DRAFT MITIGATED NEGATIVE DECLARATION

FILE: CCUP20-0002

PROJECT NAME: Green Valley Farm Commercial Cannabis Cultivation and Nursery

NAME OF APPLICANT: Chamy Thor Lee

ASSESSOR'S PARCEL NO.: 104-520-008 **SECTION:** 1 **T:** 8E **R:** 11N

LOCATION: The project site is located in northern El Dorado County at 3029 Freshwater Lane, Pilot Hill, CA. The project site is located south of Rattlesnake Bar Road approximately 1.5 miles west of the intersection with State Route (SR) 49.

☐ **GENERAL PLAN AMENDMENT:** **FROM:** **TO:**

☐ **REZONING:** **FROM:** **TO:**

☐ **TENTATIVE PARCEL MAP** ☐
SUBDIVISION (NAME):

☒ **SPECIAL USE PERMIT TO ALLOW:** The project applicant is seeking a Commercial Cannabis Use Permit (CCUP) for the construction and operation of a cannabis cultivation facility on an approximately 178-acre parcel. The project would consist of 10,000 square feet (sf) of outdoor cannabis cultivation for the first two years and transition to mixed-light cultivation of the same square footage from the third year onward. The cannabis cultivation facility would include five 2,000-sf hoop houses for the first two years of operation, and greenhouses of the same dimensions to replace the hoop houses for the third year and beyond, for a total of 10,000 sf of flowering canopy. Additionally, the project includes the construction of 6,120 sf of support area. This would include: two 2,000-sf hoop houses totaling 4,000 square feet; one 160-sf metal container as a chemical storage area; one 160-sf metal container as an agricultural materials storage area; one 600-sf compost area; and one 1,200-sf building for harvest storage, administrative hold, curing, packaging, and processing. Processing of the product would be completed on-site. The applicant would also install a 5-kilowatt (kW) solar panel system to provide primary power for the greenhouse operations, acquiring the remaining power from a connection with existing Pacific Gas & Electric (PG&E) infrastructure.

☐ **OTHER:**

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 _____on _____.

_____
Executive Secretary

Green Valley Farm

Public Review Draft
Initial Study/Mitigated Negative Declaration

Prepared for:

County of El Dorado Planning and Building Department
2850 Fairlane Court, Building C
Placerville, CA 95667

Prepared by:

HELIX Environmental Planning, Inc.
11 Natoma Street, Suite 155
Folsom, CA 95630

February 2022

This page intentionally left blank

TABLE OF CONTENTS

Section **Page**

TABLE OF CONTENTS (cont.)

LIST OF APPENDICES

LIST OF FIGURES

LIST OF TABLES

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AFY	acre-feet per year
APCD	Air Pollution Control District
bcf	billion cubic feet per year
BMP	Best Management Practices
BRA	Biological Resources Assessment
BTU	British thermal units
CAL FIRE	California Department of Forestry and Fire Protection
Cal OES	California Governor's Office of Emergency Services
Cal/OSHA	California Division of Occupational Safety and Health
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCUP	Commercial Cannabis Use Permit
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CH_4	methane
CHRIS	California Historical Resources Information System
CNPS	California Native Plant Society
CO_2	carbon dioxide
County	El Dorado County
CRHR	California Register of Historical Resources
CVRWQCB	Central Valley Regional Water Quality Control Board
CWA	Clean Water Act
dB	decibels
dbh	diameter at breast height
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EDC ALUC	El Dorado County Airport Land Use Commission
EDCAQMD	El Dorado County Air Quality Management District
EIR	Environmental Impact Report
EO	Executive Order
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
FPR	Forest Practice Rules
GHG	greenhouse gas
GWh	gigawatt hours

ACRONYMS AND ABBREVIATIONS (cont.)

IPaC	Information, Planning, and Consultation System
ISA	International Society of Arboriculture
IS/MND	Initial Study and Mitigated Negative Declaration
kWh	kilowatt hours
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
MCAB	Mountain Counties Air Basin
MR	Mineral Resource
MRZ	Mineral Resource Zone
N_2O	nitrous oxide
NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NEHRP	National Earthquake Hazards Reduction Program
NMFS	National Marine Fisheries Service
NOA	naturally occurring asbestos
NSF	National Sanitation Foundation
OEHHA	Office of Environmental Health Hazard Assessment
ORMP	Oak Resources Management Plan
OSHA	Occupational Safety and Health Administration
PPV	peak particle velocity
PRC	Public Resources Code
RMP	risk management plan
RPF	Registered Professional Forester
RWQCB	Regional Water Quality Control Board
sf	square feet
SHMA	Seismic Hazards Mapping Act
SPCC	Spill Prevention, Control, and Countermeasure
SPL	sound pressure level
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TCR	Tribal Cultural Resources
TPZ	Timber Production Zone
USACE	U.S. Army Corps of Engineers
USDOE	United States Department of Energy
VMT	Vehicle Miles Travelled
WRPP	Water Resource Protection Plan

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

INITIAL STUDY
ENVIRONMENTAL CHECKLIST

Project Title: Commercial Cannabis Use Permit CCUP20-0002/Green Valley Farm

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

Contact Person: Aaron Mount, Senior Planner | **Phone Number:** (530) 621-5355

Applicant's Name and Address: Green Valley Farm; 4921 Rattlesnake Bar Rd, Pilot Hill, CA 95664

Project Agent's Name and Address: CBKL Property, Inc., P.O. Box 5206, El Dorado Hills, CA 95762

Project Engineer's Name and Address: Sierra Land Solutions Attn: Bryan McAlister., 11003 Brandolier Way, Nevada City, CA 95959

Project Location: The project site is located in northwestern El Dorado County at 4921 Rattlesnake Bar Rd, Pilot Hill, CA. The project site is located near the El Dorado and Placer County line, and it is generally situated west of State Route (SR) 49 and south and east of Rattlesnake Bar Road. See Figure 1 for the regional location and Figure 2 for an aerial map of the project site.

Assessor's Parcel Number (APN): 104-520-008 **Acres:** approximately 178 acres

Sections: USGS Pilot Hill 7.5-minute Quadrangle, Section 1 of Township:11N, Range:08E

General Plan Designation: Rural Residential-Important Biological Corridor (RR-IBC)

Zoning: Rural Land, 20-acre Minimum (RL-20)

Description of Project: The project applicant is seeking a Commercial Cannabis Use Permit (CCUP) for the construction and operation of a cannabis cultivation facility on an approximately 178-acre parcel. The project would consist of 10,000 square feet (sf) of outdoor cannabis cultivation for the first two years and transition to mixed-light cultivation of the same square footage from the third year onward. The cannabis cultivation facility would include five 2,000-sf hoop houses for the first two years of operation, and greenhouses of the same dimensions to replace the hoop houses for the third year and beyond, for a total of 10,000 sf of flowering canopy. Additionally, the project includes the construction of 6,120 sf of support area. This would include: two 2,000-sf hoop houses totaling 4,000 square feet; one 160-sf metal container as a chemical storage area; one 160-sf metal container as an agricultural materials storage area; one 600-sf compost area; and one 1,200-sf building for harvest storage, administrative hold, curing, packaging, and processing. Processing of the product would be completed on-site. The applicant would also install a 5-kilowatt (kW) solar panel system to provide primary power for the greenhouse operations, acquiring the remaining power from a connection with existing Pacific Gas & Electric (PG&E) infrastructure.

Surrounding Land Uses and Setting:

	Zoning	General Plan	Land Use/Improvements
Project Site	Rural Land (RL-20)	Rural Residential (RR)	Wooded to Sparsely Wooded Land, Grassland, Undeveloped
North	Limited Agriculture (LA-20), Residential Estate (RE-5)	RR, Low Density Residential (LDR)	Pilot Creek, Grassland, Wooded to Sparsely Wooded Land
South	RL-10	RR	Scattered Homes, Wooded Land
East	RE-5, RL-20	RR, LDR	Vacant, Wooded to Sparsely Wooded Land

West	LA-20, RL-10, RL-20	RR	Scattered Homes, Wooded Land

Environmental Setting: The site consists of relatively flat terrain in an area of rolling hills. Current vegetation in the area proposed for development is annual grassland. The elevation on the parcel ranges from approximately 1,040 feet to 1,360 feet above mean sea level (amsl). Drainage within the project site generally runs west and north, and eventually flows into Pilot Creek, which lies just north of the project property. The proposed project site is bordered to the north by Rattlesnake Bar Road, Pilot Creek, grassland, and wooded to sparsely wooded land; to the east by vacant, wooded to sparsely wooded land; to the south by Starling Lane, wooded land, and scattered residences; and to the west by Rattlesnake Bar Road, wooded land, and scattered homes. The project site contains four terrestrial vegetation communities: Annual Grassland, Blue Oak – Foothill Pine Woodland, Chaparral, and Montane Riparian. These vegetation communities are discussed in further detail in Section 7.IV, Biological Resources.

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

1. El Dorado County – Grading permit, building permits, septic permit, Commercial Cannabis Operating Permit
2. El Dorado County Fire Protection District – Building plan review
3. California Department of Food and Agriculture – CalCannabis Cultivation License
4. State Water Resources Control Board – Notice of Applicability under the General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ-2019-0001-DWQ (Cannabis General Order)
5. California Department of Fish and Wildlife – General Permit, Lake or Streambed Alteration Agreement

1.0 INTRODUCTION

This document is an Initial Study/Mitigated Negative Declaration (IS/MND) that has been prepared in accordance with the California Environmental Quality Act (CEQA) for the proposed Green Valley Farm project (proposed project). This IS/MND has been prepared in accordance with the CEQA Public Resources Code (PRC) Sections 21000 et seq., and the State CEQA Guidelines. Pursuant to the State CEQA Guidelines Section 15367, El Dorado County (County) is the lead agency for CEQA compliance.

An Initial Study is conducted by a CEQA lead agency to determine if a project may have a significant effect on the environment. In accordance with the State CEQA Guidelines Section 150649(a)(1), an Environmental Impact Report (EIR) must be prepared if the Initial Study indicates that the proposed project may have a potentially significant impact on the environment. According to State CEQA Guidelines Section 15070, a Negative Declaration or Mitigated Negative Declaration shall be prepared when either:

a) The Initial Study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

b) The Initial Study identified potentially significant effects, but:

    1) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

    2) There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

If revisions are incorporated into the proposed project in accordance with the State CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration is prepared. This document includes such revisions in the form of mitigation measures. Therefore, this document is a Mitigated Negative Declaration, that incorporates the accompanying Initial Study.

2.0 PROJECT LOCATION AND SURROUNDING LAND USES

The proposed project would be located on an approximately 178-acre property in the northwestern El Dorado County area at 4921 Rattlesnake Bar Road, Pilot Hill, California. The property consists of one parcel (APN 104-520-008), but construction and operation of the cannabis cultivation facility would only occur on 2.6 acres of the parcel. The proposed project consists of one cannabis cultivation area that would be situated within a relatively flat-lying area located near the center of the property. The project site is accessible via gravel access driveways on the property, one of which would be improved to support the proposed project. The driveway that would be improved leads south from Rattlesnake Bar Road, and the other leads north from Starling Lane. The property is designated Rural Residential (RR) in the County's General Plan, and it is within the Rural Land, 20-acre Minimum (RL-20) zone district.

The site consists of relatively flat terrain in an area of rolling hills. The elevation of the parcel ranges from approximately 1,040 feet to 1,360 feet amsl. Drainage within the project site generally runs west and north, and eventually flows into Pilot Creek, which lies just north of the property. The proposed project site is bordered to the north by Rattlesnake Bar Road, Pilot Creek, grassland, and wooded to sparsely wooded land; to the east by vacant, wooded to sparsely wooded land; to the south by Starling Lane, wooded land, and scattered residences; and to the west by Rattlesnake Bar Road, wooded land, and scattered homes. The area proposed for development currently consists of non-native annual grassland. See Figure 1 for a vicinity map and Figure 2 for an aerial map of the project site.

3.0 PROJECT DESCRIPTION

Green Valley Farm is applying for a Commercial Cannabis Use Permit (CCUP20-0002) for the construction and operation of a commercial cannabis cultivation facility. The proposed project consists of two phases: Phase I includes the construction and operation of an outdoor cannabis cultivation facility that would include 10,000 sf of flowering canopy to be planted immediately upon project approval, and Phase II includes the conversion of the outdoor cannabis cultivation to mixed-light cannabis cultivation to be implemented in the third year of project operation. The applicant plans to ultimately have all cannabis canopy under mixed-light to allow for year-round cannabis cultivation. See Figure 3 for the project site plan.

Phase I

The outdoor cannabis cultivation operation would be located in the center of the project parcel (APN 104-520-008) and consist of the construction and installation of the following:

- 10,000 sf of outdoor flowering canopy
  - Five (5) 2,000-sf hoop houses with no supplemental lighting
- 6,120 sf of support area
  - 4,000 sf of immature plant area (two hoop houses, dimensions 20 ft by 100 ft each)
  - One agriculture chemical storage area (160 sf metal container; dimensions 8 ft by 20 ft)
  - One agricultural material storage area (160 sf metal container; dimensions 8 ft by 20 ft)
  - 600 sf compost area
  - One processing building (1,200 sf building; dimensions 30 by 40 feet) that would include:
    - Harvest storage area (300 sf)
    - Drying area (300 sf)
    - Packaging area (300 sf)
    - Processing area (300 sf)
    - Restroom
- Site gates and fencing
- Paving and gravel finishing of site access driveway
- Two 2,500-gallon fire suppression water storage tanks and a fire hydrant
- Septic system and septic leach field.

Phase II

Phase II would be located within the footprint of Phase I and would consist of building five (5) 2,000-sf greenhouses (dimensions 20 ft by 100 ft each) to facilitate mixed-light cultivation in the area where outdoor cultivation would occur under Phase I. Outdoor cultivation would be replaced by mixed-light cultivation such that there would be a maximum of 10,000 sf of mature canopy at any given time, which means no increase in sf of mature canopy as compared to Phase I. A 5-kW solar array would also be installed during this phase to provide power for the mixed-light greenhouse operations.

The components of the proposed project are described in more detail below.

Cannabis Cultivation Areas

Phase I of the proposed project would solely consist of outdoor cannabis cultivation, totaling 10,000 sf of flowering cannabis canopy under five (5) 2,000-sf hoop houses. Additionally, two hoop houses would be constructed for a total of 4,000 sf of immature plant area. Eventual buildout of Phase II would replace all existing outdoor cannabis canopy with mixed-light cannabis canopy in greenhouses such that the total flowering canopy would not exceed 10,000 sf at any point. The 10,000 sf of cannabis canopy proposed in Phase II would be housed within five (5) 2,000-sf greenhouses to be built within the footprint of the original five (5) hoop houses used for outdoor flowering canopy cultivation. A six-foot-high fence would be built around the cannabis cultivation area (including both mature and immature canopy) and the compost area.

Support Structures and Infrastructure

The proposed project would include the construction of three (3) structures to support the cannabis cultivation facility. The main support building would be 1,200 sf and provide space for a harvest storage area, drying area, packaging area, processing area, and a restroom. The construction of an on-site septic system and septic leach field would be necessary to support the proposed 1,200-sf main building and would be located northeast of the proposed building. Additionally, two (2) 160-sf storage containers would be installed on-site just west of the proposed support building. One storage container would store organic pesticides and fertilizers, and the other would store operational supplies. A 600-sf compost area would also be developed within the fenced facility, north of the two storage containers.

Water would be obtained from an existing private well on the project site. The proposed project is estimated to demand approximately 150,000 gallons of water per year (or 0.46 acre-feet of water per year) for cannabis cultivation and support and sanitary needs. A well was constructed on-site on April 28, 2002, by a previous owner. This well would provide the main water supply for the proposed cannabis cultivation operation and miscellaneous support and sanitary needs. The well is 460 feet deep and can provide approximately 10 gallons per minute of water during initial operation. Two (2) 2,500-gallon fire suppression water storage tanks would also be installed.

During the first two years of project operation, the applicant would conduct only outdoor cannabis cultivation and would obtain electricity from PG&E to power the proposed support warehouse. From the third year onwards, when the operation would transition to mixed-light, the applicant would install 5 kW of solar capacity to provide the main source of power for illumination, cooling, and ventilating the proposed greenhouses, while still relying on PG&E for the remainder of power needs.

Employees

The facility would employ three (3) part time employees throughout the year, and up to two (2) additional part time employees during the harvest season. Under the most conservative (i.e., the busiest) assumptions, during peak season, up to five (5) employees would be on-site. The actual number would be lower most days since some of these employees would be seasonal to assist only during the busiest time of year. The owner and/or a designated employee of Green Valley Farm would have year-round on-site presence, running the day-to-day operations within the cultivation premises.

Security Plan

The cultivation area, including the hoop houses/greenhouses containing the flowering canopy, hoop houses containing the immature plant areas, and compost area, would be surrounded by a six-foot-high chain link security fence. Site access driveways would be controlled with locked security gates. The applicant would also install and monitor the video surveillance of the project premises as necessary.

Site Access/Parking

The site can be accessed from the north via a gravel driveway that leads south from Rattlesnake Bar Road to the cultivation area. The site can also be accessed from the south via a dirt roadway that leads north from Starling Lane to the cultivation area. Site access driveways would be controlled with locked security gates. A knox box would be provided at the main site entrance near the driveway's intersection with Rattlesnake Bar Road as well as at the EVA entrance along Starling Lane to allow emergency crews access to the site if needed.

The northern (steeper) portion of the driveway leading to the site from Rattlesnake Bar Road would be widened and paved with asphalt. The southern (flatter) portion would be surfaced with gravel. Four turnouts are proposed for the driveway between the proposed parking area and Rattlesnake Bar Road to facilitate vehicle passing. The driveway (not including turnouts) would be 30 feet wide. Four standard (9 ft by 18 ft) parking spaces and one ADA compliant parking space would be constructed just south of the cultivation area. A hammerhead turnaround would be constructed west of the parking area near the intersection of the two driveways to facilitate turnarounds as needed, including for emergency vehicles. The southern driveway leading from Starling Lane would not be improved for the proposed project as it is not the proposed primary point of access to the site. It is surfaced with dirt and gravel and

served by an existing locked gate, but as noted above, it would not be the primary point of access for project-related traffic.

Construction Schedule and Equipment

Construction of Phase I would occur immediately upon project approval and acquisition of the required permits from the County and would take approximately 2 months to complete. Site grading and preparation would produce approximately 400 cubic yards of cut that would be redistributed on-site so no import or export of soils would be necessary. Construction of Phase II is anticipated to be implemented in the third year of project operations. According to Appendix D of the CalEEMod Users' Guide, a project with a construction area between 2 and 3 acres would be expected to require a one rubber-tired dozer, one tractor/loader/backhoe, and one grader (CAPCOA 2017), and it is estimated that each piece of equipment would operate for 8 hours per day during project construction.

4.0 PUBLIC REVIEW AND REQUIRED APPROVALS

This IS/MND is being circulated for public and agency review for a 30-day period. Written comments on the IS/MND should be submitted by mail or e-mail to the following:

Aaron Mount, Senior Planner
2850 Fairlane Court, Building C
Placerville, CA 95667
Aaron.mount@edcgov.us

Following the close of the written comment period, the IS/MND will be considered by the lead agency (El Dorado County) in a public meeting and will be adopted if it is determined to be in compliance with CEQA.

Public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement) include the following:

- **El Dorado County** – Grading permit, building permits, septic permit, Commercial Cannabis Operating Permit;
- **El Dorado County Fire Protection District** – Building plan review;
- **California Department of Cannabis Control** – Cultivation License;
- **State Water Resources Control Board** – Notice of Applicability under the Cannabis General Order issued to project applicant on June 18, 2020 (WDID 5S09CC427358); and
- **California Department of Fish and Wildlife** – General Permit, Lake or Streambed Alteration Agreement (if needed).

5.0 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: 2/8/22

Printed Name: Aaron Mount, Senior Planner For: El Dorado County

Signature: _____ Date: 2-8-22

Printed Name: Chris Perry, Assistant Director Planning and Building For: El Dorado County

6.0 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" or “Less than Significant with Mitigation” as indicated by the checklist on the following pages.

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

7.0 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

I. AESTHETICS

Would the project:	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. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			**X**	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			**X**	

Environmental Setting

The project property is situated in the Sierra Nevada foothills, in a transition zone between oak/gray pine woodland and coniferous woodland typical of the western slope of the Sierras, along with several open areas consisting primarily of seasonal forage grasses. The setting is very rural, and the population density is low; there are no publicly accessible facilities in the vicinity of the project. The project site is accessible via two existing gravel driveways on the property; one from Rattlesnake Bar Road to the north and one from Starling Lane to the south. While the project property is visible from Rattlesnake Bar Road and Starling Lane, public views of the cultivation area would be obscured by vegetation and topography of the site.

The project property is mostly undeveloped, although access roads exist as described above. The site access roads are secured with gates along the Rattlesnake Bar Road and Starling Lane frontages. The project parcel includes oak/gray pine woodland and chaparral along its edges. The area proposed for development is in the center of the parcel and consists almost entirely of annual grassland.

The site consists of relatively flat terrain in an area of rolling hills with the elevations ranging from approximately 1,040 feet to 1,360 feet amsl. Drainage within the project site generally runs west and north, and eventually flows into Pilot Creek, which lies just north of the project property. The proposed project site is bordered to the north by Rattlesnake Bar Road, Pilot Creek, grassland, and wooded to sparsely wooded land; to the east by vacant, wooded to sparsely wooded land; to the south by Starling Lane, wooded land, and scattered residences; and to the west by Rattlesnake Bar Road, wooded land, and scattered homes.

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 2020). The State highway system includes designated scenic highways and those that are eligible for designation as scenic highways.

The nearest officially designated or eligible State scenic corridor in the vicinity of the project site is eligible State Route 49, approximately one mile east of the project site (Caltrans 2021). The project site is not visible from any point on State Route 49.

Title 3 Section 8304(c) of the California Code of Regulations states: "All outdoor lighting used for security purposes shall be shielded and downward facing."

Section 8304(g) states: "Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare."

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 the identification of uses allowed by right or requiring a special-use permit as well as 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 United States Forest Service (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.

Impact Analysis:

a. **Scenic Vista:** A scenic vista is defined as a viewpoint that provides expansive views of a highly-valued landscape (such as an area with remarkable scenery or a resource that is indigenous to the area) for the benefit of the public. The project property is adjacent to wooded lands and grasslands in all directions and Pilot Creek to the north, however, these features have not been identified as scenic vistas nor is the project site visible from public viewpoints (El Dorado County 2018). Therefore, while the proposed project would

introduce a new cannabis cultivation facility to the project site, it would not result in a substantial adverse effect to a scenic vista. All cannabis cultivation would be setback a minimum of 800 feet from the property boundary, and site improvements would be hidden from view by vegetation and topography. Impacts would be **less than significant**.

b. **Scenic Resources:** State Route (SR) 49 is classified as an "Eligible State Scenic Highway – Not Officially Designated" throughout El Dorado County (Caltrans 2021) and is located approximately 1.2 miles east of the project site. The nearest officially designated scenic highway is U.S. 50 between and within the City of Placerville and the Tahoe Basin. (Caltrans 2021). This designation occurs approximately 17.3 miles southeast of the project site. The project site would not be visible from any designated or eligible scenic highway. Therefore, the proposed project would have **no impact** to scenic resources within the proximity of a State scenic highway.

c. **Visual Character:** The proposed project would result in the construction of a new commercial cannabis cultivation facility. The proposed development may result in a change to the visual character of the site by developing areas of annual grassland. However, the project site is surrounded by other wooded or sparsely wooded, privately-owned lands and is not visible from public vantage points. Therefore, the construction of the proposed project would not substantially degrade the character of the site or its surroundings or degrade the quality of views from publicly accessible vantage points, and impacts would be **less than significant**.

d. **Light and Glare**: The proposed project would result in the development of new structures, including a proposed solar array system as part of the transition to mixed-light cultivation. The solar array modules feature panels that are designed to maximize absorption and minimize the reflection of sunlight to increase electricity production efficiency. To limit reflection, solar panels are constructed of dark, light-absorbing materials and are given an anti-reflective coating or textured surface which can reduce reflectivity to less than 4 percent of incoming sunlight (USDOE 2021). In comparison, the reflectivity of standard glass is over 20 percent.

As part of Phase II, the proposed project would convert the outdoor cannabis cultivation to mixed-light cultivation within greenhouses that would provide supplemental lighting, which could result in additional lighting on-site. The mixed-light cultivation would be required to be designed and installed to prevent light spillover that could be visible from all property boundaries between sunset and sunrise. The greenhouses for the mixed-light cultivation would include light deprivation tarps to fully shield any light from escaping the greenhouses. Other potential sources of light and glare include external building lighting, parking lot lighting, and building windows. The introduction of new sources of light and glare may contribute to nighttime light pollution and result in impacts to nighttime views in the area. However, with the implementation of the design standards discussed above and the requirement for the project to comply with County design standards and El Dorado County Code of Ordinances (County Code) Section 130.14.170 (Outdoor Lighting), impacts from the introduction of new light and glare would be **less than significant.**

FINDING: The proposed project would result in less than significant or no impacts to scenic vistas, scenic resources, the visual character of the project area, and from new light and glare sources. Additionally, with adherence to the County Code (Section 130.14.170 – Outdoor Lighting), any potential aesthetic impacts from nighttime light pollution would be less than significant.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by 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**	

Environmental Setting

There are over 100,000 acres of active farmland in El Dorado County (Garoogian 2013). Major crops include fruits, and there are over 80 active vineyards in the County (EDCHM 2010). Cattle grazed on rangeland also comprise a considerable portion of the County's agricultural production.

According to the custom Soil Resource Report for this project (NRCS 2021), the following soil map units occur on the project property:

- Auburn silt loam, 2 to 30 percent slopes (AwD): covers 40.8 percent of the parcel;
- Auburn very rocky silt loam, 2 to 30 percent slopes (AxD): covers 36.3 percent of the parcel;
- Auburn very rocky silt loam, 30 to 50 percent slopes (AxE): covers 3.2 percent of the parcel;
- Boomer very rocky loam, 30 to 50 percent slopes (BkE): covers 15.6 percent of the parcel;
- Boomer very rocky loam, 50 to 70 percent slopes (BkF): covers 3.2 percent of the parcel;
- Sobrante silt loam, 3 to 15 percent slopes (SuC): covers 0.9 percent of the parcel.

According to the Farmland Mapping and Monitoring Program (FMMP), no Prime or Unique Farmlands or Farmlands of Statewide Importance have been identified on the project site or project property. The project site is classified as Grazing Land (CDC 2021a).

The project site contains four terrestrial vegetation communities: Annual Grassland, Blue Oak – Foothill Pine Woodland, Chaparral, and Montane Riparian. The property has not been recently used for agriculture. The area of the parcel proposed for development contains mostly annual grassland, along with a few small decadent oak and gray pine trees heavily infected with mistletoe.

Commercial timber harvest on this property would not likely be viable due to low stocking, and most of the existing trees are of non-commercial species. Timber harvesting has historically been a major component of El Dorado County's economy (Garoogian 2013), and although some commercial timber harvesting remains in the County, the vast majority is accomplished in elevations greater than those found on the project site because of their more favorable conditions for commercial species.

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 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 2021c). FMMP rates and classifies agricultural land according to soil quality, irrigation status, and other criteria. Important Farmland categories are as follows (CDC 2021d):

> ***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 2021e). 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 Z'Berg-Nejedly Forest Practices Act (FPA), which took effect January 1, 1974. The act established the Forest Practice Rules (FPRs) and charged the politically-appointed Board of Forestry to oversee their implementation. CAL FIRE works under the direction of the Board of Forestry and Fire Protection 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 non-federal timberland, with limited exceptions.

Local Laws, Regulations, and Policies

El Dorado County General Plan Agriculture and Forestry Element

Adopted in 2004 and amended in 2015, this element sets the County's priorities for the continued viability of agricultural and forestry activities. Goals of this element include agricultural land conservation, agricultural production, forest land conservation, and sustainable and efficient forest production (El Dorado County 2015b).

Impact Analysis:

a. **Farmland Mapping and Monitoring Program:** According to the FMMP, no Prime or Unique Farmlands or Farmlands of Statewide Importance have been identified on the project site or project property (CDC 2021a). As a result, implementation of proposed project would have no impact on Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland) as defined by the FMMP (CDC 2021a). Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland) to non-agricultural use, and there would be **no impact**.

b. **Agricultural Uses:** The project property is zoned as Rural Land, 20-acre Minimum (RL-20) and not under Williamson Act Contract. Cannabis cultivation is allowed on parcels zoned RL-20 with County approval of a CCUP. The project was reviewed at the El Dorado County Agricultural Commission's regularly scheduled Zoom meeting held on April 14, 2021. The Agricultural Commission determined that the location is not currently being used for agriculture, but large areas of the parcel could still be used for cattle grazing in conjunction with the commercial cannabis cultivation operation. Additionally, the Agricultural Commission found that the project would not intensify or add new conflicts with the agricultural activities on adjacent parcels. Therefore, the proposed project would not conflict with existing zoning for agricultural use and would not impact any properties under a Williamson Act Contract. There would be **no impact**.

c.-d. **Loss of Forest land or Conversion of Forest land:** The project site contains four terrestrial vegetation communities: Annual Grassland, Blue Oak – Foothill Pine Woodland, Chaparral, and Montane Riparian. The site is not zoned or designated as Timber Production Zone (TPZ) or another forest land use. The proposed project would be developed an open, grassy space in the middle of the parcel with few trees in the area. No commercial tree species are proposed for removal (14 CCR Section 895.1). Potential impacts to noncommercial oak resources (which are protected by the County Code) are addressed in Section 7.IV, Biological Resources.

Therefore, the proposed project would not conflict with the zoning for, or cause rezoning of, forest land or timberland or result in a substantial loss or conversion of forest land, and impacts would be **less than significant** for questions c) and d).

e. **Conversion of Prime Farmland or Forest Land:** The proposed project would develop 2.6 acres of currently unused annual grassland into a cannabis cultivation facility on an approximately 178-acre property, leaving 175.4 acres of the property as undeveloped and undisturbed grassland and wooded land. Implementation of the proposed project would not 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. Therefore, the proposed project would not result in a substantial

conversion of agricultural or forest land to non-agricultural or non-forest uses, and impacts would be **less than significant.**

FINDING: The proposed project would not conflict with existing zoning for agricultural use, TPZ, or other forest land, impact any properties under a Williamson Act Contract, or result in a substantial loss or conversion of agricultural land or forest land. Less than significant or no impacts would occur for impacts related to Agriculture and Forestry Resources.

III. AIR QUALITY

Would the project:	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. 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**	
c. Expose sensitive receptors to substantial pollutant concentrations?			**X**	
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			**X**	

Regulatory Setting:

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards, or criteria, for outdoor concentrations to protect public health. The federal and state standards have been set, with an adequate margin of safety, at levels designed to protect the most sensitive persons from illness or discomfort. 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 the following criteria air pollutants: particulate matter of aerodynamic diameter of 10 micrometers or less (PM_{10}), particulate matter of aerodynamic diameter of 2.5 micrometers or less ($PM_{2.5}$), carbon monoxide (CO), nitrogen dioxide (NO_2), ground-level ozone (O_3), sulfur dioxide (SO_2), and lead. Of these criteria pollutants, particulate matter and ground-level O_3 pose the greatest threats to human health. 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 (H_2S), sulfates, and vinyl chloride.

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.

The proposed project is located within the Mountain Counties Air Basin (MCAB), which is comprised of seven air districts: the Northern Sierra Air Quality Management District (NSAQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County APCD, the Tuolumne County APCD, the Mariposa County APCD, and El Dorado County Air Quality Management District (EDCAQMD).

Air quality in the project area is regulated by the EDCAQMD. CARB and local air districts are responsible for overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of environmental documents required to comply with CEQA. The EDCAQMD regulates air quality through the federal and State Clean Air Acts, district rules, and its permit authority.

The USEPA and State also designate regions as "attainment" (within standards) or "nonattainment" (exceeds standards) based on the ambient air quality. El Dorado County is in nonattainment status for both federal and state O_3 standards, for the state PM_{10} standard, and for the federal 24-hour $PM_{2.5}$ standard and is in attainment or unclassified status for all other pollutants (CARB 2021).

California Code of Regulations Title 3, *Food and Agriculture*, Division 8, *Cannabis Cultivation*, contains the following sections applicable to the project and relevant to the air quality analysis:

> Section 8102(s) states: [Each cultivation license application shall include the following, if applicable:] For indoor and mixed-light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation.
>
> Section 8304(e) states: [All licensees shall comply with all of the following environmental protection measures:] Requirements for generators pursuant to section 8306 of this chapter.
>
> Section 8306 provides requirements for stationary and portable generators greater than 50 horsepower. It requires these to comply with the appropriate Airborne Toxic Control Measure (e.g., USEPA Tier 4 certified engines or equivalent CARB certified engine retrofits) for stationary or portable generators and includes certificates or permits that are acceptable to prove compliance. Additional compliance options are provided for generators below 50 horsepower by 2023, including limiting hours of operation, meeting certain emergency use requirements, or filter and engine requirements.

Impact Analysis:

a. **Air Quality Plan:** As mentioned previously, the MCAB is currently in non-attainment for O_3 (State and federal ambient standards), PM_{10} (State ambient standard), and $PM_{2.5}$ (federal ambient 24-hour standard). The Sacramento Regional 2008 NAAQS (National Ambient Air Quality Standards) 8-Hour Ozone Attainment Plan and Reasonable Further Progress Plan (Ozone Attainment Plan) was developed for application within the Sacramento region, including the MCAB portion of El Dorado County (EDCAQMD et al. 2017). The EDCAQMD and other Sacramento region air districts have submitted a $PM_{2.5}$ Implementation/Maintenance Plan and Re-Designation Requests to fulfill CAA requirements to re-designate the region from nonattainment to attainment of the $PM_{2.5}$ NAAQS (EDCAQMD et al. 2013).

Projects within the MCAB portion of the County must demonstrate Ozone Attainment Plan consistency with the following four indicators:

1. The project does not require a change in the existing land use designation (e.g., a general plan amendment or rezone), or projected emissions of ROG and NOx from a project equal to or less than the emissions anticipated for the site if development under the existing land use designation;
2. The project does not exceed the "project alone" significance criteria;
3. The project would be consistent with the control measures for emissions reductions in the Ozone Attainment Plan; and
4. The project complies with all applicable district rules and regulations.

Regarding the first criterion for compliance with the Ozone Attainment Plan, the proposed project does not require a change in its current land use designation. Therefore, the project would not conflict with or exceed the assumptions of the Ozone Attainment Plan.

Regarding the second criterion, as discussed above, MCAB is currently in non-attainment for O_3 (State and federal ambient standards), PM_{10} (state ambient standard), and $PM_{2.5}$ (federal 24-hour ambient standard). As discussed in item b), below, the project would not exceed EDCAQMD significance criteria.

The third criterion is consistency with control measures in the Ozone Attainment Plan. Most of the control strategies in the Ozone Attainment Plan include measures in the categories of transportation and stationary sources. The non-regulatory control measures include on-road and off-road mobile incentive

programs, and an emerging/voluntary urban forest development program. These are followed by the regulatory control measures, which include indirect source rules and a variety of stationary- and area-wide source control measures. The control measures for reducing mobile source emissions includes the following statewide measures: new engine standards, reducing emissions from in-use fleet, requiring the use of cleaner fuels, supporting the use of alternative fuels, and pursuing long-term advanced technology measures. The project would not conflict with or hinder any of the control measures for emissions reductions in the Ozone Attainment Plan.

The final criterion is compliance with the EDCAQMD rules and regulations. The EDCAQMD has adopted rules designed specifically to address a variety of air quality impacts through measures that reduce construction and operational related air quality emissions. The project would be required by law to comply with all applicable rules and regulations. Rules designed to control air pollutant emissions, and which may be applicable to the project include:

- Rule 210 related to the discharge of air contaminants;
- Rule 215 related to application of architectural coatings;
- Rule 223 related to fugitive dust;
- Rule 223-1 related to construction generated fugitive dust;
- Rule 223-2 related to asbestos; and
- Rule 224 relates to application of cutback or emulsified asphalt for paving.

Notably, pursuant to Rule 223-1, any activities associated with plans for grading and construction would require a Fugitive Dust Control Plan (FDCP). 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.

In summary, the project would not conflict with the land use designation, would not exceed the "project alone" significance criterion, would be consistent with all control measures of the Ozone Attainment Plan, and would comply with applicable EDCAQMD rules. Based on these considerations, the project would not conflict with or obstruct implementation of an applicable air quality plan. The impact would be **less than significant**.

b. **Air Quality Standards and Cumulative Impacts:** The following discussion evaluates the potential for the project's construction and operational emissions to result in a considerable contribution to the region's cumulative air quality impact.

Construction

Construction of the project would result in the addition of pollutants to the local airshed caused by soil disturbance, fugitive dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials and worker vehicles commuting to and from the project site.

The EDCAQMD has adopted screening criteria for determining the significance of a project's construction period ozone precursor and particulate matter emissions in Chapter 4 of the Guide to Air Quality Assessment (EDCAQMD 2002).

> Screening of Construction Equipment Based on Fuel Use: If the average daily diesel fuels use for one quarter (3 months) would be less than 337 gallons (from Table 4.1 in the Guide to Air Quality Assessment), ROG and NO_X emissions from construction equipment may be deemed not significant. If ROG and NO_X emissions from diesel equipment are deemed not significant based on fuel usage in Table 4.1, then exhaust emissions of CO and PM_{10} from construction equipment, and exhaust emissions of all constituents from worker commute vehicles, may also be deemed not significant.

> Screening of Fugitive Dust Emissions Based on Incorporation of Mitigation Measures: Mass emissions of fugitive dust PM_{10} need not be quantified, and may be assumed to be not significant, if the project includes mitigation measures that will prevent visible dust beyond the project property lines, in compliance with Rule 403 of the South Coast Air Quality Management District (included in Appendix C-1 of the Guide to Air Quality Assessment).

The construction equipment required for the project has not been determined at the time of this analysis. The California Emissions Estimator Model (CalEEMod), developed by the California Air Pollution Control Officers Association (CAPCOA) and the California air districts for estimating typical development project emissions, contains lists of equipment required for each activity of typical project construction based on project size. As described in Section 3.0, above, Phase I of the project would encompass approximately 2.6 acres and Phase II would involve the construction of 5 greenhouses within the footprint of Phase I. The most intense use of heavy construction equipment typically occurs during the grading activity. According to Appendix D of the CalEEMod Users' Guide, a project with a construction area between 2 and 3 acres would be expected to require a one rubber-tired dozer, one tractor/loader/backhoe, and one grader (CAPCOA 2017) and it is estimated that each piece of equipment would operate for 8 hours per day. Per El Dorado County Noise requirements, construction activities are restricted to the hours between 7:00 a.m. and 7:00 p.m. during weekdays and between 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays. The rubber-tired dozer would be the most fuel use intensive piece of construction equipment used during grading. A Caterpillar 824K Wheeled Dozer (405 horsepower) operating under medium intensity burns between 10.5 and 12.1 gallons of diesel per hour (Caterpillar 2018). Conservatively assuming that all equipment used during grading would burn 12.1 gallons per hours, the average daily diesel fuel use would be approximately 290 gallons, less that the 377 gallons per day screening level. Therefore, project construction emissions of ROG, NO_X and other exhaust constituents would be less than significant.

The EDCAQMD Rule 223-1 requires any construction or construction related activities, including the project construction, to submit a Fugitive Dust Control Plan to the EDCAQMD prior to the start of any construction activity for which a grading permit was issued by El Dorado County (EDCAQMD 2005). The Fugitive Dust Control Plan must identify the project's potential sources of fugitive dust and Best Management Practice (Rule 223-1, Table 1 through 4) or other effective measures for fugitive dust control. As a Condition of Approval, the County would require implementation of all applicable fugitive dust mitigation measures included in Appendix C-1, Tables C.4 and C.5 of the EDCAQMD Guide to Air Quality Assessment. Some of the requirements of these mitigation measures may overlap with the requirements of the EDCAQMD Rule 223-1. With adherence to this Condition of Approval, the project's construction-period emissions of fugitive dust PM_{10} and $PM_{2.5}$ would be less than significant.

Operation

The EDCAQMD has adopted screening criteria for determining the significance of a project's operational ozone precursor emissions in Chapter 5 of the Guide to Air Quality Assessment (EDCAQMD 2002):

> For development projects whose only operational emissions come from increased vehicular traffic, screening based on project size or activity may be used to determine whether the project will exceed the threshold of significance for total emissions from project operation. Table 5.2 of from the Guide to Air Quality Assessment provides size or activity cut-points for various types of land uses that the EDCAQMD has determined, based on conservative assumptions, would, if exceeded, result in emissions above the EDCAQMD's thresholds of significance for ROG and NO_X.

The project's proposed commercial cannabis cultivation facility is not included in Table 5.2 of the Guide to Air Quality Assessment. Examples of the development types and sizes in Table 5.2 includes 230 single-family residences, 620,000 square feet of manufacturing, and 260,000 square feet of general office space. As described in the Section XVII, Transportation, the project is expected to generate a total of 12 daily trips. For comparison, in transportation planning, the trip generation for a typical single-family residence is 9 to 10 daily trips (2,070 to 2,300 daily trips for 230 residences). Therefore, the project trip generation of 12 daily trips would be far less than the expected trip generation for any of the development types listed in Table 5.2. Therefore, the project's operational emissions of ROG and NO_X would be less than significant.

Impact Conclusion

The proposed project would not 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, and impacts would be **less than significant**.

c. **Sensitive Receptors:** The State 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. Residences, hospitals, schools, and convalescent facilities are examples of sensitive receptors. The discussion below reviews the significance of emissions within the context of potential impacts to sensitive receptors. The closest sensitive receptors are single-family rural residences along the project's southern property line. All cultivation and processing areas are set back a minimum of 800 feet from the property line of the neighboring residential properties. There are no daycare centers, schools, or hospitals, or convalescent facilities located within 1 mile of the project site.

Criteria Pollutants

Specific adverse health effects on individuals or population groups induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables such as cumulative concentrations, local meteorology and atmospheric conditions, and the number and characteristics of exposed individuals (e.g., age, gender). Criteria pollutant precursors (ROG and NO_X) affect air quality on a regional scale, typically after significant delay and distance from the pollutant source emissions. Health effects related to ozone are, therefore, the product of emissions generated by numerous sources throughout a region. Emissions of criteria pollutants from vehicles traveling to or from the project site (mobile emissions) are distributed nonuniformly in location and time throughout the region, wherever the vehicles may travel. As such, specific health effects from these criteria pollutant emissions cannot be significantly correlated to the incremental contribution from the project.

Toxic Air Contaminants

TACs are defined as substances that may cause or contribute to an increase in deaths or in serious illness, or that may pose a present or potential hazard to human health. Health effects from carcinogenic air toxics are usually described in terms of cancer risk. The EDCAQMD recommends an incremental cancer risk threshold of 10 in 1 million (with implementation of best available control technology for toxics). "Incremental cancer risk" is the net increased likelihood that a person continuously exposed to concentrations of TACs resulting from a project over a 9-, 30-, and 70-year exposure period will contract cancer based on the use of standard California Office of Environmental Health Hazard Assessment (OEHHA) risk-assessment methodology (OEHHA 2020). In addition, some TACs have non-carcinogenic effects. EDCAQMD recommends a Hazard Index of 1 or more for acute (short-term) and chronic (long-term) non-carcinogenic effects. The TAC that would potentially be emitted during construction activities associated with development of the proposed project would be diesel particulate matter (DPM).

Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as DPM. Almost all DPM is 10 microns or less in diameter and 90 percent of DPM is less than 2.5 microns in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung. In 1998, the CARB identified DPM as a TAC based on published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. Due to the relatively short period of construction, the substantial distance to the nearest sensitive receptor, and minimal exhaust PM_{10} emissions generated, project construction would not expose sensitive receptors to substantial concentrations of DPM.

Asbestos dust is a known carcinogen and is classified as a TAC by CARB. Naturally occurring asbestos (NOA) most commonly occurs in ultramafic rock (i.e., igneous and metamorphic rock with low silica content) that has undergone partial or complete alteration to serpentine rock (or serpentinite) and often

contains chrysotile asbestos. In addition, another form of asbestos, tremolite, is associated with ultramafic rock, particularly near geologic faults. Some areas of El Dorado County are known to contain NOA. Earthmoving activities in areas containing NOA could result in potentially significant levels of NOA in fugitive dust. El Dorado County provides a map which shows the locations of known areas of NOA, areas likely to contain NOA, and buffer zones for known and likely NOA areas (El Dorado County 2015a). The project site is not located within any area know or likely to contain NOA, or within any NOA buffer zone. In addition, the project would be required to comply with the EDCAQMD Rule 223-2 (Fugitive Dust - Asbestos Hazard Mitigation) which requires either a site-specific Geologic Evaluation, or an Asbestos Dust Mitigation Plan if NOA, serpentine, or ultramafic rock is discovered by the project owner/operator, a professional geologist, or the Air Pollution Control Officer prior to or during construction activity. Therefore, the project construction would not expose sensitive receptors to substantial concentrations of NOA.

Operation of the project would not result in significant, direct emissions of TACs (e.g., those from a stationary source such as diesel generators) or result in substantial diesel vehicle trips (i.e., delivery trucks). Therefore, the project would not result in exposure of sensitive receptors in the vicinity of the project site to substantial TAC concentrations due to operations.

In summary, the project would not expose sensitive receptors to substantial pollutant concentrations, including DPM and NOA, and the impact would be **less than significant**.

d. **Objectionable Odors:** The occurrence and severity of potential odor impacts depend on numerous factors. The nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receiving location each contributes to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying, cause distress, and generate citizen complaints. Common sources of odors include wastewater treatment plants, landfills, transfer stations, composting facilities, refineries, chemical plants, and food processing plants (EDCAQMD 2002).

The proposed project would construct a cannabis cultivation facility. During project construction, exhaust from equipment may produce discernible odors typical of most construction sites. Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from the tailpipes of construction equipment. However, such odors would disperse rapidly from the project site and generally occur at magnitudes that would not affect substantial numbers of people. There is an increased potential for odor emanating from project operation due to the strong fragrance of cannabis. The El Dorado County Cannabis Ordinance, Section 130.41.200 contains a minimum setback of 800 feet from the property line of the site or public right-of-way for allowed cultivation and processing activities. In addition, the ordinance includes standards for maximum allowable odors measured by the County at the property line using a field olfactometer. Based on the results of field measurements, the County may require installation of odor control options which may include, but are not limited to, the use of a greenhouse or hoop house that includes activated carbon filtration or equivalent odor abatement control equipment on the air exhaust (el dorado County 2019). Compliance with the County Cannabis Ordinance for odor control would ensure that impacts associated with odors would be **less than significant.**

FINDING: The proposed project would not 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 or expose sensitive receptors to substantial pollutant concentrations, and impact would be less than significant. With adherence to the EDCAQMD applicable rules, the proposed project would have less than significant impacts on air quality and odors.

IV. BIOLOGICAL RESOURCES

Would the project:	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**

This section of the Initial Study is based on the project-specific Biological Resources Assessment (BRA) prepared by consulting biologist Greg Matuzak (Greg Matuzak Environmental Consulting LLC 2021) to assess the project's potential impact to federal and State special-status plants and wildlife species and their habitats. The full BRA is included as Appendix A of this Initial Study. The results of that report are summarized in this section.

Environmental Setting:

The project area is located in El Dorado County, CA in the northern-central Sierra Nevada foothills. The Sierra Nevada foothills lie between the western edge of the Sierra Nevada and the eastern border of the Central Valley. The foothills form a belt 10 to 30 miles wide that ranges from 500 to 5,000 feet in elevation in a series of northwest to north/northwest aligned ridges that decline in elevation from northeast to southwest. Many rapidly flowing rivers and streams run westerly in deeply incised canyons with bedrock channels to the Central Valley and eventually to the Pacific Ocean. Alluvial fans, floodplains, and terraces are not extensive. Dominant vegetation communities include grasslands, oak woodlands, and chaparral, along with mixed coniferous forests in the higher elevations.

Vegetation communities within the project area are typical of the lower Sierra Nevada foothills, and include annual grassland, oak/pine woodland, chaparral, and small riparian vegetation communities, along with two small ponds

and an ephemeral stream. The terrain within the project area is typical of the lower Sierra Nevada foothills that normally varies between flat ridges and valleys to gently and moderately sloping hillsides. The project parcel is mostly flat to gently sloping with elevations ranging from approximately 1,040 feet to 1,360 feet amsl.

Natural hydrologic sources for the project area include precipitation and surface runoff from adjacent lands. The project site receives an average of 34.07 inches of precipitation per year (CNPS 2021). Most precipitation is concentrated in the winter and early spring months, with summers being almost completely dry. During field surveys near the end of the wet season, very little surface water was identified except for water within two ponds located along the eastern section of the project parcel. There is a seasonal/intermittent stream connecting the two ponds and flowing further north within the eastern section of the subject parcel that is not shown as a blue line feature or stream on any USGS or NWI maps that include the project area (see Appendix A). However, it is assumed that a 300-foot setback requirement from the proposed cultivation area must be adhered to from the two ponds and the seasonal/intermittent stream.

The parcel is not actively used for natural resource extraction or production, although some of the land has been cleared in the distant past and was presumably grazed or farmed. The center of the parcel, including the area proposed for development of the cultivation site, is annual grassland. The remainder of the site consists largely of blue oak/gray pine woodland, chaparral, and small areas of riparian communities. The surrounding land uses include private wooded and grazing lands and rural residential properties. Pilot Creek is a permanent stream located north of Rattlesnake Bar Road.

The BRA (Appendix A) identified the following terrestrial vegetation communities on the property:

- Annual Grassland: Within the annual grasslands of the subject parcel, the following species are dominant: slender wild oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), softchess *(Bromus hordeaceus*), medusahead (*Taeniatherum caput-medusae*) and yellow-star thistle (*Centaurea solstitialis*). Most native grasslands in El Dorado County have been replaced by non-native invasive plants and the majority of the annual grassland habitat identified within the subject parcel is dominated by non-native annual grassland species, many of which are considered invasive. This habitat type covers a large, open area in the central section of the project parcel, including 100 percent of the proposed cultivation area.

- Blue Oak – Foothill Pine Woodland: Blue oak – foothill pine woodland is a co-dominant habitat type within the subject parcel. Foothill pine (*Pinus sabiniana*) and blue oak (*Quercus douglasii*) are the dominant tree species within this habitat type. Blue oaks and interior live oak trees (*Quercus wislizeni*) were the only native oak trees identified within the subject parcel. Within the subject parcel this habitat is dominated by larger foothill pines and blue and interior live oak trees that are small in stature and in some cases could be considered large shrubs.

- Chaparral: Species associated with this habitat type within the subject parcel include toyon (*Heteromeles arbutifolia*), buck brush (*Ceanothus cuneatus*), deer brush (*Ceanothus integerrimus*), whiteleaf manzanita (*Arctostaphylos viscida*), and poison oak (*Toxicodendron diversilobum*). California buckeye (*Aesculus californica*) trees and shrubs were also identified within this habitat type. This habitat type is found within the hilly, rocky sections of the subject parcel.

- Montane Riparian: The montane riparian vegetation within the subject parcel is located adjacent to both sides of the seasonal stream and immediately adjacent to the two ponds within the eastern section of the subject parcel. The understory of montane riparian vegetation along the seasonal stream is dominated by Himalayan blackberry. This vegetation type forms a very narrow band along both banks of the seasonal/intermittent stream within the project parcel.

According to the United States Fish and Wildlife Service (USFWS) Information, Planning, and Consultation System (IPaC), no critical habitat for any federally-listed species occurs within the project property. The California Natural Diversity Database (CNDDB) did not report any special-status habitat for State-listed species within the project property.

In El Dorado County, native oak woodlands are a protected habitat (see discussion of oak resources below). The applicant currently proposes removing one, and may remove up to eight, oak tree(s) from the parcel for personal use, provided that they are not valley oaks (*Quercus lobata*) or heritage trees (single-stemmed native oaks having a diameter at breast height [dbh] of 36 inches or more, or multi-stemmed native oaks having an aggregate dbh of 36 inches or more), and that the total dbh of trees removed does not exceed 140 inches (County Code 130.39.050 (J.)).

The following animals were observed at the site during the field survey: American robin, dark-eyed junco, house finch, mourning dove, northern flicker, and western scrub jay.

Based on the results of the database searches, two special-status plant species were identified as previously occurring within three miles of the project area: Brandegee's clarkia (*Clarkia biloba*) and big-scale balsamroot (*Balsamorhiza macrolepis*). Brandegee's clarkia inhabits chaparral, cismontane woodland, and lower montane coniferous/mixed conifer forest habitats. It is most often found in road cuts between 245 and 3,000 feet amsl. The species has been documented along the northern boundary of the subject parcel (along Rattlesnake Bar Road), although it was not observed and has not been documented in the areas proposed for disturbance. Big-scale balsamroot is a perennial herb native to California. It is found in valley grasslands and foothill woodlands on serpentinite and gabbroic substrates and blooms between March and June. The species was previously documented to the west-southwest within three miles of the project area within an historical site along the North Fork of the American River and is considered possibly extirpated. The species was not observed during the May 2020 field surveys. Potential for occurrence of this species is considered very low, and it is not expected to occur within the project area given the lack of serpentine soils.

According to the USFWS and CNDDB, the following special-status species may occur or have documented historical occurrences in the vicinity of the project site.

Table 1.
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR NEAR THE PROJECT SITE

Scientific Name Common Name	Regulatory Status[1]	Status in/near the Project Site	Suitable Habitat in/near the Project Site
Agelaius tricolor Tricolored blackbird	--/ST/SSC/--	Habitat present (nesting and foraging)	The two ponds on the project site may provide marginal foraging and nesting habitat for the species. However, the species was not observed there, and given the ponds' small and isolated nature and their distance from known tricolored blackbird occurrences, it is unlikely that ponds on the project site would be utilized by this species.
Banksula californicabla Alabaster Cave harvestman	--/--/--/GH, SH	No habitat present	The species has not been identified within the State of California for over 20 years and it is considered possibly extirpated from mining and vandalism at the Alabaster Cave, the only location where it was previously known to occur.
Cosumnoperla hypocrena Cosumnes stripetail	--/--/--/G2, S2	Habitat present (breeding and foraging)	This species has been documented within three miles of the Project area in an unnamed tributary to

[1] Regulatory Status is FESA listing/CESA listing/Other state status/CNDDB element ranks status (only included if no other listing/status applies). FT = Federally Threatened; SCE=State Candidate Endangered; ST=State Threatened; FP=Fully Protected; SSC=Species of Special Concern; GH = Possibly Extinct globally; G2 = Imperiled globally; SH = Possibly Extirpated (Historical) within the state; S2 = Imperiled within the state

Scientific Name Common Name	Regulatory Status[1]	Status in/near the Project Site	Suitable Habitat in/near the Project Site
			Knickerbocker Creek, Blue Tent Creek and other creeks and streams to the west, north, and east of the subject parcel. It is found in intermittent streams on the western slope of the central Sierra Nevada foothills in the American and Cosumnes River Basins. Potentially suitable habitat for this species could occur within the mapped seasonal/intermittent stream that runs to the east of the proposed cultivation area.
Falco peregrinus anatum American peregrine falcon	--/--/FP/--	Habitat present (foraging)	Woodland and grassland within the project site may provide suitable foraging habitat for this species.
Bombus occidentalis Western bumble bee	--/SCE/--/--	No habitat present.	Species has not been documented within three miles of the subject parcel since 1976 and is currently only known from a few locations in other regions of the Sierra Nevada.
Emys marmorat Western pond turtle	--/--/SSC/--	Habitat present (breeding and foraging)	Ponds within the subject parcel could provide suitable habitat.
Rana aurora draytonii California red-legged frog	FT/--/SSC/--	Habitat present (breeding, foraging, and dispersal)	Ponds within the subject parcel may provide marginal breeding and foraging habitat, and upland portions of the parcel may provide marginal dispersal habitat.

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 *et seq.*) 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 (16 USC 1539 *et seq*.) 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 and their nests and eggs; protected species are on a federal list specific to this act (50 CFR Section 10.13). 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 civil and 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 1607 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. The limit of CDFW jurisdiction is subject to the judgment of the Department; currently, this jurisdiction is interpreted to be the "stream zone", defined as "that portion of the stream channel that restricts lateral movement of water" and delineated at "the top of the bank or the outer edge of any riparian vegetation, whichever is more landward".

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 Practice Act, which took effect January 1, 1974. The act established the Forest Practice Rules (FPRs) and charged the politically-appointed Board of Forestry to oversee their implementation. CAL FIRE works under the direction of the Board of Forestry and Fire Protection and is the lead government agency responsible for approving logging plans and for enforcing the FPRs. A Timber Harvest Plan must be prepared by a Registered Professional Forester for timber harvest on non-federal timberlands, with limited exceptions.

Cannabis Cultivation Program

Title 3 CCR Section 8102 states:

> [Each application for a cultivation license shall include the following, if applicable]:
>
> (w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required
>
> (dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8216 states:

> If the State Water Resources Control Board or the Department of Fish and Wildlife notifies the department in writing that cannabis cultivation is causing significant adverse impacts on the environment in a

> watershed or other geographic area pursuant to section 26069, subdivision (c)(1), of the Business and Professions Code, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area while the moratorium is in effect.

Section 8304 states:

> All licensees shall comply with all of the following environmental protection measures:
>
> (a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;
>
> (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;
>
> (c) All outdoor lighting used for security purposes shall be shielded and downward facing.

Section 8304(g) states:

> Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Local Laws, Regulations, and Policies

The County General Plan also includes 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).

<u>El Dorado County</u>

EI Dorado County Code and General Plan Policies pertaining to the protection of biological resources would include protection of rare plants, setbacks to riparian areas, and mitigation of impacted oak woodlands. Policy 7.4.4.4 of the General Plan establishes the native oak tree canopy retention and replacement standards. Impacts to oak woodlands have been addressed in the El Dorado County General Plan EIR, available for review online at https://www.edcgov.us/Government/planning/pages/final_environmental_impact_report_%28eir%29.aspx or at El Dorado County Planning Services offices located at 2850 Fairlane Court, Placerville, CA, 95667. Mitigation in the form of General Plan policies has been developed to mitigate impacts to less than significant levels. The County's oak resources reporting and impact mitigation requirements are outlined in El Dorado County's Oak Resources Management Plan (ORMP) and codified in County Ordinance No. 5061.

El Dorado County Oak Resources Conservation Ordinance (No. 5061)

The El Dorado County Oak Resources Conservation Ordinance was adopted to establish standards for implementing the County's ORMP. The Ordinance protects native oak resources as oak canopy or as an individual tree and states that an impact is defined for individual native oak trees as the physical destruction, displacement or removal of a tree or portions of a tree caused by poisoning, cutting, burning, relocation for transplanting, bulldozing or other mechanical, chemical, or physical means. For oak woodlands, tree and land clearing apply when they are associated with land development, including, but not limited to, grading, clearing, or otherwise modifying land for roads, driveways, building pads, landscaping, utility easements, fire-safe clearance and other development activities. If a project is determined to have an impact to individual native oak trees or oak woodlands the project is required to mitigate for that impact through one of the following: pay-in-lieu fees, purchase and deed-restrict oak woodland off-site, or plant replacement oaks on- or off-site. Several exemptions exist, including cutting of oaks for the property owner's personal use, so long as the oaks are not a Heritage Tree (native oak tree of 36 inches dbh or a multi-stemmed tree having a total aggregate dbh of 36 inches or more) nor a valley oak (*Quercus lobata*). A landowner may remove up to eight trees from a single parcel per year under this exemption, provided that the total dbh of trees removed from a single parcel does not exceed 140 inches (County Code 130.39.050 (J.)).

Impact Analysis:

a. Special Status Species: As discussed in the BRA, impacts to potential special-status species were considered based on field survey results and a review of the USFWS IPaC for federally endangered, threatened, and proposed listed species in the project area, the California Native Plant Society's online Inventory of Rare and Endangered Plants of California in the project area and a 9 Quad Inventory Search, and a CDFW CNDDB records search with a 3-mile buffer around the project area. No special-status species were detected within the project area during the field survey. In general, the proposed development areas have a low potential for harboring listed plant species. Specialized soils are absent from the site. The dominant habitat type in the project area is non-native grassland and is dominated by invasive European grasses and forbs which tend to exclude and outcompete native rare plants. The area of the project parcel proposed for development is in a disturbed state, having been used previously for grazing, and is mostly covered with non-native forage grasses. In contrast, undisturbed areas of the project area have a low to moderate potential to support special-status plant species, especially along the northern boundary of the parcel, where Brandegee's clarkia (*Clarkia biloba*) has been previously documented. Implementation of Mitigation Measure BIO-1 (below) would reduce potential impacts to this species to less than significant.

Wetlands, such as the ephemeral channel and two ponds east of the project site, can sustain aquatic special-status species and diverse wildlife species in general. All proposed development and disturbance areas (with the exception of the existing driveway that would require minor improvements that would be limited to the existing footprint of disturbance in areas closest to the pond) are several hundred feet from the ephemeral channel and ponds. The proposed cultivation area is setback at least 300 feet from all aquatic features. The BRA concluded that no direct impacts to special-status species would occur from project implementation. However, special-status species that occur in the vicinity could migrate on to the site, or plants could emerge on-site between the time that the field survey was completed and the start of construction. This could result in an adverse impact without mitigation.

No nests or nesting activity were observed in the project area during the field survey, but the project area contains suitable nesting habitat for various bird species due to the presence of trees. If construction activities are conducted during the nesting season, nesting birds could be directly impacted if tree removal is needed, and indirectly impacted by noise, vibration, and other construction-related disturbances. Therefore, project construction could cause a potentially significant adverse impact to nesting birds without mitigation. To reduce any potential impacts to special-status species or nesting birds, the project applicant would be required to implement Mitigation Measure BIO-1, Pre-Construction Survey for Special-Status Species. With the implementation of Mitigation Measure BIO-1, the proposed project would have a **less than significant impact with mitigation.**

Mitigation Measure BIO-1: Pre-Construction Survey for Special-Status Species

A pre-construction survey for special-status plant and animal species shall be performed by a qualified biologist prior to project construction to ensure that special-status species are not present. If any listed species are detected, construction shall be delayed, and the appropriate agency (CDFW and/or USFWS) shall be consulted and project impacts and mitigation reassessed.

Given that Brandegee's clarkia (*Clarkia biloba*) has been previously documented along the northern boundary of the subject parcel (along Rattlesnake Bar Road), a survey for this species shall be performed by a qualified biologist prior to any improvements being made to the northern driveway near its intersection with Rattlesnake Bar Road. If Brangdegee's clarkia or any other listed plant species is found, CDFW shall be notified and consulted to determine appropriate avoidance and/or mitigation measures.

If construction or tree removal would occur during the nesting season (March 1 through August 31), then a pre-construction survey for the presence of nesting birds shall be conducted within 500 feet of proposed construction or tree removal areas by a qualified biologist. If active nests are identified in these areas, then CDFW and/or the USFWS shall be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing, the postponement of construction activities or tree removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Monitoring Responsibility: El Dorado County Planning and Building Department.

b, c. **Riparian Habitat and Wetlands:** The BRA determined that no water resources occur within the project site. The mature cultivation area is located at least 300 feet away from the nearest ephemeral channel and from the two existing ponds as required by El Dorado County's Cannabis Ordinance. The remaining support areas would be set back from these features by several hundred feet. There are no wetlands or additional aquatic features within the project parcel. A small portion of the existing access driveway passes within approximately 100 feet of the northern (smaller) pond, but proposed improvements to that portion of the road are minimal and would only include stabilizing the existing road with gravel. Potential adverse impacts to water resources could occur during construction by modification or destruction of stream banks or riparian vegetation, the filling of wetlands, or by increased erosion and sedimentation in receiving water bodies due to soil disturbance. However, the cultivation area has been designed to be setback a minimum 300 ft from watercourses and is situated on relatively flat terrain. With the implementation of these project design avoidance measures, no direct impacts to water resources would occur.

Indirect impacts from project construction could occur from ground disturbance and result in erosion and sedimentation in receiving water bodies. If the total area of ground disturbance from installation of the cultivation operation is one acre or more, the applicant would be required to enroll for coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ). Implementation of a project-specific Stormwater Pollution Prevention Plan (SWPPP) and erosion control plan, along with regular inspections, would ensure that construction activities would not pollute receiving waterbodies.

Potential adverse impacts to water resources could occur during operation of cultivation activities through the discharge of sediment or other pollutants (fertilizers, pesticides, human waste, etc.) into receiving waterbodies. However, the project proponent is required to file a Notice of Intent and enroll in Cannabis Cultivation Order WQ 2019-0001-DWQ. Compliance with this order would ensure that cultivation operation would not significantly impact water resources by using a combination of Best Management Practices (BMPs), buffer zones, sediment and erosion controls, site management plans, inspections and reporting, and regulatory oversight. With the implementation of these required measures, potential impacts to any riparian habitat or other sensitive natural community would be **less than significant.**

d. **Migration Corridors:** The El Dorado County General Plan designates IBCs in the County, and lands located within the overlay district are subject to provisions to reduce potential impacts to IBCs. The project site is located in an area identified as an IBC, and the following General Plan policies apply:

- **Policy 2.2.2.8:** The Important Biological Corridor (-IBC) overlay shall be as set forth in Policy 7.4.2.9. Where the -IBC Overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

- **Policy 7.4.2.9:** The Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay:

    - In order to evaluate project-specific compatibility with the -IBC overlay, applicants for discretionary projects (and applicants for ministerial projects within the Weber Creek Canyon IBC) shall be required to provide to the County a biological resources technical report (meeting the requirements identified in Section A of Policy 7.4.2.8 above). The site-specific biological resources technical report will determine the presence of special-status species or habitat for such species (as defined in Section B of Policy 7.4.2.8 above) that may be affected by a proposed project as well as the presence of wildlife corridors particularly those used by large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Properties within the -IBC overlay that are found to support wildlife movement shall provide mitigation to ensure there is no net loss of wildlife movement function and value for special-status species, as well as large mammals such as mountain lion, bobcat, mule deer, American black bear, and coyote. Mitigation measures may include land use siting and design tools.

    - Wildland Fire Safe measures (actions conducted in accordance with an approved Fire Safe Plan for existing structures or defensible space maintenance for existing structures consistent with California Public Resources Code Section 4291) are exempt from this policy, except that Fire Safe measures will be designed insofar as possible to be consistent with the objectives of the Important Biological Corridor. Wildland Fire Safe measures for proposed projects are not exempt from this policy.

Wildlife movement corridors typically are associated with ridgelines and valleys, rivers, and creeks supporting riparian vegetation. The proposed project area does provide some of these features, along with good cover for movement and foraging for many species; however, more typical movement corridors are available adjacent to the project area along features such as Pilot Creek to the north. Proposed project development would temporarily impede wildlife use of the project area; however, these project related effects would be localized and would not substantially affect wildlife movements. Additionally, no wildlife nursery sites are in the proposed project area. While the project property may be used by wildlife for movement or migration, the project would not have a significant impact on this movement because it would not block movement, and the majority of the open space on the project property would remain undisturbed, as only 2.6 acres of this 178-acre property would be developed as part of the proposed project. Implementation of the proposed project would include the installation of security fencing around the cultivation compound, but open space would remain outside of the 2.6-acre compound, allowing for free movement.

The proposed project has the potential to impact nesting raptors, nesting birds, and other migratory birds. These potential impacts would be mitigated through the implementation of Mitigation Measure BIO-1, and impacts would be **less than significant with mitigation**.

e. Local Policies: The applicant may remove up to eight oak trees from the project parcel for personal use as firewood. Given that the applicant intends to remove the tree(s) for personal use, the trees are not valley oak (*Quercus lobata*) nor heritage trees, and that no more than 8 oaks and no more than 140 inches total dbh of oaks are proposed for removal under that action, the action would be exempt from the County's Oak Resources Conservation Ordinance (Oak Ordinance; County Code Chapter 130.39), and no mitigation nor reporting would be required (County Code 130.39.050 (J.)). The applicant may also elect to thin some or all of the oak stands adjacent to the main driveway and elsewhere on the property in accordance with the recommendations of the Fire Safe Plan prepared for the proposed project (Live Oak Wildfire Solutions 2021; Appendix D to this Initial Study). Such tree removal would not be exempt from the County's Oak Ordinance, and the applicant would be required to commission an oak resources technical report outlining the trees to be removed, apply for a County permit, and pay any applicable impact fees to the County in accordance with the Oak Ordinance, as described in Mitigation Measure BIO-2, below. No other local policies or ordinances protecting biological resources are applicable to the proposed project. Thus, with compliance with the County's Oak Ordinance and MM BIO-2, impacts would be **less than significant with mitigation incorporated**.

Mitigation Measure BIO-2: Removal of Protected Oak Resources

If the applicant chooses to implement any of the recommendations outlined in the Fire Safe Plan (Live Oak Wildfire Solutions 2021; Appendix D to this Initial Study) that involve removal of protected oak resources, all requirements of the County's Oak Resources Conservation Ordinance (County Code Chapter 130.39) shall be followed. This shall include the preparation of an Oak Resources Technical Report by an arborist certified by the International Society of Arboriculture (ISA) or a Registered Professional Forester (RPF); the application for Oak Tree and/or Oak Woodland Removal Permit(s) from the County; the payment of any in-lieu mitigation fees required by the County; and any other applicable requirements contained within Chapter 130.39 of the County Code as determined by County staff having authority to grant the above permits.

f. Adopted Habitat Conservation Plans: 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: No special-status plant or wildlife species or sensitive habitats were identified on the project site. Implementation of Mitigation Measure BIO-1, Pre-Construction Survey for Special-Status Species, would avoid any potential impacts to special-status species, nesting raptors, nesting birds, or other migratory birds. Implementation of Mitigation Measure BIO-2, Removal of Protected Oak Resources, would reduce any impacts to protected oak resources to less than significant levels. For this Biological Resources evaluation, impacts would be less than significant with mitigation.

V. CULTURAL RESOURCES

Would the project:				
	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?			**X**	
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?			**X**	
c. Disturb any human remains, including those interred outside of formal cemeteries?			**X**	

Environmental Setting:

A letter from the North Central Information Center (NCIC 2020) regarding the proposed project site is included as Appendix B to this Initial Study.

According to the letter from the NCIC, page 1 [internal citations omitted]:

> In this part of El Dorado County, archaeologists locate prehistoric-period habitation sites along streams or on ridges or knolls, especially those with southern exposure. This region is known as the ethnographic-period territory of the Nisenan, also called the Southern Maidu. The Nisenan maintained permanent settlements along major rivers in the Sacramento Valley and foothills; they also periodically traveled to higher elevations. The proposed project search area is situated in the Sierra Nevada foothills about 105 feet south of Pilot Creek. Given the extent of known cultural resources and the environmental setting, there is low potential for locating prehistoric-period cultural resources in the immediate vicinity of the proposed project area.
>
> Within the search area, the 1866 GLO plat of T11N, R8E shows evidence of a nineteenth-century road and mining features in the vicinity. Given the extent of known cultural resources and patterns of local history, there is low potential for locating historic-period cultural resources in the immediate vicinity of the project area.

European American settlement of El Dorado County began in earnest in 1848 with the discovery of gold at Sutter's Mill on the American River (NIC 2020). Some mining camps in the area developed into permanent towns. Timber harvesting, farming, and ranching developed in the region along with the mines. Eventually, the importance of mining declined, travel became more efficient with the modernization of roads such as U.S. 50 in the 1920s and 30s, and the need for waystations was reduced. Timber production also declined in the early 20th century. The economy in much of El Dorado County became increasingly focused on residential, retail, and recreational uses. Wine production has also seen a rise in the County in the past few decades. Today, the largest industries in the County are health care and social assistance, retail trade, accommodation and food service, and various educational services. There are over 100,000 acres of active farming land, and some of the highest paying industries are utilities, mining, quarrying, oil and gas extraction, as well as manufacturing.

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

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 CEQA. 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.

PRC (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 PRC 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 State CEQA Guidelines

Section 21083.2 of the State CEQA Guidelines requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined 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.

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

Section 15064.5 of the State 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 CRHR (PRC Section 5024.1[k]);
- Included in a local register of historic resources (PRC Section 5020.1) or identified as significant in an historic resource survey meeting the requirements of PRC Section 5024.1(g); or
- Determined by a lead agency to be historically significant.

State CEQA Guidelines Section 15064.5 also prescribes the processes and procedures found under Health and Safety Code Section 7050.5 and PRC 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.

State 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.

Cannabis Cultivation Program:

California Code of Regulations Title 3 Section 8304(d) states:

> [All licensees shall comply with all of the following environmental protection measures:] (d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

Impact Analysis:

a. **Historic Resources:** A records search of the North Central Information Center (NCIC) was conducted for the proposed project. The NCIC records search, which was conducted on May 5, 2020, indicated that one prior study had been completed that covers a portion of the broader search area (i.e., between 0 and 0.25 mile from the project site). The record search and previous study indicated that the proposed project area contains zero (0) recorded prehistoric period resources and one (1) recorded historic-period cultural resource: a historic-era earthen dam that was deemed insignificant. Outside the proposed project area, but within the 1-mile radius, the broader search area contains zero (0) recorded prehistoric-period resources and zero (0) recorded historic-period cultural resource(s).

Based on the results of the NCIC records search and its indication that the site was not sensitive with respect to cultural resources, the preparation of a project-specific cultural resources assessment was not required by the County. Standard Conditions of Approval (below) imposed by the County on the project would address the accidental discovery of any previously unidentified resources during construction and result in project impacts that are **less than significant**.

g. **Archeological Resources:** Based on the results of the NCIC records search and absence of known significant unique archaeological resources within the project site, project impacts to significant unique archaeological resources is not anticipated. Standard Conditions of Approval (below) imposed by the County on the proposed project would address the accidental discovery of any previously unidentified resources during construction and result in project impacts that are **less than significant**.

h. **Human Remains:** The records search completed for this project did not find evidence of potential human remains (NCIC 2020). In the unlikely event that human remains are discovered during construction, the County's standard Conditions of Approval (below) requiring compliance with CEQA Guidelines Section 15064.5(e) would result in project impacts that are **less than significant**.

Conditions of Approval:

1. Heritage Resources: In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.

2. Discovery of Human Remains: In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and

disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

FINDING: With the implementation of standard Conditions of Approval imposed by the County, the proposed project would have a less than significant impact on Cultural Resources.

VI. ENERGY

Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Result in potential significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			**X**	
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			**X**	

Environmental Setting:

This section provides an evaluation of existing energy production and consumption conditions, as well as potential energy use and related impacts from the proposed project. The following discussion is consistent with and fulfills the intent of Appendix F Energy, from the State CEQA Guidelines.

The unit of energy used in this section are the British thermal units (BTU) and kilowatt hours (kWh). A BTU is the quantity of heat required to raise the temperature of one pound of water one-degree Fahrenheit (°F) at sea level. Because the other units of energy can all be converted into equivalent BTU, the BTU is used as the basis for comparing energy consumption associated with different resources. A kWh is a unit of electrical energy, and one kWh is equivalent to approximately 3,413-BTU, taking into account initial conversion losses (i.e., from one type of energy, such as chemical, to another type of energy, such as mechanical) and transmission losses. Natural gas consumption is described typically in terms of cubic feet or therms; one cubic foot of natural gas is equivalent to approximately 1,050-BTU, and 1-therm represents 100,000-BTU.

California Energy Overview:

Electricity

California's electricity needs are satisfied by a variety of entities, including investor-owned utilities, publicly owned utilities, electric service providers and community choice aggregators. In 2019, the California power mix totaled 277,704 gigawatt hours (GWh). In-state generation accounted for 200,475 GWh, or 72 percent, of the State's power mix. The remaining electricity came from out-of-state imports (CEC 2021a). Table 2 below provides a summary of California's electricity sources as of 2019.

Table 2.
CALIFORNIA ELECTRICITY SOURCES 2019

Fuel Type	Percent of California Power (%)
Coal	2.96
Large Hydro	14.62
Natural Gas	34.23
Nuclear	8.98
Oil	0.01
Other (Petroleum Coke/Waste Heat)	0.15

Fuel Type	Percent of California Power (%)
Renewables (excluding Large Hydro)	31.70
Unspecified	7.34

Source: CEC 2021a

Natural Gas

Natural gas provides the largest portion of the total in-state capacity and electricity generation in California, with nearly 45 percent of the natural gas burned in California used for electricity generation in a typical year. Much of the remainder is consumed in the residential, industrial, and commercial sectors for uses such as cooking, space heating, and as an alternative transportation fuel. In 2012, total natural gas demand in California for industrial, residential, commercial, and electric power generation was 2,313 billion cubic feet per year (bcf/year), up from 2,196 bcf/year in 2010 (CEC 2021b).

Transportation Fuels

Transportation accounts for a major portion of California's energy budget. Automobiles and trucks consume gasoline and diesel fuel, which are nonrenewable energy products derived from crude oil. Gasoline is the most used transportation fuel in California, with 97 percent of all gasoline being consumed by light-duty cars, pickup trucks, and sport utility vehicles (SUVs). In 2015, 15.1 billion gallons of gasoline were sold in California (CEC 2021c). Diesel fuel is the second most consumed fuel in California, used by heavy-duty trucks, delivery vehicles, buses, trains, ships, boats, and farm and construction equipment. In 2015, 4.2 billion gallons of diesel were sold in California (CEC 2021d).

Regulatory Setting:

Federal Laws, Regulations, and Policies

Energy Independence and Security act of 2007

House of Representatives Bill 6 (HR 6), the federal Energy Independence and Security Act of 2007, established new standards for a few equipment types not already subjected to a standard, and updated some existing standards. Perhaps the most substantial new standard that HR 6 established is for general service lighting that is being deployed in two phases. First, phased in between 2012 through 2014, common light bulbs were required to use about 20 to 30 percent less energy than previous incandescent bulbs. Second, by 2020, light bulbs were to consume 60 percent less energy than bulbs at the time the bill was passed; this requirement would effectively phase out the incandescent light bulb.

Energy Improvement and Extension Act of 2007

The formerly entitled "Renewable Energy and Job Creation Act of 2008," or Division B of HR 1424, was signed into law by President Bush in October 2008. The signed bill contains $18 billion in incentives for clean and renewable energy technologies, as well as for energy efficiency improvements.

State Laws, Regulations, and Policies

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, and to provide an update in the year between reports. 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. The 2019 Integrated Energy Policy Report covers a broad range of topics, including decarbonizing buildings, integrating renewables, energy efficiency, energy equity, integrating renewable energy, updates on Southern California

electricity reliability, climate adaptation activities for the energy sector, natural gas assessment, transportation energy demand forecast, and the California Energy Demand Forecast.

California Building Standards Code (California Code of Regulations, Title 24)

The 2019 Building Energy Efficiency Standards, comprising Title 24, Parts 1 and 6, of the California Code of Regulations, is mandatory statewide. Local government agencies may adopt and enforce energy efficiency standards for newly constructed buildings, additions, alterations, and repairs provided the California Energy Commission finds that the standards will require buildings to consume no more energy than permitted by Title 24, Part 6. Such local standards may include adopting the requirements of Title 24, Part 6 before their effective date, requiring additional energy conservation measures, or setting stricter energy budgets. Title 24, Part 11 contains additional energy measures that are applicable to the project under the California Green Building Standards Code (CALGreen).

Cannabis Cultivation Program

Title 3 of the California Code of Regulations Section 8102(s) states:

> Each application for a cultivation license shall include the following, if applicable: For indoor and mixed-light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation.

Section 8305 provides requirements for certain mixed-light cannabis cultivator licensees to ensure that, by 2023, their electrical power meets the average electricity greenhouse gas emissions intensity required by their local utility provider. That section includes options for the purchase of carbon offset credits if such standards are not met.

Section 8306 provides requirements for stationary and portable generators greater than 50 horsepower. It requires these to comply with the appropriate Airborne Toxic Control Measure for stationary or portable generators and includes certificates or permits that are acceptable to prove compliance. Additional compliance options are provided for generators below 50 horsepower by 2023, including limiting hours of operation, meeting certain emergency use requirements, and filter and engine requirements.

Local Laws, Regulations, and Policies

El Dorado County General Plan and Zoning Ordinance

The El Dorado County General Plan Public Services and Utilities Element encourages energy-efficient development within the County by imposing two policies:

- *Policy 5.6.2.1*- Require energy conserving landscaping plans for all projects requiring design review or other discretionary approval.

- *Policy 5.6.2.2*- All new subdivisions should include design components that take advantage of passive or natural summer cooling and/or winter solar access, or both, when possible.

Section 130.41.200(5)(I), Renewable Energy, of El Dorado County's Zoning Ordinance encourages energy-efficient development within the County by imposing the following code:

- Electrical power for outdoor or mixed-light cultivation operations, including but not limited to illumination, heating, cooling, water supply, and ventilation, shall be provided by on-grid power with a 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources. Generators may be used as a secondary back-up power source pursuant to a valid permit from the El Dorado County Air Quality Management District. Impacts from generator use will also be considered in the environmental analysis and site specific restrictions and conditions may be imposed to mitigate those impacts, including conditions to minimize noise.

Impact Analysis:

a. **Energy Consumption:** The proposed project would involve the construction of a cannabis cultivation facility. While construction activities would result in the temporary consumption of energy resources in the form of vehicle and equipment fuels (gasoline and diesel fuel) and electricity/natural gas (directly or indirectly), such consumption would be short-term and temporary and would thus not have the potential to result in wasteful, inefficient, or unnecessary consumption of energy resources. Regarding long-term operation of the project, the proposed support warehouse would be powered by a PG&E connection. The proposed project would also install a 5-kW solar array system as part of the transition to mixed-light cultivation to provide energy for the mixed-light cannabis cultivation lights and exhaust fans. The project is expected to rely primarily on electricity sourced from solar panels to be installed on-site, and source the remaining electricity demands from an existing PG&E connection. Therefore, use of an on-site generator would be limited to power outage events and if the solar energy system is limited by undetermined weather conditions. The project would be subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Title 24, Part 11, which contains additional energy measures that are applicable to the project under CALGreen. Prior to project approval, the project applicant would be required to ensure that the project would meet Title 24 requirements applicable at that time, as required by State regulations through their plan review process. Therefore, with the development of a renewable energy source and the inherent increase in efficiency of building code regulations, the project would not result in a wasteful use of energy. Impacts related to energy use would be **less than significant**.

b. **Energy Plans and Efficiency Standards:** Part 6 of Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. Part 6 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Part 6 is updated periodically (every 3 years) to incorporate and consider new energy efficiency technologies and methodologies. Title 24 also includes Part 11, CALGreen. CALGreen institutes mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, and State-owned buildings, as well as schools and hospitals. The proposed project would meet Title 24 and CALGreen standards to reduce energy demand and increase energy efficiency. Overall, the project would not conflict with existing energy standards and regulations; therefore, impacts during construction and operation of the project would be **less than significant**.

FINDING: With installation of solar renewable energy to power on-site operations and conformance with statewide mandatory energy requirements as outlined in Title 24, Parts 6 and 11, of the California Code of Regulations, the project would have a less than significant impact on energy resources.

VII. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Directly or indirectly cause 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.			**X**	
ii) Strong seismic ground shaking?			**X**	
iii) Seismic-related ground failure, including liquefaction?				**X**
iv) Landslides?			**X**	
b. Result in substantial soil erosion or the loss of topsoil?			**X**	
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?			**X**	
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?			**X**	
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?			**X**	
f. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?			**X**	

Environmental Setting

The site is located along the western foothills of the Sierra Nevada and consists of rolling hills. The site consists of relatively flat terrain in an area of rolling hills. The elevation on the parcel ranges from approximately 1,040 feet to 1,360 feet amsl. Drainage within the project site generally runs west and north, and eventually flows into Pilot Creek, which lies just north of the project property. According to the custom Soil Resource Report for this project (NRCS 2021), the following soil map units occur on the project property:

- Auburn silt loam, 2 to 30 percent slopes (AwD): covers 40.8 percent of the parcel
- Auburn very rocky silt loam, 2 to 30 percent slopes (AxD): covers 36.3 percent of the parcel
- Auburn very rocky silt loam, 30 to 50 percent slopes (AxE): covers 3.2 percent of the parcel
- Boomer very rocky loam, 30 to 50 percent slopes (BkE): covers 15.6 percent of the parcel
- Boomer very rocky loam, 50 to 70 percent slopes (BkF): covers 3.2 percent of the parcel
- Sobrante silt loam, 3 to 15 percent slopes (SuC): covers 0.9 percent of the parcel

All of the above map units have erosion hazard ratings of "severe," except for AxE, which has a rating of "very severe." "Severe" indicates that erosion is very likely and that erosion-control measures, including revegetation of bare areas, are advised; and "very severe" indicates that significant erosion is expected, loss of soil productivity and off-site damage are likely, and erosion-control measures are costly and generally impractical. The site proposed for development would be primarily located on AxD, along with smaller areas of AwD.

El Dorado County lies between two seismically active regions in the western United States. Tectonic stresses associated with the North American-Pacific Plate boundary can generate damaging earthquakes along faults 30 to 100 miles to the west of the County. Eastern El Dorado County borders the Basin and Range province that entails most of Nevada and western Utah (El Dorado County, Local Hazard Mitigation Plan [El Dorado County 2018]).

El Dorado County itself is traversed by a series of northwest-trending faults, called the Foothill Fault Zone, that are related to the Sierra Nevada uplift. Earthquakes on nearby fault segments in the zone could be the source of ground shaking in El Dorado County. The closest recently active fault in the western Sierra Nevada foothills is the Cleveland Hills fault, which is situated approximately 36 miles northwest of Auburn. Another potential earthquake source is the Midland Fault Zone on the western side of the Sacramento Valley. Additionally, western El Dorado County may experience ground shaking from distant major to great earthquakes on faults to the west and east (El Dorado County 2018).

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 2016) 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 (SHMA) 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 SHMA 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 SHMA, 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.

Paleontological Resources

The CEQA 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 resource management is also addressed in PRC 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.

Impact Analysis:

a. Seismic Hazards:

i) **Rupture of Fault:** Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude and nature of fault rupture can vary for different faults or even along different strands of the same fault. Surface rupture can damage or collapse buildings, cause severe damage to roads and pavement structures, and cause failure of overhead as well as underground utilities.

There are no earthquake faults delineated on Alquist-Priolo Fault Zone maps within the project property (CDC 2021b). Since the project property is not traversed by a known active fault and is not within 200 feet of an active fault trace, surface fault rupture is not considered to be a significant hazard for the project site. The project would not expose people or structures to substantial adverse effects from a fault rupture. Any potential impacts from implementation of the proposed project would be **less than significant**.

ii) **Ground Shaking:** The potential for seismic ground shaking in the project area would be considered low for the reason stated under question a(i) above. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code (UBC). All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone, and project impacts would be **less than significant**.

iii) **Ground Failure:** Because the project site is considered an area with low potential for seismic activity, there is minimal to no potential for seismic-related ground failure, including liquefaction (CDC 2021b). There would be **no impact**.

iv) **Landslide:** The site consists of relatively flat terrain in an area of rolling hills. The elevation on the parcel ranges from approximately 1,040 feet to 1,360 feet amsl. The slopes on the project site are gentle and have low landslide potential; additionally, the proposed project would be developed within flat-lying areas of the property. All grading activities on-site would be required to comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. Any potential impacts from implementation of the proposed project would be **less than significant**.

b. Soil Erosion: All grading activities on-site would be required to comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance including the implementation of pre- and post-construction BMPs. Implemented BMPs are required to be consistent with the County's California SWPPP issued by the SWRCB to reduce or eliminate run-off and erosion and implement 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. Project impacts would be **less than significant**.

c. Geologic Hazards: According to the NRCS custom Soil Resource Report for the proposed project, the site is composed of a variety of soils, but the entirety of the project would be developed on soils classified under the Auburn soil series (NRCS 2021). The Auburn soils series is not noted to have erosive qualities (USDA 2018). The proposed development areas would be graded to ensure that all development would occur on flat surfaces to minimize soil erosion. All grading activities would comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. Project 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 following soils were mapped on the project site: Boomer very rocky loam, 30 to 50 percent slopes (BkE); Boomer very rocky loam, 50 to 70 percent slopes (BkF); Auburn silt loam, 2 to 30 percent slopes (AwD); Auburn very rocky silt loam, 2 to 30 percent slopes

(AxD); Auburn very rocky silt loam, 30 to 50 percent slopes (AxE); and Sobrante silt loam, 3 to 15 percent slopes (SuC). These soils are well-drained, and the Boomer and Sobrante series do have clay materials, meaning the soils have shrink-swell capabilities and the potential to be expansive. However, as noted above, the entirety of the project would be developed on the Auburn soil series. Additionally, the proposed project would not include any habitable structures and would require building permits from the El Dorado County Building Department for the proposed support structure. The proposed buildings would be designed and constructed by a qualified engineer, and with County issuance of building permits following the building plan check review, any potential impacts from development on potentially expansive soils would be **less than significant**.

e. **Septic Capability:** The proposed project would include the installation of a septic system and leach field. The property is located in a rural area of El Dorado County where residences rely on septic systems for sewage. Of the soil map units identified on the property, all have a Septic Tank Absorption Field rating of "very limited." According to the NRCS, "very limited" indicates that the soil has one or more features that are unfavorable for the specified use. Any issues with soil conditions would be accounted for during the design process and would be remediated by the applicant to ensure that the septic tank and leach field perform at an acceptable level. The proposed treatment septic system would be required to meet National Sanitation Foundation (NSF) standards and is subject to County permitting requirements. This impact would be **less than significant**.

f. **Paleontological Resource:** No previous surveys conducted in the project area have identified the project site as sensitive for paleontological resources or other geologically sensitive resources, nor have testing or ground disturbing activities performed to date uncovered any paleontological resources or geologically sensitive resources. Additionally, the project site is not located within the Mehrten Formation. Standard Conditions of Approval imposed by the County on the project would address the accidental discovery of any previously unidentified paleontological resources during construction and result in project impacts that are **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, and Sediment Control Ordinance which would address potential impacts related to soil erosion, landslides, and other geologic impacts. Future development would be required to comply with the UBC which would address potential seismic related impacts. For this Geology and Soils resource section, impacts would be less than significant or have no impact.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:	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?			**X**	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			**X**	

Environmental Setting:

Cumulative greenhouse gas (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 air pollutants and TACs are pollutants of regional and local concern (see Section III, Air Quality, above); GHGs are global pollutants. The primary land-use related GHGs are carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). The individual pollutant's ability to retain infrared radiation represents its global warming potential (GWP) and is expressed in terms of CO_2 equivalents (CO_2e); therefore, CO_2 is the benchmark having a GWP of 1. To comply with international reporting standards, GWPs established by the Intergovernmental Panel on Climate Change Fourth Assessment Report is used in this analysis: CH_4 – GWP of 25; N_2O - GWP of 298 (IPCC 2007). Emissions are expressed in annual metric tons (MT) of CO_2e. Other GHGs include hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3). While these compounds have significantly higher global warming potentials (ranging in the thousands), these 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_2 is the burning of fossil fuels; the two largest sources being coal to produce electricity and petroleum in combustion engines. The primary sources of man-made CH_4 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_2O 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 percent of countywide GHG emissions). A distant second are residential sources (approximately 20 percent), and commercial/industrial sources are third (approximately 7 percent). The remaining sources are waste/landfill (approximately 3 percent) and agricultural (<1 percent) (EDCAQMD 2020).

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.

State Laws, Regulations, and Policies

Executive Order (EO) S-3-05 (June 2005) established California's GHG emissions reduction targets and laid out responsibilities among the state agencies for implementing the EO and for reporting on progress toward the targets. This EO established the following targets:

- By 2010, reduce GHG emissions to 2000 levels
- By 2020, reduce GHG emissions to 1990 levels, and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels

In 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 provided initial direction on creating a comprehensive multi-year program to limit California's GHG emissions at 1990 levels by 2020 and initiate the transformations required to achieve the State's long-range climate objectives. One specific requirement of AB 32 is for CARB to prepare a "scoping plan" for achieving the maximum technologically feasible and cost-effective GHG emission reductions by 2020 (Health and Safety Code, Section 38561(a)) and to update the plan at least once every 5 years.

EO B-30-15 (April 2015) identified an interim GHG reduction target in support of targets previously identified under EO S-3-05 and AB 32. EO B-30-15 set an interim target goal of reducing GHG emissions to 40 percent below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80 percent below 1990 levels by 2050 as set forth in EO S-3-05. Senate Bill (SB) 32 was adopted in 2016, which codified the 2030 emissions reduction goal of EO B-30-15 by requiring CARB to ensure that statewide GHG emissions are reduced to 40 percent below 1990 levels by 2030.

California Code of Regulations Title 3, *Food and Agriculture*, Division 8, *Cannabis Cultivation*, contains the following sections applicable to the project and relevant to the greenhouse gas emissions analysis:

> Section 8102(s) states: [Each cultivation license application shall include the following, if applicable:] For indoor and mixed-light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation.
>
> Section 8305 provides requirements for certain mixed-light cannabis cultivator licensees to ensure that, by 2023, their electrical power meets the average electricity greenhouse gas emissions intensity required by their local utility provider. That section includes options for the purchase of carbon offset credits if such standards are not met.

Impact Analysis:

a. **GHG Emissions:** The project would result in GHG emissions associated with short-term construction and long-term operations.

Construction

Construction GHG emissions would be generated by vehicle engine exhaust from construction equipment, on-road hauling trucks, and worker commuting trips. Construction for the proposed project would be short-term and temporary. All construction equipment and commercial trucks would be maintained to meet current emissions standards as required by the CARB. Neither the EDCAQMD nor El Dorado County have adopted criteria or guidance for determining the significance of a project's construction GHG emissions.

Operation

A project's operational GHG sources would include: mobile emissions from vehicles traveling to and from the project site; the offsite generation of electricity; water sources from the energy required to source, treat and convey water used by the project; and solid waste sources from emissions associated with the

collection, disposal, and decomposition of solid waste. For most development projects, mobile emissions are the dominant source of GHGs.

Neither the EDCAQMD nor El Dorado County have adopted criteria or guidance for determining the significance of a project's operational GHG emissions. Because the project site is located within western El Dorado County near the Sacramento Metropolitan Air Quality Manage District's (SMAQMD's) jurisdictional boundary, the guidance and screening criteria from the SMAQMD for a land use development project's GHG emissions was used in this analysis. The SMAQMD provides a table of operational screening levels with land uses and sizes below which a project's operational GHG emissions would not be expected to result in GHG emissions that would have a significant effect on the environment. A cannabis cultivation facility is not included in the Operational Screening Levels table. However, the relative size of land uses in the table can indicate whether the project's mobile GHG emissions would be significant. Screening levels in the table include 56 single-family residences, 26,000 square feet of regional shopping center, and 65,000 square feet of office building (SMAQMD 2018). According to Section XVIII, Transportation, below, the project is anticipated to result in a maximum generation of 12 daily trips. For comparison, in transportation planning, the trip generation for typical single-family residences is 9 to 10 daily trips (504 to 560 daily trips for 56 residences). Therefore, the project trip generation of 12 daily trips would be far less than the expected trip generation for any of the development types listed in the SMAQMD Operational Screening levels table. In addition, as described in the Section 3.0, the project would install a solar array as part of Phase II. The 5-kW solar array would be the main power source for illumination, cooling, and ventilation of the greenhouses in Phase II, which would reduce the project's indirect GHG emissions from the use of electricity generated by fossil-fuel power plants. Water sourced from public utilities results in GHG emissions from the energy required to source, treat, and transport the water over long distances. The project would source all of its estimated 150,000 gallons per year of water needs from an on-site well, eliminating GHG emissions related to treating and pumping water off-site except for a small amount of emissions associated with the electricity to run the well pump. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and the impact would be **less than significant**.

b. **GHG Reduction Plans:** There are numerous State plans, policies, and regulations adopted for the purpose of reducing GHG emissions. The principal overall State plan and policy is AB 32, the California Global Warming Solutions Act of 2006. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020. SB 32 requires further reductions of 40 percent below 1990 levels by 2030. Statewide plans and regulations such as GHG emissions standards for vehicles (AB 1493), the LCFS, and regulations requiring an increasing fraction of electricity to be generated from renewable sources are being implemented at the statewide level; as such, compliance at the project level is not addressed. The project would purchase power from PG&E and would install 5kW solar panels in Phase II, meeting the requirement of CCR Tile 3, Division 8, Section 8305, which specifies that, by 2023, the electrical power used shall meet the average electricity greenhouse gas emissions intensity required by the local utility provider. Therefore, the proposed project does not conflict with those plans and regulations. As previously discussed, a comparison of the project with the SMAQMD Operational Screening levels table indicated that the project's GHG emissions would not result in significant impact. Therefore, implementation of the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and the impact would be **less than significant**.

FINDING: The proposed project would result in less than significant impacts to GHG emissions, and the project would not conflict with State or local GHG reduction plans or regulations.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	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 or excessive noise for people residing or working in the project area?				**X**
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			**X**	
g. Expose people or structures either directly or indirectly 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 EDCAQMD.

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, the 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 the 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.

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 (if required). 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). 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. 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).

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 radiofrequency RF energy exposure limits for workers (Title 8 CCR Section 5085[b]) and requires warning signs where RF energy 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 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

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.

Cannabis Cultivation Program

Title 3 of the California Code of Regulations Section 8102(q) states:

> [Each cultivation license application shall include the following, if applicable:] Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;

Section 8106(a)(3) states:

> (a) The cultivation plan for each Specialty Cottage, Specialty, Small, and Medium licenses shall include all of the following:
>
> (3) A pest management plan which shall include, but not be limited to, the following:
> (A) Product name and active ingredient(s) of all pesticides to be applied to cannabis during any stage of plant growth;
> (B) Integrated pest management protocols, including chemical, biological, and cultural methods the applicant anticipates using to control or prevent the introduction of pests on the cultivation site; and
> (C) A signed attestation that states the applicant shall contact the appropriate County Agricultural Commissioner regarding requirements for legal use of pesticides on cannabis prior to using any of the

> active ingredients or products included in the pest management plan and shall comply with all pesticide laws.

Section 8304(f) states:

> [All licensees shall comply with all of the following environmental protection measures:] Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter.

Section 8307 contains requirements regarding compliance with pesticide laws and regulations. It also contains measures to protect pollinators, water bodies, and wildlife.

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 State Responsibility Areas (SRAs) in El Dorado County, as established by CAL FIRE. The classification system provides three classes of fire hazards: Moderate, High, and Very High. The County's 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. The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

Impact Analysis:

a. **Hazardous Materials:** The proposed project would involve cultivation and propagation of cannabis and construction of various buildings to support the cultivation operation. Hazardous materials use associated with the proposed operation of a cannabis cultivation facility would be below the State of California threshold levels of 55 gallons of liquid, 500 pounds of solid, and/or 200 cubic feet of compressed gas and include fertilizers, pesticides, solvents, and may include fuels, lubricants, and paint. All hazardous materials used on-site would be stored in the two proposed 160-sf secured storage containers. Any uses of hazardous materials would be required to comply with all applicable federal, State, and local standards associated with the handling and storage of hazardous materials. The proposed project would also be subject to the requirements of the SWRCB Cannabis General Order. The SWRCB program has "standard conditions" applicable to cannabis operations that address impacts from the storage and use of hazardous materials which include the following requirements:

- Cannabis cultivators shall not apply restricted materials, including restricted pesticides or herbicides, or allow restricted materials to be stored at the cannabis cultivation site. Cannabis cultivators shall implement integrated pest management strategies where possible to reduce the need and use of pesticides or herbicides and the potential for discharges to waters of the State.
- Cannabis cultivators shall keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of fertilizers, petroleum products, hazardous materials, and other substances which may degrade waters of the State.
- Implementation of spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

With appropriate storage and handling, along with the application of BMPs that comply with the requirements of the federal, State, and local regulations, it is not anticipated that the use of these materials at the facility would pose a significant hazard. The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and therefore, impacts would be **less than significant**.

b. **Hazardous Conditions:** As discussed under question a), fertilizers, pesticides, lubricants, fuels, solvents, and paints would be stored and used at the site, and all potentially hazardous materials would

be properly stored. Use of such materials would be required to comply with all applicable local, State, and federal standards associated with the handling and storage of hazardous materials, including the standard conditions contained in the SWRCB Cannabis General Order. Standard conditions include implementation of spill prevention, control, and countermeasures and the maintenance of appropriate cleanup materials on-site.

With implementation of appropriate storage, handling, and application BMPs, it is not anticipated that the use of these materials would pose a significant hazard. In the event of reasonably foreseeable upset and accident conditions, it is unlikely that these hazardous materials would be released in a manner that would create a significant hazard to the public or the environment. Project impacts would be **less than significant**.

c. **Hazardous Materials near Schools:** There are no schools within two miles of the project site. The nearest school to the project site is the Northside Elementary School, located 3.9 miles north of the project site at 860 Cave Valley Rd, Cool, CA 95614. The project would be required to ensure that hazardous chemicals and solid wastes are handled per County, State, and federal regulations. As such, the proposed project would have **no impact**.

d. **Hazardous Sites:** The following databases were reviewed for the proposed project and surrounding area to identify potential hazardous contamination sites: the California DTSC EnviroStor database (DTSC 2021a); California SWRCB's Geotracker database (SWRCB 2021); and the U.S. EPA's Superfund National Priorities List (USEPA 2021). Based on review of these databases, the project site is not included on a list of or near any hazardous materials sites pursuant to Government Code Section 65962.5. Therefore, there would be **no impact**.

e. **Aircraft Hazards, Private Airstrips:** According to the County's Zoning Map and the El Dorado County Airport Land Use Compatibility Plan, the project site is not within any airport safety zone or airport land use plan area (EDC ALUC 2012). The project site is not located in the vicinity of a public or private airstrip. The closest airstrip to the project site is the Rescue Airstrip, located approximately 7 miles south of the project site. As such, the project would not be subject to any land use limitations contained within any adopted Comprehensive Land Use Plan, and there would be no immediate hazard for people working in the project area or safety hazard resulting from airport operations and aircraft over-flights in the vicinity of the project site**.** Therefore, there would be **no impact**.

f. **Emergency Plan:** Any El Dorado County Fire Protection District requirements would be incorporated as Conditions of Approval that address site access and evacuation, adequate fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements. No applicable emergency plan would be affected by the project as proposed. The proposed project would allow for adequate emergency ingress/egress and drive-aisle widths for interior circulation. An evacuation plan would be prepared for the project site, and workers on-site would monitor conditions in the area during periods of high fire danger to ensure early evacuations if needed. The proposed buildings would also be conditioned to require the installation of sprinkler and fire alarms and provide adequate fire flow. Therefore, impacts would be **less than significant**.

g. **Wildfire Hazards:** The project is located in High and Very High Fire Hazard Severity Zones of a State Responsibility Area (SRA) (CAL FIRE 2021). The El Dorado County Fire Protection District is primarily responsible for providing structure fire protection services to the project site, and CAL FIRE is primarily responsible for providing wildland fire suppression services. CAL FIRE's nearest station is located approximately 2.4 miles east/southeast of the project site at 4731 Pedro Hill Rd, Pilot Hill, CA 95664; given that CAL FIRE can also respond to structure fires and other incidents within SRA, an initial response would likely come from this station for most types of incidents on-site. The El Dorado County Fire Protection District also provides all risk, fully staffed emergency services to the project area, and their nearest staffed station is located 5.1 miles northeast of the project site at 7200 St. Florian Ct. Cool, CA 95614 (El Dorado County FPD 2021). The degree of hazard in wildland areas depends on variables like temperature, wind, and moisture, the amount of dryness and arrangement of vegetation, slope steepness, accessibility to human activities, accessibility of firefighting equipment,

and fuel clearance around structures. The County's 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 RPF and approved by the local Fire Protection District and/or CAL FIRE. Such a plan was prepared for this project and is included as Appendix D to this Initial Study (Live Oak Wildfire Solutions 2021). As a Condition of Approval, the applicant would be required to implement the recommendations outlined in the Fire Safe Plan to reduce potential wildfire hazards. Two 2,500-gallon water storage tanks and a draft hydrant would be installed south of the cultivation area to provide water for fire suppression. Vegetation adjacent to site access driveways on the parcel would be modified such that ladder fuels and dead and dying fuels within 75 feet of either side of the roads would be removed, and there would be a minimum 15-foot vertical clearance between the road surface and any overhanging branches. Defensible space would be maintained within approximately 200 feet of proposed structures, and structures would be constructed of materials to resist ignition and would be kept clear of dead vegetation. A knox box would be installed at the site entrances to ensure rapid access for crews in case of an emergency. An evacuation plan would be prepared for the project site, and workers on-site would monitor conditions in the area during periods of high fire danger to ensure early evacuations if needed. Impacts would be **less than significant**.

FINDING: The proposed project would not expose the public or environment to hazards relating to the use, storage, transport, or disposal of hazardous materials. Additionally, conformance with the County's Conditions of Approval would reduce potential wildfire hazards impacts to below a level of significance. Therefore, impacts would be less than significant or no impact would occur for hazards and hazardous materials.

X. HYDROLOGY AND WATER QUALITY

Would the project:	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**	
b. 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**	

Environmental Setting

The project site receives an average of 34.07 inches of precipitation per year (CNPS 2021). Most precipitation is concentrated in the winter and early spring months, with summers being almost completely dry. The site consists of relatively flat terrain in an area of rolling hills. The elevation on the parcel ranges from approximately 1,040 feet to 1,360 feet amsl. Drainage within the project site generally runs west and north, and eventually flows into Pilot Creek, which lies just north of the project property. The geology of the Western Slope portion of El Dorado County, which the proposed project site is within, 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. Existing demand for groundwater in the vicinity of the site is low given the rural and undeveloped nature of much of the surrounding land. The project site is not located within any mapped 100-year or hazard flood areas as shown on Firm Panel Number 06017C0450E, revised September 26, 2008 (FEMA 2008).

Regulatory Setting:

Federal Laws, Regulations, and Policies

Clean Water Act

The 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 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 acres 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 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 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

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 CVRWQCB (Region Five). The Lake Tahoe Phase I MS4 NPDES Permit is administered by the Lahontan RWQCB (Region Six). The proposed project site falls under the jurisdiction of the CVRWQCB. 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 Phase II NPDES permit became effective on July 1, 2013. By July 1, 2015, this State-mandated permit required the County to address storm water runoff from new development and redevelopment projects, both during construction and after construction occurs.

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 BMPs to reduce the adverse effects of polluted runoff discharges on Waters of the State.

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.

Cannabis Cultivation Program:

Applicants for a cannabis cultivation license are required to provide to CDFA a final copy of proof of a lake or streambed alteration agreement issued by CDFW or written verification that an agreement is not necessary (3 CCR § 8102(v)).

Title 3 of the California Code of Regulations Section 8102 states, in part:

> Each application [for a cultivation license] shall include the following, if applicable:
>
> (p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;
>
> (v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107 of this chapter:
>
> (1) A retail water supplier;
>
> (2) A groundwater well;
>
> (3) A rainwater catchment system;
>
> (4) A diversion from a surface waterbody or an underground stream flowing in a known and definite channel.

(w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;

(dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8107(b) states:

If the water source is a groundwater well:

(1) The groundwater well's geographic location coordinates in either latitude and longitude or the California Coordinate System; and

(2) A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code. If no well completion report is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well completion report. If no well completion report is available, the State Water Resources Control Board may request additional information about the well.

Section 8216 states:

If the State Water Resources Control Board or the Department of Fish and Wildlife notifies the department in writing that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area pursuant to section 26069, subdivision (c)(1), of the Business and Professions Code, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area while the moratorium is in effect.

Section 8304 (a and b) states:

All licensees shall comply with all of the following environmental protection measures:

(a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;

(b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;

Section 8307 contains requirements regarding compliance with pesticide laws and regulations. It also contains measures to protect pollinators, water bodies, and wildlife.

Impact Analysis:

a. **Water Quality Standards:** There is potential for the proposed project to result in degradation of water quality during both the construction and operational phases. Polluted runoff from the project site during construction and operation could include sediment from soil disturbances, oil and grease from construction equipment, and pesticides and fertilizers from the cultivation. The greatest potential source of water contaminants from the proposed development would be from erosion related to construction and from surface pollutants associated with the impervious surfaces on-site following completion of construction. This degradation could result in violation of water quality standards. The project proponent would be required to enrolled under the SWRCB Cannabis General Order WQ 2019-0001-DWQ. One of the requirements is to prepare a Water Resource Protection Plan (WRPP), which includes identifying potential

sources of water quality violations or waste discharge requirements, corrective actions including implementing and monitoring BMPs, and documenting water usage and timing to ensure the water use is not impacting water quality objectives and beneficial uses. The project applicant would be required to prepare and implement a WRPP.

The project proposes to construct an on-site waste treatment system (OWTS) to handle sanitary waste. The proposed septic tank and septic leach field would be installed during construction of the proposed project. The proposed OWTS would be sufficient to meet the needs of the project at peak staffing levels. The project's proposed septic system requires approval from the County Environmental Management Department, and future improvement plans would be further reviewed for approval by the Department to ensure wastewater disposal does not impact water quality. With implementation of measures required by the WRPP and adherence to the County Code, impacts would be **less than significant**.

b. **Groundwater Supplies:** A well was constructed on-site on April 28, 2002, by a previous owner. The well is 460 feet deep and can provide an initial flow rate of 10 gallons per minute. Static water level was 50 feet at the time the well was drilled. The well would be used to supply water for the proposed 10,000 sf of mature cannabis cultivation and 4,000 sf of immature plant area, along with other miscellaneous operational and sanitary needs. The project is estimated to use approximately 150,000 gallons of water per year (or 0.46 acre-feet of water per year). For comparison, the average unit demand for water for a single-family residential unit located in the western supply area of El Dorado County is 0.45 acre-feet of water per year (El Dorado Irrigation District 2019). Additionally, the applicant would be required to provide two (2) 2,500-gallon water storage tanks on-site for fire suppression as part of the proposed project. There is adequate water supply to irrigate the proposed project, and the proposed project would not introduce substantial impervious surfaces that would interfere with groundwater recharge in the area of the proposed project. Therefore, impacts to groundwater supplies and recharge would be **less than significant**.

c-f. **Drainage Patterns:** The site consists of relatively flat terrain in an area of rolling hills. The elevation ranges from approximately 1,040 feet to 1,360 feet amsl. Drainage within the project site generally runs west and north, and eventually flows into Pilot Creek, which lies just north of the project property. Project development would occur at elevations above 1,240 feet amsl and would not substantially alter drainage on-site. Dischargers whose projects disturb one (1) or more acres of soil are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009 DWQ. The Construction General Permit requires the development of a SWPPP by a certified Qualified SWPPP Developer (QSD). A SWPPP is a sediment and erosion control plan that also describes all the construction site operator's activities to prevent stormwater contamination, control sedimentation and erosion, and comply with the requirements of the Clean Water Act. The project would also be required to conform to the El Dorado County Grading, Erosion, and Sediment Control Ordinance (County Code Section 110.14). This includes the use of BMPs to minimize degradation of water quality during construction. The applicant would construct two bioswales to accommodate stormwater runoff from the cultivation area. With the implementation of the General Permit Order 2009-0009 DWQ, the preparation of a SWPPP for the proposed project, and conformance with County Code, impacts would be **less than significant** for questions c), d), e), and f).

g-j. **Flood-related Hazards:** The project site is not located within any mapped 100-year or hazard flood areas as shown on Firm Panel Number 06017C0450E, revised September 26, 2008 (FEMA 2008) and would not result in the construction of any structures that would impede or redirect flood flows. No dams are located in the project area that could result in potential hazards related to dam failures. The project site would not be at risk for tsunami impact as the site is approximately 133 miles inland from the coast. According to USGS, mudflows or debris flows start on steep slopes and travel to canyon bottoms, stream channels, and areas near the outlets of canyons during intense rainfall. Debris flows commonly begin in swales on steep slopes, making areas downslope from the swale particularly hazardous (USGS 2000). As discussed above, the proposed project property boundary contains gentle slopes ranging from to 1,040 feet to 1,360 feet amsl, however, the proposed project area is located on the higher elevations and flatter areas of the site, ranging from 1,240 feet to 1,320 feet amsl. Due to the high elevation, flat project area, and lack of wetlands, the proposed project would not be at significant risk of exposure to mudflows. The project is not

located near a lake or large body of standing water, so there is no risk of seiche. Therefore, impacts would be **less than significant** for questions g), h), i), and j).

FINDING: With adherence to federal, State, and local regulations, the proposed project would have a less than significant impact on hydrology and water quality.

XI. LAND USE PLANNING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Physically divide an established community?				**X**
b. Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				**X**

Environmental Setting:

The project property is zoned Rural Land, 20-acre Minimum (RL-20) and designated for Rural Residential (RR) in the El Dorado County General Plan. The intent of the RL-20 zone is to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone may be applied where resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use. The purpose of the RR land use designation is to establish areas for residential and agricultural development. These lands typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as "choice" agricultural soils. The RR designation shall be used as a transition between Low Density Residential (LDR) and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres.

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 County's 2013-2021 Housing Element was adopted in 2013.

Impact Analysis:

a. **Divide Established Community:** The proposed project would involve the development of a cannabis cultivation facility with appurtenant uses located on a 178-acre privately-owned parcel within a rural area in northwestern El Dorado County. The project property is not within or in the vicinity of an established community. Further, the proposed project would not develop any new roadways or involve any development that could divide an established community. Therefore, the project would have **no impact**.

b. **Land Use Consistency:** Commercial Cannabis businesses in unincorporated El Dorado County are required to apply for and obtain a CCUP. The proposed project would conform to both the RL-20 zoning

and RR land use designation as cannabis cultivation is allowed on lands zoned for RL and designated for RR with the issuance of a CCUP. Therefore, with County approval of the CCUP, the proposed project would be in conformance with the County Code, and there would be **no impact**.

FINDING: The proposed project would not divide an established community, and with County approval of a CCUP, would be in conformance with the County Code. Therefore, less than significant or no impact to land use and planning goals would occur.

XII. MINERAL RESOURCES

Would the project:	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?				**X**
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?				**X**

Environmental Setting:

The western portion of El Dorado County is divided into four, 15-minute quadrangles (Folsom, Placerville, Georgetown, and Auburn) mapped by the State of California Division of Mines and Geology showing the location of MRZs (CDC 2001). Those areas which are designated MRZ-2a contain discovered mineral deposits that have been measured or indicate reserves calculated. Land in this category is considered to contain mineral resources of known economic importance to the County and/or State. Review of the mapped areas of the County indicates that project site does not contain any mineral resources of known local or statewide economic value.

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 Mineral Resource Zone (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 of the General Plan 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. The proposed project site is not located within this region.

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.

Impact Analysis:

a, b. **Mineral Resources.** The project site is not mapped as being within an MRZ by the CDC or in the County General Plan (CDC 2001). **No impact** would occur for questions a) and b).

FINDING: No impacts to mineral resources are expected either directly or indirectly from implementation of the proposed project.

XIII. NOISE

Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			**X**	
b. Generation of excessive groundborne vibration or groundborne noise levels?			**X**	
c. For a project within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				**X**

Existing Noise Setting:

The project property is located in a rural area approximately 1 mile west of SR 49 and the community of Pilot Hill. The ambient noise environment in the immediate project vicinity is defined primarily by sparse traffic on the local roadway network and typical noise associated with rural residences. The nearest sensitive receptor to the site is a single-family rural residence along the southern property line.

Background:

Noise Terminology and Metrics

All noise level or sound level values presented herein are expressed in terms of decibels (dB), with A weighting (dBA) to approximate the hearing sensitivity of humans. Time-averaged noise levels are expressed by the symbol LEQ, with a specified duration.

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals (mPa). One mPa is approximately one hundred billionth (0.00000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 to 100,000,000 mPa. Because of this wide range of values, sound is rarely expressed in terms of mPa. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of dBA. The threshold of hearing for the human ear is about 0 dBA, which corresponds to 20 mPa.

Because decibels are logarithmic units, SPL cannot be added or subtracted through standard arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3 dBA increase. In other words, when two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than from one source under the same conditions. For example, if one automobile produces an SPL of 70 dB when it passes an observer, two cars passing simultaneously would not produce 140 dBA—rather, they would combine to produce 73 dBA. Under the decibel scale, three sources of equal loudness together produce a sound level 5 dBA louder than one source.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear is able to discern 1 dBA changes in sound levels, when exposed to steady, single-frequency (“pure-tone”) signals in the mid-frequency

(1,000 Hz–8,000 Hz) range. In typical noisy environments, changes in noise of 1 to 2 dBA are generally not perceptible. It is widely accepted, however, that people begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5 dBA increase is generally perceived as a distinctly noticeable increase, and a 10 dBA increase is generally perceived as a doubling of loudness.

Groundborne Vibration Terminology and Metrics

Groundborne vibration consists of rapidly fluctuating motions or waves transmitted through the ground with an average motion of zero. Sources of groundborne vibrations include natural phenomena and anthropogenic causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions). Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints. Generally, a PPV of less than 0.08 in/sec does not produce perceptible vibration. At 0.10 PPV in/sec, continuous vibrations may begin to annoy people, and it is the level at which there is a risk of architectural damage (e.g., cracking of plaster) to historical buildings and other vibration-sensitive structures. A level of 0.30 PPV in/sec is commonly used as a threshold for risk of architectural damage to standard dwellings (Caltrans 2013).

Regulatory Setting:

El Dorado County General Plan

The El Dorado County General Plan Public Health, Safety, and Noise Element contains Goal 6.5: "Ensure that County residents are not subjected to noise beyond acceptable levels." The following objective and policies from the General Plan would be applicable to the project (El Dorado County 2004):

Objective 6.5.1: Protection of Noise-Sensitive Development. Protect existing noise-sensitive developments (e.g., hospitals, schools, churches and residential) from new uses that would generate noise levels incompatible with those uses and, conversely, discourage noise-sensitive uses from locating near sources of high noise levels.

Policy 6.5.1.2 Where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.

Policy 6.5.1.7 Noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise sensitive uses.

Policy 6.5.1.11 The standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to those activities associated with actual construction of a project as long as such construction occurs between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m. on weekends, and on federally recognized holidays. Further, the standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to public projects to alleviate traffic congestion and safety hazards.

Table 6-2, Noise Level Performance Protection Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources, of the General Plan establishes noise level standards for sensitive land uses. For rural areas, the noise standard limits are: 50 dBA L_{EQ} and an L_{MAX} of 60 dBA from 7:00 a.m. to 7:00 p.m.; 45 dBA L_{EQ} and an L_{MAX} of 55 dBA from 7:00 p.m. to 10:00 p.m.; and 40 dBA L_{EQ} and an L_{MAX} of 50 dBA from 7:00 a.m. to 7:00 p.m.

Table 6-4, Maximum Allowable Noise Exposure for Non-Transportation Noise Sources in Rural Centers – Construction Noise, of the General Plan establishes construction noise level standards (that occurs outside the hours specified in Policy 6.5.1.11) of: 55 dBA L_{EQ} and an L_{MAX} of 75 dBA from 7:00 a.m. to 7:00 p.m.; 50 dBA L_{EQ} and an L_{MAX} of 65 dBA from 7:00 p.m. to 10:00 p.m.; and 45 dBA L_{EQ} and an L_{MAX} of 60 dBA from 7:00 a.m. to 7:00 p.m.

Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).

The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.

In Community Regions, the exterior noise level standard shall be applied to the property line of the receiving property. In Rural Centers and Regions, the exterior noise level standard shall be applied at a point 100 feet away from the nearest residence. The above standards shall be measured only on property containing a noise sensitive land use as defined in Objective 6.5.1. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all effected property owners and approved by the County.

For the purposes of the Noise Element, transportation noise sources are defined as traffic on public roadways, railroad line operations and aircraft in flight. Control of noise from these sources is preempted by Federal and State regulations. Control of noise from facilities of regulated public facilities is preempted by California Public Utilities Commission (CPUC) regulations. All other noise sources are subject to local regulations. Non-transportation noise sources may include industrial operations, outdoor recreation facilities, HVAC units, schools, hospitals, commercial land uses, other outdoor land use, etc.

El Dorado County Municipal Code

The El Dorado County Municipal Code, Chapter 9.16, Noise, defines and prohibits loud or raucous noise:

Section 9.16.040 – Loud and raucous noises—Definitions.

Loud and raucous noise means:

1. Any noise made by the motor of any automobile, truck, tractor, motorcycle, or aircraft of any kind not reasonably required in the operation thereof under the circumstances and shall include, but not be limited to, backfiring, motor racing, and the buzzing by airplanes;

2. The sound of the discharge of any explosive except by or with the permission of any appropriate State or local licensing agency;

3. The human voice or any record or recording thereof when amplified by any device whether electrical or mechanical or otherwise to such an extent as to cause it to unreasonably carry on to public or private property or to be heard by others using the public highways, public thoroughfares, or public buildings;

4. Any sound not included in the foregoing, which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons upon public or private property or other users of the public highways, thoroughfares, and buildings.

Section 9.16.040 – Loud and raucous noises—Prohibited.

> Except as otherwise provided in this chapter, it is unlawful for any person to willfully make, emit, or transmit or cause to be made, emitted, or transmitted any loud and raucous noise upon or from any public highway or public thoroughfare or from any aircraft of any kind whatsoever, or from any public or private

property to such an extent that it unreasonably interferes with the peace and quiet of another's private property.

The El Dorado County Municipal Code, Chapter 130, Zoning, is the El Dorado County Zoning Ordinance and establishes the following regarding noise:

Chapter 130.37 of the County Zoning Ordinance complies with General Plan Goal 6.5 (Acceptable Noise Levels), and supplements County Code Chapter 9.16 (Noise) by establishing standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses. Per Chapter 130.37, "The following noise sources shall be exempt from the standards of this Chapter: I. Construction (e.g., construction, alteration or repair activities) during daylight hours provided that all construction equipment shall be fitted with factory installed muffling devices and maintained in good working order." Table 130.37.060.1 contains noise standards for projects which require an acoustic analysis.

Impact Analysis:

a. Generation of Noise:

Construction

Construction of the project would generate noise from the use of heavy construction equipment. Chapter 130.37 of the County Zoning Ordinance complies with General Plan Goal 6.5 (Acceptable Noise Levels), and supplements County Code Chapter 9.16 (Noise) by establishing standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.: Per Chapter 130.37, "The following noise sources shall be exempt from the standards of this Chapter: I. Construction (e.g., construction, alteration or repair activities) during daylight hours provided that all construction equipment shall be fitted with factory installed muffling devices and maintained in good working order." (El Dorado County 2018). A County Condition of Approval would restrict construction activities to the daylight hours specified in the zoning ordinance. The applicant would maintain compliance with the relevant requirements of Chapter 130.37, and construction of the project would not result in the generation of a substantial temporary increase in ambient noise levels in excess of the standards established in the General Plan Noise Element.

Operation

Sources of noise resulting from long-term operation of the project would include worker commute vehicles traveling to and from the project site, trucks used for occasional supply deliveries or product shipments, ventilation fans on the greenhouses and support structure, and occasional noise from testing/maintaining backup generators.

The specific model of greenhouse ventilation fans to be used by the project, and the proposed fan locations, was not known at the time of this analysis. A typical ventilation fan for greenhouse applications would be a Schaefer 54" Galvanized Light Trap Box Exhaust Fan Model 545B2G-LT. This specific exhaust fan model has a reference noise level of 73 dBA at a distance of 10 feet (Schaefer 2021). Because noise generated near the ground attenuates at 6 dBA for every doubling of distance, the predicted noise from a single example fan at the closest residence (800 feet) would be 35 dBA. Assuming fans running continuously at night, the noise would not exceed county' most stringent nighttime noise standard of 45 dBA L_{EQ}. Therefore, on-site project operational noise would be less than significant.

In typical outdoor environments, changes in sound levels of 1 to 2 dBA are generally not perceptible. A sound level change of 3 dBA is considered a barely perceptible increase and a sound level change of 5 dBA is considered a readily perceptible increase. Due to the logarithmic nature of the decibel scale, a doubling of sound levels is an increase in 3 dBA. Therefore, in order for traffic noise to increase by 3 dBA (a barely perceptible increase), the traffic volume would have to double. According to the Transportation analysis in response 37.b), below, the project would result in 28 average daily trips (ADT) from employees plus occasional truck trips to deliver supplies, remove waste, and transport finished products. Traffic counts are not available for the roads in

the project vicinity. For transportation planning, the trip generation for typical single-family residences is 9 to 10 ADT. The project site would be accessed from Rattlesnake Bar Road. The 2-mile section of Rattlesnake Bar Road between Starling Lane and SR-49 provides access for at least 25 single-family homes. Therefore, traffic levels on Rattlesnake Bar Road are expected to be at least 225 ADT. The addition of 12 ADT as a result of the project would not double the traffic volumes on nearby roads and the project would not result in a significant increase in traffic-related ambient noise level.

Impact Summary

With adherence to the County Condition of Approval to restrict the hours of construction, the project would not result in a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project or in excess of County standards established in the local general plan or noise ordinance, and the impact would be **less than significant**.

b. **Excessive Groundborne Vibration and Noise Levels:** Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be conducted to implement the proposed project. A possible source of vibration during general project construction activities would be a vibratory roller used for soil and aggregate compaction. A large vibratory roller would create approximately 0.210 inch per second PPV at a distance of 25 feet (Caltrans 2013). The closest vibration sensitive land use would be approximately 800 feet from the construction activity. At this distance, groundbourne vibration from the project's construction equipment would be imperceptible. Once operational, the project would not be a source of substantial groundbourne vibration. Therefore, the project would not result in generation of excessive groundborne vibration levels, and the impact would be **less than significant**.

c. **Aircraft Noise:** The project is not located within an airport land use plan or in the immediate vicinity of a private airstrip. The closest airstrip to the project site is the Rescue Airstrip, located approximately 7 miles south of the project site. Therefore, the project would not expose people residing or working in the project area to excessive noise levels from airports, and there would be **no impact**.

FINDING: With adherence to the County Condition of Approval to restrict construction hours, the project would not result in a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards. The project would not result in generation of excessive groundborne vibrations levels. The project would not expose people residing or working in the project area to excessive noise levels from airports.

XIV. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Induce substantial unplanned 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)?			**X**	
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				**X**

Regulatory Setting:

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

Local Laws, Regulations, and Policies

The El Dorado County General Plan (adopted 2004) limits residential density on lands designated for RR. Up to one single family dwelling unit per 10 to 160 acres is allowed on RR lands. In October of 2013, the El Dorado County Board of Supervisors adopted the 2013-2021 Housing Element to the Adopted General Plan.

Impact Analysis:

a. **Population Growth:** The proposed project does not include the construction of any new homes; however, it does include the construction of a cannabis cultivation facility that could create a limited number of new jobs in the region. While the addition of new employment opportunities could increase the County's population, it is anticipated that the employees would be existing residents of the County or surrounding area that would commute to the project site. As such, the proposed project would not induce substantial population growth or result in a demand for new housing. The impact is **less than significant**.

b. **People or Housing Displacement:** There are no residences located on the project property, and therefore, no existing housing or residents would be displaced by the proposed project. **No impact** would occur.

FINDING: The proposed project would not induce substantial growth either directly or indirectly and would not displace housing or residents. Less than significant or no impact would occur to population and housing.

XV. PUBLIC SERVICES

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

Regulatory Setting:

No relevant federal laws, regulations, or policies are applicable to this section.

State 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.

California Public Resources Code Division 4: Forests, Forestry and Range and Forage Lands

The project is located in High and Very High Fire Hazard Severity Zone of a State Responsibility Area (CAL FIRE 2021). SRAs are defined by California PRC Section 4102 as areas of the State in which the Board of Forestry and Fire Protection has determined that the financial responsibility for preventing and suppressing fires lies with the State of California. SRAs are lands in California where CAL FIRE has legal and financial responsibility for wildfire protection. SRA lands typically are unincorporated areas of a county, are not federally owned, have wildland vegetation cover, have housing densities lower than three units per acre, and have watershed or range/forage value.

California PRC Sections 4291 et seq. requires that brush, flammable vegetation, or combustible growth within 100 feet of buildings be removed. Vegetation that is more than 30 feet from the building, less than 18 inches high, and important for soil stability, may be maintained as may single specimens of trees or other vegetation that is maintained so as to manage fuels and not form a means of rapid fire transmission from other nearby vegetation to a structure. Requirements regarding hazardous vegetation and fuel management are also contained in Sections 4906 and 4907 of the CFC.

California PRC Section 4290 requires CAL FIRE to adopt regulations implementing minimum fire safety standards for defensible space that would be applicable to lands within the SRA and lands within very high Fire Hazard

Severity Zones (FHSZs). Additional regulations regarding defensible space can be found in Title 14, Sections 1270.00 *et seq*. of the California Code of Regulations.

Impact Analysis:

a. **Fire Protection:** The proposed project is located within an SRA. The El Dorado County Fire Protection District is primarily responsible for providing structure fire protection services to the project site, and CAL FIRE is primarily responsible for providing wildland fire suppression services. CAL FIRE's nearest station is located approximately 2.4 miles east/southeast of the project site at 4731 Pedro Hill Rd, Pilot Hill, CA 95664; given that CAL FIRE can also respond to structure fires and other incidents within SRAs, an initial response would likely come from this station for most types of incidents on site. The El Dorado County Fire Protection District also provides all risk, fully staffed emergency services to the project area, and their nearest staffed station is located 5.1 miles northeast of the project site at 7200 St. Florian Ct. Cool, CA 95614 (El Dorado County FPD 2021). The project would be subject to review by the Fire District to ensure all required fire protection measures are incorporated into the building plans. Two 2,500-gallon water storage tanks and a draft hydrant would be constructed south of the cultivation area to provide water for fire suppression. While a new cannabis cultivation facility project could potentially require fire services, it would not result in the need for new fire personnel or facilities, as existing levels of fire service can be provided adequately with existing personnel out of existing facilities. Additionally, Fire Department fees would be collected as part of the building permit process. Therefore, the impact would be **less than significant**.

b. **Police Protection:** Law enforcement services for the project area are provided by the El Dorado County Sheriff's Office. Their nearest facility is a substation located 18.0 miles south of the site at 4355 Town Center Drive, Suite 113, El Dorado Hills, CA (El Dorado County Sheriff's Office, 2021). Development of the project site could potentially result in a need for police protection services to respond to any potential incidents that may occur at the site. Access to the site would be controlled with locked gates. With the current law enforcement services in the area and the implementation of site security measures, including security fencing, onsite presence, and camera surveillance, the proposed project would not result in a substantial impact to police protection in the area and the impact would be **less than significant**.

c-e. **Schools, Parks, and Government Services:** Operation of the proposed project would not induce population growth that would substantially contribute to increased demand on schools, parks, or other governmental services that could, in turn, result in the need for new or expanded facilities. Therefore, the project's impact to these services would be **less than significant** for questions c), d), and e).

FINDING: The project would not result in a significant increase of public services to the project. Any increased demand to services would be addressed through the payment of established impact fees and impacts to public services would be less than significant.

XVI. RECREATION

	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?			**X**	
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?			**X**	

Regulatory Setting:

Federal Laws, Regulations, and Policies

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 Crest Trail falls under this category. The Pacific Coast Trail 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 Section16.12.090 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.

Impact Analysis:

a, b. **Parks and Recreational Services:** The proposed project would be located in rural, northwestern El Dorado County, and the closest park is the Cronan Ranch Regional Trails Park, located approximately 3.6 miles east of the site. The proposed project would not induce a significant increase in population that would contribute to increased demand on recreation facilities or contribute to increased use of existing facilities such that physical deterioration of the facility would occur. Impacts to recreation would be **less than significant** for questions a) and b).

FINDING: No significant impacts to park or recreational facilities would result from implementation of the proposed project.

XVII. TRANSPORTATION

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			**X**	
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			**X**	
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				**X**
d. Result in inadequate emergency access?			**X**	

Environmental Setting:

The project site can be accessed from the north via a gravel driveway that leads south from Rattlesnake Bar Road to the cultivation area. The site can also be accessed from the south via a gravel driveway that leads north from Starling Lane to the cultivation area. Site access driveways would be controlled with locked security gates. A knox box would be provided at the main site entrance near the driveway's intersection with Rattlesnake Bar Road as well as the EVA entrance along Starling Lane to allow emergency crew access to the site if needed.

The northern (steeper) portion of the driveway leading to the site from Rattlesnake Bar Road would be paved with asphalt. The southern (flatter) portion would be surfaced with gravel. Four turnouts are proposed for the driveway between the proposed parking area and Rattlesnake Bar Road to facilitate vehicle passing. The driveway (not including turnouts) would be 30 feet wide. Four standard (9 ft by 18 ft) parking spaces and one ADA compliant parking space would be constructed just south of the cultivation area. A hammerhead turnaround would be constructed west of the parking area near the intersection of the two driveways to facilitate turnarounds as needed, including for emergency vehicles. The southern driveway would not be improved for the proposed project as it is not the primary point of access for the site. It is surfaced with dirt and gravel and served by an existing locked gate, but it would not be the primary point of access for project-related traffic.

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 excepted 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.

Impact Analysis:

a. **Conflict with Transportation Plan:** The project is expected to generate a total of 12 daily trips under the most conservative (i.e., busiest) estimate (assuming five employees arriving and leaving the site separately, along with one round trip for deliveries). Vehicles accessing the site would approach from Rattlesnake Bar Road; those commuting from outside the local community may reach Rattlesnake Bar Road via SR 49. On Rattlesnake Bar Road, a sufficient level of sight distance exists in both directions of the main site driveway to facilitate safe turns to and from the site. Given the low traffic volume in the area and low anticipated daily trips, the small number of increased trips resulting from the project would not result in a significant impact.

Given the rural nature of the site, the low population density of the area, low existing traffic volumes, and low increase in daily trips anticipated from implementation of the proposed project, bicycle or pedestrian use of public roadways would not be impeded. Therefore, the proposed project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and impacts would be **less than significant**.

b. **Vehicle Miles Travelled (VMT):** Current direction regarding methods to identify VMT and comply with State requirements is provided by the 2021 CEQA Guidelines Section 15064.3. 15064.3(b)(3) provides this direction for small projects:

> Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

Conservatively, after full project buildout is complete and during the most intensive harvesting period of the year, it is estimated that there would be a maximum number of 12 trips per day (assuming five employees arriving and leaving the site separately, along with one round trip for deliveries). This includes any expected seasonal workers who will only be utilizing the site for a very limited portion of the year. Delivery and supply trips are expected to be made with vans or light trucks and are expected to account for an average of less than one trip per day. Given that only three part time employees are proposed to support the project for most of the season, daily trips generated from the proposed project would be less than the estimated 12 trips per day for most of the year.

Given the low level of existing traffic volume in the area and adequacy of existing infrastructure to accommodate additional traffic volume, impacts from the proposed project would be **less than significant**.

c. **Design Hazards:** No design features associated with the proposed project would increase hazards. No changes would be made to existing public roads, and sufficient line of sight and low traffic volumes exist in

the area to safely accommodate vehicles travelling to and from the project site. Further, although the project is a farming operation, no farm vehicles or equipment (e.g., tractors) would be transported on public roads, as the project would be a small, self-contained operation. **No impact** would occur.

d. **Emergency Access:** The proposed project site would have adequate access for emergency vehicles. Site access would be maintained with at least two routes of ingress and egress, which would be kept well-maintained and accessible. The project applicant would install a knox box at both the northern gate along Rattlesnake Bar Road and the southern gate along Starling Lane to provide emergency crews with access to the site; the main driveway would also be improved to ensure reliable access for fire apparatus. The driveway would be kept clear of ladder fuels, and dead, downed, and dying vegetation for at least the nearest ten feet on either side, and a minimum vertical clearance of at least 15 feet from the road surface would be maintained. A hammerhead turnaround would be constructed west of the parking area near the intersection of the two driveways to facilitate turnarounds as needed, including for emergency vehicles. Additionally, the project was reviewed by the Fire District for the adequacy of the interior project road circulation and availability of adequate emergency ingress and egress in the project design. The Fire District did not respond with any concerns pertaining to the proposed project's emergency ingress and egress capabilities as it was shown on the submitted site plan. Therefore, impacts would be **less than significant**.

FINDING: The proposed project would not exceed traffic or VMT thresholds, introduce hazardous transportation design features, or obstruct emergency vehicle access, and impacts to transportation would result in less than significant or no impacts.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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
i. 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			**X**	
ii. 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			**X**	

Environmental Setting:

Records of AB 52 consultation by the County are included as Appendix C to this Initial Study. Formal invitations to participate in AB 52 consultation on the proposed project were sent by the County to nine tribal representatives on July 20, 2020. The representatives included:

- Pamela Cubbler, Colfax-Todds Valley Consolidated Tribe
- Sara Setshwaelo, Ione Band of Miwok Indians
- Cosme Valdez, Nashville-El Dorado Miwok
- Regina Cuellar, Shingle Springs Band of Miwok Indians
- Don Ryberg, T'si-Akim Maidu
- Gene Whitehouse, United Auburn Indian Community of the Auburn Rancheria
- Darrel Cruz, Washoe Tribe of Nevada and California
- Raymond Hitchcock, Wilton Rancheria
- Erin Young, El Dorado County Wopumnes Nisenan-Mewuk Nation

Mariah Mayberry with Wilton Rancheria provided a written response via email on August 18, 2020. Ms. Mayberry requested a records search, cultural survey, and the opportunity to provide further input on project design options to avoid tribal cultural resources and to have tribal monitors present for ground disturbing activities if tribal cultural resources are identified within the project area. Ms. Mayberry also attached the text of four conditions of approval recommended by Wilton Rancheria. County Senior Planner, Aaron Mount, provided Ms. Mayberry with a copy of the records search on November 17, 2020 (as a cultural survey has not been completed and is not required for this project), informed Ms. Mayberry that the County would be preparing a CEQA Initial Study for the project, and invited Ms. Mayberry to contact him if she would like to visit the site. No further correspondence was received from the Wilton Rancheria.

Anna Starkey, Cultural Regulatory Specialist of the United Auburn Indian Community of the Auburn Rancheria, provided a written response via email on August 18, 2020. Ms. Starkey requested review of project area photographs and the draft cultural resources report, or the opportunity to survey along with an archaeologist if a cultural survey was yet to be completed. County Senior Planner, Aaron Mount, provided Ms. Starkey with a copy of the records search on November 17, 2020. Following receipt of the records search, Ms. Starkey responded via email on November 17, 2020, requesting to review the draft CEQA document prior to public release. Ms. Starkey provided language to be included as a Condition of Approval in this Tribal Cultural Resources (TCR) section. No further correspondence was received from the United Auburn Indian Community of the Auburn Rancheria.

The tribes did not provide any information about TCRs in the project area to the County, thereby concluding AB 52 consultation.

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:

- 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

- 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.

Impact Analysis:

a.i),ii) **Tribal Cultural Resources.** As noted above, formal invitations to participate in AB 52 consultation on the proposed project were sent by the County to nine tribal representatives on July 20, 2020. Two of the nine tribes provided written responses requesting a records search, cultural resources report, and/or aerial photographs of the site. Both tribes were provided with a copy of the records search and granted permission to set up a site visit with the project applicant, if desired. None of the tribes provided any information about TCRs in the project area to the County, thereby concluding AB 52 consultation.

The Wilton Rancheria tribe provided language to be included as Conditions of Approval, and the County will include the following language as Conditions of Approval:

Tribal Cultural Resource Avoidance

If tribal cultural resources are encountered during project construction, avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.

- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area". Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating* and *Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American rrepresentatives from interested Native American Tribes.

Native American Monitoring

If tribal cultural resources are encountered during project construction, the project applicant and its construction contractor(s) will implement the following measures:

- If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until an archaeologist who meets the Secretary of the Interior's qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the SHPO and other appropriate agencies. Appropriate treatment measures may

include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation.

- In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities, the construction contractor or the County, or both, shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and a qualified professional archaeologist to determine the nature of the remains. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). After the coroner's findings are presented, the County, the archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Inadvertent Discoveries

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are encountered during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

The United Auburn Indian Community of the Auburn Rancheria provided the following language to be included as a Condition of Approval:

"If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC Section 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the

cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied."

With adherence to the Conditions of Approval above, the potential impact from inadvertent discovery of TCRs would be **less than significant.**

FINDING: With adherence to the Conditions of Approval above, the potential impact from inadvertent discovery of TCRs would be less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunication facilities, the construction or relation of which could cause significant environmental effects?			**X**	
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry or multiple dry years?			**X**	
c. Result in the 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 providers existing commitments?			**X**	
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			**X**	
e. Comply with federal, state and local management and reduction statutes and regulations related to solid waste?			**X**	

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 CEC to prepare an Integrated Energy Policy Report for the governor and legislature every 2 years, and to provide an update in the year between reports. 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. The 2019 Integrated Energy Policy Report covers a broad range of topics, including decarbonizing buildings, integrating renewables, energy efficiency, energy equity, integrating renewable energy, updates on Southern California electricity reliability, climate adaptation activities for the energy sector, natural gas assessment, transportation energy demand forecast, and the California Energy Demand Forecast.

Title 24–Building Energy Efficiency Standards

The CALGreen (CCR Title 24, Part 11) is a code with mandatory requirements for new residential and nonresidential buildings (including industrial buildings) throughout California. The code is Part 11 of the California Building Standards Code in Title 24 of the CCR (CBSC 2019). The current 2019 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings went into effect on January 1, 2020.

CALGreen contains requirements for storm water control during construction; construction waste reduction; indoor water use reduction; material selection; natural resource conservation; site irrigation conservation; and more. The code provides for design options allowing the designer to determine how best to achieve compliance for a given site or building condition. The code also requires building commissioning, which is a process for the verification that all building systems, like heating and cooling equipment and lighting systems, are functioning at their maximum efficiency.

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).

Cannabis Cultivation Program

California Code of Regulations Title 3 Section 8102(s) states:

> [Each application for a cultivation license shall include the following, if applicable:] For indoor and mixed-light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;

Section 8108 includes options for acceptable management of cannabis waste, including onsite composting, collection by a local or contracted waste agency, or self-hauling to certain approved destinations.

Section 8308 includes additional requirements for cannabis waste management, including reporting requirements.

Impact Analysis:

a. **Construction of New/Expansion of Existing Utilities**: A well was constructed on-site on April 28, 2002 by a previous owner. This well would provide the main water supply for the proposed cultivation operation and miscellaneous support and sanitary needs. The proposed project would also include the installation of an on-site septic system with leach field and solar array system to provide power to the greenhouses proposed as part of Phase II. The remainder of the project's power needs would be provided by PG&E. The construction of new utilities (i.e., solar panels, septic system, and leach field) would involve minor soil disturbance and would not result in significant impacts. The proposed project would not require relocation or expansion of existing utilities. Therefore, the proposed project would have a **less than significant impact**.

b. **Sufficient Water Supply:** As noted above, the water supply for the proposed project would come from a well that was constructed on-site on April 28, 2002 by a previous owner. This well would provide the main water supply for the proposed cultivation operation and miscellaneous support and sanitary needs. Additionally, two 2,500-gallon water storage tanks would be installed on-site for fire suppression. The proposed project is anticipated to demand approximately 150,000 gallons of water per year. The well is 460 feet deep and can provide an initial flow rate of 10 gallons per minute. There is adequate water supply to irrigate the proposed project, and impacts would be **less than significant**.

c. **Wastewater Treatment:** There are no public wastewater treatment systems serving the project site. As discussed above, the proposed project would construct a private wastewater system which would include a septic tank and leach field. At final buildout of the proposed project, the facility would employ three part time employees throughout the year, and up to an additional two part time employees during the harvest season (i.e., December to March). The proposed septic system would be required to meet NSF standards, is subject to County permitting requirements, and would accommodate the proposed number of employees. This impact would be **less than significant**.

d,e. **Solid Waste Disposal and Requirements:** El Dorado Disposal distributes municipal solid waste to Forward Landfill in Manteca 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. The Forward Landfill was last inspected on 4/29/2021 and the Kiefer Landfill was last inspected on 3/16/2021, both inspections determined that the facilities had no violations or areas of concern (CalRecycle 2021). 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. On-site solid waste collection would be handled through the local waste management contractor and would be stored in a covered trash enclosure. Impacts would be **less significant** for questions d) and e).

FINDING: No significant utility and service system impacts would be expected with the project, either directly or indirectly, and impacts would be less than significant.

XX. WILDFIRE

Would the project:				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			**X**	
b. Due to slope, prevailing winds, and other factors exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			**X**	
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities: that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			**X**	

Environmental Setting:

The proposed project site is bordered to the north by Rattlesnake Bar Road, Pilot Creek, grassland, and wooded to sparsely wooded land; to the east by vacant, wooded to sparsely wooded land; to the south by Starling Lane, wooded land, and scattered residences; and to the west by Rattlesnake Bar Road, wooded land, and scattered homes. The project is located in High and Very High Fire Hazard Severity Zones of an SRA (CAL FIRE 2021). The El Dorado County Fire Protection District is primarily responsible for providing structure fire protection services to the project site, and CAL FIRE is primarily responsible for providing wildland fire suppression services. CAL FIRE's nearest station is located approximately 2.4 miles east/southeast of the project site at 4731 Pedro Hill Rd, Pilot Hill, CA 95664; given that CAL FIRE can also respond to structure fires and other incidents within SRA, an initial response would likely come from this station for most types of incidents on site. The El Dorado County Fire Protection District also provides all risk, fully staffed emergency services to the project area, and their nearest staffed station is located 5.1 miles northeast of the project site at 7200 St. Florian Ct. Cool, CA 95614 (El Dorado County FPD 2021). Two 2,500-gallon water storage tanks and a draft hydrant would be constructed south of the cultivation area to provide water for fire suppression.

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies apply to this section, as the project site not on or adjacent to federal land and does not receive direct protection from a federal agency.

State Laws, Regulations, and Policies

The project is located in High and Very High Fire Hazard Severity Zones of a State Responsibility Area (CAL FIRE 2021). SRAs are defined by California PRC Section 4102 as areas of the State in which CAL FIRE has determined that the financial responsibility for preventing and suppressing fires lies with the State of California. SRAs are lands in California where CAL FIRE has legal and financial responsibility for wildfire protection. SRA lands typically are

unincorporated areas of a county, are not federally owned, have wildland vegetation cover, have housing densities lower than three units per acre, and have watershed or range/forage value.

California PRC Sections 4291 et seq. requires that brush, flammable vegetation, or combustible growth within 100 feet of buildings be removed. Vegetation that is more than 30 feet from the building, less than 18 inches high, and important for soil stability, may be maintained; as may single specimens of trees or other vegetation that is maintained so as to manage fuels and not form a means of rapid fire transmission from other nearby vegetation to a structure. Requirements regarding hazardous vegetation and fuel management are also contained in Sections 4906 and 4907 of the CFC.

California PRC Section 4290 requires CAL FIRE to adopt regulations implementing minimum fire safety standards for defensible space that would be applicable to lands within the SRA and lands within very high FHSZs. Additional regulations regarding defensible space can be found in Title 14, Sections 1270.00 *et seq*. of the California Code of Regulations.

Local Laws, Regulations, and Policies

El Dorado County Municipal Code

El Dorado County Municipal Code Chapter 8.09. - Vegetation Management and Defensible Space contains requirements for wildfire prevention and enforcement of such measures within the unincorporated areas of the county. That chapter reaffirms relevant state statutes and regulations, and adds additional requirements and mechanisms of enforcement.

El Dorado County General Plan

The El Dorado County General Plan (El Dorado County 2004) includes the following relevant policies:

Policy 5.7.2.1 Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Policy 6.2.1.1 Implement Fire Safe ordinance to attain and maintain defensible space through conditioning of tentative maps and in new development at the final map and/or building permit stage.

Policy 6.2.2.1 Fire Hazard Severity Zone Maps shall be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard.

Policy 6.2.2.2 The County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, as listed in the Federal Register Executive Order 13728 of May 18, 2016, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or California Department of Forestry and Fire Protection. (Resolution 124-2019, August 6, 2019)

Policy 6.2.3.1 As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

Policy 6.2.3.2 As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Policy 6.2.4.1 Discretionary development within high and very high fire hazard areas shall be conditioned to designate fuel break zones that comply with fire safe requirements to benefit the new and, where possible, existing development.

Impact Analysis:

a. As discussed under question g) in Section 7.IX, Hazards and Hazardous Materials, the project applicant would be required to prepare and implement an evacuation plan in the case of an emergency as a Condition of Approval. Site access would be maintained with at least two routes of ingress and egress, which would be kept well-maintained and accessible. The project applicant would install a knox box at both the northern gate along Rattlesnake Bar Road and southern gate along Starling Lane to provide emergency crews with access to the site; the main driveway would also be improved to ensure reliable access for fire apparatus. The driveway would be kept clear of ladder fuels, and dead, downed, and dying vegetation for at least the nearest ten feet on either side, and a minimum vertical clearance of at least 15 feet from the road surface would be maintained. It is anticipated that no more than five personnel would be on site under most circumstances, and that these individuals could quickly evacuate in case of an emergency. Given low traffic volume and population in the area, evacuation of the site is not expected to cause issues of traffic or impair the evacuation of the surrounding area. With adherence to the Condition of Approval, impacts would be **less than significant**.

b, d. Because the project site is within SRA high and very high fire hazard severity zones, a project-specific Fire Safe Plan was prepared for the proposed project (Live Oak Wildfire Solutions 2021) and is included as Appendix D to this Initial Study. Implementation of the proposed project would not alter any roadways, access points, or otherwise degrade traffic operations and access to the area in such a way as to interfere with an emergency response or evacuation plan. The proposed project would be required to adhere to all fire prevention and protection requirements and regulations of El Dorado County including the El Dorado County Fire Hazard Ordinance and the Uniform Fire Code, as applicable. Pertinent measures include, but are not limited to, the use of equipment with spark arrestors and non-sparking tools during project activities. The project applicant would also be required to develop the project structures to meet 'defensible space' requirements as specified under Objective 6.2.1 of the Safety Element of the El Dorado County General Plan. As a Condition of Approval, the proposed project would be required to annually mow and masticate 200 feet around all structures or to the steep slope break. Additionally, the Fire Safe Plan recommended that the applicant create and maintain 75 feet of defensible space on each side of the road leaving the property.

The site would be constructed to include a hammerhead turnaround of adequate dimensions to allow a fire engine to turn around. The project has been reviewed by the El Dorado County Fire Protection District and CAL FIRE and is not anticipated to exacerbate wildfire risks with implementation of the on-site circulation plan and fire safe plan. The proposed project is located adjacent to sloping terrain, but all proposed developments would be located on flat graded pads. All grading activities on-site would be required to comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. Therefore, the project would not pose a significant landslide risk in post-fire conditions. Additionally, the site is not located within any mapped 100-year flood areas as show on Firm Panel Number 06017C0450E (FEMA 2008), and due to the site's high elevation and upslope location relative to the surrounding topography, the site would not be at risk of post-fire flooding. Therefore, project impacts would be **less than significant** for questions b) and d).

c. **Installation or Maintenance of Infrastructure.** As discussed under question g) in Section IX, Hazards and Hazardous Materials, the Fire Safe Plan found that effective fuel reduction can be obtained with annual mowing and mastication for 200 feet around the proposed structures or to the steep slope break. This measure would be included as Conditions of Approval for the proposed project. The plan recommended that 75 feet of defensible space should be created and maintained on each side of the main driveway

leaving the property. Though the proposed project would not require the installation or maintenance of additional infrastructure that would exacerbate fire risk, the Fire Safe Plan recommended creating and maintaining 75 feet of defensible space on each side of the main driveway leaving the property and recommended thinning the remainder of oak stands within the property on a rotating basis. Therefore, impacts would be **less than significant**.

FINDING: As conditioned and with adherence to the County Code and CAL FIRE requirements, wildfire impacts would be less than significant.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	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?			**X**	
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)?			**X**	
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			**X**	

Impact Analysis:

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 project construction or with the building permit processes and/or any required project specific improvements on the property.

b. Cumulative impacts are defined in Section 15355 of the State CEQA Guidelines as *two or more individual effects, which when considered together, would be considerable or which would compound or increase other environmental impacts.*

No other cannabis operations or other developments are proposed or anticipated in the vicinity of the project site. 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 Sections 7.I through 7.XX, there would be no significant impacts anticipated related to aesthetics, agriculture and forestry resources, air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards/hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service systems that would be cumulatively considerable. Mitigation measures for the proposed project would reduce potential impacts related to biological resources such that no contributions to cumulative

impacts would be expected. Therefore, the proposed project would not contribute to potentially significant cumulative impacts, and impacts would be **less than significant**.

c. As conditioned and with compliance with the County Code, the proposed project would be anticipated to have a less than significant project-related environmental effect on human beings, either directly or indirectly. Therefore, impacts would be **less than significant**.

FINDINGS: The proposed project would not result in significant environmental impacts, exceed applicable environmental standards, or significantly contribute to cumulative environmental impacts.

8.0 INITIAL STUDY PREPARERS

El Dorado County:

Aaron Mount, Senior Planner
Gina Hamilton, Senior Planner

HELIX Environmental Planning:

Lesley Owning, Project Manager
Julia Pano, Environmental Planner
Ella Ban, Environmental Planner
David Ludwig, Environmental Planner
Victor Ortiz, Senior Air Quality/Noise Specialist
Martin Rolph, Air Quality/Noise Specialist

Green Valley Planning, LLC:

David Claycomb, Senior Advisor/Quality Assurance

9.0 REFERENCES

California Air Pollution Control Officers Association (CAPCOA). 2017. California Emissions Estimator Model Appendix D, Default Data Tables. Available online at http://www.caleemod.com/.

California Air Resources Board (CARB). 2021. "Area Designation Maps/State and National." Last reviewed June 2, 2021. http://www.arb.ca.gov/desig/adm/adm.htm.

2017. California's 2017 Climate Change Scoping Plan. November 2017. Accessed June 2, 2021. https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

California Building Standards Code (CBSC). 2019. 2019 California Green Building Standards Code – CalGreen, California Code of Regulations, Title 24, Part 11. Available at: https://codes.iccsafe.org/content/CAGBSC2019.

California Department of Conservation (CDC). 2021a. California Important Farmland Finder. Accessed on March 19, 2021 from: https://maps.conservation.ca.gov/DLRP/CIFF/.

2021b. Fault Activity Map of California. Accessed March 19, 2021 from: https://maps.conservation.ca.gov/cgs/fam/.

2021c. Farmland Mapping and Monitoring Program. Accessed March 19, 2021 from https://www.conservation.ca.gov/dlrp/fmmp.

2021d. Important Farmland Categories webpage. Accessed on March 19, 2021 from: https://www.conservation.ca.gov/dlrp/fmmp/Pages/prime_farmland_fmmp.aspx.

2021e. Williamson Act Program. Accessed on March 19, 2021 from: https://www.conservation.ca.gov/dlrp/wa.

2001. Mineral Land Classification of El Dorado County, California. Accessed on May 7, 2020 at https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc.

California Department of Forestry and Fire Protection (CAL FIRE). 2021. California Fire Hazard Severity Zone Viewer. Accessed on March 19, 2021 from: https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414.

California Department of Resources, Recycling, and Recovery (CalRecycle). 2021. SWIS Facility and Site Inspections. Accessed on May 11, 2021 and available at https://www2.calrecycle.ca.gov/SolidWaste/Site/Search.

California Department of Toxic Substances Control (DTSC). 2021a. Envirostor. Accessed April 14, 2021 from https://www.envirostor.dtsc.ca.gov/.

California Department of Transportation (Caltrans). 2021. Scenic Highways – List of Eligible and Officially Designated State Scenic Highways. Accessed March 18, 2021 from https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

2013. Transportation and Construction Vibration Guidance Manual, Environmental Engineering, Hazardous Waste, Air, Noise, Paleontology Office. September. Available online at http://www.dot.ca.gov/hq/env/noise/pub/TCVGM_Sep13_FINAL.pdf.

California Energy Commission (CEC). 2021a. 2019 Total System Electric Generation. Accessed March 16, 2021 at https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2019-total-system-electric-generation.

2021b. Supply and Demand of Natural Gas in California. Accessed on March 16, 2021 from: https://www.energy.ca.gov/data-reports/energy-almanac/californias-natural-gas-market/supply-and-demand-natural-gas-california

2021c. California Gasoline Data, Facts, and Statistics. Accessed on March 16, 2021 from https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-gasoline-data-facts-and-statistics

2021d. Diesel Fuel Data, Facts, and Statistics. Accessed on March 16, 2021 from https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/diesel-fuel-data-facts-and-statistics

California Native Plant Society (CNPS). 2021. Calscape. Accessed on March 17, 2021 from https://calscape.org/.

California State Water Resources Control Board (SWRCB). 2021. Geotracker. Accessed on April 14, 2021 from: https://geotracker.waterboards.ca.gov/.

Caterpillar. 2018. Caterpillar Performance Handbook Edition 48. Available online at https://wheelercat.com/wp-content/uploads/2018/07/SEBD0351_ED48.pdf.

El Dorado County Air Quality Management District (EDCAQMD). 2020. Climate Change. Accessed June 2, 2021 at https://www.edcgov.us/Government/AirQualityManagement/Pages/climate_change.aspx.

2005. Rule 223-1 – Fugitive Dust - Construction, Bulk Material Handling, Blasting, Other Earth Moving Activities, Carryout and Trackout Prevention. Amended October 2005. Available online at: https://www.edcgov.us/Government/AirQualityManagement/documents/Rule%20223-1_Fugitive%20Dust-Construction.pdf.

2002. Guide to Air Quality Assessment. February 2002. https://www.edcgov.us/Government/AirQualityManagement/Pages/guide_to_air_quality_assessment.aspx.

El Dorado County Air Quality Management District, Sacramento Metropolitan Air Quality Management District, Feather River Air Quality Management District, Placer County Air Pollution Control District, and Yolo-Solano Air Quality Management District (EDCAQMD et al.). 2017. Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan. July 2017. Accessed June 2, 2021. http://www.ysaqmd.org/wp-content/uploads/Planning/Sac-Regional-2008-NAAQS-Attainment-and-RFP-Plan.pdf.

El Dorado County Air Quality Management District, Sacramento Metropolitan Air Quality Management District, Placer County Air Pollution Control District, and Yolo-Solano Air Quality Management District (EDCAQMD et al.). 2013. $PM_{2.5}$ Implementation/Maintenance Plan and Redesignation Request for Sacramento $PM_{2.5}$ Nonattainment Area. October 2013. Accessed on June 2, 2021 and available at: http://www.ysaqmd.org/wp-content/uploads/Planning/Sac-Region-PM2.5-Maintenance-Plan.pdf.

El Dorado County. 2018. Zoning Ordinance – Adopted August 14, 2018 and amended on December 2, 2020. Accessed on April 14, 2021 from https://www.edcgov.us/Government/planning/Pages/zoning_ordinance.aspx.

2015a. Asbestos Review Areas, Western Slope, El Dorado County, California. Available at: https://www.edcgov.us/Government/AirQualityManagement/documents/asbestos%20review%20map%201-22-15.pdf

2015b. General Plan Agriculture and Forestry Element, as amended in December, 2015. Accessed on March 19, 2021 from: https://www.edcgov.us/Government/planning/pages/adopted_general_plan.aspx

2004. El Dorado County General Plan: Adopted 2004, last amended December 10, 2019. Accessed on March 22, 2021 at: https://www.edcgov.us/Government/planning/pages/adopted_general_plan.aspx.

2003. El Dorado County General Plan Draft Environmental Impact Report. State Clearinghouse No. 2001082030. Placerville, CA: El Dorado County Planning Services.

El Dorado County Airport Land Use Commission. (EDC ALUC). 2012. Airport Land Use Compatibility Plan. Adopted June 28, 2012. Accessed on April 12, 2021 from: https://www.edctc.org/aviation.

El Dorado County Fire Protection District. 2021. Community Stations. Accessed on March 22, 2021 from: https://www.eldoradocountyfire.com/district/community-stations/.

El Dorado County Historical Museum (EDCHM). 2010. El Dorado County History: Wine and Agriculture. El Dorado County Historical Museum, Placerville, CA. http://museum.edcgov.us/county-history/wine-and-agriculture.

El Dorado County Sheriff's Office. 2021. Mailing Addresses and Locations. Accessed on March 22, 2021 from: https://www.edcgov.us/Government/sheriff.

El Dorado Irrigation District. 2019. 2019 Water Supply and Demand Report. Presented to the EID Board of Directors on August 26, 2019. Accessed on June 30, 2021 and available at: https://www.eid.org/home/showdocument?id=13035.

Federal Emergency Management Agency (FEMA). 2008. FEMA Map Service Center, Current FEMA Issued Flood Maps: El Dorado County, California, unincorporated area, no. 06017C0450E. Accessed on March 17, 2021 from: https://msc.fema.gov/portal/home.

Garoogian, David. 2013. Profiles of California: Facts, Figures, and Statistics for 1,782 Populated Places in California. Third edition. Grey House Publishing, Amenia, US. http://site.ebrary.com/lib/alltitles/docDetail.action?docID=10769687.

Greg Matuzak Environmental Consulting LLC. 2021. 4921 Rattlesnake Bar Road (APN: 104-520-008) Biological Resources Assessment. Included as Appendix A to this Initial Study.

Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Summary for Policymakers. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. February. https://www.ipcc.ch/report/ar4/wg1/.

Live Oak Wildfire Solutions. 2021. Fire Plan for the Parcel 104-520-008. Included as Appendix D to this Initial Study.

National Earthquake Hazards Reduction Program (NEHRP). 2016. Background and History. Available online at: https://www.nehrp.gov/about/history.htm#:~:text=The%20National%20Earthquake%20Hazards%20Reduction,(PL)%2095%E2%80%93124.&text=Develop%20effective%20practices%20and%20policies,reduction%20and%20accelerate%20their%20implementation.

Natural Investigations Co (NIC). 2020. Cultural Resource Assessment for the Cannabis Cultivation Operation at 3029 Freshwater Lane, El Dorado, CA.

Natural Resources Conservation Service (NRCS). 2021. Web Soil Survey of Green Valley Farm Site. Accessed March 18, 2021 at http://websoilsurvey.nrcs.usda.gov.

North Central Information Center (NCIC). 2020. Records Search Results for Green Valley Farm. Letter from Paul Rendes to Keeteekune Thao dated May 5, 2020. Included as Appendix B to this Initial Study.

OEHHA (Office of Environmental Health Hazard Assessment). 2020. Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments. https://oehha.ca.gov/air/air-toxics-hot-spots.

Schaefer. 2021. 54" Galvanized Light Trap Capable Box Exhaust Fan. Accessed on April 14, 2021. Available: https://schaeferventilation.com/products/product-categories/exhaust-fans/large-exhaust-fans-30-57/545b2g-lt/.

State Water Resources Control Board (SWRCB). 2018. Storm Water Program, Municipal Program. Accessed April 16, 2021 from: https://www.waterboards.ca.gov/water_issues/programs/stormwater/municipal.html.

United States Department of Agriculture (USDA). 2018. Official Series Description. Accessed on April 15, 2021 from: https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/geo/?cid=nrcs142p2_053587.

United States Department of Energy (USDOE). 2021. Office of Energy Efficiency and Renewable Energy. Solar Photovoltaic Cell Basics. Accessed April 14, 2021 from: https://www.energy.gov/eere/solar/articles/solar-photovoltaic-cell-basics.

United States Environmental Protection Agency (USEPA). 2021. Superfund: National Priorities List. Accessed on April 14, 2021 from: https://www.epa.gov/superfund/superfund-national-priorities-list-npl.

2014. Summary of the Energy Policy Act. Available online at: https://www.epa.gov/laws-regulations/summary-energy-policy-act.

United States Geological Survey (USGS). 2000. Landslide Hazards USGS Fact Sheet FS-071-00. Accessed on April 12, 2021 from: https://pubs.usgs.gov/fs/fs-0071-00/fs-0071-00.pdf.

Appendix A

Biological Resources Assessment

4921 Rattlesnake Bar Road
(APN: 104-520-008)

Biological Resources Assessment

Prepared for:
Green Valley Farm (Keetee Kune Thao).
4921 Rattlesnake Bar Road
Pilot Hill, CA 95664

Prepared by:
Greg Matuzak, Principal Biologist
Greg Matuzak Environmental Consulting LLC
P.O. Box 2016
Nevada City, CA 95959
Email: gmatuzak@gmail.com

April 2021

TABLE OF CONTENTS

LIST OF APPENDICES

Report Summary

The Biological Resources Assessment Report includes the biological results of the background research, biological resources field surveys, data analysis, and impact assessment for the Project area. The key findings of this report include the following:

- A seasonal/intermittent stream and two ponds are located within the eastern section of the subject parcel. The required 800-foot setback for cultivation areas from such aquatic resources will be adhered to by the proposed Project.
- No California Native Plant Society (CNPS) List 1, 2, 3, or 4 species have been documented and mapped within the Project area based on background research and the results of the special-status plant surveys conducted within the entirety of the Project area during the blooming period for each of the special-status plant species previously identified within 3 miles of the Project area and each of the species within a 9 Quad CNPS Inventory search of the Project area.
- The northern boundary of the Project area along Rattlesnake Bar Road contains previous identification of the CNPS list 4.2 species, Brandegee's clarkia (*Clarkia biloba ssp. brandegeeae*). Impacts to CNPS list 3 and 4 species under CEQA are not considered significant; however, it is recommended that pre-construction surveys be implemented prior to any potential upgrades to the access to the subject parcel off of Rattlesnake Bar Road to avoid impacting the species as well as within any proposed area of disturbance within the subject parcel to ensure that no special-status species or CNPS listed species are present and therefore, impacts can be avoided.
- No fill or dredge material will be placed in a "waters of the U.S.", including wetlands, or "waters of the State of California" from the implementation of the proposed Project. Therefore, a Clean Water Act permit and compensatory mitigation will not be required.
- A review of the Project by the California Department of Fish and Wildlife (CDFW) determined the proposed Project would not require a notification under Section 1600 *et. seq.* of the California Fish and Wildlife Code given no proposed disturbance will occur within or adjacent to any such resources regulated by CDFW.
- A review of the Project by the Central Valley Regional Water Quality Control Board as part of the State Water Board's General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ-2019-0001-DWQ (General Order) determined the proposed Project is a Tier 1, Low Risk project given no proposed disturbance is located within the required setbacks from a water course.

1 INTRODUCTION

At the request of Green Valley Farm, Mr. Greg Matuzak was retained to prepare a Biological Resources Assessment Report ("Biological Report") for the ADP Cultivation Project ("Project") located in the Pilot Hill, El Dorado County, California (see Appendix A). The Biological Report includes an evaluation of sensitive biological resources within the Project area, including sensitive biological resources under the jurisdiction of the California Department of Fish and Wildlife ("CDFW"), United States Fish and Wildlife Service ("USFWS"), United States Army Corps of Engineers ("Corps"), and the El Dorado County. Preparation of the Biological Report included background research, field biological resources surveys, and reporting as detailed herein.

Mr. Greg Matuzak, Principal and owner of Greg Matuzak Environmental Consulting LLC is a wetlands ecologist and wildlife biologist with 20 years of experience conducting aquatic resources delineations and biological resources assessments in Northern California. Mr. Matuzak is 40-hour Wetland Delineation Certified (Wetland Training Institute) and has conducted aquatic resources delineations for 100's of linear miles of projects and 1000s of acres of site development projects. Additionally, Mr. Matuzak has conducted special-status biological resources surveys and developed biological resources assessments for dozens of projects in Nevada, El Dorado, and Placer Counties. Mr. Matuzak has lived and worked in Nevada County for over 13 years. Mr. Matuzak was responsible for the field data collection and assessment developed as part of the development of this Biological Report. Mr. Matuzak is a Qualified Biologist per the CDFW's definition.

1.1 Project Location

The proposed Project is located off of Pilot View Drive in Pilot Hill, El Dorado County, California (APN 104-520-008). The subject parcel is located off of Sterling Lane and Pilot View Drive to the south and Rattlesnake Bar Road (west and north). The subject parcel is 178 acres and currently zoned as RL-20 – Residential Low Density on a minimum of 20 acres. See Appendix A for Vicinity and Project Location Figures and see Appendix B for a Site Plan.

1.2 Project Understanding

The Project involves construction of an approximately 10,000 SF of aggregate canopy of cannabis cultivation. Additionally, the proposed Project includes approximately 6,120 support area: a 1,200 SF cannabis support area (building), 2 (20' x 100') ag exempt hoop houses totaling 4,000 SF for immature plant areas, 600 SF cannabis compost areas (non-hazardous), 2 (8' x 20') metal container totaling 320 SF. One metal container will be for chemical storage area and the other for material storage area.

1.3 State of California Agency Review of the Project to Date

A review of the proposed Project by the Central Valley Regional Water Quality Control Board as part of the State Water Board's General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ-2019-0001-DWQ (General Order) determined the proposed Project is a Tier 1, Low Risk project (letter dated January 13, 2021, attached in Appendix C). Given no proposed disturbance is located within the required setbacks from a water course, no portion of the disturbance is located on a slope greater than 30%, and the proposed Project cultivation area is less than one acre.

A review of the proposed Project by the California Department of Fish and Wildlife (CDFW) determined the proposed Project would not require a notification under Section 1600 *et. seq.* of the California Fish and Wildlife Code given no proposed disturbance will occur within or adjacent to any such resources regulated by CDFW. Furthermore, the CDFW letter (dated September 30, 2021, attached in Appendix C) did not recommend any measures to minimize direct or indirect impacts to special-status aquatic species that may associate with water courses and adjacent riparian and wetland habitats.

1.4 Biological Resources Assessment Purpose

The purpose of the Biological Report is to identify the location and extent of sensitive biological resources within the Project Area, including special-status plant and wildlife species. Additionally, this Biological Report includes an impact assessment to such sensitive biological resources based on the Project Understanding outlined in Section 1.2 above. Section 6 includes avoidance, minimization, and mitigation measures to ensure that the Project Area disturbance, based on the Project Understanding, would not have a significant impact on such sensitive biological resources. This Biological Report also satisfies the El Dorado County Community Development Services Planning and Building Department Commercial Cannabis Permitting Office (CCPO) requirements for the approval of the Project and its potential to impact sensitive biological resources outlined in the California Environmental Quality Act (CEQA) Checklist. Furthermore, based on the Project understanding, no oak trees are proposed to be removed and no riparian habitat, streams, waterways, or water crossings will be directly impacted as part of the implementation of the proposed Project though such resources are present within the subject parcel outside of the proposed disturbance areas. Therefore, additional studies and reporting to evaluate such resources are not required as part of the CCPO approval process. This Biological Report meets the requirements of the CCPO as part of CEQA compliance for the Project and overall Project permit approval.

2 REGULATORY OVERVIEW

2.1 Federal Regulations

2.1.1 Section 404 of the Clean Water Act

The U.S. Army Corps of Engineers ("Corps") and the Environmental Protection Agency ("EPA") regulate the discharge of dredge or fill material into "waters of the U.S." under Section 404 of the Clean Water Act. "Waters of the U.S." include wetlands and lakes, rivers, streams, and their tributaries. Wetlands are defined for regulatory purposes as areas "...inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated solid conditions" as specified in 33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3.

Generally, wetlands include swamps, marshes, bogs, and similar areas. Lakes, rivers, and streams are defined as "other waters of the U.S." Jurisdictional limits of these features are typically noted by the Ordinary High Water Mark ("OHWM"). The OHWM is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as mark a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas (33 CFR 328 and 33 CFR 329).

Isolated ponds or seasonal depressions had been previously regulated as waters of the U.S. However, in *Solid Waste Agency of Northwestern Cook County* (SWANCC) *v. USACE et al.* (January 8, 2001), the U.S. Supreme Court ruled that certain "isolated" wetlands (e.g., non- navigable, isolated, and intrastate) do not fall under the jurisdiction of the CWA and are no longer under the jurisdiction of the Corps. Some circuit courts (e.g., *U.S. v. Deaton*, 2003; *U.S. Rapanos*, 2003; *Northern California River Watch v. City of Healdsburg*, 2006), though, have ruled that SWANCC does not prevent CWA jurisdiction if a "significant nexus" such as a hydrologic connection exists, whether it be man-made (e.g., roadside ditch) or natural tributary to navigable waters, or direct seepage from the wetland to the navigable water, a surface or underground hydraulic connection, an ecological connection (e.g., the same bird, mammal, and fish populations are supported by both the wetland and the navigable water), and changes to chemical concentrations in the navigable water is present due to water from the wetland.

Areas considered to be non-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 water bodies such as swimming pools, and water-filled depressions with no outlet for drainage (33 CFR, Part 328).

2.1.1.1 Navigable Waters Protection Rule (Formal Approval on June 22, 2020)

On April 21, 2020, the EPA and the Corps published the Navigable Waters Protection Rule to define "Waters of the United States" in the *Federal Register*. For the first time, the agencies have streamlined the definition so that it includes four simple categories of jurisdictional waters, provides clear exclusions for many water features that traditionally have not been regulated, and defines terms in the regulatory text that have never been defined before. Congress, in the CWA, explicitly directed the Agencies to protect "navigable waters." The Navigable Waters Protection Rule regulates traditional navigable waters and the core tributary systems that provide perennial or intermittent flow into them.

Under the final rule, four clear categories of waters are federally regulated:

- The territorial seas and traditional navigable waters,
- Perennial and intermittent tributaries to those waters,
- Certain lakes, ponds, and impoundments, and
- Wetlands adjacent to jurisdictional waters

Therefore, as of June 22, 2020, the final rule details 12 categories of exclusions, features that are not "waters of the United States," such as features that only contain water in direct response to rainfall (e.g., ephemeral features); groundwater; many ditches; prior converted cropland; and waste treatment systems. The final rule clarifies key elements related to the scope of federal CWA jurisdiction, including:

- Providing clarity and consistency by removing the proposed separate categories for jurisdictional ditches and impoundments.
- Refining the proposed definition of "typical year," which provides important regional and temporal flexibility and ensures jurisdiction is being accurately determined in times that are not too wet and not too dry.
- Defining "adjacent wetlands" as wetlands that are meaningfully connected to other jurisdictional waters, for example, by directly abutting or having regular surface water communication with jurisdictional waters.

The Navigable Waters Protection Rule is the second step in a two-step process to review and revise the definition of "waters of the United States" consistent with the February 2017 Presidential Executive Order entitled "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States.'" This final rule became effective on June 22, 2020 and will replaces the Step One Rule published in October, 2019 as outlined above.

2.1.2 Section 401 of the Clean Water Act

Section 401 of the CWA requires an applicant, for any federal permit which may result in a discharge into waters of the U.S., to obtain a certification from the state that the discharge will comply with provisions of the CWA. The nine regions of the State Water Quality Control Board administer this program. Any condition of water quality certification would be incorporated into the Corps permit. California has a policy of no-net-loss of wetlands and typically requires mitigation for impacts to wetlands before it will issue a water quality certification. This Project is located under the jurisdiction of Region 5, the Central Valley Regional Water Quality Control Board ("RWQCB").

2.1.3 Endangered Species Act of 1973

For the Project area, consultation with the USFWS would be necessary if a proposed action may affect a federally listed species or occupied habitat. This consultation would proceed under Section 7 of the Endangered Species Act (ESA) if a federal action is part of the proposed action or through Section 10 of the ESA if no such nexus were available (USFWS, 1973). There are no federally protected species listed under the ESA that has previously been documented within 3 miles of the Project area (CDFW 2020).

2.1.4 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (BAGEPA) (16 USC Section 668) protects bald and golden eagles and their nests from direct "take" (i.e. harm or harassment as described above). BAGEPA prohibits the take or commerce of any part of the bald or golden eagles (USFWS, 1940). The USFWS administers the Act and reviews actions that may affect species protected under the Act.

2.2 State Regulations

2.2.1 California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) has jurisdiction over plant and wildlife species listed as threatened or endangered under section 2080 of the CDFW Code. The California Endangered Species Act (CESA) prohibits take of state-listed threatened and endangered species. The state Act differs from the federal Act in that it does not include habitat destruction in its definition of *take.* The CDFW defines *take* as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The CDFW may authorize *take* under the CESA through Section 2081 agreements. If the results of a biological survey indicate that a state-listed species would be affected by the project, the CDFW would issue an Agreement under Section 2081 of the CDFW Code and

would establish a Memorandum of Understanding for the protection of state-listed species.

CDFW maintains lists for Candidate-Endangered Species and Candidate-Threatened Species. Tricolored blackbird (*Agelaius tricolor*) is State ESA listed species as Threatened. This species has been previously identified approximately 3 miles to the southeast of the Project area (CDFW 2020); however, the CESA listed species has not been documented within the Project area and it was not identified within the ponds located a minimum of 800 feet from the proposed cultivation area. Given the proposed Project will impact non-native annual grassland and will have no impact on aquatic resources, elderberry shrubs, or oak woodlands, the proposed Project would have no effect on any CESA listed species.

2.2.2 Streambed Alteration Agreements: CDFG Code Section 1600 et seq.

CDFW has jurisdictional authority over substantial alterations to the bed or bank of rivers, streams, and lakes under Sections 1600–1616. CDFW has the authority to regulate all work under the jurisdiction of the State of California that would substantially divert, obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a streambed.

Given there will be no disturbance within or directly adjacent to watercourses and associated riparian vegetation, a CDFW Streambed Alteration Agreement would not be required for the Project.

2.2.3 Porter-Cologne Water Quality Control Act & Section 1601 and Section 1607 of CDFG Code

These acts and codes pertain to projects with potential impacts to water quality or waterways. The eastern section of the subject parcel contains two ponds and a seasonal/intermittent stream, which are considered waters of the State as defined by the State Water Resources Board (State Board 2014).

2.2.4 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State

The State Water Resources Control Board (State Water Board) adopted a State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures), for inclusion in the forthcoming Water Quality Control Plan for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California. The Procedures consist of four major elements: 1) a wetland definition; 2) a framework for determining if a feature that meets the wetland definition is a water of the state; 3)

wetland delineation procedures; and 4) procedures for the submittal, review and approval of applications for Water Quality Certifications and Waste Discharge Requirements for dredge or fill activities.

The State Water Board adopted the Procedures to address several important issues. There is need to strengthen protection of waters of the state that are no longer protected under the Clean Water Act (CWA) due to U.S. Supreme Court decisions, since the Water Boards have historically relied on CWA protections in dredged or fill discharge permitting practices. Second, there is inconsistency across the Water Boards in requirements for discharges of dredged or fill material into waters of the state, including wetlands. There is no single accepted definition of wetlands at the state level, and the Water Boards may have different requirements and levels of analysis with regard to the issuance of water quality certifications. Finally, current regulations have not been adequate to prevent losses in the quantity and quality of wetlands in California, where there have been especially profound historical losses of wetlands.

The Procedures, formerly known as the *Wetland Riparian Area Protection Policy,* has been renamed in order to communicate that the Procedures apply to all discharges of dredged or fill material to waters of the state, not just wetlands.

On April 6, 2021, the State Water Resources Control Board will held a public hearing to consider adoption of a proposed resolution to confirm that the "State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State" is in effect as state policy for water quality control.

2.2.5 California Department of Fish and Game Code Sections 3503, 3503.5, and 3800: Nesting Migratory Bird and Raptors

Sections 3503, 3503.5, and 3800 of the CDFG Code prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that project-related disturbance within active nesting territories be reduced or eliminated during critical phases of the nesting cycle (approximately March 1 – August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young), or the loss of habitat upon which birds are dependent, is considered "taking", and is potentially punishable by fines and/or imprisonment (LCC 2013).

2.2.6 California Special Species of Concern, Fully Protected, and Special Status Species

California designates Species of Special Concern (SSC) as species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational or educational values. These species do not have the same legal protection as listed species but may be added to official lists in the future (CDFW 2014).

In the 1960's California created a designation to provide additional protection to rare species. This designation remains today and is referred to as "Fully Protected" species, and those listed "may not be taken or possessed at any time" (CDFW 2014). There are no species designated as a Fully Protected species known to occur within or adjacent to the Project area.

California special status species are identified by the California Natural Diversity Database (CNDDB) and includes those species considered to be of greatest conservation need by the CDFW.

2.2.7 California Environmental Quality Act Guidelines Section 15380

California Environmental Quality Act (CEQA) Guidelines section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria. This section was included in the guidelines to deal primarily with situations in which a public agency is reviewing a project that may have a significant effect on, for example a "candidate species" that has not yet been listed by the USFWS or CDFW. CEQA, therefore, enables an agency to protect a species from significant project impacts until the respective government agencies have had an opportunity to list the species as protected, if warranted (CNRA 2012).

Plants appearing on the California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) are considered to meet CEQA's Section 15380 criteria. Ranks include: 1A) plants presumed extirpated in California and either rare or extinct elsewhere, 1B) plant rare, threatened, or endangered in California and elsewhere, 2A) plants presumed extirpated in California, but more common elsewhere, and 2B) plants rare, threatened, or endangered in California, but more common elsewhere. Impacts to these species would therefore be considered "significant" requiring mitigation.

2.2.8 State Oak Woodland Regulations

State laws that regulate protection of oak woodlands include Professional Forester's Law (PFL) and CEQA according to Public Resources Code Section 21083.4. Oak woodlands are defined as areas having 10% oak canopy cover or greater. "Oaks" are defined in Public Resources Code Section 21083.4 as a native tree species in the genus *Quercus*, that is 5 inches diameter at breast height (DBH) or greater. The Oak Woodlands Conservation Act (SB 1334) provides funding for the conservation and protection of oak woodlands in California. Oak trees and oak woodland habitats are protected under both the State and the El Dorado County landmark groves and landmark oak tree regulations as discussed below.

2.3 Local Regulations

2.3.1 El Dorado County Oak Resources Conservation Ordinance

Permits for removal of Oak Resources are required for any non-exempt action requiring discretionary development entitlements or approvals from the County, or ministerial actions requiring a building or grading permit issued by the County. *An Oak Resources Technical Report prepared by a certified arborist, qualified wildlife biologist or a Registered Professional Forester is required prior to issuing a permit to remove any Oak Resources.*

Required care, inspection and documentation of replacement plantings (including replacement of any dead trees) shall be performed by all permittees for a seven (7) year period from the date of the planting. The County shall provide an annual reporting to the Board of Supervisors on the number of oak removal permits issued and estimated inches/acres approved for removal during the reporting year. The County shall provide a biennial report to the Planning Commission and Board of Supervisors of the in-lieu fees collected and recommend fee adjustments as appropriate.

Exemptions to oak mitigation requirements include but are not limited to: existing single-family parcel of one acre or less; fire safe activities to protect existing structures; utility line maintenance; emergency operations; County road projects; affordable housing projects; some agricultural activities; removal of dead, dying or diseased trees; some exemptions for personal use (e.g., firewood) limited to no more than eight trees per parcel per year; tree removal under a Timber Harvest Plan. Exemptions from mitigation do not apply to Heritage Trees, individual valley oak trees, and valley oak woodlands (unless these trees are dead, dying, or diseased).

The ORMP requires mitigation for permitted oak tree removal under the ORMP including: on-site retention; replacement planting on-site and off-site; and in-lieu fees that will be used to acquire land and/or conservation easements to conserve oak woodlands, and to plant and maintain native oak trees. (Under the prior General Plan Policy tree canopy retention was the only mitigation option available.) All mitigation requires additional permits depending upon the mitigation option chosen.

To encourage on-site retention of oak woodlands, the ORMP requires increasing mitigation ratios based on the amount of oak woodland removed: Removing 50 percent or less requires a 1-to-1 ratio of mitigation, removing up to 75 percent requires a 1.5-to-1 ratio of mitigation, and removing up to 100 percent requires a 2-to-1 ratio of mitigation. Mitigation of oak woodlands would consist of one of the options described above: on-site retention; replacement planting on-site and off-site; and/or in-lieu fees.

A security deposit is required for all discretionary projects proposing on-site oak tree/oak woodland retention and/or replacement planting as mitigation. No grading or other on-site work shall be permitted until the security deposit is posted.

The in-lieu fee for removal of *oak woodlands* is calculated based on total cost per acre which is currently set at $8,285. The in-lieu fee for removal of *individual oak trees* is calculated on a total cost per inch which is currently set at $153 for a non-Heritage Tree and $459 per inch for a Heritage Tree at a 3-to-1 ratio. The per-inch fee shall be multiplied by the total number of trunk diameter inches removed. The in-lieu fees collected will be deposited in the County's Oak Woodland Conservation Fund. That fund will be used to acquire land and/or conservation easements to conserve oak woodlands, provide for native oak tree planting, and for ongoing conservation area monitoring and management activities.

2.3.2 El Dorado County General Plan Conservation and Open Space Element

CONSERVATION AND PROTECTION OF WATER RESOURCES

GOAL 7.3: WATER QUALITY AND QUANTITY

Conserve, enhance, and manage water resources and protect their quality from degradation.

OBJECTIVE 7.3.1: WATER RESOURCE PROTECTION

Preserve and protect the supply and quality of the County's water resources including the protection of critical watersheds, riparian zones, and aquifers.

Policy 7.3.1.1 Encourage the use of Best Management Practices, as identified by the Soil Conservation Service, in watershed lands as a means to prevent erosion, siltation, and flooding.

Policy 7.3.1.2 Establish water conservation programs that include both drought tolerant landscaping and efficient building design requirements as well as incentives for the conservation and wise use of water.

Policy 7.3.1.3 The County shall develop the criteria and draft an ordinance to allow and encourage the use of domestic gray water for landscape irrigation purposes. (See Title 22 of the State Water Code and the Graywater Regulations of the Uniform Plumbing Code).

OBJECTIVE 7.3.2: WATER QUALITY

Maintenance of and, where possible, improvement of the quality of underground and surface water.

Policy 7.3.2.1 Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.

Policy 7.3.2.2 Projects requiring a grading permit shall have an erosion control program approved, where necessary.

Policy 7.3.2.3 Where practical and when warranted by the size of the project, parking lot storm drainage shall include facilities to separate oils and salts from storm water in accordance with the recommendations of the Storm Water Quality Task Force's California Storm Water Best Management Practices Handbooks (1993).

Policy 7.3.2.4 The County should evaluate feasible alternatives to the use of salt for ice control on County roads.

Policy 7.3.2.5 As a means to improve the water quality affecting the County's recreational waters, enhanced and increased detailed analytical water quality studies and monitoring should be implemented to identify and reduce point and non-point pollutants and contaminants. Where such studies or monitoring reports have identified sources of pollution, the County shall propose means to prevent, control, or treat identified pollutants and contaminants.

OBJECTIVE 7.3.3: WETLANDS

Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

Policy 7.3.3.1 For projects that would result in the discharge of material to or that may affect the function and value of river, stream, lake, pond, or wetland features, the application shall include a delineation of all such features. For wetlands, the delineation shall be conducted using the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual

Policy 7.3.3.2 intentionally blank

Policy 7.3.3.3 The County shall develop a database of important surface water features, including lake, river, stream, pond, and wetland resources.

Policy 7.3.3.4 The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas. Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation

measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize "best management practices (BMPs)" as recommended by the County Agricultural Commission and adopted by the Board of Supervisors. Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue. For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Policy 7.3.3.5 Rivers, streams, lakes and ponds, and wetlands shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited.

CONSERVATION OF BIOLOGICAL RESOURCES

GOAL 7.4: WILDLIFE AND VEGETATION RESOURCES

Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.

OBJECTIVE 7.4.1: PINE HILL RARE PLANT SPECIES

The County shall protect Pine Hill rare plant species and their habitats consistent with Federal and State laws.

Policy 7.4.1.1 The County shall continue to provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with County Code Chapter 130.71 and the USFWS's Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (USFWS 2002).

Policy 7.4.1.2 Private land for Pine Hill rare plant preserve sites will be purchased only from willing sellers.

Policy 7.4.1.3 Limit land uses within established Pine Hill rare plant preserve areas to activities deemed compatible. Such uses may include passive recreation, research and

scientific study, and education. In conjunction with use as passive recreational areas, develop a rare plant educational and interpretive program.

Policy 7.4.1.4 The Pine Hill Preserves, as approved by the County Board of Supervisors, shall be designated Ecological Preserve (-EP) overlay on the General Plan land use map.

Policy 7.4.1.5 intentionally blank (Resolution 128-2017, October 24, 2017)

Policy 7.4.1.6 intentionally blank (Resolution 128-2017, October 24, 2017)

Policy 7.4.1.7 intentionally blank (Resolution 128-2017, October 24, 2017)

OBJECTIVE 7.4.2: IDENTIFY AND PROTECT RESOURCES

Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.

Policy 7.4.2.1 The County will coordinate wildlife and vegetation protection programs with appropriate Federal and State agencies.

Policy 7.4.2.2 The County shall continue to support the Noxious Weed Management Group in its efforts to reduce and eliminate noxious weed infestations to protect native habitats and to reduce fire hazards.

Policy 7.4.2.3 Consistent with Policy 9.1.3.1 of the Parks and Recreation Element, low impact uses such as trails and linear parks may be provided within river and stream buffers if all applicable mitigation measures are incorporated into the design.

Policy 7.4.2.4 Protect and preserve wildlife habitat corridors within public parks and natural resource protection areas to allow for wildlife use. Recreational uses within these areas shall be limited to those activities that do not require grading or vegetation removal.

Policy 7.4.2.5 Setbacks from all rivers, streams, and lakes shall be included in the Zoning Ordinance for all ministerial and discretionary development projects.

Policy 7.4.2.6 intentionally blank (Resolution 128-2017, October 24, 2017)

Policy 7.4.2.7 intentionally blank (Resolution 128-2017, October 24, 2017)

Policy 7.4.2.8 Conserve contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the County through a Biological Resource Mitigation Program (Program).

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

A. Habitat Protection Strategy. The Program establishes mitigation ratios to offset impacts to special-status species habitat and special-status vegetation communities within the County.

Special-status species include plants and animals in the following categories: • Species listed or proposed for listing as Threatened or Endangered under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); • Species considered as candidates for listing as Threatened or Endangered under ESA or CESA; • Wildlife species identified by California Department of Fish and Wildlife (CDFW) as Species of Special Concern; • Wildlife species identified by US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) as Species of Concern; • Plants listed as Endangered or Rare under the California Native Plant Protection Act; • Animals fully protected under the California Fish and Game Code; • Plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A (plants presumed extirpated in California and either rare or extinct elsewhere), 1B (plants rare, threatened, or endangered in California and elsewhere), 2A (plants presumed extirpated in California, but more common elsewhere), or 2B (plants rare, threatened, or endangered in California, but more common elsewhere). The CNPS CRPRs are used by both CDFW and USFWS in their consideration of formal species protection under ESA or CESA. With the exception of oak woodlands, which would be mitigated in accordance with the ORMP (see General Plan Policy 7.4.4.4), and Pine Hill rare plant species and their habitat, which would be mitigated in accordance with County Code Chapter 130.71 (see General Plan Policy 7.4.1.1), mitigation of impacts to vegetation communities will be implemented in accordance with the table below. Preservation and creation of the following vegetation communities will ensure that the current range and distribution of special-status species within the County are maintained.

B. Wildlife Movement for future 4- and 6- and 8-lane roadway construction projects. Consideration of wildlife movement will be given by the County on all future 4-, 6, and 8-lane roadway construction and widening projects. Impacts on public safety and wildlife movement for projects that include new roads of 4 or more lanes or the widening of roads to 4 or more lanes will be evaluated during the development review process (see Section C below). The analysis of wildlife movement impacts will take into account the conditions of the project site and surrounding property to determine whether wildlife under crossings are warranted and, if so, the type, size, and locations that would best mitigate a project's impacts on wildlife movement and associated public safety.

C. Biological Resources Assessment. A site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project. Vegetation communities and special-status plants shall be mapped and assessed in accordance with the CDFG 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities and subsequent updates, and the List of Vegetation Alliances and Associations (CDFG 2010) and subsequent updates. Any surveys conducted to evaluate potential presence of special status wildlife species shall conform to practices recommended by CDFW and/or USFWS at the time of the surveys.

The report will include an assessment of direct, indirect and cumulative impacts to biological resources, including vegetation communities, plant and wildlife species and wildlife movement. The report shall include recommendations for: • pre-construction surveys and avoidance/protection measures for nesting birds; • pre-construction surveys and avoidance/protection measures for roosting bats; • avoidance and minimization measures to reduce impacts related to entrapment, entanglement, injury, or poisoning of wildlife; and • avoidance and minimization measures to reduce indirect impacts to wildlife in open space adjacent to a project site. The results of the biological resources technical report shall be used as the basis for establishing mitigation requirements in conformance with this policy and the Oak Resources Management Plan (ORMP, see General Plan Policy 7.4.4.4).

D. Habitat Protection. Mitigation for impacts to vegetation communities defined above in Section A will occur within the County on a minimum contiguous habitat block of 5 acres. Wetlands mitigation may occur within mitigation banks and/or outside the County if within the watershed of impact. Mitigation sites will be prioritized based on the following criteria: • Location within PCAs and IBCs • Location within other important ecological areas, as defined in the Updated INRMP Initial Inventory and Mapping (June 2010); • Woodland, forest and shrub communities with diverse age structure; • Woodland and forest communities with large trees and dense canopies; • Opportunities for active land management to be used to enhance or restore natural ecosystem processes; • Presence of or potential to support special-status species; • Connectivity with adjacent protected lands; • Parcels that achieve multiple agency and community benefits; • Parcels that are located generally to the west of the Eldorado National Forest; and • Parcels that would preserve natural wildlife movement corridors such as crossings under major roadways (e.g., U.S. Highway 50 and across canyons).

E. Mitigation Assistance. The County will establish and maintain a database of willing sellers of land for mitigation of biological resource impacts within the County. The County will manage the database as a voluntary program wherein landowners must opt-in to be included in the database by contacting the County. The database will include the following information: • Property owner name • Assessor's Parcel Number • Parcel

acreage • General vegetation communities as mapped in the California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) database • Location within PCA, IBC, or important ecological area, as defined in the Updated INRMP Initial Inventory and Mapping (June 2010).

F. Mitigation Monitoring. Prior to final approval of an individual development project, applicants shall submit to the County a Mitigation Monitoring Plan that provides for periodic monitoring of preserved lands to assess effectiveness of the measures implemented to protect special-status and native species. The Mitigation Monitoring Plan shall demonstrate that funding is secured to implement the monitoring strategy in perpetuity.

3 METHODOLOGY

In order to evaluate the Project area for the presence of any sensitive biological resources, baseline information from databases and reporting for similar projects in the Sierra Nevada foothills and El Dorado County was collected and reviewed prior to conducting reconnaissance-level field biological surveys. The database searches, background research, and habitat level field surveys characterized the baseline conditions of the Project area. Based on the baseline conditions of the Project area, an assessment was implemented to determine if any special-status plant or wildlife species use the Project area at any time during their life cycle. The baseline conditions also identified the presence of any sensitive habitat or communities, including "waters of the U.S.," including wetlands, that have been identified and mapped within the Project area.

3.1 Sensitive Biological Resources Background Review

The following information was used to identify potential sensitive biological resources, including the presence of special-status plant and wildlife species, within the Project area region that could be found to use the Project area:

- California Department of Fish and Wildlife's California Natural Diversity Database records search of 3-mile buffer around the Project area (CDFW, 2021);
- The California Native Plant Society's online Inventory of Rare and Endangered Plants of California for the Project area and a 9 Quad Inventory Search (CNPS, 2021);
- The U.S. Fish and Wildlife Service Information, Planning, and Consultation System (IPaC) for endangered, threatened, and proposed listed species for the Project area (USFWS, 2020);
- National Wetland Inventory map of the Project area (NWI, 2020);
- United States Department of Agriculture (USDA) Soils Mapper of the Project area (USDA, 2020);
- Natural Resources Conservation Service (NRCS) Hydric Soils List for El Dorado County (NRCS, 2020); and
- El Dorado County Land Use and Development Code, Ordinances, and General Plan.

3.2 Reconnaissance Level Biological Resources Field Surveys

Reconnaissance-level biological resources field surveys were conducted on foot for the entirety of the Project area by Greg Matuzak, Principal Biologist and owner of Greg Matuzak Environmental Consulting LLC. Field surveys were conducted on May 13th, 2020. Follow up reconnaissance-level biological resources field surveys were not required or conducted by Greg Matuzak given the initial site visit and field surveys were conducted during the required blooming period for potential special-status plant species that have a potential to occur within the Project area. The purpose of the surveys completed in May 2020 was to identify habitat and vegetation types and to determine the potential for any special-status plant and wildlife species identified in the desktop analysis and background research to occur within the Project area. Additionally, the surveys were focused on the presence/absence of special-status plant species to identify their occurrence within the proposed disturbance areas within the Project area.

3.3 Project Area Characterization

All vascular plant species identified at the time of the surveys were recorded using keys and descriptions in *The Jepson Manual* (Baldwin et al., 2012). Additionally, vegetation types have been classified by wildlife habitats/vegetation types using the California Department of Fish and Game's (CDFG) *A Guide to Wildlife Habitats* (Mayer and Laudenslayer, 1988). A list of plant and wildlife species identified within the Project area as part of the development of this Biological Report is located in Appendix E.

4 ENVIRONMENTAL SETTING

4.1 Environmental Setting

The Project area is located in El Dorado County, CA in the northern-central Sierra Nevada foothills. The Sierra Nevada foothills lie between the western edge of the Sierra Nevada and the eastern border of the Central Valley. The foothills form a belt 10 to 30 miles wide that ranges from 500 to 5,000 feet in elevation in a series of northwest to north-northwest aligned ridges that decline in elevation from northeast to southwest. Many rapidly flowing rivers and streams run westerly in deeply incised canyons with bedrock channels to the Central Valley and eventually to the Pacific Ocean. Alluvial fans, floodplains, and terraces are not extensive. Dominant vegetation communities include grasslands, oak woodlands, and chaparral.

Vegetation communities within the Project area are typical of the lower Sierra Nevada foothills. The terrain within the Project area is typical of the lower Sierra Nevada foothills that normally vary between flat ridges and valleys to gently and moderately sloping hillsides. The Project area elevation ranges from approximately 1,220 to 1,280 feet above mean sea level (MSL).

Natural hydrological sources for the Project area include precipitation and surface run-off from adjacent lands. Mean annual rainfall in the area is 39 inches (NRCS, 2021). During rain events over the previous month prior to the field surveys, very little surface water was identified except for water within the two ponds located within the eastern section of the Project area. The seasonal/intermittent stream connecting the two ponds within the eastern section of the subject parcel is not shown as a blue line feature or stream on any USGS or NWI maps that include the Project area (see Appendix D). However, it is assumed that an 800-foot setback requirement from the proposed cultivation area must be adhered to from the two ponds and the seasonal/intermittent stream.

4.2 Project Area Soil Types

The USDA Soil Survey Mapper (USDA, 2020) identifies two soil types within the Project area. USDA soil mapping for the Project area is included in Appendix C and indicates that the Project area contains the following soil types: Auburn very rocky silt loam, 2 to 30 percent slopes and Auburn silt loam, 2 to 30 percent slopes. Soils in the Auburn series consist of shallow to moderately deep, well drained soils formed in material weathered from amphibolite schist. Additionally, soils in this soils series generally found under annual grasslands, blue oak, interior live oak, and foothill pine woodlands.

4.3 Project Area Vegetation Communities

Vegetation community types within the Project area are described below.

Annual Grassland

Within the annual grasslands within the subject parcel, the following species are dominant: slender wild oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), softchess (*Bromus hordeaceus*), medusahead (*Taeniatherum caput-medusae*) and yellow-star thistle (*Centaurea solstitialis*). Most native grasslands in El Dorado County have been replaced by non-native invasive plants and the majority of the annual grassland habitat identified within the subject parcel is dominated by non-native annual grassland species and many are considered invasive.

This habitat type covers 100% of the proposed cultivation area given the cultivation area will be developed within a large, open area dominated by annual grassland within the central section of the Project area.

Blue Oak – Foothill Pine Woodland

Blue oak – foothill pine woodland is a co-dominant habitat type within the subject parcel. Foothill pine (*Pinus sabiniana*) and blue oak trees (*Quercus douglasii*) are the dominant tree species within this habitat type. Blue oaks and interior live oak trees (*Quercus wislizeni*) were the only native oak trees identified within the subject parcel. Within the subject parcel this habitat is dominated by larger foothill pines and blue and interior live oak trees that are small in stature and in some cases could be considered large shrubs.

No native oak trees will be removed as part of the development of the proposed Project except for a single potential tree located along the access road to the northeast of the cultivation area. The cultivation area, accessory areas, access roads, and the well and waterline connection to the cultivation area are all located within open, annual grassland areas or along existing access roads and therefore, this habitat type (and native oak trees) will be avoided. Though not required to be removed, the single, hazard tree may be removed. See Appendix G for a photo log showing the proposed cultivation area, access roads, and the single, hazard tree that may be removed. Also see Appendix A map showing the large, open area within the central section of the subject parcel where the cultivation area will be located).

Chaparral

Species associated with this habitat type within the subject parcel include toyon (*Heteromeles arbutifolia*), buck brush (*Ceanothus cuneatus*), deer brush (*Ceanothus integerrimus*), whiteleaf manzanita (*Arctostaphylos viscida*), and poison-oak

(*Toxicodendron diversilobum*). California buckeye (*Aesculus californica*) trees and shrubs were also identified within this habitat type. This habitat type is found within the hilly, rocky sections of the subject parcel.

Montane Riparian

A structural gradient generally occurs from neighboring vegetation into montane riparian, resulting in oaks or pines grading in with the more riparian species. This vegetation type is characterized by black cottonwood (*Populus trichocarpa),* red willow (*Salix laevigata),* arroyo willow *(Salix lasiolepis),* and occasionally ponderosa pine in the overstory. Dense thickets are often resultant with Himalayan blackberry and Baltic rush (*Juncus balticus* ssp. *atar)* in the herbaceous layer.

The montane riparian vegetation within the subject parcel is located adjacent to both sides of the seasonal stream and immediately adjacent to the two ponds within the eastern section of the subject parcel (see Appendix B for a Site Plan showing the location of the ponds and stream to the east of any proposed disturbance and see Appendix E for the results of the National Wetland Inventory and National Hydrography Dataset results that only identify the ponds within the subject parcel). The understory of montane riparian along the seasonal stream is dominated by Himalayan blackberry. This vegetation type forms a very narrow band along both banks of the seasonal/intermittent stream within the Project area.

5 RESULTS

Special-status species were considered for the Project area based on a current review of the CNDDB and database information provided by the United States Fish and Wildlife Service and California Native Plant Society as well as the reconnaissance-level biological resources surveys.

5.1 Special-Status Plant Species

Based on the results of the database searches, two (2) special-status plant species were identified as previously occurring within 3 miles of the Project area. A description of the special-status plant species previously known to occur within 3 miles of the Project area (CNDDB, 2021) are discussed below (see Appendix G for a CNDDB 3-mile buffer figure). Additionally, the results of a 9 Quad CNPS Inventory Search identified a total of 28 plant species previously identified within the 9 Quads including and immediately adjacent to the subject parcel. The surveys conducted in May 2020 covering the proposed disturbance areas within the subject parcel were conducted during the blooming period for each of the plant species identified within the CNDDB and the CNPS 9 Quad Inventory Search.

No special-status plant species were identified within the Project area during reconnaissance-level surveys. In addition, no USFWS Designated Critical Habitat (DCH) has been mapped by USFWS for any federally listed species within the vicinity of the Project area. See Appendix J for the results of the CNPS 9 Quad Inventory Search. None of these species was identified during the surveys conducted as part of the reconnaissance-level surveys in May 2020.

The species described below have the greatest potential to occur within the subject parcel given they have been previously mapped within 3 miles of the subject parcel. None of the remaining species within the 9 Quad CNPS Inventory have been documented within 3 miles of the Project area (CNDDB, 2021).

Brandegee's Clarkia (*Clarkia biloba ssp. brandegeeae*) – California Native Plant Society List 4.2

Brandegee's clarkia inhabits chaparral, cismontane woodland, and lower montane coniferous/mixed conifer forest habitats. It is most often found in road cuts between 75 and 915 meters above MSL (CNDDB, 2020). The species has been documented along the northern boundary (along Rattlesnake Bar Road) of the subject parcel. During field surveys this species was not identified within the Project disturbance areas and suitable habitat for this species is considered to be lacking within the Project disturbance areas for this species where cultivation is proposed. Given that this species is most likely found on or near road cuts on north facing slopes, the likelihood of this species

occurring within the Project disturbance areas associated with the proposed cultivation is considered very low given the cultivation area and access roads to it do not include any road cuts on north facing slopes. However, given the species has been previously identified along Rattlesnake Bar Road, a pre-construction survey for the species should be implemented before any disturbance occurs to the access road leading into the northeastern section of the subject parcel off of Rattlesnake Bar Road.

Big-scale balsamroot (Balsamorhiza macrolepis) – California Native Plant Society List 1B.2

Big-scale balsomroot is a perennial herb native to California. It is found in valley grasslands and foothill woodlands on serpentinite and gabbroic substrates and blooms between March and June. The species was previously documented west-southwest of the Project area within 3 miles of the Project area within a historical site along the North Fork of the American River and is considered possible extirpated (CNDDB 2021). The species was not observed during the May 2020 field surveys. Potential for occurrence of this species is considered very low and not expected to occur within the Project area given the lack of serpentine soils within the Project area. Therefore, there would be no impact on this species.

5.2 Special-Status Wildlife Species

Based on the results of the database searches, five (5) special-status wildlife species were identified as previously occurring within 3 miles of the Project area. A description of the special-status wildlife species previously identified within 3 miles of the Project area (CNDDB, 2021) are discussed below (see Appendix H for a CNDDB 3-mile buffer figure and Appendix I for the USFWS IPaC and CNDDB occurrence reports). The two special-status aquatic species (western pond turtle and CA red-legged frog) that associate with ponds are also discussed below.

No special-status wildlife species were identified within the Project area during reconnaissance-level surveys and given the lack of suitable habitat for such species within the Project area, special-status wildlife species have a very low potential to occur within the Project area. In addition, no USFWS Designated Critical Habitat (DCH) has been mapped by USFWS for any federally listed species within the vicinity of the Project area.

Tricolored blackbird (Agelaius tricolor) – California State ESA Threatened Species

This species is known for its big breeding colonies making the species seem abundant to casual observers, the blackbird's gregarious nesting behavior renders these colonies vulnerable to large-scale failures. In agricultural habitat the birds experience huge losses of reproductive effort to crop-harvesting; every year, thousands of nests in dairy silage fields — where grass is being fermented and preserved for fodder — are lost

to mowing. In what little remains of California's native emergent-marsh habitat, tricolors are vulnerable to high levels of predation.

The species was officially designated as a State of California listed threatened species in April 2018. This species has been previously documented approximately 3 miles to the southeast of the subject parcel; however, the colony of approximately 400 nesting pairs was observed in 1971 along Salmon Falls Road about 3.9 miles south of Pilot Hill. Follow up surveys for the species at that location in 1992, 2000, and 2014 did not document and individuals or pairs of this species.

The species was not documented within either of the two ponds or within any area of the subject parcel surveyed in May 2020. The ponds may provide suitable habitat for the species, but the likelihood of the species foraging or nesting within the ponds is considered low given the rarity of the species (CNDDB, 2021). Furthermore, CDFW conducted an evaluation of the proposed Project and determined that no notification to the agency is warranted given the Project would not impact any water courses or associated riparian and wetland habitat (see Appendix C). There is no proposed disturbance within the ponds or directly adjacent to the ponds and therefore, the proposed Project would have no impact on this species.

Alabaster Cave harvestman (Banksula californicabla) – CDFW GH and SH

This species has been documented within 3 miles of the Project area. However, the species has not been identified within the State of California for over 20 years and it is considered possibly extirpated from mining and vandalism at the Alabaster Cave where the species was previously documented (CNDDB, 2021). This is a historical sighting and the species has no formal conservation status. It is very unlikely that this species would occur within the Project area; therefore, the project would have no impact on the species.

Cosumnes stripetail (Cosumnoperla hypocrena) – CDFW G2 and S2

This species has been documented within 3 miles of the Project area in an unnamed tributary to Knickerbocker Creek, Blue Tent Creek and other creeks and streams to the west, north, and east of the subject parcel. The species is found in intermittent streams on the western slope of the central Sierra Nevada foothills in the American and Cosumnes River Basins (CNDDB, 2021). It has a G2 and S2 ranking within the CNDDB giving it an imperiled ranking globally and within the State of California. Potential suitable habitat for this species would be located within the mapped seasonal/intermittent stream that runs to the east of the proposed cultivation area (see Appendix B). Therefore, the Project would have no impact on the species.

American peregrine falcon (*Falco peregrinus*) – Delisted from federal and state ESA

Optimal habitat for peregrine falcons is not available in the Sierra Nevada given they prefer cliffs for nesting, which are absent from the subject parcel. However, suitable habitat (intermediate density or use) is available there. Suitable breeding, foraging, and resting habitats in the Sierra Nevada include gray pine-oak woodland, chaparral, Pacific ponderosa pine forest, mountain meadow, riparian deciduous woodland, and mixed-conifer associations in spring, summer, and fall. Blue oak savannas of the western Sierra Nevada and Jeffrey pine associations provide suitable foraging and resting habitat in spring and fall. Annual grasslands provide marginal breeding habitat (area used regularly but does not play a major role in maintaining the population) for peregrine falcons. Peregrine falcons do not generally forage in associations with canopy cover ≥70% in the Sierra Nevada. They utilize all seral stages of forested, woodland, and chaparral habitats in the Sierra Nevada. However, late-seral stages of chaparral may reduce prey availability.

This species has been previously documented approximately 3 miles to the northwest of the subject parcel in the hills overlooking the North Fork of the American River. The subject parcel may provide marginal foraging and resting opportunities, but it is unlikely the species would nest in the foothill pine – blue oak woodlands within the subject parcel and the species was not documented within the subject parcel during the site survey. Therefore, the proposed Project would have no impact on the species.

Western bumble bee (Bombus occidentalis) – Candidate for CESA Listing as Endangered

The western bumble bee is a CESA Candidate for listing as Endangered and is under review by the USFWS; however, the species was last documented within 3 miles of the subject parcel in 1976 and this single observation of the species is considered part of the historical distribution of the species (CNDDB, 2021) and is currently only known (current distribution defined by CDFW as known locations where the species has been identified between 2003 – 2017) from a few locations in the Sierra Nevada, none of which are located within 3 miles of the subject parcel. Therefore, the species is considered absent from the subject parcel and the project would have no impact on the species.

Western Pond Turtle (Emys marmorata) – CA State Species of Concern

Western pond turtles associates with permanent ponds, lakes, streams, irrigation ditches, and permanent pools along intermittent streams. They are most commonly associated with permanent or nearly permanent water in a wide variety of habitats. This species requires basking sites such as partial submerged logs, rocks, mats of floating vegetation, or open mud banks. During the spring or early summer, females move overland for up to 100 m (325 ft) to find suitable sites for egg laying. This species has not been identified within 3 miles of the subject parcel. The species was not identified during

field surveys; however, the perennial aquatic resources do contain suitable habitat for this species. Given there is no proposed disturbance within or adjacent to any perennial water sources within the subject parcel, the project would have no impact on the species.

CA red-legged Frog (Rana aurora draytonii) – Federal Threatened and CA State Species of Concern

CA red-legged frog (CRLF) potential suitable reproductive habitat for this species may occur within the large marsh wetlands with perennial water/ponding within the subject parcel. Typically, if suitable breeding locations are located within 1.25 miles of the subject parcel and connected by barrier-free dispersal habitat that is at least 300 feet in width, then suitable dispersal habitat could be located within the subject parcel. However, this species has not been previously identified within 3 miles of the subject parcel and there is no DCH for this species mapped by USDFWS within 3 miles of the subject parcel.

Given that CRLF individuals and DCH for the species has not been identified within 3 miles of the subject parcel, the probability of such a rare species within the Sierra foothills being located within the subject parcel is considered very low. Furthermore, the species has not been documented within the watershed associated with the subject parcel and no disturbance is proposed within the perennial aquatic resources within the subject parcel; therefore, the potential for this species to occur is considered extremely low and the proposed project would have no impact on this species.

Nesting raptors and other migratory bird species - Protected under CA State DFG Code Sections 3503, 3503.5, and 3800

No active avian nesting was documented during the site surveys. However, there is a moderate potential for nesting raptors and other nesting migratory bird species to occur within and directly adjacent to the Project area. The Project area contains suitable nesting habitat for bird species, such as tree nesting species (Cooper's hawk and other common raptors) and ground nesting species like the spotted towhee (*Pipilo maculatus*) and dark-eyed junco (*Junco hyemalis*). Additional species that are known to nest in shrub and tree habitat have the potential to nest adjacent to the Project area. The nesting season for raptors and other protected nesting birds within the Project area occurs between March 1st and August 31st.

6 CONCLUSIONS AND RECOMMENDATIONS:

These conclusions and recommendations are based on the findings of this Biological Report and the impact assessment based on the Project Understanding outlined in Section 1.2 above. The impact assessment and recommendations below are based on the proposed Project components that would require disturbance within the Project area. These project components area included in the Site Plan attached in Appendix B.

Under CEQA, the following conclusions of this Biological Report for potential impacts not requiring mitigation include the following:

- Wildlife movement corridors typically are associated with ridgelines and valleys, rivers, and creeks supporting riparian vegetation. The proposed Project area does provide good cover for movement and foraging for many species; however, more typical movement corridors are available adjacent to the Project area. Proposed Project development would temporarily impede wildlife use of the Project area; however, these Project related effects would be localized and would not substantially affect wildlife movements. No wildlife nursery sites are in the proposed Project area. The impact would be less than significant. No mitigation is required.

- Proposed Project area development would not conflict with any known local policies or ordinances and would be consistent with provisions of the El Dorado County General Plan Conservation and Open Space Element. The proposed Project is not within an important biological corridor or priority conservation area as identified in the general plan. Additionally, the proposed Project will not include the removal of any trees given the proposed cultivation area is located within a large area dominated by non-native annual grassland species and no trees will be removed along the existing access from Rattlesnake Road connecting with the proposed cultivation area (see Appendix G for a photo log showing the proposed cultivation area and see Appendix A map showing the large, open area within the central section of the subject parcel where the cultivation area will be located); therefore, it is not subject to mitigation requirements under the Oak Resources Conservation Ordinance. No impact would occur.

- No draft or adopted habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans exist. No impact would occur.

For sensitive biological resources that have the potential to be impacted by the implementation of the proposed Project, avoidance, minimization, and mitigation measures are proposed to ensure that such disturbance does not cause a significant impact on any sensitive biological resources within the Project area.

Proposed Avoidance, Minimization, and Mitigation Measures

6.1 Potential Impacts to Special-Status Plant Species

Special-status plant surveys were conducted within the Project area during May 2020, which coincides with the blooming period of the special-status plant species that have been previously identified within 3 miles of the Project area and it coincides with each of the 28 species identified within the 9 Quad CNPS Inventory Search (see Appendix H, I, and J). No special-status plants were documented within the proposed Project disturbance areas during the site visit and survey conducted as part of the development of this Biological Report. Therefore, there is a very low likelihood that the Project area would contain a protected special-status plant species listed by CNPS and per CEQA requirements based on the results of the surveys conducted within the Project disturbance areas within the subject parcel.

Disturbance related impacts to CNPS list 3 and list 4 species ***would not*** be considered a "significant" impact requiring additional mitigation under CEQA Guidelines Section 15380. Therefore, the proposed Project would not have a "significant" impact on CNPS list 3 and list 4 special-status plant species, if present during such disturbance. However, based on the results of the 9 Quad CNPS Inventory Search additional CNPS 1B.1, 1B.2, and 1B.3, and list 2, 3, and 4 species previously documented within the 9 Quads including and immediately surrounding the subject parcel have a very low likelihood to occur within the Project area given they were not documented along the existing access roads and open areas dominated by annual grassland species (areas proposed for disturbance within the subject parcel) during the May 2020 site visit and survey.

Mitigation: to ensure that no special-status plant species (CNPS 1B.1, 1B.2, and 1B.3, and list 2) are located within or directly adjacent to areas proposed for disturbance within the subject parcel (and to map the locations of any CNPS list 3 and list 4 species within those areas), a pre-construction survey for such CNPS list plants shall be implemented within 14 days prior to any planned disturbance. If any CNPS list species or otherwise ESA listed (state or federal) plant species are documented during the pre-construction surveys, protection of such plants would include

complete avoidance, transplantation, and/or on- or offsite restoration of the special-status plant species that could be impacted by such site disturbance.

At a minimum, the applicant would be required to include the following protective measures for special-status plant species with the potential to be impacted by the proposed disturbance within the Project disturbance areas:

- a map of the location of special-status species that may be disturbed or need to be protected;
- location of environmental protection fencing to be placed around the individual plants to be protected;
- identification of the location of protected plants on design and construction drawings;
- environmental awareness training for all personnel working on the project during initial site disturbance to discuss the location of the protected plants and the measures to be taken to avoid impacts to them; and
- weekly site monitoring by a qualified biologist to ensure that the special-status plants are being protected during site disturbance and construction.

Where individuals would be potentially affected directly by site disturbance and transplantation of individual plants is required to minimize and mitigate for impacts to such species, the following should be required:

- remove bulbs of individual plants to be directly impacted during the dormant season;
- relocate the bulbs to a site with similar soil, hydrologic, vegetation type and aspect within the subject parcel; and
- identify the location(s) for dormant season relocation and site selection for transplantation.

The protective measures would also include a requirement to meet the following criteria:

- metrics of successful establishment, which would include a minimum of 80% survival of the transplants after 2 years of transplanting the species.

If the 80% survival is not established after 2 years, transplants of individuals grown from seed should be planted with similar soil, hydrologic, vegetation type and aspect within the subject parcel. Transplantation shall occur in the season deemed to have the greatest potential for success, generally the fall, after rains have commenced. Transplants will be monitored every month for the first six months, then subsequently, every two months for the first two years. After two summer seasons of monitoring identifies

successful establishment of 50% of the initial transplants, transplant seedlings will have been deemed successful.

Disturbance related impacts to CNPS list 3 and list 4 species *would not* be considered a "significant" impact requiring additional mitigation under CEQA Guidelines Section 15380. Therefore, the proposed Project would have a less than significant impact on special-status plant species with the implementation of the mitigation measures outlined above.

6.2 Potential Impacts to Nesting Raptors and other Protected Bird Species

Given the Project area contains many larger trees and many of those trees contain suitable habitat for nesting raptors and other protected bird species, removal of such trees should be done outside the breeding season, if required though not proposed as part of the proposed Project, to avoid potential impacts to such protected nesting bird species. The breeding season for raptors and MBTA protected bird species in the vicinity of the Project area is generally from March 1 to August 31. Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of any avoidance, minimization, or mitigation measures. However, construction or development activities during the breeding season could disturb or remove occupied nests of raptors and would require the implementation of a pre-construction survey within 250 feet of the any disturbance area within the Project area for nesting raptors and other protected bird species within 14 days prior to disturbance.

Avoidance: Vegetation clearing or tree removal outside of the breeding season for such bird species and/or avoidance of such potential nesting habitat would not require the implementation of any avoidance, minimization, or mitigation measures.

Mitigation: Construction or disturbance activities during the breeding season could disturb or remove occupied nests of raptors and/or protected bird species and would require the implementation of a pre-construction survey within and adjacent to any proposed disturbance area within the Project area for nesting raptors and other protected bird species within 14 days prior to disturbance. The nesting survey radius around the proposed disturbance would be identified prior to the implementation of the protected bird nesting surveys by a CDFW qualified biologist and would be based on the habitat type, habitat quality, and type of disturbance proposed within or adjacent to nesting habitat.

If any nesting raptors or protected birds are identified during such pre-construction surveys, trees or shrubs or grasslands with active nests should be not be removed or disturbed and a no-disturbance buffer should be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a

qualified wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a CDFW qualified wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.

Therefore, the proposed Project would have a less than significant impact on nesting raptors and other protected bird species with the implementation of the mitigation measures outlined above.

6.3 Potential Impacts to Clean Water Act Regulated **"Waters of the U.S.,"** Including Wetlands

The two ponds mapped within the National Wetland Inventory and National Hydrography Dataset (see Appendix D) and the seasonal/intermittent stream within the eastern section of the subject parcel are the only aquatic features identified within the subject parcel (see Appendix B) and each is assumed to fall under Corps jurisdiction pursuant to Section 404 of the CWA. The RWQCB pursuant to Section 401 of the CWA also has jurisdiction over areas subject to regulation by the Corps under Section 404 of the CWA.

The proposed Project will have no impact on any aquatic resources and associated riparian and wetland vegetation within the subject parcel. The proposed cultivation area will be located well outside of the required 800-foot setback to watercourses per the El Dorado County ordinance (see Appendix B Site Plan with the identification of the ponds and stream within the eastern section of the subject parcel and the proposed cultivation area > 800 feet to the west of the water features).

As detailed in the CWA, any proposed action that would place fill or dredge material within areas identified as Corps jurisdictional wetlands or waters would require a Department of the Army Section 404 permit and a RWQCB Section 401 Water Quality Certification, or waiver thereof, prior to the placement of fill or dredge material within such features. Fill or dredge impacts to any features regulated under Sections 404 and 401 of the CWA would be required to be mitigated at a minimum of a 1:1 ratio. Compensatory mitigation would be included as a Section 404 and Section 401 permit condition to be implemented prior to the placement of such dredge and fill material within a "waters of the U.S.," including wetlands, and would ensure the no net loss of such features within the Project area.

A review of the proposed Project has been conducted by the Central Valley Regional Water Quality Control Board as part of the State Water Board's General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ-2019-0001-DWQ (General Order) and determined the proposed Project is a Tier 1, Low Risk project (letter dated January 13, 2021, attached in Appendix C). The Tier 1, Low Risk rank was given since the proposed disturbance is not located within the required setbacks from any water course, no portion of the disturbance is located on a slope greater than 30%, and the proposed Project cultivation area is less than one acre.

Given that no fill or dredge material will be placed within the seasonal/intermittent stream or the within the two ponds or within the seasonal/intermittent stream and the Project is a Tier 1, Low Risk Project for potential indirect water quality impacts related to the proposed Project, the proposed Project would have no impact on CWA regulated "waters of the U.S." including wetlands, as well as State regulated "waters of the State of California."

6.4 Potential Impacts to Stream and Riparian Zones Under CDFW Jurisdiction

Substantial alteration to seasonal/intermittent stream and two ponds within the eastern section of the subject parcel would likely fall under CDFW jurisdiction as the creek contains a bed and bank and riparian vegetation along its banks as do the two ponds. Any proposed alteration of any stream or water course would most likely require a Streambed Alteration Agreement from the CDFW pursuant to Section 1600 *et. seq.* of the California Fish and Wildlife Code prior to construction, including any disturbance within seasonal/intermittent stream and two ponds within the Project area.

The proposed Project will have no impact on any aquatic resources and associated riparian and wetland vegetation within the subject parcel. The proposed cultivation area will be located well outside of the required 800-foot setback to watercourses per the El Dorado County ordinance (see Appendix B Site Plan with the identification of the ponds and stream within the eastern section of the subject parcel and the proposed cultivation area > 800 feet to the west of the water features).

Furthermore, a review of the proposed Project has been conducted by CDFW and determined the proposed Project would not require a notification under Section 1600 *et. seq.* of the California Fish and Wildlife Code given no proposed disturbance will occur within or adjacent to any such resources regulated by CDFW (see letter dated September 30, 2021, attached in Appendix C).

Given the proposed Project will avoid the two ponds and the seasonal/intermittent stream in the eastern section of the subject parcel, the

proposed Project would have no impact on the water features and therefore, no further CDFW coordination or Section 1600 *et. seq.* of the California Fish and Wildlife Code permitting would be required.

7 REFERENCES

Baldwin, B.G., Goldman, D.H., Keil, D.J., Patterson, R., Rosatti, T.J., and Wilken, D.H. 2012. The Jepson Manual: Vascular Plants of California, Second Edition. University of California Press.

Burt, William Henry. 1980. A Field Guide to the Mammals of North America north of Mexico. New York, New York: Houghton Mifflin Company, 1980.

Calflora. Information on California Plant for Education, Research and Conservation. [web application]. 2020.

California Department of Fish and Game (CDFG). 2004. Fish and Game Code Sections 1600-1616.

California Department of Fish and Wildlife (CDFW). 2020. Lake and Streambed Alteration Program.

California Department of Fish and Wildlife (CDFW). 2020. California Wildlife Habitat Relationships (CWHR).

California Department of Fish and Game (CDFG). 1987. Five-Year Status Report: California Black Rail. Non-Game Bird and Mammal Section, Wildlife Management Division, Department of Fish and Game. California.

California Department of Fish and Game (CDFG). 2011. Special - 898 Taxa. California Natural Diversity Database, The Natural Resources Agency, Biogeographic Branch, Department of Fish and Game. California.

California Department of Fish and Wildlife (CDFW). 2020. RareFind Verion 3: Search of 3-mile buffer around Project Area. California Natural Diversity Database (CNDDB), California Department of Fish and Wildlife. Sacramento, California.

California Department of Fish and Wildlife (CDFW). 2020. Threatened and Endangered Species. California Department of Fish and Wildlife. Sacramento, California.

CaliforniaHerps.com (CaliforniaHerps). 2020. A Guide to Amphibians and Reptiles in California. CaliforniaHerps.com. California.

California Native Plant Society (CNPS). 2000. A Manual of California Vegetation. [web based version]. California Native Plant Society. Information Center for the Environment, University of California Davis.

California Native Plant Society (CNPS). 2020. Online Inventory of Rare, Threatened, and Endangered Plants of California, V9-02. California Native Plant Society. California.

Cornell Law School. 2001. Solid Waste Agency of Northern Cook City. V. Army Corps Of Engineers (99-1178) 531 U.S. 159 (2001) 191 F.3d 845, reversed. Legal Information Institute.

Drake University. 2007. Rapanos v. United States: "Waters of the United States" Under the Clean Water Act (2003). Drake Journal of Agricultural Law, Volume 12, Number 3.

El Dorado County. 2017. El Dorado County Oak Resources Management Plan and Oak Resources Conservation Ordinance. Adopted October 24th, 2017.

El Dorado County. 2017. El Dorado County General Plan Conservation and Open Space Element. Amended October 2017.

Environmental Laboratory: US Army Corps of Engineers (Corps). 1987. Corps of Engineers Wetlands Delineation Manual.

Environmental Protection Agency (EPA). 1972. Summary of the Clean Water (CWA) Act-33 U.S.C. §1251 et seq. (1972). EPA Laws and Regulations.

Evens, J., Page, G.W., Laymon, S.A. and R.W. Stallcup. 1991. Distribution, Relative Abundance and Status of the California Black Rail in Western North America. The Condor 93(4) 952 November 1991.

Jennings, M.R.; Hayes, M.P. Amphibian and Reptile Species of Special Concern in California. 1994. Inland Fisheries Division, California Department of Fish and Game. Rancho Cordova, California.

Jepson Herbarium, The. (Jespson eFlora). 2020. The Jepson Herbarium, University of California, Berkeley. Berkeley, California.

Legislative Counsel of California (LCC). 2004. Senate Bill 1334- Oak Woodlands Conservation Act. Official California Legislative Information. California.

Legislative Counsel of California (LCC). 2013. California Law: California fish and Game Code. Official California Legislative Information. California.

Mayer, K. E. and William F. Laudenslayer, Jr. 1988. A Guide to Wildlife Habitats of California. State of California, Resources Agency, Department of Fish and Game Sacramento, CA. 166 pp.

Natural Resources Conservation Service. 2021. Weather for City of Placerville, California.

Sawyer, J.O., Keeler-Wolf, T., Evans, J.M. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society.

Shuford, W. D., and T. Gardali, editors. 2008. California bird species of special concern: a ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Spautz, H., Nur, N., Stralberg, D. 2005. California Black Rail (*Laterallus jamaicensis coturniculus*): Distribution and Abundance in Relation to Habitat and Landscape Features in the San Francisco Bay Estuary. USDA Forest Service General Technical Report: PSW-GTR-191.

United States Department of Agriculture (USDA). 2020. National Resources Conservation District (NRCS) - Web Soil Survey.

United States Army Corps of Engineers (Corps). 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). U. S. Army Corps of Engineers – Engineer Research and Development Center. May 2010.

United States Fish and Wildlife Service (USFWS). 1918. Migratory Bird Treaty Act of 1918. 1918.

United States Fish and Wildlife Service (USFWS). 1940. The Bald and Golden Eagle Protection Act.

United States Fish and Wildlife Service (USFWS). 1973. Endangered Species Act.

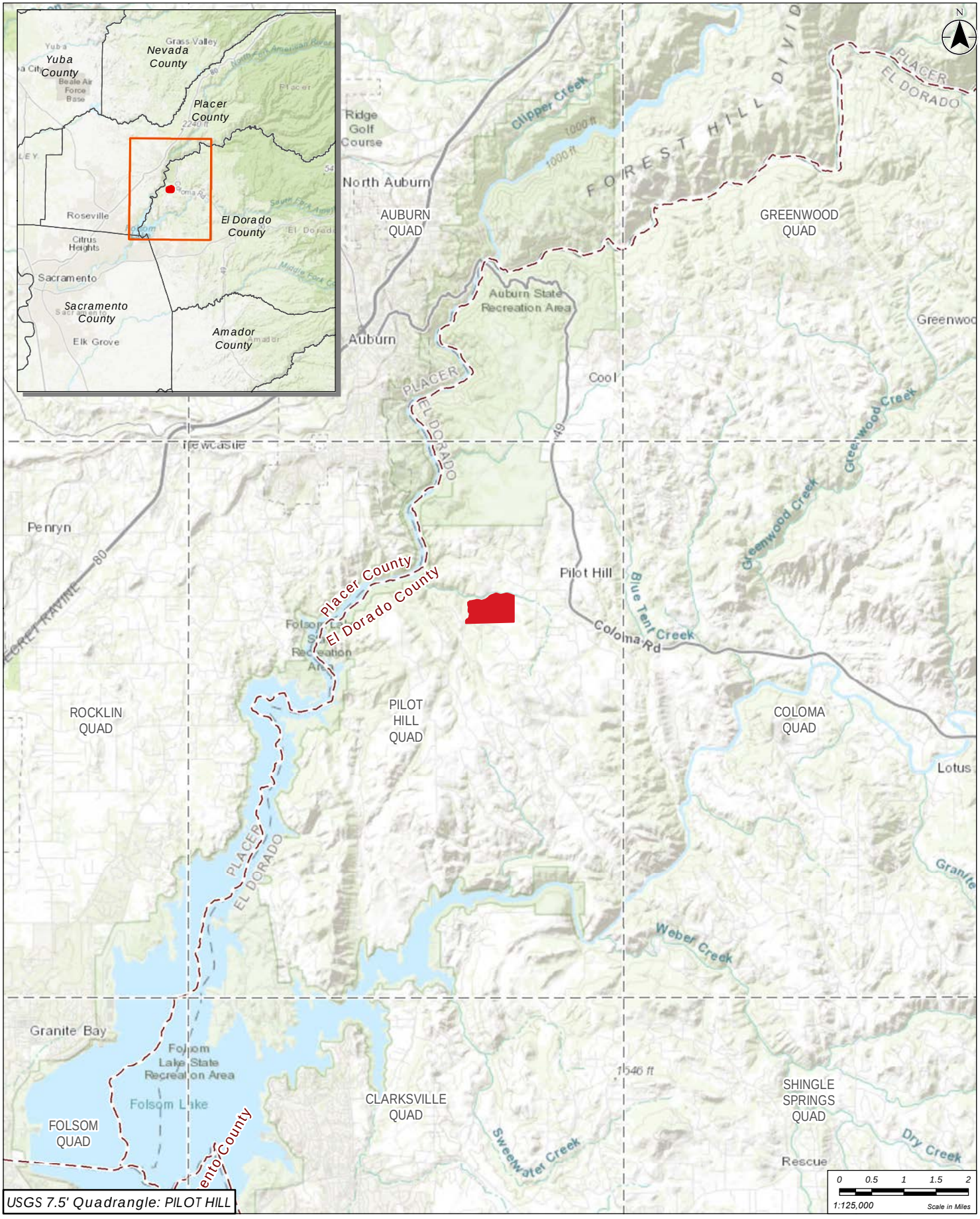
United States Fish and Wildlife Service (USFWS). 1996. Determination of Endangered Status for Four Plants and Threatened Status for One Plant From the Central Sierran Foothills of California. U.S. Fish & Wildlife Federal Register. October 18, 1996.

United States Fish and Wildlife Service (USFWS). 2020. Federal Endangered and Threatened Species Information for Planning and Consultation (IPaC) for the Project area and El Dorado County. Sacramento Fish and Wildlife Service.

United States Fish and Wildlife Service (USFWS). 2020. National Wetland Inventory.

Appendix A

Project Overview Area Figures



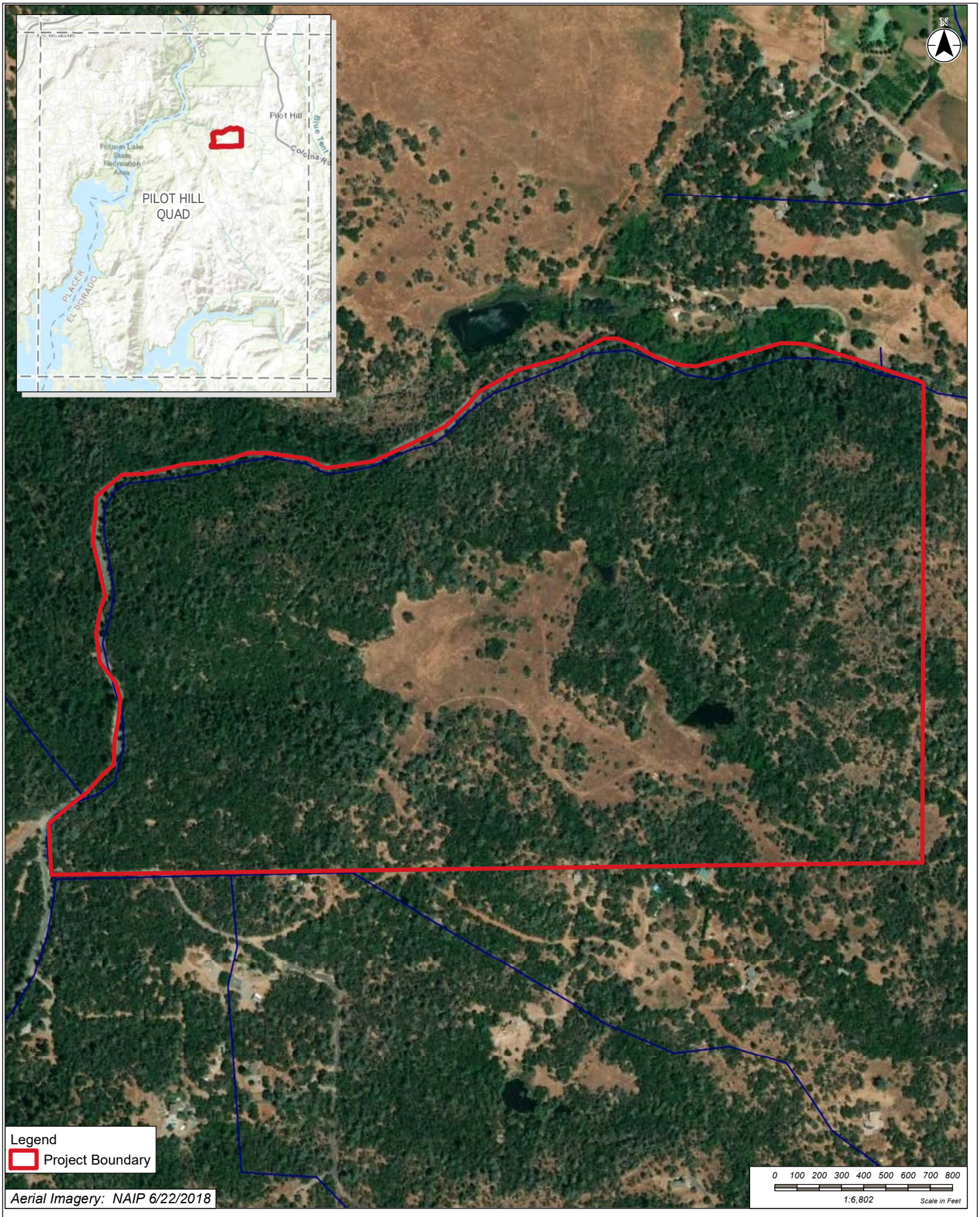
USGS 7.5' Quadrangle: PILOT HILL

GREG MATUZAK
Environmental Consulting LLC
Nevada City, CA

Parcel No.: 104-520-008-000

Figure 1. Vicinity Map

Prepared: Melissa Nugent 5/18/2020 E:_Matuzak\20200511_ElDoradoCnty_104-520-008-000\mxd\Fig1_Vicinity_ElDoradoCnty_104-520-008-000.mxd



GREG MATUZAK
Environmental Consulting LLC
Nevada City, CA

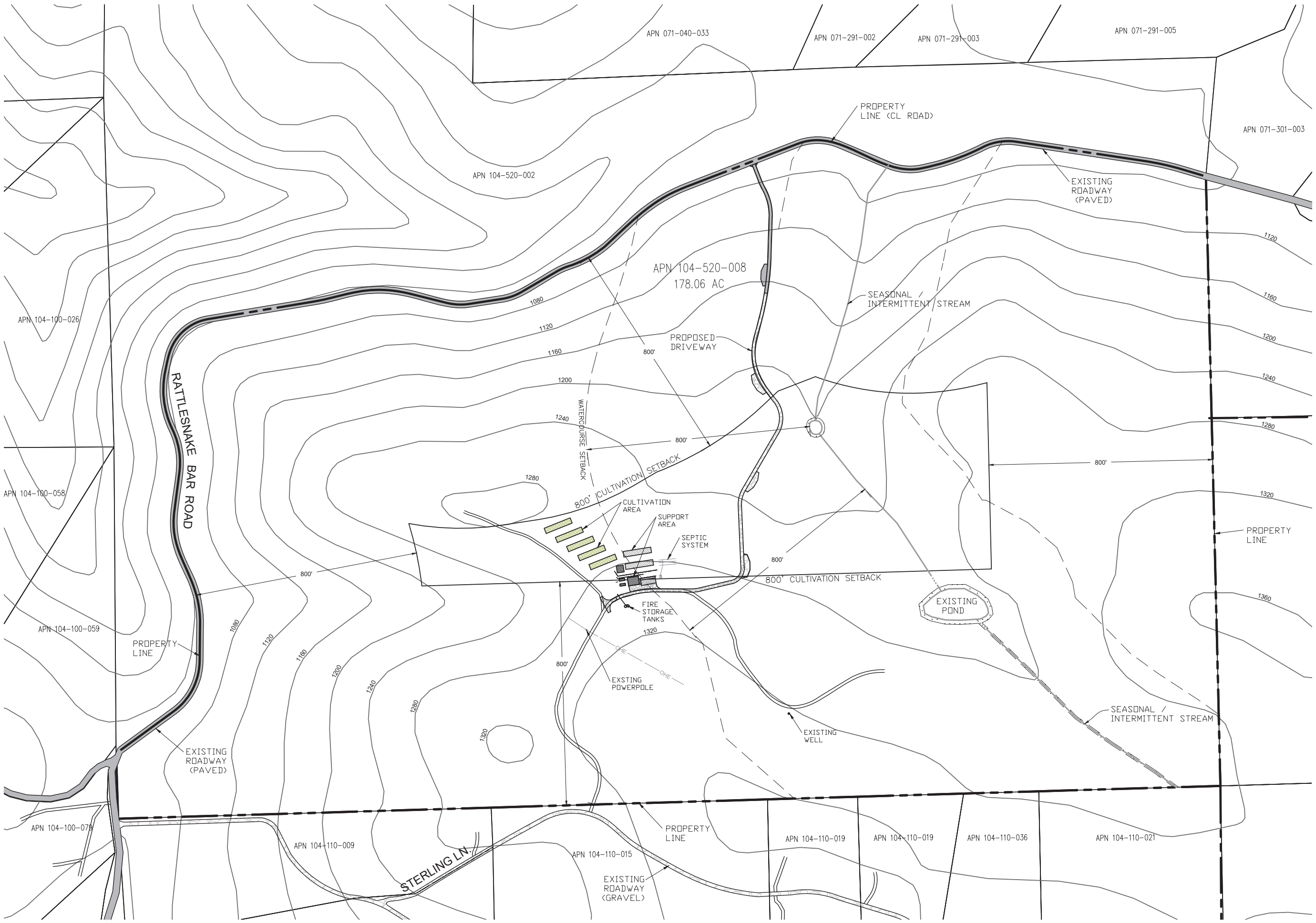
Parcel No.: 104-520-008-000

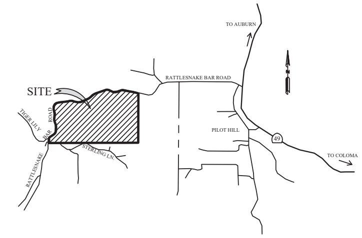
Figure 2. Project Location Map

Prepared: Melissa Nugent 5/18/2020 E:_Matuzak\20200511_ElDoradoCnty_104-520-008-000\mxd\Fig2_SiteMap_ElDoradoCnty_104-520-008-000.mxd

Appendix B

Site Plan





VICINITY MAP

ASSESSOR'S PARCEL:
104-520-008-000

ZONING: RL-20

ACREAGE: 178.06

OWNER / APPLICANT:
GREEN VALLEY FARM
(916) 992-3162
4921 RATTLESNAKE BAR ROAD
PILOT HILL, CA 95664

SITE ADDRESS / LOCATION
4921 RATTLESNAKE BAR ROAD
PILOT HILL, CA 95664

LEGAL DESCR: PARCEL 1 PM 52-229

COMMERCIAL CANNABIS AREA CALCULATIONS

CULTIVATION CANOPY AREA :	10,000 SF
CANNABIS SUPPORT AREA (BUILDING) :	1,200 SF
CANNABIS COMPOST AREA (NON-HAZARDOUS) :	600 SF
MATERIAL STORAGE (NON-HAZARDOUS)	1,000 SF

CULTIVATION SETBACK REQUIREMENTS (PER ORDINANCE)

MIN. FOR ALL SIDES:	800' FROM PROPERTY LINE
SENSITIVE USES (SEE ORD.)	1500' (N/A)
WATERCOURSE:	800'

EARTHWORK QUANTITIES:

CUT	400 C.Y.
FILL	400 C.Y.
IMPORT / EXPORT	NONE

STATEMENT OF COMPLIANCE

I CERTIFY THAT THE PROJECT PARCEL IS IN FULL COMPLIANCE WITH REGULATIONS SHOWN IN THE COUNTY'S COMMERCIAL CANNABIS ORDINANCE NO. 5110.

OWNERS SIGNATURE: DATE

PRINT

TOPOGRAPHIC SURVEY NOTES:

1. CONTOUR INTERVAL= 2.0'
2. PROPERTY DESCRIPTION: PARCEL 1, AS SHOWN ON PARCEL MAP, RECORDED IN BOOK 52 OF PARCEL MAPS AT PAGE 22, EL DORADO COUNTY RECORDS.
3. VERTICAL DATUM AND CONTOUR ELEVATIONS FOR THE SITE DEVELOPMENT AREA IS BASED ON TOPOGRAPHIC SURVEY BY SIERRA LAND SOLUTIONS IN MAR. 2020. CONTOURS BEYOND THE DEVELOPMENT AREA IS BASED ON USGS GEOLOGICAL SURVEY MAP.
3. BASIS OF BEARINGS: IDENTICAL TO THE ABOVE REFERENCED PARCEL MAP.
4. BOUNDARY AND RIGHT-OF-WAY INFORMATION SHOWN PER ABOVE REFERENCED PARCEL MAP.
5. EXISTING UTILITIES SHOWN PER VISUAL SURVEY.

LEGEND

- PROPERTY LINE
- TOPOGRAPHIC CONTOUR LINES
- TP1 CONTROL POINT
- GRAVEL ROADWAY
- BUILDING / SUPPORT AREA
- COMPOST AREA - NON-HAZARDOUS (DISPOSAL OF CANNABIS MATERIAL)
- CULTIVATION AREA

FIRE DISTRICT NOTES:

1. CREATE AND MAINTAIN A 10-FOOT WIDE VEGETATIVE FUEL MODIFICATION ZONE ALONG BOTH SIDES OF THE DRIVEWAY, MEASURED FROM THE SHOULDER, BY REMOVING ANY VEGETATION THAT CONTRIBUTES TO A SIGNIFICANT RISK OF FIRE.
2. THIS INCLUDES THE REMOVAL OF LOWER TREE BRANCHES 1/3 TO 1/2 THE OVERALL HEIGHT OF THE TREE, OR 8 TO 10 FEET ABOVE THE GROUND, WHICHEVER IS LOWER, AND THE REMOVAL OF ALL LADDER FUELS UNDER THESE TREES, INCLUDING BRUSH AND UNDERSTORY TREES. ANY DEAD AND DOWNED VEGETATIVE FUELS AND PILES OR SIMILAR ACCUMULATIONS OF VEGETATIVE FUELS WITHIN THIS ZONE SHALL ALSO BE REMOVED.
3. VEGETATIVE FUELS SHALL BE REMOVED ABOVE THE DRIVEWAY SO AS TO PROVIDE A MINIMUM VERTICAL CLEARANCE OF 15 FEET ABOVE THE DRIVING SURFACE. VERTICAL CLEARANCE SHALL BE FIFTEEN (15) FEET MINIMUM, MEASURED FROM THE OUTSIDE EDGE OF THE SHOULDER.
4. ALL FLAMMABLE VEGETATION AND FUELS REMOVED DURING SITE DEVELOPMENT, INCLUDING ROAD CONSTRUCTION, SHALL BE DISPOSED OF IN AN APPROVED MANNER.
5. MAINTAIN DEFENSIBLE SPACE OF 100 FEET FROM EACH SIDE AND FROM THE FRONT AND REAR OF THE STRUCTURE, BUT NOT BEYOND THE PROPERTY LINE
6. ANY DEVIATION OR CHANGES FROM THE APPROVED PLANS, DRAWINGS, SPECIFICATIONS, CALCULATIONS, ETC., SHALL BE APPROVED BY THE FIRE PREVENTION BUREAU PRIOR TO INSTALLATION. REQUEST FOR CHANGES SHALL BE SUBMITTED, IN WRITING, TO THE FIRE PREVENTION BUREAU FOR APPROVAL.
7. FINAL APPROVAL OF THE PROJECT AND/OR OCCUPANCY OF THE BUILDING ARE SUBJECT TO VERIFICATION BY A REPRESENTATIVE OF THE BUREAU OF FIRE PREVENTION THAT ALL OF THE ABOVE REQUIREMENTS HAVE BEEN SATISIFACTORILY COMPLETED.
8. A KNOX BOX SHALL BE PROVIDED AS SHOWN AT THE ENTRANCE. THE KNOX BOX SHALL CONTAIN ALL ACCESS DETAILS AND KEYS TO ALL FENCES, GATES AND COMMERCIAL BUILDINGS.

GENERAL NOTES:

1. THIS PROJECT SHALL COMPLY WITH THE 2019 CBC, CEC, CPC, CFC, GREEN BUILDING STANDARDS, CALIFORNIA ENERGY CODE AND EL DORADO COUNTY DEVELOPMENT STANDARDS.
2. PROJECT SHALL COMPLY WITH APPLICABLE STATE AND FEDERAL AIR POLLUTION CONTROL LAWS AND REGULATIONS, AND WITH APPLICABLE RULES AND REGULATIONS OF THE NSAQMD DURING ANY CONSTRUCTION AND DURING OPERATIONS OF CANNABIS FACILITIES. COMPLIANCE WITH NSAQMD RULE 226 DUST CONTROL PLAN SHALL BE REQUIRED, AND ALL CONSTRUCTION EQUIPMENT (75 HORSEPOWER AND GREATER) SHALL NOT BE LESS THAN TIER 3, LESS THAN TIER 4 INTERIM IF CONSTRUCTION STARTS AFTER 2025, AND TIER 4 FINAL IF CONSTRUCTION STARTS AFTER 2030.
3. ALL COMMERCIAL CANNABIS CULTIVATION AND NON-REMUNERATION CULTIVATION OPERATIONS ARE RESTRICTED FROM BURNING ANY CANNABIS OR OTHER VEGETATIVE MATERIALS. THE BURNING OF ANY PART OF THE CANNABIS PLANT OR PLANT MATERIALS THAT IS CONSIDERED EXCESS OR WASTE IS PROHIBITED FROM BEING BURNED.
4. IF SUBSURFACE ARCHEOLOGICAL AND/OR PALEONTOLOGICAL FEATURES OR UNIQUE GEOLOGIC FEATURES ARE DISCOVERED DURING CONSTRUCTION OR GROUND DISTURBANCE, ALL ACTIVITIES WITHIN 50-FEET OF THE FIND SHALL CEASE AND THE COUNTY SHALL BE NOTIFIED IMMEDIATELY. A QUALIFIED ARCHAEOLOGIST/PALEONTOLOGIST SHALL BE RETAINED BY THE COUNTY TO ASSESS THE FIND AND SHALL HAVE THE AUTHORITY TO PRESCRIBE ALL APPROPRIATE PROTECTION MEASURES TO FUTURE WORK. IF BURIED HUMAN REMAINS ARE DISCOVERED DURING CONSTRUCTION OR GROUND DISTURBANCE, ALL ACTIVITIES SHALL CEASE AND THE COUNTY SHALL BE NOTIFIED IMMEDIATELY. THE COUNTY SHALL NOTIFY THE CORONER TO EXAMINE THE REMAINS. IF THE REMAINS ARE DETERMINED TO BE OF NATIVE AMERICAN ORIGIN, THE NATIVE AMERICAN HERITAGE COMMISSION SHALL BE NOTIFIED, AND ALL SECTIONS DETAILS IN SECTION 5097.98 OF THE CALIFORNIA PUBLIC RESOURCES CODE SHALL BE FOLLOWED.
5. PROJECT SHALL COMPLY WITH STATE WATER RESOURCES CONTROL BOARD GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES ORDER (GENERAL ORDER)
6. PROJECT SHALL COMPLY WITH EL DORADO COUNTY ORDINANCE NO. 5110.

SCALE
200 0 100 200 400
(IN FEET)
1 inch = 200 feet

DATE SIGNED: 06/29/2020

NO.	REVISIONS	DATE

DESIGNED:
DRAWN: BKM
PROJ. NO: 20201
DWG: pilot hill_design1
DATE: June, 2020

GREEN VALLEY FARM

Overall Siteplan

EL DORADO COUNTY CALIFORNIA

SIERRA LAND SOLUTIONS, INC.
11003 BANDOLIER WAY
NEVADA CITY, CA 95959
(530) 265-2757

C1

Appendix C

CDFW and Water Board Letters Reviewing Project

13 January 2021

Delivered via email:
Ctl5678@outlook.com

Chamy T. Lee
Green Valley Farm
P.O. Box 5206
El Dorado Hills, CA 95762

Ia Lorpangkao
CBKL Property Inc.
1568 Lomita Way
El Dorado Hills, CA 95762

NOTICE OF APPLICABILITY; WATER QUALITY ORDER WQ-2019-0001-DWQ; GREEN VALLEY FARM; APN 104-520-008-000; EL DORADO COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) received a Change of Information (COI) request on 18 December 2020 from Chamy T. Lee, on behalf of Green Valley Farm (hereafter "Discharger"), to revise and update coverage under the State Water Board's General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ-2019-0001-DWQ (General Order). The Discharger self-certified the cannabis cultivation activities located on El Dorado County Assessor's Parcel Number (APN) 104-520-008-000, on Pilot View Drive in Pilot Hill (the Site) are consistent with the requirements of the State Water Board's Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation (Policy) and comply with the General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below.

The Central Valley Water Board issued a Notice of Applicability (NOA) to enroll this Site for General Order coverage on 11 June 2020. This NOA has been revised to reflect a change of Discharger contact information to Chamy T. Lee and Landowner information to CBKL Property Inc. The waste discharge identification (WDID) number for the Site is **5S09CC427358.**

The Discharger is responsible for all applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). The Discharger is the sole person with legal authority to change information submitted to obtain regulatory coverage under the General Order; request changes to enrollment status and terminate regulatory coverage. The Central Valley Water Board will hold the Discharger liable for any noncompliance with the Policy and General Order. The property owner for this Site is Terrence Strange, Strange Family Trust (hereafter "Landowner"). Pursuant to the General Order and Policy, the Landowner is ultimately responsible for any water quality

degradation that occurs on or emanates from their property and for water diversions that are not in compliance with the Policy. Accordingly, both the Discharger and Landowner will be held responsible for correcting noncompliance.

1. FACILITY AND DISCHARGE DESCRIPTION

The cultivation Site name is identified by the Discharger as Green Valley Farm, located in Pilot Hill on parcel APN 104-520-008-000. The property owner is identified as CBKL Property Inc. Information submitted by the Discharger states: the disturbed area is greater than 2,000 square feet and equal to, or less than, 1 acre (43,560 square feet); no portion of the disturbed area is within the setback requirements from a water course; no portion of the disturbed area is located on a slope greater than 30 percent; and the cannabis cultivation area is less than one acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as **Tier 1, Low Risk**.

2. SITE-SPECIFIC REQUIREMENTS

The Cannabis Cultivation Policy and General Order are available on the Internet at *http://www.waterboards.ca.gov/cannabis*. The General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities. The Discharger shall ensure that all Site operating personnel know, understand, and comply with applicable requirements.

As required by the General Order, Provision C.2.i., the Discharger shall notify the Central Valley Water Board via email at centralvalleysacramento@waterboards.ca.gov regarding any significant changes in the cannabis cultivation operation, such as a change in operator or property owner, an increase in cultivation area, or a material change in the activity, character, location, or volume of discharge.

3. MONITORING AND REPORTING PROGRAM

The monitoring and reporting program (MRP) included in Attachment B of the General Order describes the requirements for monitoring a cannabis cultivation site and its associated facilities. The Discharger shall submit an *Annual Report* in compliance with the MRP requirements for **Tier 1 Low Risk** designated facilities. The Annual Report is due by March 1st following the year monitoring occurred. The 2020 annual report is due by **1 March 2021**.[1]

[1] Annual Reports are submitted online by logging into the State Water Board's Online Cannabis Portal at https://public2.waterboards.ca.gov/CGO/ and selecting the *Online Cannabis Water Quality Monitoring & Reporting Program*.

The waste discharge requirements for cannabis cultivation are contained within Attachment A of the Cannabis Policy and General Order. The Discharger has self-certified that all best practicable treatment and control (BPTC) measures applicable to the Site are in place, or will be implemented at the Site, by the onset of the winter period (November 15th through April 1st). If the Discharger is unable to implement applicable BPTC measures by the onset of the winter period each year they shall notify the Central Valley Water Board and submit a *Site Management Plan* detailing the BPTC measures that will be implemented at the site and a timeline for completion of the work.

4. TECHNICAL REPORT REQUIREMENTS

Discharger shall submit the following technical reports to the Central Valley Water Board Sacramento Office as described below. Reports should be submitted electronically via email to centralvalleysacramento@waterboards.ca.gov. Guidance on the preparation of the reports, and the information required to be included for each, can be found in *Attachment D: Technical Report Guidance*.

I. A ***Site Management Plan (SMP)*** was submitted on 22 December 2020, in accordance with the requirements of General Order Section C, Provision 1.a., and Attachment A, Section 5. The *SMP* describes the ways in which the best practicable treatment or control (BPTC) measures are being implemented at the Site.

II. A ***Site Closure Report*** consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5, must be submitted 90 days prior to permanently ending cannabis cultivation activities and terminating coverage under the General Order.

5. ANNUAL FEE AND TERMINATION OF COVERAGE

According to the information submitted, the discharge is classified as **Tier 1, Low Risk**. An annual fee for enrollment will be assessed until coverage under this General Order is formally rescinded. Fees are reassessed on an annual basis by the State Water Resources Control Board and are subject to change.

To rescind coverage, the Discharger must submit a *Notice of Termination (NOT)* to the Central Valley Water Board **at least 90 days prior** to stopping cultivation operations.[2] A *Site Closure Report* and final *Monitoring Report* must be submitted with the NOT form for approval. Attachment C of the General Order contains the *NOT* form and information about terminating coverage. The Central Valley Water Board reserves the right to inspect the Site prior to approving termination of coverage.

[2] Notice of Termination Request Forms are submitted online by logging into the State Water Board's Online Cannabis Portal at https://public2.waterboards.ca.gov/CGO/ and selecting *Create New Survey – Cannabis Order Termination Request Form.*

6. CENTRAL VALLEY WATER BOARD CONTACT INFORMATION

All notifications and correspondence regarding this Site should be submitted to the Central Valley Water Board's Sacramento office via email at: centralvalleysacramento@waterboards.ca.gov. Technical Reports shall be converted to Portable Document Format (.pdf) and submitted via email with the following information included:

Attention:	Cannabis Regulatory Unit
Discharger Name:	Green Valley Farm
Site Name:	Green Valley Farm
County:	El Dorado
WDID:	5S09CC427358

If you have questions regarding this Notice of Applicability or the Central Valley Water Board's cannabis permitting program, please contact Nicole Damin at (916) 464-4785 or via email at Nicole.Damin@Waterboards.ca.gov.

John J. Baum
Digitally signed by John J. Baum
Date: 2021.01.13 11:44:01 -08'00'
Water Boards

*(**for**)* Patrick Pulupa
Executive Officer

cc via email: Kevin Porzio, State Water Resources Control Board, Sacramento
El Dorado County Cannabis Permitting Division, Placerville

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
(916) 358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, GOVERNOR
CHARLTON H. BONHAM, Director

9/30/2020
Date

Chamy T. Lee
1568 Lomita Way
El Dorado Hills, Ca 95762
ctl5678@outlook.com

Lake or Streambed Alteration Notification Not Required
Notification No. EPIMS-11257-R2
Cannabis Cultivation - Green Valley Farm

Dear Mrs. Lee

The California Department of Fish and Wildlife (CDFW) received your Lake or Streambed Alteration (LSA) Notification (Notification) through the Environmental Permit Information Management System (EPIMS) on June 02, 2020. CDFW has determined the Cannabis Cultivation Project (Project) described in your LSA Notification No. EPIMS-11257-R2 is not subject to the notification requirement in Fish and Game Code section 1602 and your fee will be refunded.

As described in the Notification, the Project is located at 4921 Rattlesnake Bar Road, Pilot Hill, CA 95644. The Project includes construction of new buildings and cultivation of cannabis with water provided by an existing well. The Project does not include within or adjacent to the property boundaries any: water discharge, surface water diversion, or riparian vegetation trimming or removal, or construction in or near any river, lake, or stream.

CDFW finds the Project will not substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material where it may pass into any river, stream, or lake.

This letter may be submitted to the California Department of Food and Agriculture (CDFA) to satisfy Business and Professions Code section 26060.1 (b)(3) as written verification that a Lake or Streambed Alteration Agreement is not required for the activities specifically described in your Notification. You are responsible for complying with all applicable local, State, and federal laws in completing your work. A copy of this letter and your Notification with all attachments should be available at all times at the Project site.

Please note, any material or changes otherwise made to your Project description in the Notification, will require submittal of a new Notification and corresponding fee to CDFW.

Your refund may take from six to eight weeks to process. You will receive an email from R2Cannabis@wildlife.ca.gov with instructions on how to initiate the refund process within three business days of receipt of this letter. Please contact the North Central Region Cannabis Program at R2Cannabis@wildlife.ca.gov with any questions you have regarding the refund process.

If you have any questions regarding this matter, please contact Dustin Patterson, Environmental Scientist, at (916) 932-3279 or by email at dustin.patterson@wildlife.ca.gov.

Sincerely,

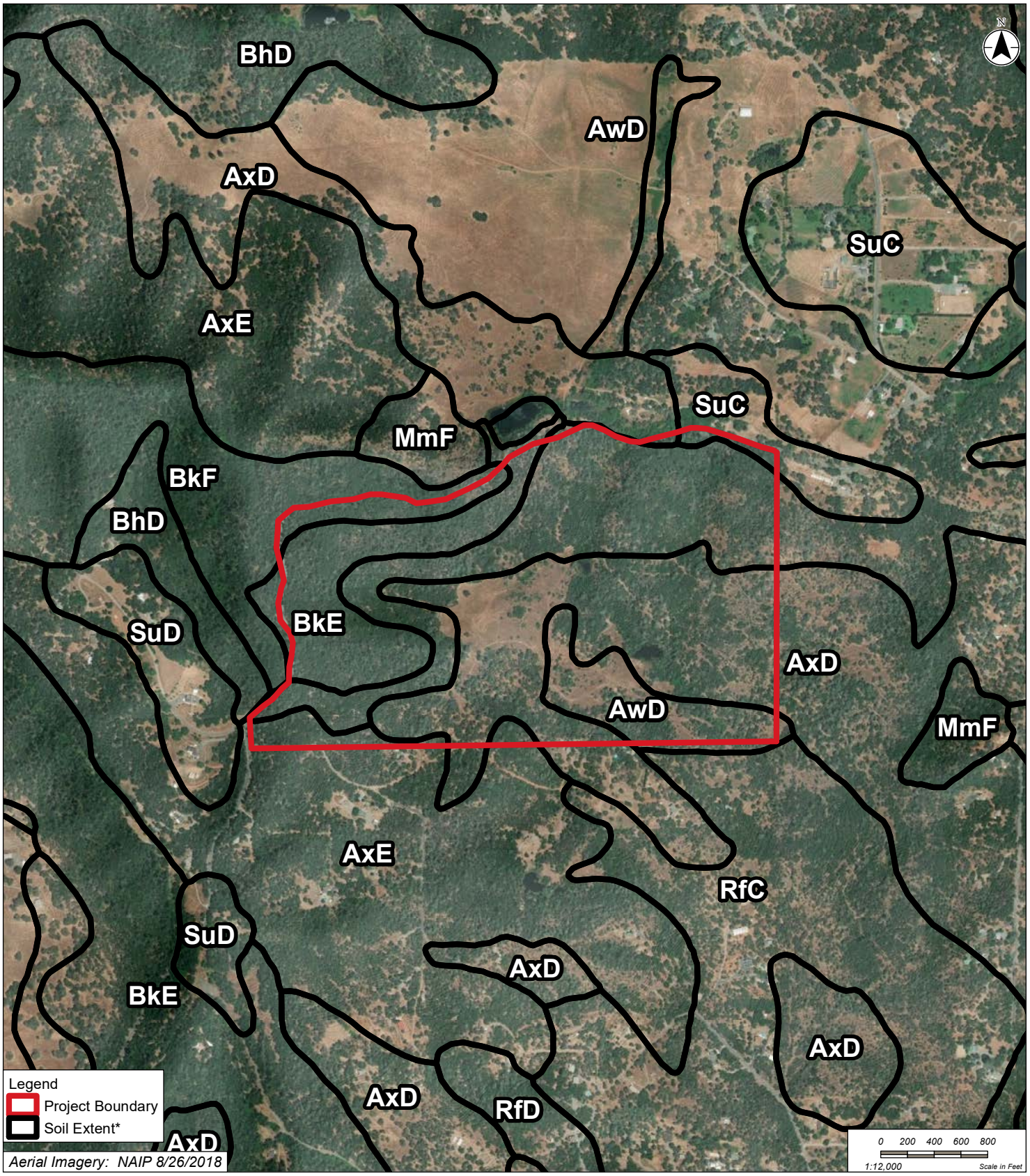
DocuSigned by:
Kursten Sheridan
3052529B61FC469...

Kursten Sheridan
Senior Environmental Scientist (Supervisor)

ec: Dustin Patterson, Environmental Scientist
dustin.patterson@wildlife.ca.gov

Appendix D

USDA Soils Map



SOIL TYPE*

AkC - Argonaut gravelly loam, 2 to 15 percent slopes
AwD - Auburn silt loam, 2 to 30 percent slopes
AxD - Auburn very rocky silt loam, 2 to 30 percent slopes
AxE - Auburn very rocky silt loam, 30 to 50 percent slopes
BhD - Boomer gravelly loam, 8 to 35 percent slopes, dry
BkE - Boomer very rocky loam, 30 to 50 percent slopes
BkF - Boomer very rocky loam, 50 to 70 percent slopes
MmF - Metamorphic rock land
PrD - Placer diggings
RfC - Rescue very stony sandy loam, 3 to 15 percent slopes
RfD - Rescue very stony sandy loam, 15 to 30 percent slopes
SaF - Serpentine rock land
SuC - Sobrante silt loam, 3 to 15 percent slopes
SuD - Sobrante silt loam, 15 to 30 percent slopes
W - Water

* Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online. Accessed 03/06/2019

GREG MATUZAK
Environmental Consulting LLC
Nevada City, CA

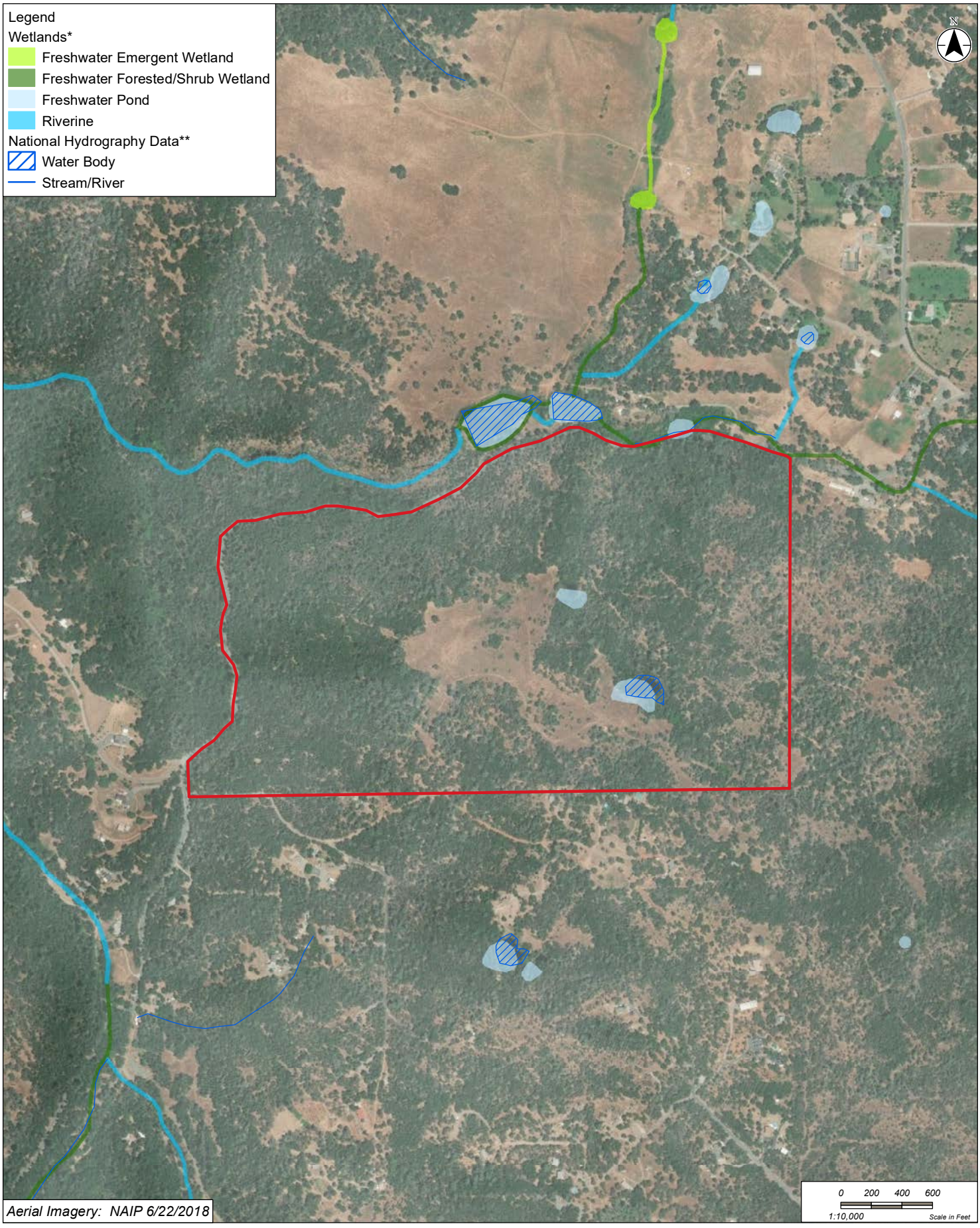
Parcel No.: 104-520-008-000

Figure 4. Soils Map

Prepared: Melissa Nugent 5/18/2020 E:_Matuzak\20200511_ElDoradoCnty_104-520-008-000\mxd\Fig4_SoilsMap_ElDoradoCnty_104-520-008-000.mxd

Appendix E

National Wetland Inventory (NWI) Map



GREG MATUZAK
Environmental Consulting LLC
Nevada City, CA

Parcel No.: 104-520-008-000

* Data downloaded from https://www.fws.gov/wetlands/Data/Data-Download.html 3/6/2019
** National Hydrography Dataset (NHD) downloaded from http://nhd.usgs.gov March, 2019

Prepared: Melissa Nugent 5/18/2020 E:_Matuzak\20200511_ElDoradoCnty_104-520-008-000\mxd\Fig5_NWI-NHD_ElDoradoCnty_104-520-008-000.mxd

Figure 5. Wetlands and Water Features Map

Appendix F

Plants and Wildlife Observed During Site Surveys

Plants Observed During Surveys Conducted in May 2020

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Acer macrophyllum	Bigleaf maple	native	tree	-	FACU	-
Acer negundo	Boxelder	native	tree	-	FAC	-
Acmispon americanus var. americanus	Spanish lotus	native	annual herb	-	FACU	-
Agrostis gigantea	Creeping bentgras	non-native	perennial grass	-	FAC	-
Alnus rhombifolia	White alder	native	tree	-	FACW	-
Arctostaphylos viscida ssp. viscida	Smooth white leaf manzanita	native	tree, shrub	-	-	-
Artemisia douglasiana	California mugwort	native	perennial herb	-	FACW	-
Asclepias sp.	-	-	-	-	-	-
Avena sp.	-	-	-	-	-	-
Baccharis pilularis	Coyote brush	native	shrub	-	-	-
Berberis aquifolium var. repens	Creeping oregon grape	native	shrub	-	FACU	-
Bromus diandrus	Ripgut brome	non-native (invasive)	annual grass	-	-	Moderate
Bromus hordeaceus	Soft chess	non-native (invasive)	annual grass	-	FACU	Limited
Bromus tectorum	Downy chess	non-native (invasive)	annual grass	-	-	High
Calocedrus decurrens	Incense cedar	native	tree	-	-	-
Carex feta	Green sheathed sedge	native	perennial grasslike herb	-	FACW	-
Ceanothus cuneatus	Buck brush	native	shrub	-	-	-
Ceanothus integerrimus	Deer brush	native	shrub	-	-	-
Centaurea solstitialis	Yellow starthistle	non-native (invasive)	annual herb	-	-	High

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Cichorium intybus	Chicory	non-native	perennial herb	-	FACU	-
Cirsium vulgare	Bullthistle	non-native (invasive)	perennial herb	-	FACU	Moderate
Crataegus monogyna	Hawthorn	non-native (invasive)	shrub	-	FAC	Limited
Croton setiger	Turkey-mullein	native	perennial herb	-	-	-
Cynosurus echinatus	Dogtail grass	non-native (invasive)	annual grass	-	-	Moderate
Cyperus eragrostis	Tall cyperus	native	perennial grasslike herb	-	FACW	-
Cytisus scoparius	Scotch broom	non-native (invasive)	shrub	-	-	High
Dactylis glomerata	Orchardgrass	non-native (invasive)	perennial grass	-	FACU	Limited
Deschampsia elongata	Hairgrass	native	perennial grass	-	FACW	-
Elymus caput-medusae	Medusa head	non-native	annual grass	-	-	-
Elymus glaucus	Blue wildrye	native	perennial grass	-	FACU	-
Epilobium brachycarpum	Willow herb	native	annual herb	-	-	-
Epilobium densiflorum	Willow herb	native	annual herb	-	FACW	-
Epilobium sp.	-	-	-	-	-	-
Eriodictyon californicum	Yerba santa	native	shrub	-	-	-
Eriophyllum lanatum	Wooly sunflower	native	perennial herb	-	-	-
Festuca microstachys	Small fescue	native	annual grass	-	-	-
Festuca occidentalis	Western fescue	native	perennial grass	-	-	-
Galium triflorum	Sweet bedstraw	native	annual herb	-	FACU	-
Hirschfeldia incana	Mustard	non-native (invasive)	perennial herb	-	-	Moderate

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Holcus lanatus	Common velvetgrass	non-native (invasive)	perennial grass	-	FAC	Moderate
Juncus balticus ssp. ater	Baltic rush	native	perennial grasslike herb	-	FACW	-
Juncus effusus ssp. pacificus	Pacific rush	native	perennial grasslike herb	-	FACW	-
Lathyrus latifolius	Sweet pea	non-native	perennial herb	-	-	-
Muhlenbergia rigens	Deergrass	native	perennial grass	-	UPL	-
Pinus ponderosa	Yellow pine	native	tree	-	FACU	-
Plantago lanceolata	Ribwort	non-native (invasive)	perennial herb	-	FACU	Limited
Populus fremontii ssp. fremontii	Cottonwood	native	tree	-	FAC	-
Quercus douglasii	Blue oak	native	tree	-	FACU	-
Quercus wislizeni	Interior live oak	native	tree	-	-	-
Rhamnus crocea	Redberry	native	shrub	-	-	-
Rosa gymnocarpa	Wood rose	native	shrub	-	FACU	-
Rubus armeniacus	Himalayan blackberry	non-native (invasive)	shrub	-	FACU	High
Rubus ursinus	California blackberry	native	vine, shrub	-	FACU	-
Rumex crispus	Curly dock	non-native (invasive)	perennial herb	-	FAC	Limited
Salix laevigata	Polished willow	native	tree	-	FACW	-
Salix lasiolepis	Arroyo willow	native	tree, shrub	-	FACW	-
Schoenoplectus acutus var. occidentalis	Tule	native	perennial grasslike herb	-	OBL	-
Torilis arvensis	Field hedge parsley	non-native (invasive)	annual herb	-	-	Moderate
Toxicodendron diversilobum	Poison oak	native	vine, shrub	-	FAC	-
Trifolium sp.	-	-	-	-	-	-

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland Status (WMVC 2014)	CAL-IPC Status
Typha domingensis	Cattail	native	perennial herb	-	OBL	-
Typha latifolia	Boradleaf cattail	native	perennial herb (aquatic)	-	OBL	-
Verbascum blattaria	Moth mullein	non-native	perennial herb	-	UPL	-
Verbascum thapsus	Woolly mullein	non-native (invasive)	perennial herb	-	FACU	Limited
Vinca major	Vinca	non-native (invasive)	perennial herb	-	-	Moderate

Wildlife Species Observed During the Subject Parcel

Site Surveys in May 2020

Common Name	*Scientific Name*	*Species Status*
Birds		
American robin	*Turdus migratorius*	*Not CESA or FESA listed. Migratory (active nests protected)*
dark-eyed junco	*Junco hyemalis*	*Not CESA or FESA listed. Migratory (active nests protected)*
house finch	*Haemorhous mexicanus*	*Not CESA or FESA listed. Migratory (active nests protected)*
mourning dove	*Zenaida macroura*	*Not CESA or FESA listed. Migratory (active nests protected)*
northern flicker	*Colaptes auratus*	*Not CESA or FESA listed. Migratory (active nests protected)*
western scrub-jay	*Aphelocoma californica*	*Not CESA or FESA listed. Migratory (active nests protected)*

Appendix G

Photo Log

Photos of the Field Surveys of the Project Study Area

Photo 1: From southern access road looking north into proposed cultivation area.

Photo 2: Looking south from proposed cultivation area towards southern access road.

Photo 3: Looking north into the eastern/northeastern sections of the proposed cultivation area. Dominated by annual grassland with 2-3 small interior live oak trees.

Photo 4: Northern/northwestern corner of the proposed cultivation area located downslope of thick manzanita shrubs and foothill pines and interior live oaks behind.

Photo 5: From northern border of proposed cultivation area looking east. Area dominated by non-native annual grassland species. No trees to be removed.

Photo 6: Open annual grassland habitat area looking into the western section of the project area. Pin flags in the distance to the right include the edges of the cultivation.

Photo 7: Open annual grassland habitat area where the existing well is located. The well will connect the cultivation area within annual grassland habitat only.

Photo 8: Open annual grassland habitat area looking at the large pond in the southeastern section of the subject parcel. The pond will be avoided by > 800 ft.

Photo 9: Open annual grassland habitat area looking towards the west from the access road off of Rattlesnake Bar. Disturbance, including access roads, is planned within open annual grassland only. No trees to be removed.

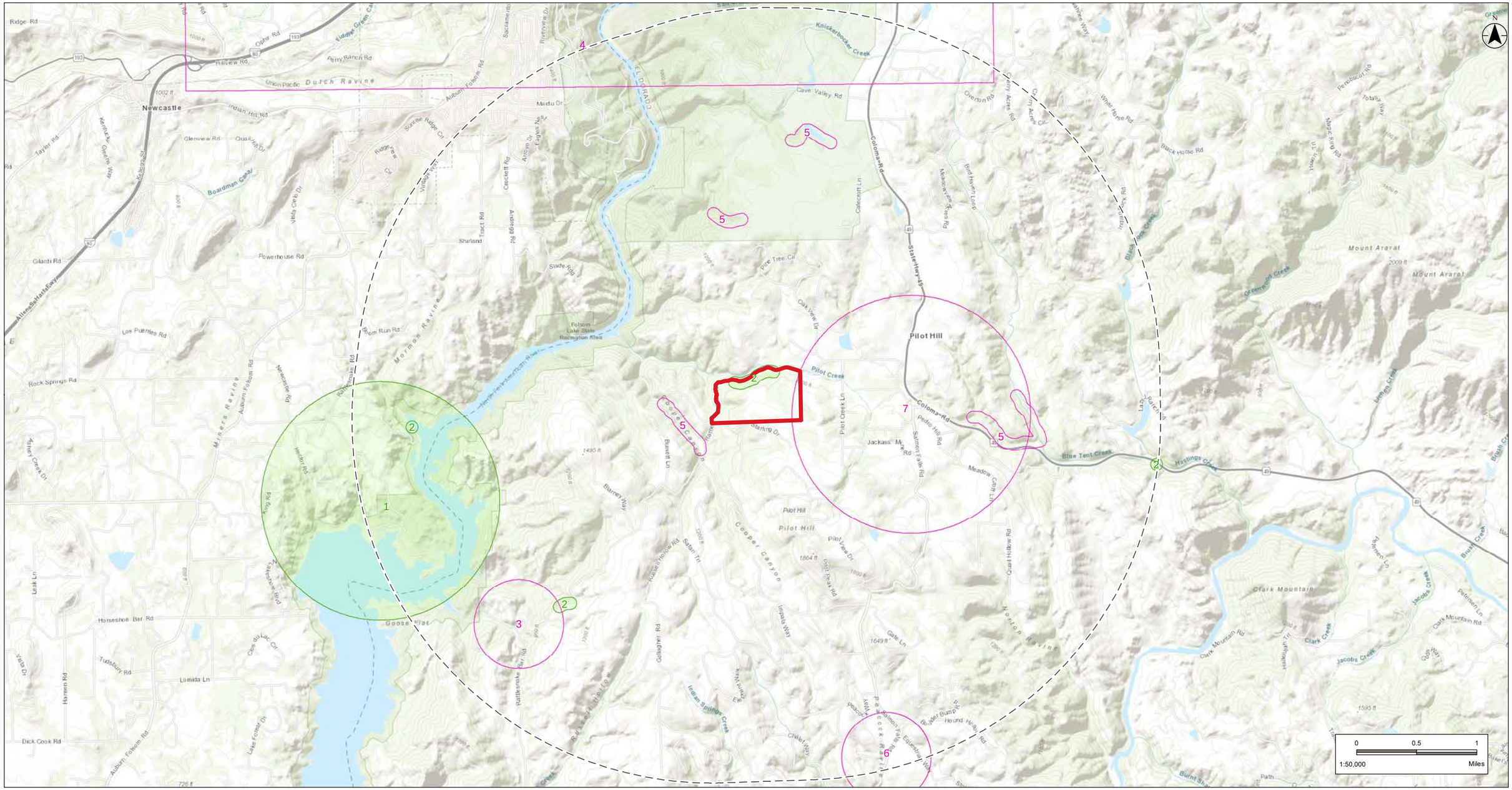
Photo 10: Access road from the northeast off of Rattlesnake Bar. No trees to be removed.

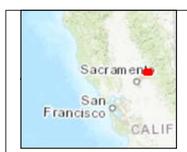
Photo 11: Small pond north of the larger pond within the eastern section of the subject parcel. The access road is located within 100 feet of the pond.

Photo 12: Hazard oak tree adjacent to the access road before heading west towards the proposed cultivation area. Tree may be removed for safety.

Appendix H

CNDDB 3-Mile Buffer Figure





Legend

- Project Location
- 3 mile Buffer on Project Area
- CNDDB Plant Occurence*
- CNDDB Wildlife Occurence*
- Critical Plant Habitat** (none)
- Critical Wildlife Habitat** (none)

** California Natural Diversity Database (CNDDB) Data: Downloaded August 2019, from the California Department of Fish and Wildlife*
*** United States Fish and Wildlife Service (USFWS) Critical Habitat Data: Downloaded June, 2019 from: https://ecos.fws.gov/ecp/report/table/critical-habitat.html*

CNDDB OCCURRENCES*

Plant Species

1. Big-scale balsamroot
2. Brandegee's clarkia
4. American perigrine falcon
5. Cosumnes stripetail
6. Tricolored blackbird
7. Western bumble bee

Wildlife Species

3. Alabaster Cave harvestman

CRITICAL HABITAT OCCURRENCES**

Plant Habitat

None

Wildlife Habitat

None

GREG MATUZAK
Environmental Consulting LLC
Nevada City, CA

Parcel No.: 104-520-008-000

Figure 3. CNDDB and Critical Habitat Map

Prepared: Melissa Nugent 5/18/2020 E:_Matuzak\20200511_ElDoradoCnty_104-520-008-000\mxd\Fig3_CNDDB_ElDoradoCnty_104-520-008-000.mxd

Appendix I

USFWS iPac and CNDDB Occurrence Reports

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: EOndx IS (102007 OR 24726 OR 32784 OR 43397 OR 58664 OR 79885 OR 79887 OR 79888 OR 88137 OR 88139 OR 88187 OR 88188 OR 99847)

Map Index Number: A0445
EO Index: 102007
Key Quad: Auburn (3812181)
Element Code: ABNKD06071
Occurrence Number: 44
Occurrence Last Updated: 2016-06-10

Scientific Name: *Falco peregrinus anatum*
Common Name: American peregrine falcon

Listing Status: **Federal:** Delisted
*** SENSITIVE *** **State:** Delisted
CNDDB Element Ranks: **Global:** G4T4
State: S3S4

Rare Plant Rank:
Other Lists: CDF_S-Sensitive
CDFW_FP-Fully Protected
USFWS_BCC-Birds of Conservation Concern

General Habitat:
NEAR WETLANDS, LAKES, RIVERS, OR OTHER WATER; ON CLIFFS, BANKS, DUNES, MOUNDS; ALSO, HUMAN-MADE STRUCTURES.

Micro Habitat:
NEST CONSISTS OF A SCRAPE OR A DEPRESSION OR LEDGE IN AN OPEN SITE.

Last Date Observed: 2015-03-19
Occurrence Type: Natural/Native occurrence
Last Survey Date: 2015-03-19
Occurrence Rank: Good
Owner/Manager:
Trend: Unknown
Presence: Presumed Extant

Location:
SENSITIVE LOCATION INFORMATION SUPPRESSED.

Detailed Location:
PLEASE CONTACT THE CALIFORNIA NATURAL DIVERSITY DATABASE, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, FOR MORE INFORMATION: (916) 322-2493

Ecological:
CLIFFS IN OLD LIMESTONE QUARRY NOW USED FOR RECREATION; ROCK CLIMBERS UNAWARE OF BIRDS WERE CLIMBING CLOSE TO EYRIE ON DATE SURVEYED. ACTIVE QUARRY OPERATIONS IMMEDIATELY SOUTH.

Threats:

General:

PLSS: **Accuracy:** 80 meters **Area (acres):** 5
UTM: **Latitude/Longitude:** **Elevation (feet):** 1,161

County Summary:	Quad Summary:
El Dorado	Auburn (3812181)

Sources:

ALV15F0002 ALVARADO, C. - FIELD SURVEY FORM FOR FALCO PEREGRINUS ANATUM 2015-04-19

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 12177
Key Quad: Pilot Hill (3812171)
Occurrence Number: 102

EO Index: 24726
Element Code: ABPBXB0020
Occurrence Last Updated: 2016-10-05

Scientific Name: *Agelaius tricolor*
Common Name: tricolored blackbird

Listing Status: **Federal:** None
State: Threatened

CNDDB Element Ranks: **Global:** G1G2
State: S1S2

Rare Plant Rank:

Other Lists: BLM_S-Sensitive
CDFW_SSC-Species of Special Concern
IUCN_EN-Endangered
NABCI_RWL-Red Watch List
USFWS_BCC-Birds of Conservation Concern

General Habitat:

HIGHLY COLONIAL SPECIES, MOST NUMEROUS IN CENTRAL VALLEY & VICINITY. LARGELY ENDEMIC TO CALIFORNIA.

Micro Habitat:

REQUIRES OPEN WATER, PROTECTED NESTING SUBSTRATE, AND FORAGING AREA WITH INSECT PREY WITHIN A FEW KM OF THE COLONY.

Last Date Observed: 1971-05-31
Last Survey Date: 2014-04-18
Owner/Manager: UNKNOWN
Presence: Presumed Extant

Occurrence Type: Natural/Native occurrence
Occurrence Rank: Fair
Trend: Decreasing

Location:

SALMON FALLS ROAD, 3.9 MI SOUTH OF PILOT HILL.

Detailed Location:

MAPPED ACCORDING TO PROVIDED DIRECTIONS AND COORDINATES. LOCATION DESCRIBED AS "SALMON FALLS ROAD, 3.9 MILES SOUTH OF PILOT HILL." COLONY DATA STORED IN THE UC DAVIS TRICOLORED BLACKBIRD PORTAL; SITE NAME WAS "SALMON FALLS ROAD."

Ecological:

HABITAT COMPOSED OF BLACKBERRIES.

Threats:

General:

A NESTING COLONY OF ABOUT 400 PAIRS OBSERVED ON 31 MAY 1971. 0 BIRDS OBSERVED ON 30 JUN 1992, 23 APR 2000, AND 18 APR 2014.

PLSS: T11N, R09E, Sec. 19, NW (M)
UTM: Zone-10 N4295726 E672061

Accuracy: 2/5 mile
Latitude/Longitude: 38.7935 / -121.0188

Area (acres): 280
Elevation (feet): 1,099

County Summary:	Quad Summary:
El Dorado	Pilot Hill (3812171)

Sources:

BEE91R0001	BEEDY, E.C., S.D. SANDERS & D. BLOOM - BREEDING STATUS, DISTRIBURTION, AND HABITAT ASSOCIATIONS OF THE TRICOLORED BLACKBIRD (AGELAIUS TRICOLOR), 1850-1989. 1991-06-XX
HOS86U0002	HOSEA, R. (CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE) - COMPILATION, COUNTY BY COUNTY, OF TRICOLORED BLACKBIRD NESTING OBSERVATIONS 1986-XX-XX
MAL00F0003	MALL, R. - FIELD SURVEY FORM FOR AGELAIUS TRICOLOR 2000-04-23
SCH92F0030	SCHNEIDER, ET AL. - FIELD SURVEY FORM FOR AGELAIUS TRICOLOR (NESTING COLONY) 1992-06-30
TRI14D0001	TRICOLORED BLACKBIRD PORTAL - ICE (UNIVERSITY OF CALIFORNIA, DAVIS) - 1907-2014 TRICOLORED BLACKBIRD RECORDS FROM UC DAVIS TRICOLORED BLACKBIRD PORTAL, INFORMATION CENTER FOR THE ENVIRONMENT (ICE) 2014-XX-XX

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 98420
Key Quad: Pilot Hill (3812171)
Occurrence Number: 149
EO Index: 99847
Element Code: IIHYM24250
Occurrence Last Updated: 2015-12-07

Scientific Name: *Bombus occidentalis*
Common Name: western bumble bee

Listing Status: **Federal:** None
State: Candidate Endangered
Rare Plant Rank:
Other Lists: USFS_S-Sensitive

CNDDB Element Ranks: **Global:** G2G3
State: S1

General Habitat:

ONCE COMMON & WIDESPREAD, SPECIES HAS DECLINED PRECIPITOUSLY FROM CENTRAL CA TO SOUTHERN B.C., PERHAPS FROM DISEASE.

Micro Habitat:

Last Date Observed: 1976-05-17
Last Survey Date: 1976-05-17
Owner/Manager: UNKNOWN
Presence: Presumed Extant
Occurrence Type: Natural/Native occurrence
Occurrence Rank: Unknown
Trend: Unknown

Location:

PILOT HILL.

Detailed Location:

EXACT LOCATION UNKNOWN. MAPPED BY CNDDB AT THE COMMUNITY OF PILOT HILL, SW OF AUBURN.

Ecological:

Threats:

General:

COLLECTED 17 MAY 1976.

PLSS: T11N, R09E, Sec. 06 (M)
Accuracy: 1 mile
Area (acres): 0
UTM: Zone-10 N4300328 E672344
Latitude/Longitude: 38.83489 / -121.01438
Elevation (feet): 1,200

County Summary:

El Dorado

Quad Summary:

Coloma (3812078), Pilot Hill (3812171)

Sources:

MEY76S0001 MEYER, R. - BBSL #JPS7983 FROM PILOT HILL 1976-05-17

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 87172
EO Index: 88137
Key Quad: Pilot Hill (3812171)
Element Code: IIPLE23020
Occurrence Number: 3
Occurrence Last Updated: 2012-11-06

Scientific Name: *Cosumnoperla hypocrena*
Common Name: Cosumnes stripetail

Listing Status: **Federal:** None
State: None
Rare Plant Rank:
Other Lists:

CNDDB Element Ranks: **Global:** G2
State: S2

General Habitat:

FOUND IN INTERMITTENT STREAMS ON WESTERN SLOPE OF CENTRAL SIERRA NEVADA FOOTHILLS IN AMERICAN AND COSUMNES RIVER BASINS.

Micro Habitat:

Last Date Observed: 1988-03-06
Occurrence Type: Natural/Native occurrence
Last Survey Date: 1988-03-06
Occurrence Rank: Unknown
Owner/Manager: DPR-AUBURN SRA
Trend: Unknown
Presence: Presumed Extant

Location:

UNNAMED TRIBUTARY TO KNICKERBOCKER CREEK, ABOUT 4 KM NW OF PILOT HILL, AUBURN STATE RECREATION AREA.

Detailed Location:

COLLECTION FROM "UNNAMED TRIBUTARY TO KNICKERBOCKER CREEK (424 M), 4 KM NW OF PILOT HILL." MAPPED TO GENERAL AREA DESCRIBED.

Ecological:

Threats:

General:

20 LARVAE COLLECTED 6-7 FEB AND 1 LARVA COLLECTED 6 MAR 1988. COLLECTION BY R.L. BOTTORFF.

PLSS: T12N, R08E, Sec. 25, NE (M)
Accuracy: non-specific area
Area (acres): 31
UTM: Zone-10 N4304019 E671098
Latitude/Longitude: 38.86838 / -121.02781
Elevation (feet): 1,391

County Summary:

El Dorado

Quad Summary:

Pilot Hill (3812171)

Sources:

BOT07A0001 BOTTORFF, R.L. - COSUMNOPERLA SEQUOIA, A NEW SPECIES OF STONEFLY FROM THE SIERRA NEVADA, CALIFORNIA (PLECOPTERA: PERLODIDAE: ISOPERLINAE). ILLIESIA 3(6):46-52. 2007-XX-XX

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 87175
EO Index: 88139
Key Quad: Coloma (3812078)
Element Code: IIPLE23020
Occurrence Number: 5
Occurrence Last Updated: 2012-11-06

Scientific Name: *Cosumnoperla hypocrena*
Common Name: Cosumnes stripetail

Listing Status: **Federal:** None
State: None
Rare Plant Rank:
Other Lists:

CNDDB Element Ranks: **Global:** G2
State: S2

General Habitat:

FOUND IN INTERMITTENT STREAMS ON WESTERN SLOPE OF CENTRAL SIERRA NEVADA FOOTHILLS IN AMERICAN AND COSUMNES RIVER BASINS.

Micro Habitat:

Last Date Observed: 1989-02-26
Occurrence Type: Natural/Native occurrence
Last Survey Date: 1989-02-26
Occurrence Rank: Unknown
Owner/Manager: UNKNOWN
Trend: Unknown
Presence: Presumed Extant

Location:

BLUE TENT CREEK & UNNAMED TRIBUTARY ABOUT 1 KM SE OF PILOT HILL.

Detailed Location:

COLLECTION AT "BLUE TENT CREEK AND UNNAMED TRIBUTARY (300 M), 1 KM SE OF PILOT HILL." MAPPED TO GENERAL AREA DESCRIBED.

Ecological:

Threats:

General:

2 LARVAE COLLECTED 18 FEB & 5 LARVAE COLLECTED 26 FEB 1989 BY R.L. BOTORFF.

PLSS: T11N, R09E, Sec. 05 (M)
Accuracy: non-specific area
Area (acres): 74
UTM: Zone-10 N4299944 E673761
Latitude/Longitude: 38.83115 / -120.99816
Elevation (feet): 984

County Summary:

El Dorado

Quad Summary:

Coloma (3812078), Pilot Hill (3812171)

Sources:

BOT07A0001 BOTTORFF, R.L. - COSUMNOPERLA SEQUOIA, A NEW SPECIES OF STONEFLY FROM THE SIERRA NEVADA, CALIFORNIA (PLECOPTERA: PERLODIDAE: ISOPERLINAE). ILLIESIA 3(6):46-52. 2007-XX-XX

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 87221
EO Index: 88187
Key Quad: Pilot Hill (3812171)
Element Code: IIPLE23020
Occurrence Number: 10
Occurrence Last Updated: 2020-02-12

Scientific Name: *Cosumnoperla hypocrena*
Common Name: Cosumnes stripetail

Listing Status: **Federal:** None
State: None
Rare Plant Rank:
Other Lists:

CNDDB Element Ranks: **Global:** G2
State: S2

General Habitat:

FOUND IN INTERMITTENT STREAMS ON WESTERN SLOPE OF CENTRAL SIERRA NEVADA FOOTHILLS IN AMERICAN AND COSUMNES RIVER BASINS.

Micro Habitat:

Last Date Observed: 2009-04-11
Occurrence Type: Natural/Native occurrence
Last Survey Date: 2009-04-11
Occurrence Rank: Unknown
Owner/Manager: UNKNOWN
Trend: Unknown
Presence: Presumed Extant

Location:

COOPER CANYON CREEK ABOUT 3 KM WEST OF PILOT HILL.

Detailed Location:

1988 COLLECTION AT "COOPER CANYON CREEK (293 M), 3 KM W OF PILOT HILL." MAPPED TO GENERAL AREA DESCRIBED. 2009 COLLECTIONS AT "COOPER CANYON CREEK, RATTLESNAKE BAR RD XING."

Ecological:

Threats:

General:

4 LARVAE COLLECTED 2 APR 1988 BY R.L. BOTORFF. MALE & FEMALE NYMPHS COLLECTED ON 30 MAR AND 11 APR 2009; REARED IN LAB FOR DRUMMING BEHAVIOR STUDY.

PLSS: T11N, R08E, Sec. 2, E (M)
Accuracy: non-specific area
Area (acres): 42
UTM: Zone-10 N4300076 E669315
Latitude/Longitude: 38.83321 / -121.04933
Elevation (feet): 917

County Summary:

El Dorado

Quad Summary:

Pilot Hill (3812171)

Sources:

BOT07A0001 BOTTORFF, R.L. - COSUMNOPERLA SEQUOIA, A NEW SPECIES OF STONEFLY FROM THE SIERRA NEVADA, CALIFORNIA (PLECOPTERA: PERLODIDAE: ISOPERLINAE). ILLIESIA 3(6):46-52. 2007-XX-XX

SAN11A0001 SANDBERG, J. - VIBRATIONAL COMMUNICATION OF SEVEN CALIFORNIA STONEFLIES (PLECOPTERA:PERLODIDAE). THE PAN-PACIFIC ENTOMOLOGIST 87(2):71-85 2011-XX-XX

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 87222
EO Index: 88188
Key Quad: Pilot Hill (3812171)
Element Code: IIPLE23020
Occurrence Number: 11
Occurrence Last Updated: 2012-11-08

Scientific Name: *Cosumnoperla hypocrena*
Common Name: Cosumnes stripetail

Listing Status: **Federal:** None
State: None
Rare Plant Rank:
Other Lists:

CNDDB Element Ranks: **Global:** G2
State: S2

General Habitat:

FOUND IN INTERMITTENT STREAMS ON WESTERN SLOPE OF CENTRAL SIERRA NEVADA FOOTHILLS IN AMERICAN AND COSUMNES RIVER BASINS.

Micro Habitat:

Last Date Observed: 1998-03-29
Occurrence Type: Natural/Native occurrence
Last Survey Date: 1998-03-29
Occurrence Rank: Unknown
Owner/Manager: USBOR-AUBURN SRA
Trend: Unknown
Presence: Presumed Extant

Location:

UNNAMED TRIBUTARY TO NORTH FORK AMERICAN RIVER, ABOUT 4 KM NW OF PILOT HILL, AUBURN STATE RECREATION AREA.

Detailed Location:

COLLECTION AT "UNNAMED TRIBUTARY TO NORTH FORK AMERICAN RIVER (412 M), 4 KM NW OF PILOT HILL." MAPPED TO GENERAL AREA DESCRIBED.

Ecological:

Threats:

General:

1 LARVA COLLECTED 29 MAR 1998 BY R.L. BOTORFF.

PLSS: T12N, R08E, Sec. 25, SW (M)
Accuracy: non-specific area
Area (acres): 22
UTM: Zone-10 N4302885 E669846
Latitude/Longitude: 38.85841 / -121.04251
Elevation (feet): 1,352

County Summary:

El Dorado

Quad Summary:

Pilot Hill (3812171)

Sources:

BOT07A0001 BOTTORFF, R.L. - COSUMNOPERLA SEQUOIA, A NEW SPECIES OF STONEFLY FROM THE SIERRA NEVADA, CALIFORNIA (PLECOPTERA: PERLODIDAE: ISOPERLINAE). ILLIESIA 3(6):46-52. 2007-XX-XX

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 58628
EO Index: 58664
Key Quad: Pilot Hill (3812171)
Element Code: ILARA14020
Occurrence Number: 1
Occurrence Last Updated: 2004-12-15

Scientific Name: *Banksula californica*
Common Name: Alabaster Cave harvestman

Listing Status: **Federal:** None
State: None
Rare Plant Rank:
Other Lists:

CNDDB Element Ranks: **Global:** GH
State: SH

General Habitat:

KNOWN ONLY FROM THE TYPE LOCALITY, ALABASTER CAVE, EL DORADO COUNTY.

Micro Habitat:

THE TYPE LOCALITY HAS BEEN PARTLY DESTROYED BY MINING AND THE SPECIES MAY BE EXTINCT.

Last Date Observed: XXXX-XX-XX
Occurrence Type: Natural/Native occurrence
Last Survey Date: XXXX-XX-XX
Occurrence Rank: None
Owner/Manager: UNKNOWN
Trend: Unknown
Presence: Possibly Extirpated

Location:

ALABASTER CAVE, 5.5 MILES WEST OF PILOT HILL ALONGSIDE RATTLESNAKE BAR RD.

Detailed Location:

Ecological:

SPECIES WAS DESCRIBED BY BANKS IN 1900 & IS KNOWN ONLY FROM ALABASTER CAVE, WHICH HAS SINCE BEEN PARTIALLY DESTROYED BY MINING & VANDALISM; REMAINING PORTIONS HAVE BEEN SEALED OFF WITH CONCRETE, SO SPECIES MAY NOT EXIST HERE ANYMORE.

Threats:

General:

LECTOTYPE MALE AND PARALECTOTYPE FEMALE COLLECTED BY MARX AND DEPOSITED AT THE MUSEUM OF COMPARATIVE ZOOLOGY, HARVARD.

PLSS: T11N, R08E, Sec. 15 (M)
Accuracy: 2/5 mile
Area (acres): 0
UTM: Zone-10 N4297455 E667107
Latitude/Longitude: 38.81003 / -121.07538
Elevation (feet): 650

County Summary:

El Dorado

Quad Summary:

Pilot Hill (3812171)

Sources:

HAL62B0001 HALLIDAY, W. - CAVES OF CALIFORNIA - A SPECIAL REPORT OF THE WESTERN SPELEOLOGICAL SOCIETY, SEATTLE, WA. 1962 -06-XX

UBI02A0001 UBICK, D. & T.J. BRIGGS (CALIFORNIA ACADEMY OF SCIENCES) - THE HARVESTMAN FAMILY PHALANGODIDAE. 4. A REVIEW OF THE GENUS BANKSULA (OPILIONES: LANIATORES). JOURNAL OF ARACHNOLOGY: 30(2):435-451. 2002-XX-XX

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 37777
EO Index: 32784
Key Quad: Pilot Hill (3812171)
Element Code: PDAST11061
Occurrence Number: 14
Occurrence Last Updated: 1997-12-29

Scientific Name: *Balsamorhiza macrolepis*
Common Name: big-scale balsamroot

Listing Status: **Federal:** None
State: None
Rare Plant Rank: 1B.2
Other Lists: BLM_S-Sensitive
USFS_S-Sensitive

CNDDB Element Ranks: **Global:** G2
State: S2

General Habitat:

CHAPARRAL, VALLEY AND FOOTHILL GRASSLAND, CISMONTANE WOODLAND.

Micro Habitat:

SOMETIMES ON SERPENTINE. 35-1465 M.

Last Date Observed: XXXX-XX-XX
Occurrence Type: Natural/Native occurrence
Last Survey Date: XXXX-XX-XX
Occurrence Rank: None
Owner/Manager: UNKNOWN
Trend: Unknown
Presence: Possibly Extirpated

Location:

RATTLESNAKE BEND, PLACER COUNTY.

Detailed Location:

UNABLE TO LOCATE "RATTLESNAKE BEND". OCCURRENCE MAPPED AT SITE OF HISTORICAL RATTLESNAKE BAR ALONG THE NORTH FORK AMERICAN RIVER. THIS SITE WAS INUNDATED BY FOLSOM LAKE.

Ecological:

Threats:

General:

ONLY SOURCE OF INFORMATION FOR THIS SITE IN UNDATED COLLECTION BY A. KING. NEEDS FIELDWORK.

PLSS: T11N, R08E, Sec. 09 (M)
Accuracy: 1 mile
Area (acres): 0
UTM: Zone-10 N4299085 E665230
Latitude/Longitude: 38.82507 / -121.09660
Elevation (feet): 600

County Summary:

El Dorado, Placer

Quad Summary:

Pilot Hill (3812171)

Sources:

KINNDS0003 KING, A. - KING #1920 JEPS #32255 XXXX-XX-XX

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number:	43397	**EO Index:**	43397
Key Quad:	Coloma (3812078)	**Element Code:**	PDONA05053
Occurrence Number:	2	**Occurrence Last Updated:**	2010-05-25

Scientific Name: *Clarkia biloba ssp. brandegeeae* **Common Name:** Brandegee's clarkia

Listing Status: **Federal:** None **Rare Plant Rank:** 4.2

State: None **Other Lists:** SB_UCSC-UC Santa Cruz

CNDDB Element Ranks: **Global:** G4G5T4

State: S4

General Habitat:

CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.

Micro Habitat:

OFTEN IN ROADCUTS. 75-915 M.

Last Date Observed:	2009-05-19	**Occurrence Type:**	Natural/Native occurrence
Last Survey Date:	2009-05-19	**Occurrence Rank:**	Good
Owner/Manager:	UNKNOWN	**Trend:**	Unknown
Presence:	Presumed Extant		

Location:

ALONG HIGHWAY 49 ABOUT 2 MILES EAST OF PILOT HILL.

Detailed Location:

PLANTS ARE ON N-FACING CUT-BANK OF THE ROAD IN THE SW 1/4 OF THE SE 1/4 OF SECTION 4.

Ecological:

GROWING ON A STEEP N-FACING ROAD CUT WITH ANNUAL GRASSES UNDER PONDEROSA PINE.

Threats:

ALTHOUGH ALONG A ROAD, THERE IS NO SIGN OF DISTURBANCE OR HERBICIDE USE.

General:

MORE THAN 1000 PLANTS OBSERVED IN 2009. 1947 COLLECTION BY LEWIS AND LEWIS FROM "2.3 MILES SOUTH OF PILOT HILL ALONG HWY 49" ALSO ATTRIBUTED HERE.

PLSS:	T11N, R09E, Sec. 04, SE (M)	**Accuracy:**	80 meters	**Area (acres):**	0
UTM:	Zone-10 N4299692 E675644	**Latitude/Longitude:**	38.82852 / -120.97653	**Elevation (feet):**	800

County Summary:	**Quad Summary:**
El Dorado	Coloma (3812078)

Sources:

LEW47S0003	LEWIS, M. & H. LEWIS - LEWIS #380 UC #1071952, RSA #108173 1947-06-10
NOS09F0001	NOSAL, T. (CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE) - FIELD SURVEY FORM FOR CLARKIA BILOBA SSP. BRANDEGEEAE 2009-05-19

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number:	79021	**EO Index:**	79885
Key Quad:	Pilot Hill (3812171)	**Element Code:**	PDONA05053
Occurrence Number:	83	**Occurrence Last Updated:**	2010-06-09

Scientific Name: *Clarkia biloba ssp. brandegeeae*

Common Name: Brandegee's clarkia

Listing Status: **Federal:** None

State: None

Rare Plant Rank: 4.2

Other Lists: SB_UCSC-UC Santa Cruz

CNDDB Element Ranks: **Global:** G4G5T4

State: S4

General Habitat:

CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.

Micro Habitat:

OFTEN IN ROADCUTS. 75-915 M.

Last Date Observed:	2009-05-25	**Occurrence Type:**	Natural/Native occurrence
Last Survey Date:	2009-05-25	**Occurrence Rank:**	Good
Owner/Manager:	USBOR	**Trend:**	Unknown
Presence:	Presumed Extant		

Location:

ALONG WEST SIDE OF ACCESS ROAD TO NEWCASTLE POWERHOUSE ADJACENT TO FOLSOM LAKE, ~1.5 AIR MILES SSE OF SCOTTS CORNER.

Detailed Location:

MAPPED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 4 ACCORDING TO 2009 KENT UTM COORDINATES.

Ecological:

FOOTHILL WOODLAND. WEST SIDE OF ACCESS ROAD BANK ON DECOMPOSED GRANITE ON E-FACING 80 DEG SLOPE. ASSOC W/ PINUS SABINIANA, QUERCUS WISLIZENI, Q. KELLOGGII, HETEROMELES ARBUTIFOLIA, AESCULUS CALIFORNICA, TOXICODENDRON DIVERSILOBUM, ETC.

Threats:

THREATENED BY EROSION OF BANK AND DISTURBED BY ACCESS ROAD.

General:

MORE THAN 5000 PLANTS OBSERVED IN 2009.

PLSS:	T11N, R08E, Sec. 04 (M)	**Accuracy:**	80 meters	**Area (acres):**	0
UTM:	Zone-10 N4300084 E665643	**Latitude/Longitude:**	38.83398 / -121.09160	**Elevation (feet):**	471

County Summary:	**Quad Summary:**
Placer	Pilot Hill (3812171)

Sources:

KEN09F0013 KENT, R. (HDR, INC.) - FIELD SURVEY FORM FOR CLARKIA BILOBA SSP. BRANDEGEEAE 2009-05-25

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 78905
EO Index: 79887
Key Quad: Pilot Hill (3812171)
Element Code: PDONA05053
Occurrence Number: 84
Occurrence Last Updated: 2010-05-25

Scientific Name: *Clarkia biloba ssp. brandegeeae*
Common Name: Brandegee's clarkia

Listing Status: **Federal:** None
State: None
Rare Plant Rank: 4.2
Other Lists: SB_UCSC-UC Santa Cruz

CNDDB Element Ranks: **Global:** G4G5T4
State: S4

General Habitat:

CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.

Micro Habitat:

OFTEN IN ROADCUTS. 75-915 M.

Last Date Observed: 2009-06-15
Occurrence Type: Natural/Native occurrence
Last Survey Date: 2009-06-15
Occurrence Rank: Good
Owner/Manager: UNKNOWN
Trend: Unknown
Presence: Presumed Extant

Location:

ABOUT 1 MILE WEST OF COMMUNITY OF PILOT HILL ALONG RATTLESNAKE BAR ROAD.

Detailed Location:

PLANTS ARE MOSTLY ON THE SOUTH SIDE OF THE ROAD, BUT SOME ARE ON THE NORTH SIDE AS WELL. ALL PLANTS ARE ON THE ROAD BANKS. MAPPED IN THE N 1/2 OF THE NW 1/4 OF SECTION 1.

Ecological:

GROWING ON ROAD BANK WITH SPARSE COVER OF GRASSES AND FORBS UNDER BLUE OAK AND GRAY PINE.

Threats:

ALTHOUGH ALONG A ROAD, THERE IS NO SIGN OF DISTURBANCE OR HERBICIDE USE.

General:

MORE THAN 1000 PLANTS OBSERVED IN 2009.

PLSS: T11N, R08E, Sec. 01, NW (M)
Accuracy: specific area
Area (acres): 28
UTM: Zone-10 N4300792 E670235
Latitude/Longitude: 38.83948 / -121.03854
Elevation (feet): 1,050

County Summary:

El Dorado

Quad Summary:

Pilot Hill (3812171)

Sources:

NOS09F0007 NOSAL, T. (CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE) - FIELD SURVEY FORM FOR CLARKIA BILOBA SSP. BRANDEGEEAE 2009-06-15

Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database

Map Index Number: 78908
EO Index: 79888
Key Quad: Pilot Hill (3812171)
Element Code: PDONA05053
Occurrence Number: 85
Occurrence Last Updated: 2010-05-26

Scientific Name: *Clarkia biloba ssp. brandegeeae*
Common Name: Brandegee's clarkia

Listing Status: **Federal:** None
State: None
Rare Plant Rank: 4.2
Other Lists: SB_UCSC-UC Santa Cruz

CNDDB Element Ranks: **Global:** G4G5T4
State: S4

General Habitat:
CHAPARRAL, CISMONTANE WOODLAND, LOWER MONTANE CONIFEROUS FOREST.

Micro Habitat:
OFTEN IN ROADCUTS. 75-915 M.

Last Date Observed: 2009-06-15
Occurrence Type: Natural/Native occurrence
Last Survey Date: 2009-06-15
Occurrence Rank: Good
Owner/Manager: UNKNOWN
Trend: Unknown
Presence: Presumed Extant

Location:
ALONG RATTLESNAKE BAR ROAD, ABOUT 3.3 AIR MILES SOUTHWEST OF COMMUNITY OF PILOT HILL.

Detailed Location:
PLANTS ARE MOSTLY ON THE CUT-BANKS OF THE SOUTH SIDE OF THE ROAD. MAPPED IN THE SW 1/4 OF THE SE 1/4 OF SECTION 10.

Ecological:
GROWING ON ROAD BANK WITH SPARSE COVER OF GRASSES AND FORBS UNDER BLUE OAK AND GRAY PINE.

Threats:
ALTHOUGH ALONG A ROAD, THERE IS NO SIGN OF DISTURBANCE OR HERBICIDE USE.

General:
MORE THAN 1000 PLANTS OBSERVED IN 2009.

PLSS: T11N, R08E, Sec. 10, SE (M)
Accuracy: specific area
Area (acres): 11
UTM: Zone-10 N4297737 E667728
Latitude/Longitude: 38.81245 / -121.06816
Elevation (feet): 925

County Summary:
El Dorado

Quad Summary:
Pilot Hill (3812171)

Sources:
NOS09F0005 NOSAL, T. (CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE) - FIELD SURVEY FORM FOR CLARKIA BILOBA SSP. BRANDEGEEAE 2009-06-15

IPaC **U.S. Fish & Wildlife Service**

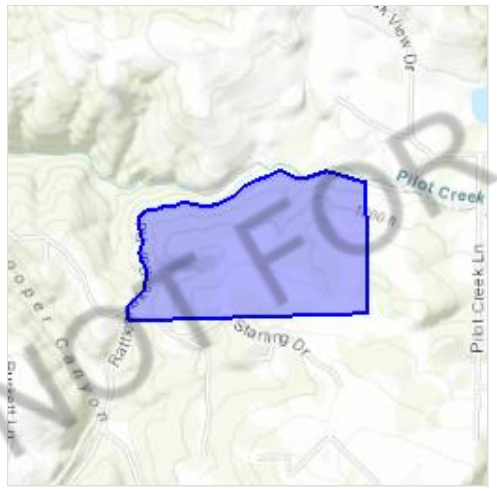
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

El Dorado County, California



Local office

Sacramento Fish And Wildlife Office

(916) 414-6600
(916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Amphibians

NAME	STATUS

California Red-legged Frog Rana draytonii — Threatened
There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/2891

Fishes

NAME	STATUS
Delta Smelt Hypomesus transpacificus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Valley Elderberry Longhorn Beetle Desmocerus californicus dimorphus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/7850	Threatened

Flowering Plants

NAME	STATUS
El Dorado Bedstraw Galium californicum ssp. sierrae No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5209	Endangered
Layne's Butterweed Senecio layneae No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4062	Threatened
Pine Hill Ceanothus Ceanothus roderickii No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3293	Endangered
Stebbins' Morning-glory Calystegia stebbinsii No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3991	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED,

WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31
California Thrasher Toxostoma redivivum This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Jul 31
Lawrence's Goldfinch Carduelis lawrencei This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9464	Breeds Mar 20 to Sep 20
Lewis's Woodpecker Melanerpes lewis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9408	Breeds Apr 20 to Sep 30
Nuttall's Woodpecker Picoides nuttallii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9410	Breeds Apr 1 to Jul 20
Oak Titmouse Baeolophus inornatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9656	Breeds Mar 15 to Jul 15
Rufous Hummingbird selasphorus rufus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds elsewhere
Song Sparrow Melospiza melodia This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Feb 20 to Sep 5

Spotted Towhee Pipilo maculatus clementae — Breeds Apr 15 to Jul 20
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/4243

Wrentit Chamaea fasciata — Breeds Mar 15 to Aug 10
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Yellow-billed Magpie Pica nuttalli — Breeds Apr 1 to Jul 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9726

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

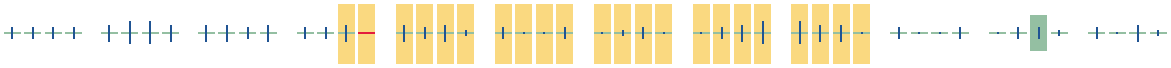
Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

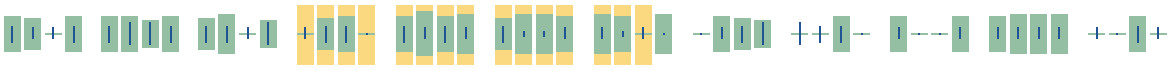
No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

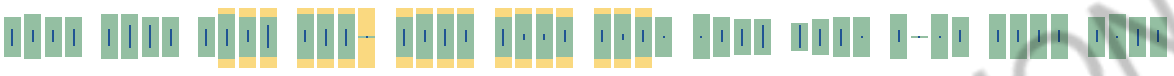
Lewis's Woodpecker
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Nuttall's Woodpecker
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Oak Titmouse
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



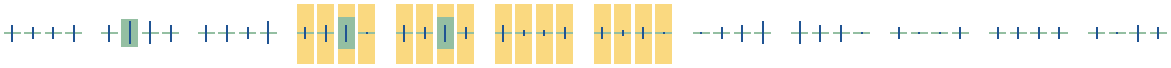
Rufous Hummingbird
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Song Sparrow
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Spotted Towhee
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Wrentit
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Yellow-billed Magpie
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

PFOA

FRESHWATER POND

PUBFh

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Appendix J

9 Quad CNPS Inventory Results

CNPS California Native Plant Society

*The database used to provide updates to the Online Inventory is under construction. View updates and changes made since May 2019 here.

Plant List

28 matches found. *Click on scientific name for details*

Search Criteria

Found in Quads 3812182, 3812181, 3812088, 3812172, 3812171, 3812078, 3812162 3812161 and 3812068;

Modify Search Criteria | Export to Excel | Modify Columns | Modify Sort | Display Photos

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
Allium jepsonii	Jepson's onion	Alliaceae	perennial bulbiferous herb	Apr-Aug	1B.2	S2	G2
Allium sanbornii var. sanbornii	Sanborn's onion	Alliaceae	perennial bulbiferous herb	May-Sep	4.2	S3S4	G4T3T4
Balsamorhiza macrolepis	big-scale balsamroot	Asteraceae	perennial herb	Mar-Jun	1B.2	S2	G2
Brodiaea rosea ssp. vallicola	valley brodiaea	Themidaceae	perennial bulbiferous herb	Apr-May(Jun)	4.2	S3	G5T3
Calandrinia breweri	Brewer's calandrinia	Montiaceae	annual herb	(Jan)Mar-Jun	4.2	S4	G4
Calystegia stebbinsii	Stebbins' morning-glory	Convolvulaceae	perennial rhizomatous herb	Apr-Jul	1B.1	S1	G1
Carex xerophila	chaparral sedge	Cyperaceae	perennial herb	Mar-Jun	1B.2	S2	G2
Ceanothus fresnensis	Fresno ceanothus	Rhamnaceae	perennial evergreen shrub	May-Jul	4.3	S4	G4
Ceanothus roderickii	Pine Hill ceanothus	Rhamnaceae	perennial evergreen shrub	Apr-Jun	1B.1	S1	G1
Chlorogalum grandiflorum	Red Hills soaproot	Agavaceae	perennial bulbiferous herb	May-Jun	1B.2	S3	G3
Clarkia biloba ssp. brandegeeae	Brandegee's clarkia	Onagraceae	annual herb	May-Jul	4.2	S4	G4G5T4
Claytonia parviflora ssp. grandiflora	streambank spring beauty	Montiaceae	annual herb	Feb-May	4.2	S3	G5T3
Crocanthemum suffrutescens	Bisbee Peak rush-rose	Cistaceae	perennial evergreen shrub	Apr-Aug	3.2	S2?	G2?Q
Downingia pusilla	dwarf downingia	Campanulaceae	annual herb	Mar-May	2B.2	S2	GU
Eriophyllum jepsonii	Jepson's woolly sunflower	Asteraceae	perennial herb	Apr-Jun	4.3	S3	G3
Fremontodendron decumbens	Pine Hill flannelbush	Malvaceae	perennial evergreen shrub	Apr-Jul	1B.2	S1	G1

Fritillaria eastwoodiae	Butte County fritillary	Liliaceae	perennial bulbiferous herb	Mar-Jun	3.2	S3	G3Q
Galium californicum ssp. sierrae	El Dorado bedstraw	Rubiaceae	perennial herb	May-Jun	1B.2	S1	G5T1
Gratiola heterosepala	Boggs Lake hedge-hyssop	Plantaginaceae	annual herb	Apr-Aug	1B.2	S2	G2
Horkelia parryi	Parry's horkelia	Rosaceae	perennial herb	Apr-Sep	1B.2	S2	G2
Lathyrus sulphureus var. argillaceus	dubious pea	Fabaceae	perennial herb	Apr-May	3	S1S2	G5T1T2Q
Lilium humboldtii ssp. humboldtii	Humboldt lily	Liliaceae	perennial bulbiferous herb	May-Jul(Aug)	4.2	S3	G4T3
Navarretia myersii ssp. myersii	pincushion navarretia	Polemoniaceae	annual herb	Apr-May	1B.1	S2	G2T2
Orcuttia viscida	Sacramento Orcutt grass	Poaceae	annual herb	Apr-Jul(Sep)	1B.1	S1	G1
Packera layneae	Layne's ragwort	Asteraceae	perennial herb	Apr-Aug	1B.2	S2	G2
Sagittaria sanfordii	Sanford's arrowhead	Alismataceae	perennial rhizomatous herb (emergent)	May-Oct(Nov)	1B.2	S3	G3
Viburnum ellipticum	oval-leaved viburnum	Adoxaceae	perennial deciduous shrub	May-Jun	2B.3	S3?	G4G5
Wyethia reticulata	El Dorado County mule ears	Asteraceae	perennial herb	Apr-Aug	1B.2	S2	G2

Suggested Citation

California Native Plant Society, Rare Plant Program. 2021. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org [accessed 26 April 2021].

Search the Inventory
Simple Search
Advanced Search
Glossary

Information
About the Inventory
About the Rare Plant Program
CNPS Home Page
About CNPS
Join CNPS

Contributors
The Calflora Database
The California Lichen Society
California Natural Diversity Database
The Jepson Flora Project
The Consortium of California Herbaria
CalPhotos

Questions and Comments
rareplants@cnps.org

Appendix B

North Central Information Center Letter

California Historical Resources Information System

NORTH CENTRAL INFORMATION CENTER

AMADOR
EL DORADO
NEVADA
PLACER
SACRAMENTO
YUBA

California State University, Sacramento
6000 J Street, Folsom Hall, Suite 2042
Sacramento, California 95819-6100
phone: (916) 278-6217
fax: (916) 278-5162
email: ncic@csus.edu

5/5/2020

NCIC File No.: ELD-20-52

Keeteekune Thao
Green Valley Farm
P.O. Box 1916
Folsom, CA 95763

Records Search Results for
Green Valley Farm

Keeteekune Thao:

Per your request received by our office on 5/5/2020, a complete records search was conducted by searching California Historic Resources Information System (CHRIS) maps for cultural resource site records and survey reports in El Dorado County within a 1/4-mile radius of the proposed project area.

Review of this information indicates that the proposed project area contains zero (0) recorded prehistoric-period resource(s) and one (1) recorded historic-period cultural resource(s): historic-era earthen dam deemed insignificant. Additionally, one (1) cultural resources study report on file at this office covers a portion of the proposed project area.

Outside the proposed project area, but within the 1/4-mile radius, the broader search area contains zero (0) recorded prehistoric-period resource(s) and zero (0) recorded historic-period cultural resource(s). Additionally, one (1) cultural resources study report on file at this office covers a portion of the broader search area.

In this part of El Dorado County, archaeologists locate prehistoric-period habitation sites "along streams or on ridges or knolls, especially those with southern exposure" (Moratto 1984:290). This region is known as the ethnographic-period territory of the Nisenan, also called the Southern Maidu. The Nisenan maintained permanent settlements along major rivers in the Sacramento Valley and foothills; they also periodically traveled to higher elevations (Wilson and Towne 1978:387-389). The proposed project search area is situated in the Sierra Nevada foothills about 105 feet south of Pilot Creek. Given the extent of known cultural resources and the environmental setting, there is low potential for locating prehistoric-period cultural resources in the immediate vicinity of the proposed project area.

Within the search area, the 1866 GLO plat of T11N, R8E shows evidence of a nineteenth-century road and mining features in the vicinity. The 1954 Pilot Hill 7.5' USGS topographical map shows evidence of twentieth-century roads and buildings in the vicinity. Given the extent of known cultural resources and patterns of local history, there is low potential for locating historic-period cultural resources in the immediate vicinity of the proposed project area.

S.1 | T.11N | R.8E

104-520-08-1

CCUP20-0002

Received 07/15/2020

SENSITIVITY STATEMENT:

1) With respect to cultural resources, it appears that the proposed project area **is not sensitive**.

2) Should the lead agency/authority require a cultural resources survey, a list of qualified local consultants can be found at http://chrisinfo.org.

3) If cultural resources are encountered during the project, avoid altering the materials and their context until a qualified cultural resources professional has evaluated the project area. Project personnel should not collect cultural resources. Prehistoric-period resources include: chert or obsidian flakes, projectile points, and other flaked-stone artifacts; mortars, grinding slicks, pestles, and other groundstone tools; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include: stone or adobe foundations or walls; structures and remains with square nails; mine shafts, tailings, or ditches/flumes; and refuse deposits or bottle dumps, often located in old wells or privies.

4) Identified cultural resources should be recorded on DPR 523 (A-J) historic resource recordation forms, available at http://ohp.parks.ca.gov/?page_id=1069.

5) Review for possible historic-period cultural resources has included only those sources listed in the referenced literature and should not be considered comprehensive. The Office of Historic Preservation has determined that buildings, structures, and objects 45 years or older may be of historical value. If the area of potential effect contains such properties not noted in our research, they should be assessed by an architectural historian before commencement of project activities.

   Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

   The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

Thank you for using our services. Please contact North Central Information Center at (916) 278-6217 if you have any questions about this record search. An invoice is enclosed.

Sincerely,

Paul Rendes, Coordinator
North Central Information Center

Appendix C

AB 52 Consultation Record

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

Colfax-Todds Valley Consolidated Tribe
Pamela Cubbler, Treasurer
P.O. Box 4884
Auburn, CA 95604

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Ms. Cubbler,

This letter is in response to your request received on March 6, 2018 for formal notification of proposed projects within the Colfax-Todds Valley Consolidated Tribe Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

Ione Band of Miwok Indians
Sara D. Setshwaelo, Chairwoman
P.O. Box 699
Plymouth, CA 95668

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Ms. Setshwaelo,

This letter is in response to your request received on March 7, 2016 for formal notification of proposed projects within the Ione Band of Miwok Indians Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

cc. Crystal Martinez-Alire, Chairperson

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

Nashville-El Dorado Miwok
Mr. Cosme Valdez
Interim Chief Executive Officer
P.O. Box 580986
Elk Grove, CA 95758

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Mr. Valdez,

This letter is in response to your request received on July 15, 2016 for formal notification of proposed projects within the Nashville-El Dorado Miwok Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

Shingle Springs Band of Miwok Indians
Regina Cuellar, Chairwoman
P.O. Box 1340
Shingle Springs, CA 95682

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Ms. Cuellar,

This letter is in response to your request received on July 15, 2016 for formal notification of proposed projects within the Shingle Springs Band of Miwok Indians Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

T'si-Akim Maidu
Mr. Don Ryberg, Chairperson
P.O. Box 510
Browns Valley, CA 95918

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Mr. Ryberg,

This letter is in response to your request received on July 15, 2016 for formal notification of proposed projects within the T'si-Akim Maidu Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

cc. Grayson Coney, Cultural Director

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

United Auburn Indian Community of the Auburn Rancheria — CERTIFIED MAIL
Gene Whitehouse, Chairman
10720 Indian Hill Road
Auburn, CA 95603

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Mr. Whitehouse,

This letter is in response to your request received on February 18, 2020 for formal notification of proposed projects within the United Auburn Indian Community of the Auburn Rancheria's Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

cc:
Matthew Moore, Tribal Historic Preservation Officer
Anna Starkey, Cultural Resources Manager

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

Washoe Tribe of Nevada and California
Darrel Cruz, Director
Washoe Tribal Historic Preservation Office
919 Highway 395 South
Gardnerville, NV 89410

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Mr. Cruz,

This letter is in response to your request received on May 2, 2016 for formal notification of proposed projects within the Washoe Tribe of Nevada and California Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

Wilton Rancheria
Chairman Raymond C. Hitchcock
9415 Rancheria Drive
Wilton, CA 95693

CERTIFIED MAIL
EMAIL
crd@wiltonrancheria-nsn.gov
rhatch@wiltonrancheria-nsn.gov

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Mr. Hitchcock,

This letter is in response to your request received on January 13, 2020 for formal notification of proposed projects within the Wilton Rancheria Tribe's Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

cc. Director Ralph Hatch, Wilton Rancheria, Cultural Preservation Department

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

PLACERVILLE OFFICE:
2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldgdept@edcgov.us
PLANNING
(530) 621-5355 / (530) 642-0508 Fax
planning@edcgov.us

LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

July 20, 2020

The El Dorado County Wopumnes Nisenan-Mewuk Nation — CERTIFIED MAIL
Historic El Dorado/ Shingle Springs Tribe
Erin Young, Chairman
PO Box 1712
Shingle Springs, CA 95682

RE: Assembly Bill 52 Consultation for **CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation** a Proposed Project within the County of El Dorado

Dear Ms. Young

This letter is in response to your request received on May 23, 2019 for formal notification of proposed projects within the El Dorado County Wopumnes Nisenan-Mewuk Nation's Geographic Area of Traditional and Cultural Affiliation.

CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation (Green Valley Farm/CBKL Property Inc./Sierra Land Solutions, Bryan Mcalister). The proposed project will be located on property, identified by Assessor's Parcel Number 104-520-008, consists of 178.057 acres in an RL-20 zone district, and is located on the north and west side of Rattlesnake Bar Road, at the intersection with Sterling Lane, **in the Pilot Hill area**.

This application is for 10,000 square feet of outdoor cultivation for the first two years and mixed light greenhouses for the third year and after. Processing will be done on site. Three part time employees will be utilized on site and 3-5 part time employees during the harvest season.
Improvements include:

- Immature Plan Area - (2) 20'X100' ag exempt hoop house totaling 4,000 square feet
- Ag Chemical Storage Area - 8' x 20' metal container totaling 160 square feet
- Ag Material Storage Area - 8' x 20' metal container 160 square feet
- A 600 square feet compost area (non-hazardous).
- Processing Facility - 30' x 40' building totaling 1,200 square feet
- Flowering Canopy total 10,000 square feet
- (5) 20' x 100' Ag exempt hoop houses first 2 year and greenhouse 3rd year and after.

County Planner: Aaron Mount, 530-621-5345

This project is subject to the cultural resources provisions of CEQA Assembly Bill 52 (AB52), which require Native American outreach. Pursuant to AB52, the County is soliciting input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community.

Please respond within 30 days of receipt of this letter to provide any information regarding archaeological sites, tribal cultural resources or areas of cultural importance known to occur within or near the project area and/or to request consultation with the County, if desired. In accordance with federal and state laws, information received in response to this letter will be kept confidential. If you have any questions regarding this project or require further information, please do not hesitate to contact us. We can be reached by phone 530-621-5345 or via email at planning@edcgov.us.

Aaron Mount <aaron.mount@edcgov.us>

Fwd: CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation

2 messages

Planning Department <planning@edcgov.us> Tue, Aug 18, 2020 at 11:44 AM
To: Aaron Mount <aaron.mount@edcgov.us>

Please see email and attachments.

---------- Forwarded message ---------
From: **Cultural Resource Department Inbox** <crd@wiltonrancheria-nsn.gov>
Date: Tue, Aug 18, 2020 at 11:42 AM
Subject: CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation
To: Planning Department <planning@edcgov.us>
Cc: Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>

Good morning,

Thank you for sending over the letter dated July 20, 2020 regarding the CCUP20-0002/Green Valley Farm Commercial Cannabis Cultivation Project. Due to the sensitivity of this project and the location we would like to consult on this project and request Tribal Monitoring during any ground disturbance.

We would like to discuss the topics listed in Cal. Public Resources Code section 21080.3.2(a), including the type of environmental review to be conducted for the project; project alternatives; the project's significant effects; and mitigation measures for any direct, indirect, or cumulative impacts the project may cause to tribal cultural resources. As consultation progresses, we may also wish to discuss design options that would avoid impacts to tribal cultural resources; the scope of any environmental document that is prepared for the project; pre-project surveys; and tribal cultural resource identification, significance evaluations and culturally-appropriate treatment.

This letter is also a formal request to allow Wilton Rancheria tribal representatives to observe and participate in all cultural resource surveys, including initial pedestrian surveys for the project. Please send us all existing cultural resource assessments, as well as requests for, and the results of, any records searches that may have been conducted prior to our first consultation meeting. If tribal cultural resources are identified within the project area, it is Wilton Rancheria's policy that tribal monitors must be present for all ground disturbing activities. Finally, please be advised that our preference is to preserve tribal cultural resources in place and avoid them whenever possible. Subsurface testing and data recovery must not occur without first consulting with Wilton Rancheria and receiving Wilton Rancheria 's written consent.

In the letter the El Dorado County Planning and Building Department is identified as the lead contact person for consultation on the proposed project. Mariah Mayberry will be Wilton Rancheria's point of contact for this consultation. Please contact Mariah by phone (916) 683-6000 ext. 2023 or email at mmayberry@wiltonrancheria-nsn.gov to begin the consultation process.

Thank you for involving Wilton Rancheria in the planning process at an early stage. We ask that you make this letter a part of the project record and we look forward to working with you to ensure that tribal cultural resources are protected.

Sincerely,

Mariah Mayberry

Wilton Rancheria

Tel: 916.683.6000 ext 2023 | Fax: 916.683.6015

9728 Kent Street | Elk Grove | CA | 95624

mmayberry@wiltonrancheria-nsn.gov

wiltonrancheria-nsn.gov

4 attachments

1_Mitigation_Measures_CEQA_Avoidance.docx
20K

2_Mitigation_Measures_ CEQA NativeAmericanMonitors.docx
21K

3_Mitigation_Measures_CEQA_Discoveries.docx
19K

4_Mitigation_Measures_CEQA_Construction_Worker_Awareness_Training 04-19-19.docx
20K

Aaron Mount <aaron.mount@edcgov.us> Tue, Nov 17, 2020 at 10:03 AM
To: crd@wiltonrancheria-nsn.gov

Mariah

See attached for the records search for the subject project. The County will be preparing a CEQA Initial Study for the project. Please contact me if you would like to visit the site.

Thank you

Aaron Mount
Senior Planner

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5355 / FAX (530) 642-0508
aaron.mount@edcgov.us
[Quoted text hidden]

5 attachments

1_Mitigation_Measures_CEQA_Avoidance.docx
20K

2_Mitigation_Measures_ CEQA NativeAmericanMonitors.docx
21K

3_Mitigation_Measures_CEQA_Discoveries.docx
19K

4_Mitigation_Measures_CEQA_Construction_Worker_Awareness_Training 04-19-19.docx
20K

CCUP20-0002 NCIC Records Search.pdf
191K

Aaron Mount <aaron.mount@edcgov.us>

Fwd: Green Valley Farm Commercial Cannabis Cultivation (CCUP20-0002)

2 messages

Planning Department <planning@edcgov.us> Tue, Aug 18, 2020 at 2:26 PM
To: Aaron Mount <aaron.mount@edcgov.us>

---------- Forwarded message ---------
From: **Anna Starkey** <astarkey@auburnrancheria.com>
Date: Tue, Aug 18, 2020 at 2:25 PM
Subject: Green Valley Farm Commercial Cannabis Cultivation (CCUP20-0002)
To: planning@edcgov.us <planning@edcgov.us>

Dear Mr. Mount,

On behalf of the United Auburn Indian Community, thank you for the notification for the Green Valley Farm Commercial Cannabis Cultivation Project. Our database does not show any previously recorded tribal cultural resources in the project area, however that may be because this is private property and has not under gone a cultural survey. Will a cultural survey be conducted for this project? If so, we request to survey alongside the archaeologist. If a survey has already been completed, please share with us project area photographs, the cultural report, and results of the survey.

Thank you and hope to hear back from you soon.

Best,

Anna Starkey

Anna M. Starkey, M.A., RPA
Cultural Regulatory Specialist
Tribal Historic Preservation Department| UAIC
10720 Indian Hill Road
Auburn, CA 95603
Direct line: (916) 251-1565 | Cell: (530) 863-6503
astarkey@auburnrancheria.com |www.auburnrancheria.com

statement to the contrary is included in this e-mail.

Aaron Mount <aaron.mount@edcgov.us> Tue, Nov 17, 2020 at 10:04 AM
To: Anna Starkey <astarkey@auburnrancheria.com>

Anna

See attached for the records search for the subject project. Please contact me if you need any further information or if you would like to visit the site.

Aaron Mount
Senior Planner

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5355 / FAX (530) 642-0508
aaron.mount@edcgov.us
[Quoted text hidden]

CCUP20-0002 NCIC Records Search.pdf
191K

Aaron Mount <aaron.mount@edcgov.us>

Fwd: Green Valley Farm Commercial Cannabis Cultivation (CCUP20-0002)

Anna Starkey <astarkey@auburnrancheria.com> Tue, Nov 17, 2020 at 4:12 PM
To: Aaron Mount <aaron.mount@edcgov.us>

Thank you for the fast reply. Please incorporate the a. ached unancipa ted discoveries measure for tribal cultural resources in your CEQA document and allow me to review the draft document prior to public release.

Is there a bio report prepared that you could share? Those often have photographs in them.

[Quoted text hidden]
[Quoted text hidden]

3_Mitigation_Measures_UnanticipatedDiscoveries.pdf
119K

Tribal Cultural Resource Avoidance Mitigation Measure

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.

- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”. Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating* and *Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and

permanent forms of protective fencing will be determined in consultation with Native American rrepresentatives from interested Native American Tribes.

Native American Monitoring Mitigation Measure

To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and tribal cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, THE PROJECT PROPONENT and its construction contractor(s) will implement the following measures:

- Paid Native American monitors from culturally affiliated Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.

- Native American representatives and Native American monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Only a Native American representative can recommend appropriate treatment of such sites or objects.

- If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a archaeologist who meets the Secretary of the Interior's qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Caltrans, the SHPO, and other appropriate agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation.

- In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities, the construction contractor or the County, or both, shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and a qualified professional archaeologist to determine the nature of the remains. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). After the coroner's findings are presented, the County, the archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Inadvertent Discoveries Mitigation Measures

Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Tribal Cultural Resource – Awareness Training - Mitigation Measure

A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

Tribal Cultural Resources
Unanticipated Discoveries

The following mitigation measure[1] is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities.

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied.

1 Proposed Mitigation Measure includes suggested template language to assist lead CEQA agencies, and their consultants, in understanding the Tribe's policies and expectations. All measures are subject to periodic review and change by the consulting Tribe to reflect best practices and to be worded on a project scope and site specific basis.

Appendix D

Fire Safe Plan

John Pickett, RPF #2976
2235 Catalina Dr., South Lake Tahoe, CA 96150
(775) 220-7675 jpickettRPF@gmail.com

RE: Fire Plan for the Parcel 104-520-008

Introduction

Green Valley Farm owns Parcel 104-520-008 with the intent to develop commercial buildings on the property. The development of commercial enterprises in El Dorado County requires developing a fire safety plan of sufficient detail to demonstrate that the property can be adequately protected from wildland fire and does not pose a risk to adjacent communities or landscapes. A fire plan evaluates existing vegetation, slope, aspect, elevation, weather, and fire history to create an actionable plan that reduces the potential for dangerous fires to threaten the property or region.

This report builds on the Biological Assessment performed by Greg Matuzak and included by reference into this fire plan.

Parcel Description

Vegetation

The subject parcel is 178 acres, which is the area of analysis for this fire plan. The parcel is generally grossly overstocked canyon live oak forest, with blue and valley oak present and only occasional ponderosa pine. Grey pine is present and generally decadent. There is a 14-acre grass meadow near the center of the property. Decadent canyon live oak with intermixed brush is a volatile fuel model and can burn with high flame length and a high spread rate. There have been numerous fires in the region over the decades, with many in the 1950's droughts and 1980's droughts. The fuel model that best describes the vegetation on the property is an SH7 – Very High Load, Dry Climate Shrub, in the *Standard Fire Behavior Fuel Models: A Comprehensive Set for Use with Rothermel's Surface Fire Spread Model. General Technical Report RMRS-GTR-153, Scott and Burgen.* The grassy meadow is a GS-2 fuel model that can burn with a high rate of spread, however, the hazard is easily mitigated with annual mowing.

Slope and Aspect

Slope and aspect combine to create the topographical influences of fire on a slope. The project area generally has south-facing slopes. These south-facing slopes are perfectly aligned for solar radiation to heat and dry vegetation. The parcel is moderately well aligned with the southwest winds that drive explosive fire growth in the local area. The steep slopes also promote the preheating of fuels and thus the rate and direction of spread. Additionally, south-facing slopes have more extended burn periods during the diurnal cycle due to solar drying.

Elevation

Elevation has an important influence on fire behavior by influencing the amount and timing of precipitation and determining exposure to prevailing winds or extreme fire behavior. The subject parcel ranges from approximately 1,000 feet to 1,800 feet in elevation. This elevation has hot, dry summers with distinct seasons and moderately cool winter with precipitation falling as rain and averaging 30 inches per year. Rainfall in amounts to influence fire behavior is rare after May, and fire season begins in earnest as early as June. This leaves a long hot summer with dry fuel.

John Pickett, RPF #2976
2235 Catalina Dr., South Lake Tahoe, CA 96150
(775) 220-7675 jpickettRPF@gmail.com

Weather

Local weather drives fire behavior in the Sierra Nevada. El Dorado County is exposed to dangerous Diablo winds when low pressure off California's coast and high pressure over the Great Basin result in strong, dry winds from the northeast. The subject parcel is exposed to northeast winds several times each fall, but these winds are unlikely to drive extreme fire weather. The subject parcel is exposed to strong upslope winds during much of the fire season because of the effects of solar radiation. Fires are likely to exhibit moderate spread rates with moderate flame lengths during diurnal wind and fuel-driven fires. The Sand Fire was precisely this, a fuel and topographically driven fire with strong diurnal wind influence. On the morning of the fire, humidities were very low, ranging from 8-13 percent, with light east winds increasing to over 18 miles per hour from the southwest during the afternoon. This wind pattern drove very high rates of spread with dangerous runs during the late afternoon. The subject parcel is also exposed to strong southwest winds from approaching low-pressure systems as they drop from the Gulf of Alaska. During these events, winds pick up from the southwest, and before the arrival of moisture, there can be a very low humidity dry slot for up to a day before the arrival of increased humidities and wetting precipitation. During this period, fires can grow explosively.

Fire Hazard on the Subject Parcel

The subject parcel is exposed to considerable hazard from decadent oak and brush fueled wildfires. The SH7 fire model burns with high rates of spread and with high flame lengths. And while this is an active fuel model, it is possible to moderate this hazard by reducing fuels between the best and healthiest oaks, clearing around evacuation routes and roads, and then using methods to reduce the total tonnage of biomass available to burn.

Mitigations

Dr. Jack Cohen of the U.S. Forest Service's Rocky Mountain Research Station made the statement in his definition of the home ignition zone that "it is a home's construction and immediate surroundings that will determine a homes probability of ignition, not its site on a fire prone landscape." From his research we now moderate exposure to fire hazard by working in three zones around the structures and other areas with human habitation. The GS2 fire model is brush and grass driven with only moderate flame lengths. In this fuel model reducing fuel for a boundary of 200 feet or to the slope break will effectively limit the preheating of structures on the property. In many fuel types it is necessary to reduce fuels up to 300 feet on steep slopes, but this is not likely to lead to substantial reductions in risk on the subject parcel.

Fuel Break Around Structures

Clearing an effective fuel break on GS2 fuel types is as simple as mowing, masticating or otherwise cutting the grass and brush to ground level each May.

- The timing of the cutting of annual grasses can favor the establishment of low fire hazard perennial grasses with superior wildlife and grazing value. It is recommended that the landowners contact the local El Dorado County Resource Conservation District ECRCD for information about converting flashy annual grasses to valuable bunch grass.

John Pickett, RPF #2976
2235 Catalina Dr., South Lake Tahoe, CA 96150
(775) 220-7675 jpickettRPF@gmail.com

Oak trees vary in flammability with canyon live oak burning with great energy and blue oak rarely burning except in chaparral form. Spacing oaks with 10 feet between canopies will reduce the potential for ignition. It is also true that establishing blue oak will greatly reduce the rate with which the brush grow and will again favor bunch grass over non-native annuals. Blue oaks do not regenerate well in grazing regimes, so again it is valuable to consult with the El Dorado County Conservation District on methods to promote blue oak regeneration.

Defensible Space

Defensible space around the structures is going to be critically important because of the likely ember production from dead oak on the property and in the Sand Fire scar. Defensible space is divided into three zones. The wildland fuel zone, the Lean, Clean and Green Zone and Non-combustible zone.

- The wildland fuel zone should effectively extend 200 feet or to the slope break from the structure with the annual mowing of grasses and brush.
- The Lean, Clean and Green Zone extends from the structure to 30 feet. This zone must be mowed when grasses or brush are greater than 4 inches tall. No flammable vegetation may be present.

- The non-combustible zone extends from the structure to five feet. The subject parcel will be subject to massive ember wash during the next wildland fire. The maintenance of a non-combustible zone in combination with fire safe venting and Class A roofing is the primary mitigation for ember ignition. Ember ignition generally occurs when embers strike a wall or fall in wind vertices and accumulate at the bottom of the wall or in an inside corner of the structure. If there is any flammable material in this area the structure will be at increased risk. This area should likely be graveled in and treated with herbicide so that no vegetation can grow in this area. No leaf litter should be allowed to accumulate.

Evacuation Routes

The subject parcel is cannot be made safe for humans during a wildland fire event and therefore early evacuation along safe routes is necessary. In the SH7 fuel type, it will be necessary to either thin or masticate the understory trees and brush and retain the largest healthiest trees on the site. It is also necessary to create at least 50 feet of clearance around

Evacuation Planning

It is recommended that a written evacuation plan should be created for the subject parcel. During fire season and particularly on red flag days people should be able to monitor local news and look for smoke in the region of the property. A meeting area should be established, and workers shown where to assemble for further evacuation instructions. The Fire Marshal can help review a general evacuation plan.

John Pickett, RPF #2976
2235 Catalina Dr., South Lake Tahoe, CA 96150
(775) 220-7675 jpickettRPF@gmail.com

Prescription for Fuels Reduction
The shaded fuel break units can be treated using two different treatment methodologies.

- Treat areas with open brush fields with a masticator. Masticators efficiently process brush and small canyon live oak into a chip that then can help suppress brush growth. When masticating, cut 80 percent of the brush and understory while retaining any blue oak, valley oak or conifers

- Treat areas with dense woodland with a sparse understory of brush using a tree shear to cut the oak and pile it. Skid the cut material to a predesignated landings where it can be chipped or processed to firewood. The cut material can be chipped and hauled. Mastication can be used to reduce the light activity fuels that will be left after thinning.

    - In both cases, Cut trees to a 20' x 20' average tree spacing and cut 80 percent of the remaining brush. After cutting, limb up trees as appropriate to a height of 10-feet.

The two different treatment methodologies follow the same general treatment specifications for tree / shrub retention and spacing. Cut vegetation to within 4" of the ground where possible. Remaining trees would be hand-pruned up to 10' above ground to provide clean cuts of limbed branches. Masticated material should not exceed 18" in length and should be distributed so as not to exceed 6" depth. All masticated stumps should be cut within 4" of the ground or other obstacles. All cut vegetation should be kept within the unit boundaries. Any cut vegetation falling into ditches, roads, road banks, trails, or adjacent units should immediately be removed.

Phased Implementation
The projects identified in this plan can be implemented on a phased approach with the following priorities:

Year 1: Thin forests and brush a minimum of 75 feet from the road edge for the primary drive and the emergency evacuation route. Create 100 feet of defensible space around the neighboring structures on the south and northeast side of the property.

Year 2 and on: Use the thinned areas to tractor pile and burn or thin approximately 30 acres of the forested land. This will create a rotation of approximately 6 years and then the entire property will be far easier to manage.

Community Project: Contact El Dorado County and work with them to apply for a grant for fuel clearance around Rattlesnake Bar Rd. Cal Fire will be offering grants for fuels reduction in 2021 for work in 2022. The community around Rattlesnake Bar Rd. would greatly benefit.

Conclusion
The project area is in a high fire hazard area with dense canyon live oak and native chaparral composing the primary fuel types with a 14-acre grass meadow. The parcel is a fuel model

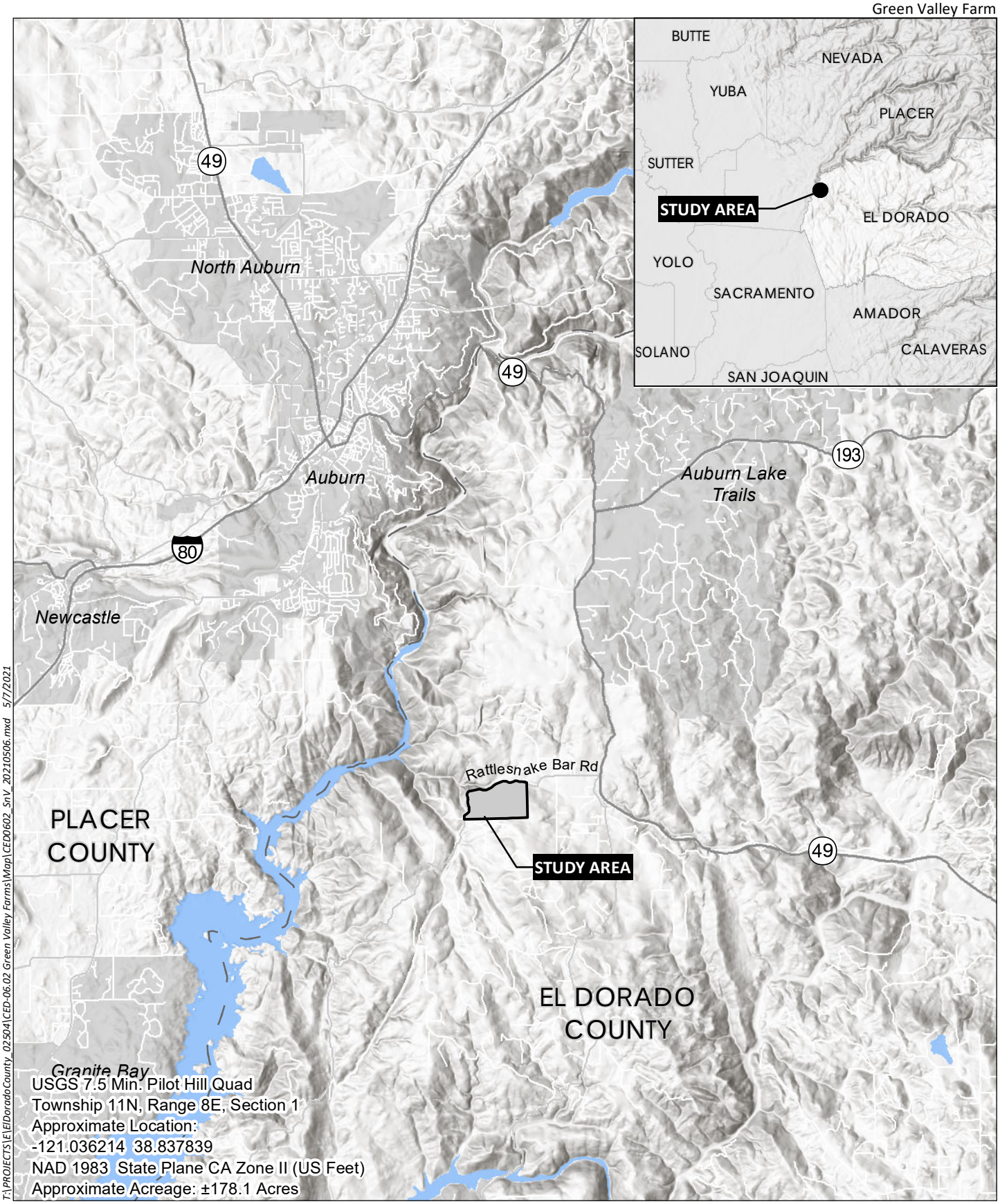
live oak
WILDFIRE SOLUTIONS
Professional Forestry Consulting
Logging & Land Management

John Pickett, RPF #2976
2235 Catalina Dr., South Lake Tahoe, CA 96150
(775) 220-7675 jpickettRPF@gmail.com

SH7 capable of supporting high rates of spread with high flame lengths. Effective fuel reduction can be obtained with annual mowing and mastication for 200 feet around the structure or and thinning the oak woodland and chaparral areas. Then a 50 foot buffer should be maintained on each side of the road leaving the property. The proposed measures will effectively protect structures on the property, but safety for people can only be guaranteed with early and effective evacuation.

Signed: John Pickett, RPF #2967

Green Valley Farm



USGS 7.5 Min. Pilot Hill Quad
Township 11N, Range 8E, Section 1
Approximate Location:
-121.036214 38.837839
NAD 1983 State Plane CA Zone II (US Feet)
Approximate Acreage: ±178.1 Acres

T:\PROJECTS\E\ElDoradoCounty_02504\CED-06.02 Green Valley Farms\Map\CED0602_SnV_20210506.mxd 5/7/2021

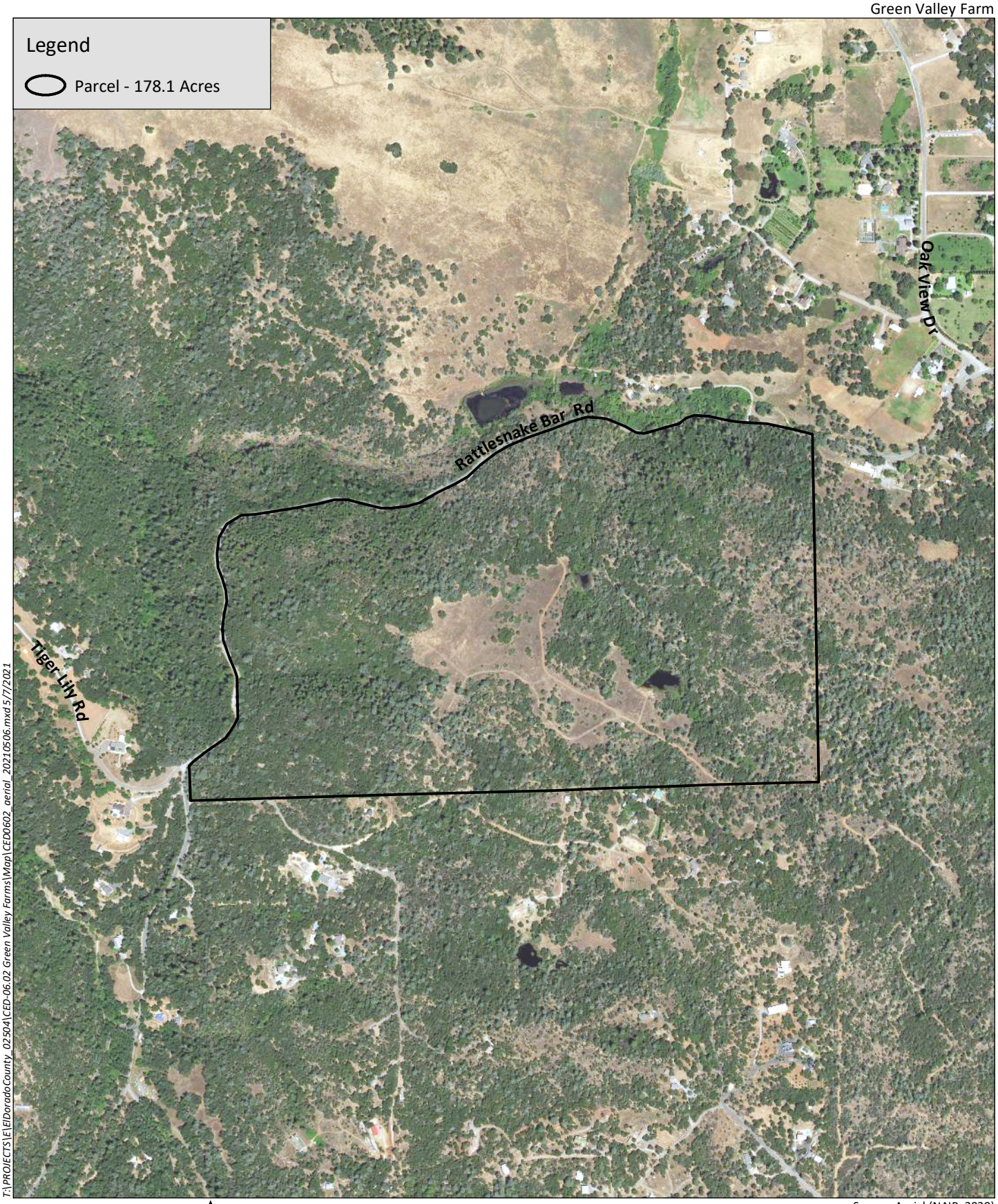
0 1.5 Miles

Source: Base Map Layers (Esri, USGS, NGA, NASA)

HELIX Environmental Planning

Vicinity Map

Figure 1



T:\PROJECTS\E\ElDoradoCounty_02504\CED-06.02 Green Valley Farms\Map\CED0602_aerial_20210506.mxd 5/7/2021

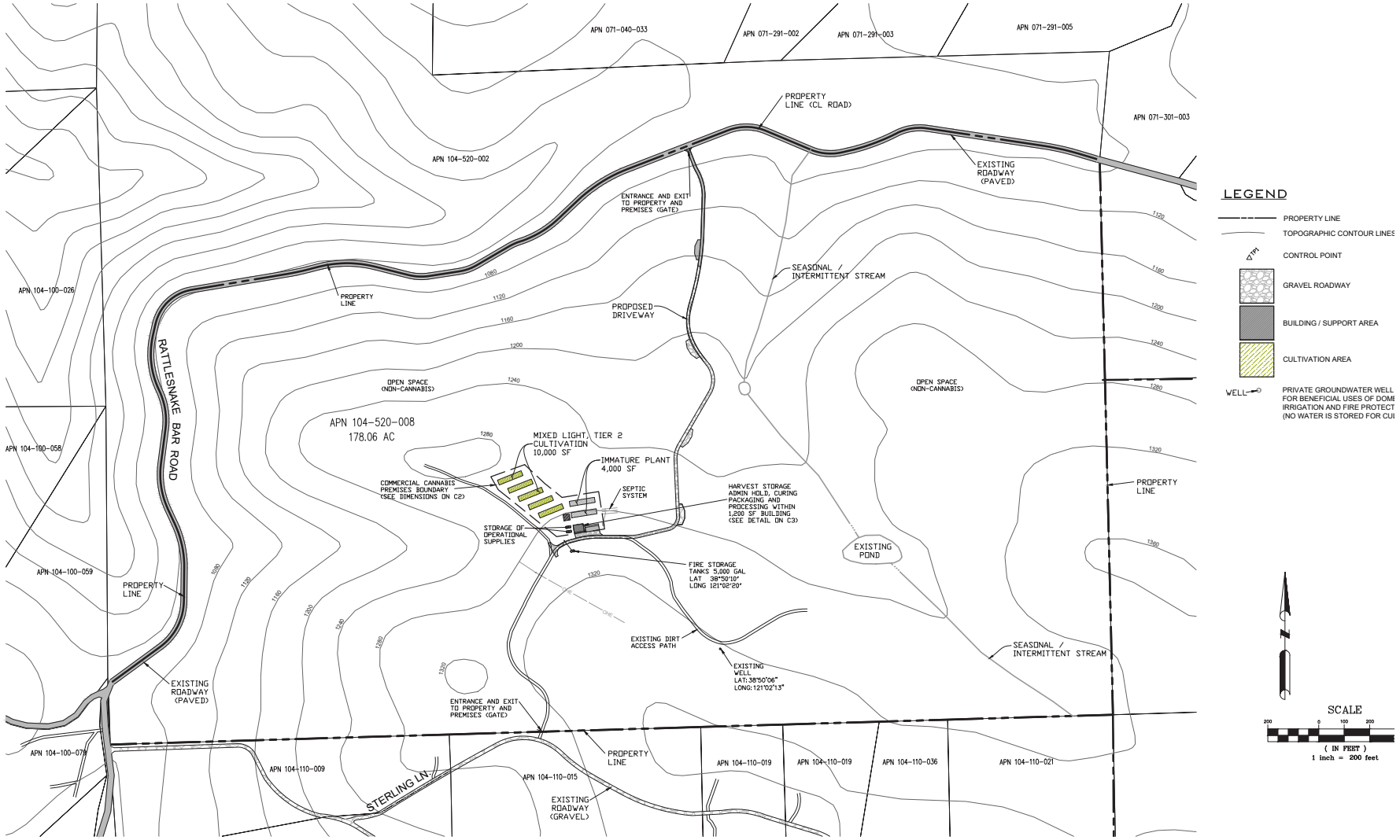
0 750 Feet

Source: Aerial (NAIP, 2020)

HELIX Environmental Planning

Aerial Map

Figure 2



T:\PROJECTS\E\ElDoradoCounty_02504\CED-06.02 Green Valley Farms\Map\Fig3_SitePlan.indd ABC-01 04/17/17

HELIX Environmental Planning

Site Plan

Figure 3