



County of Yolo

John Bencomo
DIRECTOR

PLANNING AND PUBLIC WORKS DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

December 10, 2009

FILE #2009-028: Request for a road right-of-way abandonment of approximately two miles of an unmaintained portion of County Road 41 (**Attachment A**).

APPLICANT/OWNER: Yocha Dehe Wintun Nation of California
Marshall McKay
PO Box 18
Brooks, CA 95606

LOCATION: That portion of County Road 41 right-of-way proposed to be abandoned is located north of Rumsey, approximately one mile northeast of State Route 16 (APNs: 018-260-17, 018-260-18, 060-270-01, and 060-270-05) (**Attachment B**).

GENERAL PLAN: Agriculture (Yolo County General Plan)

ZONING: Agricultural General (A-1) and Agricultural Preserve (A-P)

FIRE SEVERITY ZONE: Moderate to Very High


SOILS: Conditions vary within the subject properties. Soil types range from Class 1 to Class VII. Slopes range from 0 to 75 percent.

FLOOD ZONE: A (area within the 100 year flood plain) and C (area outside the 100 year and 500 year flood plains)

SUPERVISOR DISTRICT: 5 (Chamberlain)

ENVIRONMENTAL DETERMINATION: Statutory Exemption

REPORT PREPARED BY:


Stephanie Berg Cormier, Associate Planner

REVIEWED BY:


David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission recommend the Board of Supervisors:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Statutory Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment C**);
3. **ADOPT** the Findings (**Attachment D**) for denial of the road right-of-way abandonment of the unmaintained portion of County Road 41; and
4. **DENY** the request.

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REASONS FOR RECOMMENDED ACTIONS

Roads that are vacated by the county typically do not serve any public use. Although the county has recently ceased maintenance on County Road 41, a seasonal access road, it cannot be determined at this time that there is no existing or prospective public use for the road, which is a required finding for road abandonment under the California Streets and Highways Code. County Road 41 provides the only public access through the Rumsey hills to Arbuckle and Williams in Colusa County, and may be used as an alternate emergency route for those residents in the northern Capay Valley. In addition, the road is used by a variety of recreational visitors for hiking, sight-seeing, bicycling, horse riding, bird watching, and other passive activities.

Staff acknowledges the applicant's legitimate concerns. Like most property owners, they seek to minimize the conflicts that occur as a result of a public right-of-way that extends through private property. However, other land use controls, such as fencing, distinctive signage, and increased patrolling, remain available to prevent trespassing. As a result, staff recommends denial of the proposed abandonment.

PROJECT DESCRIPTION

The proposed project is a request to abandon the unmaintained portion of County Road 41 (approximately two miles from the lower seasonal closure gate to the Colusa County line). County Road 41, also known as Arbuckle Road, becomes Sand Creek Road in Colusa County, which eventually connects with Interstate 5. The right-of-way proposed to be abandoned is located primarily within the property known as Yochadihi, previously referred to as the Rumsey Canyon Ranch, which encompasses approximately 1,246 acres of land.

Yochadihi, owned and maintained by the Yocha Dehe Wintun Nation (previously referred to as the Rumsey Band of Wintun Indians and hereafter referred to in this staff report as "the Tribe"), is currently used as rangeland for grazing and open space purposes. According to the applicant, since purchasing the property in December 2008, they have encountered trespassing, vandalism, and illegal dumping on the property, as well as illegal hunting and poaching. The Tribe believes that the activities are facilitated by the public access provided by County Road 41. The project proposes to abandon a portion of County Road 41 as a land management strategy to reduce unauthorized access to the property. Additionally, the Tribe seeks to protect an ancestral village site located in the vicinity, and safeguard significant cultural sites from further damage created by illegal public access. Since owning the property, the Tribe has improved County Road 41 at their own costs, since the road is no longer maintained by the county. The proposed abandonment would limit potential liability for their private maintenance of a public right-of-way.

The project includes permanently locking both the lower and upper seasonal gates to restrict all public vehicular and recreational use of the road. The property owner (Farnham) adjacent to the lower gate has agreed to provide a dedicated turnaround at the gate's closure, and to grant easement rights to adjoining property owners. The gates would operate with a Knox box, accessible to property owners requiring access off CR 41, emergency personnel, and individuals with legal rights to pass. The Tribe has declared its commitment to maintain the road, should it be vacated, to grant access to the public in emergency situations (see attached statement in **Attachment E**).

STAFF ANALYSIS

County Road 41 (CR 41) is paved and county-maintained for the one-half mile segment from State Route 16 up to the lower seasonal gate. The Rumsey Bridge crossing over Cache Creek is located within this lower alignment. The road is gravel for less than one mile just beyond the seasonal

gate, and then unmaintained dirt for approximately two miles when it reaches Colusa County at the upper seasonal gate. Sand Creek Road is currently maintained on the Colusa County side.

County Road 41 is closed every year to vehicular traffic from October until May. Although the county has ceased maintenance on 2.28 miles of CR 41, the gates will be reopened after the rainy season has passed (approximately June). The road washes out seasonally and is currently only passable by foot, horse, or all-terrain vehicles. Last April, the Tribe repaired a 20-foot wide by 10-foot deep wash out that occurred about half way from the seasonal gate and the county line. Without their resources, the road would have remained impassable through the summer months.

The Tribe has stated that they will discontinue maintenance of the road should the county deny the request to abandon the right-of-way. Without the Tribe's maintenance, the road will not be passable to most vehicular traffic once the gates are reopened in spring 2010. However, when the county ceased maintenance on the road, it was understood that the road would soon be impassable to most vehicular traffic, and that any desired maintenance would have to come from the property owner(s) and/or emergency personnel, as necessary.

California Streets and Highways Code

The California Streets and Highways Code allows the vacation of roads or easements through a public hearing process. Pursuant to Section 8321 (a) of the code, ten or more freeholders may petition of the Board of Supervisors to vacate a street or highway under this chapter. At least two of the petitioners shall be residents of the road district in which some part of the street or highway proposed to be vacated is situated. The county has received a petition (**Attachment F**) consistent with these criteria.

Pursuant to Section 8324 (b) of the California Streets and Highways Code:

If the legislative body finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement. The resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied.

County Road 41 was conveyed by deed from Wolf Levy to Yolo County, and accepted and filed as a public right-of-way in 1892. It was, and still is, the only public road crossing the hills between Rumsey and Arbuckle in Colusa County. The road is only accessible during summer months, and seasonally closed during winter due to extensive washouts. The closest alternate routes are Highway 20 to Williams, and County Road 85 from Capay to Dunnigan.

On March 10, 2009, the Board of Supervisors ceased maintenance on several remote, seasonal, unpaved, and/or underutilized county roads, including CR 41. The Board of Supervisors determined that traffic on these road segments was intermittent and of low volume, and that these county roads had either been receiving minimal maintenance or that the cost of maintenance was disproportionate to the amount of use. At that time, the Board of Supervisors declared the county's intent to retain the easements held by the county over the road segments so that the public could continue to use the right-of-way for recreational and other purposes appropriate in light of their unmaintained character (**Attachment G**).

Since the county ceased maintenance on CR 41, the Tribe has continued to maintain the road so it remains passable through their Yochadihi property, which often includes reconstruction and

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restoration of those portions of the right-of-way that have been damaged due to erosion. Maintenance of CR 41 had previously cost the county up to \$40,000 a year for 2.28 miles of right-of-way. Should the county deny the request to abandon CR 41, the Tribe has indicated they will discontinue maintenance of the right-of-way. Required signage posted along the lower alignment of CR 41 and at the top of the county line alerts the traveling public of the unmaintained condition of the roadway.

General Plan Consistency

An Initial Study/Negative Declaration was prepared for the project (**Attachment H**), which includes a detailed project description, a brief history of CR 41 activity, and discussions pertaining to the potential for environmental impacts from the proposed abandonment. While the Initial Study found there would be a less than significant environmental impact as a result of abandoning CR 41, and in some cases may even provide beneficial impacts, determining the proposed project's consistency with the 2030 General Plan remains a concern. Specifically, Circulation Policy CI-5.19 of the recently approved 2030 General Plan states:

When a public road is proposed for abandonment, reserve an easement for use by the public to allow for continued access to public lands, natural features, or to provide connections to other existing or planned trails systems. The easement may be held by the county or other public agency.

This policy is consistent with provisions in the Streets and Highways Code that allow a public entity to reserve and except from the vacation, an easement and right to maintain trails for use by the public, and supports the Board of Supervisor's intent to retain a public easement on the unmaintained county road, as indicated above. However, the applicant's proposal precludes all public use of the road, including passive recreational uses.

According to Section 8340 (d) of the Streets and Highways Code:

A public entity may reserve and except from the vacation, or may grant to another state or local public agency, an easement and right, at any time or from time to time, to construct, maintain, operate, replace, remove, and renew vehicular or nonvehicular trails for use by the public in, upon, over, and across a street or highway proposed to be vacated.

This code section is consistent with Policy CI-5.19, and would provide necessary access in case of an emergency. Staff has contacted the applicant to see if they would accept a retained easement for trails, if the road were to be abandoned. The Tribe has indicated that they oppose such a condition as it would not satisfy their goals to restrict unauthorized access and protect local natural and cultural resources.

CEQA Consistency

In their letters of August 13, 2009, and November 23, 2009, Tuleyome commented on both the initial Request for Comments and the Initial Study/Negative Declaration. They believe that the county's use of the CEQA Guidelines Appendix G checklist is inadequate for determining project impacts. Consequently, they recommend that an Environmental Impact Report (EIR) be prepared for this project, to provide expanded analysis of potentially significant unavoidable impacts related to scenic and recreational resources.

Staff is recommending denial of the proposed abandonment. Section 15270 (a) of the CEQA Guidelines states that CEQA does not apply to projects which are disapproved by a public agency.

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As such, an EIR is not required. Subsection (c) also indicates that this section does not relieve an applicant from paying the costs for a negative declaration prepared for the project prior to the lead agency's disapproval of the project after normal evaluation and processing.

Should the Planning Commission choose to recommend approval of the abandonment to the Board of Supervisors, staff believes that the negative declaration prepared for this project fully complies with CEQA in its analysis of the proposed project's environmental impacts as required (see **Attachment H**).

Project Considerations

The Tribe proposes to limit access to their private property, thereby protecting natural and cultural resources from further damage and/or poaching, through the partial abandonment of County Road 41. While the Planning and Public Works Department recognizes the importance of protecting cultural sites and habitat, abandoning County Road 41 cannot be supported for the reasons listed below.

Emergency Access

The public may require an alternative access in the event of bridge failure, highway closure, fire, or some other unforeseen circumstance. County Road 41 has historically been used by the local community as a seasonal access route, and is the only viable alternative to State Route 16 for exiting the Capay Valley. Although the county road is considered a low-volume road, receiving less than 400 vehicle trips per year, it provides the only route through the Rumsey hills to Colusa County. As indicated by the County Office of Emergency Services, this road is considered a significant asset in the event State Route 16 is not usable. Retaining an easement over the road increases the county's options available during an emergency, and could minimize the time involved to make the road passable, should it be needed.

The Rumsey Bridge, located at the southern alignment of the maintained portion of County Road 41, is currently classified as structurally deficient. According to the last Caltrans inspection in January 2009, the bridge had a "sufficiency rating" of 36.3 points out of a possible 100. Although it is a candidate for replacement, the local matching funds necessary to obtain funding are not available. If the matching funds were available, a typical bridge replacement could take seven to eight years in order to comply with federal requirements and the funding process. If the Rumsey Bridge failed and there was no other access, it's possible the replacement process could be reduced by a few years, but that remains an uncertainty and does not solve the lack of available matching funds. As an example, replacement of the Guinda Bridge has taken more than ten years. If the Rumsey Bridge were to fail, public access to CR 41 would be crucial.

The Tribe has stated their intent to maintain the road and grant emergency public access in the event of an emergency. If the road were to be abandoned, Conditions of Approval would be necessary for protecting the public's right to use the easement in an emergency (see Yolo County Public Works Division response in the table below, under Agency Comments). If there was a bridge failure, the public could require access to the road for many years. Moreover, easements are more difficult to enforce should the parties disagree as to the terms of access. Retaining the existing public right-of-way ensures that the road alignment is available should it be needed for evacuation in a future emergency.

Recreational Use

Staff believes that limiting public use, especially recreational use, of the road would be in conflict with the 2030 General Plan, as mentioned above. Policy CI-5.19 reflects the county's intent to

provide public access to public lands, natural resource features, and existing or planned community trails. Although the road does not lead to any public lands or planned community trail systems, the right-of-way does provide views of the local landscape unique to the area, such as the ridgelines and views of the valley. As indicated by public response to the proposed project, local residents, who have historically accessed CR 41 for auto touring, hiking, biking, horseback riding, bird watching, and nature viewing, regard the alignment both as a significant regional recreational resource and as a part of local culture (see **Attachment I**). Although there are no public amenities available, such as parking, to support heavy recreational use of the right-of-way, visitors appear to value the recreational opportunities provided by right-of-way on CR 41 (see discussion under Recreational Resources in **Attachment H**). Approval of the project, as proposed, would prohibit these opportunities.

SUMMARY OF PUBLIC COMMENTS

A Request for Comments was circulated for the proposed project from August 3, 2009, to August 21, 2009. An Initial Study/Negative Declaration was also prepared and circulated for a 20-day public review period on November 10, 2009. Additionally, courtesy notices were sent to all properties within 1,000 feet of the project site. The project was initially reviewed at the Development Review Committee (DRC) meeting on August 26, 2009, and again on November 18, 2009.

The project was reviewed at the Transportation Advisory Committee on August 20, 2009, where the members voted unanimously to oppose the abandonment for purposes of protecting the public right.

At their November 30, 2009, meeting the Parks, Recreation, and Wildlife Advisory Committee voted to oppose the abandonment, to allow for continued public access for hiking and recreation.

The project was discussed at the September 2, 2009, Capay Valley Citizens Advisory Committee (CVCAC), and action was taken at their December 2, 2009, meeting where they recommended denial of the proposal on a vote of 3-0-2 (3 Ayes, 0 Nays, 2 Abstained). Members of the community present at the meetings expressed their sentiments and concerns about losing the historical resource.

Cal Fire commented that closing the road could prevent future wildfires and supported the abandonment. The Capay Valley Fire District, Arbuckle-College Fire District, and the Yolo County Office of Emergency Services expressed concern about emergency access impacts. The Parks and Resources Department and the Habitat Joint Powers Agency declined to comment.

Additionally, numerous comments have been received regarding the proposed abandonment of County Road 41, from both individual community members and public interest groups. Most of the comments expressed opposition to the proposed vacation, citing concern for restricted public access to a unique Capay Valley feature. Many individuals support locking the gates to restrict vehicular use of the road, while allowing hikers, bicyclists, and equestrians to continue access on the right-of-way. On the other side of the issue, some neighboring property owners were supportive of the proposed road vacation due to the aforementioned acts of trespass and vandalism.

Comments received during each review period are summarized in the table below. Letters are attached (**Attachment I**).

AGENCY	DATE	COMMENTS
Yolo County Sheriff's Department	08/04/09	Requested to receive keys to the locks placed on gates should the project be approved. County Road 41 provides emergency egress to the residences that live east of the Rumsey Bridge if the bridge were to become impassible.
Individual Yolo County residents: Elizabeth Berteaux of Davis; Lynn Epstein of Davis; Brad and Elizabeth Smith of Davis; Janice Bisgaard; Linda Lindert; Jeff Sherman, UCD; John Aubert of Davis; David Gray of Woodland; Leland Winstead	08/08/09	Opposed to the closure of CR 41 to the public.
Individual Yolo County residents: Alan Jackman of Davis; Jewel Vieu of Esparto; Robert Talkington of Woodland; Martha M. Teeter of Davis	08/09/09	Opposed to the closure of CR 41 to the public.
Individual Yolo County residents: Cecelia Hammersmith of Rumsey; Crystyn Chase; Ron Oertel and Somkiat Ashton of Woodland; Vance Howard; Mark Spiller of Davis; Carolyn Hinshaw of Davis; Helen Morrison of Davis	08/10/09	Opposed to the closure of CR 41 to the public.
Individual Yolo County residents: Daniel L. Cameron of Woodland; Jean Shepard of Davis	08/11/09	Opposed to the closure of CR 41 to the public.
Jim and Ellen Knolle, Guinda, CA	08/11/09	Supports the closure of CR 41, as a land management tool, if the Tribe provides residents the right to utilize the road in an emergency situation, such as Highway 16 closure.
Individual Yolo County residents: Sheri Willis; Rebecca Gillham of Rumsey	08/12/09	Opposed to the closure of CR 41 to the public. The road is the only access out of the valley should Hwy 16 become impassable.
Andrew Fulks, President, and Debra Chase, Executive Director, Tuleyome	08/13/09	Tuleyome is understanding and mindful of the Tribe's concerns. Road 41 is used by locals for hiking, mountain biking, horseback riding, birding, and botanizing. Tuleyome recommends partial abandonment of the road by closing the road to motor vehicles and leaving it open as a non-motorized trail. Please see the attached letter from Tuleyome dated August 13, 2009.
Individual Yolo County residents: Richard Higson, Capay Valley; Judith G-Scott, rural landowner and Director, California Native Grasslands Association; Lisa Stafford of Davis	08/14/09 and 08/15/09	Opposed to the closure of CR 41 to the public.
Robert Bramlett	08/16/09	It is not in the interest of the public trust to abandon this right-of-way.
Individual Yolo County residents: Isabelle Higson; John and Nancy Capitanio of Guinda	08/17/09	Opposed to the closure of CR 41 to the public.
Individual Yolo County residents: Sylvia R. Post of Rumsey; Peggy Seidel of Woodland	08/18/09 and 08/19/09	Opposed to the closure of CR 41 to the public.
Individual Yolo County residents: Jack Rye of Sacramento (former Woodland resident); Congressman Pete and Helen McCloskey of Rumsey; Frankie Gonsalves of Rumsey	08/20/09	Opposed to the closure of CR 41 to the public.

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Chad Roberts, Conservation Chair, Yolo Audubon Society	08/21/09	The Yolo Audubon Society is strongly opposed to the proposed abandonment due to the impacts it would have on their programs. Please see the attached letter from Yolo Audubon Society dated August 21, 2009.
Individual Yolo County residents: James Cassani of Rumsey; David Kane and Karen Kane of Rumsey and Davis; Cairo Cocalis of Rumsey	08/21/09	Opposed to the closure of CR 41 to the public.
Maria Wong, Habitat Joint Powers Agency	08/24/09	No comment.
Individual Yolo County residents: Ann Scheuring of Rumsey; Dave Pratt of Davis	09/09/09 and 09/15/09	Opposed to the closure of CR 41 to the public.
Cal Fire battalion chief	09/09	State would require a lock for fire access to all federal lands. Supports permanent closure of the gate to keep people out of the area.
Jon Wrynski, Assistant Director of Colusa County Public Works	10/06/09	In spite of being located in Colusa County, the upper seasonal gate is owned and maintained by Yolo County. From our perspective we believe three issues should be addressed if this abandonment takes place: 1) contact Arbuckle Fire and Local Cal fire agencies to make sure fire departments have necessary access; 2) Make certain affected private property owners also have access (Torbin Nord); 3) make provisions for signs to be erected at SR 16 and Cortina School Road indicating permanent closure ahead.
Robert Bramlett, Chairman, Rumsey Improvement Association	10/08/09	Considers CR 41 an asset to the community and opposes the proposal for abandonment. See attached letter addressed to the Board of Supervisors dated October 8, 2009.
Steve Marks, Jr., Authorized Representative for M & N Ranch, LLC	10/28/09	Supports the abandonment as a previous owner of the property. See attached letter dated October 28, 2009.
Arbuckle-College City Fire District	11/16/09	Expressed concerns regarding emergency access and road maintenance. See attached letter dated November 16, 2009.
Central Valley Flood Protection Board	11/16/09	Standard letter regarding jurisdictional standards and procedures.
Yolo County Public Works Division	11/17/09	If the Board of Supervisors approves the proposed abandonment of CR 41, staff will recommend Conditions of Approval based on (but not limited to) the following items to protect the interests of the public living in the vicinity of the Rumsey Bridge, and in the county: <ul style="list-style-type: none"> • Provide legal description(s) and plat(s) of the proposed CR 41 abandonment. • Provide a signed and notarized deed that will grant the county a road easement for a vehicle turnaround area at the proposed north end of CR 41. • Submit an encroachment permit application and improvement plans for the proposed vehicle turnaround area. • Construct vehicle turnaround

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		<p>area.</p> <ul style="list-style-type: none"> • Provide signed and notarized easements across all properties along the abandoned portion of CR 41 providing access for: <ul style="list-style-type: none"> a. emergency services b. all landowners east of Cache Creek that access State Route 16 over the Rumsey Bridge, and c. the county • Reimburse the county Public Works division to relocate/replace/install road signs along CR 41 as necessary for abandonment. <p>Other conditions of approval may become necessary as the above draft items are formalized.</p>
Tom McFarling, Lower Lake, CA	11/22/09	Opposes closure of CR 41 to the public. See attached letter dated November 11, 2009.
Tuleyome (response to Initial Study/Negative Declaration)	11/23/09	See attached response letter dated November 23, 2009.
Ann F. Scheuring, Gold Oak Ranch, Rumsey, CA	11/24/09	Opposes closure of CR 41 to the public. See attached letter dated November 24, 2009
Andrew Brait, General Partner, Full Belly Farm	11/28/09	Strongly opposed to abandonment of CR 41. See attached letter dated November 28, 2009.
Lea Lloyd and Chet Lloyd, Rumsey, CA	11/30/09	Opposed to the closure of CR 41 to the public.
Yolo County Office of Emergency Services	11/30/09	Yolo County Office of Emergency Services (OES) is concerned about the emergency access impacts should County Road 41 be abandoned. We appreciate the Tribe's willingness to provide gate keys to the emergency response agencies in the area. However, this appears to be simply a good neighbor policy rather than a legal easement. Should the road be abandoned, OES would request that legal access in time of emergency be retained. Legal access, as opposed to a neighborly understanding, will increase the options available and minimize the time involved to make the road passable if such is necessary, while protecting the availability for emergency use of the road.
Jennifer Henning, Chair, Parks, Recreation and Wildlife Advisory Committee	11/30/09	Expressed concern about the proposal to close CR 41 to the public. See attached letter addressed to the Board of Supervisors dated November 30, 2009.
Sylvia R. Post, Rumsey, CA	11/30/09	Sent a formal objection to the permanent closure of the seasonal gates on CR 41. See attached letter dated November 30, 2009.
Anna Martinek Brait, Full Belly Farms	12/01/09	Opposed to the closure of CR 41 to the public. See attached letter received on December 1, 2009.

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APPEALS

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board of Supervisors within **fifteen days** from the date of the action. A written notice of appeal specifying the grounds for appeal, and an appeal fee immediately payable to the Clerk of the Board of Supervisors must be submitted at the time of filing. The Board of Supervisors may sustain, modify, or overrule this decision.

ATTACHMENTS

Attachment A – Site Plan

Attachment B – Vicinity Map

Attachment C – Statutory Exemption

Attachment D – Findings

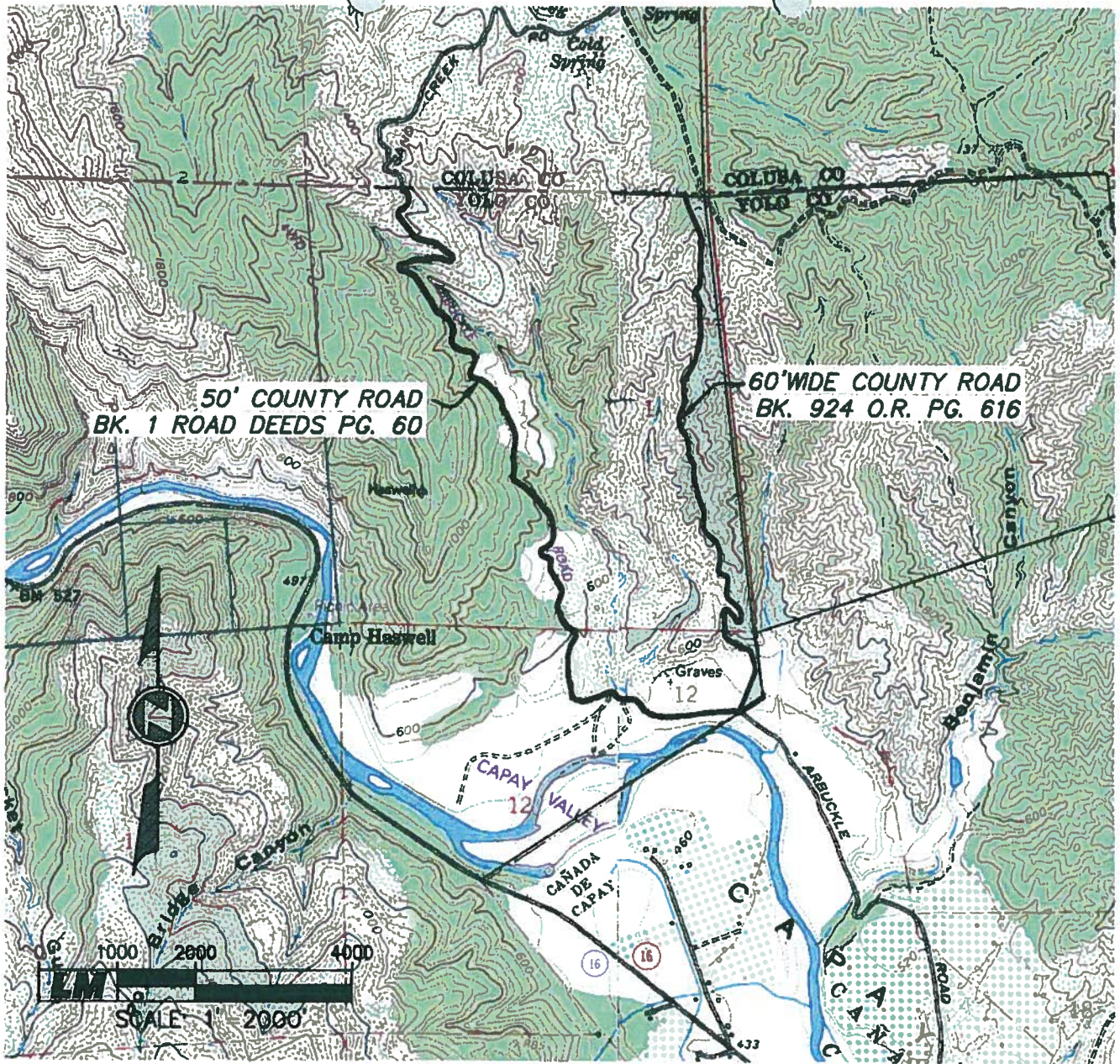
Attachment E – Letter from Tribe

Attachment F – Petition

Attachment G - Resolution 90-75

Attachment H - Initial Study

Attachment I – Agency and Public comment letters



THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY DIRECTION
 IN ACCORDANCE WITH SECTION 8761 OF THE PROFESSIONAL
 LAND SURVEYORS' ACT



Christopher W. Lerch
 CHRISTOPHER W. LERCH

July 24, 2009
 DATE

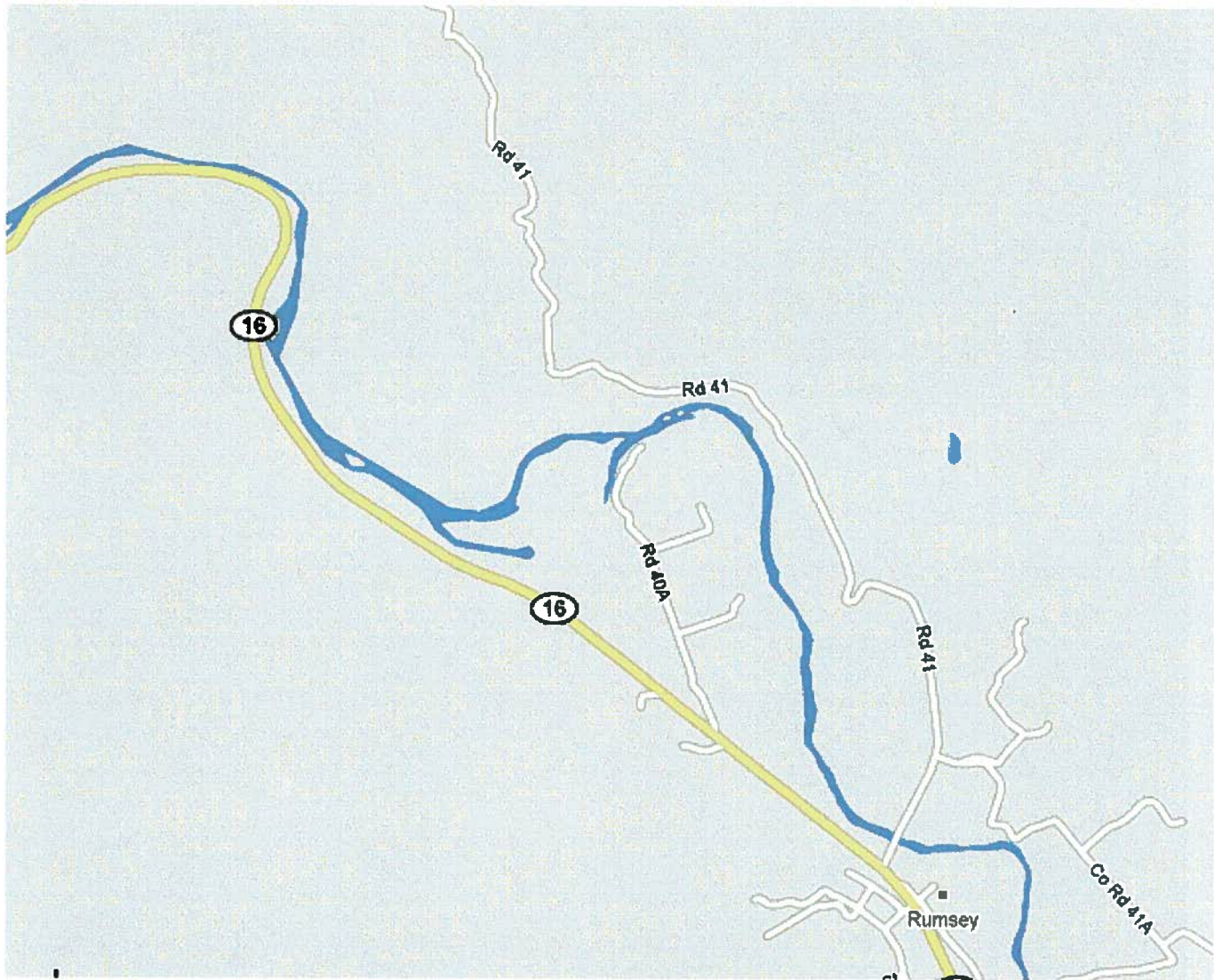
EXHIBIT TO ACCOMPANY DESCRIPTION
COUNTY ROAD(S) 41
ABANDONMENT
 BEING A PORTION OF SECTION 1 AND 12, TOWNSHIP
 12 NORTH, RANGE 4 WEST,
 MOUNT DIABLO BASE AND MERIDIAN
 UNINCORPORATED AREA OF YOLO COUNTY, CA

LM LAUGENOUR AND MEIKLE
 CIVIL ENGINEERING · LAND SURVEYING · PLANNING
 608 COURT STREET, WOODLAND, CALIFORNIA 95695 · PHONE: (530) 662-1755
 P.O. BOX 828, WOODLAND, CALIFORNIA 95776 · FAX: (530) 662-4602

JULY 23, 2009

#2303-67

VICINITY MAP



ATTACHMENT B

Notice of Exemption

To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: ZF# 2009-028 (Findings for denial of the road right-of-way abandonment of CR 41)

Yocha Dehe Wintun Nation of California
Marshall McKay
P.O. Box 18
Brooks, CA 95606

Project Location: Subject right-of-way proposed for abandonment is located north of Rumsey, approximately one mile northeast of State Route 16 (affects APNs: 018-260-17, 018-260-18, 060-270-01, and 060-270-05).

Project Description: Denial of a request for a road right-of-way abandonment of approximately two miles of the unmaintained portion of County Road 41, also known as Arbuckle Road, located within A-1 (Agricultural General) and A-P (Agricultural Preserve) zoning districts.

Exempt Status:

Statutory Exemption: Projects Which Are Disapproved "15270"

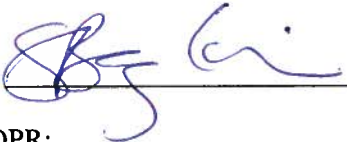
Reasons why project is exempt:

§ 15270 (a) states that CEQA does not apply to projects which a public agency rejects or disapproves. Additionally, 15270 (c) states that an applicant is not relieved from paying the cost for a negative declaration prepared for the project prior to the lea agency's disapproval of the project after normal evaluation and processing.

Lead Agency Contact Person: Stephanie Berg Cormier, Associate Planner

Telephone Number: (530) 666-8850

Signature (Public Agency):



Date:

12.10.09

Date received for filing at OPR:

ATTACHMENT C

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2009-028, the Yolo County Planning Commission recommends that the Board of Supervisors find the following:

(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Statutory Exemption was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document for this project.

The Statutory Exemption, prepared pursuant to Section 15270 of the CEQA Guidelines, states that CEQA does not apply to projects which a public agency disapproves. Additionally, Section 15270 (c) states that an applicant shall not be relieved from paying the costs for a negative declaration prepared for the project prior to the lead agency's disapproval of the project after normal evaluation and processing.

General Plan

That the proposal is not consistent with the recently adopted 2030 Yolo County General Plan as follows:

- *Circulation Policy CI-5.19 states: "When a public road is proposed for abandonment, reserve an easement for use by the public to allow for continued access to public lands, natural features, or to provide connections to other existing or planned trails systems. The easement may be held by the county or other public agency.*

County Road 41 is a public right-of-way providing access to private property, which eventually leads to Colusa County. The right-of-way continues into Colusa County until connecting to Interstate 5. The right-of-way does not lead to any public lands in Yolo County, nor does it provide a connection to any existing or planned trail system. The right-of-way does, however, provide scenic views of the landscape unique to the area, as well as views of the Capay Valley. Closing the road to the public would prevent continued access for viewing these natural resource features.

Streets and Highways Code

That the proposal is consistent with Section 8321 of the Streets and Highways Code.

The road vacation petition is consistent with Section 8321(a) that prescribes that ten or more freeholders may petition the board of supervisors to vacate a street or highway under this chapter. At least two of the petitioners shall be residents of the road district in which some part of the street or highway proposed to be vacated is situated.

ATTACHMENT D

That the proposal is not consistent with Section 8324 of the Streets and Highways Code.

Section 8324 of the Streets and Highways Code states, "If the legislative body finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement. The resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied."

The existing road serves as a public access road. County Road 41 is primarily used by landowners, emergency personnel, as an alternate route out of the Capay Valley, and for recreational purposes. The county has recently ceased maintenance on 2.28 miles of this road; however, CR 41 continues to remain accessible by the public as feasible in its unmaintained state, as declared by the Yolo County Board of Supervisors. County Road 16 provides the only access through the Rumsey hills over to Arbuckle in Colusa County.



November 3, 2009

Stephanie Berg
Yolo County Planning & Public Works
292 W. Beamer St.
Woodland, CA 95695

Re: CR 41 road abandonment and emergency access

Dear Ms Berg,

In the event of an emergency the Yocha Dehe Wintun Nation will open the gate at CR 41 to allow for public access pending the approval of the road abandonment. Further, the following emergency service agencies will have access to a Knox-box for emergency access:

Yocha Dehe Fire Department
Cal Fire
Capay Valley Fire District
Arbuckle Fire District
Yolo County Sheriff's Department

In addition to these agencies, the following individuals will be given keys to the gate in order to access their properties:

Lisa Kelly and Gage Hutchins
Terry Farnham
Torbin Nord

Sincerely,


Marshall McKay
Tribal Chairman

Yocha Dehe Wintun Nation

PO Box 18 Brooks, C

www.yochadehe.org

ATTACHMENT E

September 16, 2009

Ms Stephanie Berg
Associate Planner
Yolo County Planning & Public Works
292 West Beamer Street
Woodland, CA 95695

Re: Easement for turnout out on CR 41

Dear Ms Berg,

As neighbors of the Yocha Dehe Wintun Nation we are supportive of the Tribe's application for the abandonment of CR 41. We understand a requirement for road abandonment is to create a turnout before the gate. We have reviewed the land and determined the best place to install the gate lies on our property. The turn out will be located on parcel # 060-270-05. We are willing to grant the Tribe an easement to encroach on our land to build a cul-de-sac style turn out provided the abandonment is approved. The road is currently approximately 30 feet wide. The turn out is required to be 50 feet wide. We are willing to provide the additional 20 feet of encroachment. We have attached a map to display the proposed location of the turn out.

Please do not hesitate to contact me should you have questions regarding the project.

Sincerely,

A handwritten signature in black ink that reads "Terry Farnham". The signature is written in a cursive style with a long horizontal line extending to the right.

Terry Farnham

Cc: Yolo County Board of Supervisors
Jim Etters, Director of Land Management
Yocha Dehe Wintun Nation

COPIES DISTRIBUTED

Rumsey Indian Rancheria



Rumsey Band of
Wintun Indians

YOCHA-DE-HE

RECEIVED

SEP 02 2009

CLERK OF THE BOARD
OF SUPERVISORS

August 31, 2009

Yolo County Board of Supervisors
Supervisor Mike McGowan, Chair
625 Court Street
Woodland, CA 95695

Re: Project ZF#2009-028/Road 41 Abandonment

Honorable Members of the Board of Supervisors,

The Yocha Dehe Wintun Nation of California, a sovereign Tribal government, federally recognized and registered as Rumsey Indian Rancheria of Wintun Indians, located in Brooks, California ("Tribe"), has reviewed public comments regarding the Tribe's proposal to abandon 2-miles of County Road 41. After thorough consideration of public comments, the Tribe maintains its position that County Road 41 should be abandoned.

Many of those who participated in the public comment on this issue submitted accounts of personal attachment to the area around the 2-mile stretch of County Road 41 ("Road 41") in question. Some commentators recalled childhood memories of hiking and stargazing, while others mentioned mountain biking and birding as compelling reasons to refuse abandonment of Road 41. The Tribe can certainly empathize with sentimental attachment to the area. Indeed, the Tribe's history is inextricably linked to the land over which Road 41 runs, and it is difficult to overstate the spiritual and cultural importance of this area to the Tribe.

For thousands of years, the Tribe made its home in the Capay Valley, where County Road 41 exists today. The Tribe's last ancestral village is located near Road 41. Evidence of the Tribe's presence and traditions are everywhere in the landscape. A sacred dance house, fire pits, and numerous graves are among the important features that reveal information about the ancestors that once made their home in the area. Despite the importance of this site to the Tribe, until recently, we have been unable to access this area because private landowners had limited public access.

When the Tribe recently purchased the land around Road 41, Yolo County informed the Tribe that it would no longer maintain the Road. The Tribe is committed to taking responsibility for the maintenance of Road 41. Moreover, the Tribe will ensure Road 41 remains available for emergency access by installing a

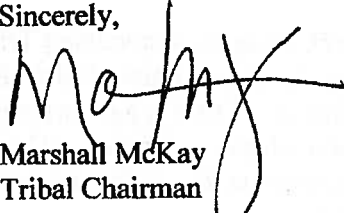
cc: CAO, CO. COUNCIL, PPW

Knox Lockbox, which allows emergency personnel to open the gates to Road 41. However, given the Tribe's new liability for Road 41 and the need to safeguard the Tribe's sacred sites from further damage, public access is untenable.

The Tribe respects those who seek to preserve the agricultural and wild heritages of California for future generations, and believes that the abandonment of Road 41 is not inconsistent with this goal. However, the Tribe disagrees with those who assert that the public's right to a right-of-way is superior to the Tribe's fundamental right to protect its ancestral village after decades of displacement.

Thank you for your consideration on this issue.

Sincerely,



Marshall McKay
Tribal Chairman



**TO THE HONORABLE BOARD OF SUPERVISORS
OF THE COUNTY OF YOLO
STATE OF CALIFORNIA**

We, the undersigned freeholders of the County of Yolo, State of California, being at least ten in number, hereby petition the Honorable Board of Supervisors of the County of Yolo to abandon

CR 41 from the County Seasonal road closure
gate to the Colusa County Line.

in Yolo County, under the provisions of § 8300 et seq of the Streets and Highways Code in the State of California.

That at least two of the said freeholders are residents of the district wherein said County highway (s) lies.

WHEREFORE, petitioners pray that the Honorable Board of Supervisors of the County of Yolo, set a time and place for the hearing of this petition, and that notice be given of the date set for hearing as required by § 8320 of the Streets and Highways Code of the State of California.

Date: 7.23.09

(All writing must be legible or it will not count)

Initial Petitioner:	Address	Phone
Jim Ethers,		
1. Rumsey Indian Rancheria	PO Box 18 Brooks, CA	(530) 796-3460

Freeholders:	Name	Address	Phone
2.	TERRY FARNHAM	2455 CR. RD 41 P.O. Box 54 GUINDA	530-796-3253
3.	Julie Farnham	PO. Box 54 Guinda	796-3253
4.	LINDA M. WILSON	3038 RD 41 RUMSEY	530-796-3720
5.	LISA M KELLEY	PO BOX 35 RUMSEY	415-517-9105
6.	Jorge Becerra	2189 ROAD 41 Knights Landing	(530) 735-6495
7.	Wm Q. [unclear]	(Vivian McCaughy Walker) 8V3 Heath Pl. Wadd.	(662) 7911
8.	Alicia Zuniga	2309 Foster Ct.	530-383-6111
9.	Claudia A. Coons	548 Thomas Street	530-662-9017
10.	Jesus Esparza	105 Woodland Ave	530-416-7975



Yolo Recorder's Office
 Freddie Oakley, County Recorder
DOC- 2009-0017719-00

Acct 133-Yolo Co BOS
 Friday, JUN 05, 2009 12:27:00
 Ttl Pd \$0.00 Nbr-0000824055
 VRB/R6/1-4

WHEN RECORDED MAIL TO:

PLANNING AND PUBLIC WORKS
 DEPARTMENT
 292 West Beamer Street
 Woodland, CA. 95695-2598

FILED

RESOLUTION NO. 09-75

MAY 29 2009

**Resolution of the Yolo County Board of Supervisors Correcting Resolution 09-31
 Regarding Termination of Road Maintenance**

ANA MORALES, CLERK OF THE BOARD
 BY *Julia Dachtus* DEPUTY

WHEREAS, on March 10, 2009 the Board of Supervisors approved Resolution 09-31 terminating county road maintenance responsibilities on specified county roads, attached hereto as Exhibit "A"; and

WHEREAS, the Director of Planning and Public Works was authorized by Resolution 09-31 to take any and all further actions necessary to carry out the intent and purpose of the Resolution, including posting appropriate signs in accordance with Government Code § 831.4 and Streets and Highways Code § 954.5; and

WHEREAS, the Director of Planning and Public Works subsequently determined that access to a homesite on County Road 7 was affected by Resolution 09-31; and

WHEREAS, the Director of Planning and Public Works directed the signage installed in compliance with Resolution 09-31 be adjusted to provide maintained access to the homesite's driveway; and

WHEREAS, Resolution 09-31 provided that measuring and reporting the precise road mileage to the State Department of Transportation be done in accordance with the Streets and Highways Code Section 2121; and

WHEREAS, to clarify the public record, a correction of Resolution 09-31 is required.

NOW, THEREFORE, the Board of Supervisors hereby finds and resolves as follows:

1. That the following road segment listed in Resolution 09-31 shall be revised to read as follows:
 6. CR 91A between CR6 and near the southern boundary of APN 052 040 03;
2. That the following road segment listed in Resolution 09-31 shall be removed from the list and therefore remain as a maintained road in the county road maintenance system:

ATTACHMENT G

(4)

7. Portion of CR7 between western boundary of APN 052 040 05 and CR 91A;

3. That the Clerk of the Board be directed to record this Resolution with the County Recorder.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California, this 19th day of May, 2009, by the following vote:

AYES: Thomson, Rexroad, Provenza, McGowan.

NOES: Chamberlain.

ABSENT: None.

ABSTAIN: None.



Mike McGowan, Chair
Board of Supervisors

Attest:

Ana Morales, Clerk
Board of Supervisors

By 



(Seal)
COUNTY, CALIFORNIA

Approved as to Form:

Robyn Truitt Drivon, County Counsel

By 

Philip J. Pogledich, Senior Deputy

EXHIBIT "A"

FILED

MAR 18 2009

RESOLUTION NO. 09-31

ANASTORALES, CLERK OF THE BOARD
BY *Julie Hacht*
DEPUTY

Resolution of the Yolo County Board of Supervisors Terminating the Maintenance of Certain County Road Segments

WHEREAS, the Director of Planning and Public Works recommends that the following road segments be removed from the County Maintained Road System:

1. County Road (CR) 40 from State Route 16 to the Lake County line;
2. Portion of CR41 from start of gravel north of SR16 (near existing gate) to the Colusa County line;
3. Portion of CR53 from start of gravel road west of CR49 (near existing gate near APN 018 420 20) to western end of CR53;
4. Portion of CR81 from existing gate near APN 048 100 17 to western end of CR81;
5. CR6 between CR89B and CR91A;
6. CR91A between CR6 and CR7;
7. Portion of CR7 between western boundary of APN 052 040 05 and CR 91A;
8. CR10 between CR91B and CR94;
9. Portion of CR93A between CR15 and existing gate near low water crossing;
10. CR15 between CR93 and CR93A;
11. CR93 between CR15B and CR15;
12. CR15B between CR92B and CR93;
13. Portion of CR17 between existing gates near APN 049 010 04 and 025 010 34; and
14. CR107 between CR155 and the northern end of CR107.

WHEREAS, the Board of Supervisors may, by resolution, terminate the maintenance of any county highway in accordance with section 954.5 of the Streets and Highways Code; and

WHEREAS, the Board of Supervisors has held a public hearing duly noticed in accordance with the Streets and Highways Code to hear testimony regarding these road segments; and

WHEREAS, based on information provided by County staff and other information in the record, the Board of Supervisors finds, determines, and declares that traffic on these road segments is intermittent and of low volume, and these road segments currently receive minimal maintenance by County road maintenance forces and no longer benefit the general motoring public, all as further explained in the Board letter for this matter; and

WHEREAS, the Board of Supervisors wishes to retain the easements (or other interests) held by the County over the road segments covered by this Resolution so that the public may continue to use these segments for recreational and other purposes that are appropriate in light of their unmaintained character; and

WHEREAS, the road segments covered by this Resolution are unpaved; and

WHEREAS, Government Code § 831.4 provides generally that counties are not liable for injuries or property damage caused by a condition of any unpaved road that provides access to


fishing, hunting, camping, hiking, riding (including animal and all types of vehicular riding), water sports, recreational or scenic areas and that is not a county highway;

NOW, THEREFORE, the Board of Supervisors hereby finds and resolves as follows:

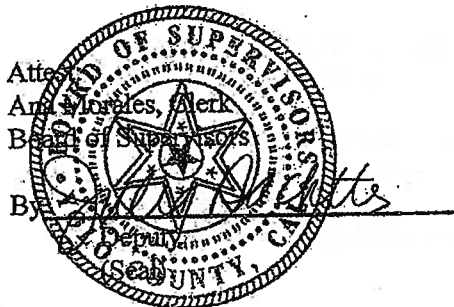
1. That all road segments listed in this Resolution be removed from the County Maintained Road System in accordance with Section 954.5 of the Streets and Highways Code.
2. That all of the road segments covered by this Resolution may be used for the same or all of the purposes set forth in Government Code § 831.4, and the Board of Supervisors hereby terminates the "county highway" status of each such segment but reserves its easements (or other interests) in the same to ensure that existing public access rights are preserved.
3. That the Director of Planning and Public Works be authorized to take any and all further actions that may be necessary to carry out the intent and purpose of this Resolution, including posting appropriate signs in accordance with Government Code § 831.4 and Streets and Highways Code § 954.5, and measuring and reporting the precise road mileages to the State Department of Transportation.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California, this 10th day of March, 2009, by the following vote:

AYES: Thomson, Rexroad, Provenza, McGowan.
NOES: Chamberlain.
ABSENT: None.
ABSTAIN: None.



Mike McGowan, Chair
Board of Supervisors



Approved as to Form:
Robyn Truitt Drivon, County Counsel

By  _____
Philip J. Pogledich, Senior Deputy



**YOLO COUNTY PLANNING AND
PUBLIC WORKS DEPARTMENT**

INITIAL STUDY/NEGATIVE DECLARATION

**ZONE FILE # 2009-028
COUNTY ROAD 41 ROAD ABANDONMENT**

November, 2009

' ATTACHMENT H

Negative Declaration /Initial Environmental Study

1. **Project Title:** Zone File No. 2009-028 (CR 41 Road Abandonment)
2. **Lead Agency Name and Address:**
Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, CA 95695
3. **Contact Person and Phone Number:** Stephanie Berg Cormier, Associate Planner, at (530) 666-8850 or e-mail at Stephanie.Berg@yolocounty.org
4. **Project Location:** The project site is located at that portion of County Road 41 right-of-way (from the lower seasonal gate up to the Colusa County line) that runs primarily through the Rumsey Canyon Ranch property, north of Rumsey, approximately one mile northeast of State Route 16 [APNs: 018-260-17 (Yocha Dihi), 018-260-18 (Yocha Dihi), 060-270-01 (Hutchens), and 060-270-05 (Farnham)] (see Vicinity Map).
5. **Project Sponsor's Name and Address:**
Marshall McKay
Yocha Dehe Wintun Nation of California
P.O. Box 18
Brooks, CA 95606
6. **General Plan Designation(s):** AG (Agricultural)
7. **Zoning:** A-1 (Agricultural General), A-P (Agricultural Preserve)
8. **Description of the Project:** The project proposes abandonment of approximately two miles of County Road 41 in order to restrict unauthorized public access to private property. The project site (primarily running through the Rumsey Canyon Ranch property) encompasses approximately 1,246± acres, until it reaches the Colusa County line. County Road (CR) 41 becomes Sand Creek Road in Colusa County, eventually reaching Interstate 5. The Rumsey Canyon Ranch property is accessed off CR 41 (also known as Arbuckle Road), which is adjacent to State Route 16. The project applicant, the Yocha Dehe Wintun Nation of California, previously recognized as the Rumsey Band of Wintun Indians (hereafter referred to as the Tribe), proposes to address land management conflicts through the road abandonment. According to the applicant, since purchasing the property, the Tribe has encountered trespassing, vandalism, and illegal dumping on the property, as well as illegal hunting and poaching via public road access. The Tribe requests abandonment of that portion of County Road 41 that runs primarily through Rumsey Canyon Ranch to protect its ancestral village and safeguard significant cultural sites from further damage due to public access. Additionally, the Tribe seeks to limit its financial liability to maintain the public right-of-way.

County Road 41, accessed off State Route (SR) 16 just north of Rumsey, is paved and county-maintained for less than one-half mile up to a lower seasonal gate, after crossing Cache Creek at the Rumsey Bridge. From there, the road is gravel for less than one mile, and then unmaintained dirt for approximately two miles, when it reaches Colusa County. Another seasonal closure gate is located at the county line. County Road 41 is closed every year to vehicular traffic from October until May due to seasonal wash outs.

The project proposal includes permanently locking both the lower and upper Yolo County seasonal gates to restrict all vehicular and recreational use of the road. A dedicated vehicle turnaround just before the lower gate would be required to accommodate the traveling public. The property owner (Farnham) adjacent to the gate has agreed to provide a dedicated turnaround at the lower gate's closure, and to grant easement rights to adjoining property owners (Hutchens and the Tribe). The gates would be permanently closed with a Knox box, which would be accessible to property owners requiring access off County Road 41, emergency personnel, and individuals with legal rights to pass. Arbuckle Fire District and property owners on the Colusa County side affected by the proposed abandonment would also require access rights.

Historical Background

According to county documents, County Road 41, originally known as the 'Road from Rumsey to Arbuckle,' was conveyed by deed from Wolf Levy to Yolo County, and accepted and filed as a public right-of-way in 1892. It was, and still is, the only public road crossing the hills between Rumsey and Arbuckle. The road is only accessible during summer months, and is seasonally closed during winter months (October through May). The closest alternate routes are Highway 20 to Williams and County Road 85 from Capay to Dunnigan. County Road 40, on the west side of Cache Creek, also provides limited access to Highway 20.

In 1969, the Colusa Land Company granted a highway easement deed to Yolo County for public right-of-way purposes. The road on this easement was constructed by private property owner George Zumwalt, President of the Colusa Land Company, as an alternate route for County Road 41. This alternate alignment was supposedly constructed by Zumwalt to reduce road mileage, better serve the Zumwalt property (Rumsey Canyon Ranch), and discourage vandalism. Public documents suggest that the alternate alignment was on a much more treacherous route through the ridgeline (east of the current alignment). According to county records, on August 3, 1970, the Board of Supervisors abandoned proceedings to use this newly constructed right-of-way as an alternate to the existing County Road 41, and confirmed the continued use of the original County Road 41. It appears the county still owns the dedicated right-of-way of the alternate alignment, although it is unclear whether or not this alternate route has ever been accessed by the public. The proposed abandonment would vacate both right-of-way alignments running through the Rumsey Canyon Ranch property.

In 1983, severe winter storms caused a major slide on the bank of Cache Creek north of Rumsey, and a significant portion of County Road 41 was washed out. County Road 41 was subsequently closed for three years, which impeded emergency service efforts from Yolo, Colusa, and Lake Counties. With the county's purchase of an easement over private property (APNs: 060-270-05 and 060-270-01), a new alignment was approved for construction in 1986 to bypass the wash out, in order to reopen the road. This alignment exists today on the Farnham (APN: 060-27-05) and Hutchens (APN: 060-270-01) properties, both of which are subject to this road abandonment request.

The 1985 Initial Study/Negative Declaration prepared for the realignment project identified significant cultural deposits of the ancestral 'Patwin' village within the vicinity of the new alignment. Mitigation measures adopted for the project required that the new (gravel) roadbed be constructed on fill placed over the cultural deposit, i.e., the road was to be rebuilt without excavation. Archaeological studies prepared for the project further

revealed that the original roadbed had previously intruded into the cultural deposit. At that time, there was no significant opposition from the Tribe regarding reconstruction of the roadbed in the vicinity of their ancestral village site.

Recent Events

On March 10, 2009, the Yolo County Board of Supervisors ceased maintenance on several remote, seasonal, unpaved, and/or underutilized county roads, including CR 41. The Board of Supervisors determined that traffic on these road segments was intermittent and of low volume, and that these county roads had either been receiving minimal maintenance, or the cost of maintenance was disproportionate to the use. At that time, the Board of Supervisors declared the county's intent to retain the easements held by the county over the road segments for public use (Resolution 90-75, recorded June 5, 2009).

Since the county ceased maintenance on County Road 41, the Tribe has continued to maintain the road so it remains passable through the Rumsey Canyon Ranch, which often includes reconstruction and restoration of significant portions of the right-of-way due to seasonal wash outs. Concerns about liability for maintaining a public right-of-way, the desire to discourage illegal poaching and vandalism, and restricting public access in order to protect significant cultural sites, prompted the Tribe to request vacation of that portion of County Road 41 that runs through the Rumsey Canyon Ranch. This Initial Study will analyze the proposed project and the potential for environmental impacts in relation to the Yolo County 2030 General Plan and associated documents. Ultimately, any approval of the project will be based on the county's determination that abandonment of CR 41 does not conflict with any existing or prospective public use of the right-of-way.

9. **Surrounding Land Uses and Setting:** The project site (Rumsey Canyon Ranch) is primarily in use as grazing rangeland and open space. County Road 41 is used by property owners, emergency personnel, and occasionally by members of the public traveling to and from Colusa County and Yolo County during summer months. It is considered a low-volume road, receiving less than 400 vehicle trips per year (March 10, 2009, staff report prepared for terminating county maintenance on certain county roads). The county road is also used recreationally by hikers, mountain bikers, equestrians, botanists, and bird watchers. It is the only public right-of-way leading through the Rumsey hills over to Colusa County.

Land uses surrounding the site primarily consist of grazing rangeland. Cache Creek lies to the southwest, and the top of the Arbuckle grade sits at the Yolo County and Colusa County line. The General Plan land use designation, the zoning designation, and the existing land uses for the subject site and surrounding properties are summarized below.

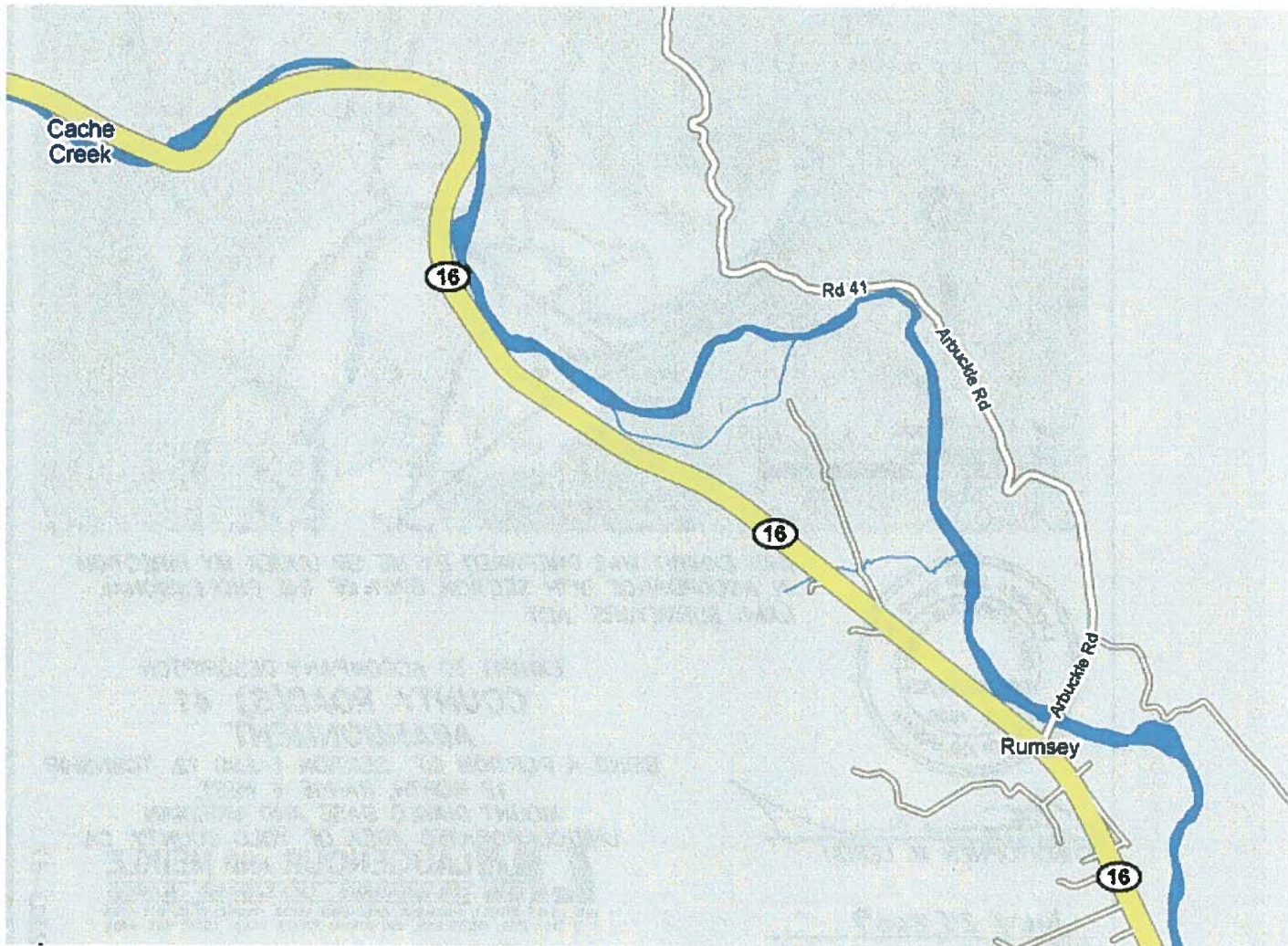
Direction from Project	Existing Use	Zoning	General Plan
Project Site	Rangeland (Rumsey Canyon Ranch)	A-P (Agricultural Preserve)	Agricultural
North	Rangeland	Colusa County	N/A
South	Farmland and Cache Creek	A-P (Agricultural Preserve) and A-1 (Agricultural General)	Agricultural
East	Canyon and Rangeland	A-P (Agricultural Preserve) and A-1 (Agricultural General)	Agricultural

NEGATIVE DECLARATION/INITIAL STUDY CHECKLIST

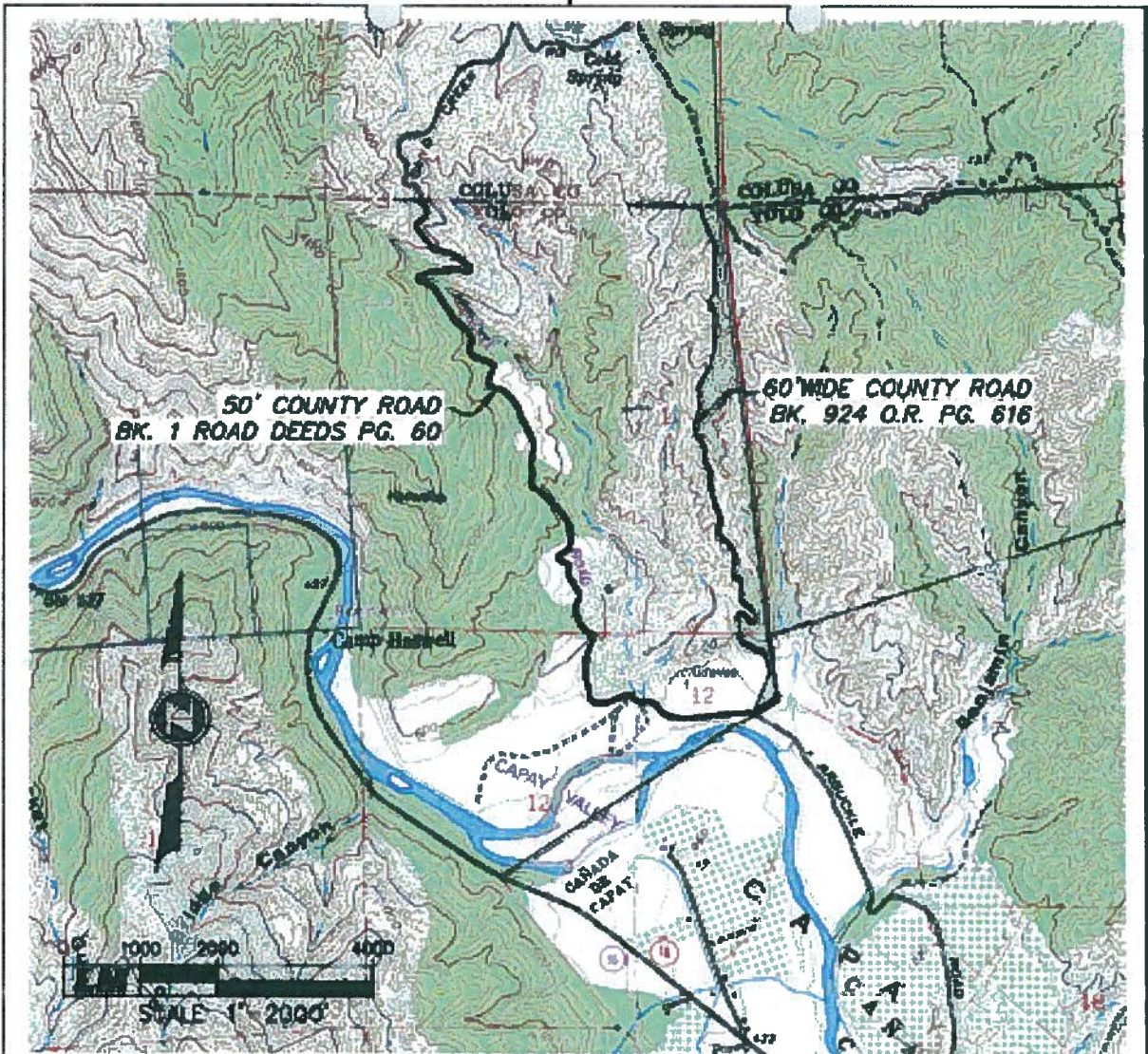
West	Canyon land and Cache Creek	A-P (Agricultural Preserve) and A-1 (Agricultural General)	Agricultural/Recreational
------	-----------------------------	--	---------------------------

- 10. **Other public agencies whose approval is required:** Yolo County Board of Supervisors; Colusa County.
- 11. **Other Project Assumptions:** The Initial Study assumes compliance with all applicable State, Federal, and Local Codes and Regulations including, but not limited to, County of Yolo Improvement Standards, the California Building Code, the State Health and Safety Code, the State Public Resources Code, and the State Streets and Highways Code.

Project Vicinity



Project Proposal



THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH SECTION 8781 OF THE PROFESSIONAL LAND SURVEYORS' ACT



Christopher W. Lerch
CHRISTOPHER W. LERCH

July 24, 2009
DATE

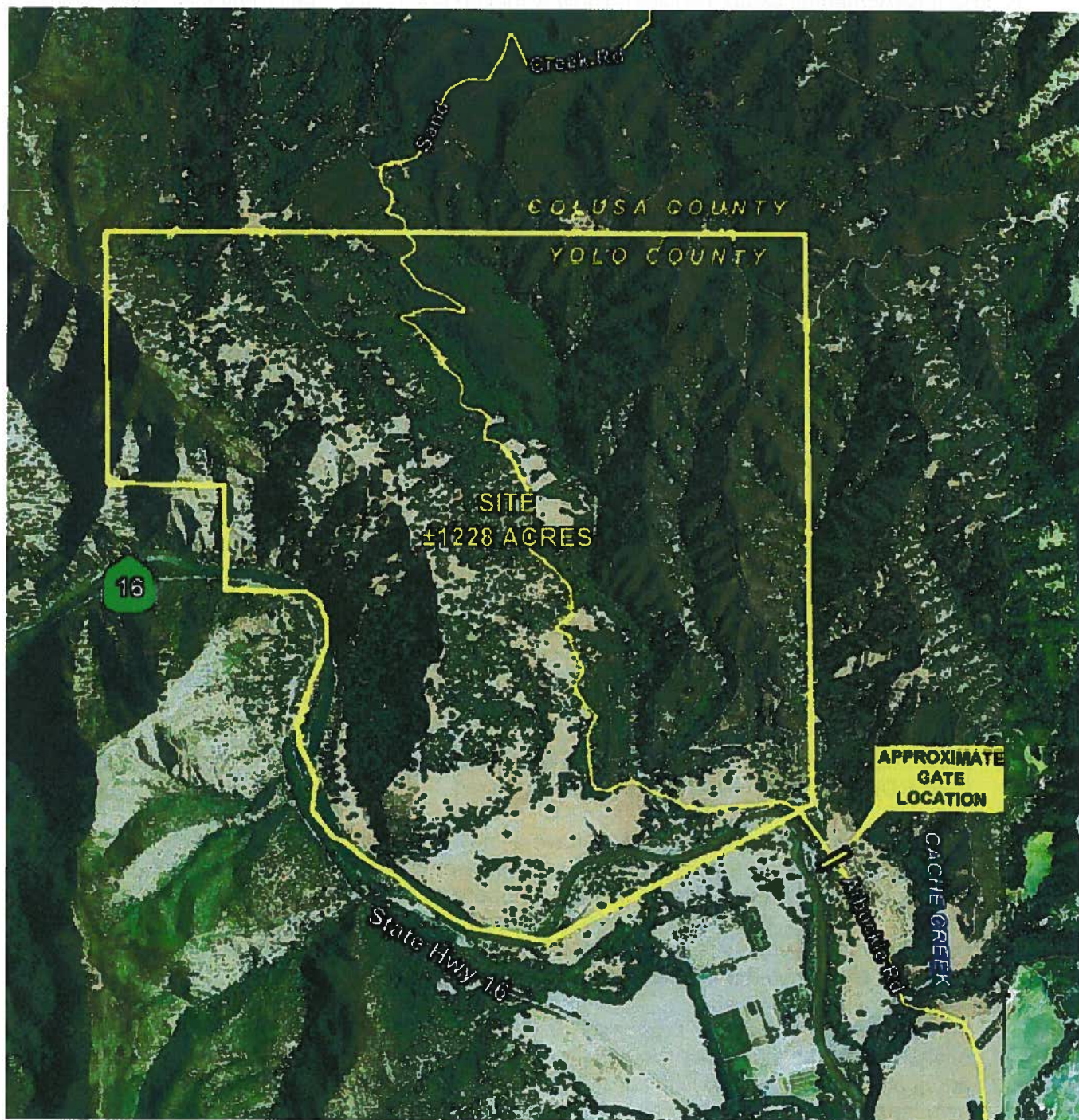
EXHIBIT TO ACCOMPANY DESCRIPTION
**COUNTY ROAD(S) 41
ABANDONMENT**
BEING A PORTION OF SECTION 1 AND 12, TOWNSHIP
12 NORTH, RANGE 4 WEST,
MOUNT DIABLO BASE AND MERIDIAN
UNINCORPORATED AREA OF YOLO COUNTY, CA

LM LAUGENOUR AND MEIKLE
CIVIL ENGINEERING • LAND SURVEYING • PLANNING
608 COUR 1 STREET, WOODLAND, CALIFORNIA 95778 • PHONE: (530) 869-1795
P.O. BOX 818, WOODLAND, CALIFORNIA 95778 • FAX: (530) 869-6402

SHEET 1 OF 1 JULY 23, 2009

#2303-67

Project Site



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact" (before any proposed mitigation measures have been adopted) as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature

Date

Planner's Printed name

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project as described herein may have a significant effect upon the environment.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. A determination that a "Less Than Significant Impact" would occur is appropriate when the project could create some identifiable impact, but the impact would be less than the threshold set by a performance standard or adopted policy. The initial study should describe the impact and state why it is found to be "less than significant."
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, pursuant to Section 15063 (c)(3)(D) of the California Government Code. Earlier analyses are discussed in Section XVII at the end of the checklist.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
8. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

I. AESTHETICS

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

Discussion of Impacts

- a) *Less than Significant Impact.* The proposed project is located north of Rumsey; County Road 41 primarily runs through the Rumsey Canyon Ranch property, which includes views of Cache Creek, oak woodland and chaparral communities, and local ridgelines. The project proposes abandonment of approximately two miles of CR 41, which is accessed off State Route 16 just north of Rumsey. The proposed termini of CR 41 would facilitate vehicle turnaround, and gates equipped with a Knox box to provide access for agencies, including emergency personnel, and individuals having legal reason to pass.

The 2030 General Plan designates SR 16 as a local scenic roadway. A proposed vehicle turnaround and permanently locked gates would not be visible from SR 16. The proposed project would, however, prevent public access for viewing the scenic landscape of Cache Creek, the oak woodlands and chaparral communities, and views of the ridgelines. Although there is no direct public access to Cache Creek from CR 41, and CR 41 does not lead to any public lands, County Road 41 does provide scenic views of natural features such as the ridgelines. Although abandoning the right-of-way would limit the public's viewing of these scenic features, the proposed project would not be considered to have a significant environmental impact to scenic vistas or resources. Impacts to recreational uses are addressed in Section XV (Recreation), below.

- b) *Less than Significant Impact.* See response to (a) above. State Route 16 is a designated scenic route in the Yolo County 2030 General Plan. Although approval of the project would result in the construction of a vehicle turnaround and prevent access to approximately two miles of CR 41 by the public for scenic viewing, it would not damage any scenic resources.
- c) *Less than Significant Impact.* The project site is primarily in use as rangeland and open space. The project site would not be substantially degraded by construction of a vehicle turnaround, but the proposed abandonment may change the quality of the site by preventing access to the public. However, lack of public access would not be considered an adverse or degrading aesthetic impact, but could affect recreation resources (see Section XV), as discussed below.
- d) *No Impact.* The project does not include any lighting.

II. AGRICULTURAL AND FOREST RESOURCES:

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

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

Discussion of Impacts

(a)(b)(c)(d)(e) *No Impact.* The proposed project would not result in the conversion of any agricultural or forest lands. The project proposes a road abandonment to address land management issues on the property, such as trespassing, vandalism and illegal dumping and poaching. Most of the project area is primarily used for grazing rangeland and open space purposes. There are no forest lands in the vicinity of the project. The property (Rumsey Canyon Ranch) is currently under a single Williamson Act contract, which encumbers approximately 1,494 acres. The road abandonment request would not conflict with existing agricultural and open space uses on the property and would have no impact on current agricultural practices.

III. AIR QUALITY:

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Yolo County is within the Yolo Solano Air Quality Management District (YSAQMD). The district is currently a non-attainment area for ozone (state and federal ambient standards) and particulate matter (PM₁₀) (state ambient standards). While air quality plans exist for ozone, none exist (or are currently required) for PM₁₀. The project site is in an attainment area for carbon monoxide (state and federal ambient standards are met), since Yolo County has relatively low background levels of carbon monoxide.

Development projects are most likely to violate an air quality plan or standard, or contribute substantially to an existing or proposed project air quality violation through generation of vehicle trips.

The YSAQMD sets threshold levels for use in evaluating the significance of criteria air pollutant emissions from project-related mobile and area sources in the *Handbook for Assessing and Mitigating Air Quality Impacts* (YSAQMD, 2007). The handbook identifies quantitative and qualitative long-term project-related mobile and area sources. These thresholds include:

Reactive Organic Gases (ROG)	10 tons/year
Oxides of Nitrogen (NO _x)	10 tons/year
Particulate Matter (PM ₁₀)	80 ppd
Carbon Monoxide (CO)	Violation of a state ambient air quality standard for CO

Discussion of Impacts

- a) *No Impact.* A project is deemed inconsistent with air quality plans if it would result in population and/or employment growth that exceeds growth estimates included in the applicable air quality plan. The project, a road right-of-way abandonment request, would not substantially conflict with or obstruct implementation of the Yolo Solano Air Quality Management District Air Quality Attainment Plan (1992), the Sacramento Area Regional Ozone Attainment Plan (1994), or the goals and objectives of the County's General Plan.
- b) *Less than Significant Impact.* The project may contribute to air quality impacts, including PM₁₀, during construction of a vehicle turnaround at the proposed lower terminus of CR 41. However, construction activities would generate a temporary or short-term increase in PM₁₀.

The project would require the incorporation of standard dust and emissions suppression practices established by the Air Pollution Control District for the proposed public improvements. These standards will be included as requirements in construction specifications. This impact is considered less than significant because only minor amounts of construction dust and equipment emissions would be generated for short periods of time with no long-term exposure to potentially affected groups. Thresholds for project-related air pollutant emissions would not exceed significant levels as set forth in the 2007 YSAQMD Guidelines.

- c) *Less than Significant Impact.* Development projects are considered cumulatively significant if:
 1. The project requires a change in the existing land use designation (i.e., general plan amendment, rezone); and

2. Projected emissions (ROG, NOx, or PM₁₀) of the project are greater than the emissions anticipated for the site if developed under the existing land use designation.

Effects on air quality can be divided into short-term construction-related effects and those associated with long-term aspects of the project. Short-term construction impacts are addressed in (b) above. Long-term mobile source emissions from vehicular traffic from local property owners and emergency personnel would not exceed thresholds established by the YSAQMD Guidelines (2007) and would not be cumulatively considerable for any non-attainment pollutant from the project. Therefore, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant.

- d) *Less than Significant Impact.* The air pollutants generated by the proposed project would be primarily dust and particulate matter during construction of a vehicle turnaround, as described in (b) above. Dust will be controlled through effective management practices, such as water spraying during construction activity. The project would not expose sensitive receptors to substantial pollutant concentrations from construction equipment. Ground disturbances from construction activity will be minimal and will not affect neighboring properties.
- e) *No Impact.* The proposed project and associated uses would not create objectionable odors.

IV. BIOLOGICAL RESOURCES

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

Discussion of Impacts

- a) *No Impact.* The project proposes vacation of CR 41, from the lower seasonal closure gate to the upper seasonal closure gate at the Colusa County line. The project area includes approximately

1,246 acres of rangeland and open space. The proposed road abandonment and construction of a vehicle turnaround will not involve habitat modifications that could adversely affect a special status species. If approved, the county would require the incorporation of best management practices into the project's construction specifications in order to reduce any potential impacts to sensitive or special status species.

- b) *No Impact.* The dominant natural features in the vicinity of the project are Cache Creek, oak woodlands and chaparral communities, and views of the ridgelines. The proposed road abandonment and vehicle turnaround would not adversely affect the area's riparian habitat or any other sensitive natural community.
- c) *No Impact.* Vacation of CR 41 will not adversely affect Cache Creek or any of its tributaries.
- d) *No Impact.* See (a) and (b) above.
- (e)(f) *No Impact.* The Yolo County Habitat Conservation Plan (HCP)/Natural Communities Conservation Plan (NCCP) is in preparation by the Natural Heritage Program, with an anticipated adoption sometime in 2010. Abandonment of approximately two miles of CR 41 would not conflict with any local policies or ordinances protecting biological resources, or with the provisions of the proposed HCP/NCCP, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES

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

Discussion of Impacts

- a) *No Impact.* There are no known historical resources within the project vicinity. Abandoning the public right-of-way through private property would have no impact on historic resources.
- b) *Less than Significant Impact.* The project site contains a known archaeological site (CA-YOL-17), which has been described as an important cultural resource. Small remnants of a large village within the project vicinity have provided the oldest record of human habitation in the Capay Valley. According to information contained in the 1985 Initial Study prepared for the CR 41 realignment project, the Department of Anthropology at UC Davis, California, determined that historical remains from the Patwin tribe are located in areas near the project site. Archaeological studies conducted for the proposed realignment of County Road 41 in 1985 revealed significant cultural sites, more extensive than previously known. Prehistoric archaeological site CA-YOL-17 contains a cultural deposit that includes artifacts and features critical to the interpretation of the region's prehistory, including prehistoric burial sites. The presence of significant cultural resources within the project vicinity has been amply documented, and it has been assumed the site had been occupied for a period of at least 400 years prior to the historic period.

Prior to realigning a portion of CR 41 in 1986, it was determined that the original road had intruded into the cultural deposit near the road's southern alignment. Archaeological studies also reveal that previous road grading had cut into prehistoric/historic cultural remnants. Although the project proposes no significant construction, there remains the possibility of encountering additional unrecorded prehistoric cultural resources. In accordance with Public Resources Code Section 21083.2., any construction planned for the vehicle turnaround shall avoid excavation activity in order to eliminate the possibility of adversely affecting significant cultural sites. Additionally, as a condition of project approval, any excavation activity would be prohibited in the project vicinity. Rather, the turnaround would be constructed with fill placed over existing ground in order to preserve any significant cultural deposits.

Restricting public access by vacating a portion of CR 41 would not cause a substantial adverse change in the significance of the known prehistoric archaeological site. The project could have a beneficial impact by preserving the site from further disturbance. Preserving the resource would be consistent with Conservation Policy CO-4.1 in the 2030 General Plan, which states: *Identify and safeguard important cultural resources*; and is consistent with Policy CO-4.11 that states: *Honor and respect local tribal heritage*.

- c) *No Impact*. There are no known recorded paleontological resources or unique geologic features within the project vicinity.
- d) *Less than Significant Impact*. Human remains are known to exist in the project area [see (b) above]; and the proposed project could involve minimal grading activities for construction of a vehicle turnaround. However, a condition of project approval would prohibit any excavation in the area. Additionally, in accordance with Section 7050.5 of the California Health and Safety Code, if construction of the vehicle turnaround should uncover human remains, no further site disturbance shall occur until the County coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known Fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

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| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

According to the 2030 Yolo County General Plan, the only fault in the county that has been identified by the California Division of Mines and Geology (1997) to be subject to surface rupture (within an Alquist-Priolo Earthquake Fault Zone) is the Hunting Creek Fault, which is partly located in a sparsely inhabited area of the extreme northwest corner of the county. Most of the fault extends through Lake and Napa counties. The only other potentially active fault in the county is the Dunnigan Hills Fault, which extends west of I-5 between Dunnigan and northwest of Yolo. This fault is not within an Alquist-Priolo Earthquake Fault Zone, and is therefore not subject to surface rupture. A number of inactive faults, such as the Capay, Sweitzer, and West Valley faults) occur in the western part of the county; and no known faults are located in any of the major inhabited areas of the county.

Discussion of Impacts

a) *Less than Significant Impact:*

- (i) The project site can be expected to experience moderate to strong ground shaking during future seismic events along major active faults throughout Northern California or on smaller active or potentially active faults located in the county. However, if, approved, any proposed project improvements will be required to comply with all applicable Uniform Building Code and County Improvement Standards and Specifications requirements.
- (ii) Any major earthquake damage on the project site is likely to occur from ground shaking, and seismically related ground and structural failures. Local soil conditions, such as soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response. Seismically induced shaking and some damage should be expected to occur during a major event but damage should be no more severe in the project area than elsewhere in the region. No buildings are proposed for construction. Therefore, people and structures would not be exposed to potential substantial adverse effects involving strong seismic ground shaking.
- (iii) Geologic hazard impacts that are associated with expansive soils include long-term differential settlement and cracking of foundations, disruption and cracking of paved surfaces, underground utilities, canals, and pipelines. No structures are proposed for construction. Any future proposals for construction of a structure will require building permits that will be issued in compliance with the Yolo County Planning, Resources and Public Works Department.
- (iv) The project proposes abandonment of a public right-of-way, and, although the project site is in an area of steep elevation changes, approval of the project would not expose people or structures to potential landslides.

b) *No Impact.* Vacation of approximately two miles of County Road 41 would not result in substantial erosion or the loss of topsoil, but may prevent erosion activity due to trespass via public access.

c) *No Impact.* Although the project site is located on unstable geologic materials, abandonment of a public right-of-way will not affect the stability of the underlying materials or the underlying materials to

potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The project proposes no development, thus the potential for exposure to a geological event is unlikely.

- d) *No Impact.* Geologic hazard impacts that are associated with expansive soils include long-term-differential settlement and cracking of foundations, disruption and cracking of paved surfaces, underground utilities, canals, and pipelines. However, the project proposes no development and as such would not pose a threat to people or property.
- d) *No Impact.* No septic tanks are proposed for the project.

VII. GREENHOUSE GAS EMISSIONS

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

Discussion of Impacts

- a) *Less than Significant Impact.* The project would potentially generate greenhouse gas emissions with construction of a vehicle turnaround for the proposed lower terminus of CR 41; however, these levels would be negligible, as no development is proposed. The project is a proposal for a road right-of-way vacation. Closure of a public right-of-way could, in the long run, reduce the number of vehicles traveled to the area, thereby minimizing the effects of greenhouse gas emissions in the project vicinity.
- b) *No Impact.* See (a) above. The project proposes a road right-of-way vacation, and would not be in conflict with any policies in the Yolo County 2030 General Plan designed to reduce the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NEGATIVE DECLARATION/INITIAL STUDY CHECKLIST

- | | | | | |
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| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

- a) *No Impact.* The proposed project would not result in any new transport, use or disposal of hazardous materials beyond existing levels. Any hazardous materials would be required to be stored and handled in accordance with all applicable federal, state, and local requirements, including Yolo County Environmental Health Department regulations.
- b) *Less than Significant Impact.* Construction of any proposed public improvements for the southern terminus of CR 41 may involve the use of equipment that uses small amounts of oils and fuels and other potentially flammable substances typically associated with construction activities. The project would not, however, result in a significant risk of explosion or accidental release of hazardous substances. Therefore, impacts from the accidental release of hazardous materials into the environment are less than significant.
- c) *No Impact.* The proposed project would not result in any new hazardous emissions or hazardous materials. The project is not located within a quarter mile of a school.
- d) *No Impact.* The project site is not located on a site that is included on a list of hazardous materials sites compiled by the Yolo County Environmental Health Department-Hazardous Waste Site Files pursuant to Government Code 65962.5. The proposed project would not expose people to known existing sources of potential health hazards.
- e) *No Impact.* The project is not located within the vicinity of an airport land use plan.
- f) *No Impact.* The project site is not located within the vicinity of a private airstrip.
- g) *Less than Significant Impact.* The project could potentially interfere with emergency evacuation efforts for those residents relying on County Road 41 as an alternate route out of the Capay Valley, should the Rumsey Bridge fail, in case of fire, or due to closure of State Route 16. The proposed project includes locked gates with a Knox box that would provide access to adjacent property owners, emergency personnel, and other agencies with legal reasons to pass. In the event of an emergency, the applicant has agreed to maintain the road through the Rumsey Canyon Ranch, as feasible, to ensure access to those residents whose only way out of the Capay Valley would be via CR 41, until such time as the emergency crisis has been averted.

County Road 41 is not a designated emergency route, as determined by the Yolo County Office of Emergency Services, and is not defined in the 2030 General Plan as such. However, as long as the road remains passable, it does provide the only summer seasonal access over to Colusa County for those residents in the Rumsey locale. The road washes out seasonally, and without regular maintenance, it is quite possible the road would be impassable to regular vehicular traffic after one or

two particularly wet seasons. It is possible, however, that emergency personnel managing a crisis would have the proper machinery to facilitate an evacuation. Granting residents the right to access the vacated right-of-way during an emergency situation, as feasible, would not significantly impair evacuation efforts, should the abandonment be approved. [See, also, discussion on emergency access in Transportation/Traffic Section XVI (e), below.]

- h) *Less than Significant Impact.* The project site is located in an oak woodland and chaparral setting adjacent to Cache Creek and Rumsey hills, located north of Rumsey in the northwestern portion of the county. Risk of wildland fire in the project vicinity is considered to be high severity. In 1985, the California Department of Forestry regarded the importance of County Road 41 remaining accessible to a high intensity fire hazard area to be of significant importance, according to Planning Commission records (July 17, 1985). More recent comments from Cal Fire indicate a positive response to the proposed abandonment. A Cal Fire official responding to the project proposal favored the abandonment/closure to keep people out of the remote area – Cal Fire believes that less people traveling the road means less potential for fire hazards (Cal Fire, September 2009).

The project proposes abandonment of a public right-of-way through a high severity fire area. The property owner intends to maintain the road for access to the ranch property, adjacent property owners, and emergency service purposes. All emergency personnel, including local and state fire districts, sheriff's department, etc., will be given keys to the Knox box on the gates. Vacating a public right-of-way in a high severity fire hazard area will not expose people to significant risk of wildfire, but may reduce future wildfire instances by preventing public access to a high risk area.

IX. HYDROLOGY AND WATER QUALITY

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

NEGATIVE DECLARATION/INITIAL STUDY CHECKLIST

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| h) | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) | Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- a) *No Impact.* There will be no project related runoff associated with the proposal. The project would not cause violations of existing water quality standards or waste discharge requirements.
- b) *No Impact.* The proposed uses would not deplete groundwater supplies or interfere with groundwater recharge. Therefore, there will be no impacts to groundwater production rates.
- c) *No Impact.* The project proposes vacation of CR 41 with a vehicle turnaround at the proposed terminus. The project will not involve disturbance of an area greater than one acre and thus will not be required to submit a SWPPP for regulation under the National Pollutant Discharge Elimination System (NPDES).
- d) *No Impact.* The proposed project will not change absorption rates, drainage patterns, and the rate and amount of surface runoff. The overall effect of the proposed project would not substantially alter the existing drainage pattern of the project site or the surrounding area and would not, therefore, result in substantial erosion or siltation on- or off-site. The project would not result in any additional flooding on- or off-site.
- e) *No Impact.* The project site does not have access to any existing or proposed storm water drainage systems.
- f) *No Impact.* See (a) and (e) above. No additional impacts to water quality are anticipated.
- g) *No Impact.* A portion of the project site is located within the 100-year floodplain, as designated by the Federal Emergency Management Agency (FEMA). However, no permanent structures, other than the locked gates, are proposed for this project.
- h) *No Impact.* See g) above. The locked gates, proposed for location in areas of flood zone 'A' as designated by FEMA, will not impede flood flows. Existing seasonal closure gates are currently in use on the property.
- i) *Less than Significant Impact.* A portion of the project site is within the vicinity of a dam inundation zone boundary (Indian Valley Reservoir) that could expose individuals to risk from flooding. Additionally, a portion of CR 41 is within the vicinity of Cache Creek, which has historically washed out portions of the right-of-way. In the event of a flood condition, CR 41 could be inaccessible. However, the proposed project is a vacation of the public right-of-way, and thus, would not expose people to significant risks due to flooding. Should the road remain passable, the gates at the proposed termini of CR 41 would be accessible to managing agencies, emergency personnel, and adjacent landowners (see Section VIII (g) above). There would be a less than significant impact involving risk of injury due to flooding.
- j) *No Impact.* The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard.

X. LAND USE AND PLANNING

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

Discussion of Impacts

- a) *No impact.* The project is a proposal for vacation of approximately two miles of County Road 41, located within an open space and grazing rangeland setting and surrounded by agricultural and open space uses.
- b) *Less than Significant Impact.* The project area is zoned for agricultural uses with a history of grazing on rangeland and open space uses. The Yocha Dehe Wintun Nation owns and manages the project site. There are no conflicts with local policies regulating environmental impacts, and the proposed project is not in conflict with any circulation policies that encourage the establishment of a looped off-street trail system within a community. County Road 41 is located in a remote and sparsely populated area of the county, and does not link with any recreational user trails. However, the proposed project could be in conflict with policies in the 2030 General Plan that call for the reservation of easements for use by the public whenever a public road is proposed for abandonment. Circulation Policy CI-5.19 states: *When a public road is proposed for abandonment, reserve an easement for use by the public to allow for continued access to public lands, natural features, or to provide connections to other existing or planned trail systems. The easement may be held by the county or other public agency.* Additionally, when the Board of Supervisors voted to cease maintenance on certain county roads, they declared the county's intent to retain the easements over the road segments so that the public could continue to use the right-of-way for recreational and other purposes appropriate in light of their unmaintained character (Resolution 90-75). County Road 41 does not provide access to any public lands, and, as stated above, does not provide a connection to other existing or planned trail systems. It does, however, provide access for recreational uses such as hiking, bird watching, horseback riding, and viewing natural features, such as Cache Creek and the scenic ridgelines. However, this would not be considered a conflict with any applicable land use procedures specifically designed to mitigate environmental impacts. Therefore, the project would be considered a less than significant impact.
- c) *No Impact.* The County does not have an adopted HCP or NCCP. The project would not conflict with the Yolo County Draft Habitat Conservation Plan/Natural Community Conservation Plan.

XI. MINERAL RESOURCES

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

Discussion of Impacts

- a) *No impact.* The project site is not designated as an area of significant aggregate deposits, as classified by the State Department of Mines and Geology.
- b) *No Impact.* See response to X(a).

XII. NOISE

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

Discussion of Impacts

- a) *No Impact.* Yolo County has not adopted a noise ordinance which sets specific noise levels for different zoning districts or for different land uses in the unincorporated area, except for mining activities along Cache Creek. The project proposes vacation of approximately two miles of CR 41. The proposed construction of a vehicle turnaround at the terminus at CR 41 would not generate excessive levels of new noise. Noise levels at the project site will be negligible.
- b) *No Impact.* No ground borne vibration would occur during construction of a vehicle turnaround at the proposed terminus of CR 41 because no pile driving would be used.
- c) *No Impact.* See (a) above. The proposed road vacation would not increase overall ambient noise within the immediate vicinity and would not create a substantial permanent noise source.
- d) *Less than Significant Impact.* Construction of the proposed vehicle turnaround at the lower terminus of CR 41 may involve the use of trucks and equipment that create noise. However, temporary and periodic impacts related to construction noise are expected to be less than significant.

- e) *No Impact.* The project is not located within the vicinity of an airport land use plan, and will not expose people residing or working in the project area to aircraft noise levels in excess of applicable standards.
- f) *No Impact.* The project site is not located near a private airstrip and would not expose people to noise from any private airstrip.

XIII. POPULATION

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

Discussion of Impacts

(a)(b)(c) *No Impact.* The proposed project includes a road vacation in an agricultural/open space setting. The project site is primarily used for grazing rangeland purposes. Proposed construction of a vehicle turnaround at the lower terminus of CR 41 would not induce substantial population growth in the area, would not displace any existing housing, and would not displace any people.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response time or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

a) *Less than Significant Impact.* The Capay Valley Fire District provides primary service to the project site, which is considered a high fire severity area. Cal Fire, Arbuckle Fire District, and Yocha Dehe Fire District (previously known as Rumsey Rancheria Fire District) provide secondary service to the remote area. Vacation of the public right-of-way, and construction of the proposed vehicle turnaround at the lower terminus of CR 41, would not create an impact to fire protection services. Cal Fire has

commented that closing the road could be beneficial to reducing risks to wildland fires, and thus the need for additional services. If the project is approved, the Tribe has committed to maintain the road for emergency services, as feasible. As proposed, each fire district would be granted access for emergency purposes. Therefore, impacts to fire protection services would be considered less than significant.

- b) *Less than Significant Impact.* The proposed road abandonment may require a slight increase in police protection due to the possibility of trespass on private property where public access was once available. However, the Yolo County Sheriff's Department, who would be granted emergency access rights, would not expect a significant impact to police services provided in the area.

- (c)(d)(e) *No Impact.* The proposed road vacation would not increase the need for schools, parks or other public facilities and services. However, approval of the project would prohibit recreational use of the road (see impacts to recreation resources in Section XV, below).

XV. RECREATION

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

Discussion of Impacts

- a) *Less than Significant Impact.* County Road 41 currently provides recreational users with the opportunity to hike, bike, bird watch, horseback ride, and view nature from the public right-of-way along the road. County Road 41 is a remote county road in a sparsely populated area of the county, and the right-of-way does provide a recreational value to the area, especially to local Rumsey residents. The county unmaintained portion of the right-of-way does not provide access to any public lands and does not connect to any existing or planned off-road trail system. There is limited public parking along CR 41 and near the intersection of SR 16 to accommodate recreational users. However, as indicated by public response to the proposed project, several local Rumsey residents regularly use the right-of-way for recreational purposes, and they would consider loss of the public right-of-way an adverse impact to local heritage (e-mail/mail/verbal communication, 2009).

Vacation of the county road could slightly increase the use of other nearby recreational facilities, due to restricted public access of the vacated right-of-way. Nearby recreational facilities include Cache Creek Canyon Regional Park and Trail System, located along SR 16, approximately six miles north of Rumsey and approximately 3.75 miles due west of the project site. Cache Creek Canyon Regional Park, owned and maintained by the county, contains approximately 700 acres and provides access to 54,000 acres of Federal Bureau of Land Management property, including the Blue Ridge Trail, which provides natural resource features similar to those viewed along CR 41. Additionally, Camp Haswell, also owned and maintained by the county, is located two miles north of Rumsey along SR 16, which provides public access to Cache Creek. The county's Otis Ranch Open Space Area, a 614-acre ranch located upstream from Rumsey, has newly added walking trails. And, Nichols Park, 22 acres, is located along Cache Creek off SR 16 on County Road 57 in Guinda, which, among other amenities, provides public access to Cache Creek. These public park facilities also provide off-street parking, restroom and solid waste facilities to adequately accommodate recreational users. Although abandonment of County Road 41 as a public right-of way could slightly increase the use of the other

nearby, county-owned and maintained, recreational facilities, the impacts to such facilities would not be considered significant.

- b) *Less than Significant Impact.* See response to (a) above. The project would not require the construction of nor does it include additional recreational facilities. The project proposes a road abandonment of county-unmaintained public right-of-way through private property. Abandonment of the road would mean that members of the public would be prevented from accessing the privately maintained road, with the exception of an emergency. Controlled access would be available during an emergency situation (see Sections VIII and XVI). Environmental impacts to recreational facilities would be considered less than significant.

XVI. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

- a) *Less than Significant Impact.* The project proposes road abandonment with public improvements. Development of a vehicle turnaround at the proposed lower terminus of CR 41 may generate additional truck trips for the construction period. However, this increase is only temporary during construction activity, and is not expected to significantly impact existing local circulation patterns in the project vicinity. The proposed project is not anticipated to increase vehicle trips to the project site.
- b) *No Impact.* See response to (a) above. Long-term changes to local traffic circulation resulting from the proposed project will be negligible. The project area is currently in use as grazing rangeland and open space with a public right-of-way through private property leading to Colusa County. The proposed road abandonment would not significantly affect levels of service on any nearby state or county roads, but may slightly increase traffic on SR 16, due to the loss of an alternate summer access to Interstate 5, or access to public lands located along SR 16. However, these levels would be negligible and would not conflict with any applicable congestion management program.

- c) *No Impact.* The project would not affect air traffic patterns.
- d) *Less than Significant Impact.* The project does not incorporate design features that would substantially increase hazards or introduce incompatible uses, provided the proposed locked gates do not hinder local traffic, or result in recreational users parking in the vehicle turnaround for access to the area.
- e) *Less than Significant Impact.* The proposed project could result in inadequate emergency access with installation of locked gates at the proposed termini of CR 41. However, the project proposes access to all emergency personnel with jurisdiction in the area, adjacent property owners, and other agencies with legal reasons to pass. Currently, CR 41 provides an alternate summer access to Colusa County and Interstate 5 as it crosses over the Arbuckle grade (Arbuckle Road becomes Sand Creek Road in Colusa County). In the event of an emergency, such as bridge failure, closure of SR 16, or wildfire, those residents living east of State Route 16 along CR 41 and CR 41A in the Rumsey area may require access to the vacated right-of-way as their only way out of the Capay Valley, provided the road is passable (see Section VIII for a discussion on Hazards). The proposal includes granting access during an emergency situation, which may require a condition of project approval that ensures access easements are recorded against underlying fee title properties associated with this road vacation request. Should the project be approved as proposed, conditions of approval placed on the project would ensure that impacts to emergency access would be less than significant.
- f) *No Impact.* The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project is a proposed right-of-way vacation.

XVII. UTILITIES AND SERVICE SYSTEMS

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

Discussion of Impacts

- (a)(b)(c) *No Impact.* The project would not exceed any wastewater treatment requirements, require construction of new water or wastewater treatment facilities, or require the construction or expansion of storm water drainage facilities.
- (d)(e) *No Impact.* No new water entitlements or wastewater services are required to accommodate the project.
- (f)(g) *No Impact.* The project would not impact disposal capacity at the landfill. Additionally, the proposed project would be required to comply with all solid waste regulations as implemented and enforced by Yolo County.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- a) *Less than Significant Impact.* Based on the information provided in this Initial Study, there would be less than significant environmental impacts to the environment, habitat, plant and animal communities, and examples of California history/prehistory. Although the project site does contain a known archaeological site important to the prehistory of the area, the project, as proposed, would not eliminate its significance. The project is proposed to protect significant cultural sites.
- b) *No Impact.* Based on the analysis provided in this Initial Study, there would be no potential cumulative impacts of the project.
- c) *No Impact.* Based on the analysis provided in this Initial Study, the project would not have substantial adverse environmental effects on human beings, either directly or indirectly.

REFERENCES

- Project application materials and project scope
- Yolo County 2030 General Plan
- Yolo County Parks & Open Space Master Plan, January 2006
- Yolo County Public Works Roads Files
- 1985 Initial Study/Negative Declaration for the County Road 41 realignment project
- Planning Commission summary minutes from the July 17, 1985 Planning Commission meeting to discuss realignment of a portion of County Road 41
- March 10, 2009, Board of Supervisors Memo prepared for terminating county maintenance on certain county roads
- Cal Fire personal correspondence, September 2009
- Public response and comments via e-mail, mail, and verbal, August – October 2009

Yolo Audubon Society
P.O. Box 886 Davis, CA 95617



21 August 2009

Stephanie Berg, Associate Planner
Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, CA 95695-2598

Subject: Comment re Proposed Road 41 Abandonment (ZF # 2009-028)

Dear Ms. Berg:

The Board of Directors of the Yolo Audubon Society (YAS) wishes to express the strongest opposition possible to the proposed abandonment of the right-of-way of County Road 41 (aka Arbuckle Road).

A major portion of the mission of the YAS is to provide opportunities for members of the chapter, and for members of the general public, to experience the natural environment in our region. The ability to experience wildlands, and the wildlife that it provides for, is a significant element in building and maintaining a conservation ethic.

In order for the chapter to accomplish this part of our mission there must be places where the public can gain access to the county's wildlands. The recent spate of road-maintenance closures in rural wildland portions of the county is already a major loss for our members, but it can always be hoped that maintenance can be resumed in the future, and meanwhile the rights-of-way are still available for use. Abandoning these roads removes both their availability for current use and any possibility that they will ever be available (much less restored) in the future.

The YAS board is sympathetic to the potential for impacts to Native American sites, and would like to have the County attempt to identify methods or practices for the right-of-way management that minimize potential impact. However, this concern does not approach to within a very great distance to being a valid reason to abandon such valuable public resources as one of the few public road rights-of-way into the county's wildlands.

Please convey the chapter's strongest opposition to the abandonment to county decision-makers.

Thank you,

Chad Roberts

Chad Roberts,
Conservation Chair

ATTACHMENT I

Tuleyome

DEEP HOME PLACE

We Dream, We Act, We Get Things Done

*Protecting the wild and agricultural heritage of the
Northern Inner Coast Range and the Western Sacramento
Valley for existing and future generations.*

August 13, 2009

Yolo County Board of Supervisors
Supervisor Mike McGowan, Chair

Yolo County Planning Commission
Mary Kimball, Chair

625 Court Street
Woodland, CA 95695

Subject: Project ZF#2009-028/Road 41 Abandonment

Honorable Members of the Board of Supervisors and Yolo County Planning Commission,

Tuleyome would like to comment on the August, 2009 proposal by the Rumsey Band of Wintun Indians, to abandon 2-miles of County Road 41.

Tuleyome is understanding and mindful of the Tribe's concerns regarding protection of sacred sites, trespass, littering, and illegal hunting. Several Tuleyome board members own or manage wildlife habitat and farm lands and know firsthand about the challenges these issues present to landowners. We also have great respect for the cultural and biological protection efforts of the Tribe and this letter is appreciative, and in no way critical, of those efforts.

Prior to submitting this comment letter, we spoke with Jim Etters, who manages the Rumsey Canyon Ranch for the Tribe, about the issues they have been having with trespass and damage to their sacred sites. It is our belief that these sacred sites must be protected, as they represent not only the history of the Tribe as a people, but the history of the land as well. While such a history must not be lost through vandalism, such a beautiful road right-of way should also not be lost through abandonment.

Tuleyome has reviewed the application and has the following observations:

Road 41 is used by locals for hiking, mountain biking, horseback riding, birding, and botanizing. It has been referred to by Rumsey locals as the only 'stroller-friendly trail' in town.

For hiking, it offers a great walk up to the county line and has been used by the local Capay Valley Hiking Club as one of their featured hikes.

It is also used by mountain bikers, who do car-shuttle rides from Rumsey to Arbuckle. The dirt track is suitable for biking and the scenery and climbs are the main draws. When the hiking club did one of their hikes up the dirt road, they even observed a one-legged mountain biker making the trek!

Birdwatchers also frequently use Road 41 for outings. John Kemper's 1996 book, *Discovering Yolo County Wildlife*, features Road 41 as number 6, of the 10 places to go that are featured in the book.

The road abandonment issue also relates to other County policies.

Relationship to the General Plan— The draft General Plan Policy CI-5.19 states that:

When a public road is proposed for abandonment, reserve an easement for use by the public to allow for continued access to public lands, natural features, or to provide connections to other existing or planned trail systems. The easement may be held by the county or other public agency.

The current condition of the road, as an un-maintained County Road, serves this purpose. If the road is abandoned, it would conflict with this policy.

This abandonment would also conflict with RP-23 of the existing Open Space and Recreation Element of the General Plan, which calls for working with landowners to make the mountains accessible for biking, hiking, equestrian activities, and wildlife viewing.

Recommendations

Tuleyome recently supported Yolo County's decision to retain the public right-of-way on Road 41, despite the need to cease maintenance due to budget constraints. However, that cessation of maintenance has caused the maintenance burden to fall on the Tribe, with new concern from the Tribe that if the road continues to be open to the public it will create liability for the Tribe. The issue of liability must be addressed.

Tuleyome's mission is to preserve the agricultural and wild heritages of the Northern Inner Coast Range and the Western Sacramento Valley for existing and future generations. While abandonment of the road will allow the Tribe more control over access to the property, we feel that abandonment of Road 41 would negatively impact current and future Yolo County residents, as it pertains to our ability to experience local open space areas, even if just visually.

Tuleyome believes Road 41 is necessary for current, future, and prospective public recreational use, and is important as it relates to ecotourism and recreation in Yolo County.

We also understand the Tribe's concerns regarding trespassing, violation of sacred sites, and liability. We believe the best possible solutions are those where the Tribe's concerns are addressed and the right-of-way for the public is preserved. This will take cooperation and creativity on behalf of all parties, but will ultimately serve the Tribe's interests and the public trust.

Tuleyome thus recommends:

- The County not completely abandoning Road 41,
- close the road to motor vehicles (with the exception of the landowners), but leave it open as a non-motorized trail,
- to work with the Tribe to place field fences along Road 41, to prevent trespass onto sacred sites, and close enough to the road edge to prevent roadside parking and dumping,
- resolve the issue of liability such that non-motorized use of the road by the public does not expose the Tribe to liability if they choose to perform maintenance, and,
- investigate the possibility of partnering with County Parks to place informational/interpretive signs along the road, to help foster respect for the land and the private property beyond the road.

Tuleyome again is grateful for the Tribe's stewardship of Yolo County lands, and believes their concerns can be addressed in a way that retains the public right-of-way on Road 41. If the County, Tribe, and public work together on this, we will all benefit.

Thank you for your consideration in this matter,



Andrew Fulks
President



Debra Chase
Executive Director

Cc: Stephanie Berg, Yolo County Planning
Jim Etters, Rumsey Indian Rancheria

628 Barbera Place
Davis, Ca 95616
September 15, 2009

Associate Planner Stephanie Berg
Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, CA 95695-2598

Dear Ms. Berg:

I sat in on the Parks, Recreation and Wildlife Advisory meeting last night and am writing about an item that was on their agenda but on which they have not yet taken action, the proposed abandonment of the part of County Road 41 from the seasonal gate up to the Yolo/Colusa County line.

I urge that Yolo County not abandon that road, which is a valuable recreational resource for residents of the county. It should be treated as County Road 53 is. There, the private landholder(s) along the road are allowed to have a locked gate across the entrance to the road to keep out motorized vehicles but people on foot can enter. Many do. In the probably 10 times that I have hiked there in the last few years, I have always met at least one and once as many as 25 other hikers using the road. Despite these numbers, I've never seen littering or vandalism along Road 53. People stay on the road right-of-way (encouraged by a lot of "No Trespassing" signs on the private property on each side).

I believe that such a semi-closure on Road 41 would solve at least most of the problems that the Tribe feels they now have there, with dumping, vandalism, poaching, and trespass. It would keep Road 41 as a low cost recreational resource for the County, similar to Road 53, and would avoid a repeat of the mistake of road abandonment that occurred with Road 57.

Sincerely,



Dave Pratt
barberapratt@aol.com

RUMSEY IMPROVEMENT ASSOCIATION
P.O. Box
Rumsey, CA 95679

October 8, 2009

Mr. Mike McGowan
Chairperson
Yolo County Board of Supervisors
625 Court Street, Room 204
Woodland, CA 95695

Re: Petition to Abandon County Road 41

Dear Mr. McGowan:

The Rumsey Improvement Association is a non-profit organization that has been in existence since 1906. The Association was established to promote and enhance the lives of all the persons who reside within our small rural community.

County Road 41 has been a public road since the 1800's when all the adjoining landowners deeded to the County a portion of their land for the purpose of providing a public road to Arbuckle. County Road 41 has been in continuous use since that time, not only by the members of this community, but also by members of the public in nearby communities and those from the bay area and other distant places. Moreover, Road 41 encompasses not only Yolo County, but also travels through Colusa County. It is our understanding that Colusa County will continue to maintain its portion of Road 41 and provide public access. Apparently, no consideration has been given to the logistics of abandoning only a portion of Road 41.

We recognize the financial difficulties the County finds itself in at this time which has resulted in the decision to cease maintaining the Road. However, we are not in favor of abandonment of the Road. For members of our community in particular, Road 41 provides the only means of access to one of the last remaining areas of wilderness that

Mr. Mike McGowan
October 8, 2009
Page 2

does not require us to drive on Highway 16. It is used extensively by members of our community who walk their dogs daily, hikers, bird watchers, and blackberry pickers etc. It is one of the few remaining places where you can enjoy the splendor of nature and leave the stress of daily living behind. Also, for those members of our community that reside on Road 41 and Road 41a, it provides the only means of exit in the event of a disaster that forces the closure of Highway 16 or the Rumsey Bridge. An event which occurred in the mid-nineties.

Whilst we recognize the Tribe's desire to protect their ancestral site, the Tribe is but a small portion of the larger community. We feel sure there are other methods that can be used to achieve the Tribe's aim without the County abandoning Road 41.

County Road 41 is an asset that we consider to be of immeasurable value, not only to our community, but to the County itself. It is an asset that if lost, the County will never be financially able to replace. When other Counties are striving without success, to find a means to provide access such as this to members of their community, it is inconceivable to us that our Supervisors would consider abandonment of Road 41.

Yours truly,

Robert Bramlett
Chairman
Rumsey Improvement Association

c.c. Duane Chamberlain
Supervisor 5th District

M & N RANCH, LLC

250 W. MAIN STREET, SUITE 101, WOODLAND, CALIFORNIA 95695

PHONE (530) 668-1000 / FAX (530) 666-5574

Via Email and U.S. Mail

October 28, 2009

Ms. Stephanie Berg
Yolo County Planning
292 W. Beamer Street
Woodland, CA 95695
530.666.8850
stephanie.berg@yolocounty.org

Dear Ms Berg,

I am writing to support the abandonment of County Road 41 which runs through Rumsey Canyon Ranch. As a past owner of this property, I know first hand the trouble with trespassing and vandalism this road has presented by being public.

The road is closed for a good portion of the year due to damage from rain and serves very few residents as a means to travel to and from Arbuckle. It does however provide access to private property for vandalism, poaching, illegal dumping, and the growing of marijuana.

I support the abandonment of CR 41 and encourage Yolo County to do so as well.

Sincerely,

M&N RANCH, LLC



Steve Marks, Jr., Authorized Rep

BOARD OF DIRECTORS

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ARBUCKLE-COLLEGE CITY FIRE DISTRICT

P.O. BOX 727

ARBUCKLE, CALIFORNIA 95912

Casey J. Cox, Chief
Telephone: (530) 476-2231

November 16, 2009

Yocha Dehe Wintun Nation
C/O Jim Etters, Director of Land Management
P. O. Box 18
Brooks, CA 95606

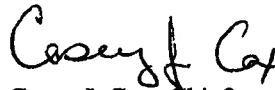
Dear Mr. Etters,

We have reviewed your recent letter received October 29, 2009 explaining Yocha Dehe Nation's application for abandonment of CR 41, also known as the Arbuckle Grade.

Our only questions regarding emergency access are, if the road is to be abandoned will the road still be maintained by someone so that it will continue to be in adequate condition for all fire apparatus, or will the road condition eventually become non accessible?

Secondly, access will be granted through installation of Knox Box, which style or type will be used and which agency key will be provided.

Sincerely,



Casey J. Cox, Chief
ACCFPD

11/22/2009

To: Yolo County Planning Commissioners
Yolo County Board of Supervisors.

RE: Abandonment of Road 41 (Rumsey-Arbuckle Road)

I had the pleasure of walking Road 41 this weekend. We started at the seasonal gate just beyond the Rumsey Bridge and walked to the road's summit, overlooking both the Capay Valley and offering an expansive view of the northern Sacramento Valley. This historic public road is a local treasure. It affords wonderful passive recreation for hikers and bicyclists and stunning views. It would also provide a wonderful scenic drive during the seasonal months when the road is open to cars.

I am writing to implore Yolo County leaders to keep this road open to the public. I understand that the applicant/property owner wants the county to abandon the road due to vandalism and littering. I, too, deplore that type of behavior. But to close an historic public road to stop that behavior is too drastic of a remedy. It would be akin to closing the Golden Gate Bridge to the driving and walking public to stop the occasional suicide. There are less drastic measures available to solve the problem, such as fencing, hardened structures or boulders placed along the sections of road where off-road activity is taking place. Interestingly, I observed very little litter along the road.

The most important criterion an elected or appointed policy-maker should adhere to when making public decisions is, "*what is the greater public good, and what decision will benefit the greatest number of people?*" A public road closure to benefit a very small minority while depriving the greater public at large does not fit that criterion.

Please make your decision based on that question.

Thank you,

Tom McFarling
13188 Spruce Grove Road
Lower Lake, CA 95457

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DEC 01 2009

Yolo County
Planning &
Public Works

November 23, 2009

Stephanie Berg, Associate Planner
Yolo County Planning and Public Works Department
292 W. Beamer Street
Woodland, CA. 95695

Dear Ms. Berg,

Thank you for the opportunity to comment on Zone File No. 2009-028, Abandonment of Road 41.

Tuleyome has several concerns regarding the Negative Declaration (ND) for the Road 41 abandonment project Negative Declaration/Initial Study.

Section 8, Description of the Project:

The assumption for the necessity of the project is based on un-quantified 'management conflicts' identified by the applicant. Upon a site visit to the project area, Tuleyome did not see any attempt to block sensitive areas from vehicle use through fencing, boulders, or other barricades. Other than an abundance of 'no trespassing' signs, there is no evidence that the applicant has attempted to stop damage and thus seeking road abandonment as a last resort. This appears to be the first and only action to stop the 'management conflicts'. This ND does not identify project alternatives, short of abandoning the road.

In addition, no criteria are given as to what constitutes a less than significant impact. As seen from the volume of letters regarding keeping the road open for recreational use, it would be a significant impact to shut the road down. Yet the less-than-significant stance is chosen, based on a faulty assumption that the public is able to enjoy access to other lands and trails in the area. This supposition is in error. While there are other lands and trails in the region, not all are as accessible as this road, which is used as a trail. Road 40, for example, is inaccessible when Cache Creek is flowing over the low-water bridge. This is known to occur for months during the winter. Lack of access to Road 40 also prevents access to several trails, including the Blue Ridge Trail among others. During those times, Road 41 is the only recreational 'trail' alternative accessible to the general public.

I. Aesthetics

Tuleyome disagrees that the impact to scenic vistas is less than significant. CEQA does not require that the CEQA Appendix G checklist be used verbatim on determination of impacts. In *Protect the Historic Amador Waterways v. Amador Water Agency*¹ it was found that the standard CEQA Appendix G checklist, of which the County checklist is fashioned, is not the definitive list of things to consider, especially when the checklist questions are not relevant. In the case of the loss of scenic vistas, while the project may not have an actual physical impact, the loss of access to the scenic vistas is, as far as the citizenry is concerned, the same as the actual physical loss of said vistas. As such, the project would have a significant impact on scenic vistas and the checklist question is not an adequate analysis of the impact.

If staff refers to the images taken during a November 21, 2009 hike along the roadway alignment (available online at <http://picasaweb.google.com/yolohiker/YoloCountyRoad41#>), you can see the vistas are unique. This is the only road that provides a panoramic vista down the length of the Capay Valley. It is the only place you can see down the Capay Valley, while simultaneously seeing the mudstone sawtooth ridges of the Cortina Hills and the snow-covered peak of Mt. Lassen.

The loss of these unique vistas is a huge impact. The checklist is inadequate in that it does not address the loss of vistas. It is designed for projects that mar the vista through construction, not through removal of access.

X. Land Use and Planning

Tuleyome disagrees that the impact to Land Use and Planning is less than significant. The document states that the project may be in conflict with the General Plan and local land use policies. In fact, the project is in conflict with several of these plans.

Relationship to the General Plan

The General Plan Circulation policy CI-5.19 states:

When a public road is proposed for abandonment, reserve and easement for use by the public to allow for continued access to public lands, natural features, or to provide connections to other existing or planned trail systems.

Tuleyome disagrees with the finding that the road does not connect to existing or planned trail systems. The County had originally intended to buy the Rumsey Canyon Ranch to provide a trail connection to existing trails on Cortina Ridge. In addition, Road 41 is an existing 'trail' system into Colusa County. The ND cannot state that the road does not provide a connection to planned systems, as the road itself is an existing trail system and is used as such. In addition, the road does provide visual access to natural features, including the Sutter Buttes, mudstone sawtooth ridges of the Cortina Hills, and a unique view down the Capay Valley.

Abandonment of Road 41 also conflicts with sections of the Conservation and Open Space Element of the General Plan including:

Policy CO-1.3 Create a network of regional parks and open space corridors that highlight unique resources and recreational opportunities for a variety of users.

Action CO-A20 Develop and implement a system of open space corridors and trails that connects each community and city by integrating waterways, scenic areas, significant habitat areas, County parks, and other special resource areas. (Policy CO-1.1, Policy CO-1.2, Policy CO-1.3, Policy CO-1.12, Policy CO-1.25, Policy CO-1.26)

This road serves as an open space corridor that serves a variety of users, from hikers, mountain bikers, to horseback riders. To close this road would be diminishing the creation of the corridors outlined in the General Plan. As stated in Action CO-A20, open space corridors include trails, and this road serves as a trail. It also serves to connect the community of Rumsey to Arbuckle.

Relationship to the Parks Master Plan

The population access model (Figure I-2 in the Yolo County Parks and Open Space Master Plan) shows that relatively few, large County park resources are located close to the major population concentrations. Road 41, while not a county park, is the closest recreational 'trail' to the residents of Rumsey.

The Parks Master Plan states that as it pertains to recreation:

Accommodation should be made for the elderly and for persons with disabilities...

This road provides a trail corridor that is easily used by the elderly and disabled, and is frequently used by older individuals during bird watching trips.

The plan also states that it strives to:

G-7: Increase in net parkland and open space available. It is a goal of this plan that the County increase the amount of area available for public use...

Since it has already been shown that the public uses this road corridor for recreation, closing public access would conflict with the Parks Master Plan goal of increasing net area available for public use. The abandonment action would decrease net recreational public use.

Page IV-21 of the Parks Master Plan states that:

This plan also encourages the County to explore the possibility of recreation and open space projects in cooperation with the Rumsey Band of Wintun Indians...

This abandonment action is in direct conflict with this recommendation in the Master Plan, as it ironically works with the Tribe to decrease recreation.

XIV. Public Services

Tuelyome disagrees with the finding of section XIV (d), Parks. The road is currently used as a recreational facility and the loss of that use would be significant.

Since the road functions as a de-facto trail that provides visual access to ridges and mountains in the County that have no other similar access, the loss of this access would be significant and irreversible.

XV. Recreation

Determining significance of impact requires asking appropriate questions in relation to the impact. The standard CEQA Appendix G checklist questions are not applicable to the recreation impacts from this project. In *Protect the Historic Amador Waterways v. Amador Water Agency*¹, it was found that the checklist questions were narrow, and not applicable to the project. In *County of El Dorado v. Department of Transportation*², the courts found that Caltrans erred when it limited its air analysis to the Appendix G checklist. Specifically, that,

While a lead agency has discretion to choose the method to evaluate environmental impacts, the method chosen must provide an adequate analysis.

As such, the recreation section does not provide an adequate analysis of potential loss of recreation opportunity by closing Road 41, especially in light of the fact that it is the only present public access point to the landscape on the east side of the Capay Valley. The ND does not provide an adequate analysis of the impacts to loss of recreation, as the checklist only looks at the potential for increased demand as a result of the project, not the loss of availability. This is inadequate.

Another State agency, the State Lands Commission, found in their *Shell Mounds Draft Program EIR/EA*³:

With regard to recreation, the CEQA significance determination guidelines ask if a proposed project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated; or require the construction or expansion of recreational facilities that may result in adverse physical effects on the environment. These criteria are not applicable to the proposed actions, since neither a population increase nor any other conditions resulting in increased demand for recreational facilities would result from their implementation. Therefore, the following significance threshold is used for assessing potential impacts to recreation:

• A significant impact on recreation would occur if the action would result in substantial loss or diminished quality of recreational, educational, or visitor oriented opportunities, facilities, or resources, or lead to increased use of, or other physical changes to, recreational opportunities, facilities, or resources.

Closing Road 41 would have significant recreational impacts in the loss of recreation, educational, and visitor oriented opportunities. The loss of recreation opportunities on the eastern side of the Capay Valley would be complete and more than significant. Tuleyome requests that criteria regarding the loss of recreational opportunities, such as the State Lands criteria above, be used. Use of applicable questions to the significance of the impacts is established case law^{2,3}.

Tuleyome also takes issue with including the new trails at Yolo County's Otis Ranch as an excuse as to why closing this road would not have an impact.

Tuleyome is directly responsible for the new trail construction at Otis, with over 400 hours of volunteer labor in the construction of the trails. It was our intention to create these trails to add to the existing recreational opportunities in the region, not to be used as an excuse or mitigation to allow for decreasing recreational opportunities in other portions of the County.

The comparison of these other facilities (Blue Ridge Trail, Nichols Park, and Cache Canyon) to the recreational opportunities provided by Road 41 is in error. Road 41 is unique, in that it is not steep (unlike the Blue Ridge trail), has decent length (unlike the paths at Nichols Park), and allows easy access to ridgeline views (unlike Cache Canyon). This is one of only two 'trails' in the canyon that are accessible to wheelchairs and strollers, the other being Road 40 (when the bridge is not under water).

The public comment identified this as having a significant personal impact to recreational users, and yet the ND discounts this as being less-than-significant. If the line of reasoning is that closing one recreational facility is unimportant because others exist, then all County parks and roads used for recreation could be closed so long as a single one was left.

XVI. Transportation/Traffic

Tuleyome disagrees that the proposed project would have no impact on alternative transportation. The road is used by cyclists, and if it were abandoned, cyclists would have no access to Colusa County from the Capay Valley.

When a road is abandoned, all rights of way are extinguished. The County has set forth no measures that would suggest otherwise. Pedestrian, bike or any other public use would be prohibited. Thus, the impact to alternative transportation on Road 41 would be significant. The checklist does not adequately address the loss of this transportation route.

XVIII. Mandatory Findings of Significance

Paragraph (b) states that a project would have to be found to have significance if it was viewed in the context of 'the effects of probably future projects'. Tuleyome believes the County has neglected to look at probably future road abandonment of other roads on which it has ceased maintenance.

As the applicant has stated that cessation of maintenance on Road 41 is one of the reasons for requesting abandonment, it is not unreasonable to assume that other recreational dirt roads, such as Road 53, would subsequently have abandonment requests. The County should look at the cumulative impacts on recreation from loss of all the roads on which it has ceased maintenance. Since the landowners on Road 53 have also discussed potential abandonment, this is not an unreasonable assumption.

Conclusion

Based on our points above, Tuleyome requests that the ND be withdrawn and re-issued as an EIR, or at minimum, a Mitigated Negative Declaration. If the County chooses to re-issue the document as a Mitigated Negative Declaration Tuleyome also requests that we be involved in any negotiations regarding appropriate mitigation for the impacts stated above.

Tuleyome also concludes that the use of this ND checklist is not appropriate to judge the impacts from removal of public rights of way. The ND checklist is currently designed to judge the impacts from projects which add to the public infrastructure, not remove from it. As the ND is presently designed, one could close all County roads and conclude there is no significant impact from the action.

Sincerely,



Andrew Fulks
President



Debra Chase
Executive Director

References

1. Protect the Historic Amador Waterways v. Amador Water Agency (2004)116 Cal.App.4th 1099 , -- Cal.Rptr.3d --[No. C042915. Third Dist. Mar. 12, 2004.]
2. County Of El Dorado, Plaintiff and Appellant, v. Department Of Transportation et al., Defendants and Respondent; Lakes Entertainment, Inc., Real Party in Interest and Respondent; Shingle Springs Band Of Miwok Indians, et al., Interveners and Respondents. Voices For Rural Living et al., Plaintiffs and Appellants, v. Department Of Transportation, Defendant and Appellant; Shingle Springs Band Of Miwok Indians et al., Interveners and Appellants. Court Of Appeal, Third Appellate District, California, C046372, C048141, 11/8/05
3. Shell Mounds Draft Program EIR/EA, State Lands Commission, December 2003

November 24, 2009

RECEIVED

NOV 30 2009

Yolo County
Dept. of Planning
& Public Works

To the Yolo County Planning Commission

Re: Zone file #2009-028, Proposal to Abandon Road 41

From Ann F. Scheuring

I would like to register my strong opinion that Road 41 should NOT be abandoned by the County, and that public access along this road should be maintained.

In these hard economic times Yolo County has been forced to cut back on maintenance of remote rural roads like Road 41, and as a result the Yocha Dehe Wintun Nation has temporarily met the need for repairs. That is commendable, but County inability to maintain the road at this time *does not justify turning over the right-of-way permanently*. If the Tribe is worried about liability issues, keeping the gate closed with accompanying explanatory signage can let people know that the road is open only for hiking, birding, and other low-impact uses, and that they use it at their own risk. When the economy improves at some point, the County should be able to resume road maintenance activities. It would certainly be a bad idea to permanently abandon a public right-of-way because of temporary financial problems. Abandoning the road would in effect be granting the previous investment in road building to a private party.

Road 41 is a valuable resource for hikers and outdoor recreationists, especially as the county's park system suffers. For years I have taken groups up along this road for bird watching and wildflower viewing. It offers excellent hiking, one of the few accesses across the ridgeline into Colusa County, and some really fabulous views of open space. We have always stayed off private property, which is posted for no trespassing, but the road itself makes a fine public trail, similar to other right-of-ways in eastern states and even in the British Isles.

The Yocha Dehe cultural resources in this area consist mainly of the natural flora and fauna and the landscape views that are the property of no one. The village mentioned by the tribe has long since vanished. There are only a few unmarked graves and old firepits on the Rumsey Canyon Ranch, and since they are on private property they are already protected. There is no need to abandon Road 41 to protect the tribe's cultural heritage. Native vegetation, open space, and opportunities for outdoor recreation are a cultural heritage for all of us.

I fully understand the Tribe's desire to seal off its newly acquired property, but believe that public access to the area is more important than tribal convenience. The need for public access to natural areas is increasingly important as our population grows and the County's limited parkland is strained to its limits. Closing Road 41 would only put more pressure on other country roads in the Capay Valley, and the County can't close them all.

Of most concern to me are the *long-range impacts* of road abandonment in this area: the permanent loss of access to a large area of open space with ecological values that may well be more precious in the future; and the further balkanization of the County into tribal and non-tribal areas. We need to retain public control over transportation right-of-ways, access to natural habitat areas, and observation over watershed features that could turn out to be increasingly important in the years ahead.



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Yolo County
Planning &
Public Works

Re: Zone file #2009-028, Proposal to Abandon Road 41
November 28, 2009

Yolo County Planning and Public Works

292 W. Beamer St.
Woodland, CA 95695

To members of the Planning Commission:

As a resident of the "upper" Capay Valley, I'm writing to register my strong opposition to county abandonment of Road 41 in Rumsey. CR41, locally known as "The Arbuckle Grade," has been an important public resource for hiking, biking, and other outdoor activities for many years. It is alarming that the county's intention to abandon the road will also deny the public right-of-way through this vast stretch of undeveloped chapparel.

While I recognize the tremendous fiscal burdens facing the county during this tough economic period, I can't condone a short-sided budgetary maneuver that will deny the populous of this valuable public resource. I understand the county's inability to maintain Rd 41 for vehicles at this point, but do not see the logic in permanently relinquishing a right-of-way.

The private landowner, Yocha De He Wintun Nation, may have reasonable liability concerns, but with adequate, articulate signage as well as continuing limited access for low-impact outdoor recreation, trespassing is highly preventable. In addition, I appreciate the tribe's desire to protect and preserve significant archeological and burial sites on their private property but am dubious that foot-traffic on Road 41 puts these sensitive sites at risk.

County Road 41 has historically been a seasonally gated road, limiting access to adjacent landowners, cattlemen, and rare summer traffic. Even in peak use periods, use of the Arbuckle Grade was extremely light. A sensible proposal would be to continue access for foot traffic only. It would be a travesty if the public (comprised almost entirely of local residents) were denied continued access to this local backcountry route. We value the terrain's natural features and open views as well as the safety of a non-motorized trail for outdoor fitness activities.

I implore members of the Planning Commission to recognize the significance of this public right-of-way for local residents seeking access to the surrounding landscape. Please keep County Road 41 open to foot traffic and low- impact outdoor enthusiasts.

Sincerely,

Andrew Brait, general partner

**TO: Supervisor Mike McGowan, Chair
and Members of the Board of Supervisors**

**FROM: Parks, Recreation and Wildlife Advisory Committee
Jennifer Henning, Chair**

DATE: November 30, 2009

SUBJECT: Request for abandonment of County Road 41 by Yocha Dehe Wintun Nation.

The Yolo County Parks, Recreation, and Wildlife Advisory Committee (PRWAC) is concerned about the recent proposal by the Yocha Dehe Wintun Nation (Tribe) to close county road 41 from the existing gate near Rumsey, to the Colusa County line. The road offers the public access to a wide variety of important recreational opportunities, including auto touring, bicycle riding, hiking, horseback riding, bird watching, and visual access to a wide variety of rich landscapes and natural vistas of Yolo County. In addition, the road provides the residents of the Rumsey area an immediate emergency exit out of the Capay Valley when State highway 16 is closed.

The PRWAC feels that this section of county road 41 serves the public best as is, and we recommend against abandonment of the roadway. The Yolo County Planning and Public Works Department (PPW) locks the gate across the road every winter to reduce damage to the road, and PPW provides landowners and emergency personnel with a key to the gate. This current management practice protects the roadway, and still provides the public with access.

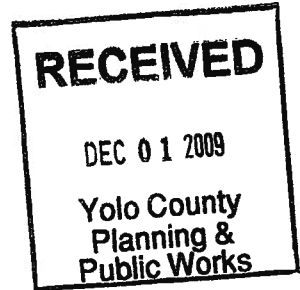
The PRWAC was formed to act in an advisory capacity to county staff and the Board of Supervisors regarding county park and open space matters. The PRWAC considers the needs of the county with respect to activities that include preservation of public access to recreational opportunities, and considers the preservation of public access to county road 41 a significant benefit, not only for Yolo County residents but also for the entire Sacramento Valley.

The PRWAC respects the Tribe's concerns regarding liability, potential disturbance of cultural sites, and trespassing. We think that cooperation between the Tribe and the public will provide the best solution to these issues.


Jennifer Henning, Chair
Parks, Recreation, and Wildlife Advisory Committee

Copies to: Mary Kimball, Chair, and Members of the Yolo County Planning Commission.
Warren Westrup, Director, Yolo County Parks & Resources Department.
Stephanie Berg, Associate Planner, Yolo County Planning and Public Works Department.

November 30, 2009



County of Yolo
Planning and Public Works Department
292 West Beamer Street
Woodland CA 95695-2598

Subject: Road Right-of-Way Abandonment Request
Arbuckle Grade Road north of Rumsey
Applicant: Marshall McKay

Dear Yolo County Planning and Public Works Department:

In response to your "Notice of Public Hearing" scheduled for December 10, 2009, please consider this **my formal objection** to the permanent closure of the seasonal gates, and the denial of public access rights to Arbuckle Road. The suggestion that "access rights in the event of an emergency" is meaningless. No emergency is involved when local people wish to take a walk, run or ride their bikes on Arbuckle Road, a privilege all of us local people have enjoyed for many, many years. The fact that the road will no longer be maintained is immaterial as the ground will still be in "walking condition," no matter what.

I fully appreciate that the Yocha Dehe Wintun Nation wishes to protect its ancestral grounds. But I do not believe local people, myself included, have the intent of causing damage to their ancestral grounds. We just want to continue walking, running, biking and riding the road as we have for a long while. Please do not allow this privilege to be taken away from us. Walking on State Hwy 16 is too dangerous. Therein lies the appeal AND SAFETY of Arbuckle Road.

I cannot be at the Public Hearing on December 10 at 9AM and trust that my letter of formal objection will be taken into consideration.

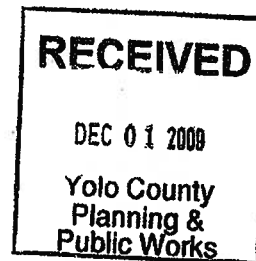
Sincerely,

A handwritten signature in black ink, appearing to read "Sylvia R. Rost". The signature is fluid and cursive, with a long horizontal line extending to the right.

Sylvia R. Rost
2996 Rumsey Canyon Road (At Road 40A)
POB 66
Rumsey CA 95679-0066

Re: Zone file #2009-028, Proposal to Abandon Road 41

P.O. Box 83
Guinda, CA 95637
November 28, 2009



Yolo County Planning and Public Works
292 W. Beamer St.
Woodland, CA 95695

To Whom It May Concern:

I am writing to express my opinion about County Road 41 (A.K. A. The Arbuckle Grade). I feel that the road should remain open with free public access for hiking. The county should NOT give away its ownership of the road.

These current, temporary financial hard times will not last forever. At some point the county will be able to reinstate the road for auto use if desired. In the meantime, simply keep the white metal gate closed with signage as needed.

As a local resident, I have hiked up the Arbuckle Grade for years. I stay on the road and do not veer on the private land on either side of the road. Local hikers who walk-in are not prone to vandalize or litter. I have never seen evidence of either of these potential problems on the walk up. No doubt, that is because the road is mostly used by local residents who love this valley and want to keep it beautiful. I appreciate the road for hiking for my physical health, for enjoying nature for my mental health, and the views for good perspective.

If the road is kept low-key, as it is, without big signs pointing the way as a destination for tourists, the maintenance will be nil. Why change anything? Why give away this precious resource for our rural community? Please keep Road 41 for free, open public access for hiking.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna Martinek Brait". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Anna Martinek Brait

