 PLANTS EACH ALONG THE NORTH SIDE OF THE ROAD.

Owner/Manager: DPR-SOUTH YUBA RIVER SP



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Lewisia cantelovii		Element Code: PDPOR04020	
Cantelow's lewisia			
Listing Status:	Federal: None	CNDDDB Element Ranks:	Global: G3
	State: None		State: S3
	Other: Rare Plant Rank - 1B.2, BLM_S-Sensitive, USFS_S-Sensitive		
Habitat:	General: BROADLEAFED UPLAND FOREST, LOWER MONTANE CONIFEROUS FOREST, CISMONTANE WOODLAND, CHAPARRAL.		
	Micro: MESIC ROCK OUTCROPS AND WET CLIFFS, USUALLY IN MOSS OR CLUBMOSS; ON GRANITICS OR SOMETIMES ON SERPENTINE. 325-1375 M.		

Occurrence No.	43	Map Index: 31174	EO Index: 3199	Element Last Seen: 1991-06-24
Occ. Rank:	Excellent		Presence: Presumed Extant	Site Last Seen: 1991-06-24
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated: 1995-10-23

Quad Summary: Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.29284 / -121.10004	Accuracy:	80 meters
UTM:	Zone-10 N4350995 E663846	Elevation (ft):	1100
PLSS:	T17N, R08E, Sec. 32, NE (M)	Acres:	0.0

Location: SOUTH SIDE OF SOUTH YUBA RIVER, ABOUT 0.7 AIR MILE WSW OF HIGHWAY 49 BRIDGE AND NORTHWEST OF NEVADA CITY.
Detailed Location: TAKE INDEPENDANCE TRAIL UNDER HIGHWAY 49 AND TURN RIGHT AT SIGN "YUBA RIVER .3 MI" WHICH LEADS TO A GAGING STATION. HIKE UPSTREAM ABOUT 0.25 MILE. PLANTS ARE ON STEEP ROCKS ABOUT 50 FEET FROM RIVER.
Ecological: ON MOSSY NORTH FACING, NEARLY VERTICAL ROCK FACES. ASSOCIATED WITH HEUCHERA MICRANTHA, SEDUM SPATHULIFOLIUM, MIMULUS BIFIDUS, AND MOSS.
General: 150 PLANTS OBSERVED IN 1991.
Owner/Manager: STATE

Occurrence No.	61	Map Index: 74820	EO Index: 75744	Element Last Seen: 1964-06-03
Occ. Rank:	Unknown		Presence: Presumed Extant	Site Last Seen: 1964-06-03
Occ. Type:	Natural/Native occurrence		Trend: Unknown	Record Last Updated: 2015-04-23

Quad Summary: Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.30734 / -121.06903	Accuracy:	nonspecific area
UTM:	Zone-10 N4352661 E666486	Elevation (ft):	1450
PLSS:	T17N, R08E, Sec. 27, SW (M)	Acres:	32.0

Location: DEVILS SLIDE ON SOUTH FORK OF THE YUBA RIVER, APPROXIMATELY 1 MILE EAST OF HIGHWAY 49 BRIDGE.
Detailed Location: EXACT LOCATION UNKNOWN. MAPPED AS BEST GUESS AT DEVILS SLIDE ALONG THE GIVEN ELEVATION OF 1450 FT, MOSTLY WITHIN THE SW 1/4 OF SECTION 27.
Ecological: IN CREVICES OF NORTH-FACING GRANITE CLIFF.
General: ONLY SOURCE OF INFORMATION FOR THIS SITE IS A 1964 TRUE COLLECTION. NEEDS FIELDWORK.
Owner/Manager: UNKNOWN



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<i>Rhynchospora capitellata</i>		Element Code: PMCYP0N080	
brownish beaked-rush			
Listing Status:	Federal: None	CNDDB Element Ranks:	Global: G5
	State: None		State: S1
	Other: Rare Plant Rank - 2B.2		
Habitat:	General: LOWER MONTANE CONIFEROUS FOREST, MEADOWS AND SEEPS, MARSHES AND SWAMPS, UPPER MONTANE CONIFEROUS FOREST.		
	Micro: MESIC SITES. 45-1710 M.		

Occurrence No.	6	Map Index: 50475	EO Index: 50475	Element Last Seen: 1979-06-17
Occ. Rank:	Unknown	Presence: Presumed Extant	Site Last Seen: 1979-06-17	
Occ. Type:	Natural/Native occurrence	Trend: Unknown	Record Last Updated: 2019-01-11	

Quad Summary: North Bloomfield (3912038), Nevada City (3912131)
County Summary: Nevada

Lat/Long:	39.36093 / -121.00933	Accuracy:	3/5 mile
UTM:	Zone-10 N4358720 E671503	Elevation (ft):	2750
PLSS:	T17N, R09E, Sec. 6 (M)	Acres:	776.0

Location: SANDY BAR ABOVE MARSH WEST SIDE OF EAST PIT, NORTH COLUMBIA DIGGINGS.
Detailed Location: EXACT LOCATION UNKNOWN. MAPPED AS BEST GUESS BY CNDDDB ON THE WEST SIDE OF NORTH COLUMBIA DIGGINGS AROUND NEARBY ELEVATIONS OF 2750 FT.
Ecological: SANDY BAR ABOVE MARSH.
General: SITE IS BASED ON A 1979 PENDEN COLLECTION. COLLECTION IS IDENTIFIED AS R. CALIFORNICA IN CCH, BUT 1998 USFS REPORT GIVES R. CAPITELLATA. THE LOCATION AND NEARBY COLLECTIONS ALSO BETTER MATCH R. CAPITELLATA. NEEDS FIELDWORK.
Owner/Manager: UNKNOWN



Multiple Occurrences per Page
California Department of Fish and Wildlife
California Natural Diversity Database



<i>Fritillaria eastwoodiae</i>		Element Code: PMLIL0V060	
Butte County fritillary			
Listing Status:	Federal: None	CNDDDB Element Ranks:	Global: G3Q
	State: None		State: S3
	Other: Rare Plant Rank - 3.2, USFS_S-Sensitive		
Habitat:	General: CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.		
	Micro: USUALLY ON DRY SLOPES BUT ALSO FOUND IN WET PLACES; SOILS CAN BE SERPENTINE, RED CLAY, OR SANDY 4550-1475 M.		

Occurrence No.	82	Map Index:	25782	EO Index:	5550	Element Last Seen:	1979-04-12
Occ. Rank:	Unknown	Presence:	Presumed Extant	Site Last Seen:			1979-04-12
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:			1994-05-05

Quad Summary:	Nevada City (3912131)
County Summary:	Nevada

Lat/Long:	39.30469 / -121.07302	Accuracy:	1/5 mile
UTM:	Zone-10 N4352359 E666148	Elevation (ft):	2500
PLSS:	T17N, R08E, Sec. 27, SW (M)	Acres:	0.0

Location:	SOUTH OF THE YUBA RIVER AND WEST OF DEVILS SLIDE ABOUT 4 AIR MI NORTHWEST OF NEVADA CITY.
Detailed Location:	ON ROADSIDE.
Ecological:	
General:	SMALL POPULATION OBSERVED IN 1979.
Owner/Manager:	UNKNOWN



10/15/2019

NCIC File No.: NEV-19-174

Sandy Jansen
California Survey Company
136 Idaho Maryland Road
Grass Valley, CA 95945

Records Search Results for
198 Gold Flat Road, Nevada City, CA (APN: 035-230-048)

Sandy Jansen:

Per your request received by our office on 10/15/2019, a complete records search was conducted by searching California Historic Resources Information System (CHRIS) maps for cultural resource site records and survey reports in Nevada County within a 1/4-mile radius of the proposed project area.

Review of this information indicates that the proposed project area contains zero (0) prehistoric-period resource(s) and zero (0) historic-period cultural resource(s). Additionally, zero (0) cultural resources study reports on file at this office cover a portion of the proposed project area.

Outside the proposed project area, but within the 1/4-mile radius, the broader search area contains zero (0) prehistoric-period resource(s) and four (4) historic-period cultural resource(s). Additionally, ten (10) cultural resources study reports on file at this office cover a portion of the broader search area.

In this part of Nevada County, archaeologists locate prehistoric-period habitation sites “along streams or on ridges or knolls, especially those with southern exposure.” (Moratto 1984:290) This region is known as the ethnographic-period territory of the Nisenan, also called the Southern Maidu. The Nisenan maintained permanent settlements along major rivers in the Sacramento Valley and foothills; they also periodically traveled to higher elevations (Wilson and Towne 1978:387-389). The proposed project search area is situated in the Sierra Nevada foothills about one-third of a mile southwest of Gold Run Creek. Given the extent of known cultural resources and the environmental setting, there is low potential for locating prehistoric-period cultural resources in the immediate vicinity of the proposed project area.

Within the search area, the 1867 GLO plat of T16N, R8E shows evidence of nineteenth-century structures and roads in the vicinity. The 1949 Grass Valley 7.5' USGS topographical map shows evidence of a building within the parcel. Given the extent of known cultural resources and patterns of local history, there is high potential for locating historic-period cultural resources in the immediate vicinity of the proposed project area.

SENSITIVITY STATEMENT:

- 1) With respect to cultural resources, it appears that the proposed project area **is potentially sensitive**.
- 2) Should the lead agency/authority require a cultural resources survey, a list of qualified local consultants can be found at <http://chrisinfo.org>.
- 3) If cultural resources are encountered during the project, avoid altering the materials and their context until a qualified cultural resources professional has evaluated the project area. **Project personnel should not collect cultural resources**. Prehistoric-period resources include: chert or obsidian flakes, projectile points, and other flaked-stone artifacts; mortars, grinding slicks, pestles, and other groundstone tools; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include: stone or adobe foundations or walls; structures and remains with square nails; mine shafts, tailings, or ditches/flumes; and refuse deposits or bottle dumps, often located in old wells or privies.
- 4) Identified cultural resources should be recorded on DPR 523 (A-J) historic resource recordation forms, available at http://ohp.parks.ca.gov/?page_id=1069.
- 5) Review for possible historic-period cultural resources has included only those sources listed in the referenced literature and should not be considered comprehensive. The Office of Historic Preservation has determined that buildings, structures, and objects 45 years or older may be of historical value. If the area of potential effect contains such properties not noted in our research, they should be assessed by an architectural historian before commencement of project activities.

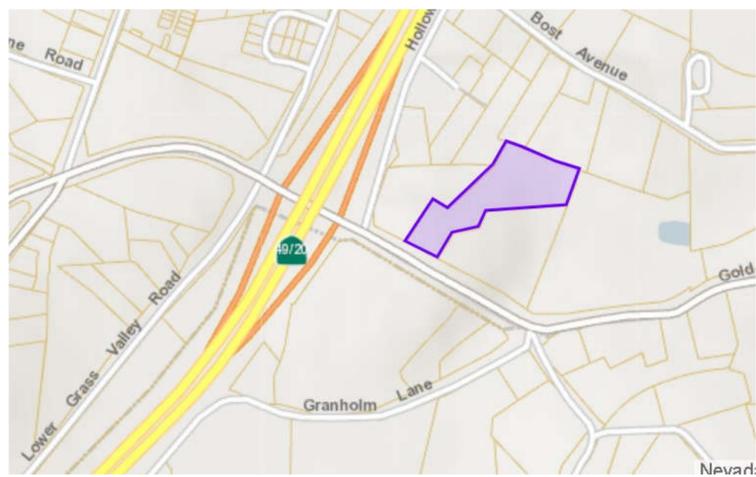
Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

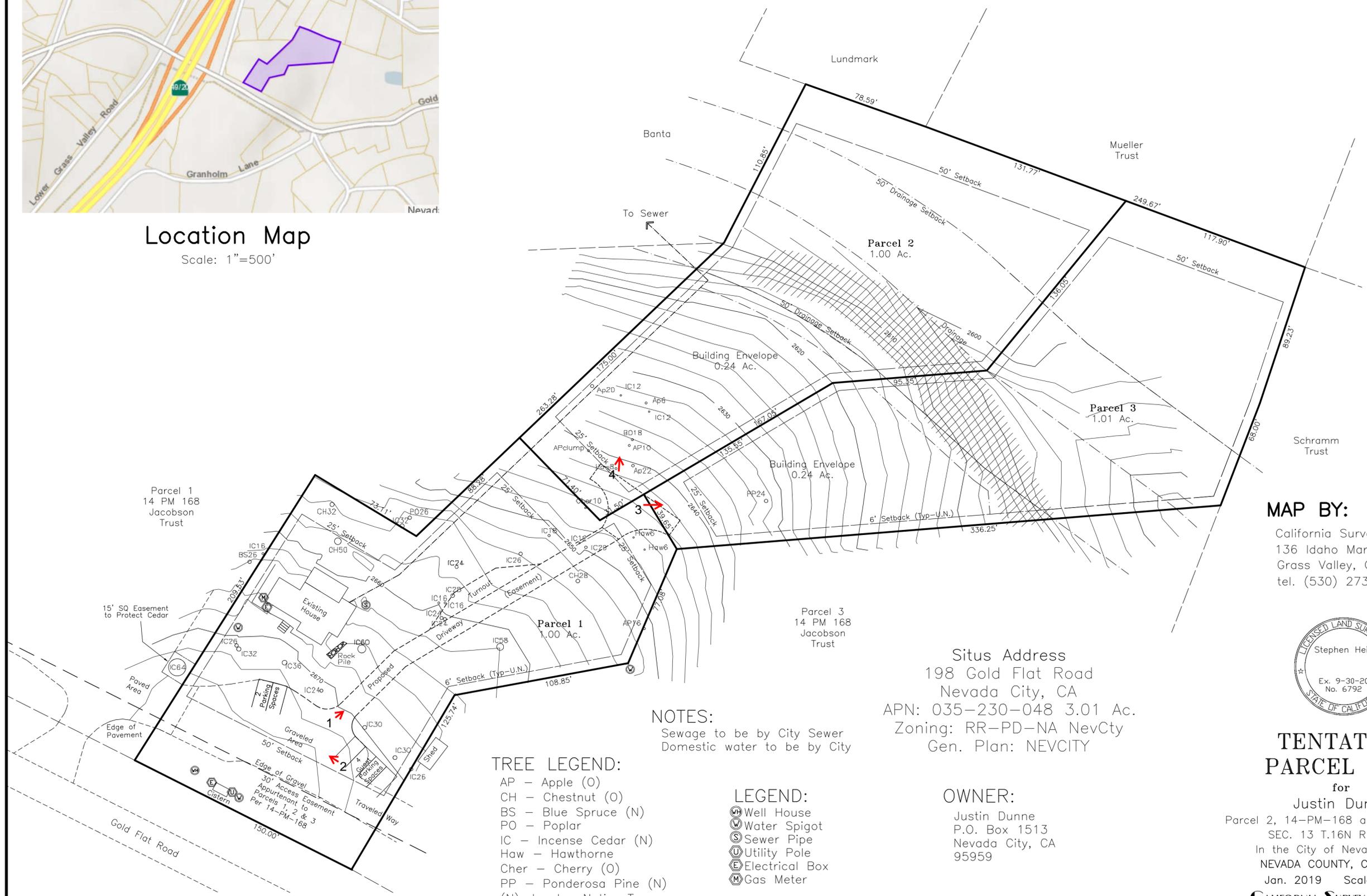
Thank you for using our services. Please contact North Central Information Center at (916) 278-6217 if you have any questions about this record search. An invoice is enclosed.

Sincerely,

Paul Rendes, Assistant Coordinator
North Central Information Center



Location Map
Scale: 1"=500'



MAP BY:
California Survey Company
136 Idaho Maryland Rd.
Grass Valley, CA 95945
tel. (530) 273-6651



Situs Address
198 Gold Flat Road
Nevada City, CA
APN: 035-230-048 3.01 Ac.
Zoning: RR-PD-NA NevCty
Gen. Plan: NEVCITY

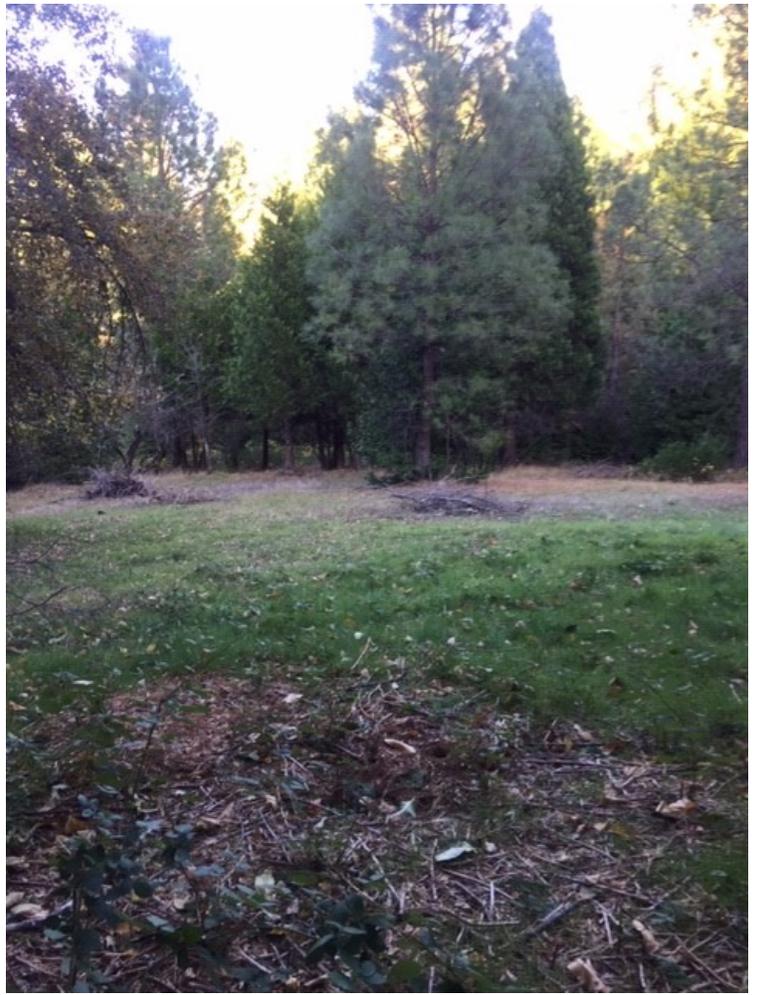
OWNER:
Justin Dunne
P.O. Box 1513
Nevada City, CA
95959

**TENTATIVE
PARCEL MAP**
for
Justin Dunne
Parcel 2, 14-PM-168 and a portion of
SEC. 13 T.16N R.8E MDM
In the City of Nevada City of
NEVADA COUNTY, CALIFORNIA
Jan. 2019 Scale 1"=40'
CALIFORNIA SURVEY COMPANY
(530) 273-6651
Job#5355

NOTES:
Sewage to be by City Sewer
Domestic water to be by City

- TREE LEGEND:**
- AP - Apple (O)
 - CH - Chestnut (O)
 - BS - Blue Spruce (N)
 - PO - Poplar
 - IC - Incense Cedar (N)
 - Haw - Hawthorne
 - Cher - Cherry (O)
 - PP - Ponderosa Pine (N)
 - (N) denotes Native Trees
 - (O) denotes Orchard Trees

- LEGEND:**
- ⊕ Well House
 - ⊕ Water Spigot
 - ⊕ Sewer Pipe
 - ⊕ Utility Pole
 - ⊕ Electrical Box
 - ⊕ Gas Meter
 - ▨ Slopes in excess of 30%



RECORDING REQUESTED BY
JUSTIN DUNNE and MARY ELIFFE

Nevada County Recorder
Gregory J. Diaz
Document#: 20170024145
Friday October 27 2017, at 03:35:17 PM
Rec Fee: \$14.00 CCF: \$1.00
Paid: \$15.00
Recorded By: AB

AND WHEN RECORDED MAIL TO

Name **JUSTIN DUNNE**
Address **PO BOX 1513**
City & State **NEVADA CITY CA**
Zip **95959**

ASSESSORS PARCEL NO **35-230-48-000**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct
Documentary transfer tax is \$ **NONE** R&T Code **11911 Bonafied Gift, consideration less than \$100**

- Computed on full value of property conveyed, or
- Computed on full value less value of liens and encumbrances remaining at time of sale
- Unincorporated area City of **Nevada City**, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
MARY ELIFFE, an unmarried woman

hereby GRANT(S) to
JUSTIN DUNNE, an Unmarried Man

the following described real property in the City of **NEVADA CITY**, County of **NEVADA**, State of California
Parcel 2, as shown upon the Parcel Map for Bernice Colvin, being a portion of Section 13, Township 16 North, Range 8 East, M D M, filed in the Office of the County Recorder of the County of Nevada on May 14, 1980, in Book 14 of Parcel Maps, at Page 168

EXCEPTING THEREFROM as to a portion thereof, all mineral matter, earth and rock situate more than 50 feet below the surface thereof, as conveyed by the Deed dated July 23, 1933, Recorded October 22, 1940, in Book 62 of Official Records, Page 491, executed by James B Bower, as P O Bower deceased, to H Ward Sheldon
Dated

10/7/17

Mary Eliffe
MARY ELIFFE

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California
County of **NEVADA**

On *October 7, 2017*

before me, *Dorothy J Townsend* **Notary Public**
(HERE INSERT NAME AND TITLE OF THE OFFICER)

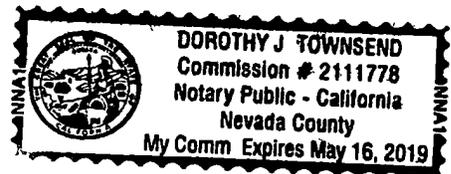
personally appeared **MARY ELIFFE**

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument
I certify under PENALTY OF PERJURY under the laws of the State of California

that the foregoing paragraph is true and correct

WITNESS my hand and official seal

Signature *Dorothy J Townsend*



(SEAL)

Title Order No

Escrow, Loan, or Attorney File No

MAIL TAX STATEMENTS TO
AS ABOVE

NAME

ADDRESS

CITY STATE ZIP

Preliminary Report Top Sheet

◆ HELP US STAY ON TOP OF YOUR TRANSACTION ◆

IF ANY OF THESE QUESTIONS ARE ANSWERED “YES”, OR IF YOU HAVE QUESTIONS ABOUT THE BELOW, PLEASE CONTACT YOUR ESCROW OFFICER IMMEDIATELY

- ◆ Have any of the principals recently filed bankruptcy?
- ◆ Do any of the principals plan to use a power of attorney?
- ◆ Are any of the principals going through a divorce? (if so, is there an attorney involved?)
- ◆ Is anyone currently vested in title deceased? Has a new Tax I.D. Number been established?
- ◆ Do any of the principals NOT have a valid photo identification?
- ◆ Is there construction work in progress or incomplete construction?
 - Any construction completed in the last year?
 - Any construction completed in the last 4 months?
- ◆ Is there a mobile or manufactured home on the property?
- ◆ Are the sellers a non-resident alien or a foreign out of country seller?
- ◆ Is the property an investment property or not considered seller's principal residence?
- ◆ Will a new entity be formed? (i.e. Partnership, LLC, Corporation)
- ◆ If your principals are currently vested or are taking title in their trust, have bank accounts been established in the name of the Trust?
- ◆ Will any of the principals be participating in a 1031 Exchange?
- ◆ Are any of the principals not able to sign with a Placer Title Company? If so, an approved notary will be required.

THANK YOU FOR CHOOSING

Placer Title Company



PLACER TITLE COMPANY
A MOTHER LODE COMPANY

Placer Title Company
380 Sierra College Drive, Suite 100
Grass Valley, CA 95945
Phone: (530) 477-1382
Fax: (530)268-2680

Order No.: P-363851
Reference: Dunne
Escrow Officer: Nevada County Title Only Department
Email: 1503@placertitle.com
Email Loan Docs To: 1504@placertitle.com

Proposed Insured:
Proposed Loan Amount: \$1,000.00

Proposed Underwriter: Old Republic National Title Insurance Company

Property Address: 198 Gold Flat Road, Nevada City, CA 95959

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, Placer Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated: October 17, 2019 at 7:30AM
Title Officer: Donna McHugh

The form of policy of title insurance contemplated by this report is:

Parcel Map Guarantee

The estate or interest in the land hereinafter described or referred to covered by this report is:

Fee Simple

Title to said estate or interest at the date hereof is vested in:

Justin Dunne, an unmarried man

The land referred to in this report is described as follows:

See Exhibit "A" Attached for Legal Description

Exhibit "A" Legal Description

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF NEVADA, CITY OF NEVADA CITY, AND IS DESCRIBED AS FOLLOWS:

PARCEL 2, AS SHOWN UPON THE PARCEL MAP FOR BERNICE COLVIN, BEING A PORTION OF SECTION 13, TOWNSHIP 16 NORTH, RANGE 8 EAST, M.D.M., FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF NEVADA ON MAY 14, 1980, IN BOOK 14 OF PARCEL MAPS, AT PAGE 168.

EXCEPTING THEREFROM AS TO A PORTION THEREOF, ALL MINERAL, MATTER, EARTH AND ROCK SITUATE MORE THAN 50 FEET BELOW THE SURFACE THEREOF, AS CONVEYED BY THE DEED DATED JULY 23, 1933, RECORDED OCTOBER 22, 1940, IN BOOK 62 OF OFFICIAL RECORDS, PAGE 491, EXECUTED BY JAMES B. BOWER, AS P.O. BOWER, DECEASED, TO H. WARD SHELDON

APN: 035-230-048-000

EXCEPTIONS

At the date hereof, exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. Taxes, special and general, assessment districts and service areas for the Fiscal Year 2019-2020:

1st Installment: \$902.71 Due
2nd Installment: \$902.71 Due
Parcel Number: 035-230-048-000
Code Area: 002002
Land Value: \$134,906.00
Imp. Value: \$30,906.00
Total Value: \$165,812.00
Exemption Amount:

Note: First Installment is due November 1 and delinquent December 10. Second Installment is due February 1 and delinquent April 10.

2. The herein described property has been declared tax defaulted for non-payment of delinquent taxes for the Fiscal Year 2018 - 2019 and subsequent years, if any. Sale No. DEF180002261:
Amount to redeem prior to October 31, 2019, is \$484.22.
Amount to redeem prior to November 30, 2019, is \$491.38.
Amount to redeem prior to December 31, 2019, is \$498.54.
Parcel No.: 035-230-048-000
3. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5, (commencing with Section 75) of the Revenue and Taxation Code, of the State of California.
4. Taxes that may be due Nevada Irrigation District are collected with the county taxes. There are possible standby charges and connection fees or other charges of the said irrigation district not shown in this report.
5. The land described herein lies within the proposed boundary of the California Home Finance Authority Community Facilities District No. 2014-1 (Clean Energy), as disclosed by that certain Assessment Map, recorded December 26, 2017, as [\(instrument\) 2017-28760](#), and is subject to any future assessment thereof

Said document references a PROPOSED boundary area and parcels will be annexed only after the legislative body of the appropriate unincorporated or incorporated territory has adopted a resolution consenting to annexation.

There are no assessments due as of the date herein.
6. Rights of upper and lower riparian owners in and to the free and unobstructed flow of the water of the creek extending through the land, without diminution.
7. Rights and easements, including but not limited to, recreation, navigation and fisheries, which may exist over that portion of said land lying beneath the waters of existing creek.

8. Easements and/or notes as shown on the Parcel Map filed May 14, 1980, in [Book 14 of Parcel Maps, at Page 168](#), which include:

A. Purpose: Creek

Affects: Northerly Portion

B. Purpose: 100 foot Building Set Back Lines

Affects: Both sides of the existing creek

C. Purpose: 15 Sq. Ft. Greenbelt Area to Protect Existing Cedar Tree

Affects: Southwesterly portion

D. Purpose: Access Easement

Affects: Front 30 feet

9. An exclusive easement over said land for well and incidental purposes, as granted to John E. Parks, et ux, in deed recorded June 28, 1983, [Instrument No. 83-15967](#), Official Records.

Affects: Southeasterly portion, the exact location and extent of said easement is not disclosed of record

No representation is made as to the current ownership of said easement.

Contains Mutual Agreement to share in maintenance and repair thereof.

10. An easement over said land for natural gas fuel line and incidental purposes, as granted to John E. Parks, et ux, in deed recorded May 31, 1988, [Instrument No. 88-13580](#), Official Records.

Affects: Southeasterly portion, the exact location and extent of said easement is not disclosed of record

No representation is made as to the current ownership of said easement.

Contains Agreement to share in maintenance and repair thereof

11. Deed of Trust to secure an indebtedness of \$250,000.00, dated May 15, 2018, recorded June 1, 2018, [\(instrument\) 2018-0010723](#), Official Records.

Trustor: Justin M. Dunne

Trustee: Olympia Mortgage and Investment Company, Inc.

Beneficiary: Foothill Mortgage Fund, LLC

Loan No.: None shown

12. The requirement that a confidential Statement of Identity from Justin Dunne be submitted no later than 10 days before closing. Additional matters may be added as exceptions depending on the identity of the party or parties.

***** SPECIAL INFORMATION *****

*** CHAIN OF TITLE REPORT:

According to the public records, no deeds conveying the property described in this report have been recorded within a period of 2 years prior to the date of this report, except as shown herein: NONE

*** LENDER'S SUPPLEMENTAL ADDRESS REPORT:

The above numbered report is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association Loan Form Policy:

Placer Title Company states that the herein described property is a Single Family Residence and that the property address is:

198 Gold Flat Road, Nevada City, CA 95959

*****NOTICE REGARDING MAPS**

Any maps provided herewith are for reference only. The property and/or easements shown are but approximations, and no assurances are given as to accuracy, reliability, dimensions or acreage. This will not limit the coverage provided by a CLTA 116, 116.1 or 116.03 endorsement if issued to the policy.

***** NOTICE REGARDING FUNDS DEPOSITED IN ESCROW:**

IMPORTANT NOTICE- ACCEPTABLE TYPE OF FUNDS

Please be advised that in accordance with the provisions of the California Insurance Code, Section 12413.1, any funds deposited for the closing must be deposited into the escrow depository and cleared prior to disbursement. Funds deposited by wire transfer may be disbursed upon receipt. Funds deposit via cashier's checks drawn on a California based bank may be disbursed the next business day. If funds are deposited with the Company by other methods, recording and/or disbursement may be delayed.

IMPORTANT NOTE: PLEASE BE ADVISED THAT ESCROW HOLDER DOES NOT ACCEPT CASH, MONEY ORDERS, ACH TRANSFERS, OR FOREIGN CHECKS.

PLEASE CONTACT ESCROW REGARDING QUESTIONS ON TYPE OF FUNDS REQUIRED IN ORDER TO FACILITATE THE PROMPT CLOSING OF THIS TRANSACTION.

NOTE: If you intend to remit multiple cashier's checks to close your escrow (which may or may not include gift funds or third party funds) IRS cash reporting under IRS Code 8300 may be required. For this reason, you may wish to consider wiring funds in lieu of remitting cashier's checks.

***** DISCLOSURE OF DISCOUNTS *****

You may be entitled to a discount on your title premiums and/or escrow fees if you meet any of the following conditions:

1. You are an employee of the title insurer or Placer Title Company and the property is your primary residence; or
2. The transaction is a loan, the purpose of which is to rebuild the improvements on the property as a result of a governmentally declared disaster; or
3. The property is being purchased or encumbered by a religious, charitable or nonprofit organization for its use within the normal activities for which such entity was intended.

Please advise the company if you believe any of the above discounts apply.

***** LENDER'S NOTE *****

In accordance with Executive Order 13224, and the USA Patriot Act, **PLACER TITLE COMPANY** compares the names of parties to the proposed transaction to the Specially Designated Nationals and Blocked Persons (SDN List) maintained by the United States Office of Foreign Asset Control.

***** BUYER'S NOTE *****

If an ALTA Residential Owner's Policy is requested and if the property described herein is determined to be eligible for this policy, the following Exceptions From Coverage will appear in the policy:

1. Taxes or assessments which are not shown as liens by the public records or by the records of any taxing authority.
2. (a) Water rights, claims or title to water; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) unpatented mining claims; whether or not the matters exception under (a), (b) or (c) are shown by the public records.
3. Any rights, interest or claims of parties in possession of the land which are not shown by the public records.
4. Any easements or liens not shown by the public records. This exception does not limit the lien coverage in Item 8 of the Covered Title Risks.
5. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This exception does not limit the forced removal coverage in Item 12 of the Covered Title Risks.

CLTA PRELIMINARY REPORT FORM
Attachment One (Rev 06-05-14)
CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I (continued)

2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13) EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning: a) building; b) zoning; c) land use; d) improvements on the Land; e) land division; and f) environmental protection. This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks: a) that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records; b) that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date; c) that result in no loss to You; or d) that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right: a) to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and b) in streets, alleys, or waterways that touch the Land. This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1% of Policy Amount or \$2,500.00 (whichever is less)	\$10,000.00
Covered Risk 18:	1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19:	1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21:	1% of Policy Amount or \$2,500.00 (whichever is less)	\$5,000.00

**2006 ALTA LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.

EXCLUSIONS FROM COVERAGE (continued)

7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

2006 ALTA OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

EXCLUSIONS FROM COVERAGE (continued)

3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

[The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.
7. [Variable exceptions such as taxes, easements, CC&R's, etc. shown here.]

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (12-02-13)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

NOTICE
FEDERAL FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT OF 1980 (FIRPTA)

Upon the sale of United States real property, by a non-resident alien, foreign corporation, partnership or trust, the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA), and as revised by the Tax Reform Act of 1984 (26 USCA 897 (C)(1)(A)(1) and 26 USCA 1445), Revised by the Path Act of 2015, These changes may be reviewed in full in H.R. 2029, now known as Public Law 114-113. See Section 324 of the law for the full text of FIRPTA changes. Effective February 27, 2016, the amendments to FIRPTA contained in the PATH Act have increased the holdback rate from 10% of gross proceeds to 15% of gross proceeds of the sale, regardless of whether the actual tax due may exceed (or be less than) the amount withheld if ANY of the following conditions are met:

1. If the amount realized (generally the sales price) is \$300,000 or less, and the property will be used by the Transferee as a residence (as provided for in the current regulations), no monies need be withheld or remitted to the IRS.
 2. If the amount realized exceeds \$300,000 but does not exceed \$1,000,000, and the property will be used by the Transferee as a residence, (as provided for in the current regulations) then the withholding rate is 10% on the full amount realized (generally the sales prices)
 3. If the amount realized exceeds \$1,000,000, then the withholding rate is 15% on the entire amount, regardless of use by the Transferee. The exemption for personal use as a residence does not apply in this scenario.
- If the purchaser who is required to withhold income tax from the seller fails to do so, the purchaser is subject to fines and penalties as provided under Internal Revenue Code Section 1445.

Escrow Holder will, upon written instructions from the purchaser, withhold Federal Income Tax from the seller and will deposit said tax with the Internal Revenue Service, together with IRS Forms 8288 and 8288-A. The fee charged for this service is \$25.00 payable to the escrow holder.

CALIFORNIA WITHHOLDING

In accordance with Sections 18662 and 18668 of the Revenue and Taxation Code, a transferee (Buyer) may be required to withhold an amount equal to 3 1/3 percent of the sales price or an alternative withholding amount certified to by the seller in the case of a disposition of California real property interest by either:

1. A seller who is an individual or when the disbursement instructions authorize the proceeds to be sent to a financial intermediary or the seller,
OR
2. A corporate seller that has no permanent place of business in California.

The buyer may become subject to penalty for failure to withhold an amount equal to the greater of 10 percent of the amount required to be withheld or five hundred dollars (\$500).

However, notwithstanding any other provision included in the California statutes referenced above, no buyer will be required to withhold any amount or be subject to penalty for failure to withhold if:

1. The sales price of the California real property conveyed does not exceed one hundred thousand dollars (\$100,000.00), OR
2. The seller executes a written certificate, under the penalty of perjury, of any of the following:
 - a. The property qualifies as the seller's (or decedent's, if being sold by the decedent's estate) principal residence within the meaning of Internal Revenue Code (IRC) Section 121; or
 - b. The seller (or decedent, if being sold by the decedent's estate) last used the property as the seller's (decedent's) principal residence within the meaning of IRC Section 121 without regard to the two-year time period; or
 - c. The seller has a loss or zero gain for California income tax purposes on this sale; or
 - d. The property is being compulsorily or involuntarily converted and the seller intends to acquire property that is similar or related in service or use to qualify for non-recognition of gain for California income tax purposes under IRC Section 1033; or
 - e. If the transfer qualifies for non-recognition treatment under IRC Section 351 (transfer to a corporation controlled by the transferor) or IRC Section 721 (contribution to a partnership in exchange for a partnership interest); or
 - f. The seller is a corporation (or an LLC classified as a corporation for federal and California income tax purposes) that is either qualified through the California Secretary of State or has a permanent place of Business in California; or
 - g. The seller is a partnership (or an LLC that is not a disregarded single member LLC and is classified as a partnership for federal and California income tax purposes) with recorded title to the property in the name of the partnership of LLC; or
 - h. The seller is a tax-exempt entity under either California or federal law; or
 - i. The seller is an insurance company, individual retirement account, qualified pension/profit sharing plan, or charitable remainder trust; or
 - j. The transfer qualifies as a simultaneous like-kind exchange within the meaning of IRC Section 1031; or
 - k. The transfer qualifies as a deferred like-kind exchange within the meaning of IRC Section 1031; or
 - l. The transfer of this property will be an installment sale that you will report as such for California tax purposes and the buyer has agreed to withhold on each principal payment instead of withholding the full amount at the time of transfer.

The Seller is subject to penalty for knowingly filing a fraudulent certificate for the purpose of avoiding the withholding requirement.

NOTICE
DEPOSIT OF FUNDS AND DISBURSEMENT DISCLOSURE

Unless you elect otherwise (as described below), all funds received by (the "Company") in escrow will be deposited with other escrow funds in one or more non-interest bearing escrow accounts of the Company in a financial institution selected by the Company. The depositor acknowledges that the deposit of funds in a non-interest bearing demand account by Escrow Holder may result in said company receiving a range of economic benefits from the bank in the form of services, credits, considerations, or other things of value. The depositor hereby specifically waives any claim to such economic benefits payable to Escrow Holder resulting from non-interest bearing deposits. Unless you direct the Company to open an interest-bearing account (as described below), the Company shall have no obligation to account to you in any manner for the value of, or to compensate any party for, any benefit received by the Company and/or its affiliated company. Any such benefits shall be deemed additional compensation of the Company for its services in connection with the escrow.

If you elect, funds deposited by you prior to the close of escrow may be placed in an individual interest-bearing account arrangement that the Company has established with one of its financial institutions. You do not have an opportunity to earn interest on the funds deposited by a lender. If you elect to earn interest through this special account arrangement, the Company will charge you an additional fee of \$50.00 for the establishment and maintenance of the account. This fee compensates the Company for the costs associated with opening and managing the interest-bearing account, preparing correspondence/documentation, transferring funds, maintaining appropriate records for audit/reconciliation purposes, and filing any required tax withholding statements. It is important that you consider this cost in your decision since the cost may exceed the interest you earn.

PRIVACY POLICY NOTICE

Purpose Of This Notice

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of a persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document which notifies you of the privacy policies and practices of:

Montana Title and Escrow Company
National Closing Solutions, Inc.
National Closing Solutions of Alabama, LLC
National Closing Solutions of Maryland, Inc.
Texas National Title

Placer Title Company
Placer Title Insurance Agency of Utah
Premier Title Agency
North Idaho Title Insurance Company
Wyoming Title and Escrow Company

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as an application or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finances, securities and insurance.
- Nonfinancial companies such as envelope stuffers and other fulfillment service providers.

We do not disclose any nonpublic personal information about you with anyone for any purpose that is not specifically permitted by law.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.



FACTS	WHAT DOES OLD REPUBLIC TITLE DO WITH YOUR PERSONAL INFORMATION?
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Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
What?	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none"> • Social Security number and employment information • Mortgage rates and payments and account balances • Checking account information and wire transfer instructions <p>When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p>
How?	All financial companies need to share customers’ personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers’ personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Old Republic Title share?	Can you limit this sharing?
For our everyday business purposes – such as to process your transactions, maintain your account(s), or respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes – to offer our products and services to you	No	We don’t share
For joint marketing with other financial companies	No	We don’t share
For our affiliates’ everyday business purposes – information about your transactions and experiences	Yes	No
For our affiliates’ everyday business purposes – information about your creditworthiness	No	We don’t share
For our affiliates to market to you	No	We don’t share
For non-affiliates to market to you	No	We don’t share

Questions	Go to www.oldrepublictitle.com (<i>Contact Us</i>)
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Who we are

Who is providing this notice?

Companies with an Old Republic Title name and other affiliates. Please see below for a list of affiliates.

What we do

How does Old Republic Title protect my personal information?

To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. For more information, visit <http://www.OldRepublicTitle.com/newnational/Contact/privacy>.

How does Old Republic Title collect my personal information?

We collect your personal information, for example, when you:

- Give us your contact information or show your driver's license
- Show your government-issued ID or provide your mortgage information
- Make a wire transfer

We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.

Why can't I limit all sharing?

Federal law gives you the right to limit only:

- Sharing for affiliates' everyday business purposes – information about your creditworthiness
- Affiliates from using your information to market to you
- Sharing for non-affiliates to market to you.

State laws and individual companies may give you additional rights to limit sharing. See the "Other important information" section below for your rights under state law.

Definitions

Affiliates

Companies related by common ownership or control. They can be financial and nonfinancial companies

- Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys' Title Fund Services, LLC, Lex Terrae National Title Services, Inc., Mississippi Valley Title Services Company, and The Title Company of North Carolina.

Non-affiliates

Companies not related by common ownership or control. They can be financial and non-financial companies.

- Old Republic Title does not share with non-affiliates so they can market to you

Joint Marketing

A formal agreement between non-affiliated financial companies that together market financial products or services to you.

- Old Republic Title doesn't jointly market.

Other Important Information

Oregon residents only: We are providing you this notice under state law. We may share your personal information (described on page one) obtained from your or others with non-affiliate service providers with whom we contract, such as notaries and delivery services, in order to process your transactions. You may see what personal information we have collected about you in connection with your transaction (other than personal information related to a claim or legal proceeding). To see your information, please click on "Contact Us" at www.oldrepublictitle.com and submit your written request to the Legal Department. You may see and copy the information at our office or ask us to mail you a copy for a reasonable fee. If you think any information is wrong, you may submit a written request online to correct or delete it. We will let you know what actions we take. If you do not agree with our actions, you may send us a statement.

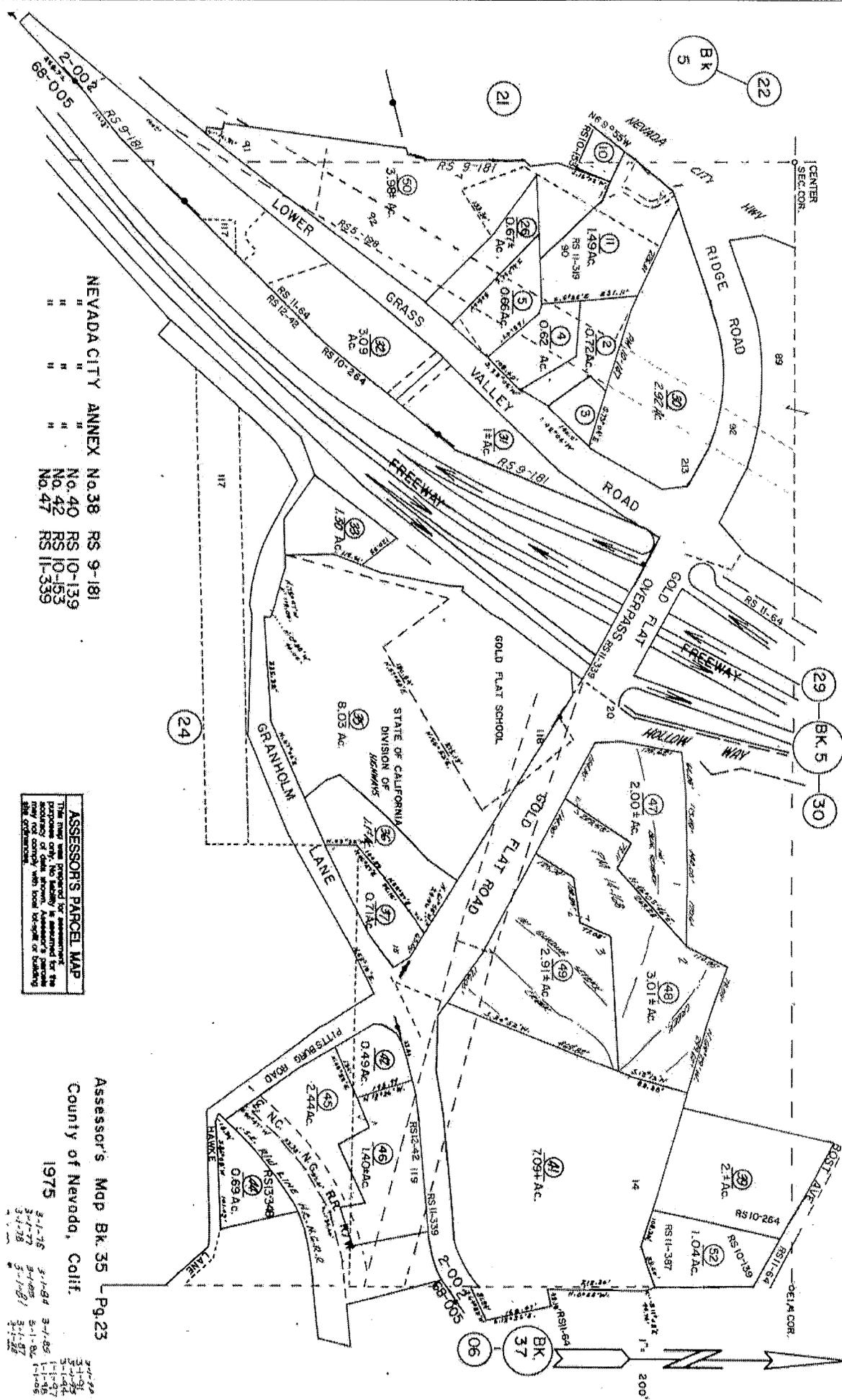
Affiliates Who May be Delivering This Notice

American First Abstract, LLC	American First Title & Trust Company	American Guaranty Title Insurance Company	Attorneys' Title Fund Services, LLC	Compass Abstract, Inc.
eRecording Partners Network, LLC	Genesis Abstract, LLC	Kansas City Management Group, LLC	L.T. Service Corp.	Lenders Inspection Company
Lex Terrae National Title Services, Inc.	Lex Terrae, Ltd.	Mara Escrow Company	Mississippi Valley Title Services Company	National Title Agent's Services Company
Old Republic Branch Information Services, Inc.	Old Republic Diversified Services, Inc.	Old Republic Exchange Company	Old Republic National Title Insurance Company	Old Republic Title and Escrow of Hawaii, Ltd.
Old Republic Title Co.	Old Republic Title Company of Conroe	Old Republic Title Company of Indiana	Old Republic Title Company of Nevada	Old Republic Title Company of Oklahoma
Old Republic Title Company of Oregon	Old Republic Title Company of St. Louis	Old Republic Title Company of Tennessee	Old Republic Title Information Concepts	Old Republic Title Insurance Agency, Inc.
Old Republic Title, Ltd.	Republic Abstract & Settlement, LLC	Sentry Abstract Company	The Title Company of North Carolina	Title Services, LLC
Trident Land Transfer Company, LLC				

N 1/2 S.E. 1/4 SEC. 13, T. 16 N., R. 8 E., M.D.B. & M.

Tax Area Code
68-005
2-002

35-23
(PLAT 4-39)



NEVADA CITY ANNEX

No. 38	RS 9-181
No. 40	RS 10-139
No. 42	RS 10-133
No. 47	RS 11-339

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of the map. The map may not comply with local ordinance or building code requirements.

Assessor's Map Bk. 35 Pg. 23
County of Nevada, Colif.
1975

3-1-76	3-1-84	3-1-85	3-1-86	3-1-87	3-1-88
3-1-77	3-1-85	3-1-86	3-1-87	3-1-88	3-1-89
3-1-78	3-1-86	3-1-87	3-1-88	3-1-89	3-1-90

PARCEL MAP NO. 79-156

BEING A PORTION OF LOTS 6, 14 AND 15 AND OF THE ORLEANS
 QUARTZ MINE, LOT 116, AND OF ORLEANS EXTENSION QUARTZ
 LOT 119, AND OF QUANTZ MINE, LOT 215 AND QUANTZ
 PORTION OF SECTION 15, TOWNSHIP 16, NORTH, RANGE 8 EAST,
 M.D.M., IN THE UNINCORPORATED TERRITORY OF NEVADA
 COUNTY, CALIFORNIA.

SURVEYOR'S CERTIFICATE

The map was prepared by me or under my direction and is
 based upon a survey of each parcel with the reports of
 the surveyors, and is a true and correct copy of the
 original of each lot in this map. The survey was
 made by me or under my direction and is a true and
 correct copy of the original of each lot in this map.
 This survey was conducted in accordance with the
 provisions of the Nevada Statutes and is hereby
 certified as being a true and correct copy of the
 original of each lot in this map.

QUANTZ MINE'S CERTIFICATE

The map conforms with the requirements of the Statutes
 and is a true and correct copy of the original of
 each lot in this map.

Tessie S. Lowell
 Townships E. Lowell
 County Nevada

ORLEANS QUARTZ MINE'S CERTIFICATE

The map conforms with the requirements of the Statutes
 and is a true and correct copy of the original of
 each lot in this map.

File No. 119
 by Thos. J. Pugh
 County Recorder
 by Thos. J. Pugh

CLASS OF CLAIMS

The portions of this survey in reference to the portions
 as indicated by Section 15, View 11 on Unincorporated
 Territory of Nevada in 1906, and was determined
 their land twice posts.

ALAN R. BROOKS INC.
 Land Surveyors - Engineers - Planners - Foresters
 1000 S. Grand Street
 Carson Valley, California 89405
 95-875-1286 95-875-8006

