

PROCEDURES FOR APPLICATION FOR PLACEMENT ON THE BIOLOGICAL CONSULTANTS LIST

Consultants preparing biological studies for submittal to the Planning Department for private projects must be approved by the Planning Department for placement on the Biological Consultants List. In order to qualify for placement on the list, consultants must demonstrate fulfillment of the minimum qualifications and performance standards as specified in the attached “Requirements for Placement on the Biological Consulting List” (Attachment 1). The application and requirements for placement on the list are available online at <https://www.mynevadacounty.com/2423/Biological-Consultants>.

Who May Apply:

Consultants must meet minimum qualification requirements in order for their applications to be considered for placement on the Biological Consultants List. Please refer to *Section I: Qualification Standards* in the attached “Requirements for Placement on the Biological Consulting List” for the specific pre-requisites for application consideration.

Firms are not certified; rather, individual consultants are certified for placement on the list. However, an application for a firm may be submitted with a Statement of Qualifications (SOQ) for each biological consultant that may work on County projects. If the firm wishes to add any consultants to the certified list, a new SOQ must be submitted for that consultant. Alternately, a certified consultant at the firm may peer review and sign any reports submitted from uncertified consultants.

How to apply:

Qualified applicants should submit the following:

- **SOQ.** Applicants have the option of either using the attached form or addressing all the questions in the attached “Statement of Qualifications Questionnaire” form (Attachment 2). Include telephone numbers and e-mail addresses for all references.
- **Work Sample.** A copy of a recently completed study relating to the field of application and prepared by the applicant.
- **Resume.** A resume may also be submitted, but is optional.

Send application materials to:

Planning Director
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

ATTACHMENT 1

REQUIREMENTS FOR PLACEMENT ON THE BIOLOGICAL CONSULTANTS LIST

I. QUALIFICATION STANDARDS

- A. Individuals requesting placement on the Biological Consultants List must meet specific standards of education, experience, professional registration (in some cases), and performance.

Applicants must demonstrate that they have four years of experience in the preparation of biotic technical studies in the biotic disciplines for which placement on the list is requested. The name of the applicant must appear on the report or study and indicate that the individual was the actual person who prepared the document.

- B. Standards established for biological consulting:

1. Formal educational background in appropriate areas of study to understand local floral and faunal relationships. An example of this would include a Bachelor of Science or Master of Science degree in biology with an emphasis in botany, zoology, or ecology; and
2. At least four years experience in habitat evaluation and prediction and quantification of environmental impacts; and
3. Local experience in identification of flora or fauna, particularly rare, endangered, and threatened species with some knowledge of their local and range-wide population status and trends.

or

4. An equivalent combination of education and relevant experience as determined by the Planning Director. The Planning Director may determine on a case-by-case basis that other degrees or combinations of experience and course work meet the intent of the minimum standards.

II. PERFORMANCE STANDARDS

In addition to the minimum standards of education and experience, the Planning Director may take into consideration the following performance standards when determining whether a consultant should be placed on or removed from the Biological Consultants List:

- A. Compliance with and knowledge of State and County CEQA Guidelines and General Plan.
- B. Compliance with direction regarding clarification and/or correction of documents.

- C. Accuracy of technical data, e.g. biological resource mapping, identification of resources and use of proper computer programs for data analysis.
- D. Use of appropriate field techniques.
- E. Readability, clarity, and format of documents.
- F. Sufficient factual statements provided to support conclusions.
- G. Analysis that reflects all applicable local, State and federal rules, regulations, ordinances, and laws.
- H. Quality of judgment, i.e., objective and scientific, regarding determination of environmental significance of impacts.
- I. Mitigation measures proposed which are appropriate to the project and County regulatory procedures.
- J. Compliance with timelines.

It is intended that these criteria will allow for reasonable differences in professional judgment while requiring adherence to acceptable standards of performance.

III. APPLICATION PROCESS

Biological consultants requesting placement on the list shall adhere to and be evaluated by the following process:

- A. The consultant shall submit evidence to the Nevada County Planning Department that demonstrates compliance with the stated minimum qualifications as outlined above.
- B. Applications may be submitted at any time, but will be reviewed on an annual basis, in January of each year.
- C. Upon review and determination by the Planning Director's appointed Biological Consultants List Review Committee or other designated appointee(s), that the minimum qualifications and performance standards have been satisfied, the designated appointee(s)/Committee will recommend the applicant for placement on the Consultant's list to the Director. If such review indicates that the applicant does not meet the minimum qualifications, the applicant shall be notified in writing of this determination.
- D. Upon approval, the consultant shall be placed on the County of Nevada's Biological Consultants List.

IV. TERM OF PLACEMENT ON THE LIST

- A. Placement on the Biological Consultants List shall be for a term of four years. At the end of four years, a new list will be established.
- B. A consultant must be current on the list when a technical study is first submitted. The

consultant need not continue to be on the list in order for subsequent approval of the document to occur.

- C. Applications for re-approval may be filed no earlier than 90 days and no later than 30 days before the end of the term.

V. ORIENTATION PROGRAM

To maintain placement on the list, all consultants are required to attend at least one orientation program conducted by the County within the first year of their term. These orientation programs are intended to provide consultants with information regarding the Department's requirements, procedures, expectations, and any new policies and regulations. Failure to attend the orientation during the specified time periods will result in removal from the list. (The Orientation Program is currently suspended but may be reinstated as deemed necessary).

VI. REMOVAL FROM THE LIST

Individuals placed on the Biological Consultants List prepare environmental documents that legally become the documents of the County as the lead public agency in accordance with CEQA. Consultants must comply with all instructions from County staff in terms of requirements of, and changes to, documents and information requested. Although differences in professional judgment do not necessarily make an environmental document inadequate, the final report must reflect staff's position. However, when the consultant's professional opinion differs from that of staff, these differences should be summarized in the draft or technical study and EIR or Negative Declaration (if required for the project) as a good faith effort at full disclosure of potentially significant environmental impacts and recommended mitigation measures,

Reports prepared by consultants must be based on appropriate field techniques, accurate mapping, objective and scientific judgment, and all other applicable standards of performance. The analysis of issues must reflect all applicable local, County, State, and federal rules, regulations, ordinances, and laws.

Consultants who consistently produce inferior reports, i.e. those that are rejected by the County as inadequate in terms of technical accuracy or conformance with other performance standards, may be removed from the list by the Planning Director on the basis of poor performance. Falsification of data to reduce the apparent intensity of environmental impacts shall be cause for automatic removal from the list. In addition, past performance will be an important criterion of the Planning Director in deciding whether to re-approve an individual.

VII. APPEALS

Any decision by the Planning Director regarding placement on the list of an individual may be appealed to the Board of Supervisors, whose decision will be final. The cost of any appeal will be the responsibility of the individual filing the appeal.

4. Describe your educational background.

SCHOOL	COURSEWORK	DEGREE	YEAR

5. List any published articles you have authored or co-authored.

TITLE	SUMMARY	PUBLISHER	YEAR

NOTE: For items 6 and 7, work in the unincorporated area of the County should be emphasized.

6. Describe your work experience in the fields in which placement on the list is requested.

FIELD OF PLACEMENT	DESCRIPTION OF DUTIES	TITLE	DATES	NAME AND ADDRESS OF EMPLOYER

7. List environmental work you have completed within the last five (5) years in Nevada County and in the State of California.

DESCRIPTION OF PROJECT	LOCATION	DATE COMPLETED	NAME AND PHONE OF CLIENT



Community Development Agency

Planning Department

Planning@nevadacountyca.gov
www.nevadacountyca.gov/Planning

950 Maidu Avenue, Suite #170

PO BOX #599002

Nevada City, CA 95959

PH: (530) 265-1222 ext. 2

FAX: (530) 265-9854

LEVINE ACT DISCLOSURE STATEMENT

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Commissioner, Board of Supervisors member, or any Other Elected County Officer ("County Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$500 (as of Jan. 1, 2025) within the previous 12 months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a County Officer who has received such a contribution to disclose the contribution on the record of the proceeding.

County Elected Officials and Appointed Commissions include, but may not be limited to, the list provided below, and individual officers or commissioners are listed at the following site:

<https://www.nevadacountyca.gov/3140/Committee-Board-and-Commission-Information>

- Board of Supervisors- <https://www.nevadacountyca.gov/731/Board-of-Supervisors>
- Planning Commission
- Agricultural Advisory Commission
- South County Municipal Advisory Council
- Penn Valley Municipal Advisory Council
- Regional Housing Authority
- Nevada County Transportation Commission
- Nevada County Airport Land Use Commission- Grass Valley/Truckee
- Nevada County Airport Commission
- Local Area Formation Commission (LAFCo)
- Historical Landmarks Commission
- Fish and Wildlife Commission
- Nevada County Sanitation District No. 1 Advisory Commission

Proposers are responsible for accessing the link above to review the names prior to answering the following questions:

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$500 to any County Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any Board or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the County Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$500 to any County Officer in the 12 months following any Board or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the County Officer(s):

Answering yes to either of the two questions above does not preclude the County of Nevada from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified County Officers from participating in any actions related to this license, permit, or contract.

Date

Signature of authorized individual

Type or write name of authorized individual

Signature of authorized individual

Type or write name of company