

**MITIGATED NEGATIVE DECLARATION
REGARDING ENVIRONMENTAL IMPACT**

**NEVADA IRRIGATION DISTRICT
1036 W. Main Street
Grass Valley, CA 95945-1019**

1. NOTICE IS HEREBY GIVEN:

That the project described below has been reviewed pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code 21100, et seq.) and a determination has been made that it will not have a significant impact on the environment.

2. PROJECT NAME: Ranchero Group Treated Water Line Extension Project

3. DESCRIPTION OF PROJECT:

NID proposes to construct and operate a new treated water distribution system to serve 119 existing residential parcels. The purpose of the project would be to provide treated water service to landowners within the NID service area, consistent with NID's Lake of the Pines Treated Water Master Plan (NID 1989) and in response to landowner requests for this service from NID. Property owners have expressed interest in receiving NID treated water service to replace or supplement groundwater sources obtained from individual private wells. The Proposed Project would enable NID to meet the community's existing potable water demands during peak summer months. Implementation of the Proposed Project also would enable NID to meet future treated water supply demands associated with planned and approved development defined by the Nevada County General Plan (County of Nevada 1996).

NID would form an assessment or community funded district (AD/CFD) to finance the construction and operation of the Proposed Project with approval via a vote. Property owners within the AD/CFD would pay an annual fee for their respective share of the overall cost of the water system improvements.

FACILITIES AND OPERATION

The Proposed Project would consist of the construction and operation of new treated water pipelines (water mains) and related appurtenances. The Proposed Project would include installation of approximately 7 miles (36,500 feet) of new treated water mains (pipeline) ranging in size from 6 to 12 inches in diameter. These pipelines will have accessory facilities such as fire hydrants, meters, and valves. The majority of the proposed water mains would be installed within or immediately adjacent to existing roads and roadway shoulders. However, there are portions of the Proposed Project alignment that would require NID to acquire additional rights-of-way across private property within the service area because of limited public utility easements or rights-of-way availability.

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NID has identified two segments within the proposed distribution system for which the final alignments remain undetermined. The first segment optional routes are referred to as Connector 1 and Connector 2.

The new water mains would include appurtenances consisting of air release valves, blow-off valves, fire hydrants, and service assemblies with meter boxes. Air release valves operate automatically to allow air that is trapped in the pipeline to escape to the atmosphere. Blow-off valves would be manually operated by NID maintenance personnel to drain water from the pipelines. All water main appurtenances would be at ground level, with the exception of the fire hydrants, utility paddle markers, and short vent pipes for the air release valves, which would be of standard size and extend above ground by no more than 4 feet. Air release valve vent pipes would be strapped to a typical utility paddle marker used for locating the valves. All other ground-level appurtenances, such as valves and blow offs, would also have utility paddle markers associated with them.

4. LOCATION OF PROJECT:

The Proposed Project is located in an unincorporated area of southern Nevada County north of the Lake of the Pines community. Access to the Proposed Project site is via State Route 49 to Magnolia Road. The Proposed Project would occur within an area of residential parcels accessed primarily along Magnolia Road, East Hacienda Drive, Rancho Way, Pioneer Way, Salt Creek Road, and Surrey Drive.

5. NAME AND ADDRESS OF PROJECT PROPONENT:

Nevada Irrigation District, 1036 West Main Street, Grass Valley, California 95945-9103

6. MITIGATION MEASURES:

AIR QUALITY

Mitigation Measure AIR-1. Implementation of NSAQMD-recommended Construction Emission Control Practices.

The NID contractor will implement the following NSAQMD-recommended construction emission control practices:

- Alternatives to open burning of vegetative material will be used. Among suitable alternatives are chipping, mulching, conversion to biomass fuel, or hauling to a greenwaste disposal site.
- All offroad diesel construction equipment shall be equipped with at least Tier 1 engines.
- Adequate dust control measures will be implemented in a timely and effective manner during all phases of project construction.
- All material excavated, stockpiled, or graded should be sufficiently watered, treated, or covered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard.

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- All areas (including unpaved roads) with vehicle traffic should be watered or have dust palliatives applied, as necessary, for regular stabilization of dust emissions. In addition, areas will be watered during the cutting of pavement.
- All onsite vehicles should be limited to a speed of 15 mph on unpaved areas.
- All land clearing, grading, earth moving or excavation activities on a project will be suspended as necessary when winds are expected to exceed 20 mph.
- All material transported off site will be either sufficiently watered or securely covered to prevent a public nuisance.
- If necessary, temporary traffic control will be provided during all phases of the construction to improve traffic flow as deemed appropriate by local transportation agencies and/or Caltrans.
- Construction activities should be scheduled to direct traffic flow to off-peak hours as much as practicable.
- All inactive portions of the site disturbed by construction activities should be covered, mulched, seeded, or watered until a suitable cover is established.
- The contractor will be responsible for applying county-approved non-toxic soil stabilizers (according to manufacturer's specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance. Acceptable materials that may be used for chemical stabilization of soils include petroleum resins, asphaltic emulsions, acrylics and adhesives which do not violate Regional Water Quality Control Board or ARB standards.
- Construction shall comply with the BMPs set out in the NSAQMD's Rule 226 Dust Control. All grading operations will be suspended if fugitive dust exceeds Rule 226 Dust Control limitations. This consists of "visible dust of such opacity as to obscure an observer's view to a degree equal to or greater than an opacity of 20%, for a period or periods aggregating more than three (3) minutes in any one (1) hour."
- Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently if necessary, to remove excessive accumulations or visibly raised areas of soil which may have resulted from activities at the project site.

BIOLOGICAL RESOURCES

Mitigation Measure BIO-1. Conduct Environmental Awareness Training Prior to Construction.

NID will implement the following to protect sensitive and special-status plant or wildlife present in the Proposed Project area.

- Construction personnel shall participate in an environmental awareness program designed to (1) avoid impacts on sensitive biological resources (e.g., wetlands, drainages, and landmark trees), and (2) protect potential habitat for special-status plant or wildlife species (e.g., valley elderberry longhorn beetle (VELB), CRLF, northwestern pond turtle, special-status avian species, as well as other nesting migratory birds and raptors). Under this program, workers shall be informed by a qualified biologist about the potential presence of sensitive biological resources, as well as special-status species and/or habitat (e.g. elderberry shrubs), key diagnostic characteristics for identification of special-status species, and the requirements to avoid disturbance to special-status species and habitats adjacent to the Proposed Project

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construction area. Training will also include guidance on the need to avoid damaging elderberry shrubs and the possible penalties for not complying with these requirements.

Mitigation Measure BIO-2. Conduct a Special-Status Plant Survey during Blooming Periods (May–July) for Special-status Plant Species.

NID will conduct a special-status plant survey along the three segments listed in Section 3.4.2, Biological Resource Surveys, during the blooming periods for special-status plants to determine if sensitive plant species are present in the Proposed Project area.

- If special-status plant species are found in the Proposed Project area, orange or yellow construction fencing will be erected to provide a 20-foot-buffer area around the population to prevent encroachment by construction activities. The fencing will be maintained until construction is complete.
- If a special-status plant species is detected during special-status plant surveys, a California Native Species Field Survey Form will be prepared and submitted to the CNDDDB.

Mitigation Measure BIO-3. Conduct Preconstruction Surveys for Elderberry Shrubs and Avoid Disturbance of Habitat for VELB.

NID will implement the following to protect VELB habitat (elderberry shrubs) present in the Proposed Project area.

- Prior to construction, a qualified biologist will identify and mark all elderberry shrubs with stems ≥ 1 inch in diameter at ground level within 100 feet of the construction area, including, where possible, shrubs located on private property where landowner permission was not granted to access at the time of surveys.
- NID will maintain a 100-foot-buffer between construction areas and all elderberry shrubs with stems ≥ 1 inch in diameter. The 100-foot-buffer will be indicated by orange or yellow construction fencing, which will be installed prior to and maintained for the duration of construction.
- No construction activities will be permitted within the 100-foot-buffer zone without consultation with USFWS pursuant to the ESA (USFWS 1999). If a reduced buffer zone is approved by USFWS, the agreed-upon buffer area will be indicated by orange or yellow construction fencing that will be installed prior to and maintained for the duration of construction.
- Signs will be erected every 50 feet along the edge of the avoidance area with the following information: “This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.” The signs will be clearly readable from a distance of 20 feet, and will be maintained for the duration of construction.

Mitigation Measure BIO-4. Conduct a USFWS Site Assessment for California Red-Legged Frog.

NID will implement the following to protect CRLF potentially present in the Proposed Project area.

- A site assessment will be conducted in accordance with the USFWS Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog (USFWS 2005) and a report submitted to the USFWS.

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- Following review of the site assessment, if the USFWS determines that the Proposed Project could result in potential adverse affects to CRLF and protocol-level CRLF surveys are necessary, NID will initiate consultation with the USFWS pursuant to the ESA.
- As part of this consultation, NID will prepare an evaluation of the effects of the Proposed Project on CRLF, as well as appropriate avoidance, protection and, if necessary, mitigation measures.
- Following review of the evaluation, the USFWS would then either concur with the avoidance, protection and mitigation measures included in the evaluation, or provide additional appropriate measures to mitigate any potential adverse effects. Through the ESA consultation process, appropriate measures will be developed to avoid, minimize, and mitigate potential impacts to CRLF.
- If, following review of the site assessment, the USFWS determines that the Proposed Project is not likely to adversely affect CRLF, no further measures would be necessary.

Mitigation Measure BIO-5. Conduct Preconstruction Survey for Northwestern Pond Turtle.

NID will implement the following mitigation measures, as appropriate, to minimize or avoid potential impacts to the northwestern pond turtle and its habitat:

Pre-Construction Survey

- Surveys for northwestern pond turtle and any active pond turtle nests and hatchlings will be conducted by a qualified biologist no more than 48 hours prior to the start of construction within suitable aquatic (ponds or drainages) and upland habitat (grasslands within 300 feet of aquatic habitats).
- If an adult pond turtle is located in the construction area, a qualified biologist shall move the turtle to a suitable aquatic site, outside the construction area.
- If an active pond turtle nest containing either pond turtle hatchlings or eggs is found during surveys, the biologist shall consult CDFG to determine the appropriate avoidance measures, which may include a “no-disturbance” buffer around the nest site until the hatchlings have dispersed to a nearby aquatic site.

Construction Monitoring

- During construction activities in suitable aquatic and upland habitat a biological monitor will be on site each morning prior to the start of construction. The biological monitor will check for animals under any equipment as well as in the construction area and access route. If any adult or juvenile northwestern pond turtles are detected, the qualified biologist will relocate pond turtles to a suitable aquatic site outside of the construction area.

Mitigation Measure BIO-6. Construction Timing and Installation of Temporary Construction Fencing or Flagging along Unnamed Tributary and Associated Artificial Impoundment (Pond 1).

NID will implement the following mitigation measures, as appropriate, to minimize or avoid potential impacts to special-status or native bird species at Pond 1:

- Construction activities adjacent to the unnamed tributary to South Wolf Creek and associated artificial impoundment (Pond 1) will be conducted from September 1 to January 31 to reduce potential impacts to special-status avian species (e.g., yellow warbler and California black rail) and other native bird species (e.g., nesting waterfowl) potentially present.

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- Prior to implementation of staging and construction or ground disturbing activities, NID will install orange or yellow construction fencing to form a minimum 50-foot-buffer area to prevent inadvertent access to the unnamed tributary and Pond 1 by equipment or personnel. The buffer area will include any stands of wetland or riparian vegetation around and adjacent to unnamed tributary and the pond.

Mitigation Measure BIO-7. Avoid Disturbance of Special-Status Birds and Raptors, and Non-Special-Status Migratory Nesting Birds and Raptors.

NID will implement the following measures, as appropriate, depending on the specific construction timeframe, to avoid disturbance of tree-, shrub-, or ground-nesting birds and raptors:

- To avoid disturbing any raptor and bird nests, construction activities will be conducted during the non-breeding season for these species (between August 16 and February 28), if possible.
- If construction activities must be conducted during nesting season (generally between March 1 and August 15), a preconstruction survey shall be conducted by a qualified biologist to determine if there are active nests present. The survey shall be conducted no more than 30 days prior to construction. Surveys will be conducted each year, prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities can begin without any further mitigation.
- If active raptor nests are found, construction shall not occur within 500 feet of an active nest until the young have fledged, as determined by a qualified biologist, or until the project applicant receives written authorization from the CDFG to proceed.
- If active nests of ground-nesting birds are found, a 25-foot-buffer shall be established and the nest will be avoided until the young have fledged, as determined by a qualified biologist. The 25-foot-buffer will be marked with stakes and flagging.
- If other nesting bird species (excluding raptors) are found, removal of the nest tree or shrub shall be avoided until the young have fledged, as determined by a qualified biologist.
- If trees or shrubs with active nests of species protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code cannot be avoided during project construction, appropriate measures shall be developed based on the species-specific nesting period, behavior, and sensitivity periods, and through consultation with CDFG.

Mitigation Measure BIO-8. Conduct a Delineation of Waters of the U.S., including Wetlands.

If NID proposes to implement open cut trenching in potential waters of the U.S., NID will retain a qualified wetlands consultant to conduct a wetland delineation for areas where open-cut trenching will be implemented.

Mitigation Measure BIO-9. Clean Water Act Permitting and California Fish and Game Code Compliance.

Following completion of the wetlands delineation, NID will obtain relevant CWA permits and a Department of Fish and Game Code Section 1600 Streambed Alteration Agreement.

- All proposed discharges of dredge or fill material into waters of the U.S. will first be authorized by the USACE, pursuant to Section 404 of the CWA, and all protection, avoidance, and mitigation measures associated with USACE permits will be implemented.
- Pursuant to Sections 1601-1603 of the California Fish and Game Code, NID will enter into a Streambed Alteration Agreement with CDFG regarding the Proposed Project. Avoidance, protection, and mitigation measures identified in this agreement will be implemented.

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- Pursuant to Section 401 of the CWA, NID will obtain Water Quality Certification from the Regional Water Quality Control Board for the Proposed Project. Avoidance, protection, and mitigation measures identified in this certification will be implemented.

Mitigation Measure BIO-10. Conduct a Tree Survey.

Prior to construction, NID will conduct a tree survey to identify trees that may be affected (disturbed or removed) due to construction.

- A qualified biologist will conduct a tree survey in oak woodland habitat along the Proposed Project alignment prior to implementation of construction.
- Data collected will include tree species, height, dbh, general health, and Geographic Information System (GIS) location information for all oak trees 5 inches or more in dbh as well as landmark native trees growing which have been identified as potentially occurring within the construction corridor where grading, trenching, backfilling, or other activities may occur.
- Based on the results of the tree survey, a qualified biologist will determine if the project will significantly impact oak woodlands. This determination will be based on the number of oaks to be removed, the number of acres of oak woodlands that will be affected, the diameter of the individual trees removed or their collective average canopy cover per acre and proximity to other habitat elements. If the qualified biologist determines that tree removal in the Proposed Project area could potentially cause significant impacts to oak woodland habitat then NID will implement one or more of the following measures:
 - A Management Plan will be prepared by a certified arborist, registered forester, qualified biologist or botanist, or landscape architect. The Management Plan will evaluate the impact of the Proposed Project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals. The Management Plan will emphasize protection of blue oak and valley oak (*Quercus lobata*), if present, as both have very limited distribution in Nevada County and are considered to be sensitive plants worthy of special protection.
 - Trees that must be removed shall be replaced at a minimum ratio of two trees replanted for every one tree removed. NID will work with property owners to provide replacement trees for onsite mitigation, as feasible. Onsite mitigation is preferred, but trees may be replanted offsite if onsite mitigation is not feasible. The Management Plan shall provide for the long-term maintenance of the replacement trees.
 - If it is determined that the planting of replacement trees is infeasible or the project site is not capable of supporting all the replacement trees, NID will pay Nevada County the current market value of the tree removed and the value of the replacement trees (including the cost of planting and maintenance), as established by a qualified professional, to go into a Tree Preservation Fund or an alternative program such as the Nevada County Land Trust. Fund monies received in lieu of replacement trees shall be used for the planting and maintenance of trees on publicly owned property, or for purchase of replacement habitat.

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Mitigation Measure BIO-11. Install Temporary Construction Fencing or Flagging to Protect Landmark Trees, if present.

The following measures will be implemented to protect landmark trees, if present, during project construction:

- As a construction specification, NID shall install orange or yellow construction fencing around the tree root zone. The fence shall be staked 10 feet on center maximum spacing, with steel or wood posts. The exclusionary area shall be under the tree's branched canopy and extending out to the tree's longest dripline radius as a circle. The fencing shall be maintained and not removed until the completion of excavation. The fencing may be removed once NID completes the pipeline installation and backfills the trench.

CULTURAL RESOURCES

Mitigation Measure CULT-1. Construction Oversight by Qualified Archaeologist.

NID will ensure that a qualified archaeologist will be present during excavation of the pipeline trench in the vicinity of sites P-29-3563 and CA-NEV-1848. If artifacts or features are encountered during construction activities, all work must cease in the immediate vicinity of the find and the archaeologist shall determine if the site meets the criteria for significance under State CEQA Guidelines Section 15126.4 and Public Resources Code Section 21084.1, and whether further mitigation is required. If an archaeological resource does not meet the criteria in the above sections, but does meet the definition of a unique archaeological resource as outlined in Public Resources Code Section 21083.2, then the site shall be treated in accordance with the provisions in Public Resources Code Section 21083.2. If the encountered resource does not meet the threshold for significance or is not found to be a unique resource, no further treatment will be necessary.

Mitigation Measure CULT-2. Accidental Discovery of Archaeological Resources.

If an archaeological resource is encountered during construction activities, all work must cease in the immediate vicinity of the find and the lead agency in consultation with a qualified archaeologist shall determine if the site meets the criteria for significance under State CEQA Guidelines Section 15126.4 and Public Resources Code Section 21084.1, and whether mitigation is required. If an archaeological resource does not meet the criteria in the above sections, but does meet the definition of a unique archaeological resource as outlined in Public Resources Code Section 21083.2, then the site shall be treated in accordance with the provisions in Public Resources Code Section 21083.2. If the encountered resource does not meet the threshold for significance or is not found to be a unique resource, no further treatment will be necessary.

Mitigation Measure CULT-3. Accidental Discovery of Paleontological Resources.

In the event that paleontological resources are discovered, all construction activity within 10 feet of the discovery shall be halted. The decision to conduct paleontological salvage operations shall be determined by the paleontologist in consultation with NID staff and project management. If deemed significant, the paleontological finds shall be salvaged in accordance with professional paleontological standards. This will include removal of identifiable paleontological remains, fossil preparation and subsequent curation of these remains at a recognized repository, such as the University of California Museum of Paleontology.

Mitigation Measure CULT-4. Accidental Discovery of Human Remains.

In the event that any human remains with or without associated funerary objects are discovered during implementation of the Proposed Project, all ground-disturbing activities in the vicinity of

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the remains will stop immediately. After the location of the find has been secured, by California law (Section 15064.5(e) of the State CEQA Guidelines and State law [Health and Safety Code Section 7050]), the county coroner must be notified of the discovery. If the remains are determined to be Native American by either the county coroner or a qualified archaeologist or physical anthropologist, the Native American Heritage Commission shall be notified by the person making the determination; the Commission shall then inform the Most Likely Descendant and an appropriate treatment plan shall be devised for disposition of the burial and associated grave goods. If the remains are assessed as clearly non-Native American, an attempt shall be made to identify other most likely descendants (e.g., landowners) expeditiously. Construction activities may resume in the area of the identified human remains only after proper treatment of the materials has been achieved and a notice to proceed is received from the lead agency (NID).

GEOLOGY, SOILS, & SEISMICITY

Mitigation Measure GEO-1. Conduct Geotechnical Investigation and Implement Recommended Measures.

NID will conduct a geotechnical investigation that evaluates the potential for landslides, expansive soils, and unstable soils within the project area on slopes greater than 25%. Based on subsurface conditions, the proposed water mains and appurtenances will be designed to accommodate the effects of expansive or unstable soils and/or any potential risks associated with landslides. Based on the results of the geotechnical investigation, NID and its contractor(s) will be responsible for implementing the recommendations in the geotechnical investigation, including any monitoring or reporting requirements.

HAZARDS AND HAZARDOUS MATERIALS

Mitigation Measure HAZ-1. Implement Standard Fire Prevention Measures.

NID's contractor will implement standard fire prevention measures, including but not limited to, identifying construction sites as non-smoking areas, training personnel, and equipping personnel with portable communication devices. The standards will address spark arresters, smoking and fire rules, and storage guard. Portable communications devices (i.e., radio or mobile telephones) will be made available to all construction personnel.

HYDROLOGY AND WATER QUALITY

Mitigation Measure HYD-1. Install Temporary Cofferdam(s).

If flow is present in the potentially affected stream(s) during trenching activities, a temporary cofferdam (or cofferdams, depending on extent and/or location of active work areas) would be constructed across the stream channel to divert flow around the construction area(s). The cofferdam(s) will isolate work areas from the affected water body and minimize the potential for turbidity-related impacts. The cofferdam(s) will be constructed using clean gravel or other clean, non-toxic materials. The cofferdam(s) will be removed upon project completion.

Mitigation Measure HYD-2. Develop and Implement a Frac-Out Contingency Plan for Trenchless Technology Activities.

For trenchless technology activities that use drilling lubricants, NID or its contractor will prepare and implement a frac-out contingency plan that is intended to minimize the potential for a frac-out associated with tunneling activities; provide for the timely detection of frac-outs; and ensure an organized, timely, and "minimum-impact" response in the event of a frac-out and release of

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drilling lubricant (bentonite). The contingency plan will require, at a minimum, the following measures:

- A full-time monitor will attend all drilling to look for observable frac-out conditions or lowered pressure readings on drilling equipment.
- If a frac-out is identified, all work will stop, including the recycling of drilling lubricant. In the event of a frac-out into water, the pressure of water above the tunnel will keep excess mud from escaping through the fracture. The location and extent of the frac-out will be determined, and the frac-out will be monitored for 4 hours to determine whether the drilling lubricant congeals (bentonite will usually harden, effectively sealing the frac-out location).
- If the drilling lubricant congeals, no other actions will be taken that would potentially suspend sediments in the water column.
- Surface releases of bentonite will be allowed to harden and then will be removed.
- The contingency plan will identify additional measures to be taken to contain or remove the drilling lubricant if it does not congeal.

Mitigation Measure HYD-3. Conduct Geotechnical Investigation for Risk of Mudflows and Implement Recommended Measures.

NID or its contractor will conduct a geotechnical investigation that evaluates the potential for mudflows within the project area at slopes greater than 25%. Based on the proposed construction activities and the results of the geotechnical investigation, the proposed water mains and appurtenances will be designed, constructed and operated to minimize any potential risks associated with mudflows. Based on the results of the geotechnical investigation, NID or its contractor(s) will be responsible for implementing the recommendations in the geotechnical investigation.

NOISE

Mitigation Measure NZ-1. Implementation of Noise Best Management Practices during Construction Activities.

To reduce noise-related impacts to occupants of nearby residential land uses, the following BMPs will be incorporated into the Proposed Project:

- Construction activities, including activities within equipment staging areas, shall be limited to the hours between 7 a.m. and 7 p.m. on weekdays. Construction work on weekends and holidays recognized by NID, shall be avoided when practical.
- All construction equipment must have sound-control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust system.
- Additional noise-reduction measures shall be implemented as appropriate and practical, including but not limited to:
 - Changing the location of stationary construction equipment when practical to an area with less sensitive receptors;
 - Limiting equipment (i.e., construction equipment and trucks) to five (5) or fewer minutes of idling time as well as rescheduling construction activity; and
 - Notifying nearby residents 48 hours in advance of starting construction in an area not previously affected by recent construction activities.

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7. FILING LOCATION:

A copy of the initial study regarding the environmental effect of this project is on file at the NID Office located at 1036 West Main Street, Grass Valley, California 95945-9103.

8. THIS STUDY WAS:

- Adopted as presented
- Adopted with changes. Specific modifications and supporting reasons are attached.

The NID Board of Directors will hold a public hearing on this Negative Declaration in January 2010.

9. DETERMINATION:

On the basis of the initial study of environmental impact, the information presented at hearings, comments received on the proposal, and our own knowledge and independent research:

- We find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.
- We find that the proposed project COULD have a significant effect on the environment but will not in this case because of mitigation measures described in Item 6 above that are by this reference made conditions of project approval. A CONDITIONAL NEGATIVE DECLARATION is hereby adopted.

Date

Ron Nelson, General Manager
Nevada Irrigation District