

# **APPENDIX A**

*Notice of Preparation (NOP),  
Initial Study, NOP and  
Scoping Comments, Revised  
NOP, Revised NOP  
Comments*



**NOTICE OF PREPARATION**  
**of an Environmental Impact Report for the**  
**General Plan Biological Resources Policy Update**  
**and Oak Resources Management Plan**

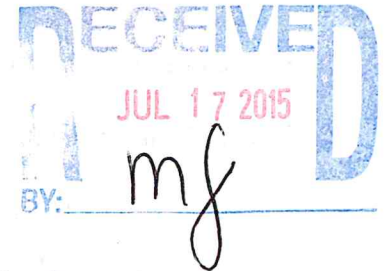
**Date:** July 17, 2015

**To:** State Clearinghouse  
Responsible Agencies  
Trustee Agencies  
Interested Parties

**NOP Comment Period:** Written comments must be submitted to the County's  
Community Development Agency, Long Range Planning  
Division no later than August 17, 2015 by 5:00 p.m.

**Project Location:** El Dorado County

**Lead Agency Contact  
Person:** Shawna Purvines, Principal Planner



## 1.0 INTRODUCTION

This Notice of Preparation (NOP) has been issued to notify interested parties that an Environmental Impact Report (EIR) will be prepared, and to solicit feedback on the scope and content of the analysis in the EIR. The County of El Dorado (County) will be the lead agency under the California Environmental Quality Act (CEQA) and will prepare an EIR to evaluate the environmental effects associated with the proposed project, which includes proposed updates to specific policies contained in the County's General Plan, referred to as the Biological Resources Policy Update, and the proposed adoption of an Oak Resources Management Plan (ORMP). Agencies should comment on such information as it relates to their statutory responsibilities in connection with the proposed project.

The EIR is intended to be a program-level document that will analyze the effects of the proposed General Plan Biological Resources Policy update and the ORMP. Program EIRs generally analyze broad environmental effects of the program, with the acknowledgment that site-specific environmental review may be required for future actions (14 CCR 15168(a)). Because no specific development projects are being proposed, the analysis will not be parcel-specific. The analysis will focus on the reasonably foreseeable direct and indirect physical environmental effects that could result from implementation of the General Plan Biological Resources Policy update and the ORMP.

The County has prepared an Initial Study/Environmental Checklist to identify potential and probable environmental impacts that will be evaluated in the EIR. Where the analysis in the

Initial Study demonstrates that impacts to particular resources would be less than significant or have been previously evaluated in a prior EIR, those resources will not be evaluated in the EIR in accordance with CEQA Guidelines Section 15063(c)(3). The County has determined that the proposed project may have a significant effect on the environment; therefore, an EIR is being prepared. Based on this Initial Study, it is anticipated that the EIR will focus on the potential environmental effects related to aesthetics, biological resources, forestry, land use, and greenhouse gas emissions.

This NOP includes the following sections:

- Section 1.0 Introduction
- Section 2.0 Project Background and History
- Section 3.0 Project Description
- Section 4.0 Potential and Probable Environmental Effects of the Project
- Section 5.0 Project Alternatives

This NOP, the IS, the proposed General Plan Biological Resource policies, and the proposed ORMP are posted on the County's **General Plan Biological Policies Update** webpage at:

<http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx>

**NOP Comment Period:** In accordance with the time limits identified in state law, your response to this NOP must be submitted to the County at the earliest possible date, but not later than August 17, 2015 (30 days following the date this notice was first posted). Please submit comments to the El Dorado County Community Development Agency no later than 5 p.m. on August 17, 2015. Please provide written comments, including the contact person's full name and address to:

Shawna Purvines, Principal Planner  
 El Dorado County Community Development Agency, Long Range Planning Division  
 2850 Fairlane Court,  
 Placerville CA 95667

**Scoping Meeting:** A scoping meeting will be held on August 13, 2015 at 1:00 p.m. at 2850 Fair Lane Court in the Planning Commission Hearing Room. The meeting will take place during a regular scheduled meeting of the Planning Commission.

## 2.0 PROJECT BACKGROUND AND HISTORY

Policy 7.4.2.8 of the 2004 El Dorado County General Plan anticipates development of an Integrated Natural Resource Management Plan (INRMP) to guide protection of the County's biological resources, including oak woodlands, sensitive habitats, and wildlife. Beginning in September 2006, the County worked to implement Policy 7.4.2.8 by conducting a public

workshop process, preparing a work program for development of the INRMP, retaining consultants to prepare the INRMP, and convening two advisory committees. While a resource inventory and various assessment reports prepared by consultants and the advisory committees were accepted by the El Dorado County Board of Supervisors (BOS) as part of the INRMP Phase I process, the County has not initiated the INRMP Phase II process.

The County also prepared an Oak Woodlands Management Plan (OWMP) as an initial and discrete component of the INRMP. The OWMP and its implementing ordinance Ord. 4771 (May 6, 2008) provided a mechanism for mitigation of development impacts on oak canopy through payment of an in-lieu fee (as anticipated under General Plan Policy 7.4.4.4 Option B) and subsequent acquisition by the County of oak woodland areas for conservation. Under the 2004 General Plan, Policy 7.4.4.4 requires that a land development project meet the oak canopy retention standards identified under Option A of the policy and replace or conserve offsite oak woodlands at a 1:1 ratio in proportion to the amount of oak canopy lost onsite or, under Option B of the policy, pay the in-lieu fee at a 2:1 ratio.

The County's adoption of the OWMP was challenged. The Appellate Court held that the County had not adequately evaluated the environmental effects of the OWMP as required by CEQA. The County rescinded the OWMP and its implementing ordinance in September 2012. With no in-lieu fee available (per General Plan Policy 7.4.4.4 Option B), land development projects must meet the retention standards in Option A to be consistent with the General Plan.

On September 24, 2012, the BOS directed County staff to retain consultants to assist the County in the process of considering amendments to General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2, 7.4.2.8, and 7.4.2.9 and their related Implementation Measures, with the goals of "...clarify[ing] and refine[ing] the intent and scope of all of those policies, ensur[ing] the consistency of all the related biological policies, consider[ing] changes in state law, and finally harmoniz[ing] the General Plan Policies."

For additional discussion of the County's past efforts in preparing and implementing the 2004 General Plan, please refer to May 1, 2014 Draft General Plan Biological Policies Background memo available at the County's **General Plan Biological Policies Update** webpage.

### **3.0 PROJECT DESCRIPTION**

Under the proposed project, El Dorado County proposes to adopt specific revisions to biological resource objectives, policies, and implementation measures included in the Conservation and Open Space Element of the County's 2004 General Plan and to adopt an ORMP that revises and updates the 2008 OWMP. Consistent with the Board direction provided in September 2012, revisions to policies 7.4.2.8, 7.4.2.9, 7.4.4.4, 7.4.4.5, 7.4.5.1, and 7.4.5.2 are proposed. Revisions are also proposed to additional objectives and policies within the County's General

Plan Conservation and Open Space Element, as listed in Section 3.2. The proposed General Plan revisions are intended to establish a program for County-wide management of impacts to biological resources and mitigation for those impacts.

### **3.1 Project Location**

The proposed General Plan objectives, policies, and implementation measures would be effective ~~throughout the entire County, which encompasses an approximately 1,711 square-mile area in~~ the east-central portion of the State, while the ORMP would be applicable to areas within the County at or below the 4,000-foot elevation.

### **3.2 Proposed Project Elements**

#### *General Plan Biological Resources Policy Revisions*

The County proposes revisions to several of the General Plan Biological Resources objectives, policies, and implementation measures, as listed in Table 1. As proposed, revised policy 7.4.2.8 would establish a comprehensive Biological Resource Mitigation Program to govern evaluation, impact assessment, and mitigation for biological resources within the county with the objective of conserving:

1. Habitats that support special status species;
2. Aquatic environments including streams, rivers, and lakes;
3. Wetland and riparian habitat;
4. Important habitat for migratory deer herds; and
5. Large expanses of native vegetation.

As proposed, policy 7.4.2.8 establishes standards for completion of Biological Resource Technical Reports, defines the categories of plant and wildlife species that are considered special-status species, sets minimum ratios for mitigation of impacts to habitats that may support special-status species, and provides criteria for identification of mitigation sites.

It is anticipated that under the proposed General Plan Biological Resources policies, development projects within the County that require discretionary approvals would be required to submit to the County a Biological Resource Technical Report that meets the requirements of Policy 7.4.2.8, determine the area of impact to each habitat type supported at the project site, and mitigate impacts through preservation and/or creation to ensure that the current range and distribution of special-status species within the County are maintained. Off-site mitigation sites that are acquired (through conservation easements or in fee title) must meet the criteria in Policy 7.4.2.8.D.

**Table 1**  
**Proposed General Plan Revisions**

General Plan Objective/Policy/ Implementation Measure	Changes Made
Objective 7.4.1	Revised to focus on Pine Hill plants
Policy 7.4.1.1	Add "where feasible" following reference to County Code Chapter 130.71.
Policy 7.4.1.2	Add text to clarify which preserves are addressed by this policy.
Policy 7.4.1.3	Add text to clarify which preserves are addressed by this policy.
Policy 7.4.1.4	Add text to clarify which preserves are addressed by this policy.
Policy 7.4.1.5	Delete text
Policy 7.4.1.6	Delete policy
Policy 7.4.1.7	Policy moved to Policy 7.4.2.2
Policy 7.4.2.1	Revise language to address coordinating wildlife and vegetation protection programs with appropriate Federal and State agencies
Policy 7.4.2.2	Delete policy; replace with prior policy 7.4.1.7 regarding noxious weeds
Policy 7.4.2.4	Revise text to clarify that active management is not required.
Policy 7.4.2.6	Delete policy
Policy 7.4.2.7	Delete policy to remove requirement to maintain the PAWTAC, but does not preclude the County from re-convening the PAWTAC when necessary.
Policy 7.4.2.8	Revise policy to delete INRMP and to include: <ul style="list-style-type: none"> <li>• Requirement for wildlife movement studies for 4-, 6-, and 8- lane roadway projects.</li> <li>• Requirement for a biological resources technical report and establishment of mitigation ratio for special-status biological resources.</li> <li>• Identification of criteria for conservation lands.</li> <li>• Establish a voluntary database of willing sellers.</li> <li>• Biological resource mitigation program</li> <li>• Habitat protection strategy</li> </ul>
Policy 7.4.2.9	Add provisions for lands within the Important Biological Corridor (IBC)- overlay.
Objective 7.4.3	Incorporated objective into Policy 7.4.1.5.
Objective 7.4.4	Consolidate Objective 7.4.4 and 7.4.5 to address oak woodlands and trees together.
Policy 7.4.4.2	Revise to reflect the conservation portion of the mitigation/conservation approach.
Policy 7.4.4.3	Revise Policy language to accurately reflect County's role in development planning.
Policy 7.4.4.4	Revise policy to refer to oak woodland and oak tree mitigation requirements in the Oak Resources Management Plan (ORMP). The Draft ORMP reflects the following revisions to the requirements previously contained in Policy 7.4.4.4: <ul style="list-style-type: none"> <li>• Use of 'oak woodland' as a measurement.</li> <li>• Development of a 2-tiered mitigation approach that incorporates oak woodland mitigation (Policies 7.4.4.4) and oak tree mitigation (including heritage trees</li> </ul>

**Table 1**  
**Proposed General Plan Revisions**

General Plan Objective/Policy/Implementation Measure	Changes Made
	<p>(Policy 7.4.5.2). Framework removes necessity for two oak woodland mitigation options (Option A and B) and removes retention standards by incorporating an incentive-based approach for oak woodland impact avoidance.</p> <ul style="list-style-type: none"> <li>• Revisions to projects or actions exempt from oak woodland and oak tree mitigation requirements.</li> <li>• Addition of criteria for conservation area identification outside of Priority Conservation Areas (PCA).</li> </ul>
Policy 7.4.4.5	Delete Policy- Draft ORMP provides requirements for mitigation.
Objective 7.4.5	Merged Objective 7.4.5 with Objective 7.4.4 to address oak woodlands and individual oak trees (including Heritage Trees). Remove 'Vegetation' as non-tree vegetation is addressed in Policy 7.4.2.8.
Policy 7.4.5.1	Remove Policy 7.4.5.1 as it is redundant with Policy 7.4.5.2 which has been merged with Policy 7.4.4.4.
Policy 7.4.5.2	Merge Policy 7.4.5.2 with Policy 7.4.4.4 to comprehensively address oak woodlands and oak tree resources in a 2-tiered framework as identified in the ORMP.
Measure CO-L	Revise to reflect changes to Policy 7.4.2.8.
Measure CO-M	Deleted to reflect changes to Policy 7.4.2.8.
Measure CO-N	Deleted to reflect changes to Policy 7.4.2.9.
Measure CO-P	Revise to reflect changes to Policy 7.4.4.4 and the ORMP.
Measure CO-U	Deleted to reflect changes to Policy 7.4.2.8.

### ***Oak Resources Management Plan***

The project includes proposed adoption of an Oak Resources Management Plan (ORMP) that updates and revises the OWMP adopted by the BOS on May 6, 2008 (El Dorado County 2008). The purpose of the ORMP is to define mitigation requirements for impacts to oak woodlands, individual native oak trees, and Heritage Trees and to outline the County's strategy for oak resource management and conservation. The ORMP is designed to function as the oak resources component of the County's biological resources mitigation program identified in General Plan Policy 7.4.2.8. To this end, the ORMP identifies standards for oak woodland and native oak tree impact determination, mechanisms to mitigate oak woodland and native oak tree impacts, technical report submittal requirements, minimum qualifications for technical report preparation, mitigation monitoring and reporting requirements, and projects or actions that are exempt from mitigation requirements. The ORMP also establishes an in-lieu fee payment option for impacts to oak woodlands and native oak trees, identifies Priority Conservation Areas (PCAs) where oak woodland conservation efforts may be focused, and outlines minimum standards for



identification of oak woodland conservation areas outside the PCAs. Requirements for monitoring and maintenance of conserved oak woodland areas and identification of allowable uses within conserved oak woodland areas are also included in the ORMP. Lastly, the ORMP also provides guidance for voluntary oak woodland and oak tree conservation and management efforts by landowners and land managers.

An Oak Resources Conservation ordinance that incorporates the standards outlined in the ORMP is also anticipated to be developed in conjunction with adoption of the ORMP.

The ORMP is designed to serve multiple purposes. It defines the County's conservation strategy for oak resources and provides a framework for mitigating impacts to oak resources. It also complies with Implementation Measure CO-P and constitutes the oak portion of the County's biological resources mitigation program (General Plan Policy 7.4.2.8). Finally, it establishes a plan for voluntary conservation that landowners, the County, and others can use to seek grants and cost-sharing from state and federal programs for oak woodland conservation in El Dorado County.

#### **4.0 PROBABLE ENVIRONMENTAL EFFECTS AND SCOPE OF THE EIR**

The EIR for the proposed project will focus on the resource areas/issues germane to this particular project. The EIR will evaluate the potentially significant environmental impacts of the proposed project and will evaluate whether there are feasible mitigation measures that may lessen or avoid such impacts. As the proposed project would amend the County's General Plan and influence development activities throughout the County and does not include any specific construction or development, the impact analysis will be programmatic and cumulative in nature. The EIR will also identify and evaluate alternatives to the proposed project. The EIR will evaluate potentially significant environmental effects related to the following environmental issues:

- Aesthetics
- Agricultural and Forestry Resources
- Biological Resources
- Greenhouse Gas Emissions
- Land Use and Planning

As evaluated in the Initial Study, it is not anticipated that impacts would occur within the following environmental topic areas, and therefore these specific environmental issues will not be evaluated further in the EIR.

- Air Quality
- Cultural Resources
- Geology/Soils

- Greenhouse Gas Emissions
  - Hazards and Hazardous Materials
  - Hydrology/Water Quality
  - Mineral Resources
  - Noise
  - Population/Housing
  - Public Services/Utilities
- 
- Transportation

## **5.0 PROJECT ALTERNATIVES**

In accordance with Section 15126.6 of the State CEQA Guidelines, an EIR must “describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most the basic objectives of the Project, but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives.” As required by CEQA, the EIR will evaluate a reasonable range of project alternatives including a No Project Alternative, which will assume no change to the 2004 General Plan policies. Additional alternatives will be identified during the environmental review process. Once selected, the alternatives will be analyzed at a qualitative level of detail in the Draft EIR for comparison against the impacts identified for the proposed project, consistent with the requirements of CEQA.