

**MITIGATED NEGATIVE DECLARATION**

**FILE:** P16-0010

**PROJECT NAME:** C&J Parcel Map

**NAME OF APPLICANT:** C&J Worldwide Holdings

**ASSESSOR'S PARCEL NO.:** 037-010-72                      **SECTION:** 1 T: 11N R: 17E

**LOCATION:** North side of US Highway 50 approximately 450 feet East of the intersection with Aldrain Rd in the Echo Summit Area of South Lake Tahoe.

- GENERAL PLAN AMENDMENT:**                      **FROM:**                      **TO:**
- REZONING:**                      **FROM:**                      **TO:**
- TENTATIVE PARCEL MAP**     **SUBDIVISION TO SPLIT 10.94 ACRES INTO 2 LOTS**  
**SUBDIVISION (NAME):** C&J Parcel Map
- SPECIAL USE PERMIT TO ALLOW:**
- OTHER:**

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**REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:**

- NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY.**
- MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS.**
- OTHER:**

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this MITIGATED NEGATIVE DECLARATION. A period of thirty (30) days from the date of filing this mitigated negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by COUNTY OF EL DORADO. A copy of the project specifications is on file at the County of El Dorado Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

**This Mitigated Negative Declaration was adopted by the Zoning Administrator on March 21, 2018.**

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Executive Secretary



**EL DORADO COUNTY PLANNING SERVICES  
2850 FAIRLANE COURT  
PLACERVILLE, CA 95667**

**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST**

**Project Title:** P16-0010/C&J Parcel Map

**Lead Agency Name and Address:** El Dorado County, 2850 Fairlane Court, Placerville, CA 95667

**Contact Person:** Efren Sanchez, Assistant Planner

**Phone Number:** (530) 621-6591

**Applicant's Name and Address:** C&J Worldwide Holdings, 2568 Lake Tahoe Blvd. South Lake Tahoe, CA 96150

**Project Agent's Name and Address:** Clinton Schue, 2568 Lake Tahoe Blvd. South Lake Tahoe, CA 96150

**Project Engineer's Name and Address:** Turner and Associates, 308 Dorla Court, Suite 203 Round Hill, NV 89448

**Project Location:** North side of US HWY 50 approximately 450 feet East of the intersection with Aldrain Rd. in the Echo Summit Area of South Lake Tahoe.

**Assessor's Parcel Number:** 037-010-72

**Acres:** 38.54 acres

**Sections:** Sec. 1 **T:** 11N **R:** 17E

**General Plan Designation:** LAND USE DESIGNATION (RR)

**Zoning:** ZONING DESIGNATION (RL-10)

**Description of Project:** Tentative Parcel Map Request to subdivide a 38.54-Acre property into three rural residential lots ranging in size from 10 acres to 18.54 acres in the Echo Summit Area of South Lake Tahoe. Parcel 1 is approximately 10 acres, parcel 2 is approximately 10 acres, and parcel 3 is 18.54 acres. The three proposed parcels are undeveloped with no existing structures.

**Surrounding Land Uses and Setting:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	(RL-10)	(RR)	UNIMPROVED/UNDEVELOPED LAND
<b>North</b>	(FR-160)	(NR)	UNDEVELOPED/US FOREST LAND
<b>South</b>	(R1) (TC)	(RR)	IMPROVED SINGLE FAMILY RESIDENTIAL AND US HWY 50
<b>East</b>	(RE-5)	(LDR)	VACANT RURAL RESIDENTIAL LAND
<b>West</b>	(RL-10) (R1)	(RR)(HDR)	IMPROVED RURAL RESIDENTIAL LAND AND VACANT RESIDENTIAL LAND

Briefly describe the environmental setting: The project site consists of a south-facing slope of mature mixed conifer forest dominated by pines and firs with a substantial cover of shrubby understory. The elevation ranges from approximately 7,160 to 7,460 feet. There are no visible areas of substantial rock outcrops or cliffs. A few areas of boulders up to a few feet across are visible. Except for a few small nearly-level areas near Highway 50 the entire site is sloped, some areas very steeply. There are several cabins and small houses adjacent to the parcel on small private parcels between the site and Highway 50. The project site currently sites vacant with proposed access to the site from a side frontage road within Highway 50 right of way.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement)

1. Lake Valley Fire Protection District: Review and approval of building permit.
2. Transportation Division: Review and enforcement of Conditions of Approval.
3. California Department of Transportation District 3 (Caltrans): Review and enforcement of Conditions of Approval.

4. El Dorado County Surveyor: Review and enforcement of Conditions of Approval.
5. El Dorado County Environmental Management: Review and enforcement of Conditions of Approval.
6. El Dorado County Building Services new construction review.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**


The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forestry Resources		Air Quality
X	Biological Resources		Cultural Resources		Geology / Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology / Water Quality
	Land Use / Planning		Mineral Resources	X	Noise
	Population / Housing		Public Services		Recreation
X	Transportation/Traffic		Tribal Cultural Resources		Utilities / Service Systems


**DETERMINATION**

**On the basis of this initial evaluation:**

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by Mitigation Measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION**, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or Mitigation Measures that are imposed upon the proposed project, nothing further is required.

Signature:  Date: 01/29/18

Printed Name: Efren Sanchez, Assistant Planner For: El Dorado County

Signature:  Date: 1/29/18

Printed Name: Michael Nihan, Principal Planner For: El Dorado County

## **PROJECT DESCRIPTION**

### Introduction

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts resulting from the proposed project. The project would split the existing 38.54-acre parcel into 3 new parcels of minimum 10 acres each.

### Project Description

This project is a Tentative Parcel Map to create three parcels from a 38.54 acre site. Both Parcel 1 and Parcel 2 would be 10 acres each, and parcel 3 would be 18.54 acres. All three proposed parcels would require the installation of wells and septic systems. Access to the parcels would be via a side frontage road within the Highway 50 right of way and State Highway 50.

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### Project Location and Surrounding Land Uses

Tentative parcel map of a 38 acre property into three rural residential lots ranging in size from 10 acres to 18.54 acres the Echo Summit Area of South Lake Tahoe. The site is in a rural region with surrounding land uses being mostly residential and agricultural forestland.

### Project Characteristics

#### 1. Transportation/Circulation/Parking

Access to the parcels would be from a side frontage road within Highway 50 right of way and State Highway 50. This activity would require an encroachment permit to be reviewed and issued by Caltrans.

#### 2. Utilities and Infrastructure

Each lot would be served by an individual well and septic system. Condition of Approval 23 requires that the project shall develop, implement, and maintain a Wildland Fire Safe Plan, which would require a water tank to be installed at each residence to supply residential, fire sprinkler and firefighting water. The tank size is to be determined by the square footage of the residence. With the creation of 3 parcels, a second dwelling unit could be constructed on each lot. If a second dwelling unit were constructed, the project would be required to provide a safe and reliable water source at the time of building permit application.

#### 3. Construction Considerations

Residential development of lots 1 through 3 is possible as a result of this parcel map. Any future construction activities, such as additional dwelling units, would be completed in conformance with the County of El Dorado Grading and Erosion Control, Air Quality Management District, and subject to a building permit.

### Project Schedule and Approvals

This Initial Study is being circulated for public and agency review for a 30-day period. Written comments on the Initial Study should be submitted to the project planner indicated in the Summary section, above. Following the close of the written comment period, the Initial Study will be considered by the Lead Agency in a public meeting and will be certified if it is determined to be in compliance with CEQA. The Lead Agency will also determine whether to approve the project.

## **EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. If the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of Mitigation Measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the Mitigation Measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

**ENVIRONMENTAL IMPACTS**

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

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal regulations are applicable to aesthetics in relation to the proposed project.

***State Laws, Regulations, and Policies***

In 1963, the California State Legislature established the California Scenic Highway Program, a provision of the Streets and Highways Code, to preserve and enhance the natural beauty of California (Caltrans, 2015). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways.

There are no officially designated state scenic corridors in the vicinity of the project site.

***Local Laws, Regulations, and Policies***

The County has several standards and ordinances that address issues relating to visual resources. Many of these can be found in the County Zoning Ordinance (Title 130 of the County Code). The Zoning Ordinance consists of descriptions of the zoning districts, including identification of uses allowed by right or requiring a special-use permit and specific development standards that apply in particular districts based on parcel size and land use density. These development standards often involve limits on the allowable size of structures, required setbacks, and design guidelines. Included are requirements for setbacks and allowable exceptions, the location of public utility distribution and transmission lines, architectural supervision of structures facing a state highway, height limitations on structures and fences, outdoor lighting, and wireless communication facilities.

Visual resources are classified as 1) scenic resources or 2) scenic views. Scenic resources include specific features of a viewing area (or viewshed) such as trees, rock outcroppings, and historic buildings. They are specific features that act as the focal point of a viewshed and are usually foreground elements. Scenic views are elements of the broader viewshed such as mountain ranges, valleys, and ridgelines. They are usually middle ground or background elements of a viewshed that can be seen from a range of viewpoints, often along a roadway or other corridor.

A list of the county's scenic views and resources is presented in Table 5.3-1 of the El Dorado County General Plan EIR (p. 5.3-3). This list includes areas along highways where viewers can see large water bodies (e.g., Lake Tahoe and Folsom Reservoir), river canyons, rolling hills, forests, or historic structures or districts that are reminiscent of El Dorado County's heritage.

Several highways in El Dorado County have been designated by the California Department of Transportation (Caltrans) as scenic highways or are eligible for such designation. These include U.S. 50 from the eastern limits of the Government Center interchange (Placerville Drive/Forni Road) in Placerville to South Lake Tahoe, all of SR 89 within the county, and those portions of SR 88 along the southern border of the county.

Rivers in El Dorado County include the American, Cosumnes, Rubicon, and Upper Truckee rivers. A large portion of El Dorado County is under the jurisdiction of the USFS, which under the Wild and Scenic Rivers Act may designate rivers or river sections to be Wild and Scenic Rivers. To date, no river sections in El Dorado County have been nominated for or granted Wild and Scenic River status.

**Discussion:** A substantial adverse effect to Visual Resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

- a. **Scenic Vista or Resource:** The project site is located in a rural region surrounded by forest resource land and single-family residential lots. No scenic vistas, as designated by the county General Plan, are located in the vicinity of the site (El Dorado County, 2003, p. 5.3-3 through 5.3-5). The project site is adjacent to or visible from a State Scenic Highway, however, neighboring parcels with development and heavy forested areas provide a screening buffer from the scenic highway. There is the potential for added accessory dwelling units on each of the sites, which is allowed on all lots zoned for single-family residential uses. Any new structures would require permit for construction and would comply with the general plan and zoning code. Impacts would be less than significant.
- b. **Scenic Resources:** The project is visible from an officially designated State Scenic Highway or county-designated scenic highway, or any roadway that is part of a corridor protection program (Caltrans, 2013). The heavily forested site provides natural screening buffers from scenic vistas; therefore, it is consistent with existing views and neighboring development. Though there are many trees in the project vicinity, there are no trees or historic buildings that have been identified by the County as contributing to exceptional aesthetic value at the project site. Impacts would be less than significant.
- c. **Visual Character:** Each lot proposes the development of a new single-family residence. An accessory dwelling unit could also be added to the developable area of each lot. Since the site is surrounded by other single-family homes on large rural and agricultural lots, the proposed project would not affect the visual character of the surrounding area. Impacts would be less than significant.
- d. **Light and Glare:** The proposed project does not include any substantial new light sources, however, the project would allow for additional dwelling units to be developed in the future, which could produce minimal new light and glare. All future development would be required to comply with County lighting ordinance requirements, including the shielding of lights to avoid potential glare. Impacts would be less than significant.

**FINDING:** As conditioned and with adherence to El Dorado County Code of Ordinances (County Code), for this Aesthetics category, impacts would be less than significant.

<b>II. AGRICULTURE AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by California Department of forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?			X	
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d. Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal regulations are applicable to agricultural and forestry resources in relation to the proposed project.

***State Laws, Regulations, and Policies***

**Farmland Mapping and Monitoring Program**

The Farmland Mapping and Monitoring Program (FMMP), administered by the California Department of Conservation (CDC), produces maps and statistical data for use in analyzing impacts on California’s agricultural resources (CDC 2008). FMMP rates and classifies agricultural land according to soil quality, irrigation status, and other criteria. Important Farmland categories are as follows (CDC 2013a):

***Prime Farmland:*** Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields. Prime Farmland must have been used for irrigated agricultural production at some time during the 4 years before the FMMP’s mapping date.



***Farmland of Statewide Importance:*** Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Farmland of Statewide Importance must have been used for irrigated agricultural production at some time during the 4 years before the FMMP's mapping date.

***Unique Farmland:*** Farmland of lesser quality soils used for the production of the state's leading agricultural crops. These lands are usually irrigated but might include non-irrigated orchards or vineyards, as found in some climatic zones. Unique Farmland must have been cropped at some time during the 4 years before the FMMP's mapping date.

***Farmland of Local Importance:*** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

#### California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) allows local governments to enter into contracts with private landowners for the purpose of preventing conversion of agricultural land to non-agricultural uses (CDC 2013b). In exchange for restricting their property to agricultural or related open space use, landowners who enroll in Williamson Act contracts receive property tax assessments that are substantially lower than the market rate.

#### Z'berg-Nejedly Forest Practice Act

Logging on private and corporate land in California is regulated by the 1973 Z'berg-Nejedly Forest Practice Act. This Act established the Forest Practice Rules (FPRs) and a politically-appointed Board of Forestry to oversee their implementation. The California Department of Forestry (CALFIRE) works under the direction of the Board of Forestry and is the lead government agency responsible for approving logging plans and for enforcing the FPRs.

**Discussion:** A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
  - The amount of agricultural land in the County is substantially reduced; or
  - Agricultural uses are subjected to impacts from adjacent incompatible land uses.
- a. **Farmland Mapping and Monitoring Program:** The project site is zoned for rural lands and is not located within an Agricultural District. The site is not currently used for farming. The project also does not include a change to the current use from agriculture or convert farmland to another land use. The impact would be less than significant.
- b. **Agricultural Uses:** The project site is not located within a Williamson Act Contract. The properties directly North to the site are zoned Forest Resources, but not under Williamson Act Contract. The project site contains a 200 foot agricultural setback and meets the 10 acre minimum parcel size for projects adjacent to Forest Resource zoned parcels. The impact would be less than significant.
- c-d. **Loss of Forest land or Conversion of Forest land:** The site is not designated as a Timberland Preserve Zone (TPZ) or other forestland according to the General Plan and Zoning Ordinance. The adjacent parcels to the North are Forest Resources zoned parcels, but the project site is not. Impacts would be less than significant.
- e. **Conversion of Prime Farmland or Forest Land:** The project is not within an agricultural district or located on forest land and would not convert farmland or forest land to non-agricultural use. There would be no impact.

**FINDING:** For this Agriculture category, impacts would be less than significant or no impact.

<b>III. AIR QUALITY. Would the project:</b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?				X
e. Create objectionable odors affecting a substantial number of people?				X

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

The Clean Air Act is implemented by the U.S. Environmental Protection Agency (USEPA) and sets ambient air limits, the National Ambient Air Quality Standards (NAAQS), for six criteria pollutants: particulate matter of aerodynamic radius of 10 micrometers or less (PM10), particulate matter of aerodynamic radius of 2.5 micrometers or less (PM2.5), carbon monoxide (CO), nitrogen dioxide (NO2), ground-level ozone, and lead. Of these criteria pollutants, particulate matter and ground-level ozone pose the greatest threats to human health.

***State Laws, Regulations, and Policies***

The California Air Resources Board (CARB) sets standards for criteria pollutants in California that are more stringent than the NAAQS and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. The proposed project is located within the Mountain Counties Air Basin, which is comprised of seven air districts: the Northern Sierra Air Quality Management District (AQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County APCD, the Tuolumne County APCD, the Mariposa County APCD, and a portion of the El Dorado County AQMD, which consists of the western portion of El Dorado County. The El Dorado County Air Pollution Control District manages air quality for attainment and permitting purposes within the west slope portion of El Dorado County.

USEPA and CARB regulate various stationary sources, area sources, and mobile sources. USEPA has regulations involving performance standards for specific sources that may release toxic air contaminants (TACs), known as hazardous air pollutants (HAPs) at the federal level. In addition, USEPA has regulations involving emission criteria for off-road sources such as emergency generators, construction equipment, and vehicles. CARB is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB also establishes passenger vehicle fuel specifications.

USEPA and CARB designate regions as “attainment” (within standards) or “nonattainment” (exceeds standards) based on their respective ambient air quality standards. The County is in nonattainment of both federal and state ozone standards and for the state PM10 standard, and is in attainment or unclassified status for other pollutants (California Air Resources Board 2017).

### ***Local Laws, Regulations, and Policies***

The El Dorado County Air Quality Management District (EDCAQMD) is responsible for developing and administering programs to reduce air pollution levels below the health-based ambient air quality standards established by the state and federal governments. EDCAQMD is responsible for enforcing district rules, regulating stationary source emissions, approving permits, maintaining emissions inventories, issuing burn permits, administering grant programs, and reviewing air quality-related sections of environmental documents required to comply with CEQA. EDCAQMD regulates air quality through the federal and state Clean Air Acts, district rules, and its permit authority.

EDCAQMD has developed a Guide to Air Quality Assessment (2002) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Guide provides quantitative and qualitative significance criteria for both construction and operational emissions from a project.

A project would have a significant impact on air quality if quantified emissions exceed the following:

- Emissions of ROG and NO<sub>x</sub> will result in construction or operation emissions greater than 82lbs/day
- Emissions of PM<sub>10</sub>, CO, SO<sub>2</sub> and NO<sub>x</sub>, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
- Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.

A project would have a significant impact on air quality if a qualitative analysis indicates:

- The project triggers any of the air quality significance criteria in Appendix G of the CEQA Guidelines.
- The project results in excessive odors, as defined under the Health & Safety Code definition of an air quality nuisance.
- The project results in land use conflicts with sensitive receptors, such as schools, elderly housing, hospitals or clinics, etc.
- The project, as proposed, is not in compliance with all applicable District rules and regulations.
- The project does not comply with U.S. EPA general and transportation “conformity” regulations.

A project would have a cumulatively significant impact if:

- The project requires a change in the land use designation (e.g., general plan amendment or rezone) that increases ROG and NO<sub>x</sub> emissions compared to the prior approved use, and the increase in emissions exceeds the “project alone” significance levels shown above for ROG or NO<sub>x</sub>.
- Project CO emissions, if combined with CO emissions from other nearby projects, result in a “hotspot” that violates a state or national AAQS.
- The project is primarily an industrial project and a modeling analysis indicates that the project’s impacts would exceed Class III Prevention of Significant Deterioration (PSD) increments (Class II in Lake Tahoe) for PM<sub>10</sub>, SO<sub>2</sub>, or NO<sub>2</sub>; or, the project is primarily a development project, and the emissions of ROG, NO<sub>x</sub>, or CO exceed the “project alone” significance criteria for those three pollutants noted above.
- The project causes the risk analysis criteria above for “project alone” Toxic Air Contaminants (TACs) to be exceeded when project emissions of TACs are considered in conjunction with TACs from other nearby projects.

For Fugitive dust (PM<sub>10</sub>), if dust suppression measures will prevent visible emissions beyond the boundaries of the project, further calculations to determine PM emissions are not necessary. All proposed development must comply with District Rule 223-1 Fugitive Dust.

Naturally occurring asbestos (NOA) is also a concern in El Dorado County because it is known to be present in certain soils and can pose a health risk if released into the air. The AQMD has adopted an El Dorado County Naturally Occurring Asbestos Review Area Map that identifies those areas more likely to contain NOA (El Dorado County 2005). All proposed development in a NOA area must comply with District Rule 223-2 Fugitive Dust – Asbestos Hazard Mitigation.

**Discussion:** The El Dorado County Air Pollution Control District (APCD) has developed a Guide to Air Quality Assessment to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result.

- a. **Air Quality Plan:** El Dorado County has adopted the Rules and Regulations of the El Dorado County Air Quality Management District (2000) establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO<sub>x</sub>, and O<sub>3</sub>). The EDC/State Clean Air Act Plan has set a schedule for implementing and funding transportation contract measures to limit mobile source emissions. The project would not conflict with or obstruct implementation of either plan. Driveway improvements will require an encroachment permit and grading permit and will undergo review to determine if any further actions or approvals are needed, including any measures for sediment control. Any activities associated with future plans for grading and construction would require a Fugitive Dust Mitigation Plan (FDMP) for grading and construction activities. Such a plan would address grading measures and operation of equipment to minimize and reduce the level of defined particulate matter exposure and/or emissions to a less than significant level. Therefore, the potential impacts of the project would be anticipated to be less than significant.
- b-c. **Air Quality Standards and Cumulative Impacts:** Minor grading improvements and driveway improvements are proposed as part of the project. Residential development is anticipated consequent to approval. There is also the potential for future development of the lots for construction of an additional dwelling unit on each lot. Although this would contribute air pollutants due to construction and possible additional vehicle trips to and from the site, these impacts would be minimal. Existing regulations implemented at issuance of building and grading permits would ensure that any construction related PM<sub>10</sub> dust emissions would be reduced to acceptable levels. The El Dorado County AQMD reviewed the application materials for this project and determined that by implementing typical conditions including Rule 215 (Architectural Coating) and 501 and 523 (New Paint Source), which are included in the list of recommended conditions, the project would have a less than significant impact. The conditions would be implemented, reviewed, and approved by the AQMD prior to and concurrently with any grading, improvement, or building permit approvals. With full review for consistency with General Plan Policies, impacts would be anticipated to be less than significant.
- d. **Sensitive Receptors:** The CEQA Guidelines (14 CCR 15000) identify sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors. No sources of substantial pollutant concentrations will be emitted by the single family residences, during construction or following construction. There would be no impact.
- e. **Objectionable Odors:** Table 3-1 of the Guide to Air Quality Assessment (AQMD, 2002) does not list the proposed use of the parcels as a use known to create objectionable odors. The requested Parcel Map would not generate or produce objectionable odors as it would create residential lots for single family homes. There would be no impact.

**FINDING:** The proposed project would not affect the implementation of regional air quality regulations or management plans. The proposed project would not be anticipated to cause substantial adverse effects to air quality, nor exceed established significance thresholds for air quality impacts.

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

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

**Endangered Species Act**

The Endangered Species Act (ESA) (16 U.S. Code [USC] Section 1531 *et seq.*; 50 Code of Federal Regulations [CFR] Parts 17 and 222) provides for conservation of species that are endangered or threatened throughout all or a substantial portion of their range, as well as protection of the habitats on which they depend. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) share responsibility for implementing the ESA. In general, USFWS manages terrestrial and freshwater species, whereas NMFS manages marine and anadromous species.

Section 9 of the ESA and its implementing regulations prohibit the “take” of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term “take” to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 USC Section 1532). Section 7 of the ESA (16 USC Section 1531 *et seq.*) outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats. Section 10(a)(1)(B) of the ESA provides a process by which nonfederal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in “take” of endangered or threatened species, subject to specific conditions. A habitat conservation plan (HCP) must accompany an application for an incidental take permit.

### Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC, Chapter 7, Subchapter II) protects migratory birds. Most actions that result in take, or the permanent or temporary possession of, a migratory bird constitute violations of the MBTA. The MBTA also prohibits destruction of occupied nests. USFWS is responsible for overseeing compliance with the MBTA.

### Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), first enacted in 1940, prohibits "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The definition for "Disturb" includes injury to an eagle, a decrease in its productivity, or nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present.

### Clean Water Act

Clean Water Act (CWA) section 404 regulates the discharge of dredged and fill materials into waters of the U.S., which include all navigable waters, their tributaries, and some isolated waters, as well as some wetlands adjacent to the aforementioned waters (33 CFR Section 328.3). Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial waterbodies such as swimming pools, vernal pools, and water-filled depressions (33 CFR Part 328). Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of U.S. Army Corps of Engineers (USACE) under the provisions of CWA Section 404. Construction activities involving placement of fill into jurisdictional waters of the U.S. are regulated by USACE through permit requirements. No USACE permit is effective in the absence of state water quality certification pursuant to Section 401 of CWA.

Section 401 of the CWA requires an evaluation of water quality when a proposed activity requiring a federal license or permit could result in a discharge to waters of the U.S. In California, the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs) issue water quality certifications. Each RWQCB is responsible for implementing Section 401 in compliance with the CWA and its water quality control plan (also known as a Basin Plan). Applicants for a federal license or permit to conduct activities that may result in the discharge to waters of the U.S. (including wetlands or vernal pools) must also obtain a Section 401 water quality certification to ensure that any such discharge will comply with the applicable provisions of the CWA.

### ***State Laws, Regulations, and Policies***

#### California Fish and Game Code

The California Fish and Game Code includes various statutes that protect biological resources, including the Native Plant Protection Act of 1977 (NPPA) and the California Endangered Species Act (CESA). The NPPA (California Fish and Game Code Section 1900-1913) authorizes the Fish and Game Commission to designate plants as endangered or rare and prohibits take of any such plants, except as authorized in limited circumstances.

CESA (California Fish and Game Code Section 2050–2098) prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under CESA as endangered or threatened. Section 2080 of the California Fish and Game Code prohibits the take of any species that is state listed as endangered or threatened, or designated as a candidate for such listing. California Department of Fish and Wildlife (CDFW) may issue an incidental take permit authorizing the take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions.

California Fish and Game Code Section 3503, 3513, and 3800 protect native and migratory birds, including their active or inactive nests and eggs, from all forms of take. In addition, Section 3511, 4700, 5050, and 5515 identify species that are fully protected from all forms of take. Section 3511 lists fully protected birds, Section 5515 lists fully protected fish, Section 4700 lists fully protected mammals, and Section 5050 lists fully protected amphibians.

#### Streambed Alteration Agreement

Sections 1601 to 1606 of the California Fish and Game Code require that a Streambed Alteration Application be submitted to CDFW for any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake. As a general rule, this requirement applies to any work undertaken within the 100-year floodplain of a stream or river containing fish or wildlife resources.

#### California Native Plant Protection Act

The California Native Plant Protection Act (California Fish and Game Code Section 1900–1913) prohibits the taking, possessing, or sale of any plants with a state designation of rare, threatened, or endangered (as defined by CDFW). The California Native Plant Society (CNPS) maintains a list of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Plants of California (CNPS 2001). Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

#### Forest Practice Act

Logging on private and corporate land in California is regulated by the Z'Berg-Nejedly Forest Practices Act (FPA), which took effect January 1, 1974. The act established the Forest Practice Rules (FPRs) and a politically-appointed Board of Forestry to oversee their implementation. The California Department of Forestry (CALFIRE) works under the direction of the Board of Forestry and is the lead government agency responsible for approving logging plans and for enforcing the FPRs. A Timber Harvest Plan (THP) must be prepared by a Registered Professional Forester (RPF) for timber harvest on virtually all non-federal land. The FPA also established the requirement that all non-federal forests cut in the State be regenerated with at least three hundred stems per acre on high site lands, and one hundred fifty trees per acre on low site lands.

#### ***Local Laws, Regulations, and Policies***

The County General Plan also include policies that contain specific, enforceable requirements and/or restrictions and corresponding performance standards that address potential impacts on special-status plant species or create opportunities for habitat improvement. The El Dorado County General Plan designates the Important Biological Corridor (IBC) (Exhibits 5.12-14, 5.12-5 and 5.12-7, El Dorado County, 2003). Lands located within the overlay district are subject to the following provisions, given that they do not interfere with agricultural practices:

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- Increased riparian corridor and wetland setbacks;
- Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Wildlife);
- Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;
- Building permits discretionary or some other type of “site review” to ensure that canopy is retained;
- More stringent standards for lot coverage, floor area ratio (FAR), and building height; and
- No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

**Discussion:** A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

- Substantially reduce or diminish habitat for native fish, wildlife or plants;

- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;
- Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

- a. **Special Status Species:** A Biological Resource Report (Sycamore Environmental Consultant, Inc., 2017) (Attachment 1) was prepared for the project in March of 2017. The project site consists of 38.54 acres, which primarily consists of mixed conifer forest dominated by pines and firs, with substantial cover of shrubby understory. The Biological Resource Report identified that the project could have a substantial adverse effect on Davy's sedge, a special-status plant, if any is present at the site. Davy's sedge may occur on dry, often sparse meadows and slopes in subalpine coniferous forest and upper montane coniferous forest. It is known from fewer than 20 extant occurrences in the Sierra Nevada (CNPS 2017, Jepson Flora 2017). The likelihood of occurrence is low because the forest at the project is mature, and there are relatively few open grassy areas between the trees. Due to the limited number of occurrences statewide, any impacts to Davy's sedge would be significant. The following mitigation measure is proposed to avoid any impacts to Davy's sedge.

Mitigation Measure BIO-1: Prior to issuance of a building permit, a seasonally appropriate survey for Davy's sedge shall be conducted in the area that could be affected. If Davy's sedge is found, the building plans shall be revised to avoid or minimize impacts to Davy's sedge to the satisfaction of the County.

- b-c. **Riparian Habitat and Wetlands:** There are no waters or wetlands shown on the USGS Echo Lake quad map or the USFWS National Wetlands Inventory map. No waters or wetlands are visible on aerial or ground level photographs. The Project site is sloped and well-drained, reducing the likelihood of any substantial cover of wetlands. The proposed level of land-use, 10-acre minimum parcels, makes the avoidance of any small poorly-drained areas feasible.

There is a ditch on the north side of Highway 50. Much, and perhaps all of the ditch is in the Highway right-of-way. No wetland vegetation is visible in the ditch, and the ditch likely only flows during storms and during spring snowmelt. The ditch is not a relocated channel. Ditches that are not a relocated tributary and don't drain wetlands are not a water of the U.S. (33 CFR 328.3(b)), and are not subject to Section 404 of the federal Clean Water Act.

None of the reviewed sources show evidence of any waters or wetland on the Project. The project will not have a substantial adverse effect on waters or wetlands. Therefore, impacts would be less than significant.

- d. **Migration Corridors:** Review of the Department of Fish and Wildlife Migratory Deer Herd Maps and General Plan DEIR exhibit 5.12-7 indicate that the outside deer herd migration corridor does not extend over the project site. Additionally, the El Dorado County General Plan does not identify the project site as an Important Biological Corridor or have any Oak Woodland Resources on the project site; therefore, no impacts.
- e. **Local Policies:** Local protection of biological resources includes oak woodland preservation, rare plants and special-status species, and wetland preservation with the goal to preserve and protect sensitive natural resources within the County. The biological resource report for this project reveals that the natural community at the site is conifer forest dominated by mature pine and fir trees. The General Plan EIR does not consider red fir forest, or any of the other coniferous forest types, to be a sensitive natural community. The proposed project is consistent with the current Oak Resources Conservation Ordinance 5061, which regulates removal of individual oak woodlands and oak canopy. There are no oak woodlands at the Project, and no individual oak trees are visible on aerial or ground level photographs. The Project will have no impact to any sensitive or special-status upland natural communities or oak woodlands.
- f. **Adopted Plans:** No impacts to protected species, habitat, wetlands, or oak trees were identified for this project. This project would not conflict with the provisions of an adopted Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There would be no impact.



**FINDING:** The Project will not have a substantial adverse effect on wildlife, special-status natural communities, or wetlands or waters. The project could have a substantial adverse effect on Davy’s sedge, a special-status plant, if any is present at the site. The likelihood of presence is low. A mitigation measure is proposed to avoid any potential impacts to Davy’s sedge. With mitigation measures incorporated, impacts to biological resources will be less than significant.

<b>V. CULTURAL RESOURCES.</b> <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			<b>X</b>	
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?			<b>X</b>	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			<b>X</b>	
d. Disturb any human remains, including those interred outside of formal cemeteries?			<b>X</b>	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

The National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic resources. The NRHP is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. The criteria for listing in the NRHP include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history (events);
- B. Are associated with the lives of persons significant in our past (persons);
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (architecture); or
- D. Have yielded or may likely yield information important in prehistory or history (information potential).

***State Laws, Regulations, and Policies***

California Register of Historical Resources

Public Resources Code Section 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR includes all properties listed as or determined to be eligible for listing in the National Register of Historic Places (NRHP), including properties evaluated under Section 106 of the National Historic Preservation Act. The criteria for listing are similar to those of the NRHP. Criteria for listing in the CRHR include resources that:

- 1. Are associated with the events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;

2. Are associated with the lives of persons important in our past;
3. Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

#### The California Register of Historic Places

The California Register of Historic Places (CRHP) program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act. The criteria for listing in the CRHP include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- B. Are associated with the lives of persons important to local, California or national history.
- C. Embody the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- D. Have yielded, or have the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The State Office of Historic Preservation sponsors the California Historical Resources Information System (CHRIS), a statewide system for managing information on the full range of historical resources identified in California. CHRIS provides an integrated database of site-specific archaeological and historical resources information. The State Office of Historic Preservation also maintains the California Register of Historical Resources (CRHR), which identifies the State's architectural, historical, archeological and cultural resources. The CRHR includes properties listed in or formally determined eligible for the National Register and lists selected California Registered Historical Landmarks.

Public Resources Code (Section 5024.1[B]) states that any agency proposing a project that could potentially impact a resource listed on the CRHR must first notify the State Historic Preservation Officer, and must work with the officer to ensure that the project incorporates "prudent and feasible measures that will eliminate or mitigate the adverse effects."

California Health and Safety Code Section 7050.5 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Section 5097.98 of the California Public Resources Code stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

#### CEQA and CEQA Guidelines

Section 21083.2 of CEQA requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined in CEQA as an archaeological artifact, object, or site about which it can be clearly demonstrated that there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.
- Although not specifically inclusive of paleontological resources, these criteria may also help to define “a unique paleontological resource or site.”

Measures to avoid, conserve, preserve, or mitigate significant effects on these resources are also provided under CEQA Section 21083.2.

Section 15064.5 of the CEQA Guidelines notes that “a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Substantial adverse changes include physical changes to the historic resource or to its immediate surroundings, such that the significance of the historic resource would be materially impaired. Lead agencies are expected to identify potentially feasible measures to mitigate significant adverse changes in the significance of a historic resource before they approve such projects. Historic resources are those that are:

- listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (Public Resources Code Section 5024.1[k]);
- included in a local register of historic resources (Public Resources Code Section 5020.1) or identified as significant in an historic resource survey meeting the requirements of Public Resources Code Section 5024.1(g); or
- determined by a lead agency to be historically significant.

CEQA Guidelines Section 15064.5 also prescribes the processes and procedures found under Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.95 for addressing the existence of, or probable likelihood of, Native American human remains, as well as the unexpected discovery of any human remains within the project site. This includes consultation with the appropriate Native American tribes.

CEQA Guidelines Section 15126.4 provides further guidance about minimizing effects to historical resources through the application of mitigation measures. Mitigation measures must be legally binding and fully enforceable.

The lead agency having jurisdiction over a project is also responsible to ensure that paleontological resources are protected in compliance with CEQA and other applicable statutes. Paleontological and historical resource management is also addressed in Public Resources Code Section 5097.5, “Archaeological, Paleontological, and Historical Sites.” This statute defines as a misdemeanor any unauthorized disturbance or removal of a fossil site or remains on public land and specifies that state agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. This statute would apply to any construction or other related project impacts that would occur on state-owned or state-managed lands. The County General Plan contains policies describing specific, enforceable measures to protect cultural resources and the treatment of resources when found.

**Discussion:** In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on Cultural Resources would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or property that is historically or culturally significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;
- Conflict with established recreational, educational, religious or scientific uses of the area; or
- Conflict with adopted environmental plans and goals of the community where it is located.

- a-c. **Historic or Archeological Resources.** Cultural resources analysis includes the potential for discovery and disturbance of paleontological resources. A cultural resources records search was conducted by the North Central Information Center dated February 7, 2017. According to the NCIC, there has been one archaeological study conducted within a ¼ mile radius of the project area. State and Federal inventories list no historic properties within the project area. Further archival and/or field study by a cultural resource professional is not recommended. Impact would be less than significant.
- d. **Human Remains.** Although minor improvements are proposed for this project, there is some likelihood of human remains discovery during any future construction if additional structures are built. Standard conditions of approval to address accidental discovery of human remains would apply during any grading activities. Impacts would be less than significant.

**FINDING:** No significant cultural resources have been identified on the project site. Standard conditions of approval would apply in the event of accidental discovery during any future construction. This project would be anticipated to have a less than significant impact within the Cultural Resources category.

<b>VI. GEOLOGY AND SOILS.</b> <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				<b>X</b>
ii) Strong seismic ground shaking?			<b>X</b>	
iii) Seismic-related ground failure, including liquefaction?				<b>X</b>
iv) Landslides?				<b>X</b>
b. Result in substantial soil erosion or the loss of topsoil?			<b>X</b>	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			<b>X</b>	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			<b>X</b>	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			<b>X</b>	

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) and creation of the National Earthquake Hazards Reduction Program (NEHRP) established a long-term earthquake risk-reduction program to better understand, predict, and mitigate risks associated with seismic events. The following four federal agencies are responsible for coordinating activities under NEHRP: USGS, National Science Foundation (NSF), Federal Emergency Management Agency (FEMA), and National Institute of Standards and Technology (NIST). Since its inception, NEHRP has shifted its focus from earthquake prediction to hazard reduction. The current program objectives (NEHRP 2009) are to:

1. Develop effective measures to reduce earthquake hazards;
2. Promote the adoption of earthquake hazard reduction activities by federal, state, and local governments; national building standards and model building code organizations; engineers; architects; building owners; and others who play a role in planning and constructing buildings, bridges, structures, and critical infrastructure or “lifelines”;
3. Improve the basic understanding of earthquakes and their effects on people and infrastructure through interdisciplinary research involving engineering; natural sciences; and social, economic, and decision sciences; and
4. Develop and maintain the USGS seismic monitoring system (Advanced National Seismic System); the NSF-funded project aimed at improving materials, designs, and construction techniques (George E. Brown Jr. Network for Earthquake Engineering Simulation); and the global earthquake monitoring network (Global Seismic Network).

Implementation of NEHRP objectives is accomplished primarily through original research, publications, and recommendations and guidelines for state, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

### **State Laws, Regulations, and Policies**

#### **Alquist–Priolo Earthquake Fault Zoning Act**

The Alquist–Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 *et seq.*) was passed to reduce the risk to life and property from surface faulting in California. The Alquist–Priolo Act prohibits construction of most types of structures intended for human occupancy on the surface traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones). It also defines criteria for identifying active faults, giving legal weight to terms such as “active,” and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” Before a project can be permitted, cities and counties are required to have a geologic investigation conducted to demonstrate that the proposed buildings would not be constructed across active faults.

Historical seismic activity and fault and seismic hazards mapping in the project vicinity indicate that the area has relatively low potential for seismic activity (El Dorado County 2003). No active faults have been mapped in the project area, and none of the known faults have been designated as an Alquist-Priolo Earthquake Fault Zone.

#### **Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690–2699.6) establishes statewide minimum public safety standards for mitigation of earthquake hazards. While the Alquist–Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist–Priolo Act. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other seismic hazards, and cities and counties are required to regulate development within mapped seismic hazard zones. In addition, the act addresses not only seismically induced hazards but also expansive soils, settlement, and slope stability.

Mapping and other information generated pursuant to the SHMA is to be made available to local governments for planning and development purposes. The State requires: (1) local governments to incorporate site-specific geotechnical hazard investigations and associated hazard mitigation, as part of the local construction permit approval process; and (2) the agent for a property seller or the seller if acting without an agent, must disclose to any prospective buyer if the property is located within a Seismic Hazard Zone. Under the Seismic Hazards Mapping Act, cities and counties may withhold the development

permits for a site within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans.

### California Building Standards Code

Title 24 CCR, also known as the California Building Standards Code (CBC), specifies standards for geologic and seismic hazards other than surface faulting. These codes are administered and updated by the California Building Standards Commission. CBC specifies criteria for open excavation, seismic design, and load-bearing capacity directly related to construction in California.

**Discussion:** A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
- Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
- Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.

a. **Seismic Hazards:**

i) According to the California Department of Conservation Division of Mines and Geology, there are no Alquist-Priolo fault zones within El Dorado County (DOC, 2007). The nearest such faults are located in Alpine and Butte Counties. There would be no impact.

ii) The potential for seismic ground shaking in the project area would be considered remote for the reason stated in Section i) above. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code. All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone. Impacts would be less than significant.

iii) El Dorado County is considered an area with low potential for seismic activity. There are no landslide, liquefaction, or fault zones (DOC, 2007). There would be no impact.

iv) All grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. There would be no impact.

b. **Soil Erosion:** For development proposals, all grading activities onsite would comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance including the implementation of pre- and post-construction Best Management Practices (BMPs). Implemented BMPs are required to be consistent with the County's California Stormwater Pollution Prevention Plan (SWPPP) issued by the State Water Resources Control Board to eliminate run-off and erosion and sediment controls. Any grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado Grading, Erosion, and Sediment Control Ordinance. Any future construction would require review for compliance with the County SWPPP; therefore, impacts would be less than significant.

c. **Geologic Hazards:** Based on the Seismic Hazards Mapping Program administered by the California Geological Survey, no portion of El Dorado County is located in a Seismic Hazard Zone or those areas prone to liquefaction and earthquake-induced landslides (DOC, 2013). Therefore, El Dorado County is not considered to be at risk from liquefaction hazards. Lateral spreading is typically associated with areas experiencing liquefaction. Because liquefaction hazards are not present in El Dorado County, the county is not at risk for lateral spreading. All grading

activities would comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Impacts would be less than significant.

- d. **Expansive Soils:** Expansive soils are those that greatly increase in volume when they absorb water and shrink when they dry out. When buildings are placed on expansive soils, foundations may rise each wet season and fall each dry season. This movement may result in cracking foundations, distortion of structures, and warping of doors and windows. The central portion of the county has a moderate expansiveness rating while the eastern and western portions have a low rating. Linear extensibility is used to determine the shrink-swell potential of soils. No structures for human occupancy would be constructed as part of the proposed project. Any development would be required to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance and the development plans for any homes or other structures would be required to implement the Seismic construction standards. Impacts would be less than significant.
- e. **Septic Capability:** The proposed project could potentially result in the construction of six residences, each with a new septic system. A soil percolation test was conducted on site by a Registered Environmental Health Specialist (REHS) on June 20, 2017, to determine the capability of the soil on site. According to El Dorado County Environmental Management, the soil percolation tests on all three parcels is sufficient for septic system installation. Therefore, impacts would be less than significant.

**FINDING:** A review of the soils and geologic conditions on the project site determined that the project would not result in a substantial adverse effect. All grading activities would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance which would address potential impacts related to soil erosion, landslides and other geologic impacts. Future development would be required to comply with the Uniform Building Code which would address potential seismic related impacts. For this Geology and Soils category, impacts would be less than significant.

<b>VII. GREENHOUSE GAS EMISSIONS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			<b>X</b>	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			<b>X</b>	

**Background/Science**

Cumulative greenhouse gases (GHG) emissions are believed to contribute to an increased greenhouse effect and global climate change, which may result in sea level rise, changes in precipitation, habitat, temperature, wildfires, air pollution levels, and changes in the frequency and intensity of weather-related events. While criteria pollutants and toxic air contaminants are pollutants of regional and local concern (see Section III. Air Quality above); GHG are global pollutants. The primary land-use related GHG are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxides (N<sub>2</sub>O). The individual pollutant’s ability to retain infrared radiation represents its “global warming potential” and is expressed in terms of CO<sub>2</sub> equivalents; therefore CO<sub>2</sub> is the benchmark having a global warming potential of 1. Methane has a global warming potential of 21 and thus has a 21 times greater global warming effect per metric ton of CH<sub>4</sub> than CO<sub>2</sub>. Nitrous Oxide has a global warming potential of 310. Emissions are expressed in annual metric tons of CO<sub>2</sub> equivalent units of measure (i.e., MTCO<sub>2</sub>e/yr). The three other main GHG are Hydroflouorocarbons, Perflouorocarbons, and Sulfur Hexaflouride. While these compounds have significantly higher global warming potentials (ranging in the thousands), all three typically are not a concern in land-use development projects and are usually only used in specific industrial processes.

***GHG Sources***

The primary man-made source of CO<sub>2</sub> is the burning of fossil fuels; the two largest sources being coal burning to produce electricity and petroleum burning in combustion engines. The primary sources of man-made CH<sub>4</sub> are natural gas systems losses (during production, processing, storage, transmission and distribution), enteric fermentation (digestion from livestock) and landfill off-gassing. The primary source of man-made N<sub>2</sub>O is agricultural soil management (fertilizers), with fossil fuel combustion a very distant second. In El Dorado County, the primary source of GHG is fossil fuel combustion mainly in the transportation sector (estimated at 70% of countywide GHG emissions). A distant second are residential sources (approximately 20%), and commercial/industrial sources are third (approximately 7%). The remaining sources are waste/landfill (approximately 3%) and agricultural (<1%).

### **Regulatory Setting:**

#### ***Federal Laws, Regulations, and Policies***

At the federal level, USEPA has developed regulations to reduce GHG emissions from motor vehicles and has developed permitting requirements for large stationary emitters of GHGs. On April 1, 2010, USEPA and the National Highway Traffic Safety Administration (NHTSA) established a program to reduce GHG emissions and improve fuel economy standards for new model year 2012-2016 cars and light trucks. On August 9, 2011, USEPA and the NHTSA announced standards to reduce GHG emissions and improve fuel efficiency for heavy-duty trucks and buses.

#### ***Federal Laws, Regulations, and Policies***

In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the *California Climate Solutions Act of 2006* (Stats. 2006, ch. 488) (Health & Safety Code, Section 38500 et seq.). AB 32 requires a statewide GHG emissions reduction to 1990 levels by the year 2020. AB 32 requires the California Air Resources Board (CARB) to implement and enforce the statewide cap. When AB 32 was signed, California's annual GHG emissions were estimated at 600 million metric tons of CO<sub>2</sub> equivalent (MMTCO<sub>2</sub>e) while 1990 levels were estimated at 427 MMTCO<sub>2</sub>e. Setting 427 MMTCO<sub>2</sub>e as the emissions target for 2020, current (2006) GHG emissions levels must be reduced by 29%. CARB adopted the AB 32 Scoping Plan in December 2008 establishing various actions the state would implement to achieve this reduction (CARB, 2008). The Scoping Plan recommends a community-wide GHG reduction goal for local governments of 15%.

In June 2008, the California Governor's Office of Planning and Research's (OPR) issued a Technical Advisory (OPR, 2008) providing interim guidance regarding a proposed project's GHG emissions and contribution to global climate change. In the absence of adopted local or statewide thresholds, OPR recommends the following approach for analyzing GHG emissions: Identify and quantify the project's GHG emissions, assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or Mitigation Measures that would reduce the impact to less than significant levels (CEC, 2006).

### **Discussion**

CEQA does not provide clear direction on addressing climate change. It requires lead agencies identify project GHG emissions impacts and their "significance," but is not clear what constitutes a "significant" impact. As stated above, GHG impacts are inherently cumulative, and since no single project could cause global climate change, the CEQA test is if impacts are "cumulatively considerable." Not all projects emitting GHG contribute significantly to climate change. CEQA authorizes reliance on previously approved plans (i.e., a Climate Action Plan (CAP), etc.) and mitigation programs adequately analyzing and mitigating GHG emissions to a less than significant level. "Tiering" from such a programmatic-level document is the preferred method to address GHG emissions. El Dorado County does not have an adopted CAP or similar program-level document; therefore, the project's GHG emissions must be addressed at the project-level.

Unlike thresholds of significance established for criteria air pollutants in EDCAQMD's *Guide to Air Quality Assessment* (February 2002) ("CEQA Guide"), the District has not adopted GHG emissions thresholds for land use development projects. In the absence of County adopted thresholds, EDCAQMD recommends using the adopted thresholds of other lead agencies which are based on consistency with the goals of AB 32. Since climate change is a global problem and the location of the individual source of GHG emissions is somewhat irrelevant, it's appropriate to use thresholds established by other jurisdictions as a basis for impact significance determinations. Projects exceeding these thresholds would have a potentially



significant impact and be required to mitigate those impacts to a less than significant level. Until the County adopts a CAP consistent with CEQA Guidelines Section 15183.5, and/or establishes GHG thresholds, the County will follow an interim approach to evaluating GHG emissions utilizing significance criteria adopted by the San Luis Obispo Air Pollution Control District (SLOAPCD) to determine the significance of GHG emissions.

SLOAPCD developed a screening table using CalEEMod which allows quick assessment of projects to “screen out” those below the thresholds as their impacts would be less than significant.

These thresholds are summarized below:

Significance Determination Thresholds	
GHG Emission Source Category	Operational Emissions
Non-stationary Sources	1,150 MTCO <sub>2</sub> e/yr OR 4.9 MT CO <sub>2</sub> e/SP/yr
Stationary Sources	10,000 MTCO <sub>2</sub> e/yr

SP = service population, which is resident population plus employee population of the project

Projects below screening levels identified in **Table 1-1** of SLOAPCD’s CEQA Air Quality Handbook (pp. 1-3, SLOAPCD, 2012) are estimated to emit less than the applicable threshold. For projects below the threshold, no further GHG analysis is required.

- a. The proposed project is a subdivision of a rural residential lot into three parcels. The subdivision will necessitate driveway improvements, allow for an additional three single-family residences, with the potential for accessory dwellings on each new lot. This future construction may involve a small increase in household GHG production. Any future construction would be required to incorporate modern construction and design features that reduce energy consumption to the extent feasible. Implementation of these features would help reduce potential GHG emissions resulting from the development. According to the SLOAPCD Screening Table, the applicable screening level is Single family housing (rural). The proposed project is a subdivision to create three single-family parcels. Based on this equivalency, the GHG emissions from this project are estimated at less than 1,150 metric tons/year, thus, no further analysis for GHG emissions impact is required. Therefore, the proposed project would have a negligible contribution towards statewide GHG inventories and would have a less than significant impact.
- b. Because any future construction-related emissions would be temporary and below the minimum standard for reporting requirements under AB 32, and because any ongoing GHG emissions would be a result of a maximum of six additional households, the proposed project’s GHG emissions would have a negligible cumulative contribution towards statewide and global GHG emissions. The proposed project would not conflict with the objectives of AB 32 or any other applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. According to the SLOAPCD Screening Table, the GHG emissions from this project are estimated at less than 1,150 metric tons/year. Cumulative GHG emissions impacts are considered to be less than significant. Therefore, the proposed project would have a less than significant impact.

**FINDING:** The project would result in less than significant impacts to greenhouse gas emissions. For this Greenhouse Gas Emissions category, there would be no significant adverse environmental effect as a result of the project.

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**Regulatory Setting:**

Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations to protect public health and the environment. These regulations provide definitions of hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. The major federal, state, and regional agencies enforcing these regulations are USEPA and the Occupational Safety and Health Administration (OSHA); California Department of Toxic Substances Control (DTSC); California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); California Governor’s Office of Emergency Services (Cal OES); and EDCAPCD.

***Federal Laws, Regulations, and Policies***

**Comprehensive Environmental Response, Compensation, and Liability Act**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act; 42 USC Section 9601 *et seq.*) is intended to protect the public and the environment from the effects of past hazardous waste disposal activities and new hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties

responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the “Superfund”) for the remediation of hazardous materials contamination. The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) amends some provisions of CERCLA and provides for a Community Right-to-Know program.

#### Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act of 1976 (RCRA; 42 USC Section 6901 *et seq.*), as amended by the Hazardous and Solid Waste Amendments of 1984, is the primary federal law for the regulation of solid waste and hazardous waste in the United States. These laws provide for the “cradle-to-grave” regulation of hazardous wastes, including generation, transportation, treatment, storage, and disposal. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of.

USEPA has primary responsibility for implementing RCRA, but individual states are encouraged to seek authorization to implement some or all RCRA provisions. California received authority to implement the RCRA program in August 1992. DTSC is responsible for implementing the RCRA program in addition to California’s own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law.

#### Energy Policy Act of 2005

Title XV, Subtitle B of the Energy Policy Act of 2005 (the Underground Storage Tank Compliance Act of 2005) contains amendments to Subtitle I of the Solid Waste Disposal Act, the original legislation that created the Underground Storage Tank (UST) Program. As defined by law, a UST is “any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.” In cooperation with USEPA, SWRCB oversees the UST Program. The intent is to protect public health and safety and the environment from releases of petroleum and other hazardous substances from tanks. The four primary program elements include leak prevention (implemented by Certified Unified Program Agencies [CUPAs], described in more detail below), cleanup of leaking tanks, enforcement of UST requirements, and tank integrity testing.

#### Spill Prevention, Control, and Countermeasure Rule

USEPA's Spill Prevention, Control, and Countermeasure (SPCC) Rule (40 CFR, Part 112) apply to facilities with a single above-ground storage tank (AST) with a storage capacity greater than 660 gallons, or multiple tanks with a combined capacity greater than 1,320 gallons. The rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans.

#### Occupational Safety and Health Administration

OSHA is responsible at the federal level for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

#### Federal Communications Commission Requirements

There is no federally mandated radio frequency (RF) exposure standard; however, pursuant to the Telecommunications Act of 1996 (47 USC Section 224), the Federal Communications Commission (FCC) established guidelines for dealing with RF exposure, as presented below. The exposure limits are specified in 47 CFR Section 1.1310 in terms of frequency, field strength, power density, and averaging time. Facilities and transmitters licensed and authorized by FCC must either comply with these limits or an applicant must file an environmental assessment (EA) with FCC to evaluate whether the proposed facilities could result in a significant environmental effect.

FCC has established two sets of RF radiation exposure limits—Occupational/Controlled and General Population/Uncontrolled. The less-restrictive Occupational/Controlled limit applies only when a person (worker) is exposed

as a consequence of his or her employment and is “fully aware of the potential exposure and can exercise control over his or her exposure,” otherwise the General Population limit applies (47 CFR Section 1.1310).

The FCC exposure limits generally apply to all FCC-licensed facilities (47 CFR Section 1.1307[b][1]). Unless exemptions apply, as a condition of obtaining a license to transmit, applicants must certify that they comply with FCC environmental rules, including those that are designed to prevent exposing persons to radiation above FCC RF limits (47 CFR Section 1.1307[b]). Licensees at co-located sites (e.g., towers supporting multiple antennas, including antennas under separate ownerships) must take the necessary actions to bring the accessible areas that exceed the FCC exposure limits into compliance. This is a shared responsibility of all licensees whose transmission power density levels account for 5.0 or more percent of the applicable FCC exposure limits (47CFR 1.1307[b][3]).

#### Code of Federal Regulations (14 CFR) Part 77

14 CFR Part 77.9 is designed to promote air safety and the efficient use of navigable airspace. Implementation of the code is administered by the Federal Aviation Administration (FAA). If an organization plans to sponsor any construction or alterations that might affect navigable airspace, a Notice of Proposed Construction or Alteration (FAA Form 7460-1) must be filed. The code provides specific guidance regarding FAA notification requirements.

#### ***State Laws, Regulations, and Policies***

##### Safe Drinking Water and Toxic Enforcement Act of 1986 – Proposition 65

The Safe Drinking Water and Toxic Enforcement Act of 1986, more commonly known as Proposition 65, protects the state’s drinking water sources from contamination with chemicals known to cause cancer, birth defects, or other reproductive harm. Proposition 65 also requires businesses to inform the public of exposure to such chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. In accordance with Proposition 65, the California Governor’s Office publishes, at least annually, a list of such chemicals. OEHHA, an agency under the California Environmental Protection Agency (CalEPA), is the lead agency for implementation of the Proposition 65 program. Proposition 65 is enforced through the California Attorney General’s Office; however, district and city attorneys and any individual acting in the public interest may also file a lawsuit against a business alleged to be in violation of Proposition 65 regulations.

##### The Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. CalEPA and other state agencies set the standards for their programs, while local governments (CUPAs) implement the standards. For each county, the CUPA regulates/oversees the following:

- Hazardous materials business plans;
- California accidental release prevention plans or federal risk management plans;
- The operation of USTs and ASTs;
- Universal waste and hazardous waste generators and handlers;
- On-site hazardous waste treatment;
- Inspections, permitting, and enforcement;
- Proposition 65 reporting; and
- Emergency response.

##### Hazardous Materials Business Plans

Hazardous materials business plans are required for businesses that handle hazardous materials in quantities greater than or equal to 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet (cf) of compressed gas, or extremely hazardous substances above the threshold planning quantity (40 CFR, Part 355, Appendix A) (Cal OES, 2015). Business plans are required to include an inventory of the hazardous materials used/stored by the business, a site map, an emergency plan, and a training program for employees (Cal OES, 2015). In addition, business plan information is provided electronically to a

statewide information management system, verified by the applicable CUPA, and transmitted to agencies responsible for the protection of public health and safety (i.e., local fire department, hazardous material response team, and local environmental regulatory groups) (Cal OES, 2015).

#### California Occupational Safety and Health Administration

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations pertaining to the use of hazardous materials in the workplace (CCR Title 8) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about exposure to hazardous substances, and preparation of emergency action and fire prevention plans.

Hazard communication program regulations that are enforced by Cal/OSHA require workplaces to maintain procedures for identifying and labeling hazardous substances, inform workers about the hazards associated with hazardous substances and their handling, and prepare health and safety plans to protect workers at hazardous waste sites. Employers must also make material safety data sheets available to employees and document employee information and training programs. In addition, Cal/OSHA has established maximum permissible RF radiation exposure limits for workers (Title 8 CCR Section 5085[b]), and requires warning signs where RF radiation might exceed the specified limits (Title 8 CCR Section 5085 [c]).

#### California Accidental Release Prevention

The purpose of the California Accidental Release Prevention (CalARP) program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. In accordance with this program, businesses that handle more than a threshold quantity of regulated substance are required to develop a risk management plan (RMP). This RMP must provide a detailed analysis of potential risk factors and associated mitigation measures that can be implemented to reduce accident potential. CUPAs implement the CalARP program through review of RMPs, facility inspections, and public access to information that is not confidential or a trade secret.

#### California Department of Forestry and Fire Protection Wildland Fire Management

The Office of the State Fire Marshal and the California Department of Forestry and Fire Protection (CAL FIRE) administer state policies regarding wildland fire safety. Construction contractors must comply with the following requirements in the Public Resources Code during construction activities at any sites with forest-, brush-, or grass-covered land:

- Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442).
- Appropriate fire-suppression equipment must be maintained from April 1 to December 1, the highest-danger period for fires (Public Resources Code Section 4428).
- On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor must maintain the appropriate fire suppression equipment (Public Resources Code Section 4427).
- On days when a burning permit is required, portable tools powered by gasoline fueled internal combustion engines must not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

#### California Highway Patrol

CHP, along with Caltrans, enforce and monitor hazardous materials and waste transportation laws and regulations in California. These agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roads. All motor carriers and drivers involved in transportation of hazardous materials must apply for and obtain a hazardous materials transportation license from CHP.

#### ***Local Laws, Regulations, and Policies***

A map of the fuel loading in the County (General Plan Figure HS-1) shows the fire hazard severity classifications of the SRAs in El Dorado County, as established by CDF. The classification system provides three classes of fire hazards: Moderate, High, and Very High. Fire Hazard Ordinance (Chapter 8.08) requires defensible space as described by the State

Public Resources Code, including the incorporation and maintenance of a 30-foot fire break or vegetation fuel clearance around structures in fire hazard zones. The County’s requirements on emergency access, signing and numbering, and emergency water are more stringent than those required by state law (Patton 2002). The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

**Discussion:** A substantial adverse effect due to Hazards or Hazardous Materials would occur if implementation of the project would:

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
- Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
- Expose people to safety hazards as a result of former on-site mining operations.

a-c. **Hazardous Materials:** The project would not involve the routine transportation, use, or disposal of hazardous materials such as construction materials, paints, fuels, landscaping materials, and household cleaning supplies. The additional housing units may produce small amounts of household cleaners or other hazardous materials on a small scale. The impact would be less than significant.

d. **Hazardous Sites:** The project site is not included on a list of or near any hazardous materials sites pursuant to Government Code section 65962.5 (DTSC, 2015). There would be no impact.

e-f. **Aircraft Hazards, Private Airstrips:** As shown on the El Dorado County Zoning Map, the project is not located within an Airport Safety District combining zone or near a public airport or private airstrip. There would be no impact.

g. **Emergency Plan:** The project was reviewed by the Lake Valley Fire Protection District/Transportation Division/California Department of Forestry And Fire Protection (Cal Fire) for circulation. The proposed project would not impair implementation of any emergency response plan or emergency evacuation plan. The proposed access to all three parcels is from a side frontage road within Highway 50 right of way. Any proposed improvements for this proposed Parcel Map would require complying with all regulations and standards for new roads or major improvements. These improvements will be built to the satisfaction of the Fire District and CALFIRE. Impacts would be less than significant.

h. **Wildfire Hazards:** The project site is in an area of both moderate and high fire hazard for wildland fire pursuant to Figure 5.8-4 of the 2004 General Plan Draft EIR. The El Dorado County General Plan Safety Element precludes development in areas of high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. Impacts would be less than significant.

**FINDING:** The proposed project would not expose the area to hazards relating to the use, storage, transport, or disposal of hazardous materials. For this Hazards and Hazardous Materials category, impacts would be less than significant.

<b>IX. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

<b>IX. HYDROLOGY AND WATER QUALITY. Would the project:</b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?			X	
a. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or -off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

Clean Water Act

The Clean Water Act (CWA) is the primary federal law that protects the quality of the nation’s surface waters, including lakes, rivers, and coastal wetlands. The key sections pertaining to water quality regulation for the Proposed Project are CWA Section 303 and Section 402.

*Section 303(d) — Listing of Impaired Water Bodies*

Under CWA Section 303(d), states are required to identify “impaired water bodies” (those not meeting established water quality standards), identify the pollutants causing the impairment, establish priority rankings for waters on the list, and develop a schedule for the development of control plans to improve water quality. USEPA then approves the State’s recommended list of impaired waters or adds and/or removes waterbodies.

#### *Section 402—NPDES Permits for Stormwater Discharge*

CWA Section 402 regulates construction-related stormwater discharges to surface waters through the NPDES, which is officially administered by USEPA. In California, USEPA has delegated its authority to the State Water Resources Control Board (SWRCB), which, in turn, delegates implementation responsibility to the nine RWQCBs, as discussed below in reference to the Porter-Cologne Water Quality Control Act.

The NPDES program provides for both general (those that cover a number of similar or related activities) and individual (activity- or project-specific) permits. General Permit for Construction Activities: Most construction projects that disturb 1.0 or more acre of land are required to obtain coverage under SWRCB’s General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). The general permit requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). SWPPP must include a site map and a description of the proposed construction activities, demonstrate compliance with relevant local ordinances and regulations, and present a list of Best Management Practices (BMPs) that will be implemented to prevent soil erosion and protect against discharge of sediment and other construction-related pollutants to surface waters. Permittees are further required to monitor construction activities and report compliance to ensure that BMPs are correctly implemented and are effective in controlling the discharge of construction-related pollutants.

#### Municipal Stormwater Permitting Program

SWRCB regulates stormwater discharges from municipal separate storm sewer systems (MS4s) through its Municipal Storm Water Permitting Program (SWRCB, 2013). Permits are issued under two phases depending on the size of the urbanized area/municipality. Phase I MS4 permits are issued for medium (population between 100,000 and 250,000 people) and large (population of 250,000 or more people) municipalities, and are often issued to a group of co-permittees within a metropolitan area. Phase I permits have been issued since 1990. Beginning in 2003, SWRCB began issuing Phase II MS4 permits for smaller municipalities (population less than 100,000).

El Dorado County is covered under two SWRCB Regional Boards. The West Slope Phase II Municipal Separate Storm Sewer Systems (MS4) NPDES Permit is administered by the Central Valley Regional Water Quality Control Board (RWQCB) (Region Five). The Lake Tahoe Phase I MS4 NPDES Permit is administered by the Lahontan RWQCB (Region Six). The current West Slope MS4 NPDES Permit was adopted by the SWRCB on February 5, 2013. The Permit became effective on July 1, 2013 for a term of five years and focuses on the enhancement of surface water quality within high priority urbanized areas. The current Lake Tahoe MS4 NPDES Permit was adopted and took effect on December 6, 2011 for a term of five years. The Permit incorporated the Lake Tahoe Total Maximum Daily Load (TMDL) and the Lake Clarity Crediting Program (LCCP) to account for the reduction of fine sediment particles and nutrients discharged to Lake Tahoe.

On May 19, 2015 the El Dorado County Board of Supervisors formally adopted revisions to the Storm Water Quality Ordinance (Ordinance 4992). Previously applicable only to the Lake Tahoe Basin, the ordinance establishes legal authority for the entire unincorporated portion of the County. The purpose of the ordinance is to 1) protect health, safety, and general welfare, 2) enhance and protect the quality of Waters of the State by reducing pollutants in storm water discharges to the maximum extent practicable and controlling non-storm water discharges to the storm drain system, and 3) cause the use of Best Management Practices to reduce the adverse effects of polluted runoff discharges on Waters of the State.

#### National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities complying with FEMA regulations that limit development in floodplains. The NFIP regulations permit development within special flood hazard zones provided that residential structures are raised above the base flood elevation of a 100-year flood event. Non-residential structures are required either to provide flood proofing



construction techniques for that portion of structures below the 100-year flood elevation or to elevate above the 100-year flood elevation. The regulations also apply to substantial improvements of existing structures.

### *State Laws, Regulations, and Policies*

#### Porter–Cologne Water Quality Control Act

The Porter–Cologne Water Quality Control Act (known as the Porter–Cologne Act), passed in 1969, dovetails with the CWA (see discussion of the CWA above). It established the SWRCB and divided the state into nine regions, each overseen by an RWQCB. SWRCB is the primary State agency responsible for protecting the quality of the state’s surface water and groundwater supplies; however, much of the SWRCB’s daily implementation authority is delegated to the nine RWQCBs, which are responsible for implementing CWA Sections 401, 402, and 303[d]. In general, SWRCB manages water rights and regulates statewide water quality, whereas RWQCBs focus on water quality within their respective regions.

The Porter–Cologne Act requires RWQCBs to develop water quality control plans (also known as basin plans) that designate beneficial uses of California’s major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter–Cologne Act, basin plans must be updated every 3 years.

**Discussion:** A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

- Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
  - Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
  - Substantially interfere with groundwater recharge;
  - Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or
  - Cause degradation of groundwater quality in the vicinity of the project site.
- a. **Water Quality Standards:** No waste discharge will occur as part of this project. The proposed new driveway would require an encroachment permit and would undergo review to determine if any further actions or approvals are needed, including any measures for soil and sediment control in compliance with the County SWPPP. Erosion control would be required as part of any future building or grading permit. Stormwater runoff from potential development would contain water quality protection features in accordance with potential National Pollutant Discharge Elimination System (NPDES) stormwater permit, as deemed applicable. The project would not be anticipated to violate water quality standards. Impacts would be less than significant.
- b. **Groundwater Supplies:** The geology of the Western Slope portion of El Dorado County is principally hard, crystalline, igneous, or metamorphic rock overlain with a thin mantle of sediment or soil. Groundwater in this region is found in fractures, joints, cracks, and fault zones within the bedrock mass. These discrete fracture areas are typically vertical in orientation rather than horizontal as in sedimentary or alluvial aquifers. Recharge is predominantly through rainfall infiltrating into the fractures. Movement of this groundwater is very limited due to the lack of porosity in the bedrock. Wells are typically drilled to depths ranging from 80 to 300 feet in depth. There is no evidence that the project will substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. A new private well for each lot would be required. For the final map, applicant would need to prove that all parcels would have a safe and reliable water source that meets the minimum criteria of EDC policy 800-02. The project is not anticipated to affect potential groundwater supplies above pre-project levels. Impacts would be less than significant.
- c-f. **Drainage Patterns:** No waters or wetlands are visible on aerial or ground level photographs. The project site is sloped and well-drained, reducing the likelihood of any substantial cover or wetlands. The proposed level of land-

use, 10-acre minimum parcels, makes the avoidance of any small poorly-drained areas feasible. Access to Highway 50 would require an encroachment permit and will undergo review to determine if any further actions or approvals are needed, including any measures for soil and sediment control. A grading permit through Community Development Services would be required to address grading, erosion and sediment control for any future construction. Construction activities would be required to adhere to the El Dorado County Grading, Erosion Control and Sediment Ordinance. This includes the use of Best Management Practices (BMPs) to minimize degradation of water quality during construction. With the application of standard requirements, impacts would be less than significant.

g-j. **Flood-related Hazards:** The project site is not located within any mapped 100-year flood areas and would not result in the construction of any structures that would impeded or redirect flood flows (FEMA, 2008). No dams which would result in potential hazards related to dam failures are located in the project area. The risk of exposure to seiche, tsunami, or mudflows would be remote. There would be no impact.

**FINDING:** The proposed project would be required to address any potential erosion and sediment control. No significant hydrological impacts are expected with the development of the project either directly or indirectly. For this hydrology category, impacts are anticipated to be less than significant.

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

**Regulatory Setting:**

California State law requires that each City and County adopt a general plan "for the physical development of the City and any land outside its boundaries which bears relation to its planning." Typically, a general plan is designed to address the issues facing the City or County for the next 15-20 years. The general plan expresses the community's development goals and incorporates public policies relative to the distribution of future public and private land uses. The El Dorado County General Plan was adopted in 2004. The 2013-2021 Housing Element was adopted in 2013.

**Discussion:** A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
- Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
- Result in conversion of undeveloped open space to more intensive land uses;
- Result in a use substantially incompatible with the existing surrounding land uses; or
- Conflict with adopted environmental plans, policies, and goals of the community.

- a. **Established Community:** The project is located within the Rural Region of Echo Summit area of South Lake Tahoe. The project is surrounded by single-family residential development on large lots and forest resource land to the North. The project would not conflict with the existing land use pattern in the area or physically divide an established community. There would be no impact.
- b. **Land Use Consistency:** The parcel has a land use designation of Rural Residential (RR) and a zoning designation of Rural Lands Ten-Acres (RL-10). This land use designation establishes areas for residential and agricultural development. The maximum allowable density shall be one dwelling unit per 10 to 160 acres. The site is in a rural region, and land use proposed for the site is residential. As shown on the site plan, the proposed lots range 10.0 and 18.54 acres. The proposed project is compatible with the land use designation. There would be no impact.
- c. **Habitat Conservation Plan:** The project site is not within the boundaries of an adopted Natural Community Conservation Plan or any other conservation plan. As such, the proposed project would not conflict with an adopted conservation plan. There would be no impact.

**FINDING:** The proposed use of the land would be consistent with the Zoning Ordinance and General Plan. There would be no impact to land use goals or standards resulting from the project.

<b>XI. MINERAL RESOURCES. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				<b>X</b>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<b>X</b>

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

No federal laws, regulations, or policies apply to mineral resources and the Proposed Project.

**State Laws, Regulations, and Policies**

**Surface Mining and Reclamation Act**

The Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Mining and Geology Board identify, map, and classify aggregate resources throughout California that contain regionally significant mineral resources. Designations of land areas are assigned by CDC and California Geological Survey following analysis of geologic reports and maps, field investigations, and using information about the locations of active sand and gravel mining operations. Local jurisdictions are required to enact planning procedures to guide mineral conservation and extraction at particular sites and to incorporate mineral resource management policies into their general plans.

The California Mineral Land Classification System represents the relationship between knowledge of mineral deposits and their economic characteristics (grade and size). The nomenclature used with the California Mineral Land Classification

System is important in communicating mineral potential information in activities such as mineral land classification, and usage of these terms are incorporated into the criteria developed for assigning mineral resource zones. Lands classified MRZ-2 are areas that contain identified mineral resources. Areas classified as MRZ-2a or MRZ-2b (referred to hereafter as MRZ-2) are considered important mineral resource areas.

**Local Laws, Regulations, and Policies**

El Dorado County in general is considered a mining region capable of producing a wide variety of mineral resources. Metallic mineral deposits, including gold, are considered the most significant extractive mineral resources. Exhibit 5.9-6 shows the MRZ-2 areas within the county based on designated Mineral Resource (-MR) overlay areas. The -MR overlay areas are based on mineral resource mapping published in the mineral land classification reports referenced above. The majority of the county’s important mineral resource deposits are concentrated in the western third of the county.

According to General Plan Policy 2.2.2.7, before authorizing any land uses within the -MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses. Where the affected minerals are of regional significance, the County shall consider the importance of these minerals to their market region as a whole and not just their importance to the County.

Where the affected minerals are of Statewide significance, the County shall consider the importance of these minerals to the State and Nation as a whole. The County may approve the alternative land use if it determines that the benefits of such uses outweigh the potential or certain loss of the affected mineral resources in the affected regional, Statewide, or national market.

**Discussion:** A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.

a-b. **Mineral Resources.** The project site has not been delineated in the El Dorado County General Plan as a locally important mineral resource recovery site (2003, Exhibits 5.9-6 and 5.9-7). Review of the California Department of Conservation Geologic Map data showed that the project site is not within a mineral resource zone district. There would be no impact.

**FINDING:** No impacts to mineral resources are expected either directly or indirectly. For this mineral resources category, there would be no impacts.

<b>XII.NOISE.</b> <i>Would the project result in:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

<b>XII.NOISE.</b> <i>Would the project result in:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise level?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Regulatory Setting:**

No federal or state laws, regulations, or policies for construction-related noise and vibration that apply to the Proposed Project. However, the Federal Transit Administration (FTA) Guidelines for Construction Vibration in Transit Noise and Vibration Impact Assessment state that for evaluating daytime construction noise impacts in outdoor areas, a noise threshold of 90 dBA Leq and 100 dBA Leq should be used for residential and commercial/industrial areas, respectively (FTA 2006).

For construction vibration impacts, the FTA guidelines use an annoyance threshold of 80 VdB for infrequent events (fewer than 30 vibration events per day) and a damage threshold of 0.12 inches per second (in/sec) PPV for buildings susceptible to vibration damage (FTA 2006).

**Discussion:** A substantial adverse effect due to Noise would occur if the implementation of the project would:

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60dBA CNEL;
- Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3dBA, or more; or
- Results in noise levels inconsistent with the performance standards contained in Table 130.37.060.1 and Table 130.37.060.2 of the El Dorado County Zoning Ordinance.

<b>TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES</b>						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community	Rural	Community	Rural	Community	Rural
Hourly Leq, dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	<b>50</b>

a. **Noise Exposures:** The proposed project will not expose people to noise levels in excess of standards established in the General Plan or Zoning Ordinance. The driveways and new home construction would require the use of trucks and minor fill and grading, which may result in short-term noise impacts to surrounding neighbors. These activities

require an encroachment permit and would be restricted to construction hours pursuant to the General Plan. There could be additional noise associated with the additional dwelling unit. However, the project is not expected to generate noise levels exceeding the performance standards contained within the Zoning Ordinance.

An Environmental Noise Assessment (Bollard Acoustical Consultants, Inc., 2017)(Attachment 2) was prepared for the project in February 23, 2017. The Environmental Noise Assessment identified that the project could have a substantial adverse effect on future residents on the site depending on the building sites distance from the US Highway 50. The following mitigation measure is proposed to avoid any impact of noise exposure for the future residents:

Mitigation Measure NOI-1: If the building façade is located 100 feet or closer from the centerline of the Highway 50, the Environmental Noise Assessment for the C&J Parcel Map indicates that STC-27 windows would be required at first-floor facades, and STC-32 windows would be required at upper-floor facades.

The noise associated with the project would be less than significant with the above mitigation measure.

- b. **Groundborne Shaking:** Future construction may generate short-term ground borne vibration or shaking events during project construction. Impacts are anticipated to be less than significant.
- c. **Permanent Noise Increases:** The project includes the proposed development of three additional single-family homes, with the potential to add an additional dwelling unit on each proposed lot. The long term noise associated with these additional homes would not be expected to exceed the noise standards contained in the General Plan. The impacts would be considered less than significant.
- d. **Short Term Noise:** These activities would be restricted to construction hours. All construction and grading operations would be required to comply with the noise performance standards contained in the General Plan. Impacts would be less than significant.
- e-f. **Aircraft Noise:** The project is not located near any airports or airstrips. The impact would be less than significant.

**FINDING:** As conditioned, and with adherence to County Code, no significant direct or indirect impacts to noise levels are expected either directly or indirectly. For this Noise category, the thresholds of significance would not be exceeded.

<b>XIII. POPULATION AND HOUSING. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure)?			<b>X</b>	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>

**Regulatory Setting:**

No federal or state laws, regulations, or policies apply to population and housing and the proposed project.

**Discussion:** A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- Create substantial growth or concentration in population;
- Create a more substantial imbalance in the County’s current jobs to housing ratio; or
- Conflict with adopted goals and policies set forth in applicable planning documents.

- a. **Population Growth:** The proposed project would include three lots each with one new residence. If a secondary dwelling unit was constructed on all three residential lots in the future, the population could increase by up to 36 persons. This potential additional population would not be considered a significant population growth. Therefore, impacts would be less than significant.
- b. **Housing Displacement:** The project would result in the creation of four residential lots. The lots are currently vacant. No existing housing stock would be displaced by the proposed project. There would be no impact.
- c. **Replacement Housing:** The proposed project would provide up to 6 new residences. No persons would be displaced by the proposed project. There would be no impact.

**FINDING:** The project would not displace housing. There would be no potential for a significant impact due to substantial growth either directly or indirectly. For this Population and Housing category, the thresholds of significance would not be anticipated to be exceeded.

<b>XIV. PUBLIC SERVICES.</b> <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Fire protection?			<b>X</b>	
b. Police protection?			<b>X</b>	
c. Schools?			<b>X</b>	
d. Parks?			<b>X</b>	
e. Other government services?			<b>X</b>	

**Regulatory Setting:**

*Federal Laws, Regulations, and Policies*

### California Fire Code

The California Fire Code (Title 24 CCR, Part 9) establishes minimum requirements to safeguard public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings. Chapter 33 of CCR contains requirements for fire safety during construction and demolition.

**Discussion:** A substantial adverse effect on Public Services would occur if the implementation of the project would:

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department's/District's goal of 1.5 firefighters per 1,000 residents and 2 firefighters per 1,000 residents, respectively;
  - Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff's Department goal of one sworn officer per 1,000 residents;
  - Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
  - Place a demand for library services in excess of available resources;
  - Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
  - Be inconsistent with County adopted goals, objectives or policies.
- a. **Fire Protection:** The Lake valley Fire Protection District provides fire protection to the site. The project must prepare and adhere to the approved Wildland Fire Safe Plan for emergency vehicle access including roadway widths and turning radii, fire flow and sprinkler requirements, and vehicle ingress/egress. Compliance with these requirements will assure adequate emergency access and evacuation routes. If any additional dwelling units are proposed in the future, the Fire District would review the building permit application and include any fire protection measures at the time. Impacts would be less than significant.
- b. **Police Protection:** Police services would continue to be provided by the El Dorado County Sheriff's Department. Three additional dwelling units are proposed. Any eventual addition of one accessory dwelling unit per parcel would not increase demand for law enforcement protection. Impacts would be less than significant.
- c-e. **Schools:** As a result of project approval, potential new dwelling units constructed in the future could add a small number of additional students. The impact would be less than significant.
- d. **Parks.** Three new single-family homes are proposed for construction on the new Parcels, and one additional accessory dwelling unit could be constructed by right on each lot. Any additional residents would not substantially increase the local population and therefore no substantially increase the use of parks and recreational facilities. The dedication of land, the payment of fees in lieu thereof or a combination of both for park and recreational purposes would be required, pursuant to the provisions of Sections 120.12.090 through 120.12.110, as a condition of approval for any parcel map which creates parcels less than 20 acres in size. With the payment of park in-lieu fees, impacts would be less than significant.
- e. **Government Services.** There are no services that would be significantly impacted as a result of the project. Impacts would be less than significant.

**FINDING:** The project would not result in a significant increase of public services to the project. Increased demand to services would be addressed through the payment of established impact fees. For this Public Services category, impacts would be less than significant.



<b>XV. RECREATION.</b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			<b>X</b>	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			<b>X</b>	

**Regulatory Setting:**

National Trails System

The National Trails System Act of 1968 authorized The National Trails System (NTS) in order to provide additional outdoor recreation opportunities and to promote the preservation of access to the outdoor areas and historic resources of the nation. The Appalachian and Pacific Crest National Scenic Trails were the first two components, and the System has grown to include 20 national trails.

The National Trails System includes four classes of trails:

1. National Scenic Trails (NST) provide outdoor recreation and the conservation and enjoyment of significant scenic, historic, natural, or cultural qualities. The Pacific Coast Trail falls under this category. The PCT passes through the Desolation Wilderness area along the western plan area boundary.
2. National Historic Trails (NHT) follow travel routes of national historic significance. The National Park Service has designated two National Historic Trail (NHT) alignments that pass through El Dorado County, the California National Historic Trail and the Pony Express National Historic Trail. The California Historic Trail is a route of approximately 5,700 miles including multiple routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon. The Pony Express NHT commemorates the route used to relay mail via horseback from Missouri to California before the advent of the telegraph.
3. National Recreation Trails (NRT) are in, or reasonably accessible to, urban areas on federal, state, or private lands. In El Dorado County there are 5 NRTs.

***State Laws, Regulations, and Policies***

The California Parklands Act

The California Parklands Act of 1980 (Public Resources Code Section 5096.141-5096.143) recognizes the public interest for the state to acquire, develop, and restore areas for recreation and to aid local governments to do the same. The California Parklands Act also identifies the necessity of local agencies to exercise vigilance to see that the parks, recreation areas, and recreational facilities they now have are not lost to other uses.

The California state legislature approved the California Recreational Trail Act of 1974 (Public Resources Code Section 2070-5077.8) requiring that the Department of Parks and Recreation prepare a comprehensive plan for California trails. The California Recreational Trails Plan is produced for all California agencies and recreation providers that manage trails. The Plan includes information on the benefits of trails, how to acquire funding, effective stewardship, and how to encourage cooperation among different trail users.

The 1975 Quimby Act (California Government Code Section 66477) requires residential subdivision developers to help mitigate the impacts of property improvements by requiring them to set aside land, donate conservation easements, or pay fees for park improvements. The Quimby Act gave authority for passage of land dedication ordinances to cities and counties for parkland dedication or in-lieu fees paid to the local jurisdiction. Quimby exactions must be roughly proportional and closely tied (nexus) to a project’s impacts as identified through traffic studies required by CEQA. The exactions only apply to the acquisition of new parkland; they do not apply to the physical development of new park facilities or associated operations and maintenance costs.

The County implements the Quimby Act through §16.12.090 of the County Code. The County Code sets standards for the acquisition of land for parks and recreational purposes, or payments of fees in lieu thereof, on any land subdivision. Other projects, such as ministerial residential or commercial development, could contribute to the demand for park and recreation facilities without providing land or funding for such facilities.

**Local Laws, Regulations, and Policies**

The 2004 El Dorado County General Plan Parks and Recreation Element establishes goals and policies that address needs for the provision and maintenance of parks and recreation facilities in the county, with a focus on providing recreational opportunities and facilities on a regional scale, securing adequate funding sources, and increasing tourism and recreation-based businesses. The Recreation Element describes the need for 1.5 acres of regional parkland, 1.5 acres of community parkland, and 2 acres of neighborhood parkland per 1,000 residents. Another 95 acres of park land are needed to meet the General Plan guidelines.

**Discussion:** A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
  - Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.
- a. **Parks.** Three new single-family homes are proposed for the site, and one additional unit could be constructed by right on each lot. Any additional units would not increase the local population substantially, and therefore would not substantially increase the use of parks and recreational facilities. The dedication of land, the payment of fees in lieu thereof or a combination of both for park and recreational purposes would be required, pursuant to the provisions of Sections 120.12.090 through 120.12.110, as a condition of approval for any parcel map, which creates parcels less than 20 acres in size. With the payment of park in-lieu fees, impacts would be less than significant.
- b. **Recreational Services.** The project would not include additional recreation services or sites as part of the project. Impacts would be less than significant.

**FINDING:** No significant impacts to open space or park facilities would result as part of the project. For this Recreation category, impacts would be less than significant.

<b>XVI. TRANSPORTATION/TRAFFIC. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

<b>XVI. TRANSPORTATION/TRAFFIC. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			<b>X</b>	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			<b>X</b>	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<b>X</b>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			<b>X</b>	
e. Result in inadequate emergency access?			<b>X</b>	
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				<b>X</b>

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal laws, regulations, or policies apply to transportation/traffic and the Proposed Project.

***State Laws, Regulations, and Policies***

Caltrans manages the state highway system and ramp interchange intersections. This state agency is also responsible for highway, bridge, and rail transportation planning, construction, and maintenance.

***Local Laws, Regulations, and Policies***

According to the transportation element of the County General Plan, Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions. Level of Service is defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council). There are some roadway segments that are exempted from these standards and are allowed to operate at LOS F, although none of these are located in the Lake Tahoe Basin. According to Policy TC-Xe, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A two percent increase in traffic during a.m., p.m. peak hour, or daily
- B. The addition of 100 or more daily trips, or

C. The addition of 10 or more trips during the a.m. or p.m. peak hour.

**Discussion:** The Transportation and Circulation Policies contained in the County General Plan establish a framework for review of thresholds of significance and identification of potential impacts of new development on the County's road system. These policies are enforced by the application of the Transportation Impact Study (TIS) Guidelines, the County Design and Improvements Standards Manual, and the County Encroachment Ordinance, with review of individual development projects by the Transportation and Long Range Planning Divisions of the Community Development Agency. A substantial adverse effect to traffic would occur if the implementation of the project would:

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
  - Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
  - Result in or worsen Level of Service (LOS) F traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 5 or more units.
- a. **Traffic Increases:** No substantial traffic increases would result from the proposed project, as the project would create three additional residential parcels, which would not result in an increase in traffic exceeding the thresholds established by the General Plan. Access to the site would be from a side frontage road within Highway 50 right of way and proposed driveways. Impacts would be less than significant.
- b. **Levels of Service Standards:** Comments concerning the proposed facility were received from the Transportation Division and do not indicate that the LOS would be significantly impacted by the proposed project. Although the new lot would allow for up to two new dwelling units on each of the three new parcels, the LOS established by the County would not be exceeded by the project and the surrounding road circulation system would not be impacted. The impact would be less than significant.
- c. **Air Traffic:** The site is not located adjacent to an airport or within an Airport Safety District. The creation of three residential parcels would not result in a change in air traffic patterns or create an air traffic hazard. There would be no impact.
- d. **Design Hazards:** The design and location of the project is not anticipated to create any significant hazards. The side frontage road within Highway 50 right of way currently serves the existing cabins near the site, and is a California Department of Transportation (Caltrans) maintained road. The impact would be less than significant.
- e. **Emergency Access:** Access to the parcels would be from a side frontage road within Highway 50 right of way and proposed driveways. The project was reviewed by the Transportation Division, Lake Valley Fire Protection District, and CALFIRE to ensure the adequate access would be provided to meet Fire Safe standards and conform to the County Design Improvement Standards Manual. With the inclusion of the Transportation Division, Fire District, and CALFIRE conditions, impacts would be less than significant.
- f. **Alternative Transportation.** The project would not conflict with adopted plans, policies or programs relating to alternative transportation. There is no public transit, bicycle lanes, or pedestrian paths at this property or along the side frontage within Highway 50 right of way. There would be no impact.

**FINDING:** The project would not exceed the thresholds for traffic identified within the General Plan. For this Transportation/Traffic category, the thresholds of significance would not be exceeded and impacts would be less than significant.

<b>XVII. TRIBAL CULTURAL RESOURCES.</b> <i>Would the project:</i>
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Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			<b>X</b>	
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			<b>X</b>	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal laws, regulations, or policies apply to Tribal Cultural Resources (TCRs) and the Proposed Project.

***State Laws, Regulations, and Policies***

**Assembly Bill (AB) 52**

AB 52, which was approved in September 2014 and effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. The bill, chaptered in CEQA Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

1. Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
  - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

- b. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- c. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that

include avoidance and preservation of TCRs and treating TRCs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

**Discussion:**

In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a TCR significant or important. To be considered a TCR, a resource must be either: (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or: (2) a resource that the lead agency chooses, in its discretion, to treat as a TCR and meets the criteria for listing in the state register of historic resources pursuant to the criteria set forth in Public Resources Code Section 5024.1(c). A substantial adverse change to a TCR would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a TCR such that the significance of the resource would be materially impaired

**a.b. Tribal Cultural Resources.** The United Auburn Indian Community of the Auburn Rancheria (UAIC) was notified of the proposed project and given access to all project documents on January 24, 2017, via certified mail. No other tribes had requested to be notified of proposed projects for consultation in the project area at the time. In response to a request from Marcos Guerrero of the UAIC, dated March 13, 2017, the Cultural Resources Study for the project was sent to the tribe via email. No further information or other requests were received from the UAIC, and no other requests for formal consultation were received for this project. Pursuant to the Cultural Resources Study prepared by Historic Resource Associates (2015), the geographic area of the project site is not known to contain any resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or considered significant by a California Native American tribe. Impact would be less than significant.

**FINDING:** No significant TCRs are known to exist on the project site. As a result, the proposed project would not cause a substantial adverse change to a TCR and there would be no impact.

<b>XVIII. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the			X	

<b>XVIII. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
project's solid waste disposal needs?				
g. Comply with federal, state, and local statutes and regulations related to solid waste?			<b>X</b>	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

Energy Policy Act of 2005

The Energy Policy Act of 2005, intended to reduce reliance on fossil fuels, provides loan guarantees or tax credits for entities that develop or use fuel-efficient and/or energy efficient technologies (USEPA, 2014). The act also increases the amount of biofuel that must be mixed with gasoline sold in the United States (USEPA, 2014).

***State Laws, Regulations, and Policies***

California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act of 1989 (Public Resources Code, Division 30) requires all California cities and counties to implement programs to reduce, recycle, and compost wastes by at least 50 percent by 2000 (Public Resources Code Section 41780). The state, acting through the California Integrated Waste Management Board (CIWMB), determines compliance with this mandate. Per-capita disposal rates are used to determine whether a jurisdiction’s efforts are meeting the intent of the act.

California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act of 1991 (Public Resources Code Sections 42900-42911) requires that all development projects applying for building permits include adequate, accessible areas for collecting and loading recyclable materials.

California Integrated Energy Policy

Senate Bill 1389, passed in 2002, requires the California Energy Commission (CEC) to prepare an Integrated Energy Policy Report for the governor and legislature every 2 years (CEC 2015a). The report analyzes data and provides policy recommendations on trends and issues concerning electricity and natural gas, transportation, energy efficiency, renewable energy, and public interest energy research (CEC 2015a). The 2014 Draft Integrated Energy Policy Report Update includes policy recommendations, such as increasing investments in electric vehicle charging infrastructure at workplaces, multi-unit dwellings, and public sites (CEC 2015b).

Title 24–Building Energy Efficiency Standards

Title 24 Building Energy Efficiency Standards of the California Building Code are intended to ensure that building construction, system design, and installation achieve energy efficiency and preserve outdoor and indoor environmental quality (CEC 2012). The standards are updated on an approximately 3-year cycle. The 2013 standards went into effect on July 1, 2014.

### Urban Water Management Planning Act

California Water Code Sections 10610 *et seq.* requires that all public water systems providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet per year (AFY), prepare an urban water management plan (UWMP).

### *Other Standards and Guidelines*

#### Leadership in Energy & Environmental Design

Leadership in Energy & Environmental Design (LEED) is a green building certification program, operated by the U.S. Green Building Council (USGBC) that recognizes energy efficient and/or environmentally friendly (green) components of building design (USGBC, 2015). To receive LEED certification, a building project must satisfy prerequisites and earn points related to different aspects of green building and environmental design (USGBC, 2015). The four levels of LEED certification are related to the number of points a project earns: (1) certified (40–49 points), (2) silver (50–59 points), (3) gold (60–79 points), and (4) platinum (80+ points) (USGBC, 2015). Points or credits may be obtained for various criteria, such as indoor and outdoor water use reduction, and construction and demolition (C&D) waste management planning. Indoor water use reduction entails reducing consumption of building fixtures and fittings by at least 20% from the calculated baseline and requires all newly installed toilets, urinals, private lavatory faucets, and showerheads that are eligible for labeling to be WaterSense labeled (USGBC, 2014). Outdoor water use reduction may be achieved by showing that the landscape does not require a permanent irrigation system beyond a maximum 2.0-year establishment period, or by reducing the project's landscape water requirement by at least 30% from the calculated baseline for the site's peak watering month (USGBC, 2014). C&D waste management points may be obtained by diverting at least 50% of C&D material and three material streams, or generating less than 2.5 pounds of construction waste per square foot of the building's floor area (USGBC, 2014).

**Discussion:** A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

- Breach published national, state, or local standards relating to solid waste or litter control;
  - Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
  - Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or
  - Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.
- a. **Wastewater Requirements:** The project does not require wastewater treatment as each lot will utilize separate septic systems. The proposed project would include the construction of three residences, each with a new septic system. A soil percolation test was conducted on site by a Registered Environmental Health Specialist (REHS) on June 20, 2017, to determine the capability of the soil on site. No signs of groundwater were observed, and all parcels would have more 8,000 square feet of usable sewage disposal area, and the soil percolation rate was deemed satisfactory. Environmental Management concluded that sewage disposal could be accommodated on site. There would be no impact.
- b. **Construction of New Facilities:** The homes would utilized individual septic systems for wastewater and individual wells on all lots for water supply. The project would result in the addition of three single-family residential lots. A new home would likely be constructed on each lot, with the potential for an accessory dwelling unit on each lot. This would result in, at most, six new households. Therefore, an expansion to existing systems would not be necessary to serve the project. The impact would be less than significant.
- c. **New Stormwater Facilities:** Any possible drainage facilities needed for any future construction would be built in conformance with the County of El Dorado Drainage Manual, as determined by Community Development Services standards, during the grading and building permit processes. The impact would be less than significant.



- d. **Sufficient Water Supply:** Each lot would be served by an individual well and septic system. The water supply source is required to be determined prior to recording the final map. The wildfire safe plan requires a water tank to be installed at each residence to supply residential, fire sprinkler, and firefighting water. The tank size is to be determined by the square footage of the residence. With the creation of three parcels, a second dwelling unit could be constructed on each lot. If a second dwelling unit were constructed, the project would be required to provide a safe and reliable water source at the time of building permit application. No further water supply is anticipated to be needed related to the parcel map. Therefore, impacts would be less than significant.
- e. **Adequate Wastewater Capacity:** The project does not require wastewater treatment as each lot would have individual on-site septic facilities. There would be no impact.
- f-g. **Solid Waste Disposal and Requirements:** El Dorado Disposal distributes municipal solid waste to Forward Landfill in Stockton and Kiefer Landfill in Sacramento. Pursuant to El Dorado County Environmental Management Solid Waste Division staff, both facilities have sufficient capacity to serve the County. Recyclable materials are distributed to a facility in Benicia and green wastes are sent to a processing facility in Sacramento. County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting and loading of solid waste and recyclables. This project does not propose to add any activities that would generate additional solid waste, and any future additional housing units would generate minimal amounts of solid waste for disposal. Project impacts would be less than significant.

**FINDING:** No significant utility and service system impacts would be expected with the project, either directly or indirectly. For this Utilities and Service Systems category, the thresholds of significance would not be exceeded.

<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:</b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		<b>X</b>		
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			<b>X</b>	
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			<b>X</b>	

**Discussion:**

- a. No substantial evidence contained in the project record has been found that would indicate that this project would have the potential to significantly degrade the quality of the environment. As conditioned or mitigated, and with adherence to County permit requirements, this project would not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of California history, pre-history, or tribal cultural resources. Any impacts from the project would be less than significant due to the design of the project and required standards that would be implemented prior to the Tentative Parcel Map request to subdivide a 38.54-Acre property into three rural residential lots ranging in size from 10 acres to 18.54 acres or with the building permit processes and/or any required project specific improvements on the property.
  
- d. Cumulative impacts are defined in Section 15355 of the California Environmental Quality Act (CEQA) Guidelines as *two or more individual effects, which when considered together, would be considerable or which would compound or increase other environmental impacts.*

The project would not involve development or changes in land use that would result in an excessive increase in population growth. Impacts due to increased demand for public services associated with the project would be offset by the payment of fees as required by service providers to extend the necessary infrastructure services. The project would not be anticipated to contribute substantially to increased traffic in the area and the project would not require an increase in the wastewater treatment capacity of the County. Due to the small size of the proposed project, types of activities proposed, and site-specific environmental conditions, which have been disclosed in the Project Description and analyzed in Items I through XVIII, there would be no significant impacts anticipated related to agriculture resources, air quality, biological resources, cultural resources, geology/soils, hazards/hazardous materials,

hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, traffic/transportation, or utilities/service systems that would combine with similar effects such that the project's contribution would be cumulatively considerable. For these issue areas, either no impacts, or less than significant impacts would be anticipated.

As outlined and discussed in this document, as conditioned and with compliance with County Codes, this project would be anticipated to have a less than significant project-related environmental effect which would cause substantial adverse effects on human beings, either directly or indirectly. Based on the analysis in this study, it has been determined that the project would have less than significant cumulative impacts.

- c. Based on the discussion contained in this document, no potentially significant impacts to human beings are anticipated to occur with respect to potential project impacts. The project would not include any physical changes to the site, and any future development or physical changes would require review and permitting through the County. Adherence to these standard conditions would be expected to reduce potential impacts to a less than significant level.

**FINDINGS:** It has been determined that the proposed project would not result in significant environmental impacts. The project would not exceed applicable environmental standards, nor significantly contribute to cumulative environmental impacts.

**INITIAL STUDY ATTACHMENTS**

Attachment 1 .....Biological Resource Evaluation for the C&J Parcel Map  
Attachment 2 .....Environmental Noise Assessment

**SUPPORTING INFORMATION SOURCE LIST**

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## SYCAMORE ENVIRONMENTAL CONSULTANTS, INC.

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14 March 2017

Mr. Clint Schue  
2568 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

Phone: 775/ 589-2523  
Email: clint@levelbuilds.com

***SUBJECT: Biological Resources Evaluation for the C&J Parcel Map, El Dorado County, CA***

Dear Mr. Schue:

The purpose of this letter is to evaluate the potential for the Project to have a significant impact on any special-status biological resources subject to review under the California Environmental Quality Act (CEQA). The Project is a tentative parcel map that would split the existing 38.54-acre APN 037-010-72 into 3 new parcels of minimum 10 acres each. The parcel is zoned rural lands 10-acre (RL-10). The Project submitted a tentative parcel map application to El Dorado County in 2016. The County determined the application was incomplete in a 12 January 2017 letter and identified items necessary for a complete application. Item #3 is an evaluation of special-status biological resources for the Project.

### **BACKGROUND**

***Project Location:*** The Project is located in unincorporated El Dorado County on the Echo Lake USGS topographic quad. The Project is bordered by U.S. Highway 50 and private parcels on the south, the Eldorado National Forest on the north, and private parcels on the east and west. A quad map and aerial photograph of the Project are in Attachment A. The Project is in the South Fork American River watershed (hydrologic unit code 18020129).

***Methods:*** An evaluation of biological resources was conducted to determine whether any special-status plant or wildlife species, their habitats, or sensitive habitats have the potential to occur at the Project. The following documents, maps, and aerial photographs of the Project and surrounding area were reviewed.

- Echo Lake USGS quad map
- USFWS National Wetlands Inventory map (2017b)
- Google Earth (2017) aerial and ground level photos
- USFWS Critical Habitat Portal (2017a)
- El Dorado County General Plan and EIR (2004a,b)
- NRCS Soil Survey (2017)
- National Hydric Soil List (USDA 2015)
- CalFire Fire and Resource Assessment Program (FRAP) Land Cover Map (2006).

## **Attachment 1**

A list of federal listed, candidate, or proposed species that potentially occur in or could be affected by the Project was obtained from the USFWS Sacramento Field Office. The California Natural Diversity Database (CNDDDB) was queried for known occurrences of special-status species near the Project. The CNPS online inventory of rare and endangered plants was queried for known occurrences of special-status plants in or near the Project. The results of the database queries (Attachment B) were used to assemble a table of special-status species evaluated (Attachment C).

Special-status species evaluated are species listed (or candidate or proposed) under the federal or state endangered species acts, under the California Native Plant Protection Act, as a California species of special concern or fully protected by the California Department of Fish and Wildlife (CDFW), or that are California Rare Plant Rank (Rank) 1 or 2 (CNPS 2017). These classifications are consistent with special-status species definitions in the El Dorado County General Plan EIR (2004b). Special-status biological communities are waters, wetlands, riparian communities, and any biological community ranked S1, S2, or S3 by CDFW (September 2010).

The background information, and a review of the biology of evaluated species and habitats were used to determine the special-status species and sensitive habitats that could occur at the Project. A field survey was not conducted due to the season and depth of snow at the Project.

*Project Description:* The Project parcel is currently zoned to allow the construction of a single-family home. If the parcel map is approved, the Project could result in the construction of two additional single-family homes. The Project does not propose any construction and the specific locations and design of future home cannot be known. The project description considered for impact analysis below is the construction of two additional single-family homes typical for the area, including utility connections and septic systems, and driveways connecting to Highway 50.

## **RESULTS**

*Setting:* The Project site consists of a south-facing slope of mature mixed conifer forest dominated by pines and firs. There is a substantial cover of shrubby understory. The elevation ranges from approximately 7,160 to 7,460 feet. There are no visible areas of substantial rock outcrops or cliffs. A few areas of boulders up to a few feet across are visible. Except for a few small nearly-level areas near Highway 50 the entire site is sloped, some areas very steeply. There are no structures visible on the parcel. There are several cabins and small houses adjacent to the parcel on small private parcels between the site and Highway 50.

Most of the soils on the site are mapped as Tallac very cobbly sandy loam, 2-30% slopes (NRCS 2017). The Tallac series consists of deep (~43 inches) to very deep (~66 inches) moderately well- and well-drained soils that formed in material weathered from glacial deposits. The Tallac series is moderately acidic in the rooting zone. Smaller areas of the site are mapped as Tallac-Cryumbrepts, wet association, 15-30% slopes and Dagget very gravelly loamy coarse sand, moist, 30-70% slopes. The Tallac-Cryumbrepts, wet association soils are mapped in association with a wet meadow on the south side of Highway 50. The wet meadow ranges from approximately 200-800 feet away from the Project parcel. Soils on the Project are not hydric (USDA 2015).



Natural Community and Tree Canopy: The parcel is mapped as conifer forest by CalFire (2006). The parcel is mapped as red fir forest by the El Dorado County General Plan EIR (2004b). The review of aerial and ground level photographs confirms the natural community at the site as a conifer forest dominated by mature pine and fir trees. The General Plan EIR (2004b) does not consider red fir forest, or any of the other coniferous forest types, to be a sensitive natural community. General Plan (2004a) Policy 7.4.4.4 regulates removal of oak woodlands and oak canopy. There are no oak woodlands at the Project, and no individual oak trees are visible on aerial or ground level photographs. The Project will have no impact to any sensitive or special-status upland natural communities or oak woodlands.

Waters and Wetlands: There are no waters or wetlands shown on the USGS Echo Lake quad map or the USFWS National Wetlands Inventory map. No waters or wetlands are visible on aerial or ground level photographs. The Project site is sloped and well-drained, reducing the likelihood of any substantial cover of wetlands. The proposed level of land-use, 10-acre minimum parcels, makes the avoidance of any small poorly-drained areas feasible.

There is a ditch on the north side of Highway 50. Much, and perhaps all of the ditch is in the Highway right-of-way. No wetland vegetation is visible in the ditch, and the ditch likely only flows during storms and during spring snowmelt. The ditch is not a relocated channel. Ditches that are not a relocated tributary and don't drain wetlands are not a waters of the U.S. (33 CFR 328.3(b)), and are not subject to Section 404 of the federal Clean Water Act.

None of the reviewed sources show evidence of any waters or wetlands on the Project. The Project will not have a substantial adverse effect on waters or wetlands.

Special-Status Species:

Special-status species for which suitable habitat is not present, or whose distributional limits preclude the possibility of their occurrence in the BSA, are evaluated in Attachment C. The Project is not in designated critical habitat for any species (2017a).

Southern long-toed salamander: This species requires temporary or permanent ponds for breeding. The Project site does not provide breeding habitat. Much of the non-breeding period is spent underground in conifer forests. Migrations between breeding and non-breeding habitat are probably less than 3,280 feet. The nearest CNDDDB record of southern long-toed salamander to the Project site is about 3,900 feet northeast of the Project on the other side of Johnson Pass, down a steep rocky slope, and across Highway 50. The route is an unlikely migration corridor. The next nearest record is about 5,200 feet away, also across Highway 50.

Although the Project site may provide suitable non-breeding habitat for southern long-toed salamander, they are unlikely to inhabit the site in substantial numbers due to the distance to breeding habitat and intervening dispersal barriers. The Project site contains typical conifer forest, and does not provide habitat that is limiting for southern long-toed salamander in the area, such as breeding habitat. The scope of the Project will not result in substantial loss of habitat. The Project will not have a substantial adverse effect on southern long-toed salamander or its habitat. The Project will have a less than significant impact on southern long-toed salamander.

Sierra Nevada snowshoe hare: This species may occur in mature conifer forest as found at the Project site, but is more likely to occur in riparian areas or young conifer forest. The Project site does not provide habitat that is limiting for Sierra Nevada snowshoe hare in the area, such as riparian or young

conifer forest. The scope of the Project will not result in substantial loss of habitat. The Project will not have a substantial adverse effect on Sierra Nevada snowshoe hare or its habitat. The Project will have a less than significant impact on Sierra Nevada snowshoe hare.

American badger: The Project site provides potential habitat for American badger, which may occur in a wide variety of habitats across much of CA. The Project site does not provide habitat that is limiting for American badger in the area. The scope of the Project will not result in substantial loss of habitat. The Project will not have a substantial adverse effect on American badger or its habitat. The Project will have a less than significant impact on American badger.

Davy's sedge: The Project site provides potential habitat for Davy's sedge, a special-status plant. Davy's sedge may occur on dry, often sparse meadows and slopes in subalpine coniferous forest and upper montane coniferous forest. It is known from fewer than 20 extant occurrences in the Sierra Nevada (CNPS 2017, Jepson Flora 2017). The likelihood of occurrence is low because the forest at the project is mature, and there are relatively few open grassy areas between the trees. Due to the limited number of occurrences statewide, any impacts to Davy's sedge would be significant. The following mitigation measure is proposed to avoid any impacts to Davy's sedge.

*Prior to issuance of a building permit, a seasonally appropriate survey for Davy's sedge shall be conducted in the area that could be affected. If Davy's sedge is found, the building plans shall be revised to avoid or minimize impacts to Davy's sedge to the satisfaction of the County.*

## SUMMARY

The Project will not have a substantial adverse effect on wildlife, special-status natural communities, or wetlands or waters. The Project could have a substantial adverse effect on Davy's sedge, a special-status plant, if any is present at the site. The likelihood of presence is low. A mitigation measure is proposed to avoid any potential impacts to Davy's sedge. Please contact me if you have any questions.

Cordially,



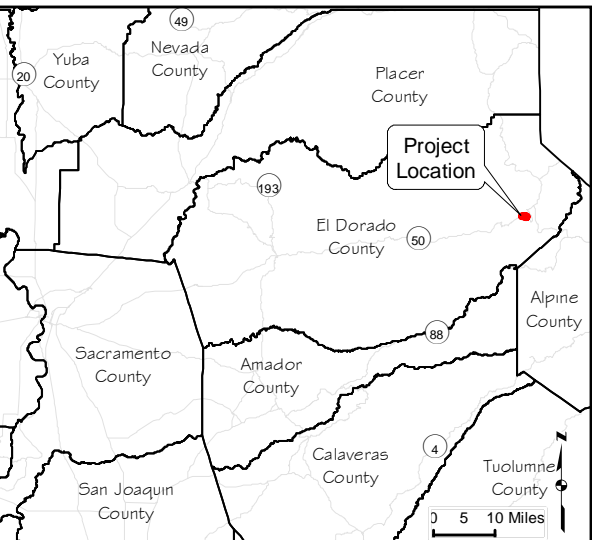
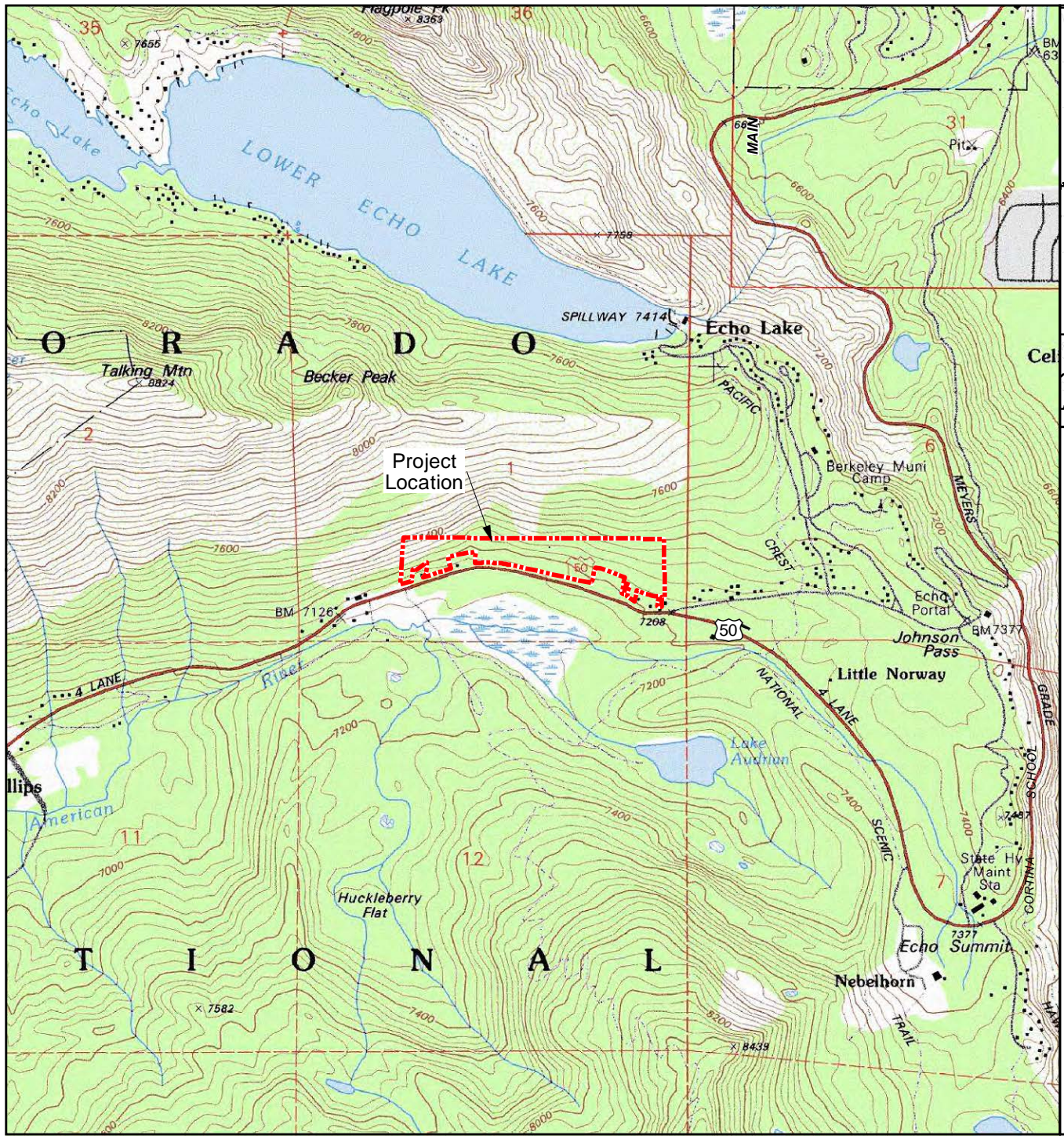
Chuck Hughes, M.S.  
Senior Biologist

- Attachment A. Maps
- Attachment B. Database Queries
- Attachment C. Species Evaluated Table
- Attachment D. Literature Cited

# Attachment A

## Maps

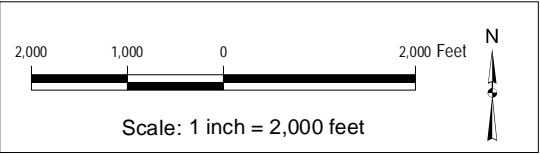
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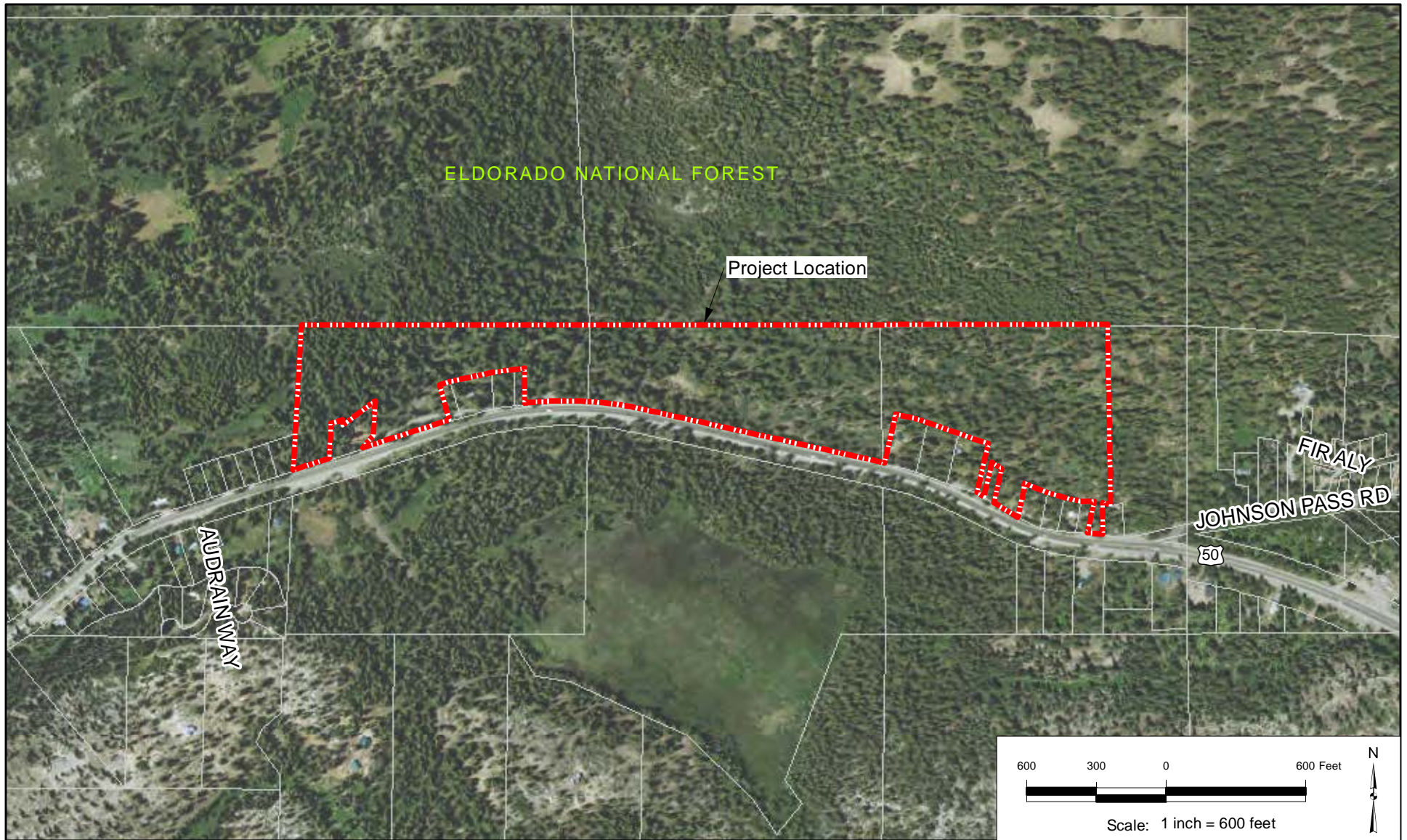
C & J Tentative Parcel Map  
 El Dorado County, CA  
 1 March 2017

Figure 1. Project Location Map



 Project Location



Echo Lake, CA (1992)  
 CASIL California USGS Digital Raster Graphics (DRG),  
 7.5 Minute (C) Series, Albers Nad83 Mosaics (MrSID)  
 o\_nw0102.sid



C # J Tentative Parcel Map  
 El Dorado County, CA  
 9 March 2017

-  Project Location
-  Parcel Boundaries



Aerial Photograph: 25 July 2014  
 NAIP2014 USDA FSA Imagery  
 ESRI ArcGIS Basemap Layer

Figure 2. Aerial Photograph

# Attachment B

## Database Queries

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# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office

FEDERAL BUILDING, 2800 COTTAGE WAY, ROOM W-2605

SACRAMENTO, CA 95825

PHONE: (916)414-6600 FAX: (916)414-6713

Consultation Code: 08ESMF00-2017-SLI-1105

February 09, 2017

Event Code: 08ESMF00-2017-E-02600

Project Name: Schue Parcel Map Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2)

of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment





United States Department of Interior  
Fish and Wildlife Service

Project name: Schue Parcel Map Project

## Official Species List

### Provided by:

Sacramento Fish and Wildlife Office  
FEDERAL BUILDING  
2800 COTTAGE WAY, ROOM W-2605  
SACRAMENTO, CA 95825  
(916) 414-6600

**Consultation Code:** 08ESMF00-2017-SLI-1105

**Event Code:** 08ESMF00-2017-E-02600

**Project Type:** DEVELOPMENT

**Project Name:** Schue Parcel Map Project

**Project Description:** Tentative parcel map

**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: Schue Parcel Map Project

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-120.05486011505128 38.82580065919526, -120.05859375000001 38.82481436575097, -120.0588083267212 38.82877617357419, -120.04460334777833 38.82860901314215, -120.0443458557129 38.824363006566955, -120.04531145095827 38.82439644067873, -120.04606246948242 38.824546893987346, -120.04745721817017 38.82501496891431, -120.04885196685791 38.82536602309009, -120.04990339279175 38.82549975755891, -120.05099773406984 38.82580065919526, -120.05344390869142 38.826068126248835, -120.05486011505128 38.82580065919526)))

**Project Counties:** El Dorado, CA



United States Department of Interior  
Fish and Wildlife Service

Project name: Schue Parcel Map Project

## Endangered Species Act Species List

There are a total of 4 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
Sierra Nevada Yellow-legged Frog ( <i>Rana sierrae</i> ) Population: Wherever found	Endangered	Final designated	
<b>Birds</b>			
Yellow-Billed Cuckoo ( <i>Coccyzus americanus</i> ) Population: Western U.S. DPS	Threatened	Proposed	
<b>Fishes</b>			
Delta smelt ( <i>Hypomesus transpacificus</i> ) Population: Wherever found	Threatened	Final designated	
Lahontan cutthroat trout ( <i>Oncorhynchus clarkii henshawi</i> ) Population: Wherever found	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: Schue Parcel Map Project

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.



**Selected Elements by Scientific Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



Query Criteria: Quad> IS <(Echo Lake (3812071))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Accipiter gentilis</i> northern goshawk	ABNKC12060	None	None	G5	S3	SSC
<i>Ambystoma macrodactylum sigillatum</i> southern long-toed salamander	AAAAA01085	None	None	G5T4	S3	SSC
<i>Aplodontia rufa californica</i> Sierra Nevada mountain beaver	AMAF01013	None	None	G5T3T4	S2S3	SSC
<i>Astragalus austini</i> Austin's astragalus	PDFAB0F120	None	None	G2G3	S2S3	1B.3
<i>Bombus occidentalis</i> western bumble bee	IIHYM24250	None	None	G2G3	S1	
<i>Botrychium ascendens</i> upswept moonwort	PPOPH010S0	None	None	G3G4	S2	2B.3
<i>Brasenia schreberi</i> watershield	PDCAB01010	None	None	G5	S3	2B.3
<i>Carex davyi</i> Davy's sedge	PMCYP033H0	None	None	G3	S3	1B.3
<i>Carex limosa</i> mud sedge	PMCYP037K0	None	None	G5	S3	2B.2
<i>Draba asterophora var. macrocarpa</i> Cup Lake draba	PDBRA110D2	None	None	G2T1	S1	1B.1
<i>Empidonax traillii</i> willow flycatcher	ABPAE33040	None	Endangered	G5	S1S2	
<i>Erigeron miser</i> starved daisy	PDAST3M2K0	None	None	G3?	S3?	1B.3
<i>Gulo gulo</i> California wolverine	AMAJF03010	Proposed Threatened	Threatened	G4	S1	FP
<i>Lepus americanus tahoensis</i> Sierra Nevada snowshoe hare	AMAE03012	None	None	G5T3T4Q	S2?	SSC
<i>Lewisia longipetala</i> long-petaled lewisia	PDPOR040K0	None	None	G3	S3	1B.3
<i>Martes caurina sierrae</i> Sierra marten	AMAJF01014	None	None	G5T3	S3	
<i>Myotis thysanodes</i> fringed myotis	AMACC01090	None	None	G4	S3	
<i>Myotis volans</i> long-legged myotis	AMACC01110	None	None	G5	S3	
<i>Ochotona princeps schisticeps</i> gray-headed pika	AMAEA0102H	None	None	G5T2T4	S2S4	
<i>Pekania pennanti</i> fisher - West Coast DPS	AMAJF01021	Proposed Threatened	Candidate Threatened	G5T2T3Q	S2S3	SSC



Selected Elements by Scientific Name  
California Department of Fish and Wildlife  
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Peltigera gowardii</i> western waterfan lichen	NLVER00460	None	None	G3G4	S3	4.2
<i>Picoides arcticus</i> black-backed woodpecker	ABNYF07090	None	None	G5	S2	
<i>Rana sierrae</i> Sierra Nevada yellow-legged frog	AAABH01340	Endangered	Threatened	G1	S1	WL
<i>Schoenoplectus subterminalis</i> water bulrush	PMCYP0Q1G0	None	None	G4G5	S3	2B.3
<i>Scutellaria galericulata</i> marsh skullcap	PDLAM1U0J0	None	None	G5	S2	2B.2
<i>Sphagnum Bog</i> Sphagnum Bog	CTT51110CA	None	None	G3	S1.2	
<i>Taxidea taxus</i> American badger	AMAJF04010	None	None	G5	S3	SSC

Record Count: 27

## Plant List

10 matches found. Click on scientific name for details

### Search Criteria

Rare Plant Rank is one of [1B, 2A, 2B], Found in Quad 38120G1

Scientific Name	Common Name	Family	Lifeform	Rare Plant Rank	Federal Listing Status	State Listing Status
<a href="#">Astragalus austiniae</a>	Austin's astragalus	Fabaceae	perennial herb	1B.3		
<a href="#">Botrychium ascendens</a>	upswept moonwort	Ophioglossaceae	perennial rhizomatous herb	2B.3		
<a href="#">Brasenia schreberi</a>	watershield	Cabombaceae	perennial rhizomatous herb	2B.3		
<a href="#">Carex davyi</a>	Davy's sedge	Cyperaceae	perennial herb	1B.3		
<a href="#">Carex limosa</a>	mud sedge	Cyperaceae	perennial rhizomatous herb	2B.2		
<a href="#">Draba asterophora var. macrocarpa</a>	Cup Lake draba	Brassicaceae	perennial herb	1B.1		
<a href="#">Epilobium oregonum</a>	Oregon fireweed	Onagraceae	perennial herb	1B.2		
<a href="#">Lewisia longipetala</a>	long-petaled lewisia	Montiaceae	perennial herb	1B.3		
<a href="#">Schoenoplectus subterminalis</a>	water bulrush	Cyperaceae	perennial rhizomatous herb	2B.3		
<a href="#">Scutellaria galericulata</a>	marsh skullcap	Lamiaceae	perennial rhizomatous herb	2B.2		

### Suggested Citation

CNPS, Rare Plant Program. 2017. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website <http://www.rareplants.cnps.org> [accessed 08 February 2017].

#### Search the Inventory

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[About the Rare Plant Program](#)

[CNPS Home Page](#)

[About CNPS](#)

[Join CNPS](#)

#### Contributors

[The Calflora Database](#)

[The California Lichen Society](#)

# Attachment C

## Species Evaluated Table

Special-status species from USFWS quad, CNDDDB, and CNPS database queries.

Special-Status Species/ Common Name	Federal Status <sup>a</sup>	State Status <sup>a</sup>	Source <sup>c</sup>	Habitat Requirements	Potential to Occur in the Study Area?
<b>Fish</b>					
<i>Hypomesus transpacificus</i> Delta smelt	T, CH	E	1	Euryhaline (tolerant of a wide salinity range) species that spawns in freshwater dead-end sloughs and shallow edge-waters of channels of the Delta (USFWS 1994).	No. There is no habitat and the Project is not in the range.
<i>Oncorhynchus clarkii henshawi</i> Lahontan cutthroat trout	T	--	1	Non-anadromous, stream-spawning salmonid known from both lake and river habitats. Known only from three natural populations: 1) Western Lahontan basin comprised of Truckee, Carson, and Walker River basins; 2) Northwestern Lahontan basin comprised of Quinn River, Black Rock Desert, and Coyote Lake basins; and 3) Humboldt River basin (USFWS 1995).	No. There is no habitat and the Project is not in the range.
<b>Amphibians</b>					
<i>Ambystoma macrodactylum sigillatum</i> Southern long-toed salamander	--	SSC	2	Occurs in the Sierra Nevada from the vicinity of the Stanislaus R. north through the mountains of CA. Found primarily in yellow pine, mixed conifer, and red fir forests associated with mountain meadows. Found from near sea level to 9,180 ft. Adults are mostly subterranean except during breeding migrations which are probably less than 3,280 ft. Mostly nocturnal on the surface. Breeds primarily in temporary ponds formed by winter and spring rains and snowmelt. Higher elevation populations may require permanent ponds due to slow larvae development. The few existing populations are very restricted (CWHR 2017).	Yes. See text.
<i>Rana sierrae</i> Sierra Nevada yellow-legged frog	E, CH	T	1, 2	Occurs above 4,500 ft in the Sierra Nevada from Plumas Co. south to the ridge dividing the middle and south forks of Kings River. Associated with streams, lakes, and ponds in montane riparian, lodgepole pine, sub-alpine conifer, and wet meadow habitat types. Always encountered within a few feet of water (CWHR 2017).	No. There are no creeks or other waterbodies.
<b>Birds</b>					
<i>Accipiter gentilis</i> Northern goshawk	--	SSC	2	Breeds in the North Coast Ranges and through the Sierra Nevada, Klamath, Cascade, and Warner Mountains. Possibly also breeds in Mt. Piños and San Jacinto, San Bernardino, and White Mts. Remains yearlong in breeding areas as a scarce to uncommon resident. Prefers middle and higher elevations, and mature, dense conifer and deciduous forests. Usually nests on north-facing slopes, near water, in densest parts of stands, but close to openings (CWHR 2017).	No. The site is south-facing, not near water, and most of the conifer forest is not dense.
<i>Coccyzus americanus occidentalis</i> Western yellow-billed cuckoo	T, PCH	E	1	Uncommon to rare summer resident of valley foothill and desert riparian habitats in scattered locations in CA. Breeding populations known from the Colorado River, Sacramento and Owens valleys, along the South Fork of the Kern River (Kern Co.), along the Santa Ana River (Riverside Co.), and along the Amargosa River (Inyo & San Bernardino cos). They may also nest along San Luis Rey River (San Diego Co.). Nests in dense cover of deciduous trees and shrubs, especially willows, which usually abut a slow-moving watercourse, backwater or seep. Also utilizes adjacent orchards, especially walnuts, in the Central Valley (CWHR 2017).	No. There is no riparian habitat and the Project is not in the range.



Special-Status Species/ Common Name	Federal Status <sup>a</sup>	State Status <sup>a</sup>	Source <sup>c</sup>	Habitat Requirements	Potential to Occur in the Study Area?
<i>Empidonax traillii</i> Willow flycatcher	--	E	2	Found in wet meadow and montane riparian habitats of the Sierra Nevada and Cascade Range. Prefers open river valleys and large meadows with dense willow thickets close to ground. Occurs in willow thickets from 1,950 to 8,200 ft (CWHR 2017).	No. There is no wet meadow or riparian habitat.
<b>Mammals</b>					
<i>Aplodontia rufa californica</i> Sierra Nevada mountain beaver	--	CSC	2	Uncommon in the Sierra Nevada. Occurs in dense riparian-deciduous and open brushy stages of most forest types. Typical habitat in the Sierra Nevada is montane riparian. They frequent open and intermediate-canopy coverage with a dense understory near water. Deep, friable soils and a cool, moist microclimate are required for burrowing. Feed on vegetative parts of plants, mostly thimbleberry, salmonberry, blackberry, dogwood, salal, ferns, lupines, willows, and grasses. Vegetation is stored near a burrow entrance, or in underground chambers. Burrows are located in deep soils in dense thickets, preferably near a stream or spring (CWHR 2017).	No. There are no creeks or other waterbodies.
<i>Gulo gulo luteus</i> California wolverine	PT	T, FP	2	Scarce resident of the north Coast Range and Sierra Nevada. In north coastal areas, habitat consists of Douglas fir and mixed conifer habitats. Habitat elevation range in the North Coast Range is 1,600 to 4,800 ft. In the northern Sierra, habitat consists of mixed conifer, red fir, and lodgepole habitats. Habitat elevation range in the northern Sierra is 4,300 to 7,300 ft. In the southern Sierra, habitats consist of red fir, mixed conifer, lodgepole pine, subalpine conifer, alpine dwarf-shrub; barren, wet meadows; montane chaparral, and Jeffery Pine. Habitat elevation range in the southern Sierra is 6,400 to 10,800 ft (CWHR 2017). California wolverines prefer rocky areas, caves, logs or snags as den sites. They excavate their burrows under shelving rock or in logs, caves, or snags. Wolverines live in remote places, at high elevations, away from human populations. They naturally occur at low densities and are rarely encountered (Verner and Boss 1980). Wolverines were inadvertently photographed during a marten study in the Tahoe National Forest in February 2008. This was the first scientific detection of wolverine in California since the 1920's. Another confirmed sighting in the Tahoe Forest from 2016 may have been the same individual (Kuo 2016).	No. There are no confirmed sightings near the Project. The Project is along Highway 50 in an area of rural residential development.
<i>Lepus americanus tahoensis</i> Sierra Nevada snowshoe hare	--	SSC	2	In CA known from the Cascade Range, northern and central high Sierra Nevada, and Warner Mountains from 4,800 to 8,000 ft. Active year-round, but secretive, usually under evergreen bushes, dense thickets of willows or alders, logs, or jumbled piles of fallen trees or shrubs. Seldom in open spaces or mature closed canopy conifer forests. Prefers riparian habitats or young mixed conifer woodland (Bolster 1998, CWHR 2017).	Yes. See text.
<i>Pekania pennanti</i> Fisher	--	T/ SSC	2	Uncommon permanent resident of Sierra Nevada, Cascades, Klamath Mountains, and the north Coast Range. Occurs above 3,200 ft in the Sierra Nevada and Cascades (Jameson and Peeters 2004). Prefers coniferous or deciduous riparian habitats with intermediate to large trees and closed canopies. Canopy closure must be greater than 50% to be suitable habitat. Dens in a variety of protected cavities, brush piles, logs, and upturned trees. Hollow logs, trees, and snags are especially important. Active yearlong, mostly nocturnal and crepuscular. Young born February through May (CWHR 2017). The southern Sierra Evolutionarily Significant Unit (ESU; defined as south of the Merced River) is listed threatened by CA, and fishers elsewhere as SSC. Today, fisher distribution in CA is represented by two populations: northwestern	No. The Project is not in the current range.

Special-Status Species/ Common Name	Federal Status <sup>a</sup>	State Status <sup>a</sup>	Source <sup>c</sup>	Habitat Requirements	Potential to Occur in the Study Area?
				California and the southern Sierra Nevada. Fishers apparently no longer inhabit the area between the Pit River in the northern Sierra Nevada/Cascades to the Merced River in the southern Sierra Nevada; a separation of approximately 270 miles. There is little empirical evidence that fishers previously inhabited this gap in the Sierra Nevada (CDFW 2010).	
<i>Taxidea taxus</i> American badger	--	SSC	2	Found throughout most of CA except the northern North Coast. Abundant in drier open stages of many shrub, forest, and herbaceous habitats with friable soils. Feeds on fossorial rodents, some reptiles, insects, earthworms, bird eggs, and carrion (CWHR 2017).	Yes. See text.
<b>Plants</b> / CNPS <sup>b</sup>					
<i>Astragalus austiniiae</i> Austin's astragalus	--	--/ 1B.3	2	Perennial herb found on rocky substrates in alpine boulder and rock fields and subalpine coniferous forest. Known from the Lake Tahoe region above 8,000 ft. Blooms May through September (CNPS 2017). Jepson Flora (2017) describes the habitat as exposed ridges and meadows above timberline.	No. There are no sufficiently rocky areas and the Project is below timberline.
<i>Botrychium ascendens</i> Upswept moonwort	--	--/ 2B.3	2	Perennial rhizomatous herb found in mesic substrates in lower montane coniferous forest and meadows and seeps from 4,900 to 8,500 ft. Known from the southern high Cascade Range, high Sierra Nevada, and eastern Sierra Nevada. Sporophytes present July through August (CNPS 2017).	No. There are no wet meadows or similar mesic areas.
<i>Brasenia schreberi</i> Watershield	--	--/ 2B.3	2	Aquatic perennial rhizomatous herb found in freshwater marshes and swamps from 100 to 7,200 ft. Known from the Klamath Range, north Coast Range, high Cascade and Sierra Nevada, Sacramento Valley, and Modoc Plateau. Blooms June through September (CNPS 2017). Jepson Flora (2017) describes the habitat as ponds and slow streams.	No. There are no marshes, wet meadows, creeks, or ponds.
<i>Carex davyi</i> Davy's sedge	--	--/ 1B.3	2	Perennial herb found in subalpine coniferous forest and upper montane coniferous forest from 4,900 to 10,500 ft. Known from fewer than 20 extant occurrences in the northern and central high Sierra Nevada. Blooms May through August (CNPS 2017). Jepson Flora (2017) describes the habitat as dry, often sparse meadows and slopes.	Yes. See text.
<i>Carex limosa</i> Mud sedge	--	--/ 2B.2	2	Perennial rhizomatous herb found in bogs and fens, montane coniferous forest, meadows and seeps, and marshes and swamps from 3,900 to 8,900 ft. Known from the Klamath Range, high Cascade and Sierra Nevada, and Warner Mts. Blooms June through August (CNPS 2017). Jepson Flora (2017) describes the habitat as sphagnum bogs.	No. There are no marshes, wet meadows, creeks, bogs, or ponds.
<i>Draba asterophora</i> var. <i>macrocarpa</i> Cup Lake draba	--	--/ 1B.1	2	Perennial herb found in rocky subalpine coniferous forest from 8,200 to 9,230 ft. Known only near Cup Lake and Saucer Lake near Ralston Peak in El Dorado County. Blooms from July through September (CNPS 2017). Jepson Flora (2017) describes the habitat as rock crevices, alpine barrens, and talus, and does not recognize the subspecies.	No. There are no sufficiently rocky areas and the Project is below timberline.
<i>Epilobium oreganum</i> Oregon fireweed	--	--/ 1B.2	2	Perennial herb found in mesic bogs and fens, meadows and seeps, and montane coniferous forest from 1,640 to 7,350 ft. Known from the Klamath Ranges, outer north Coast Ranges, and high Sierra Nevada. Blooms June through September (CNPS 2017). Jepson Flora (2017) describes the habitat as bogs and small streams.	No. There are no marshes, wet meadows, creeks, or ponds.

Special-Status Species/ Common Name	Federal Status <sup>a</sup>	State Status <sup>a</sup>	Source <sup>c</sup>	Habitat Requirements	Potential to Occur in the Study Area?
<i>Erigeron miser</i> Starved daisy	--	--/1B.3	2	Perennial herb found on rocky substrates in upper montane coniferous forest from 6,000 to 8,600 ft. Known from the northern high Sierra Nevada. Blooms June through October (CNPS 2017). Jepson Flora (2017) describes the habitat as rocky sites.	No. There are no sufficiently rocky areas.
<i>Lewisia longipetala</i> Long-petaled lewisia	--	--/ 1B.3	2	Perennial herb found on granitic substrates in alpine boulder and rock fields, and on mesic and rocky substrates in subalpine coniferous forest from 8,200 to 10,000 ft. Known from the northern and central high Sierra Nevada. Blooms July through September (CNPS 2017). Jepson Flora (2017) describes the habitat as boulders, rock fields, crevices, scree fed by snow-melt, and subalpine forest.	No. There are no sufficiently rocky areas.
<i>Schoenoplectus subterminalis</i> Water bulrush	--	--/ 2B.3	2	An aquatic emergent perennial rhizomatous herb found in bogs and fens and marshes and swamps on montane lake margins from 2,400 to 7,400 ft. Known from the Klamath Range, and high Cascade and Sierra Nevada. Blooms June through September (CNPS 2017). Jepson Flora (2017) describes the habitat as fresh lakes and streams low in nutrients.	No. There are no marshes, wet meadows, creeks, or ponds.
<i>Scutellaria galericulata</i> Marsh skullcap	--	--/ 2B.2	2	Perennial rhizomatous herb found in lower montane coniferous forest, mesic meadows and seeps, and marshes and swamps from 0 to 6,900 ft. Known from the northern high Sierra Nevada (Tahoe Basin) and Modoc Plateau. Blooms from June through September (CNPS 2017). Jepson Flora (2017) describes the habitat as wet sites in meadows, stream banks, and coniferous forest.	No. There are no marshes, wet meadows, creeks, or ponds.
<b>Biological Communities</b>					
Sphagnum Bog	--	--	2	Bog with <i>Sphagnum</i> sp. moss and low-growing herbaceous perennials and low shrubs. The growing season extends from spring through fall at lower elevations and along the coast. Occurs in cold, highly acidic, permanently waterlogged soils that are low in available nutrients. Incomplete decomposition of peat is common (Holland 1986).	No. This community does not occur in the Project.

<sup>a</sup> **Status:** **E** = Endangered; **T** = Threatened; **P** = Proposed; **C** = Candidate; **R** = California Rare; \* = Possibly extinct;  
**SSC** = CDFW Species of Special Concern; **FP** = DFG Fully Protected; **Prot** = DFG Protected; **CH** = Critical habitat designated.

<sup>b</sup> **CNPS:** **1A** = Presumed Extinct in CA; **1B** = Rare or Endangered (R/E) in CA and elsewhere; **2** = R/E in CA and more common elsewhere; **3** = Need more information; **4** = Plants of limited distribution; **0.1** = Seriously endangered in CA; **0.2** = Fairly endangered in CA; **0.3** = Not very endangered in CA.

<sup>c</sup> **Source:** **1** = USFWS letter. **2** = CNDDDB/CNPS. **3** = Observed or included by Sycamore Environmental.

# Attachment D

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# Environmental Noise Assessment

## C & J Parcel Map

El Dorado County, California

BAC Job # 2017-021

Prepared For:

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Prepared By:

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Paul Bollard, President

February 23, 2017



**Attachment 2**

## Introduction

The C&J Parcel Map (project) proposes the subdivision of a 38.5 acre lot (APN 037-010-72) located just north of Highway 50 in El Dorado County, California. The project area and tentative parcel map are shown in Figures 1 and 2, respectively. As shown in Figure 2, the project proposes to subdivide the project parcel into three separate parcels ranging in size from 10 acres to 18.5 acres.

Due to the proximity of the project site to Highway 50, Bollard Acoustical Consultants, Inc. (BAC) was retained by the project applicant to prepare this analysis. Specifically, the purpose of this analysis is to quantify noise levels associated with traffic on Highway 50, and to compare those levels against the applicable El Dorado County standards for acceptable exterior and interior noise exposure at the proposed lots.

## Noise Fundamentals and Terminology



Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard, and thus are called sound. Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB. Another useful aspect of the decibel scale is that changes in levels (dB) correspond closely to human perception of relative loudness. Appendix A contains definitions of Acoustical Terminology. Figure 3 shows common noise levels associated with various sources.

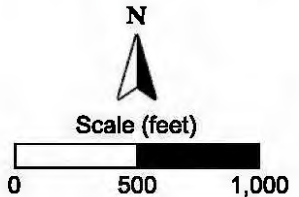
The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels in decibels.

Community noise is commonly described in terms of the “ambient” noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level ( $L_{eq}$ ) over a given time period (usually one hour). The  $L_{eq}$  is the foundation of the Day-Night Average Level noise descriptor,  $L_{dn}$ , and shows very good correlation with community response to noise.



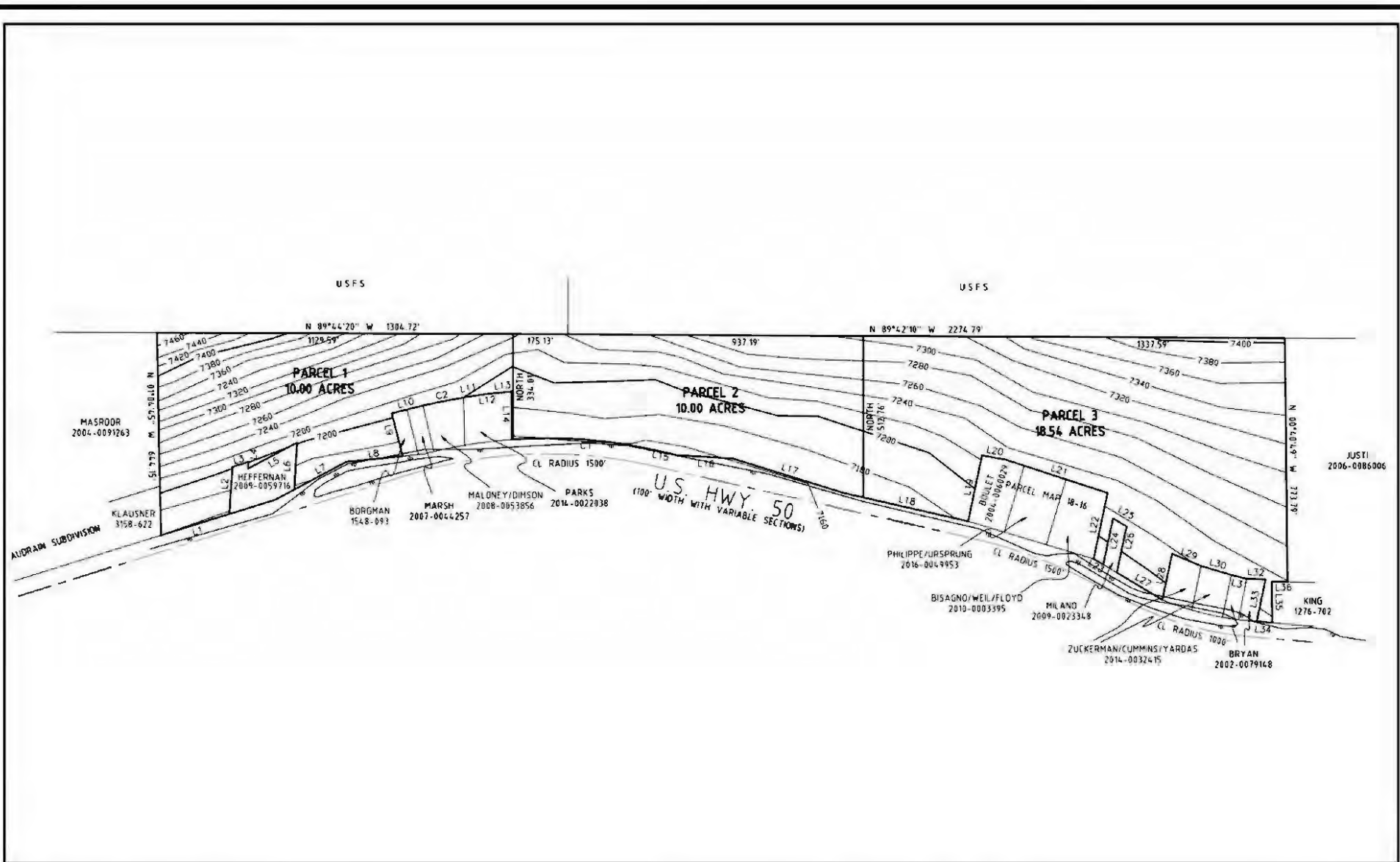
**Legend**

-  Project Parcel (APN: 037-010-72)
-  Highway 50

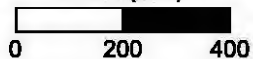


**Figure 1**  
Project Area  
C&J Parcel Map - El Dorado County, California





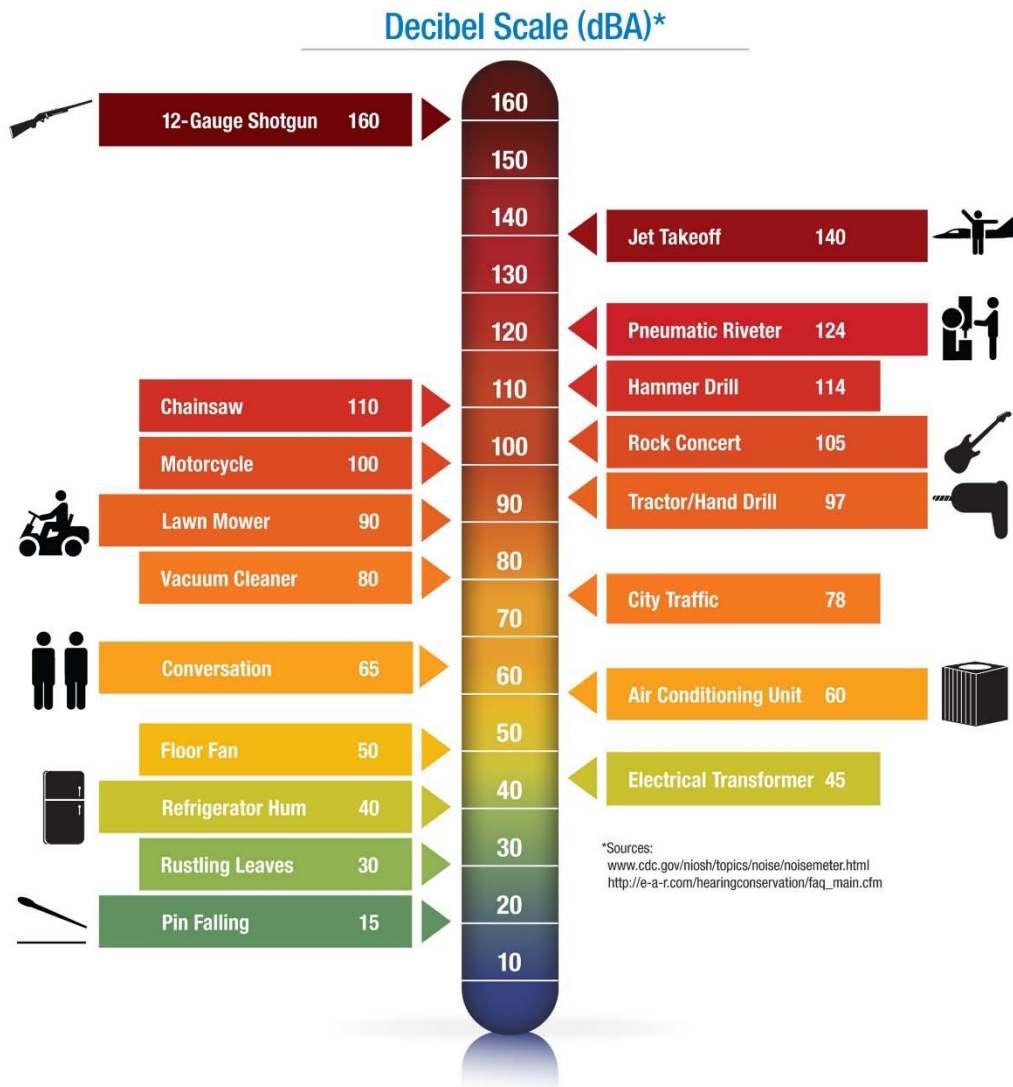
Scale (feet)



**Figure 2**  
 Tentative Parcel Map  
 C&J Parcel Map - El Dorado County, California

The Day-Night Average Level (L<sub>dn</sub>) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L<sub>dn</sub> represents a 24-hour average, it tends to disguise short-term variations in the noise environment. L<sub>dn</sub>-based noise standards are commonly used to assess noise impacts associated with traffic, railroad and aircraft noise sources.

**Figure 3**  
**Typical A-Weighted Sound Levels of Common Noise Sources**



## Criteria for Acceptable Noise Exposure

### El Dorado County General Plan

The Noise Element of the El Dorado County General Plan contains policies to ensure that County residents are not subjected to noise beyond acceptable levels.

Policy 6.5.1.1 of the County Noise Element requires an acoustical analysis for new residential developments located in potentially noise-impacted areas.

Policy 6.5.1.3 states that where noise mitigation measures are required to achieve the County's exterior noise standards, the emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project and the noise barriers are not incompatible with the surroundings.

Policy 6.5.1.8 establishes 45 and 60 dB  $L_{dn}$  as being acceptable interior and exterior noise levels, respectively, for new residential uses affected by traffic noise sources. Where it is not possible to reduce noise in outdoor activity areas to 60 dB  $L_{dn}$  or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 dB  $L_{dn}$  may be allowed provided that available exterior noise reduction measures have been implemented and interior noise levels are in compliance with the 45 dB  $L_{dn}$  standard.

## Evaluation of Future Highway 50 Traffic Noise Levels

### Traffic Noise Prediction Methodology

The Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA-RD-77-108) was used to predict traffic noise levels at the project site. The model is based upon the CALVENO noise emission factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA Model was developed to predict hourly  $L_{eq}$  values for free flowing traffic conditions, and is considered to be accurate within 1.5 dB in most situations.

### Predicted Future Traffic Noise Levels at the Project Site

The exact location of residential building structures has yet to be determined. As a result, the FHWA Model was used with future traffic data to predict future traffic noise levels at various setback distances from Highway 50. Setback distances were set at 20-foot increments from 80 feet to 500 feet from the roadway centerline. Future average daily traffic (ADT) volumes for Highway 50 were estimated by assuming a 50 percent increase relative to existing conditions. Existing ADT volumes (10,500) were obtained from the Caltrans Traffic Census Program

website ([www.dot.ca.gov/trafficops/census](http://www.dot.ca.gov/trafficops/census)). The FHWA Model inputs and results are provided in Appendices B-D. The predicted future traffic noise levels at the various setback distances are summarized in Table 1.

<b>Table 1 Predicted Future Highway 50 Traffic Noise Levels and Required Mitigation<sup>1</sup> C&amp;J Parcel Map – El Dorado County, California</b>					
Distance From Roadway Centerline (feet)	L <sub>dn</sub> (dB)	Noise Reduction Required for Exterior Standard <sup>2</sup>		Window Requirement to Achieve 45 dB L <sub>dn</sub> <sup>3</sup> Interior Standard	
		65 dB L <sub>dn</sub>	60 dB L <sub>dn</sub>	First-Floor	Upper-Floor
80	70	5	10	STC-27	STC-32
100	68	3	8	STC-27	STC-32
120	67	2	7	STC-27	STC-27
140	66	1	6	STC-27	STC-27
160	65	0	5	STC-27	STC-27
180	64	0	4	STC-27	STC-27
200	64	0	4	STC-27	STC-27
220	63	0	3	STC-27	STC-27
240	62	0	2	STC-27	STC-27
260	62	0	2	STC-27	STC-27
280	61	0	1	STC-27	STC-27
300	61	0	1	STC-27	STC-27
320	61	0	1	STC-27	STC-27
340	60	0	0	STC-27	STC-27
360	60	0	0	STC-27	STC-27
380	59	0	0	STC-27	STC-27
400	59	0	0	STC-27	STC-27
420	59	0	0	STC-27	STC-27
440	58	0	0	STC-27	STC-27
460	58	0	0	STC-27	STC-27
480	58	0	0	STC-27	STC-27
500	58	0	0	STC-27	STC-27

Notes:

1. A complete listing of FHWA Model inputs and results are provided in Appendix B-D.
2. Amount of attenuation required (dB) in order to satisfy either the 60 dB L<sub>dn</sub> or 65 dB L<sub>dn</sub> exterior noise level standards.
3. Window Sound Transmission Class (STC) rating required to satisfy 45 dB L<sub>dn</sub> interior noise level standard.

Source: Bollard Acoustical Consultants, Inc. (2017)

The Table 1 data indicate that future traffic noise levels at the project site decrease with increasing setback distances from the Highway 50 centerline, as expected. The Table 1 data also quantify the attenuation required to satisfy the county's 60 and 65 dB L<sub>dn</sub> exterior noise level standards depending on the setback from Highway 50. Furthermore, the Table 1 data include the window Sound Transmission Class (STC) rating required to satisfy the county's 45 dB L<sub>dn</sub> interior noise level standard at first- and upper-floor facades. A more detailed discussion of the required mitigation measures necessary to satisfy the El Dorado County exterior and interior transportation noise level standards is provided in the following section.

## Traffic Noise Mitigation Measures

### Outdoor Activity Areas

The data provided in Table 1 indicate the required attenuation required to satisfy the El Dorado County exterior noise level standards depends on the setback of the outdoor activity areas from Highway 50. For example, if the outdoor activity area is located 100 feet from the centerline of Highway 50, 3 dB of attenuation would be required to satisfy of the county's 65 dB L<sub>dn</sub> standard and 8 dB of attenuation would be required to satisfy the county's conditionally acceptable 60 dB L<sub>dn</sub> standard.

According to the Table 1 data, if the outdoor activity area on any of the three proposed lots is located within 320 feet of the Highway 50 centerline, mitigation would be required relative to the 60 dB L<sub>dn</sub> standard. If 6 dB or less of attenuation is required, a localized noise barrier measuring 6-feet in height would provide the necessary level of attenuation provided it intercepts line of sight to the highway. If 7-8 dB of attenuation is required, a localized noise barrier measuring 8-feet in height would provide the necessary level of attenuation. An alternative to a localized noise barrier would be to have the outdoor activity area located behind the residential building structure, thereby benefitting from the screening provided by the building structure itself.

According to the Table 1 data, if the outdoor activity area on any of the three proposed lots is located within 140 feet of the Highway 50 centerline, mitigation would be required relative to the conditionally acceptable 65 dB L<sub>dn</sub> standard. The same recommendations from the preceding paragraph regarding localized barriers or placing the outdoor activity areas behind the building structure would also apply.

### Interior Areas

The data provided in Table 1 indicate the STC rating of first- and upper-floor windows required to satisfy the El Dorado County interior noise level standard depending on the setback of the building façade from Highway 50. Standard residential construction (stucco siding, STC-27 windows, door weather-stripping, exterior wall insulation, composition plywood roof) typically results in an exterior to interior noise reduction of about 25 dB with windows closed, and approximately 15 dB with windows open. Due to reduced ground absorption at elevated

facades, traffic noise levels at second-floor facades are expected to be approximately 3 dB higher than first-floor locations.

As an example, if the building façade is located 100 feet from the centerline of Highway 50, the Table 1 data indicate that STC-27 windows would be required at first-floor facades, and STC-32 windows would be required at upper-floor facades. The resulting interior traffic noise levels at both first- and upper-floor facades would satisfy the El Dorado County 45 dB  $L_{dn}$  standard. It should be noted that this analysis assumes that mechanical ventilation (air conditioning) will be provided for the residences within this development to allow the occupants to close doors and windows as desired for additional acoustical isolation.

## Conclusions and Recommendations

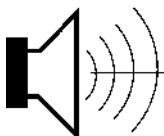
Depending on the building and outdoor activity area (backyard) setbacks from the centerline of Highway 50, future residences constructed within the proposed C&J Parcel Map project site may be exposed to future Highway 50 traffic noise exposure that exceeds the El Dorado County exterior and interior noise level criteria for residential land uses. In order to achieve compliance with the County's noise level criteria, please refer to Table 1 and the *Traffic Noise Mitigation Measures* section of this report.

These conclusions are based on the traffic data and assumptions cited in Appendix B, on the project tentative map shown on Figure 2, and on noise reduction data for standard residential dwellings and for typical STC rated window data. Deviations from the Appendix B data, or the tentative map shown on Figure 2, could cause future traffic noise levels to differ from those predicted in this analysis. In addition, Bollard Acoustical Consultants, Inc. is not responsible for degradation in acoustic performance of the building construction due to poor construction practices, failure to comply with applicable building code requirements, or for failure to adhere to the minimum building practices cited in this report.

This concludes BAC's traffic noise assessment for the proposed C&J Parcel Map project in El Dorado County, California. Please contact BAC at (916) 663-0500 or [paulb@bacnoise.com](mailto:paulb@bacnoise.com) with any questions regarding this assessment.

## Appendix A Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Masking</b>	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the Maximum level, which is the highest RMS level.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
<b>SEL</b>	A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy of the event into a 1-s time period.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.



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**Appendix B**  
**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**  
**Data Input Sheet**

Project #: 2017-021 C&J Parcel Map  
 Description: Future  
 Ldn/CNEL: Ldn  
 Hard/Soft: Soft

Segment	Roadway Name	Segment Description	ADT	Day %	Eve %	Night %	% Med. Trucks	% Hvy. Trucks	Speed	Distance	Offset (dB)
1	Highway 50	West of Echo Lake Road	15,750	83		17	3	3	55	80	
2			15,750	83		17	3	3	55	100	
3			15,750	83		17	3	3	55	120	
4			15,750	83		17	3	3	55	140	
5			15,750	83		17	3	3	55	160	
6			15,750	83		17	3	3	55	180	
7			15,750	83		17	3	3	55	200	
8			15,750	83		17	3	3	55	220	
9			15,750	83		17	3	3	55	240	
10			15,750	83		17	3	3	55	260	
11			15,750	83		17	3	3	55	280	
12			15,750	83		17	3	3	55	300	
13			15,750	83		17	3	3	55	320	
14			15,750	83		17	3	3	55	340	
15			15,750	83		17	3	3	55	360	
16			15,750	83		17	3	3	55	380	
17			15,750	83		17	3	3	55	400	
18			15,750	83		17	3	3	55	420	
19			15,750	83		17	3	3	55	440	
20			15,750	83		17	3	3	55	460	
21			15,750	83		17	3	3	55	480	
22			15,750	83		17	3	3	55	500	



**Appendix C**  
**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**  
**Predicted Levels**

Project #: 2017-021 C&J Parcel Map  
 Description: Future  
 Ldn/CNEL: Ldn  
 Hard/Soft: Soft

Segment	Roadway Name	Segment Description	Distance	Predicted Noise Levels, dB			Total
				Autos	Medium Trucks	Heavy Trucks	
1	Highway 50	West of Echo Lake Road	80	68	60	64	70
2			100	66	58	62	68
3			120	65	57	61	67
4			140	64	56	60	66
5			160	63	55	59	65
6			180	62	54	58	64
7			200	62	54	58	64
8			220	61	53	57	63
9			240	60	53	57	62
10			260	60	52	56	62
11			280	59	52	56	61
12			300	59	51	55	61
13			320	59	51	55	61
14			340	58	50	54	60
15			360	58	50	54	60
16			380	57	50	54	59
17			400	57	49	53	59
18			420	57	49	53	59
19			440	56	49	53	58
20			460	56	48	52	58
21			480	56	48	52	58
22			500	56	48	52	58

**Appendix D**  
**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**  
**Noise Contour Output**

Project #: 2017-021 C&J Parcel Map  
 Description: Future  
 Ldn/CNEL: Ldn  
 Hard/Soft: Soft

Segment	Roadway Name	Segment Description	----- Distances to Traffic Noise Contours -----				
			75	70	65	60	55
1	Highway 50	West of Echo Lake Road	35	75	161	347	747
2			35	75	161	347	747
3			35	75	161	347	747
4			35	75	161	347	747
5			35	75	161	347	747
6			35	75	161	347	747
7			35	75	161	347	747
8			35	75	161	347	747
9			35	75	161	347	747
10			35	75	161	347	747
11			35	75	161	347	747
12			35	75	161	347	747
13			35	75	161	347	747
14			35	75	161	347	747
15			35	75	161	347	747
16			35	75	161	347	747
17			35	75	161	347	747
18			35	75	161	347	747
19			35	75	161	347	747
20			35	75	161	347	747
21			35	75	161	347	747
22			35	75	161	347	747