

Findings of Fact

1 Introduction

These Findings of Fact (Findings) address the environmental effects associated with the Diamond Springs Community Park Project (proposed project). These findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code and Sections 15091 and 15092 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et seq (CEQA Guidelines). The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR.

Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. El Dorado County (County) is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines.

Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines state that:

- b) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- c) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- d) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the proposed project identified potentially significant effects that could result from implementation. However, the County finds that the inclusion of certain mitigation measures as part of the project approval would reduce these effects to less-than-significant levels and there are no significant impacts that cannot be mitigated to below a level of significance.

In accordance with CEQA and the CEQA Guidelines, the County adopts these Findings as part of its certification of the Final EIR for the proposed project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the County also finds that the Final EIR reflects the County's independent judgment as the lead agency for the project. As required by CEQA, the County, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The County finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

1.1 Organization and Format of CEQA Findings of Fact

Section 1 contains a summary description of the proposed project and background facts relative to the environmental review process.

Section 2 discusses the CEQA findings of independent judgment. This includes the potentially significant effects of the project that would be mitigated to a less than significant level with implementation of the identified mitigation measures.

Section 3 identifies the feasibility of the project Alternatives that were studied in the EIR.

Section 4 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the MMRP.

Section 5 describes the process of certification of the EIR.

1.2 Summary of Project Description

The project proposed to develop a community park and offer various active and passive recreational amenities to the local community, nearby schools, and sports leagues. The project site is located in Diamond Springs, El Dorado County and is directly accessible to Highway 49 via Oak Dell Road. The project site consists of two largely undeveloped, contiguous parcels totaling 39.5 acres. The western and central portion of the site would be graded for active uses and existing vegetation would be removed. The eastern portion of the site would not be developed, except for passive educational and recreational uses (e.g., pedestrian trails).

The conceptual park design includes the following: fields (soccer, softball), basketball courts, tennis/pickleball/sports courts, play area (age 2-5/5/12), recreational/indoor gym, pedestrian trails, designated parking areas, restrooms/concessions, and open turf. Lighting, native and drought-tolerant landscaping, and utilities are also planned. To maximize the centralized location and multi-use and community nature of the proposed project, the project is being designed to improve County resiliency and reduce vulnerability in the event of emergencies/natural disasters (wildfire, flooding, etc.). To support this goal, the project's vehicular access, circulation, and location and capacity of utility connections have been designed to provide infrastructure sized to support emergency operations/disaster planning, including potential occupation by emergency event evacuees.

Normal park hours of operation are from dawn to dusk, 7-days a week. The lighted fields may be used until 10:00 PM when programmed activities are scheduled (with safety lighting operating for an additional 15-minute grace period for visitors to safely exit the park). Note that the lighted fields would not include a public address system.

The County may enter into a joint use agreement with the El Dorado Union High School District to provide mutual access and to host joint events with Union Mine High School. Fields and parking facilities could be shared to accommodate youth sports tournaments and similar events.

1.3 Project Objectives

CEQA requires the statement of a project's objectives to be clearly written so as to define the underlying purpose of a project in order to permit development of a reasonable range of alternatives and aid the lead agency in making findings when considering a project for approval. The objectives should describe the purpose of the project and are intended to assist the lead agency in developing a reasonable range of alternatives for consideration in the EIR.

The proposed project includes the following objectives:

1. Provide recreational facilities for use by the community in the Diamond Springs area.
2. Provide a variety of recreation amenities including multi-purpose fields, ballfields, playgrounds, picnic areas, and tennis courts.
3. Provide a community gathering point.

4. Provide a potential community center for emergency purposes.
5. Protect environmental resources, including cultural and biological resources.

1.4 Environmental Review Process

Notice of Preparation

In accordance with CEQA (Public Resources Code Section 21092) and the CEQA Guidelines (14 CCR Section 15082), the County issued a Notice of Preparation (NOP) on September 19, 2023 (SCH Number 2023050469). The County circulated the NOP to responsible and trustee agencies, organizations, and interested individuals to solicit comments on the proposed project through November 2, 2023. The County also prepared an Initial Study (IS) for the project that was appended to the NOP identifying those issue areas where impacts would be less than significant (included as Appendix A to the Draft EIR). Eleven comment letters were received during the scoping period. The scoping comments were included as Appendix A to the Draft EIR and Final EIR.

Draft EIR

In accordance with CEQA (Public Resources Code Sections 21000-21177) and the CEQA Guidelines (14 CCR Sections 15000-15387), the County prepared a Draft EIR (which is the subject of these Findings) to address the potentially significant environmental effects associated with the proposed project. The Draft EIR addresses the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services and Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

The Draft EIR was published for public and agency review on September 19, 2023 for a public review period that ended on November 2, 2023. During the public review period, the Draft EIR was accessible online at <https://www.edcgov.us/Government/Parks/diamond-springs-community-park>. Copies of the Draft EIR were also available at the County of El Dorado Parks Division Office during normal business hours. All comment letters received in response to the Draft EIR were reviewed and included in the Final EIR, and responses to these comments relevant to CEQA were addressed in the Final EIR in compliance with the CEQA Guidelines (Sections 15088, 15132).

Final EIR

Section 15088 of the CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues and prepare written response addressing each of the comments. The

intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR as needed and as appropriate. The Final EIR assembles in one document all the environmental information and analysis prepared for the proposed project, including comments on the Draft EIR and responses to those comments. In accordance with CEQA Guidelines Section 15132, the Final EIR for the proposed project consists of:

- (i) The Draft EIR and subsequent revisions;
- (ii) Comments received on the Draft EIR;
- (iii) A list of the persons, organizations, and public agencies commenting on the Draft EIR;
- (iv) Written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and
- (v) Other information contained in the EIR, including EIR appendices.

The Final EIR was made available for review by commenting agencies in accordance with CEQA requirements 10 days prior to the public hearing to consider the project and the Final EIR. The Final EIR was also made available to the public online at <https://www.edcgov.us/Government/Parks/diamond-springs-community-park>.

2 CEQA Findings of Independent Judgment

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, the County finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the identified significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

Air Quality

Construction of the project would result in emissions of dust that could violate any air quality standard or contribute substantially to an existing or projected air quality violation. Regarding other criteria air pollutants, construction and operation of the project would result in emissions that would not exceed adopted thresholds of significance, violate any air quality standard or contribute substantially to an existing or projected air quality violation (Impact AIR-2).

The EDCAQMD has established a screening approach, in regard to fugitive dust, to determine significance based on implementation of control measures. Project construction would be considered potentially significant without adequate dust controls.

The project would potentially expose sensitive receptors to substantial pollutant concentrations during short-term construction but not during long-term operations (Impact AIR-3).

The results of the construction HRA for the project demonstrate that the construction emissions would result in a potential incremental increase in cancer risk at the Maximally Exposed Individual Resident (MEIR) that would exceed the 10 in a million-cancer risk.

Mitigation Measures

MM-AIR-1 Fugitive Dust Control Measures

- a) During construction, implement Best Available Fugitive Dust Control Measures as adopted by the EDCAQMD and required by EDCAQMD Rule 223-1 (Table 1), as follows.

Earth-moving (except construction cutting and filling areas)

1a. Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the EDCAQMD; two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations each subsequent four-hour period of active operations; OR

1a-1. For any earthmoving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.

Earth-moving - construction fill areas

1b. Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the District; for areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM method 1557 or other equivalent method approved by the EDCAQMD, complete the compaction process as expeditiously as

possible after achieving at least 70 percent of the optimum soil moisture content; two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations during each subsequent four-hour period of active operations.

Earth-moving - construction cut areas

1c. Conduct watering as necessary to prevent visible emissions from extending more than 100 feet beyond the active cut unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors.

Disturbed surface areas (except completed grading areas)

2a/b. Apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day to at least 80 percent of the unstabilized area.

Disturbed surface areas completed grading areas

2c. Apply chemical stabilizers within 5 working days or grading completion; OR

2d. Take action 3a or 3c specified for inactive disturbed surface areas.

Inactive disturbed surface areas

3a. Apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind driven fugitive dust, excluding any areas which are inaccessible due to excessive slope or other safety conditions; OR

3b. Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR

3c. Establish a vegetative ground cover within 21 days after active operations have ceased; ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR

3d. Utilize any combination of control actions 3a, 3b and 3c such that, in total, they apply to all inactive disturbed surface areas.

Unpaved Roads

4a. Water all roads used for any vehicular traffic at least once per every two hours of active operations; OR

4b. Water all roads used for any vehicular traffic once daily and restrict vehicle speed to 15 mph; OR

4c. Apply chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.

Open storage piles

5a. Apply chemical stabilizers; OR

5b. Apply water to at least 80 percent of the surface areas of all open storage piles on a daily basis when there is evidence of wind driven fugitive dust; OR

5c. Install a three-sided enclosure with walls with no more than 50 percent porosity that extend, at a minimum, to the top of the pile.

Track-out control

6a. Pave or apply chemical stabilization at sufficient concentration and frequency to maintain a stabilized surface starting from the point of intersection with the public paved surface, and extending for a centerline distance of at least 100 feet and width of at least 20 feet; OR

6b. Pave from the point of intersection with the public paved road surface, and extending for a centerline distance of at least 25 feet and a width of at least 20 feet, and install a track-out control device immediately adjacent to the paved surface such that exiting vehicles do not travel on any unpaved road surface after passing through the track-out control device.

All Categories

7a. Any other control measures approved by the EDCAQMD.

- b) During high wind conditions during construction with gusts exceeding 25 miles per hour, implement Best Available Fugitive Dust Control Measures for High Wind Conditions as adopted by the EDCAQMD and presented below.

Earth-moving

1A. Cease all active operations; or

2A. Apply water to soil not more than 15 minutes prior to moving such soil.

Disturbed surface areas

0B. On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than four consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of six months; OR

1B. Apply chemical stabilizers prior to a wind event; OR

2B. Apply water to all unstabilized disturbed areas 3 times per day; if there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of four times per day; OR

3B. Establish a vegetative ground cover within 21 days after active operations have ceased; ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR

4B. Utilize any combination of control actions specified in Table 1, Items 1B, 2B and 3B, such that, in total, they apply to all disturbed surfaced areas.

Unpaved Roads

1C. Apply chemical stabilizers prior to a wind event; OR

2C. Apply water twice per hour during active operation; OR

3C. Stop all vehicular traffic.

Open storage piles

1D. Apply water twice per hour; OR

2D. Install temporary coverings.

Paved road track-out

1E. Cover all haul vehicles; OR

2E. Comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for operation on both public and private roads.

All Categories

1F. Any other control measures approved by the EDCAQMD.

MM-AIR-2 **Construction Equipment Exhaust Reductions.** All diesel-fueled off-road construction equipment greater than 75 horsepower shall be equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. An exemption from these requirements may be granted by El Dorado County in the event that the contractor documents that equipment with the required tier is not reasonably available and corresponding reductions in diesel particulate matter are achieved from other construction equipment (for example, another piece of equipment can be replaced with a zero-emission equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Final standards). Documentation shall be furnished to El Dorado County demonstrating that estimated project-generated construction emissions would not exceed the applicable EDCAQMD cancer risk threshold with the alternate construction methods. (This shall be demonstrated using industry-standard emission estimation methodologies.) If the documentation successfully demonstrates that project-generated construction emissions will remain below the applicable EDCAQMD cancer risk threshold, then the El Dorado County Planning Director may approve the alternate construction methods, at the Director's discretion.

Finding

The County finds that the above mitigation measures are feasible and will reduce the potential air quality impacts of the project to less-than-significant levels, and are adopted by the County. Accordingly, the County finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measures include adherence to fugitive dust control measures (MM-AIR-1) and implementation of requirements relating to reduction of exhaust emissions for construction equipment (MM-AIR-2). Implementation of **MM-AIR-1** would require project construction to comply with Best Available Fugitive Dust

Control Measures, as adopted by the EDCAQMD and required by EDCAQMD Rule 223-1. This would mitigate the potential impact to a less-than-significant level.

Additionally, implementation of **MM-AIR-2** would avoid potential exposure of sensitive receptors to substantial pollutant concentrations during construction by requiring that all diesel-fueled off-road construction equipment greater than 75 horsepower be equipped with CARB Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations). An exemption from these requirements may be granted, at the County's discretion, if the contractor documents that the required tier is not reasonably available and corresponding reductions in diesel particulate matter are achieved from other construction equipment to remain below the applicable EDCAQMD cancer risk threshold.

With implementation of **MM-AIR-2**, the project estimated construction emissions result in a potential maximum cancer risk at the MEIR below the 10 in one million cancer risk threshold and a potential chronic hazard risk below the 1.0 Chronic Hazard Index threshold. Cancer risk and chronic risk levels at the maximally exposed worker and school receptors would be reduced as well. As such, the project would result in a construction health risk impact that would be less than significant with mitigation.

Biological Resources

The proposed project could have a substantial adverse effect on special-status plant and wildlife species during construction (Impact BIO-1).

Special-status plants may become established at the project site prior to construction. Likewise, special status species such as the Foothill Yellow-Legged Frog and Western Pond Turtle have a high and moderate potential, respectively, to occur in or adjacent to Deadman Creek. Potential direct effects could occur if the Foothill Yellow-Legged Frog were moving through the area at the time of construction. Moreover, potential ground disturbance in the uplands could injure or kill individuals of the Western Pond Turtle species if present in affected habitat at the time of construction. This would be a substantial adverse effect because any mortality of individuals or habitat loss would further contribute to population declines of these species.

The proposed project could have a substantial adverse effect on riparian habitat or sensitive natural communities (Impact BIO-2).

Blue oak – valley oak woodland is a sensitive natural community in the BSA with 0.53 acres expected to be impacted. This community is located along and east of Deadman creek at the eastern portion of the BSA. The proposed project leaves the majority of this community unaffected, however west of the creek, trees will be removed. In accordance with County Code, the proposed project would have a substantial adverse effect on sensitive natural communities and the impact is potentially significant.

The proposed project could impede the use of native wildlife nursery sites by removing or causing abandonment of active native bird nests (Impact BIO-3).

There are 1.37 acres of aquatic resources that will be permanently removed by the proposed project. The two freshwater emergent marshes (FEW-01 and -02), seasonal wetland (SW-01), and ditch are anticipated to be directly impacted. Approximately 152.11 feet of linear aquatic resources (ditches) will be directly impacted. The proposed project was designed to avoid all impacts to Deadman creek. A 25-foot buffer around Deadman creek is part of the

project design to avoid any indirect impacts to the feature. Therefore, the impact of the proposed would be potentially significant.

The proposed project could impede the use of native wildlife nursery sites by removing or causing abandonment of active native bird nests (Impact BIO-4).

The BSA contains suitable nesting habitat for ground and tree-nesting bird species, particularly within wooded areas and undeveloped lands. If conducted during the nesting season (February 1 to August 31), tree removals or trimming could directly impact any birds nesting in affected trees and increased human disturbance and construction-generated noise and vibration could cause abandonment of nests by adults. Therefore, the impact of the proposed project would be potentially significant.

The proposed project could conflict with local policies or ordinances protecting oak trees (Impact BIO-5).

The BSA contains approximately 33.5 acres of oak woodland, covering most of the project site. Therefore, the impact of the proposed project would be potentially significant.

Mitigation Measures

MM BIO-1 **Special-Status Amphibian and Reptile Species Survey and Monitoring.** A pre-construction survey for Foothill yellow-legged frog and western pond turtle shall be conducted within 48 hours prior to the initiation of ground disturbance in suitable habitat for these species (i.e., damp upland areas near/adjacent to Deadman Creek). The survey area shall include all suitable habitat within the work areas, plus a 50-foot buffer. Following the survey, the contractor, under the direction of a qualified biologist, shall install wildlife exclusion fencing along the boundary of the work area containing suitable habitat to prevent special-status amphibians and reptiles from entering the work area. The wildlife exclusion fencing must be trenched into the soil at least 4 inches in depth, with the soil compacted against both sides of the fence for its entire length and must have intermittent exit points. Turnarounds shall be installed at access points to direct amphibians and reptiles away from gaps in the fencing.

MM BIO-2 **Worker Environmental Awareness Program.** All workers shall receive worker environmental awareness program (WEAP) training conducted by a qualified biologist or their designated representative prior to any project construction activities. WEAP may also be conducted through a video created by a qualified biologist specifically for this project. WEAP shall instruct workers to recognize all special-status species potentially present in the project area, identify suitable habitat for these species, identify sensitive or protected habitats within the project area, and understand the nature and purpose of protective measures including best management practices (BMPs) and buffers to protect these biological resources. Additional items included in the training shall cover requirements for spill kits and the prevention of spills, and the contact information for the qualified biologist.

MM-BIO-3 **Preconstruction Nesting Bird Survey.** Vegetation removal activities shall be conducted outside the bird nesting season (February 1 through August 31) as much as possible to avoid direct impacts to nesting birds. For construction and vegetation removal activities occurring during the nesting season, an avian nesting survey of the work areas and contiguous habitat within 300 feet of all impact areas must be conducted for protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 14 days prior to the start of

vegetation removal or construction activities. Once construction has started, if there is a break in activities that exceeds 14 days, then another avian nesting survey shall be conducted. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate no disturbance buffer, which will be determined by the biologist based on the species' sensitivity to disturbance. The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The no disturbance buffer shall be demarcated in the field with flagging and stakes or construction fencing as determined appropriate by the biologist.

MM-BIO-4 **Rare Plant Survey.** Prior to any construction-related activities, a rare plant survey shall be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. Surveys shall be timed according to the blooming period for the target species, and known reference populations will be visited prior to surveys to confirm the species is evident and identifiable at the time of the survey. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Avoidance measures and buffer distances may vary between species, and the specific avoidance zone distance will be determined in coordination with the appropriate resource agencies. No construction activity or grading would be permitted within the avoidance zone. Where avoidance is infeasible, and the plant(s) are subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens.

MM BIO-5 **Oak Tree Mitigation.** The County of El Dorado Oak Resources Management Plan provides for oak woodland and individual oak tree mitigation. In general, removal of oak trees shall be replaced at a ratio of 1:1 (1 inch of new planting for each inch of tree removed). For oak woodland, the ratio is 1:1 (for up to 50% removal of oak woodland), 1.5:1 (for up to 75% removal), or 2:1 (for more than 75% removal). The proposed landscaping plan for the park includes plantings of native oak trees, which will contribute towards mitigation. If full on-site mitigation is not feasible, off-site mitigation in approved conservation areas, or payment of in-lieu fees at the current County rate schedule may be used. The current in-lieu fee rate for oak woodlands are \$8,285 per acre, individual trees are \$153 per inch, and heritage trees are \$459 per inch (El Dorado County 2017). Included in the fee are acquisition, initial management and monitoring, long term management and monitoring, and administration costs (El Dorado County 2017).

MM BIO-6: **Aquatic Resources Mitigation.** Prior to impacts occurring to U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) (collectively, the Resource Agencies) jurisdictional aquatic resources, the County of El Dorado or its designee shall obtain the following permits: ACOE 404 permit or authorization under a Nationwide Permit, RWQCB 401 Water Quality Certification, and California Fish and Game Code 1602 Streambed Alteration Agreement. To mitigate for impacts to jurisdictional waters, the project Proponent may purchase mitigation bank credits, including establishment, re-establishment, enhancement, or rehabilitation. Alternatively, a suitable mitigation site shall be selected and approved by the Resource Agencies during the permitting process. Either of these mitigation options would result in no net loss of jurisdictional aquatic resources. The precise mitigation ratio shall be no less than 1:1 and shall depend on the functions and values of the

mitigation site and any restoration activities that may be conducted to further increase the functions and values of the mitigation site.

If mitigation is proposed to occur within the project Site or within the offsite mitigation area, then a Wetlands Mitigation and Monitoring Plan shall be prepared. Prior to issuance of land development permits, including clearing, grubbing, and grading permits for activities that would impact jurisdictional aquatic resources, the project proponent shall prepare a Wetlands Mitigation and Monitoring Plan to the minimum standards of the Resource Agencies. The Conceptual Wetlands Mitigation and Monitoring Plan shall, at a minimum, prescribe site preparation, planting, irrigation, and a 5-year maintenance and monitoring program with qualitative and quantitative evaluation of the revegetation effort and specific performance criteria to determine successful revegetation.

Finding

The County finds that the above mitigation measures are feasible and will reduce the potential biological resources impacts of the project to less-than-significant levels, and are adopted by the County. Accordingly, the County finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of **MM-BIO-1** and **MM-BIO-2** would avoid substantial adverse effects on special-status amphibians and reptiles by conducting a preconstruction survey, installing wildlife exclusion fencing along the boundary of the work area containing suitable habitat to prevent individual from entering the work area, monitoring of vegetation removal and initial ground disturbance and the integrity of the exclusion fencing, and relocating any individuals within the construction area to nearby habitat that has equivalent value to support the species.

Implementation of **MM-BIO-3** would avoid impacts to protected bird species by requiring pre-construction nesting bird surveys. Active nests would be avoided until juvenile birds have fledged and would no longer be disturbed by construction activities.

Implementation of **MM-BIO-4** would avoid substantial adverse effects to special status plants by requiring pre-construction surveys during the appropriate blooming period. Any identified special status plant populations would be avoided. If avoidance is infeasible, a relocation plan with a performance standard of no net habitat loss shall be prepared and implemented.

Implementation of **MM-BIO-5** would avoid substantial adverse effects on sensitive natural vegetation communities by mitigating for oak tree woodland removal per the County's adopted standards. Further, implementation of **MM-BIO-06** would ensure no net loss of riparian habitat by requiring the applicant to purchase mitigation bank credits or to find a suitable mitigation site prior to the issuance of necessary permits. With implementation of the above discussed mitigation measures, potential impacts to biological resources from the proposed project would be mitigated to less-than-significant levels.

Cultural and Tribal Cultural Resources

The project may cause a substantial adverse change in the significance of a historic or unique archaeological resource pursuant to Section 15064.5 (Impact CUL-2).

Three cultural resources were identified within the project area boundary. The prehistoric component of P-09-00-1882, one of three identified resources, remains unevaluated and is assumed to be eligible for listing in the California Register. This resource is, therefore, considered a potentially significant archeological resource for the purposes of CEQA. Impacts to this resource would be potentially significant. There is also potential for encountering unanticipated significant cultural resources during project implementation.

The project may disturb any human remains, including those interred outside of formal cemeteries (Impact CUL-3).

While human remains have not been identified on the project site, the project site is considered to have moderate sensitivity. In the event that human remains are encountered, the impact may be potentially significant.

The project may cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 (Impact CUL-4).

Mitigation measures (**MM CUL-1 and CUL-2**) would ensure that the resource areas are avoided during construction activities. This measure includes avoidance of resource P-09-001882 by a minimum of 50 feet and archeological and Native American monitoring within 300 feet of the boundaries of the known tribal cultural resource.

In the event that cultural materials are inadvertently identified during project construction, and the materials are determined to be tribal cultural resources, damage to the resources would be potentially significant. However, implementation of **MM-CUL-3** would reduce impacts to previously undiscovered tribal cultural resources to a less than significant level.

Mitigation Measures

MM-CUL-1 *Avoidance of Sensitive Archeological Resources* Resource P-09-001882 should be avoided by a minimum of 50 feet. If the resource cannot be avoided by this distance additional archaeological efforts will be required, including subsurface exploratory testing to assess the presence/absence and general distribution of the resource, and/or evaluation for NRHP/CRHR listing.

MM-CUL-2 *Archaeological and Native American Monitoring* Archaeological monitors shall be present during all initial ground-disturbing activities within 300 feet of the prehistoric component of P-09-001882 and within 100 feet of Deadman Creek, where there is increased potential to encounter cultural resources. An archaeological monitoring and discovery plan shall be developed under the oversight of a qualified archaeological principal investigator meeting Secretary of the Interior's Professional Qualification Standards prior to construction.

MM-CUL-3 *Monitoring and Inadvertent Discovery Plan.* Prior to, a Secretary of the Interior-qualified archaeologist shall prepare a plan for cultural resources monitoring and inadvertent discovery. The plan shall include (but not be limited to) the following components:

Worker Environmental Awareness Training. Training program for all construction and field workers involved in site disturbance; on-site personnel shall attend a mandatory pre-project training led by a Secretary of the Interior-qualified archaeologist. The training will outline the general archaeological sensitivity of the area (without providing site specifics) and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered.

Monitoring Plan. The monitoring plan shall incorporate the requirements of MM-CUL-1 and CUL-2 and include the following:

- Person(s) responsible for conducting monitoring activities, including a request to Native American representatives for a Native American monitor;
- Person(s) responsible for overseeing and directing the monitors;
- How the monitoring shall be conducted and the required format and content of monitoring reports, including schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- Clear delineation and fencing of sensitive cultural resource areas requiring monitoring;
- Clear delineation and fencing of sensitive cultural resource areas to be avoided;
- Protocol for notifications in case of encountering cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation);
- Methods to ensure security of cultural resources sites, including protocol for notifying local authorities (i.e. sheriff, police) should site looting and other illegal activities occur during construction.
- During the course of the monitoring, the archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.

Inadvertent Discovery of Cultural Resources. If prehistoric or historic-era archaeological resources are encountered, all construction activities within 100 feet will halt. The archaeological monitor will immediately notify the County of El Dorado of the encountered archaeological resource. Any culturally affiliate tribes would assess the significance of the find and make recommendations for further evaluation and treatment if necessary.

Inadvertent Discovery of Human Remains. In the event of discovery of any human remains during construction activities, such activities within 100 feet of the find shall cease until the El Dorado County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission will be contacted within 24 hours if it is determined that the remains are Native American. The Commission will then identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American, who in turn would make recommendations to the County of El Dorado for the appropriate means of treating the human remains and any grave goods.

After review of the find and consultation with the MLD, the authority to proceed may be accompanied by the addition of development requirements which provide for protection and preservation of the site and/or additional measures necessary to address the sensitive and unique nature of the site. All treatment recommendations made by the affiliated tribe(s) and other cultural resources specialists will be documented in the confidential portion of the project record. Work in the area(s) of the cultural find may only proceed after authorization from the lead agency in coordination with the Tribe.

Finding

The County finds that the above mitigation measures are feasible and will reduce the potential cultural and tribal cultural resources impacts of the project to less-than-significant levels, and are adopted by the County. Accordingly, the County finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measures involve the avoidance of sensitive archaeological resources, archeological and Native American monitoring, worker environmental awareness training, and a monitoring and inadvertent discovery plan. Implementation of **Mitigation Measure CUL-1** would ensure that, in the event that the resources cannot be avoided, additional archeological efforts such as subsurface exploratory testing to further assess the resources eligibility for NRHP/CRHR listing would be required. Further, implementation of **Mitigation Measure CUL-2** would ensure that impacts to previously undiscovered archaeological resource locations are avoided, and that archeological monitoring occurs in specified high-sensitive areas.

MM-CUL-3, pertaining to preparing and implementing an archaeological monitoring and discovery plan and Worker Environmental Awareness Program would help ensure that unanticipated human remains would be appropriately respected and treated in compliance with regulatory requirements, including California Health and Safety Code Section 7050.5, PRC Section 5097.98, and other pertinent regulatory requirements.

Implementation of **MM-CUL-1, MM-CUL-2, MM-CUL-3** would result in less-than-significant impacts to Impact CUL-4. These measures would ensure that resource areas are adequately avoided. Moreover, in the event that cultural materials are inadvertently identified during project construction, and the materials are determined to be tribal cultural resources, all resources identified during the construction are required to be handled in compliance with all applicable regulations. With implementation of the above discussed mitigation measures, potential impacts to biological resources from the proposed project would be mitigated to less-than-significant levels.

Noise

The proposed project could result in generation of a temporary or permanent increase in ambient noise levels in the vicinity of the project substantially above levels without the project or in excess of standards established in the County's general plan or noise ordinance, or applicable standards of other agencies (Impact NOI-1).

While predicted operational noise levels (as show in Table 3.10-15 of the EIR) are either compliant with the County's 50 dBA threshold or would be exempt under Section 130.37.020.A of the County Code, some nearest offsite receptor positions may experience—based on the predictive modeling performed and presented in the EIR—increases in the outdoor ambient sound environment that exceed the County's 5 dB relative increase standard. This impact would be potentially significant.

Mitigation Measures

MM-NOI-1 Operation Noise

Operation of the proposed project shall be limited to daytime (7:00 a.m. to 7:00 p.m.) and evening hours (7:00 p.m. to 10:00 p.m.). Respecting the measurable pre-existing outdoor ambient sound environment at nearest occupied offsite homes and other noise-sensitive land uses may be

comparable to or quieter than the County's hourly L_{eq} fixed thresholds of 55 dBA and 50 dBA for daytime and evening, respectively, the following shall be implemented:

- Restrict testing of the project emergency generator to daytime hours, and position the operating generator during such times so that the direct sound path between it and the nearest noise-sensitive land use is occluded by the proposed Indoor Gym building or an alternate solid barrier (either a fixed sound-blocking project feature; or a temporary/portable shell, shroud, or acoustical curtain that can be taken out of storage and installed as part of the emergency generator testing procedure).
- Consistent with project design information, and to satisfy County Code Section 130.37.020.A, no speech amplification or other sound reinforcement systems shall be installed and operating, excluding for purposes of public address or emergency response as the County may require.
- Clear and conspicuous informational signage shall be located at spectator seating and other assembly areas to enforce applicable County noise nuisance regulations and policies with respect to operation of visitor portable sound systems, musical instruments, and other noise makers.
- The project grading and layout of fields and facilities shall include, to the extent practical, features that are advantageous for occluding direct sound paths between areas of expected noise-producing activities (e.g., active sports play and engaged spectators) and nearest offsite noise-sensitive land uses such as residences.
- The project shall include a community complaint management plan that will provide the County or its delegate a means to respond to received community noise complaints, investigate their validity and likely cause, and document any implementation of onsite noise-reducing means or the resolution of the complaint.

Finding

The County finds that the above mitigation measures are feasible and will reduce the noise impacts of the project to less-than-significant levels, and are adopted by the County. Accordingly, the County finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measure **MM-NOI-1** would require noise-reducing measures to be incorporated into project final design and operation, and thus ensure that existing and future noise-sensitive land uses in the project vicinity are not exposed to sound levels substantially higher than existing levels or in excess of County noise thresholds during project operation. Compliance with this mitigation measure would ensure noise impacts would be reduced to a less-than-significant level.

3 Findings Regarding Alternatives

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of 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.” The Final EIR identified and considered three feasible alternatives.

1. No Project Alternative
2. Roadway Connector Alternative
3. Alternate Site Plan/Lower Density Use Park

No Project Alternative

As required by the CEQA Guidelines, an EIR’s alternatives analysis must include consideration of the No Project Alternative. The “No Project” analysis discusses the existing conditions as well as what would reasonably be expected to occur in the foreseeable future if the project was not approved (Cal. Code Regs. tit. 14, § 15126.6 (e)(2) and (3)(A)).

The No Project analysis assumes no construction. The project site is a charitable gift to the County. If a park is not constructed, the site would be transferred to the Boys and Girls Club of America. Given the lack of on-site infrastructure, and the zoning of the project site (residential) it is not likely that a different property owner would develop the site. It is therefore assumed that for purposes of the No Project Alternative, the site would remain undeveloped.

Finding

The County rejects the No Project Alternative as undesirable as it would not achieve any of the basic project objectives, except for the protection of biological and cultural resources (since the project site would remain undeveloped).

Rationale

As no construction would occur, the No Project Alternative would not provide any locally serving recreational uses in the Diamond Springs area nor would it provide a potential community center for emergency purposes. Without the project, these desired project objectives would not be met.

Roadway Connector Alternative

This alternative involves implementing the circulation guideline as presented in the Diamond Springs-El Dorado Circulation Map and would include a roadway through the project site that would connect to new roadways built concurrently with future development in the currently undeveloped adjacent parcels.

Finding

The County rejects the Roadway Connector Alternative as it would not avoid or reduce any of the impacts associated with the proposed project. It may provide a benefit to future developers adjacent to the project site by providing a secondary means of ingress/egress to potential future subdivisions. The roadway alignment would increase biological impacts by requiring a new crossing of Deadman Creek and would potentially impact the significant cultural resources located east of the Creek as compared to the proposed project.

The alternative would not reduce noise impacts, as recreational activities would still occur at the north and south ends of the site (where sensitive receptors are located). In addition, traffic noise from through traffic could increase noise levels in the project vicinity.

Per the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, prepared by the Governor’s Office of Planning and Research (OPR 2018), construction of new roadways must be analyzed for “induced vehicle travel” which may increase the vehicle miles traveled (VMT) in the County. Modeling would be required to determine if the induced travel would be significant, but it is noted as potentially greater impact, as compared to the proposed project.

Rationale

The inclusion of a roadway would still allow the project to meet most of its objectives. Ballfield space would be reduced (likely one lighted and one unlighted softball/baseball fields would be eliminated). Nevertheless, community level recreational facilities could still be constructed. The alternative would not substantially reduce or avoid a significant project impact. The alternative would increase impacts to biological resources, and may increase impacts to cultural resources, noise, and VMT.

Alternate Site Plan/Lower Density Use Park

This alternative would construct a lower density use park with few ballfields and more unprogrammed spaces in the northern half of the site.

Finding

By reducing the active recreational facilities, the project would decrease the number of visitors and associated traffic. This would reduce, but not avoid, impacts to air quality, biological resources, cultural resources, and noise. The smaller footprint would reduce, but not avoid, construction impacts, including air emissions, noise, and impacts to biological resources (oak woodlands in the northern half of the site). The project would not fully meet the project objectives of developing a community park. Mitigation would still be required to substantially reduce potential impacts related to construction and operation of the alternative project. For these reasons, the County rejects the Alternate Site Plan/Lower Density Use Park Alternative.

Rationale

The project alternative would achieve some of the project objectives, although it would reduce the facilities available to organized sports (such as baseball, softball, and soccer), and may not fully meet the requirements of a community park. The alternative would reduce but not avoid project impacts. Therefore, project mitigation as described in the EIR would still be required.

4 General CEQA Findings

4.1 Mitigation Monitoring and Reporting Program

Based on the entire record before the County and having considered the potentially significant impacts of the project, the County hereby determines that all feasible mitigation within the responsibility and jurisdiction of the County has been adopted to reduce or avoid the potentially significant impacts identified in the Final EIR. The feasible mitigation measures are discussed above and are set forth in the MMRP. Section 21081.6 of the Public

Resources Code requires the County to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the proposed project is hereby adopted by the County because it fulfills the CEQA mitigation monitoring requirements: The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements or other measures.

4.2 CEQA Guidelines Sections 15091 and 15092 Findings

Prior to approval of the project, the EIR must be certified pursuant to Section 15091 of the CEQA Guidelines. When a certified Final EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency; and
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Section 15092 of the CEQA Guidelines states that after consideration of a Final EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether to approve the project. A project that would result in a significant environmental impact can be approved only if the agency has eliminated or substantially lessened all significant effects on the environment where feasible.

These Findings satisfy the requirements of Sections 15091 and 15092 of the CEQA Guidelines. In doing so, they disclose the final disposition of the potentially significant impacts identified in the Final EIR and the reasons for not adopting any of the project alternatives.

4.3 County Independent Judgment

The Final EIR for the proposed project reflects the independent judgment of El Dorado County in accordance with Public Resources Code 21082.1(c)(3). The El Dorado County Board of Supervisors, as the decision-making body of the lead agency for the project on appeal, has received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record. The County hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

4.4 Reliance on Record

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project.

Record of Proceedings

In accordance with Public Resources Code Section 21167.6(e), the record of proceedings for the County decision on the project includes the following documents:

- The NOP for the project and all other public notices issued in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR for the project and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the project, including comments received on the Draft EIR, responses to those comments, and appendices;
- Documents cited or referenced in the Draft EIR and Final EIR;
- The MMRP for the project;
- All findings and resolutions adopted by the County in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the County's action on the project;
- All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;
- Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- Any other written materials relevant to the County's compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the County non-privileged retained files for the EIR or project;
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e); and

- The Notice of Determination.

The County intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the County and listed above shall comprise the administrative record for the project.

Custodian of Records

The custodian of the documents or other material that constitute the record of proceedings upon which the County's decision is based is identified as follows:

County of El Dorado Chief Administrative Office, Parks Division
330 Fair Lane. Bldg. A
Placerville, California 95667

5 Certification of the Final Environmental Impact Report

The County certifies that the Final EIR, dated December 2023, has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the County, and that the County reviewed and considered the information contained therein before approving the proposed project, and that the EIR reflects the independent judgment and analysis of the County (CEQA Guidelines Section 15090).