PLANNING AND BUILDING DEPARTMENT

PLANNING DIVISION

https://www.edcgov.us/Government/Planning

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South Lake Tahoe, CA 96150
(530) 573-3330
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NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the County of El Dorado, as lead agency, has prepared a Mitigated Negative Declaration (MND) for the below referenced Project. The Draft MND analyzes the potential environmental effects associated with the proposed Project in accordance with the California Environmental Quality Act (CEQA). This Notice of Intent (NOI) is to provide responsible agencies and other interested parties with notice of the availability of the Draft MND and solicit comments and concerns regarding the environmental issues associated with the proposed Project.

LEAD AGENCY: County of El Dorado, 2850 Fairlane Court, Placerville, CA 95667

CONTACT: County Planner: Evan Mattes, 530-621-5994

PROJECT: CCUP20-0005/Arabian

PROJECT LOCATION: The property, identified by Assessor's Parcel Number(s) 041-910-008, consisting of 20.2 acres, is located on the south side of Hawkeye Road, approximately .5 mile south of the intersection with Happy Valley Road, in the Somerset area, Supervisorial District 2.

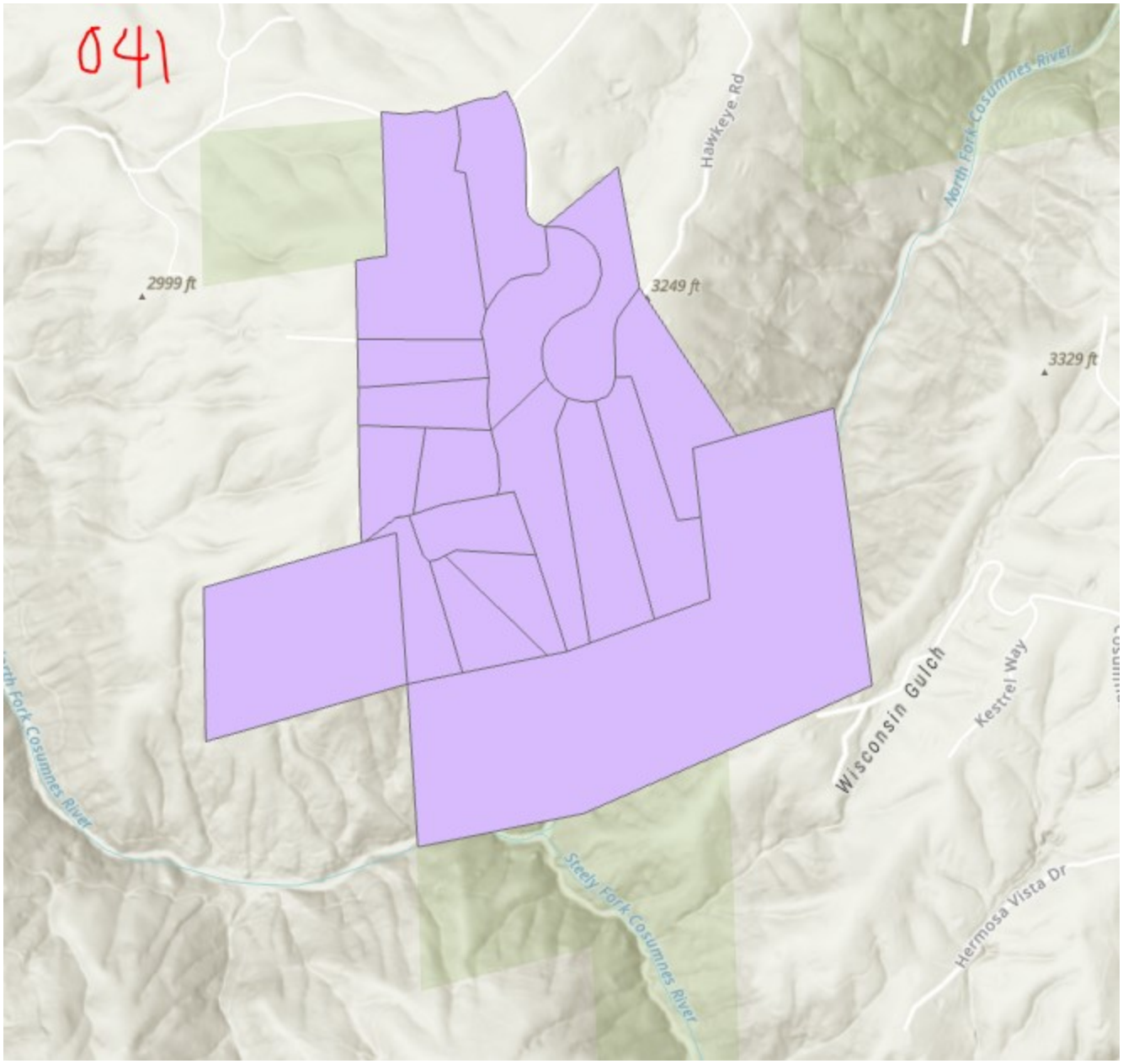
PROJECT DESCRIPTION: Commercial Cannabis Use Permit (CCUP) for the construction and operation of a cannabis cultivation facility on a 20-acre parcel. The project would consist of approximately 9,639 square feet (sf) of outdoor cannabis cultivation area for plant growth, harvest, and transport. The cannabis cultivation area would include 11 hoop houses with shade cloth covers for plant production. Additional support structures include one fenced 400-sf compost area and two existing 320-sf shipping containers that would be used for petroleum and agricultural product use storage. Processing of the product would be done off site. The applicant would access power from a connection with existing Pacific Gas & Electric (PG&E) infrastructure.

PUBLIC REVIEW PERIOD: The public review period for the Draft MND set forth in CEQA for this project is **30** days, beginning **March 18, 2023**, and ending **April 16, 2023**. Any written comments must be received within the public review period. Copies of the Draft MND for this project may be reviewed and/or obtained in the County of El Dorado Planning and Building Department, 2850 Fairlane Court, Placerville, CA 95667, during normal business hours or online at https://www.edcgov.us/Government/planning/Cannabis/Pages/Cannabis-Current-Projects.aspx.

Please direct your comments to: County of El Dorado, Planning and Building Department, County Planner: Evan Mattes, 2850 Fairlane Court, Placerville, CA 95667 or EMAIL: planning@edcgov.us

PUBLIC HEARING: A public hearing before the Planning Commission has not been scheduled. Once that date has been determined, a public notice will be issued.

COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
KAREN L. GARNER, Director
March 17, 2023



Arabian Notification Map 03-17-23 NOI (1000 feet)

DRAFT MITIGATED NEGATIVE DECLARATION

FILE: CCUP20-0005

PROJECT NAME: Arabian

NAME OF APPLICANT: Robert Arabian

ASSESSOR'S PARCEL NO.: 041-910-008-000 **SECTION:** 7 **T:** 9N **R:** 13E

LOCATION: The property, identified by Assessor's Parcel Number(s) 041-910-008-000, consisting of approximately 20.2 acres, is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, in the Somerset area.

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

☐ **REZONING: FROM: TO:**

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

☒ **SPECIAL USE PERMIT TO ALLOW:** Commercial Cannabis Use Permit (CCUP) for the construction and operation of a cannabis cultivation facility on a 20-acre parcel. The project would consist of approximately 9,639 square feet (sf) of outdoor cannabis cultivation area for plant growth, harvest, and transport. The cannabis cultivation area would include 11 hoop houses with shade cloth covers for plant production. Additional support structures include one fenced 400-sf compost area and two existing 320-sf shipping containers that would be used for petroleum and agricultural product use storage.

☐ **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

Arabian Cannabis Cultivation Project

Public Review Draft

Initial Study/Mitigated Negative Declaration

Prepared for:

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

Prepared by:

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

February 2022

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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AEU	Amador El Dorado Unit
ADT	average daily trips
AFY	acre-feet per year
amsl	above mean sea level
APCD	Air Pollution Control District
ATV	all-terrain vehicles
AST	above-ground storage tank
Bcf/year	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
CalARP	California Accidental Release Prevention
Cal/OSHA	California Division of Occupational Safety and Health
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards Code
CalRecycle	California Department of Resources, Recycling and Recovery
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Code
CCUP	Commercial Cannabis Use Permit
CCR	California Code of Regulations
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
cf	cubic feet
CFR	Code of Federal Regulations
CH_4	methane
CHP	California Highway Patrol
CHRIS	California Historical Resources Information System
CIWMB	California Integrated Waste Management Board
CNPS	California Native Plant Society
CNDDB	California Natural Diversity Database
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalents
County	El Dorado County
CPUC	California Public Utilities Commission
CUP	Conditional Use Permit
CRHP	California Register of Historic Places
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agencies
CWA	Clean Water Act

ACRONYMS AND ABBREVIATIONS (cont.)

dB	decibels
dBa	decibels with A weighing
dbh	diameter at breast height
DCC	Department of Cannabis Control
DPM	diesel particulate matter
DT	Detection Threshold
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
EPS	Environmental Permitting Specialist
ESA	Endangered Species Act
°F	degree Fahrenheit
FAA	Federal Aviation Administration
FDCP	Fugitive Dust Control Plan
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
FPA	Forest Practices Act
Ft	Feet
FPR	Forest Practice Rules
GHG	greenhouse gas
GWP	Global Warming Potential
GWh	gigawatt hours
H2S	hydrogen sulfide
HAPs	Hazardous Air Pollutants
HFCs	Hydrofluorocarbons
HMBP	Hazardous Materials Business Plan
HR-6	House of Representatives Bill 6
IPCC	Intergovernmental Panel on Climate Change
IBC	Important Biological Corridor
In/sec	inches per second
IS/MND	Initial Study and Mitigated Negative Declaration
kWh	kilowatt hours
LDR	Low Density Residential
LCFS	Low Carbon Fuel Standard
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
MCAB	Mountain Counties Air Basin
mPa	micro-Pascals
MR	Mineral Resource
MS4	Municipal Separate Storm Sewer Systems
MT	metric tons
MRZ	Mineral Resource Zone

ACRONYMS AND ABBREVIATIONS (cont.)

NAAQS	National Ambient Air Quality Standards
NEHRP	National Earthquake Hazards Reduction Program
N_2O	nitrous oxide
NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NFIP	National Flood Insurance Program
NF_3	nitrogen triflouride
NHT	National Historic Trails
NHTSA	National Highway Traffic Safety Administration
NIC	Natural Investigations Company
NIST	National Institute of Standards and Technology
NMFS	National Marine Fisheries Service
NO_2	nitrogen dioxide
NOA	naturally occurring asbestos
NPPA	Native Plant Protection Act
NPDES	National Pollutant Discharge Elimination Program
NR	Natural Resources
NRCS	Natural Resources Conservation Service
NRT	National Recreation Trails
NRHP	National Register of Historic Places
NSAQMD	Northern Sierra Air Quality Management District
NST	National Scenic Trails
NTS	The National Trails System
NSF	National Science Foundation
O_3	ground-level ozone
OEHHA	Office of Environmental Health Hazard Assessment
ORMP	Oak Resources Management Plan
Ozone Attainment Plan	Ozone Attainment Plan and Reasonable Further Progress Plan
OSHA	Occupational Safety and Health Administration
PFCS	perfluorocarbons
PG&E	Pacific Gas and Electric
$PM_{2.5}$	Particulate Matter 2.5
PM_{10}	Particulate Matter 10
PPV	peak particle velocity
PRC	Public Resources Code
QSD	Qualified SWPPP Developer
RCRA	Resource Conservation and Recovery Act
RF	radio frequency
RL-20	Range Land 20 acres
RMP	risk management plan
RMS	root means square
RPF	Registered Professional Forester
RR	Rural Residential
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
sf	square feet
SF6	sulfur hexafluoride
SHMA	Seismic Hazards Mapping Act
SMAQMD	Sacramento Metropolitan Air Quality Manage District

ACRONYMS AND ABBREVIATIONS (cont.)

SMARA	Surface Mining and Reclamation Act of 1975
SMP	Site Management Plan
SO_2	sulfur dioxide
SPCC	Spill Prevention, Control, and Countermeasure
SPL	sound pressure level
SRA	State Responsibility Area
SUV	sport utility vehicles
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TCR	Tribal Cultural Resources
THP	Timber Harvest Plan
TPZ	Timber Production Zone
UAIC	United Auburn Indian Community
UBC	Uniform Building Code
USACE	U.S. Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USFS	United States Forest Service
USGS	United States Geological Survey
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Travelled

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

INITIAL STUDY
ENVIRONMENTAL CHECKLIST

Project Title: Commercial Cannabis Use Permit CCUP20-0005/Arabian Cannabis Cultivation Project

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

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

Applicant's Name and Address: Robert Arabian; PO Box 191573, San Francisco, CA, 94119

Project Agent's Name and Address: Same as applicant

Project Engineer's Name and Address: N/A

Project Location: The project site is located in south-central El Dorado County at 5445 Hawkeye Road, Somerset, CA, 95684. The project site is located east of the community of Somerset, and it is generally situated south of Hawkeye Road and south of the intersection with Happy Valley Road. See Figure 1 for the Vicinity Map and Figure 2 for an Aerial Map of the project site.

Assessor's Parcel Numbers (APNs): 041-910-008-100 **Acres:** 20.18 acres

Sections: USGS Sly Park 7.5-minute Quadrangle, Section 7 of Township: 9N, Range: 13E

General Plan Designation: Rural Residential-Platted Lands (RR-PL)

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 a 20-acre parcel. The project would consist of approximately 9,639 square feet (sf) of outdoor cannabis cultivation area for plant growth, harvest, and transport. The cannabis cultivation area would include 11 hoop houses with shade cloth covers for plant production. Additional support structures include one fenced 400-sf compost area and two existing 320-sf shipping containers that would be used for petroleum and agricultural product use storage. Processing of the product would be done off site. The applicant would access 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-PL)	Wooded to sparsely wooded land, driveway, other associated minor infrastructure
North	RL-20	RR-PL	Hawkeye Road, rural residential properties (single family residence), wooded to sparsely wooded land
South	Forest Resource (FR-160)	Natural Resources (NR)	Undeveloped, wooded to densely wooded land
East	RL-20	RR-PL	Undeveloped, wooded to sparsely wooded land
West	RL-10	RR-PL	Stephanie Lane and Guardian Court, rural residential properties (single family residence), wooded to sparsely wooded land

Environmental Setting: The project property is located in a mountainous region, with land that generally slopes downward from north to south. The project would include two cannabis cultivation areas within the cannabis cultivation premises. The northern cannabis cultivation area is terraced and gently slopes from east to west while the southern cannabis cultivation area is relatively flat. Vegetation in the area proposed for cultivation is ruderal/disturbed land with non-native grassland. The site has a small stream running north to south on the

western and southern edges of the property, approximately 335 feet (ft) west of the proposed cultivation area. Site elevations are generally highest in the north and lowest in the south, ranging from approximately 3,200 ft above mean sea level (amsl) in the north to approximately 2,300 ft amsl in the south. Drainage within the site generally flows north to southwest, eventually flowing into the North Fork Cosumnes River, south of the property. The proposed project site is bordered to the north by Hawkeye Road, rural residential properties (single family residence), and wooded to sparsely wooded land; to the east by undeveloped, sparsely wooded land; to the south by undeveloped, densely wooded land; and to the west by Stephanie Lane and Guardian Court, rural residential properties (single family residence), and sparsely wooded land. The project site contains two terrestrial vegetation communities: Ruderal/Disturbed and Mixed Oak-Conifer Forest. 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 – Building permits, Commercial Cannabis Operating Permit
2. Pioneer Fire Protection District – Building plan review
3. Department of Cannabis Control (DCC) – Cultivation License
4. State Water Resources Control Board (SWRCB) – Notice of Applicability under the Cannabis General Order
5. California Department of Fish and Wildlife (CDFW) – General Permit, Lake or Streambed Alteration Agreement

1.0 INTRODUCTION

This document is an Initial Study and Mitigated Negative Declaration (IS/MND) that has been prepared in accordance with the California Environmental Quality Act (CEQA) for the proposed Arabian Cannabis Cultivation 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, and it incorporates all of the elements of the accompanying Initial Study.

2.0 PROJECT LOCATION AND SURROUNDING LAND USES

The proposed project would be located on an approximately 20-acre property in south-central El Dorado County at 5445 Hawkeye Road, Somerset, California (38°38'55.9"N 120°34'59.2"W). The property consists of one parcel: APN 041-910-008-100 (20.18 acres), and construction and operation of the cannabis cultivation premises would occupy approximately one acre of the project property which is hereafter referred to as the "project site". The proposed project would consist of a cannabis cultivation facility that would be situated on gently sloping land and would be located in the northern portion of the property. The project site is accessible via an existing gravel driveway located in the northern portion of the property, south of Hawkeye Road. 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 project property is bordered to the north by Hawkeye Road, rural residential properties (single family residence), and sparsely wooded land; to the east, undeveloped, sparsely wooded land; to the south, undeveloped, densely wooded land; and to the west by Stephanie Lane and Guardian Court, rural residential properties (single family residence) and sparsely wooded land. The project property consists of mountainous terrain with elevations ranging from approximately 3,200 ft amsl in the northern area of the property to approximately 2,300 ft amsl in the southern area of the property. The project would include two cannabis cultivation areas within the cannabis cultivation premises. The northern cannabis cultivation area is terraced and gently slopes from east to west while the southern cannabis cultivation area is relatively flat. Drainage within the site generally flows north to southwest, eventually flowing into the North Fork Cosumnes River, south of the project site. A small stream runs north to south on the western and southern edges of the property, approximately 335 ft west of the project site; however, no permanent watercourses exist in the immediate vicinity of the cultivation area. Two existing buildings are located east of the cannabis cultivation premises but would not be used as part of the proposed project.

3.0 PROJECT DESCRIPTION

Robert Arabian is applying for a Commercial Cannabis Use Permit (CCUP20-0005) for the construction and operation of a commercial cannabis cultivation facility. The proposed project would include the construction and operation of an outdoor cannabis cultivation facility (also referred to as the cannabis cultivation premises or premises) that would include 9,639 sf of flowering outdoor cannabis canopy in a fenced, designated cannabis cultivation area, a water well and tank for irrigation and storage, storage structures, parking spaces, portable toilet and handwashing station, and compost area. See Figure 3 for the site plan.

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

Cannabis Cultivation Areas

The proposed project would include the cultivation of a total of 9,639 sf of flowering outdoor cannabis canopy within 11 hoop houses equipped with shade cloth covers but no supplemental lighting. The proposed hoop houses would be separated into the following two cultivation areas:

- Cultivation area #1 would contain four hoop houses with a combined total of 3,725 sf of flowering canopy, located in the northern portion of the fenced cultivation area, and

- Cultivation area #2 would contain seven hoop houses with a combined total of 5,914 sf of flowering canopy, located in the southern portion of the fenced cultivation area.

Cannabis would be grown within a series of raised beds in rows and would use drip irrigation. The hoop houses would be roughly 7.5 ft tall, and the beds would be 3 ft tall on either side. Cultivation soil beds would be tilled seasonally. The cannabis would be sun grown from seed to maturity on the premises and harvested on-site. The mature plants would be transported to an off-site, third-party licensed manufacturing facility for trimming, packaging, and processing.

In Years 2-5 of project operation, the applicant may convert the existing containers on-site near the parking spaces for drying cannabis biomass and add supplemental lighting to the hoop houses which is also evaluated in this Initial Study.

Support Structures and Infrastructure

A fenced 400-sf compost area would be located just west of the cannabis cultivation area. The fence would be 6 ft high, and the compost pile would be covered with plastic and not piled higher than 5 ft. Cannabis waste would be chipped, shredded, and mulched on-site before being added to the compost pile. Additionally, two existing 40-ft x 8-ft (320-sf each) shipping containers are located north of the proposed cannabis cultivation area and would be used for petroleum and agricultural product storage. Flammable storage would be kept in a designated area within the existing shipping containers. A seasonal portable toilet and hand-washing station would be located just south of the two existing shipping containers and three parking spaces.

Water would be obtained from an existing private well that was constructed on-site on September 10, 2004 by a previous owner. The well is 800 ft deep and can provide an initial flow rate of 10 gallons per minute. Static water level was 50 ft at the time the well was drilled. This well would provide the main water supply for the 9,639 sf of flowering outdoor cannabis canopy and miscellaneous support and sanitary needs. The proposed project is estimated to demand approximately 153,000 gallons of water annually. A 3,000-gallon water tank would be installed just northeast of the cannabis cultivation area for fire suppression. A pond is located off-site, approximately 1,000 ft south of the proposed premises for additional emergency fire protection services, if needed.

The project applicant would purchase all power needed to support the proposed project from PG&E. Lighting for security purposes would be powered by PG&E, and a PG&E Meter with 200 amps on the main panel is on-site and located near the entrance of the site. A generator may be used as a secondary or back-up power source.

Employees, Daily Trips, and Hours of Operation

The project owner/applicant and family members would manage day to day operations of the proposed project and would be the sole full-time employees. The project applicant/owner would hire up to 6 seasonal employees during harvest, as needed. It is anticipated that no more than one employee would be on-site under most circumstances and up to 7 employees would be on-site under peak conditions. The project is expected to generate a total of up to 7 commuter round trips per day under peak conditions, and 2-3 truck delivery round trips per season for site materials. There would be an estimated 4 deliveries per year during harvest season (late September to early November) by licensed third party cannabis logistics company to bring cannabis biomass from the premises to a licensed manufacturing facility. It is not anticipated that the 2-3 truck delivery trips and 4 deliveries during harvest season would overlap on the same day. Therefore, the project is conservatively expected to generate up to 8 daily round trips under busiest assumptions but would generate far fewer trips on most days. The hours of operation for the project would be 6:00 a.m. to 10:00 p.m.

Security Plan

Perimeter security for the cannabis cultivation areas would be provided by a 7-foot-high fence (6 ft of wire mesh and 1 foot of barbed wire) with a locked gate and solar powered motion sensor light and camera just east of the cannabis cultivation area. The frontage of the project property is secured with a five-foot-high wire field fence and an entry and exit gate with lock. A solar powered motion sensor light would be installed at the entrance of the property, east of the gravel driveway. The applicant and family members would be the only full-time employees and would be the only personnel authorized to access the property. Any potential temporary employees, government personnel with business on-site presenting valid identification, and any other visitors would be escorted through the limited access areas of the site by the project applicant. In the case of an armed robbery, the applicant would cooperate to the extent necessary to maintain safety while deescalating the situation and would report the incident to authorities as soon as it is safe to do so.

Site Access/Parking

The site can be accessed from the north via a 12-ft wide gravel driveway that leads south from Hawkeye Road to a parking area north of the cannabis cultivation area, and the applicant would use a small tractor with a box scraper to maintain areas with gravel. The cannabis cultivation area would be a short walk to the southwest from the driveway and would be accessed by foot or small off-road vehicles such as all-terrain vehicles (ATVs). A gravel, cul-de-sac turnaround is located at the end of the driveway to facilitate turnarounds as needed, including for emergency vehicles.

Three (10 ft x 22 ft) parking spaces would be constructed northeast of the cannabis cultivation area. The parking area would be located halfway between the property entrance and end of the driveway and would be located in between and adjacent to the two existing shipping containers. Two parking spaces would be located north of the existing shipping containers, and one would be located in between the two existing shipping containers.

Hazardous Materials and Cannabis Waste

All cannabis waste would be stored and disposed of in accordance with applicable County and State regulations. Any organic materials would be chipped, shredded, or otherwise broken down so that it could not be used for any purpose except compost. Cannabis waste would be composted in the on-site designated, secured compost area. The 400 ft compost area, west of the cultivation area, would be enclosed with a 6-foot-high fence, locked gate, and waddles and would be covered with plastic. Recyclables and trash would be self-removed. The applicant may self-haul cannabis waste to one or more of the following:

- A staffed, fully permitted solid-waste or transformation facility
- A staffed, fully permitted composting facility or staffed composting operation
- A staffed, fully permitted in-vessel digestion facility of staffed in-vessel digestion operation
- A staffed, fully permitted transfer/processing facility or staffed transfer/processing operation
- A staffed, fully permitted chip-and-grind operation

Hazardous materials proposed for on-site use would include organic pesticides and soil amendments, which would be handled and used in accordance with California Department of Food and Agriculture. Soil amendments would be mixed as part of the cannabis operation. Petroleum products, such as gasoline, diesel fuel, and engine oil used on-site would be stored in the two existing shipping containers located north of the cannabis cultivation area. Flammable storage materials would be kept in a designated area within the existing shipping containers.

Pest Management Plan

The applicant provided a Pest Management Plan that would be implemented for the proposed project and is included as Appendix A of this Initial Study. The applicant would use cultural, biological, and chemical pest management control methods. For cultural pest management control methods, seeds would begin with healthy pest free stock, and soft sedimentary rock would be used in early season and throughout the growing season to remove unwanted material. Predator nematodes would also be applied periodically to the soil, starting in the preseason, to kill any larva and adult pests that live in the soil. Predatory mites would be used on mother plants as well as their offspring to knock back any pests in the environment. For biological pest management control methods, the applicant would use other integrated pest management (IPM) practices such as biological sprays like regalia, grandevo, and venerate. Lastly, for chemical pest management control methods, the applicant would use green clean, cease, and plant therapy to help combat powdery mildew and other fungus. A list of chemicals to be applied at any stage of plant growth is included in Table 1 below.

TABLE 1.
On-Site Chemical Use

Product Name	Active Ingredient(s)
Green Clean	Sodium Lauryl Sulfate along with citric acid
Plant Therapy	Soybean Oil & Peppermint Essential oil
Venerate	Heat-killed Burkholderia
Grandevo	Achromocil (Chromobacterium substugae)
Regalia	Reynoutria sachalinesis
Cease	QST 713 strain of Bacillus subtilis

Construction Schedule and Equipment

Project construction would occur immediately upon project approval and acquisition of the required permits from the County and would take approximately 3 months to complete. As part of the project, a 7 ft wire fence would be constructed around the cannabis cultivation area, and 17 raised planter beds would be constructed within the two cultivation areas in the cannabis cultivation premises. Three gravel parking spaces would be constructed in between and adjacent to the two existing shipping containers located in the northern portion of the project property. No new grading would be necessary as all proposed cultivation areas would be developed in previously-disturbed areas on flat and/or terraced areas on the property. The owner/applicant would till the planting areas and maintain the gravel driveway and parking spaces as necessary using a small tractor with a box scraper. Total ground disturbance from implementation of the proposed project would not exceed 9,700 sf (0.22 acre).

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:

Evan Mattes, Senior Planner
2850 Fairlane Court
Placerville, CA 95667
Evan.Mattes@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** – Building permits, Commercial Cannabis Operating Permit;
- **Pioneer Fire Protection District** – Building plan review;
- **Department of Cannabis Control** – CalCannabis Cultivation License; and
- **State Water Resources Control Board** – Notice of Applicability under the Cannabis General Order.
- **California Department of Fish and Wildlife (CDFW)** – General Permit, Lake or Streambed Alteration Agreement

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: 1-27-23

Printed Name: Evan Mattes, Senior Planner For: El Dorado County

Signature: _____ Date: 1/27/23

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 mid-elevations of the northern Sierra Nevada, in an area of ponderosa pine/mixed oak-conifer forests and areas of rural land. The cannabis cultivation premises consists of mainly ruderal/developed land with non-native grassland. The project would include two cannabis cultivation areas within the cannabis cultivation premises, and the northern cannabis cultivation area is terraced and gently slopes from east to west while the southern cannabis cultivation area is relatively flat. The site has a small stream running north to south on the western and southern edge of the property, approximately 335 ft west of the project site. Site elevations are generally highest in the north and lowest in the south, and elevations range from approximately 3,200 ft amsl in the northern area of the property to approximately 2,300 ft amsl in the southern area of the property.

The project property is bordered to the north by Hawkeye Road, rural residential properties (single family residence), and sparsely wooded land; to the east, undeveloped, sparsely wooded land; to the south, undeveloped, densely wooded land; and to the west by Stephanie Lane and Guardian Court, rural residential properties (single family residence) and sparsely wooded land. The setting is very rural and is not visible from any public vantage points.

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 2021). 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 designated US Route 50, approximately seven miles north of the project site (Caltrans 2021). The project site is not visible from any point on US Route 50.

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

§ 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 identification of uses allowed by right or requiring a special-use permit and specific development standards that apply in particular districts based on parcel size and land use density. These development standards often involve limits on the allowable size of structures, required setbacks, and design guidelines. Included are requirements for setbacks and allowable exceptions, the location of public utility distribution and transmission lines, architectural supervision of structures facing a state highway, height limitations on structures and fences, outdoor lighting, and wireless communication facilities. See below for Section 130.14.170, Outdoor Lighting, of the County Code:

> "All outdoor lighting, including residential outdoor lighting, shall be hooded or screened as to direct the source of light downward and focus onto the property from which it originates and shall not negatively impact adjacent properties or directly reflect upon any adjacent residential property."

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 in all directions, and no designated scenic vistas exist in the vicinity of the project site. Additionally, the project site would not be visible from any public road or other public viewpoint as views of the cannabis cultivation premises from any public vantage point would be obscured by vegetation and topography of the site. 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. Impacts would be **less than significant**.

b. **Scenic Resources:** US-50 is classified as an officially designated scenic highway in El Dorado County from Placerville to South Lake Tahoe (Caltrans 2021) and is located approximately 7 miles north of the project site. Therefore, the proposed project would not be visible from any designated or eligible scenic highway, and the 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 project would include eleven (11), 7.5-ft tall hoop houses enclosed by a 7-foot-high fence, 400 ft compost area enclosed by a 6-foot-high fence, two existing 320 sf shipping containers that would be converted to petroleum and agricultural storage, one water tank, a water well, three parking spaces, and a portable toilet and hand-washing station. There would also be a five-foot-high fence installed at the frontage of the property. The proposed development may result in a change to the visual character of the site by developing areas of ruderal/disturbed land with non-native grassland, and mixed oak-conifer forest. However, the project site is surrounded by other 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 a new cannabis cultivation facility. Potential sources of light and glare include external new security lighting. Solar powered security lighting and cameras would be concentrated on select portions of the site, including the entrances of the property and cannabis cultivation area, and would be motion activated. The security lighting would be fully shielded and downward facing and would activate only when motion sensors detect movement as a means to deter and observe any potential intruders. The hours of operation for the proposed project would be from 6:00 a.m. – 10:00 p.m., so the potential for any nighttime light or glare related to project operations would be minimized. The operation would not involve the use of any supplemental lighting for mature plants. In Years 2-5 of project operation, the applicant may convert the existing shipping containers on-site for drying cannabis biomass and would add supplemental lighting to the hoop houses. The introduction of new sources of light and glare from security purposes 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 (NIC 2020). Major crops include fruits, and there are over 80 active vineyards in the County (NIC 2020). 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:

- Acidic rock land (AaF): covers 18.8 percent of the parcel;
- Holland very rocky coarse sandy loam, 15 to 50 percent slopes (HkE): covers 16.5 percent of the parcel;
- Hotaw very rocky coarse sandy loam, 15 to 50 percent slopes (HtE): covers 64.7 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 two terrestrial vegetation communities: Ruderal/Disturbed and Mixed Oak-Conifer Forest. Some of grassy understory of the open to dense forest habitat may be suitable for grazing. The property has not been recently used for agriculture except for grazing. The area of the property proposed for development contains mostly ruderal/disturbed land and non-native grassland. Between November 2019 and September 2020, two non-commercial trees were removed near the southern cannabis cultivation area due to bark beetle disease.

Timber harvesting has historically been a major component of El Dorado County's economy (NIC 2020), and commercial timber harvesting remains locally important in portions of the County. The site does not have a known recent history of commercial timber harvesting. The property is designated for Rural Residential (RR) in the County's General Plan, and it is within the Rural Land, 20-acre Minimum (RL-20) zone district.

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.

The project site is classified as Grazing Land (CDC 2021a).

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 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, or Farmland of Statewide Importance, as defined by the FMMP (CDC 2021a). The site is designated as Grazing Land, but the project would involve the cultivation of cannabis, which is consistent with agricultural use of the site. The project would not involve the construction of large buildings or other pieces of infrastructure that would render the site unusable for agriculture in the future. 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 any impacts would be **less than significant**.

b. **Agricultural Uses:** The 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. 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 site contains two terrestrial vegetation communities: Ruderal/Disturbed and Mixed Oak-Conifer Forest. The site is not zoned or designated as Timber Production Zone (TPZ) or another forest land use. The two cultivation areas within the cannabis cultivation premises would be developed on ruderal/disturbed land with non-native grassland. Areas that are not identified as ruderal/disturbed within the cannabis cultivation premises are classified as mixed oak-conifer forest. No commercial tree species have been removed for development of the site or are proposed for removal (14 CCR § 895.1). Several non-commercial pine trees were removed for safety purposes outside of the cannabis premises due to beetle damage. Two oak trees may be trimmed but would not be removed. Potential impacts to non-commercial 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 there would be **no impact** for questions c) and d).

e. **Conversion of Prime Farmland or Forest Land:** The proposed project would develop up to 9,700 sf of ruderal/disturbed land into a cannabis cultivation facility on an approximately 20-acre property, leaving over 19 acres of the property as undisturbed. 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 (only western El Dorado County is nonattainment for federal $PM_{2.5}$ 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:

> § 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.
>
> § 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.
>
> § 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 NO_x from a project equal to or less than the emissions anticipated for the site if developed under the existing land use designation;
2. The project does not exceed the "project alone" significance criterion;
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 include 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. Downed tree branches and brush would be burned in the offseason according to CAL FIRE and Pioneer Fire District rules and regulations.

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 would 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).

Construction would occur immediately upon project approval and acquisition of the required permits from the County and other public agencies and would take approximately 3 months to complete. The applicant would use a tractor and box scraper to till the cannabis cultivation areas during construction of the proposed project. As described in Section 3.0, above, the project would disturb up to 9,700 sf which would involve the tilling of the cultivation areas and construction of 11 proposed hoop houses. Conservatively assuming that the small tractor with box scraper to be used during project construction would burn 13.6 gallons per hour, the average daily diesel fuel use would be conservatively 136 gallons per day (assuming a 10-hour day) which is less than 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). However, the project would not require a grading permit as all construction would be located on previously-disturbed land, so the issuance of a Fugitive Dust Control Plan would not be required.

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 would exceed the threshold of significance for total emissions from project operation. Table 5.2 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 sf of manufacturing, and 260,000 square ft of general office space. As described in the Section 7.XVII, Transportation, the project is expected to generate a total of up to 7 commuter round trips per day during peak conditions, and 2-3 truck delivery trips per season for site materials. There would be an estimated 4 deliveries per year during harvest season (late September to early November) by licensed third party cannabis logistics company to bring cannabis biomass from the premises to a licensed manufacturing facility. It is not anticipated that the 2-3 truck delivery trips and 4 deliveries during harvest season would overlap on the same day. Therefore, the project is conservatively expected to generate up to 8 daily round trips under busiest assumptions but would generate far fewer trips on most days. For comparison, in transportation planning, the trip generation for typical single-family residences is 9 to 10 daily trips (2,070 to 2,300 daily trips for 230 residences). Therefore, the project trip generation of up to 8 daily round 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 receptor is a single-family rural residence located approximately 700 feet west from the cannabis cultivation premises. Although the project components are not setback a minimum of 800 ft on the northern, eastern, and western boundaries, the applicant is seeking a setback reduction waiver from the County to allow for a reduction in the setback requirement. 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 meaningfully 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 would 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 any non-permitted 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. Environmental Permitting Specialists (EPS) conducted a review of potential odors associated with the proposed project and prepared an Odor Report (see Appendix B). EPS used an air dispersion model to record 1 year (2019) of hourly wind and temperature data at Somerset and on-site measurements of odor intensity at other locations to conduct this analysis. The results of the analysis indicated the maximum odor intensity along the project property lines would range from 5.98 Detection Threshold (DT) along the eastern property lines to below 3 DT along the southern property line. The nearest residence is located 706 ft to the southwest and would have an odor intensity that is lower than the 3 DT at the southern property line. Since the odor intensity would be below 7 DT threshold, no odor mitigation is required.

The El Dorado County Cannabis Ordinance, Section 130.41.200 contains a minimum setback of 800 ft from the property line of the site or public right-of-way for allowing cultivation and processing activities. The project components would not be setback by at least 800 ft from the northern, eastern, and western property lines. However, the applicant is seeking a setback reduction waiver from the County. Although the project would not meet the EDC Section 130.41.200 setback requirements, the Odor Report provided as Appendix B to this Initial Study concluded that the nearest residence is located 706 ft to the southwest and would have an odor intensity below the 7 DT threshold, and odor impacts would be less than significant. 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 biological resource section is based on the project-specific Biological Resources Assessment (BRA) prepared by Natural Investigations Company (NIC), Inc (2020) to assess the project's potential impact to federal and State special-status plants and wildlife species and their habitats and is included as Appendix C of this Initial Study. The results of that report are summarized in this section.

Environmental Setting:

For the BRA, the project area was defined as the cultivation area plus the ancillary facilities, and this 2.5-acre area was the subject of the impact analysis. The entire 20-acre property was defined as the study area. The study area is defined to identify biological resources adjacent to the project area and is the area subject to potential indirect effects from project implementation.

The study area is located within the cis-montane Sierra Nevada mountains geographic subregion, which is contained within the Sierra Nevada geographic subdivision of the larger California Floristic Province (Baldwin et al. 2012). The study area and vicinity are in climate Zone 7 - California's Gray Pine Belt, defined by hot summers and mild but pronounced winter without severe winter cold or high humidity (Sunset 2020).

Natural hydrologic sources for the project area include precipitation and surface runoff from adjacent lands. The project site receives an average of 45.69 inches of precipitation per year (CNPS 2021). Most precipitation is concentrated in the winter and early spring months, with summers being almost completely dry.

Survey Methods

Consulting biologist Tim Nosal, MS, conducted a reconnaissance-level field survey on May 19, 2020. A variable-intensity pedestrian survey was performed and modified to account for differences in terrain, vegetation density, and visibility. All visible fauna and flora observed were recorded in a field notebook and identified to the lowest possible taxon. Survey efforts emphasized the search for any special-status species that had documented occurrences in the CNDDB within the vicinity of the study area and those species on the USFWS species list (Appendix 1 in Appendix C). See Appendix C for a more detailed discussion of survey methods and results; results are summarized below.

Vegetation Communities

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

- Ruderal/Disturbed: These areas consist of disturbed or converted natural habitat that is now either in ruderal state, graded, or urbanized with gravel roads. Vegetation within this habitat type consists primarily of nonnative weedy or invasive species lacking a consistent community structure. This habitat type provides limited resources for wildlife and is utilized primarily by species tolerant of human activities. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages.

- Mixed Oak-Conifer Forest: Most of the study area is underlain by soils derived from granite and are vegetated with an open-to-dense canopy of ponderosa pine (Pinus ponderosa) and canyon live oak (Quercus chrysolepis). Other trees found within the canopy include California Black Oak (*Quercus kelloggii*), incense cedar (*Calocedrus decurrens*), interior live oak (*Quercuswislizeni*), Douglas-fir (*Pseudotsuga menziesii*) and sugar pine (*Pinus lambertiana*). A diverse understory of shrubs is found within openings, including white-leaf manzanita (*Arctostaphylos viscida*), poison-oak (*Toxicodendron diversilobum*), deer brush (*Ceanothus integerrimus*), wedgeleaf ceanothus (*Ceanothus cuneatus*) and bear clover (*Chamaebatia foliolosa*). The herbaceous layer within this habitat is similarly diverse and includes many native species including blue wild rye (*Elymus glaucus*), woodland brome (*Bromus laevipes*), California melic grass (*Melica californica*), wooly sunflower (*Eriophyllum lanatum*), wavy leaved soap plant (*Chlorogalum pomeridianum*), lupines (Lupinus spp.) and purple clarkia (*Clarkia purpurea*). This vegetation can be classified as"87.010.00 Ponderosa Pine Forest" or "71.100.15 Quercus agrifolia – Quercus garryana – Quercus kelloggii:, depending upon the dominant tree type (CDFW 2019).

Wildlife Observations and Habitat Types

The following animals were detected within the study area during the field survey: black-tailed jackrabbit (*Lepus californicus*); Botta's pocket gopher (*Thomomys bottae*); Columbian black-tailed deer (*Odocoileus hemionus columbianus*); acorn woodpecker (*Melanerpes formicivorus*); American crow (*Corvus brachyrhynchos*); American robin (*Turdus migratorius*); Anna's hummingbird (*Calypte anna*); California quail (*Callipepla californica*); Nuttall's woodpecker (*Picoides nuttallii*); red breasted nuthatch (*Sitta canadensis*); Stellar's jay (*Cyanocitta stelleri*); turkey vulture (*Cathartes aura*); Western tanager (*Piranga ludoviciana*); and western wood pewee (*Contopus sordidulus*).

Wildlife habitat types were classified using CDFW's Wildlife Habitat Relationship System. The study area contains the following wildlife habitat types: Montane Hardwood-Conifer; Urban; and Barren.

Special-Status Species and Protected Habitats with Potential to Occur on the Project Site

According to the USFWS, CNDDB, and other literature available regarding the study area, the following special-status species, presented in Table 2, may occur or have documented historical occurrences in the vicinity of the study area.

TABLE 2.
Special-Status Species with Potential to Occur Near the Project Site

Common Name *Scientific Name*	Status[1]	General Habitat	Microhabitat
Animals			
California red-legged frog *Rana draytonii*	FT/--/CSSC/--	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation.	Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.
Foothill yellow-legged frog *Rana boylii*	--/CCT/CSSC/--	Partly-shaded, shallow streams & riffles with a rocky substrate in a variety of habitats.	Need at least some cobble-sized substrate for egg laying. Need at least 15 weeks to attain metamorphosis.
Sierra Nevada yellow-legged frog *Rana sierrae*	FE/CT/WL/--	Always encountered within a few feet of water. Tadpoles may require 2 - 4 years to complete their aquatic development.	-
Northern goshawk *Accipiter gentilis*	--/--/CSSC/--	Within, and in vicinity of, coniferous forest. Uses old nests, and maintains alternate sites.	Usually nests on north slopes, near water. Red fir, lodgepole pine, Jeffrey pine, and aspens are typical nest trees.
Great gray owl *Strix nebulosa*	--/CE/--/--	Resident of mixed conifer or red fir forest habitat, in or on edge of meadows.	Requires large diameter snags in a forest with high canopy closure, which provide a cool sub-canopy microclimate.
Bank swallow *Riparia*	--/CT/--/--	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert.	Requires vertical banks/cliffs with fine textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.
Fringed myotis *Myotis thysanodes*	--/--/CSSC/--	In a wide variety of habitats, optimal habitats are pinyon-juniper, valley foothill hardwood & hardwood-conifer.	Uses caves, mines, buildings or crevices for maternity colonies and roosts.
Long-legged myotis *Myotis volans*	--/--/CSSC/--	Most common in woodland & forest habitats above 4,000 ft. Trees are important day roosts; caves & mines are night roosts.	Nursery colonies usually under bark or in hollow trees, but occasionally in crevices or buildings.
Silver-haired bat	--/--/CSSC/--	Primarily a coastal &	Roosts in hollow trees, beneath

[1] Regulatory Status is FESA listing/CESA listing/Other state status/CNPS rare plant status. FT=Federally Threatened; CE=California State Listed as Endangered; CT=California State Listed as Threatened; CSSC=California Species of Special Concern; SSC=Species of Special Concern; 1B= CNPS designated rare or endangered plants in California and elsewhere

Common Name *Scientific Name*	Status[1]	General Habitat	Microhabitat
Lasionycteris noctivagans		montane forest dweller feeding over streams, ponds & open brushy areas.	exfoliating bark, abandoned woodpecker holes & rarely under rocks. Needs drinking water.
Hoary bat *Lasiurus cinereus*	--/--/CSSC/--	Prefers open habitats or habitat mosaics, with access to trees for cover & open areas or habitat edges for feeding.	Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.
Fisher - West Coast DPS *Pekania pennanti*	--/CT/CSSC/--	Intermediate to large tree stages of coniferous forests and deciduous-riparian areas with high percent canopy closure.	Uses cavities, snags, logs & rocky areas for cover & denning. Needs large areas of mature, dense forest.
Western pond turtle *Emys marmorata*	--/--/CSSC/--	A thoroughly aquatic turtle of ponds, marshes, rivers, streams & irrigation ditches, usually with aquatic vegetation.	Need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying
Grady's Cave amphipod *Stygobromus gradyi*	--/--/CSSC/--	Known only from central California.	Known only from springs and caves in the Mother Lode Karst Region.
South Forks ground beetle *Nebria darlingtoni*	--/--/CSSC/--	Restricted to canyon of the South Fork American River.	-
Gold rush hanging scorpionfly *Orobittacus obscurus*	--/--/CSSC/--	Known only from a small area on the western slopes of the Central Sierra Nevada.	Darkly shaded crannies with high humidity, i.e. under tree roots, in overhanging banks, below rock outcrops, along streams.
Cosumnes stripetail *Cosumnoperla hypocrena*	--/--/CSSC/--	Found in intermittent streams on western slope of central Sierra Nevada foothills in American & Cosumnes River basins.	-
Plants			
Nissenan manzanita *Arctostaphylos nissenana*	--/--/--/1B.2	Closed-cone coniferous forest, chaparral.	Usually on metamorphics, associated w/ other chaparral species. 450-1100 m.
Stebbins' phacelia *Phacelia stebbinsii*	--/--/--/1B.2	Lower montane coniferous forest, cismontane woodland, meadows and seeps, riparian woodland.	Among rocks and rubble on metamorphic rock benches. 605-2050 m.
Saw-toothed lewisia *Lewisia serrata*	--/--/--/1B.1	Broadleafed upland forest, lower montane coniferous forest, riparian forest.	Shaded, north-facing moss-covered, metamorphic rock cliffs. 900-1435 m.
Parry's horkelia *Horkelia parryi*	--/--/--/1B.2	Chaparral, cismontane woodland.	Openings in chaparral or woodland; especially known from the Ione formation in

Common Name *Scientific Name*	Status[1]	General Habitat	Microhabitat
			Amador County. 80-1070 m..
Pleasant Valley mariposa-lily *Calochortus clavatus avius*	--/--/--/1B.2	Lower montane coniferous forest.	Josephine silt loam and volcanically derived soil; often in rocky areas. 305-1700 m.
Red Hills soaproot *Chlorogalum grandiflorum*	--/--/--/1B.2	Cismontane woodland, chaparral, lower montane coniferous forest.	Occurs frequently on serpentine or gabbro, but also on non-ultramafic substrates; often on "historically disturbed" site

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 federal 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 or golden 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 the 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 would 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, Sections 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 have 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 2020). 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 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 § 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 CDFW, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the CDFW 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.

§ 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.

§ 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 CDFW;
>
> (b) Compliance with any conditions requested by the CDFW 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.

§ 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, provided 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/ CDFW);
- 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).

The project site is not located in an area subject to these additional provisions (El Dorado County 2003).

<u>El Dorado County</u>

El Dorado County Code and General Plan Policies pertaining to the protection of biological resources 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.

<u>El Dorado County Oak Resources Conservation Ordinance (No. 5061)</u>

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 (a native oak tree 36 inches diameter or more at breast heigh [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:** During the field survey, no special-status animal species were detected within the project area. State and federal databases did not report any special-status animal species in the study area. Project implementation would not directly impact any known special-status animal species; however, special-status animal species could move into the project area between the time the field survey was completed and the start of construction. This would be a potentially significant impact without mitigation. With implementation of mitigation measure BIO-1, the impacts would be reduced to a less than significant level.

Special-status amphibians and reptiles were reported to be present in the general vicinity of the study area. There is a moderate potential for special-status amphibians to occur in the intermittent channel 350 ft west of the project area. It is also possible for special-status species to move into project area. This would be a potentially significant impact without mitigation. With implementation of mitigation measure BIO-1, the impacts would be reduced to a less than significant level.

Special-status bird and bat species were reported in databases (CNDDB and USFWS) in the vicinity of the project area. The project area contains a few oak trees, and the project area is adjacent to forest resources, so there is a moderate potential for birds of prey and bat species to utilize trees in the study area. The project area, and adjacent trees and utility poles, contain suitable nesting habitat for various bird species, so there is a moderate potential for birds of prey and bat species to occur in the project area. However, no nests or roosts were observed during the field survey. If construction activities are conducted during the nesting season, then nesting birds could be directly impacted by tree removal and indirectly impacted by noise, vibration, and other construction-related disturbance, project construction is considered a potentially significant adverse impact to nesting birds. With implementation of mitigation measure BIO-2, the impacts would be reduced to a less than significant level.

The project area contains non-native grassland and ruderal/disturbed habitats. The habitats have a low potential for harboring special-status plant species for various reasons. Aggressive non-native grasses and forbs dominate the ground cover. The soils of the project area are not specialized, such as those soils that contain serpentine, ultramafic, or volcanic components. State and federal databases do not report any special-status plant species in the project area. The mixed oak/conifer forest habitats in the surrounding study area have greater potential to harbor specials-status plant species, but these habitats would not be impacted by the proposed project. Therefore, project implementation would not directly impact any known special-status plant population.

Mitigation Measure BIO-1

To prevent special-status amphibians and other wildlife from entering work areas, barriers shall be erected by the applicant before ground disturbance occurs. Specifically, wildlife exclusion fencing shall be erected around work areas, especially those facing the intermittent channel; this typically consists of 3-foot-tall fencing made from erosion control fabric attached to wire mesh on posts, with the bottom keyed into the ground and the top bent away from work areas. Wildlife exclusion fencing shall also be incorporated into the perimeter fences of the cultivation compounds.

If any special-status species are detected, construction shall be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) shall be consulted and project impacts and mitigation reassessed as necessary.

Mitigation Measure BIO-2

A pre-construction survey for special-status species shall be performed by a qualified biologist to ensure that special-status species are not present in the project area. The focal species of the pre-

construction survey are any roosting bats, California red-legged frog, foothill yellow-legged frog, and fisher.

If construction activities would occur during the nesting season (February 15th through August 31st), a pre-construction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist. Nesting bird surveys shall be tailored so that they capture the appropriate survey buffer for spotted owl and other special-status raptors to be present in the area. Pre-construction bat surveys could be performed at the same time. If active nests are identified in these areas, CDFW and/or 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 or the postponement of vegetation 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.

With the implementations of these required mitigation measures, potential impacts on any species identified as a candidate, sensitive, or special-status species would be **less than significant with mitigation.**

b, c. **Riparian Habitat and Wetlands:** As discussed in the BRA, the project area and study area are not within any designated listed species' critical habitat. The project area does not contain habitat for special-status species, but the study area contains an intermittent channel along the western property line that provides habitat for special-status species. However, because the cannabis cultivation premises is setback greater than 350 ft from this channel, vegetative buffers are present, and minimal ground disturbance is proposed, implementation of the proposed project would not impact any special-status habitats, and no mitigation is necessary.

Potential direct impacts to water resources would not occur by modification or destruction of stream banks or riparian vegetation or the filling of wetlands or channels that could cause increased erosion and sedimentation in water bodies due to soil disturbance. The cultivation areas have been designed with large setbacks from watercourses (greater than 350 ft), situated on flatter areas (ridgetops), and include vegetative buffers. As a result of these design avoidance measures, no direct impacts to water resources would occur.

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 Applicability under the State Water Resources Control Board's (SWRCB) Cannabis General 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 BMPs, buffer zones, sediment and erosion controls, site management plans, inspections and reporting, and regulatory oversight.

Riparian setbacks apply to all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, diesel powered pump locations, water storage areas, and chemical toilet placement). The proposed project is compliant with the setback requirements of the SWRCB Cannabis General Order WQ 2019-0001-DWQ which requires a minimum setback of 100 ft from intermittent watercourses or wetlands. As noted above, the cannabis cultivation premises is setback at least 350 ft from the intermittent channel along the western property line.

Therefore, potential impacts to any riparian habitat or other sensitive natural community would be **less than significant.**

d. **Migration Corridors:** The project site is within important habitat identified for migratory deer herds. In the Integrated Natural Resources Management Plans (INRMP) Inventory Map, *Important Habitat for Migratory Deer Herds*, the project site is mapped within the California Department of Fish and Game (CDFG)-Designated Critical Winter Range for the Grizzly Flat Herd (Koenigs 2010). Although the project site would be located in an important habitat for migratory deer herds, the project would not have a

significant impact on animal movement because the majority of the open space within the project property would still be available for animal movement as the proposed project would disturb no more than 9,700 sf (0.22 acre) of the total 20.18-acre parcel.

Implementation of the proposed project would include the installation of a seven-foot-tall security fence around the cultivation compound that would preclude access by some species. The fenced cultivation area would be surrounded by open space, however, allowing wildlife to move around this small, fenced area. Thus, implementation of the project would have a less than significant impact on wildlife movement.

Implementation of the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites and impacts would be **less than significant.**

e. **Local Policies:** Construction of the project would not require the removal of mature oak trees or any major trimming of branches or root disturbance. Therefore, the El Dorado County Oak Resources Conservation Ordinance would not be relevant to the proposed project. No other local policies or ordinances protecting biological resources are applicable to the proposed project. Thus, there would be **no impact.**

f. **Adopted Habitat Conservation Plans**: The study area is not within the coverage area of any adopted Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved governmental habitat conservation plan, and there would be **no impact**.

FINDING: No special-status species or sensitive habitats were identified on the project site. Implementation of Mitigation Measure BIO-1 would prevent any special-status amphibians and other wildfire from entering the construction area. Mitigation Measure BIO-2, Pre-Construction Survey for Special-Status Species, would avoid any potential impacts to special-status species, nesting raptors, nesting birds, or other migratory birds. 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 D to this Initial Study.

According to NCIC 2020 page 1 [internal citations omitted]:

In this part of El Dorado County, archaeologists locate prehistoric-period habitation sites on elevated landforms near streams (Moratto 1984:173). This region is known as the ethnographic-period territory of the Plains Miwok. The Plains Miwok inhabited the lower reaches of the Mokelumne and Cosumnes River and both banks of the Sacramento River from Rio Vista to Freeport (Wilson and Towne 1978:398). The proposed project search area is situated in the Sierra Nevada about 545 ft northwest of the North Fork of the Cosumnes River. 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 1874 GLO plat of T9N, R13E shows no evidence of nineteenth-century historical activity. The 1953 Sly Park 7.5' USGS topographical map shows evidence of a twentieth century ditch and flume 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.

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 would 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 § 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 NCIC) was conducted for the proposed project.

The NCIC records search, which was conducted on March 23, 2020, indicated that zero prior studies had been completed that cover a portion of the project site. Additionally, five cultural resources study reports on file at the NCIC office cover a portion of the broader search area (i.e., between 0 and 0.25 mile from the project site). The record search and previous studies indicated that the proposed project area contains zero (0) recorded prehistoric period resources and zero (0) recorded historic-period cultural resources. Based on the results of the NCIC records search and its indication that the site was not sensitive with respect to cultural resources, a pedestrian survey of the site was deemed unnecessary. 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**.

b. **Archaeological Resources:** Based on the absence of known significant unique archaeological resources within the Area of Potential Effect, archaeological clearance for the project as proposed is recommended. Standard Conditions of Approval (below) imposed by the County on the proposed project would address the accidental discovery of any previously unidentified archaeological resources during construction and result in project impacts that are **less than significant**.

c. **Human Remains:** The records search completed for this project did not identify known human remains in the Area of Potential Effect (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 ft 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, then 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 shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. 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, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 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 or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

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 units 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 (cf) 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 2020, the California power mix totaled 272,576 gigawatt hours (GWh). In-state generation accounted for 190,913 GWh, or 70 percent, of the State's power mix. The remaining electricity came from out-of-state imports (CEC 2021a). Table 3 below provides a summary of California's electricity sources as of 2020.

TABLE 3.
California Electricity Sources 2020

Fuel Type	Percent of California Power (%)
Coal	2.74
Large Hydro	12.21
Natural Gas	37.06
Nuclear	9.33
Oil	0.01
Other (Petroleum Coke/Waste Heat)	0.19
Renewables (excluding Large Hydro)	33.09

Fuel Type	Percent of California Power (%)
Unspecified	5.36

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 cf 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 was for general service lighting that was to be 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 effectively phased out the incandescent light bulb.

Energy Improvement and Extension Act of 2008

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 contained $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 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 would 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 § 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;

§ 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.

§ 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

The El Dorado County General Plan Public Services and Utilities Element encourages energy efficiency 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.

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 project would be powered by a PG&E connection. The applicant would use sun grown methods only, and security lighting would be powered by PG&E. Regarding long-term operation, the project is proposing to add supplemental lighting to the hoop houses in 2-5 years. The project is expected to source all electricity for operation from PG&E. Therefore, use of an on-site generator would be limited to power outage events. 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, 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, 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. In Years 2-5 of project operation, the applicant may convert the existing containers on-site near the parking spaces for drying cannabis biomass. This conversion would require upgrades to the existing containers to meet Part 6 of Title 24 building standards and would require an inspection by the County Building Department prior to use for drying. 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 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 project property is located in a mountainous region, with land that generally slopes downward from north to south. The project would include two cannabis cultivation areas within the cannabis cultivation premises, and the northern cannabis cultivation area is terraced and gently slopes from east to west while the southern cannabis cultivation area is relatively flat. Vegetation in the area proposed for development is mixed trees (pine, cedar, and oak) and interspersed with areas of ruderal/disturbed areas with non-native grassland. Site elevations are generally highest in the north and lowest in the south, and elevations range from approximately 3,200 ft amsl in the northern area of the property to approximately 2,300 ft amsl in the southern area of the property.

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

- Acidic rock land (AaF): covers 18.8 percent of the parcel;

- Holland very rocky coarse sandy loam, 15 to 50 percent slopes (HkE): covers 16.5 percent of the parcel;
- Hotaw very rocky coarse sandy loam, 15 to 50 percent slopes (HtE): covers 64.7 percent of the parcel;

AaF has an erosion hazard rating of "not rated." HkE has an erosion hazard rating of "moderate." "Moderate" indicates that some erosion is likely and that erosion-control measures may be needed. HtE has an erosion hazard rating of "Severe." "Severe" indicates that erosion is very likely and that erosion-control measures, including revegetation of bare areas, are advised.

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: US Geological Survey (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 ft 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, and 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 i) above. Any potential impacts due to seismic risks 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. 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 project property is located in a mountainous region, with land that generally slopes downward from north to south. The project would include two cannabis cultivation areas within the cannabis cultivation premises, and the northern cannabis cultivation area is terraced and gently slopes from east to west while the southern cannabis cultivation area is relatively flat. The site has a small stream running north to south on the western and southern edges of the property, approximately 335 ft west of the project site. Site elevations are generally highest in the north and lowest in the south, and elevations range from approximately 3,200 ft amsl in the northern area of the property to approximately 2,300 ft amsl in the southern area of the property. These slopes do have landslide potential; however, the slopes on the project premises are gentle and have low landslide potential with elevations ranging from approximately 3,190 to 3,170 ft amsl. No grading would be necessary for project construction, and the proposed project would comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. The owner/applicant would till the cultivation areas as necessary using a small tractor; however, total ground disturbance would not exceed 9,700 sf. Any potential impacts from implementation of the proposed project would be **less than significant**.

b. **Soil Erosion:** No grading is proposed as all cannabis cultivation areas would be developed on previously-disturbed areas on the property, and thus the project would be exempt per El Dorado ordinance. The owner/applicant would use a small tractor to till the cultivation areas and total ground disturbance would not exceed 9,700 sf. Waddles and other control measures would be installed around the cannabis cultivation and compost areas, as necessary, to prevent soil erosion. 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 three soil map units, and the entirety of the project premises would be developed on soils classified under the Hotaw soils series (NRCS 2021). The Hotaw soils series are noted to have moderate to high erosive qualities (USDA 2018). However, no grading is proposed as all cannabis cultivation areas would developed on previously-disturbed land, and thus, the project would be exempt per El Dorado 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: Acidic Rockland, 8 to 70 percent slopes (AaF); Holland very rocky coarse sandy loam, 15 to 50 percent slopes (HkE); Hotaw very rocky coarse sandy loam, 15-50 percent slopes (HtE). These soils are well-drained and the Rockland, Holland and Hotaw series do have clay materials, meaning the soils have shrink-swell capabilities and the potential to be expansive. However, the proposed project would not include any habitable structures, and no new buildings are proposed at this time. If the project were to expand in the future, any proposed buildings would require building permits from the El Dorado County Building Department. Any future 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 project site includes a seasonal portable toilet and hand-washing station that serves the structures on the property. The property is located in a rural area of El Dorado County with no residence on-site. No septic tank or leach field would be located on the property, and there would be **no impact**.

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. Therefore, impacts relating to paleontological resources would be **less than significant**.

FINDING: A review of the soils and geologic conditions on the project site determined that the project would not result in a substantial adverse effect. No grading would be necessary for project construction, and the proposed project would comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. Future development would be required to comply with the Uniform Building Code 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 7.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 anthropogenic 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 anthropogenic 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 anthropogenic 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 2021).

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,* formally known as the Global Warming Solutions Act (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:

> § 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.
>
> § 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 exhaust from construction equipment, on-road hauling trucks, and worker commuting trips. Construction for the proposed project would be short-term and temporary, approximately 3 months in total. 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; emissions from tractor use for road maintenance; engine exhaust from chainsaws, and mowers; burn piles from seasonal dead/dying brush; emissions from organic pesticides and soil

amendments; 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. Downed tree branches and brush would be burned in the offseason according to CAL FIRE and Pioneer Fire District rules and regulations. 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 the south-central third of 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 were 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. As described in the Section 7.XVII, Transportation, the project is expected to generate a total of up to 7 commuter round trips per day during peak conditions, and 2-3 truck delivery trips per season for site materials. There would be an estimated 4 deliveries per year during harvest season (late September to early November) by licensed third party cannabis logistics company to bring cannabis biomass from the premises to a licensed manufacturing facility. It is not anticipated that the 2-3 truck delivery trips and 4 deliveries during harvest season would overlap on the same day. Therefore, the project is conservatively expected to generate up to 8 daily round trips under busiest assumptions but would generate far fewer trips on most days. 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 8 daily round trips would be far less than the expected trip generation for any of the development types listed in the SMAQMD Operational Screening levels table. Water sourced from public utilities results in GHG emissions from the energy required to source, treat, and transport the water over long distances. The proposed project is estimated to demand approximately 153,000 gallons of water annually 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 low carbon fuel standard (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. 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, USEPA has the

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

Resource Conservation and Recovery Act

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

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

Energy Policy Act of 2005

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

Spill Prevention, Control, and Countermeasure Rule

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

Occupational Safety and Health Administration

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

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 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 Division of Occupational Safety and Health

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 ft 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 ft 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 § 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;

§ 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.

§ 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.

§ 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. Hazardous materials associated with the proposed operation of a cannabis cultivation facility include organic pesticides, soil amendments, gasoline, diesel fuel, and engine oil. All hazardous materials used on-site would be stored in two 320-sf existing shipping containers that would be repurposed for petroleum and agricultural product storage. Flammable materials storage would be kept in a designated area within the existing shipping 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 Cannabis General Order 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.

The applicant provided a Pest Management Plan that would be implemented for the proposed project and is included as Appendix A in this Initial Study. The applicant would use cultural, biological, and chemical pest-management control methods. For cultural pest management control methods, seeds would begin with healthy pest free stock and soft sedimentary rock would be used in early season and throughout the growing season to remove unwanted material. Predator nematodes would also be applied periodically to the soil, starting in the preseason, to kill any larva and adult pests that live in the soil. Predator mites would be used on mother plants as their offspring to knock back any pests that were in the environment. For biological pest management control methods, the applicant would use

other IPM practices such as biological sprays like regalia, grandevo, and venerate. Lastly, for chemical pest management control methods, the applicant would use green clean, cease, and plant therapy to help combat powdery mildew and other fungus. A list of chemicals to be applied at any stage of plant growth is included in Table 1 in Section 3.0.

With appropriate storage, handling, and application 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), organic pesticides, soil amendments, gasoline, diesel fuel, and engine oil would be stored and used at the site. 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 three miles of the project site. 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 State Water Resources Control Board's Geotracker database (CA 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 private Perryman Airport-7CL9, located approximately 9 miles due northwest 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:** The Pioneer Fire Protection District requirements would be incorporated as Conditions of Approval. No applicable emergency plan would be affected by the project as proposed. Additionally, a gravel cul-de-sac turnaround is located at the end of the driveway for fire vehicle access and maneuvering and a water storage tank for emergency purposes. 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**.

g. **Wildfire Hazards:** The project is located in a Very High Fire Hazard Severity Zone (FHSZ) of a State Responsibility Area (SRA) (CAL FIRE 2021). The Pioneer Fire Protection District is primarily responsible for structure fire protection services to the project site, and CAL FIRE is primarily

responsible for wildland fire suppression. CAL FIRE's nearest station is the CAL FIRE Amador El Dorado Unit (AEU) headquarters located approximately 15.5 miles northwest of the project site at 2840 Mt Danaher Rd, Camino, CA. The Pioneer Fire Protection District also provides all risk, partly staffed/partly volunteer emergency services to the project area, and their nearest stations are Station 31, located 8.2 miles southwest of the site at 7960 Grizzly Flat Rd, Somerset, CA; and Station 32, located 9.2 miles west of the project site at 4770 Sand Ridge Rd, Placerville, CA (Pioneer Fire Protection District 2021). Given that Pioneer Fire Protection District's resources are closer, they would likely provide an initial response to most types of emergencies that may occur on the project site; CAL FIRE resources may also respond, especially in the case of larger or more complex incidents. 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, proximity 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 Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association 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 E to this Initial Study (Live Oak Wildfire Solutions 2021).

The applicant would take several measures to reduce potential wildfire hazards, as recommended by the Fire Plan. Downed tree branches and brush would be burned in the offseason according to CAL FIRE and Pioneer Fire District rules and regulations. A 3,000-gallon water tank for the Pioneer Fire District would be installed slightly northwest of the cannabis cultivation area, and a pond is located off-site, approximately 1,000 ft away and would provide water for fire suppression if needed. Additionally, vegetation would be mowed, masticated, or cut to ground level each May for effective fuel reduction. Defensible space around the structures, including the cannabis cultivation premises, would extend 200 ft from the structure to resist ignition and be kept clear of the dead vegetation. For an early evacuation route if a fire would occur, fuels would be mowed or masticated annually 50 ft from both edges of the internal access roads used for the proposed project. 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. These measures would be included as Conditions of Approval for the proposed project. 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 emergency plan and wildfire hazard impacts to less than significant. 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 45.69 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 project property is located in a mountainous region, with land that generally slopes downward from north to south. The project would include two cannabis cultivation areas within the cannabis cultivation premises. The northern cannabis cultivation area is terraced and gently slopes from east to west while the southern cannabis cultivation area is relatively flat. The site has a small stream running north to south on the western and southern edges of the

property, approximately 335 ft west of the project site. Site elevations are generally highest in the north and lowest in the south, and elevations range from approximately 3,200 ft amsl in the northern area of the property to approximately 2,400 ft amsl in the southern area of the property. Drainage within the project site generally flows north to southwest, and eventually flows into the North Fork Cosumnes River, south of the property. No permanent watercourses exist in the immediate vicinity of the cultivation area. The geology of the Western Slope portion of El Dorado County is principally hard, crystalline, igneous, or metamorphic rock overlain with a thin mantle of sediment or soil. Groundwater in the 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 precipitation infiltrating into the fractures and water from the seasonal creek when inundated. 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 flood areas as shown on Firm Panel Number 06017C0800E, 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 National Pollutant Discharge Elimination Program (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 would 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 purposes of the ordinance are 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 DCC 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 § 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 CDFW, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the CDFW 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.

§ 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.

§ 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.

§ 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 CDFW;

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

§ 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. The cannabis plants would be grown in raised beds in rows and would use drip irrigation using water from the existing on-site well. The hoop houses

would be approximately 7.5 ft tall, and the beds would be 3 ft on either side. The project would include two cannabis cultivation areas within the cannabis cultivation premises. The northern cannabis cultivation area is terraced and gently slopes from east to west while the southern cannabis cultivation area is relatively flat. The cannabis cultivation premises is setback more than 350 ft from the nearest watercourse so it would not likely cause degradation of water quality due to runoff from the development or operation of the cultivation operation. During construction, localized indirect impacts to water resources could occur from oil and grease from construction equipment, and increased erosion and sedimentation due to soil disturbance. During operation, localized impacts could occur due to a discharge of sediment or other pollutants, fertilizers, pesticides, and human waste. 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 Site Management Plan (SMP), 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 SMP.

With implementation of measures required by the SMP and adherence to the County Code, impacts would be **less than significant**.

b. **Groundwater Supplies:** A well was constructed on-site on September 10, 2004, by a previous owner. The well is 800 ft deep and can provide an initial flow rate of 10 gallons per minute. Static water level was 50 ft at the time the well was drilled. This well would provide the main water supply for the 9,639 sf of flowering outdoor cannabis canopy and miscellaneous support and sanitary needs. It has been estimated that the project would use approximately 153,000 gallons of water annually. Additionally, an off-site pond is located 1,000 ft away to provide water for fire suppression, if needed. The project premises is not over a critically over drafted groundwater basin, and therefore it is not anticipated that the project would deplete groundwater supplies. 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 property has a small stream running north to south on the western and southern edges, approximately 335 ft from the cultivation area. Drainage within the site generally flows north to southwest, and eventually flows into the North Fork Cosumnes River, south of the site. The cannabis cultivation areas would be developed on previously disturbed/ruderal land and would only disturb the cultivation areas using a small tractor. The proposed project would not introduce impervious surfaces, so drainage within the site would percolate into the surrounding pervious surfaces to reduce any potential runoff. Additionally, the project applicant would install waddles and other preventative measures along the western edge of the terraced cannabis cultivation area to minimize sediment laden runoff and erosion.

The project would not disturb one (1) or more acre of soil, and therefore, would not be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009 DWQ. However, the project would be required to comply with the SWRCB Cannabis General Order WQ 2019-0001-DWQ requirements. With the implementation of the General Permit Order 2009-0001 DWQ, 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 flood areas as shown on Firm Panel Number 06017C0800E, 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 120 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). Due to the site's elevation, relatively flat project area and absence of nearby 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 General Plan land use designation is to establish areas for residential and agricultural development. These lands typically have limited infrastructure and public services and would 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 privately-owned property within a rural area in south-central 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:** The proposed project would conform to both the RL-20 zoning and RR-PL land use designation with the issuance of a conditional use permit (CUP) as cannabis is an agricultural use and agriculture is allowed on lands zoned RL with the issuance of a CUP. Additionally, Commercial Cannabis businesses in unincorporated El Dorado County are required to apply for and obtain a Commercial Cannabis Use Permit (CCUP). Therefore, with County approval of the CCUP, the proposed project would be in conformance with the County Code, and impacts would be **less than significant**.

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 five, 15-minute quadrangles (Folsom, Placerville, Georgetown, Auburn, and Camino & Mokelumne Hill) 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 California Department of Conservation (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 would 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 8 miles directly south of SR 50 and 5.5 miles east of the community of Somerset. 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 surrounding rural residences.

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 areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural Areas the exterior noise level standard shall be applied at a point 100 ft away from the 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 affected 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 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 a small tractor. 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, chain saws and mowers for cultivation upkeep, a tractor with box scraper to maintain areas where vehicles drive and park, and occasional noise from testing/maintaining backup generators.

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. The project is expected to generate a total of up to 7 commuter round trips per day under peak conditions, and 2-3 truck delivery round trips per season for site materials. There would be an estimated 4 deliveries per year during harvest season (late September to early November) by licensed third party cannabis logistics company to bring cannabis biomass from the premises to a licensed manufacturing facility. It is not anticipated that the 2-3 truck delivery trips and 4 deliveries during harvest season would overlap on the same day. Therefore, the project is conservatively expected to generate up to 8 daily round trips under busiest assumptions but would generate far fewer trips on most days. 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 Hawkeye Road.

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 in

excess of 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. The activities that would cause noise would be made from a chain saw, mower, tractor with box scraper, and truck. Therefore, the project would not result in generation of excessive ground borne 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 private Perryman Airport-7CL9, located approximately 9 miles due northwest 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 for 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. It is not anticipated that the facility would create any new jobs as the owner/applicant would be the sole employee. As such, the proposed project would not induce substantial population growth or result in a demand for new housing. **No impact** would occur.

b. **People or Housing Displacement:** There is currently no residence located on the project property. 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 a 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 ft of buildings be removed. Vegetation that is more than 30 ft 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 transmission of fire from 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 of Local

Responsibility Areas (LRA). 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 a Very High Fire Hazard Severity Zone of a SRA. The Pioneer Fire Protection District is primarily responsible for structure fire protection services to the project site, and CAL FIRE is primarily responsible for wildland fire suppression. CAL FIRE's nearest station is the CAL FIRE Amador El Dorado Unit (AEU) headquarters located approximately 15.5 miles northwest of the project site at 2840 Mt Danaher Rd, Camino, CA. The Pioneer Fire Protection District also provides all risk, partly staffed and partly volunteer emergency services to the project area, and their nearest stations are Station 31, located 8.2 miles southwest of the site at 7960 Grizzly Flat Rd, Somerset, CA; and Station 32, located 9.2 miles west of the project site at 4770 Sand Ridge Rd, Placerville, CA (Pioneer Fire Protection District 2021). Given that Pioneer Fire Protection District's resources are closer, they would likely provide an initial response to most types of emergencies that may occur on the project site; CAL FIRE resources may also respond, especially in the case of larger or more complex incidents. The project would be subject to review by the Fire District to ensure all required fire protection measures are incorporated into the building plans. A 3,000-gallon water tank for the Pioneer Fire District would be installed slightly northwest of the cannabis cultivation area. An off-site pond is located 1,000 ft south of the premises for fire suppression, if needed. 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 station located 19.8 miles northwest of the site at 200 Industrial Drive, Placerville, 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. With the current law enforcement services in the area and the implementation of site security measures, including security fencing, onsite presence, motion sensor lights, 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 Crest Trail passes through the Desolation Wilderness area in eastern El Dorado County.

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.

4. Connecting or side trails, which provide additional points of public access to national recreation, national scenic or national historic trails or which provide connections between such trails.

State Laws, Regulations, and Policies

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.

California Recreational Trail Act

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.

Quimby Act

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

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

Local Laws, Regulations, and Policies

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

Impact Analysis:

a, b. **Parks and Recreational Services:** The proposed project would not induce a significant increase in permanent 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. The proposed project would be located in rural, south-central El Dorado County, and the closest park or recreational facility is the Girl Scouts' Camp Fleming, located approximately 2.0 miles' drive northwest of the site. The proposed project would have no impact on this facility or others in the vicinity of the site. Impacts to recreation would be **less than significant**.

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 site can be accessed from the north via an existing gravel driveway that leads south from Hawkeye Road. The project site is located in a rural residential area that receives low vehicular traffic. The project site is located approximately 43 minutes' drive (approximately 19.4 miles) southeast of Placerville and approximately 24 minutes' drive (approximately 8.8 miles) east of Somerset.

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 applicant would reside close by and manage day to day operations. The owner would use a pickup truck to bring non-cannabis materials to and from the premises. The project is expected to generate a total of up to 7 commuter round trips per day under peak conditions, and 2-3 truck delivery round trips per season for site materials. There would be an estimated 4 deliveries per year during harvest season (late September to early November) by licensed third party cannabis logistics company to bring cannabis biomass from the premises to a licensed manufacturing facility. It is not anticipated that the 2-3 truck delivery trips and 4 deliveries during harvest season would overlap on the same day. Therefore, the project is conservatively expected to generate up to 8 daily round trips under busiest assumptions but would generate far fewer trips on most days. Vehicles accessing the site would approach from Hawkeye Road via Happy Valley Road; those commuting from outside the local community may reach Happy Valley Road via Mt. Akum Road. On Hawkeye Road, a sufficient level of sight distance exists on both directions of the driveway to facilitate safe turns to and from the site. Given the already low traffic volume in the area, 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, the low traffic volumes existing, and the low increases anticipated, 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 8 daily round trips per day during peak conditions. This includes any expected seasonal workers who would only be utilizing the site for a very limited portion of the year. The project is expected to generate a total of up to 7 commuter round trips per day under peak conditions, and 2-3 truck delivery round trips per season for site materials. There would be an estimated 4 deliveries per year during harvest season (late September to early November) by licensed third party cannabis logistics company to bring cannabis biomass from the premises to a licensed manufacturing facility. It is not anticipated that the 2-3 truck delivery trips and 4 deliveries during harvest season would overlap on the same day. Therefore, the project is conservatively expected to generate up to 8 daily round trips under busiest assumptions but would generate far fewer trips on most days.

Given the low level of existing traffic volume in the area, and the adequacy of existing infrastructure to accommodate additional volume, the project's impact 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. The driveway leading to the site from Hawkeye Road would be surfaced with gravel and would be 12 ft wide. Additionally, the applicant would use a tractor with box scraper to maintain areas where vehicles drive and park. Three (10 ft by 22 ft) parking spaces would be constructed northeast of the cultivation area. A gravel cul-de-sac turnaround is located at the end of the driveway to facilitate emergency vehicle turnarounds, as needed. Further, although the project is a farming operation, no farm vehicles or equipment (e.g., tractors) would be

transported on public roads, as the site would be a small, self-contained operation, so the projects impact would be **less than significant.**

d. **Emergency Access:** The proposed project site would have adequate access for emergency vehicles. A gravel, cul-de-sac turnaround is located at the end of the driveway for emergency purposes. The driveway would be kept clear of ladder fuels, and dead, downed, and dying vegetation for at least 50 ft on either side. 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 F to this Initial Study. Formal invitations to participate in AB 52 consultation on the proposed project were sent by the County to seven tribal representatives on February 25, 2021. The representatives included:

- Pamela Cubbler, Colfax-Todds Valley Consolidated Tribe
- Sara Setshwaelo, Ione Band of Miwok Indians
- Cosme Valdez, Nashville-El Dorado Miwok-Maidu-Nishinam Tribe
- Regina Cuellar, Shingle Springs Band of Miwok Indians
- Don Ryberg, Tsi-Akim Maidu
- Gene Whitehouse, United Auburn Indian Community of the Auburn Rancheria
- Darrel Cruz, Washoe Tribe of Nevada and California

Anna Starkey with the United Auburn Indian Community (UAIC) of the Auburn Rancheria provided a written response via email on March 11, 2021. Ms. Starkey's written response via email asked if a cultural survey would be conducted, requesting a copy of the report and representative photographs of the project area. County Senior Planner, Aaron Mount, provided Ms. Starkey with the records search and the biological report via email on March 12, 2021. Ms. Starkey responded on March 23, 2021, to note the presence of the creek and its increasing sensitivity to cultural resources and ask how close the natural water course that is to the proposed ground disturbance for the project. If there would be no ground disturbance near the creek, then the project should be okay, but otherwise, Ms. Starkey thought it would be a good idea for UAIC to conduct a survey for tribal cultural resources. Ms. Starkey also asked if Shingle Springs or other tribes were consulting on the project. Aaron Mount responded via email on March 23, 2021, indicating with a photo that the project would not be directly impacting any waterway and that no other AB 52 response was received. No further correspondence was received from Ms. Starkey.

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 seven tribal representatives on February 25, 2021. As of March 23, 2021, one of the seven tribes provided written responses requesting a records search, cultural resources report, aerial photographs of the site, and/or a site visit. The tribe was provided with a copy of the records search and biological report, along with a photo of the location of the project in relation to the seasonal creek on-site. The tribe did not provide any information about TCRs in the project area to the County, thereby concluding AB 52 consultation.

With adherence to the Condition of Approval referenced in 7.V. Cultural Resources, the potential impact from inadvertent discovery of TCRs would be **less than significant.**

FINDING: With adherence to the Condition 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) required 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 California Green Building Standards Code (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.* require that all public water systems providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-ft per year (AFY), prepare an urban water management plan (UWMP).

Cannabis Cultivation Program

California Code of Regulations Title 3 § 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

§ 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.

§ 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 September 10, 2004, 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 utilize a seasonal portable toilet and hand-washing station northeast of the cannabis cultivation area. The project's power needs would be provided by PG&E. A PG&E Meter with 200 amps on the main panel is existing at the entrance of the site. 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 September 10, 2004, by a previous owner. This well would provide the main water supply for the proposed cultivation operation and miscellaneous support and sanitary needs. An off-site pond would be located 1,000 ft of the cultivation area and could provide water for fire suppression, if needed. The proposed project is anticipated to demand approximately 153,000 gallons of water annually. The well is 800 ft 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 project would utilize a seasonal portable toilet and hand-washing station to dispose of wastewater. 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 Stockton and Kiefer Landfill in Sacramento. Pursuant to El Dorado County Environmental Management Solid Waste Division staff, both facilities have sufficient capacity to serve the County. Recyclable materials are distributed to a facility in Benicia and green wastes are sent to a processing facility in Sacramento. County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting, and loading of solid waste and recyclables. On-site solid waste collection would be self-hauled to a manned fully permitted solid-waste landfill or transformation facility for non-organic waste. Any organic materials would be chipped, shredded, or otherwise broken down on-site so that it could not be used for any purpose except compost. The applicant would store cannabis waste in a composting area secured with a 6-ft-tall fence and covered with plastic. The project would not produce substantial volumes of waste, and compliance with existing regulations for diversion would minimize the materials sent to local landfills. 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 Hawkeye Road, rural residential properties (single family residence), and wooded to sparsely wooded land; to the east by, undeveloped, sparsely wooded land; to the south by, undeveloped densely wooded land; and to the west by Stephanie Lane and Guardian Court, rural residential properties (single family residence), and sparsely wooded land. The project would be located in a Very High Fire Hazard Severity Zone of an SRA (CAL FIRE 2021). The Pioneer Fire Protection District would be primarily responsible for structure fire protection services to the project site, and CAL FIRE is primarily responsible for wildland fire suppression. CAL FIRE's nearest station is the CAL FIRE Amador El Dorado Unit (AEU) headquarters located approximately 15.5 miles northwest of the project site at 2840 Mt Danaher Rd, Camino, CA. The Pioneer Fire Protection District also provides partly staffed and partly volunteer emergency services to the project area, and their nearest stations are Station 35, located 8.2 miles southwest of the site at 7960 Grizzly Flat Rd, Somerset, CA; and Station 32, located 9.2 miles west of the project site at 4770 Sand Ridge Rd, Placerville, CA (Pioneer Fire Protection District 2021). Given that Pioneer Fire Protection District's resources are closer, they would likely provide an initial response to most types of emergencies that may occur on the project site; CAL FIRE resources may also respond, especially in the case of larger or more complex incidents. A 3,000-gallon water tank for the Pioneer Fire District would be installed slightly northwest of the cannabis cultivation area. A pond is located 1,000 ft south of the premises for fire suppression, if needed.

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 a 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*. require that brush, flammable vegetation, or combustible growth within 100 ft of buildings be removed. Vegetation that is more than 30 ft 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 the transmission of fire from other nearby vegetation to a structure. Requirements regarding hazardous vegetation and fuel management are also contained in Sections 4906 and 4907 of the California Fire Code.

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 of Local Responsibility Areas (LRA). 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 would 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 IX, Hazards and Hazardous Materials, the project applicant would prepare and implement an evacuation plan and wildfire prevention measures as Conditions of Approval in the case of an emergency. A gravel cul-de-sac turnaround is located at the end of the driveway for emergency vehicle access. The driveway would be kept clear of ladder fuels, and dead, downed, and dying vegetation for at least 50 ft on either side. It is anticipated that no more than one personnel would be on site under most circumstances and no more than 7 personnel under peak conditions, 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 Conditions of Approval, impacts would be **less than significant**.

b, d. Because the project site is within an SRA very high fire hazard severity zone, a project-specific Fire Plan was prepared for the proposed project (Live Oak Wildfire Solutions 2021) and is included as Appendix E 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. Downed tree branches and brush would be burned in the offseason according to CAL FIRE and Pioneer Fire District rules and regulations. As a Condition of Approval, the proposed project would be required that vegetation would be mowed, masticated, or cut to ground level each May for effective fuel reduction. Defensible space around the structures, including the cannabis cultivation premises, would extend 200 ft from the structure to resist ignition and be kept clear of the dead vegetation. For an early evacuation route if a fire would occur, fuels would be mowed or masticated annually 50 ft from both edge roads of the internal access roads used for the proposed project. 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.

A cul-de-sac turnaround is located at the end of the driveway to facilitate turnarounds, as needed, including for emergency vehicles. An emergency water storage tank would be installed and approved by the Pioneer Fire Department. The proposed project is located adjacent to sloping terrain, but all proposed developments would be located on relatively flat areas. Therefore, the project would not pose a significant landslide risk in post-fire conditions. Additionally, the project site is not located within any mapped 100-year flood areas as shown on Firm Panel Number 06017C0800E, revised September 26, 2008 (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 7.IX, Hazards and Hazardous Materials, the Fire Plan found that vegetation would be mowed, masticated, or cut to ground level each May for effective fuel reduction. Defensible space around the structures, including the cannabis

cultivation premises, would extend 200 ft to resist ignition and be kept clear of the dead vegetation. Vegetation would be mowed or masticated annually for 50 ft from both edges of all internal access roads used for the proposed project. 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. These measures would be implemented as Conditions of Approval for the proposed project. However, the proposed project would not include or require the installation or maintenance of additional infrastructure that would exacerbate fire risk. Therefore, impacts would be **less than significant**.

FINDING: As conditioned and with adherence to the County Code, Conditions of Approval, 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.*

The cumulative analysis is based on consideration of past, present, and probable future projects in the vicinity of the proposed project. The projects considered in the cumulative analysis include those that would be constructed concurrently with the proposed project and those that would be in operation at the same time as the proposed project. The cumulative projects considered in this analysis are limited to projects that would result in similar impacts as the proposed project due to their potential to collectively contribute to significant cumulative impacts, and the cumulative project identified for this analysis is the Somerset Ridge Project. The Somerset Ridge Project is a proposed cannabis cultivation and operations project that is located approximately 1,400 feet west of the project site. The Somerset Ridge Project proposes the cultivation of 6,500 sf of outdoor cannabis canopy to be built out in two phases and includes

955 sf of support area. Preparation of the CEQA document is underway for the Somerset Ridge Project and has not been released for public review yet.

Due to the small size of the proposed project and Somerset Ridge 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 for the proposed project, there would be no significant cumulative 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, utilities and service systems, and wildfire that would be cumulatively considerable. Mitigation measures for the proposed project would reduce potential impacts related 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

HELIX Environmental Planning:

Lesley Owning, Project Manager
Julia Pano, Environmental Planner
David Ludwig, Environmental Planner

Green Valley Planning, LLC:

David Claycomb, AICP, Senior Advisor/Quality Assurance

9.0 REFERENCES

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, and T.J. Rosatti, editors. 2012. The Jepson Manual: Vascular Plants of California, second edition, thoroughly revised and expanded. University of California Press, Berkeley, California. 1,600 pp.

California Air Resources Board (CARB). 2021. "Area Designation Maps/State and National." Last reviewed September 7, 2021. http://www.arb.ca.gov/desig/adm/adm.htm.

California Building Standards Code (CBSC). 2019. 2019 California Green Building Standards Code – CalGreen, California Code of Regulations, Title 24, Part 11. Accessed on September 7, 2021 and available at: https://codes.iccsafe.org/content/CAGBSC2019.

California Department of Conservation (CDC). 2021a. California Important Farmland Finder. Accessed on September 7, 2021 from: https://maps.conservation.ca.gov/DLRP/CIFF/.

2021b. Fault Activity Map of California. Accessed September 7, 2021 from: https://maps.conservation.ca.gov/cgs/fam/.

2021c. Farmland Mapping and Monitoring Program. Accessed September 7, 2021 from https://www.conservation.ca.gov/dlrp/fmmp.

2021d. Important Farmland Categories webpage. Accessed on September 7, 2021 from: https://www.conservation.ca.gov/dlrp/fmmp/Pages/prime_farmland_fmmp.aspx.

2021e. Williamson Act Program. Accessed on September 7, 2021 from: https://www.conservation.ca.gov/dlrp/wa.

2001. Mineral Land Classification of El Dorado County, California. Accessed on September 7, 2021 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 August 30, 2021 from: https://egis.fire.ca.gov/FHSZ/.

California Department of Resources, Recycling, and Recovery (CalRecycle). 2021.SWISS Facility/ Site Summary: Union Mine Disposal Site (09-AA-003). Accessed on September 7, 2021 and available at https://www2.calrecycle.ca.gov/SolidWaste/Site/Summary/312

California Department of Toxic Substances Control (DTSC). 2021. Envirostor. Accessed September 7, 2021 from https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Sacramento&tour=True.

California Department of Transportation (Caltrans). 2021. Scenic Highways – List of Eligible and Officially Designated State Scenic Highways. Accessed September 7, 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. 2020 Total System Electric Generation. Accessed September 7, 2021 at https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2020-total-system-electric-generation.

2021b. Supply and Demand of Natural Gas in California. Accessed on September 7, 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 September 7, 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 September 7, 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 September 7, 2021 from https://calscape.org/.

2020. Inventory of Rare and Endangered Plants. Rare Plant Scientific Advisory Committee, David P. Tibor, convening editor. California Native Plant Society. Sacramento, California. Accessed on September 7, 2021 and internet database available at http://cnps.site.aplus.net/cgi-bin/inv/inventory.cgi/Search?search=Sacramento.

California State Water Resources Control Board (SWRCB). 2021. Geotracker. Accessed on September 7, 2021 from: https://geotracker.waterboards.ca.gov/.

Caterpillar. 2018. Caterpillar Performance Handbook Edition 48. Accessed on September 7, 2021 and available online at https://wheelercat.com/wp-content/uploads/2018/07/SEBD0351_ED48.pdf.

El Dorado County Air Quality Management District (EDCAQMD). 2021. Climate Change. Accessed September 7, 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. Accessed September 7, 2021 and 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. Accessed September 7, 2021 from: https://www.edcgov.us/Government/AirQualityManagement/documents/Chapter4_RF6A.pdf.

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 September 7, 2021 from: http://www.ysaqmd.org/wp-content/uploads/Planning/Sac-Regional-2008-NAAQS-Attainment-and-RFP-Plan.pdf.

2013. $PM_{2.5}$ Implementation/Maintenance Plan and Redesignation Request for Sacramento $PM_{2.5}$ Nonattainment Area. October 2013. Accessed on September 7, 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 September 7, 2021 from https://www.edcgov.us/Government/planning/Pages/zoning_ordinance.aspx.

2015a. Asbestos Review Areas, Western Slope, El Dorado County, California. Accessed on September 7, 2021 and 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 September 7, 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 September 7, 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 August 30, 2021 from: https://www.edctc.org/airport-land-use-commission

El Dorado County Sheriff's Office. 2021. Mailing Addresses and Locations. Accessed on September 7, 2021 from: https://www.edcgov.us/Government/sheriff.

Environmental Permitting Specialists (EPS). 2021. Analysis of Odor at the Proposed Outdoor Cannabis Cultivation Located in Somerset (El Dorado County), California.

Federal Emergency Management Agency (FEMA). 2008. FEMA Map Service Center, Current FEMA Issued Flood Maps: El Dorado County, California, unincorporated areas, no. 06017C0800E. Accessed on September 7, 2021 from: https://msc.fema.gov/portal/home.

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/.

Koenigs, Ethan. 2010. Figure 4: INRMP Inventory Map Update: Important Habitat for Migratory Deer Herds. Accessed February 17, 2021 from: INRMP_H-Migratory_Deer_Herds.pdf (edcgov.us)

Live Oak Wildfire Solutions. 2021. Fire Plan for the Parcel 104-520-008.

National Earthquake Hazards Reduction Program (NEHRP). 2016. Background and History. Accessed on September 7, 2021 and available online at: https://sgp.fas.org/crs/misc/R43141.pdf

Natural Investigations Company (NIC), Inc. 2021. Biological Resources Assessment for the Cannabis Cultivation Operation at 5445 Hawkeye Road, Somerset, California.

Natural Resources Conservation Service (NRCS). 2021. Web Soil Survey of Arabian Cannabis Cultivation Site. Accessed September 7, 2021 at http://websoilsurvey.nrcs.usda.gov.

North Central Information Center (NCIC). 2021. Records Search Results for 5445 Hawkeye Road, Somerset, CA 95684 (APN 041-900-003). Letter from Kursten Sheriden to Robert Arabian dated March 23, 2021.

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.

Pioneer Fire Protection District. 2021. Accessed on September 7, 2021 from: http://pioneerfire.org/.

State Water Resources Control Board (SWRCB). 2018. Storm Water Program, Municipal Program. Accessed September 7, 2021 from: https://www.waterboards.ca.gov/water_issues/programs/stormwater/municipal.html.

Sunset Western Garden Collection. 2020. Sunset Climate Zones. Sunset Publishing Corporation. Accessed on September 7, 2021 and available on the Internet at: https://www.sunsetwesterngardencollection.com/climate-zones.

United States Department of Agriculture (USDA). 2018. Official Series Description. Accessed on August 25, 2021 from: https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/geo/?cid=nrcs142p2_053587.

United States Environmental Protection Agency (USEPA). 2021. Superfund: National Priorities List. Accessed on September 7, 2021 from: https://www.epa.gov/superfund/superfund-national-priorities-list-npl.

2014. Summary of the Energy Policy Act. Accessed on September 7, 2021 and 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 September 7, 2021 from: https://pubs.usgs.gov/fs/fs-0071-00/fs-0071-00.pdf.

Appendix A

Pest Management Plan

PEST MANAGEMENT PLAN:

Cultural Pest-Management Control Methods

The pest management practices we use are as follows, seeds are started with healthy pest free stock, this helps to start with clean pest free starts. Diatomaceous earth is used in early season and throughout the growing season. Predator nematodes are also applied periodically to the soil starting in the preseason, they also kill any larva and adult pests that live in the soil. Predators (amblyseius fallacis, amblyseius californicus, amblyseius swirskii are a few of the predator mites we use, Steinernema feltiae are the beneficial nematodes) used on mothers and in the nurseries as well as their offspring to knock back any pests that are in the environment.

Biological Pest-Management Control Methods

We also use other IPM practices such as biological sprays like regalia, grandevo, and venerate

Chemical Pest-Management Control Methods

We use green clean, cease, and plant therapy to help combat powdery mildew and other fungus

Chemical(s) to Be Applied at any Stage of Plant Growth

Product Name	Active Ingredient(s)
Green Clean	Sodium Lauryl Sulfate along with citric acid
Plant Therapy	Soybean Oil & Peppermint Essential oil
Venerate	Heat-killed Burkholderia
Grandevo	Achromocil (Chromobacterium substugae)
Regalia	Reynoutria sachalinensis
Cease	QST 713 strain of Bacillus subtilis

Attachment B

Odor Report

ENVIRONMENTAL PERMITTING SPECIALISTS
Air Quality • Permitting • OHSA • RMP/PSM

DRAFT TECHNICAL MEMORANDUM

To: Robert Arabian **Date:** August 02, 2021

From: Ray Kapahi RK
Tel: 916-687-8352
Tel: 916-687-8352
E-Mail: ray.kapahi@gmail.com

Subject: Analysis of Odor at the Proposed Outdoor Cannabis Cultivation Located in Somerset (El Dorado County), California

INTRODUCTION AND SUMMARY

Environmental Permitting Specialists (EPS) has completed its review of potential odors at your proposed outdoor cannabis cultivation site in Somerset. It is our understanding the site would occupy 20.18 acres for outdoor cultivation. The site is located at 5445 Hawkeye Road in Somerset. It has been assigned an APN# 041-910-08-100.

The maximum area for outdoor cultivation is 9,639 square feet divided into three areas. Cultivation areas # 1 to 3 range in size from 868 square feet to 4,236 square feet. Each area consists of rows of plants with space between the rows. The distance between the cultivation areas and the property lines varies between 123 feet to 1,438 feet. Figure 1 presents the site map of the project showing the cultivation areas.

EPS used an air dispersion model, 1 year (2019) of hourly wind and temperature data at Somerset and on-site measurements of odor intensity at other locations to conduct this analysis. Data from 4 other outdoor cannabis and hemp cultivation facilities and one Tedlar bag sample were reviewed as part of the current analysis. Odor measurements taken at 0.75 acre outdoor cultivation site in Yolo County were used as baseline odors to predict odors at the property lines.

The results of our analysis indicate that maximum odor intensity along the property lines would range from 5.98 along the Eastern property line to below 3.0 along the Southern property line (Figure 7). Odor intensity is lower than this value beyond the property lines, for example at the nearest residence located 706' to the Southwest. Since the odor intensity is below 7 DT, no odor mitigation is recommended.

This Technical Memorandum presents the methodology, data and assumptions used in this analysis. These are described in detail below.

SCOPE AND METHODOLOGY OF ODOR ANALYSIS

The overall methodology used in this analysis is to use an atmospheric dispersion model to predict the dilution of odors as they migrate away from the outdoor cultivation area. By calculating the relative concentration of odors adjacent to the cultivation area and at the property line(s), we can determine the dilution ratio defined as odor concentration at the cultivation area divided by concentration at the property line(s).

For example, if the maximum concentration at the cultivation area is 5,000 micrograms per cubic meter (ug/m3) and the relative concentration at the property line 2,000 ug/m3, the dilution ratio would equal:

$$\text{Dilution Ratio} = \frac{5{,}000 \text{ ug/m3}}{2{,}000 \text{ ug/m3}} = 2.5$$

In other words, the odors would be dilution by a factor of 2.5 as they migrate from the cultivation area towards the property line.

The dilution factor is used along with measurements at other outdoor cannabis cultivation sites to predict odor intensity at property lines. This methodology was reviewed by the staff at El Dorado County Air Quality Management District (AQMD) to confirm that this approach would be acceptable. The District agreed with this approach as noted in their August 28, 2020 letter to Aaron Mount at El Dorado County Planning.

Modeling Methodology

We used the EPA and AQMD recommended AERMOD dispersion model (Version 19191) along with one year (2019) of hourly wind data for Somerset. The data (known as MM5) is derived from weather satellites to calculation winds and other parameters for all locations in the continental US. The data used was prepared by Lakes Environmental (Waterloo, Canada)[1].

[1] Lakes Environmental. Waterloo, Canada. Information on the development of local wind data based on the MM5 for Somerset can be found at: https://www.weblakes.com/services/met_data.html#aermetmm5

The cultivation site was modeled as three separate polygons. Concentrations were calculated using a 10 meter grid using an emission rate of 1.00 x 10^{-4} grams/sec-square meter for each area source. See Figure 2.

The model results are concentrations in terms of micrograms per cubic meter at each grid location averaged over 1-hour. These concentrations are meaningful only in a relative sense to help establish the dilution pattern. It is recognized that the time-scale for detecting odors is a few minutes, not 1 hour. Typically, peak concentrations over a few minutes are many times greater than those over 1 hour. However, the *ratio* of concentrations and the dilution factor will remain the same whether averaged over a few minutes or 1 hour averaging time.

Finally, we note that the maximum predicted concentration varies with both the distance and the direction from the cultivation site. Generally, the concentration decreases with distance from the cultivation site. Figures 3 to 5 illustrate the spatial distribution of 1-hour relative concentration.

Baseline Odor Used in the Analysis

We used odor measurements taken at a Yolo County outdoor cannabis site. This outdoor site covers 0.75 acres and is located at 22945 County Road 23, Esparto. At the time the measurements were taken, the plants were 2 weeks away from harvesting. Odor measurements were taken September 22, 2020 that indicated odor intensity of 15 DT. However, we noted that there were brief periods when odor intensity was above 15 but were not fully captured by the Nasal Ranger. We estimated the odor intensity to be closer to 20 DT and this is the value used in the current analysis. A complete documentation of the September 22nd odor survey is attached.

CALCULATION OF ODOR INTENSITY AND RESULTS

The calculation of odor intensity at the property lines is as follows:

$$\text{Odor Intensity at Property Line} = \frac{\text{Baseline Odor Intensity (DT)}}{\text{Dilution Factor}}$$

For example, the odor intensity at the Eastern property line (Figure 7) would equal:

$$\frac{20 \text{ DT}}{3.53} = 5.66$$

The results for the closest property lines is summarized on the next page.

Location	Distance to Property Line		Maximum Conc.	Conc. At Property Line	Lowest Dilution Ratio	Fenceline DT
	(ft)	(m)				
Eastern Property Line #1	123	37.5	16,718	3,741	4.47	4.48
Eastern Property Line #2	125	38.1	50,261	14,231	3.53	5.66
Eastern Property Line #3	125	38.1	31,464	9,415	3.34	5.98
Western Property Line	330	100.6	25,706	5,329	4.82	4.15
Northern Property Line	298	90.9	18,882	4,352	4.34	4.61
Southern Property Line	1438	438.4	31,464	<4,801[a]	>6.55	>3.05
Baseline DT	20					
Notes						
a. The Southern property line lies outside the modeling grid. The concentration at the Sotherhern property line below this value.						

Once a permit has been issued and cannabis cultivation proceeds, EPS staff will be available to conduct odor monitoring at your property to confirm that odors do not exceed the County limit of 7 DT.

FIGURES

Figure 1
Site Map Showing Details of Cultivation Area

Figure 2
Modeling Grid

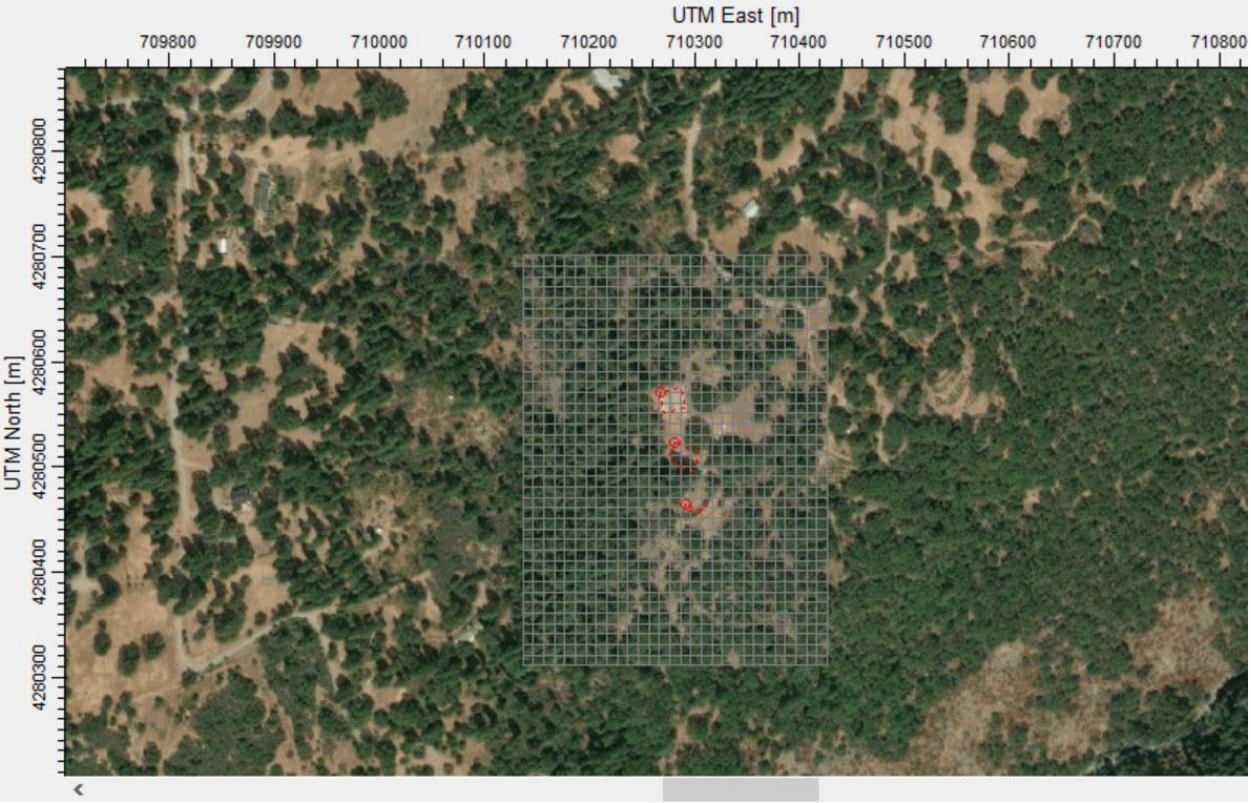


Figure 3

Contours of Relative 1-Hour Concentrations

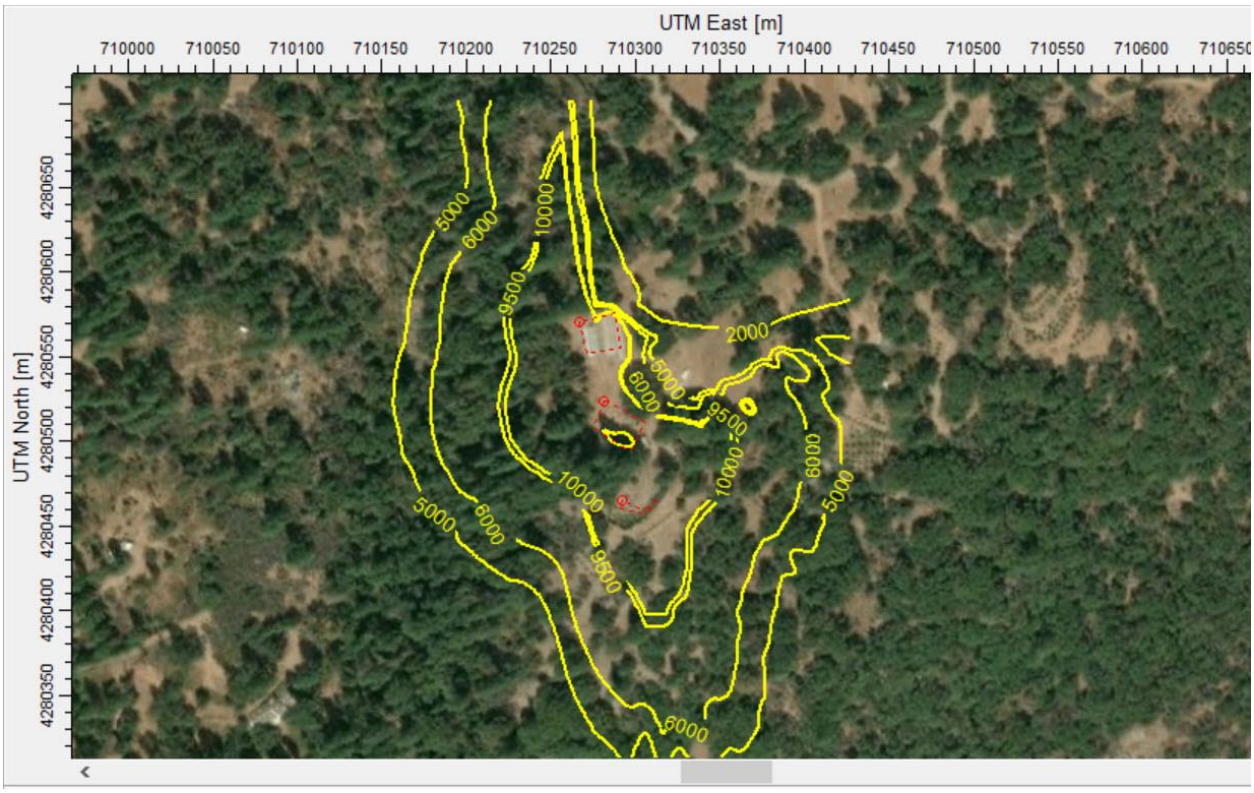


Figure 4
Contours of Relative Concentration (close-up)

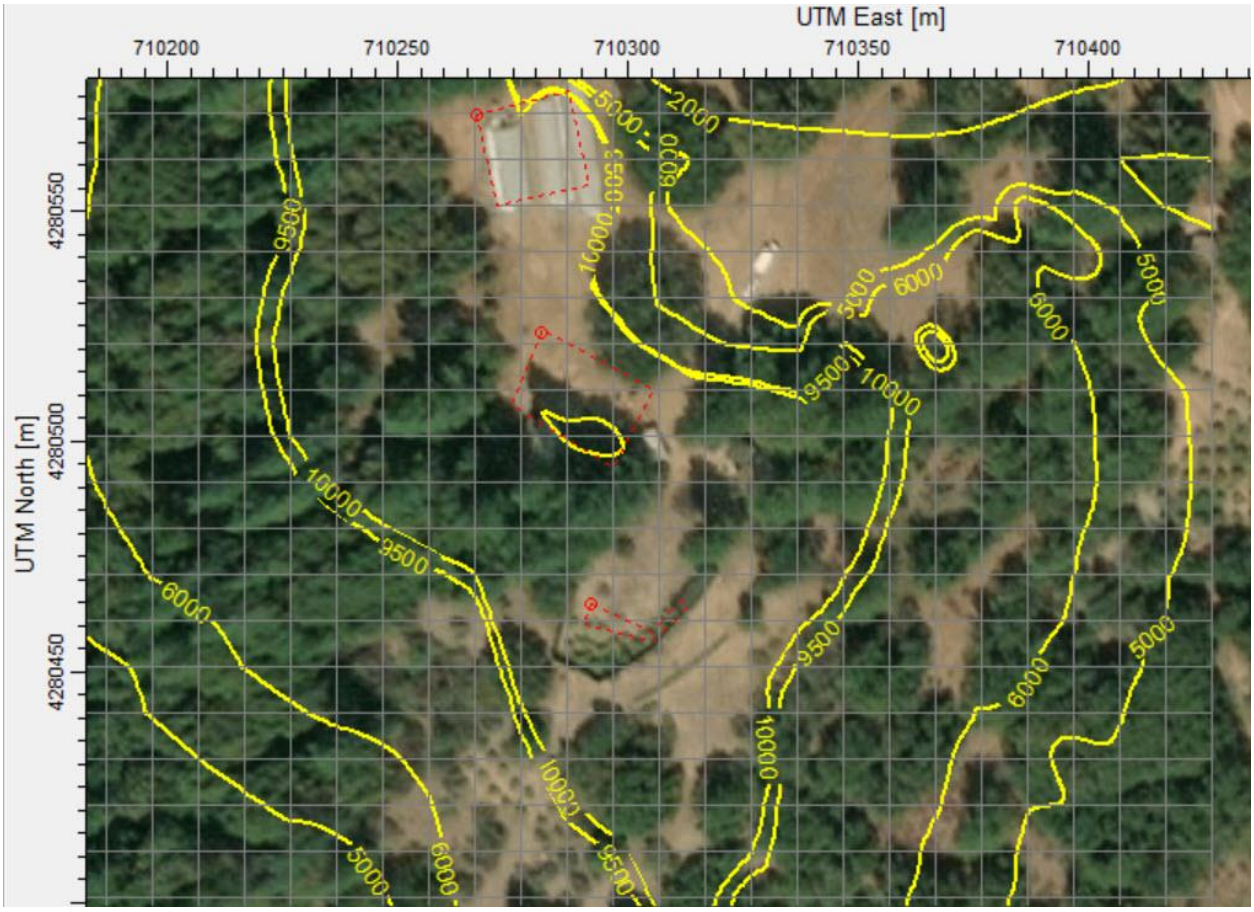


Figure 5

Numerical Values of Relative Concentration

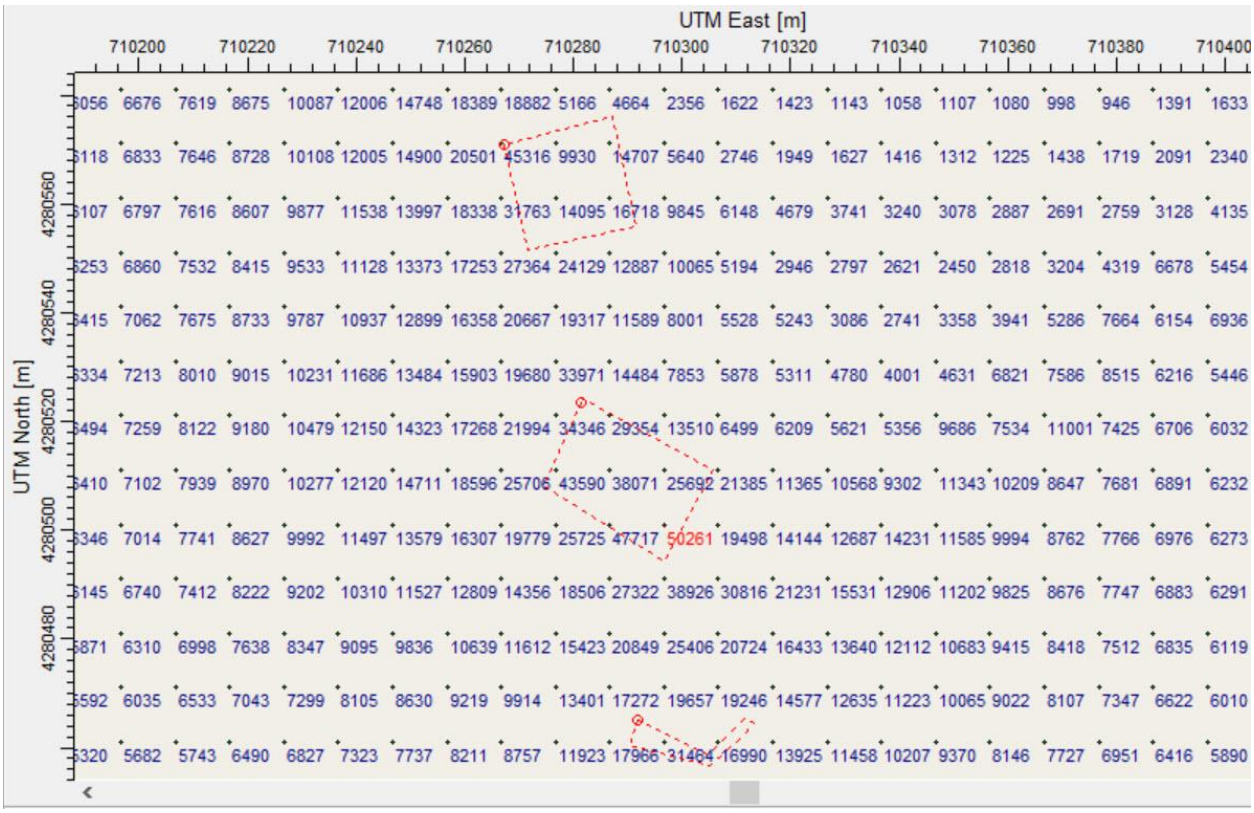


Figure 6

Sample Calculation of Dilution Factor at Eastern Property Line

Distance to Property Line 125 feet (37.5meters)

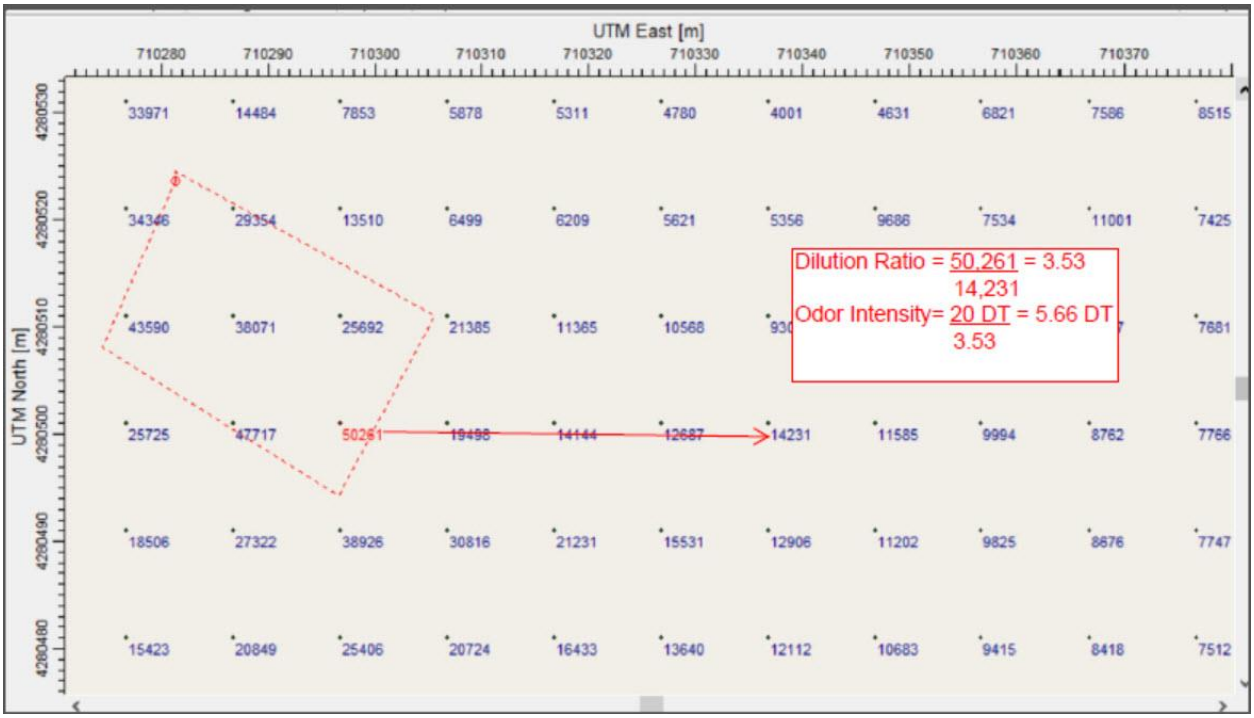
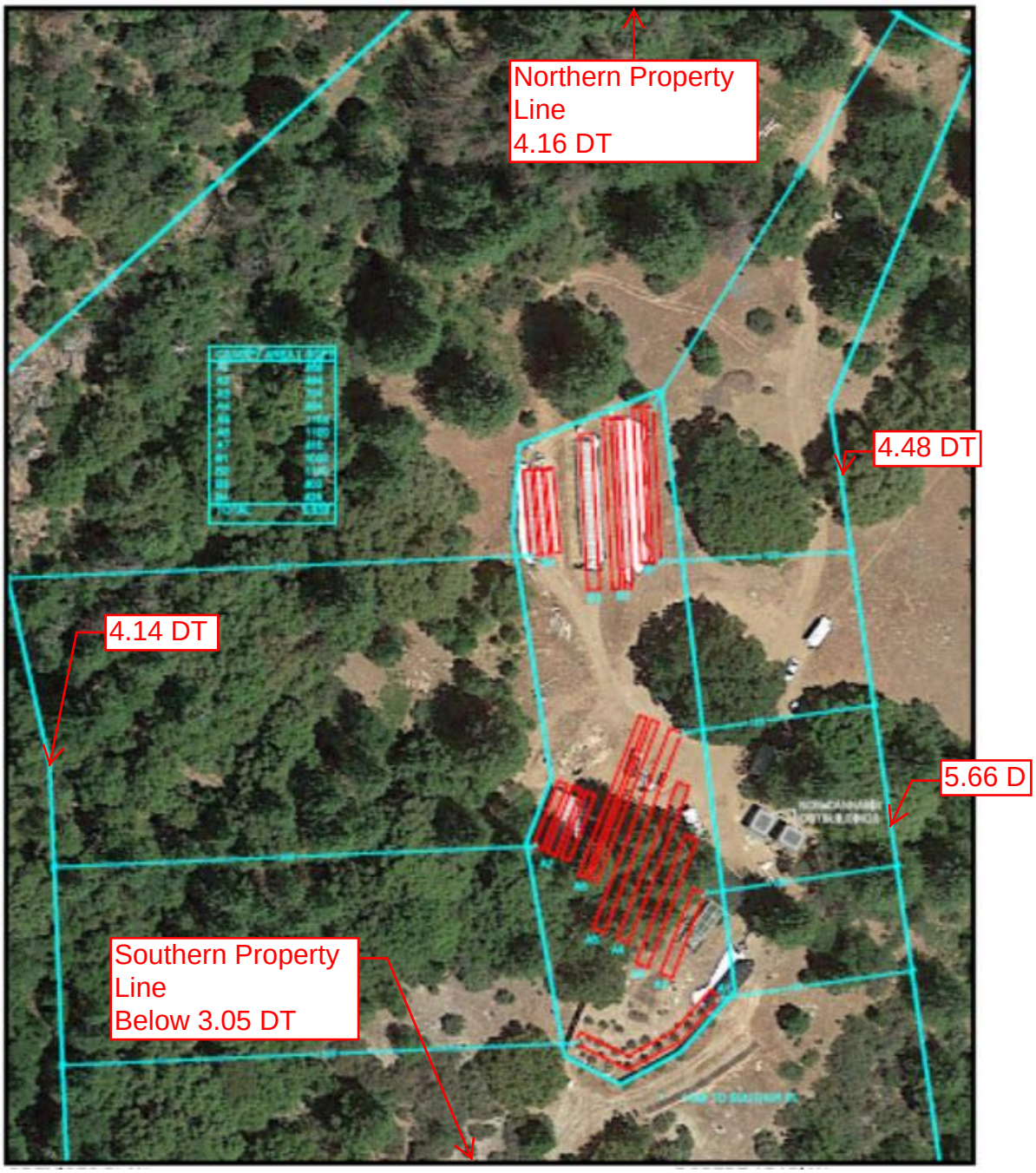


Figure 7
Summary of Results
Maximum Odor Intensity Along Property Lines



ATTACHMENT

Yolo County Cannabis Site for Baseline Odor Measurements

September 22, 2020

COUNTY OF YOLO
CANNABIS TASK FORCE
120 W. Main Street, Suite C
Woodland, CA 95695
Telephone: (530) 406 4800

CULTIVATION LICENSE : PR0063595

LICENSE FOR CANNABIS CULTIVATION
NON-TRANSFERABLE

SUBJECT TO ALL CONDITIONS OF YOLO COUNTY CODE OF ORDINANCES TITLE 5, CHAPTER 20
THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

CANNABIS CULTIVATION LICENSE

ISSUED TO:
CAPAY VALLEY INC

LOCATED AT:
22945 CR 23
ESPARTO, CA 95627

APN: 047-060-006

CONTACT:
CAPAY VALLEY INC
430 W CREEKSIDE CIR
DIXON, CA 95620

DATE OF ISSUE: 2/19/2020
DATE OF EXPIRATION: 12/31/2020

License Type: YEAR ROUND CULTIVATION LIC 1ST (1/4 ACRE)
Total Cultivation Area: 3/4 ACRE (32,670 sq ft)

General Conditions of approval of this Cannabis Cultivation License are listed below:

- **Operations must comply with Yolo County's Ordinance on Marijuana Cultivation (Title 5, Chapter 20 of the Yolo County Code).**
- **This license supersedes Business License #12343 and is issued for cultivation only.**
- **Use of utilities and structures must be fully permitted under local authority.**
- **Licensee must maintain compliance with applicable requirements of the State Water Resources Control Board.**
- **Licensee must obtain and maintain in good standing a State license for cannabis cultivation.**
- **Licensees shall not commingle product with other cultivators or transfer marijuana to other cultivation sites, including a collocated site.**
- **This license constitutes a revocable privilege. Licensees have the burden of proving qualifications for a license at all times.**
- **Licensee shall permit Yolo County Staff the entry and inspection of all areas of the cultivation site.**

Special Conditions:

Licensee must communicate to anyone coming on-site, including employees and contract labor, verbally and in writing through signage, that safe driving practices while traveling to and from the site must be followed.
Verified complaints on reckless driving may result in the issuance of a Notice of Violation.

Susan Strachan
Cannabis Policy and Enforcement Manager

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies: The Division of the State Architect at dgs.ca.gov/dsa/Home.aspx, The Department of Rehabilitation at rehab.cahwnet.gov, and The California Commission on Disability Access at ccda.ca.gov.

Yolo County Dept. of Community Services Code Enforcement Unit 120 W. Main St, Ste. C Woodland, CA 95695 (530) 406-4800

6015.rpt

Odor Measurements

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	Date	Time	Wind Speed	Wind Direction	Temp	Relative Humidity		Nasal Ranger Reading							
2	9/22/2020	9:45	(MPH0	(Dir From)	(F)	(%)		60	30	15	7	4	2	<2	ND
3															
4	9/22/2020	9:55	INOP	INOP	79.1	55.6					X				
5	9/22/2020	9:58	INOP	INOP	79.5	54.6							X		
6	9/22/2020	10:00	INOP	INOP	81.3	52.4						X			
7	9/22/2020	10:10	INOP	INOP	80	47.6					X				
8	9/22/2020	10:12	INOP	INOP	78.8	48.7				X					
9	9/22/2020	10:15	INOP	INOP	81.3	45.9						X			
10	9/22/2020	10:16	INOP	INOP	81.3	44.8							X		
11	9/22/2020	10:17	INOP	INOP	81.4	43.5							X		
12	9/22/2020	10:18	INOP	INOP	81.4	42.9						X			
13															
14															
15															

Excerpts of Weather Data

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Location	22945 County Road 23, Esparto California														
2	Device Name	Kestrel 5500														
3	Device Model	KESTREL_5500L														
4	Serial Number	2486826														
5	ORMATTED DATE_TIM	Altitude	Dew Point	Density Altitude	Wind Chill	Direction - True	Headwind	Heat Stress Index	Crosswind	Wind Speed	Relative Humidity	Direction - Mag	Psychro Wet Bulb Temperature	Station Pressure	Temperature	Barometric Pressur
6	YYY-MM-DD HH:MM:S	ft	¬°°F	ft	¬°°F	¬°°	mph	¬°°F	mph	mph	%	¬°°	¬°°F	inHg	¬°°F	inHg
7	9/22/2020 10:15	291	65	2,057	82.8	***	***	84.9	***	0	55	***	70.5	29.69	82.8	29.69
8	9/22/2020 10:15	291	65.2	2,067	82.9	***	***	85.3	***	0	55.2	***	70.7	29.69	82.9	29.69
9	9/22/2020 10:15	291	65.4	2,080	82.9	***	***	85.3	***	0.9	55.2	***	70.7	29.69	83.1	29.69
10	9/22/2020 10:15	295	65.4	2,090	83.1	***	***	85.6	***	0	55	***	70.9	29.69	83.2	29.68
11	9/22/2020 10:15	291	65.6	2,095	83.3	***	***	86	***	0	55.4	***	71.1	29.69	83.3	29.68
12	9/22/2020 10:15	295	65.6	2,092	83.1	***	***	85.6	***	0	55.6	***	71.1	29.68	83.1	29.68
13	9/22/2020 10:16	295	64.5	2,040	82.4	***	***	84	***	0	54.6	***	70.2	29.69	82.5	29.68
14	9/22/2020 10:16	296	62.8	1,988	81.9	***	***	82.8	***	0	52.4	***	68.9	29.68	81.9	29.68
15	9/22/2020 10:16	296	61.3	1,963	81.7	***	***	82.2	***	0	50.1	***	68	29.68	81.7	29.68
16	9/22/2020 10:16	296	60.2	1,951	81.5	***	***	81.3	***	0	48.3	***	67.3	29.68	81.6	29.68
17	9/22/2020 10:16	296	59.4	1,928	81.3	***	***	81	***	0	47.4	***	66.9	29.68	81.4	29.68
18	9/22/2020 10:16	296	58.9	1,894	80.8	***	***	80.4	***	0	47.3	***	66.6	29.68	80.9	29.68
19	9/22/2020 10:16	295	58.4	1,837	79.9	***	***	79.3	***	0	47.6	***	65.8	29.68	80	29.68
20	9/22/2020 10:16	295	57.8	1,771	79	***	***	78.1	***	0	48.2	***	65.3	29.68	79.1	29.68
21	9/22/2020 10:16	296	57.8	1,753	78.6	***	***	77.9	***	0	48.7	***	65.1	29.68	78.8	29.68
22	9/22/2020 10:16	295	57.8	1,739	78.4	***	***	77.7	***	0	49	***	65.1	29.69	78.6	29.68
23	9/22/2020 10:16	291	58	1,746	78.6	***	***	77.9	***	0	49	***	65.1	29.69	78.7	29.68
24	9/22/2020 10:16	291	58.2	1,773	79	***	***	78.3	***	0	48.8	***	65.5	29.69	79.1	29.68
25	9/22/2020 10:16	291	58.4	1,798	79.5	***	***	79	***	0	48.5	***	65.7	29.69	79.5	29.69
26	9/22/2020 10:16	291	58.6	1,825	79.9	***	***	79.3	***	0	48.2	***	66	29.69	80	29.69
27	9/22/2020 10:16	288	58.8	1,852	80.2	***	***	79.7	***	0	47.9	***	66.2	29.69	80.3	29.69
28	9/22/2020 10:16	291	59	1,874	80.6	***	***	80.2	***	0	47.7	***	66.4	29.69	80.7	29.68
29	9/22/2020 10:16	295	59.2	1,891	80.8	***	***	80.4	***	0	47.7	***	66.6	29.69	80.9	29.68
30	9/22/2020 10:16	288	59.3	1,899	81	***	***	80.8	***	0	47.7	***	66.7	29.69	81.1	29.69
31	9/22/2020 10:16	253	59.5	1,867	81.1	***	***	81	***	0	47.8	***	66.9	29.73	81.2	29.73
32	9/22/2020 10:16	310	59.6	1,946	81.3	***	***	81.1	***	0	47.7	***	66.9	29.67	81.3	29.67
33	9/22/2020 12:15	321	59.6	1,963	81.3	***	***	81.1	***	0	47.6	***	66.9	29.66	81.4	29.65
34	9/22/2020 12:15	81	59.1	1,662	81.3	***	***	81	***	0	46.8	***	66.7	29.91	81.4	29.91
35	9/22/2020 12:15	56	58.4	1,625	81.3	***	***	80.6	***	0	45.7	***	66.4	29.94	81.4	29.94

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Appendix C

Biological Resources Assessment

BIOLOGICAL RESOURCES ASSESSMENT FOR THE CANNABIS CULTIVATION OPERATION AT 5445 HAWKEYE ROAD, SOMERSET, CALIFORNIA

Prepared May 28, 2020

Revised October 4, 2021

Prepared by:

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1. INTRODUCTION

1.1. PROJECT LOCATION AND DESCRIPTION

Natural Investigations Company conducted a biological resources assessment for a cannabis cultivation operation on a 20.2-acre parcel (APN 041-910-08-100) at 5445 Hawkeye Road, Somerset, California.

The proposed project consists of a cultivation compound about 2.5 acres in size with several garden areas. The current permit that will be acquired will allow 10,000 square feet of Cannabis canopy to be grown. Plants will be grown in hoophouses with full sun and light deprivation, but no supplemental lighting. Plants will be grown in borderless raised beds (rows of potting soil on top of native soil, with no wood or fabric siding). The gardens will use drip irrigation; an existing well will be used for the water supply. Water storage is not anticipated to be necessary; water will be pumped directly from the well to the planting stations. Nutrients and compost tea will be delivered via 250-gallon mixing tanks.

Grading will be required to create the desired garden configuration. Several beetle-damaged trees were removed for safety purposes. No additional trees will be removed. Two oak trees may be trimmed. The existing driveway will be redesigned to accommodate emergency vehicles access. Existing structures include two small offices/outbuildings and two shipping containers. No new structures will be constructed or brought on to the site. The shipping containers may need modifications to meet code regulations.

For this assessment, the Project Area was defined as the cultivation area plus the ancillary facilities, and this 2.5-acre area was the subject of the impact analysis. The entire 20-acre property was defined as the Study Area. The Study Area is defined to identify biological resources adjacent to the Project Area, and is the area subject to potential indirect effects from Project implementation.

1.2. PURPOSE AND SCOPE OF ASSESSMENT

This Biological Resources Assessment was prepared to assist in compliance with the California Environmental Quality Act and the state and federal Endangered Species Acts. This assessment also functions to fulfill requirements for obtaining enrollment (a Notice of Applicability) in the State Water Resources Control Board's Order WQ 2019-0007-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order).

This assessment provides information about the biological resources within the Study Area, the regulatory environment affecting such resources, any potential Project-related impacts upon these resources, and finally, to identify mitigation measures and other recommendations to reduce the significance of these impacts. The specific scope of services performed for this assessment consisted of the following tasks:

- Compile all readily-available historical biological resource information about the Study Area;
- Spatially query state and federal databases for any occurrences of special-status species or habitats within the Study Area and vicinity;
- Perform a reconnaissance-level field survey of the Study Area, including photographic documentation;
- Inventory all flora and fauna observed during the field survey;
- Characterize and map the habitat types present within the Study Area, including any potentially-jurisdictional water resources;
- Evaluate the likelihood for the occurrence of any special-status species;
- Assess the potential for the Project to adversely impact any sensitive biological resources;

- Recommend mitigation measures designed to avoid or minimize Project-related impacts; and
- Prepare and submit a report summarizing all of the above tasks.

The scope of services does not include other services that are not described in this Section, such as formal aquatic resource delineations or protocol-level surveys for special-status species.

1.3. REGULATORY SETTING

The following section summarizes some applicable regulations of biological resources on real property in California.

1.3.1. Special-status Species Regulations

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service implement the Federal Endangered Species Act of 1973 (FESA) (16 USC §1531 et seq.). Threatened and endangered species on the federal list (50 CFR §17.11, 17.12) are protected from "take" (direct or indirect harm), unless a FESA Section 10 Permit is granted or a FESA Section 7 Biological Opinion with incidental take provisions is rendered. Pursuant to the requirements of FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present in the project area and determine whether the proposed project will have a potentially significant impact upon such species. Under FESA, habitat loss is considered to be an impact to the species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC §1536[3], [4]). Therefore, project-related impacts to these species or their habitats would be considered significant and would require mitigation. Species that are candidates for listing are not protected under FESA; however, USFWS advises that a candidate species could be elevated to listed status at any time, and therefore, applicants should regard these species with special consideration.

The California Endangered Species Act of 1970 (CESA) (California Fish and Game Code §2050 *et seq*., and CCR Title 14, §670.2, 670.51) prohibits "take" (defined as hunt, pursue, catch, capture, or kill) of species listed under CESA. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Section 2081 establishes an incidental take permit program for state-listed species. Under CESA, California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of threatened and endangered species designated under state law (CFG Code 2070). CDFW also maintains lists of species of special concern, which serve as "watch lists." Pursuant to requirements of CESA, an agency reviewing proposed projects within its jurisdiction must determine whether any state-listed species may be present in the Study Area and determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation.

California Fish and Game Code Sections 4700, 5050, and 5515 designates certain mammal, amphibian, and reptile species "fully protected", making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The California Native Plant Protection Act of 1977 (CFG Code §1900 *et seq*.) requires CDFW to establish criteria for determining if a species or variety of native plant is endangered or rare. Section 19131 of the code requires that landowners notify CDFW at least 10 days prior to initiating activities that will destroy a listed plant to allow the salvage of plant material.

Many bird species, especially those that are breeding, migratory, or of limited distribution, are protected under federal and state regulations. Under the Migratory Bird Treaty Act of 1918 (16 USC §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbances must be reduced or eliminated during

the nesting cycle. California Fish and Game Code (§3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs. Fish and Game Code §3511 designates certain bird species "fully protected", making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The Bald and Golden Eagle Protection Act (16 USC §668) specifically protects bald and golden eagles from harm or trade in parts of these species.

California Environmental Quality Act (CEQA) (Public Resources Code §15380) defines "rare" in a broader sense than the definitions of threatened, endangered, or fully protected. Under the CEQA definition, CDFW can request additional consideration of species not otherwise protected. CEQA requires that the impacts of a project upon environmental resources must be analyzed and assessed using criteria determined by the lead agency. Sensitive species that would qualify for listing but are not currently listed may be afforded protection under CEQA. The CEQA Guidelines (§15065) require that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines (§15380) provide for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Plant species on the California Native Plant Society (CNPS) Lists 1A, 1B, or 2 are typically considered rare under CEQA. California "Species of Special Concern" is a category conferred by CDFW on those species that are indicators of regional habitat changes or are considered potential future protected species. While they do not have statutory protection, Species of Special Concern are typically considered rare under CEQA and thereby warrant specific protection measures.

1.3.2. Water Resource Protection

Real property that contains water resources are subject to various federal and state regulations and activities occurring in these water resources may require permits, licenses, variances, or similar authorization from federal, state and local agencies, as described next.

The Federal Water Pollution Control Act Amendments of 1972 (as amended), commonly known as the Clean Water Act (CWA), established the basic structure for regulating discharges of pollutants into "waters of the United States". Waters of the US includes essentially all surface waters, all interstate waters and their tributaries, all impoundments of these waters, and all wetlands adjacent to these waters. CWA Section 404 requires approval prior to dredging or discharging fill material into any waters of the US, especially wetlands. The permitting program is designed to minimize impacts to waters of the US, and when impacts cannot be avoided, requires compensatory mitigation. The US Army Corps of Engineers (USACE) is responsible for administering Section 404 regulations. Substantial impacts to jurisdictional wetlands may require an Individual Permit. Small-scale projects may require only a Nationwide Permit, which typically has an expedited process compared to the Individual Permit process. Mitigation of wetland impacts is required as a condition of the CWA Section 404 Permit and may include on-site preservation, restoration, or enhancement and/or off-site restoration or enhancement. The characteristics of the restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Under CWA Section 401, every applicant for a federal permit or license for any activity which may result in a discharge to a water body must obtain State Water Quality Certification that the proposed activity will comply with State water quality standards. The California State Water Resources Control Board is responsible for administering CWA Section 401 regulations.

Section 10 of the Rivers and Harbors Act of 1899 requires approval from USACE prior to the commencement of any work in or over navigable Waters of the US, or which affects the course, location, condition or capacity of such waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used, or are susceptible to use, as a means to transport interstate or foreign commerce up to the head of navigation. Rivers and Harbors Act Section 10 permits are required for construction activities in these waters.

California Fish and Game Code (§1601 - 1607) protects fishery resources by regulating "*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*." CDFW requires notification prior to commencement, and issuance of a Lake or Streambed Alteration Agreement, if a proposed project will result in the alteration or degradation of ''waters of the State". 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*". CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the CDFW and the applicant is the Streambed Alteration Agreement. Projects that require a Streambed Alteration Agreement may also require a CWA 404 Section Permit and/or CWA Section 401 Water Quality Certification.

For construction projects that disturb one or more acres of soil, the landowner or developer must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

The State Water Resources Control Board's Order WQ 2019-0007-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities protects receiving water bodies from water-quality impacts associated with cannabis cultivation using a combination of Best Management Practices, buffer zones, sediment and erosion controls, site management plans, inspections and reporting, and regulatory oversight.

1.3.3. Tree Protection

At the State level, in areas inside timberland, any tree removal is subject to the conditions and requirements set forth in the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules. If development of a project will result in the removal of commercial tree species, one of the following permits is needed: Less than 3 Acre Conversion Exemption; Christmas Tree; Dead, Dying or Diseased, Fuelwood, or Split Products Exemption; a Public Agency, Public and Private Utility Right of Way Exemption; a Notice of Exemption from Timberland Conversion Permit for Subdivision; or an Application for Timberland Conversion Permit.

El Dorado County's Oak Conservation Ordinance requires the inventory of oak resources and the mitigation for the removal of oak resources. Oak Resources consist of oak woodlands, individual native oak trees, and heritage trees. If Oak Resources are to be removed, an Oak Tree or Oak Woodland Removal Permit is required. This requires preparation of an Oak Resources Technical Report and a code compliance certificate verifying that no protected oak trees have been impacted within two years prior to the permit application. Mitigation is required for impacts to oak woodland as well as to individual trees. Impacts to oak resources can be mitigated through in-lieu fee payment to the County's Oak Woodland Conservation Fund. Alternative mitigation such as replacement planting may be identified (either on-site or off-site and protected through deed restriction or conservation easement). If replacement plantings are used for mitigation, the plantings must follow the guidelines of the County's Oak Resources Management Plan, which specifies the planting ratios according to type (acorn, tree size) and maintenance requirements.

2. ENVIRONMENTAL SETTING

The Study Area is located within the cis-montane Sierra Nevada mountains geographic subregion, which is contained within the Sierra Nevada Mountains geographic subdivision of the larger California Floristic Province (Baldwin et al. 2012). This region has a Mediterranean-type climate, characterized by distinct seasons of hot, dry summers and wet, moderately-cold winters. The Study Area and vicinity is in Climate Zone 7 - California's Gray Pine Belt, defined by hot summers and mild but pronounced winters without severe winter cold or high humidity (Sunset, 2020). The topography of the Study Area is mountainous, and consists of a ridge top transitioning to a steeply-sloped canyon wall. The elevation ranges from approximately 2,300 feet to 3,200 feet above mean sea level.

Digital soil survey maps from NRCS' SSURGO 2.2 Database were consulted for this study (NRCS 2021), and mapped soil units occurring within the Study Area are:

- AaF - Acidic rock land, residuum weathered from granite and/or residuum weathered from rhyolite
- HtE - Hotaw very rocky coarse sandy loam, 15 to 50 percent slopes, residuum weathered from granite
- HkE - Holland very rocky coarse sandy loam, 15 to 50 percent slopes, residuum weathered from granite

The Project Area contains only the mapped unit HtE - Hotaw very rocky coarse sandy loam.

3. METHODOLOGY

3.1. PRELIMINARY DATA GATHERING AND RESEARCH

Prior to conducting the field survey, the following information sources were reviewed:

- Any readily-available previous biological resource studies pertaining to the Study Area or vicinity
- United States Geologic Service (USGS) 7.5 degree-minute topographic quadrangles of the Study Area and vicinity
- Aerial photography of the Study Area
- California Natural Diversity Database (CNDDB), electronically updated monthly by subscription
- USFWS species list (IPaC Trust Resources Report).

3.2. FIELD SURVEY

Consulting biologist Tim Nosal, MS. conducted a reconnaissance-level field survey on May 19, 2020. A variable-intensity pedestrian survey was performed, and modified to account for differences in terrain, vegetation density, and visibility. All visible fauna and flora observed were recorded in a field notebook, and identified to the lowest possible taxon. Survey efforts emphasized the search for any special-status species that had documented occurrences in the CNDDB within the vicinity of the Study Area and those species on the USFWS species list (Appendix 1).

When a specimen could not be identified in the field, a photograph or voucher specimen (depending upon permit requirements) was taken and identified in the laboratory using a dissecting scope where necessary. Dr. Graening holds the following scientific collection permits: CDFW Scientific Collecting Permit No. SC-006802; and CDFW Plant Voucher Specimen Permit 09004. Tim Nosal holds CDFW Plant Voucher Specimen Permit 2081(a)-16-102-V. Taxonomic determinations were facilitated by referencing museum specimens or by various texts, including the following: Powell and Hogue (1979); Pavlik (1991); (1993); Brenzel (2012); Stuart and Sawyer (2001); Lanner (2002); Sibley (2003); Baldwin

et al. (2012); Calflora (2020); CDFW (2020b,c); NatureServe 2020; and University of California at Berkeley (2020a,b).

The locations of any special-status species sighted were marked on aerial photographs and/or georeferenced with a geographic positioning system (GPS) receiver. Habitat types occurring in the Study Area were mapped on aerial photographs, and information on habitat conditions and the suitability of the habitats to support special-status species was also recorded. The Study Area was also informally assessed for the presence of potentially-jurisdictional water features, including riparian zones, isolated wetlands and vernal pools, and other biologically-sensitive aquatic habitats

3.3. MAPPING AND OTHER ANALYSES

Locations of species' occurrences and habitat boundaries within the Study Area were digitized to produce the final habitat maps. The boundaries of potentially jurisdictional water resources within the Study Area were identified and measured in the field, and similarly digitized to calculate acreage and to produce informal delineation maps. Geographic analyses were performed using geographical information system software (ArcGIS 10, ESRI, Inc.). Vegetation communities (assemblages of plant species growing in an area of similar biological and environmental factors), were classified by Vegetation Series (distinctive associations of plants, described by dominant species and particular environmental setting) using the CNPS Vegetation Classification system (Sawyer and Keeler-Wolf, 1995). Informal wetland delineation methods consisted of an abbreviated, visual assessment of the three requisite wetland parameters (hydrophytic vegetation, hydric soils, hydrologic regime) defined in the US Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, 1987). Wildlife habitats were classified according to the CDFW's California Wildlife Habitat Relationships System (CDFW, 2020c). Species' habitat requirements and life histories were identified using the following sources: Baldwin et al. (2012); CNPS (2020), Calflora (2020); CDFW (2020a,b,c); and University of California at Berkeley (2020a,b).

4. RESULTS

4.1. INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEY

All plants detected during the field survey of the Study Area are listed in Appendix 2. The following animals were detected within the Study Area during the field survey:

black-tailed jackrabbit (*Lepus californicus*); Botta's pocket gopher (*Thomomys bottae*); Columbian black-tailed deer (*Odocoileus hemionus columbianus*); acorn woodpecker (*Melanerpes formicivorus*); American crow (*Corvus brachyrhynchos*); American robin (*Turdus migratorius*); Anna's hummingbird (*Calypte anna*); California quail (*Callipepla californica*); Nuttall's woodpecker (*Picoides nuttallii*); red breasted nuthatch (*Sitta canadensis*); Stellar's jay (*Cyanocitta stelleri*); turkey vulture (*Cathartes aura*); Western tanager (*Piranga ludoviciana*); and western wood pewee (*Contopus sordidulus*).

4.2. VEGETATION COMMUNITIES AND WILDLIFE HABITAT TYPES

4.2.1. Terrestrial Vegetation Communities

The Study Area contains the following terrestrial vegetation communities: ruderal/developed; and mixed oak-conifer forest. These vegetation communities are discussed here and are delineated in the Exhibits.

Ruderal/Disturbed. These areas consist of disturbed or converted natural habitat that is now either in ruderal state, graded, or urbanized with gravel roads. Vegetation within this habitat type consists primarily of nonnative weedy or invasive species lacking a consistent community structure. This habitat type provides limited resources for wildlife and is utilized primarily by species tolerant of human activities. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages.

Mixed Oak-Conifer Forest. Most of the Study Area is underlain by soils derived from granite, and are vegetated with an open-to-dense canopy of ponderosa pine (*Pinus ponderosa*) and canyon live oak (*Quercus chrysolepis*). Other trees found within the canopy include California black oak (*Quercus kelloggii*), incense cedar (*Calocedrus decurrens*), interior live oak (*Quercus wislizeni*), Douglas-fir (*Pseudotsuga menziesii*) and sugar pine (*Pinus lambertiana*). A diverse understory of shrubs is found within openings, including white-leaf manzanita (*Arctostaphylos viscida*), poison-oak (*Toxicodendron diversilobum*), deer brush (*Ceanothus integerrimus*), wedgeleaf ceanothus (*Ceanothus cuneatus*) and bear clover (*Chamaebatia foliolosa*). The herbaceous layer within this habitat is similarly diverse, and includes many native species including blue wild rye (*Elymus glaucus*), woodland brome (*Bromus laevipes*), California melic grass (*Melica californica*), wooly sunflower (*Eriophyllum lanatum*), wavy leaved soap plant (*Chlorogalum pomeridianum*), lupines (Lupinus spp.) and purple clarkia (*Clarkia purpurea*). This vegetation can be classified as"87.010.00 Ponderosa Pine Forest" or "71.100.15 Quercus agrifolia – Quercus garryana – Quercus kelloggii:, depending upon the dominant tree type (CDFW 2019).

4.2.2. Wildlife Habitat Types

Wildlife habitat types were classified using CDFW's Wildlife Habitat Relationship System. The Study Area contains the following wildlife habitat types: Montane Hardwood-Conifer; Urban; and Barren.

4.2.3. Critical Habitat and Special-status Habitat

No critical habitat for any federally-listed species occurs within the Project Area or the surrounding Study Area. The CNDDB reported no special-status habitats within the Project Area or surrounding Study Area. The CNDDB reported the following special-status habitats in a 10-mile radius outside of the Study Area: Sacramento-San Joaquin Foothill/Valley Ephemeral Stream; Central Valley Drainage Spring Stream; Central Valley Drainage Resident Rainbow Trout Stream and Central Valley Drainage Hardhead/Squawfish Stream. No special-status habitats were detected within the Project Area. However, the surrounding Study Area contains the following special-status habitat: a channel and any associated riparian habitat.

4.2.4. Habitat Plans and Wildlife Corridors

Wildlife movement corridors link remaining areas of functional wildlife habitat that are separated primarily by human disturbance, but natural barriers such as rugged terrain and abrupt changes in vegetation cover are also possible. Wilderness and open lands have been fragmented by urbanization, which can disrupt migratory species and separate interbreeding populations. Corridors allow migratory movements and act as links between these separated populations.

Although there are no designated wildlife corridors, the open space within the Study Area provides unrestricted animal movement. The Study Area is not located within any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

4.3. LISTED SPECIES AND OTHER SPECIAL-STATUS SPECIES

For the purposes of this assessment, “special status” is defined to be species that are of management concern to state or federal natural resource agencies, and include those species that are:

- Listed as endangered, threatened, proposed, or candidate for listing under the Federal Endangered Species Act;
- Listed as endangered, threatened, rare, or proposed for listing, under the California Endangered Species Act of 1970;
- Designated as endangered or rare, pursuant to California Fish and Game Code (§1901);
- Designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050);
- Designated as a species of special concern by CDFW;
- Plants considered to be rare, threatened or endangered in California by the California Native Plant Society (CNPS); this consists of species on Lists 1A, 1B, and 2 of the CNPS Ranking System; or
- Plants listed as rare under the California Native Plant Protection Act.

4.3.1. Reported Occurrences of Listed Species and Other Special-status Species

A list of special-status plant and animal species that have occurred within the Study Area and vicinity was compiled based upon the following:

- Any previous and readily-available biological resource studies pertaining to the Study Area;
- Informal consultation with USFWS by generating an electronic Species List (Information for Planning and Conservation website at https://ecos.fws.gov/ipac/); and
- A spatial query of the CNDDB.

The CNDDB was queried and any reported occurrences of special-status species were plotted in relation to the Study Area boundary using GIS software (see exhibits). The CNDDB reported no special-status species occurrences within the Project Area or the surrounding Study Area. Within a 10-mile buffer of the Study Area boundary, the CNDDB reported several special-status species occurrences, summarized in the following table.

A USFWS species list was generated online using the USFWS' IPaC Trust Resource Report System (see Appendix 1). This list is generated using a regional and/or watershed approach and does not necessarily indicate that the Study Area provides suitable habitat. The following listed species should be considered in the impact assessment: California Red-legged Frog (*Rana draytonii*), Threatened; and Delta Smelt (*Hypomesus transpacificus*), Threatened. Migratory birds should also be considered in the impact assessment.

Special-status Species Reported by CNDDB in the Vicinity of the Study Area

Common Name Scientific Name	Status*	General Habitat	Microhabitat	Potential for Species to Occur in Project Areas
ANIMALS				
California red-legged frog *Rana draytonii*	FT/CSSC	Lowlands & foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation.	Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Low potential: The project area is entirely upland and the nearest permanent water sources are thousands of feet away. The nearest historical record is several miles away.
Foothill yellow-legged frog *Rana boylii*	CCT/CSSC	Partly-shaded, shallow streams & riffles with a rocky substrate in a variety of habitats.	Need at least some cobble-sized substrate for egg-laying. Need at least 15 weeks to attain metamorphosis.	Low potential: The project area is entirely upland and the nearest permanent water sources are thousands of feet away.
Sierra Nevada yellow-legged frog *Rana sierrae*	FE/CT/WL	Always encountered within a few feet of water. Tadpoles may require 2 - 4 yrs to complete their aquatic development.		Low potential: The project area is entirely upland and the nearest permanent water sources are thousands of feet away.
Northern goshawk *Accipiter gentilis*	CSSC	Within, and in vicinity of, coniferous forest. Uses old nests, and maintains alternate sites.	Usually nests on north slopes, near water. Red fir, lodgepole pine, Jeffrey pine, and aspens are typical nest trees.	Moderate potential: Forest habitat is adjacent to the Project Area.
Great gray owl *Strix nebulosa*	CE	Resident of mixed conifer or red fir forest habitat, in or on edge of meadows.	Requires large diameter snags in a forest with high canopy closure, which provide a cool sub-canopy microclimate.	Moderate potential: Forest habitat is adjacent to the Project Area.
Bank swallow *Riparia riparia*	CT	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert.	Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	No potential: There are no riparian habitat or perennial streams within 1,000 feet of the Project Area.
Fringed myotis *Myotis thysanodes*	CSSC	In a wide variety of habitats, optimal habitats are pinyon-juniper, valley foothill hardwood & hardwood-conifer.	Uses caves, mines, buildings or crevices for maternity colonies and roosts.	Moderate potential: Forest habitat is adjacent to the Project Area.
Long-legged myotis *Myotis volans*	CSSC	Most common in woodland & forest habitats above 4000 ft. Trees are important day roosts; caves & mines are night roosts.	Nursery colonies usually under bark or in hollow trees, but occasionally in crevices or buildings.	Moderate potential: Forest habitat is adjacent to the Project Area.
Silver-haired bat *Lasionycteris noctivagans*	CSSC	Primarily a coastal & montane forest dweller feeding over streams, ponds & open brushy areas.	Roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes & rarely under rocks. Needs drinking water.	Moderate potential: Forest habitat is adjacent to the Project Area.
Hoary bat *Lasiurus cinereus*	CSSC	Prefers open habitats or habitat mosaics, with access to trees for cover & open areas or habitat edges for feeding.	Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Moderate potential: Forest habitat is adjacent to the Project Area.
Fisher - West Coast DPS *Pekania pennanti*	CT/CSSC	Intermediate to large-tree stages of coniferous forests & deciduous-riparian areas with high percent canopy closure.	Uses cavities, snags, logs & rocky areas for cover & denning. Needs large areas of mature, dense forest.	Moderate potential: Forest habitat is adjacent to the Project Area.
Western pond turtle *Emys marmorata*	CSSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams & irrigation ditches, usually with aquatic vegetation, be	Need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying	Low potential: The project area is entirely upland and the nearest perennial water sources are 1,500 feet to the south (North Fork Cosumnes

Common Name Scientific Name	Status*	General Habitat	Microhabitat	Potential for Species to Occur in Project Areas
				River) and 2,500 feet upstream in a pond on unnamed intermittent channel
Grady's Cave amphipod *Stygobromus gradyi*	CSSC	Known only from central California.	Known only from springs and caves in the Mother Lode Karst Region.	None. There are no springs or caves within the Study Area.
South Forks ground beetle *Nebria darlingtoni*	CSSC	Restricted to the canyon of the South Fork American River.		None. The Study Area is not within the range of this beetle.
Gold rush hanging scorpionfly *Orobittacus obscurus*	CSSC	Known only from a small area on the western slopes of the Central Sierra Nevada	Darkly shaded crannies w/ high humidity, i.e. under tree roots, in overhanging banks, below rock outcrops, along streams	Low potential: The project area is entirely upland and the nearest habitat is at least 350 feet away.
Cosumnes stripetail *Cosumnoperla hypocrena*	CSSC	Found in intermittent streams on western slope of central Sierra Nevada foothills in American & Cosumnes River basins.		Low potential: The project area is entirely upland and the nearest habitat is at least 350 feet away.
Plants				
Nissenan manzanita *Arctostaphylos nissenana*	1B.2	Closed-cone coniferous forest, chaparral.	Usually on metamorphics, associated w/ other chaparral species. 450-1100 m.	Moderate potential: Forest habitat is adjacent to the Project Area.
Stebbins' phacelia *Phacelia stebbinsii*	1B.2	Lower montane coniferous forest, cismontane woodland, meadows and seeps, riparian woodland.	Among rocks and rubble on metamorphic rock benches. 605-2050m.	Moderate potential: Forest habitat is adjacent to the Project Area.
Saw-toothed lewisia *Lewisia serrata*	1B.1	Broadleafed upland forest, lower montane coniferous forest, riparian forest.	Shaded, north-facing moss-covered, metamorphic rock cliffs. 900-1435 m.	Low potential: Suitable habitat is adjacent, but not in, the Project Area.
Parry's horkelia *Horkelia parryi*	1B.2	Chaparral, cismontane woodland.	Openings in chaparral or woodland; especially known from the Ione Formation in Amador County. 80-1070 m..	Low potential: Potential habitat exists, but not the ideal geologic formation.
Pleasant Valley mariposa-lily *Calochortus clavatus avius*	1B.2	Lower montane coniferous forest.	Josephine silt loam and volcanically derived soil; often in rocky areas. 305-1700 m.	No potential: No suitable soil/habitat exists in the Project Area.
Red Hills soaproot *Chlorogalum grandiflorum*	1B.2	Cismontane woodland, chaparral, lower montane coniferous forest.	Occurs frequently on serpentine or gabbro, but also on non-ultramafic substrates; often on "historically disturbed" site	Low potential: Potential habitat exists, but not ideal soil. This genus is easily identifiable by its leaves, and botanical surveys did not detect the plant.

*Definitions of Status Codes: FE = Federally listed as endangered; FT = Federally listed as threatened; FPE = Federally proposed for listing as endangered; FPT = Federally proposed for listing as threatened; FC = Candidate for Federal listing; MB = Migratory Bird Act; CE = California State listed as endangered; CT = California State listed as threatened; CSSC = California species of special concern; CR = California rare species; CFP = California fully protected species; CNPS (California Native Plant Society) List 1A = Plants presumed extinct in California by CNPS; CNPS List 1B = CNPS designated rare or endangered plants in California and elsewhere; and CNPS List 2 = CNPS designated rare or endangered plants in California, but more common elsewhere. Global Ranking: G1 = Critically Imperiled; G2 = Imperiled; G3 = Vulnerable. State Ranking: S1 = Critically Imperiled; S2 = Imperiled; S3 = Vulnerable.

**Copied verbatim from CNDDB, unless otherwise noted.

4.3.2. Listed Species or Special-status Species Observed During Field Survey

During the field survey, no special-status species were detected within the Project Areas or the surrounding Study Area.

4.3.3. Potential for Listed Species or Special-status Species to Occur in the Study Area

The Project Area contains non-native grassland and ruderal habitats. These habitats have a low potential for harboring special-status plant species for various reasons. Aggressive non-native grasses and forbs dominate the ground cover. The soils of the Project Area are not specialized, such as those soils that contain serpentine, ultramafic, or volcanic components. The mixed oak / conifer forest habitats in the surrounding Study Area have greater potential to harbor specials-status plant species.

Special-status amphibians are reported to be present in the general vicinity of the Study Area. The nearest CNDDB record for foothill yellow-legged frog is in the North Fork Cosumnes River about 2 miles away from the Project Area. The nearest CNDDB records for California red-legged frog are a few miles to the north in North Fork Weber Creek and about 15 miles to south in Sopiago Creek. The Project Area is on ridge and has no channels or wetlands. The nearest perennial channel is 1,500 feet to the south (North Fork Cosumnes River) and 2,500 feet upstream, there is a pond on the unnamed intermittent channel. Thus, special-status amphibians are unlikely to occur in the Project Areas because occupation would require long migrations to the Project Areas, which contains no basking, aestivating, or egg-laying habitat. There is a moderate potential for special-status amphibians to occur in the intermittent channel 350 away from the Project Area.

The Project Area contains no trees, but the Project Area is adjacent to forest resources, so there is a moderate potential for birds of prey and bat species to utilize trees in the surrounding Study Area. There are reported occurrences of spotted owl tracked by CDFW within 2 miles of the site. For these same reasons, forest-dependent mammals such as fisher have a moderate potential to occur in treed areas of the Study Area.

4.4. POTENTIALLY-JURISDICTIONAL WATER RESOURCES

The USFWS National Wetland Inventory reported 1 water feature within the Study Area (see Exhibits): a channel.

An informal assessment for the presence of potentially-jurisdictional water resources within the Study Area was also conducted during the field survey. For purposes of this biological site assessment, non-wetland waters were classified using the California Forest Practice Rules. The California Forest Practice Rules define a Class I watercourse as 1) a watercourse providing habitat for fish always or seasonally, and/or 2) providing a domestic water source; a Class II watercourse is 1) a watercourse capable of supporting non-fish aquatic species, or 2) a watercourse within 1000 feet of a watercourse that seasonally or always has fish present; a Class III watercourse is a watercourse with no aquatic life present and that shows evidence of being capable of transporting sediment to Class I and Class II waters during high water flow conditions.

The field survey determined that the Project Area does not contain any channels or wetlands. The following water features were detected within the larger Study Area during the field survey (see Exhibits): one unnamed intermittent channel (Class II watercourse). This channel flows seasonally along the western boundary of the Study Area and then feeds into the North Fork Cosumnes River.

Within the Study Area, wetlands are generally lacking in the channel because it is a high gradient, high velocity channel. There are no vernal pools or other isolated wetlands in the Study Area.

5. IMPACT ANALYSES AND MITIGATION MEASURES

This section establishes the impact criteria, then analyzes potential Project-related impacts upon the known biological resources within the Study Area, and then suggests mitigation measures to reduce these impacts to a less-than-significant level.

5.1. IMPACT SIGNIFICANCE CRITERIA

The significance of impacts to biological resources depends upon the proximity and quality of vegetation communities and wildlife habitats, the presence or absence of special-status species, and the effectiveness of measures implemented to protect these resources from Project-related impacts. As defined by CEQA, the Project would be considered to have a significant adverse impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a special-status species in local or regional plans, policies, or regulations, or by USFWS or CDFW
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by USFWS or CDFW
- 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
- 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
- Conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved governmental habitat conservation plan.

5.2. IMPACT ANALYSIS

The following discussion evaluates the potential for Project-related activities to adversely affect biological resources. The Project boundaries were digitized and then overlaid on the habitat map using GIS to quantify potential impacts. Historical aerial photos were also analyzed for changes in land use.

5.2.1. Potential Direct / Indirect Adverse Effects Upon Special-status Species

- *Will the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The Project Area contains non-native grassland and ruderal habitats. These habitats have a low potential for harboring special-status plant species for various reasons. Aggressive non-native grasses and forbs dominate the ground cover. The soils of the Project Area are not specialized, such as those soils that contain serpentine, ultramafic, or volcanic components. State and federal databases do not report any special-status plant species in the Project Area. The mixed oak / conifer forest habitats in the surrounding Study Area have greater potential to harbor specials-status plant species, but these

habitats will not be impacted. Thus, project implementation will not directly impact any known special-status plant population.

Special-status amphibians and reptiles are reported to be present in the general vicinity of the Study Area. There is a moderate potential for special-status amphibians to occur in the intermittent channel 350 away from the Project Area. It is possible for special-status species to migrate into Project Areas. This is a potentially significant impact before mitigation.

No special-status animal species were detected within the Project Area of Study Area during the field surveys. State and federal databases do not report any special-status animal species in the Study Area. Thus, project implementation will not directly impact any known special-status animal population. However, special-status animal species could migrate into the Project Area between the time that the field survey was completed and the start of construction. This is a potentially significant impact before mitigation.

Special-status bird and bat species were reported in databases (CNDDB and USFWS) in the vicinity of the Project Area. The Project Area contains a few oak trees, and the Project Area is adjacent to forest resources, so there is a moderate potential for birds of prey and bat species to utilize trees in the Study Area. The Project Area, and adjacent trees and utility poles, contain suitable nesting habitat for various bird species, so there is a moderate potential for birds of prey and bat species to occur in the Project Area. However, no nests or roosts were observed during the field survey. If construction activities are conducted during the nesting season, nesting birds could be directly impacted by tree removal and indirectly impacted by noise, vibration, and other construction-related disturbance. Therefore, Project construction is considered a potentially significant adverse impact to nesting birds.

Recommended Mitigation Measures

Because special-status species that occur in the vicinity could migrate onto the Project Area between the time that the field survey was completed and the start of construction, a pre-construction survey for special-status species should be performed by a qualified biologist to ensure that special-status species are not present. The focal species of the pre-construction survey are: any roosting bats, California red-legged frog, foothill yellow-legged frog, and fisher.

To prevent special-status amphibians and other wildlife from entering work areas, before ground disturbance occurs, barriers should be erected. Specifically, wildlife exclusion fencing should be erected around work areas, especially those facing the intermittent channel; this typically consists of 3-foot tall fencing made from erosion control fabric attached to wire mesh on posts, with the bottom keyed into the ground and the top bent away from work areas. Wildlife exclusion fencing should also be incorporated into the perimeter fences of the cultivation compounds.

If any special-status species are detected, construction should be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) should be consulted and project impacts and mitigation reassessed. With the implementation of these mitigation measure, adverse impacts upon special-status species would be reduced to a less-than-significant level.

If construction activities would occur during the nesting season (February 15th through August 31st), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist. Nesting bird surveys should be tailored so that they capture the appropriate survey buffer for spotted owl and other special-status raptors to be present in the area. Pre-construction bat surveys could be performed at the same time. If active nests are identified in these areas, CDFW and/or USFWS should 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 or the postponement of vegetation 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. With the implementation of this mitigation measure, adverse impacts upon special-status bird species and nesting birds and roosting bats would be reduced to a less-than-significant level.

5.2.2. Potential Direct / Indirect Adverse Effects Upon Special-status Habitats or Natural Communities or Corridors

- *Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The Project Area and Study Area are not within any designated listed species' critical habitat. The Project Area does not contain special-status habitats. The Study Area contains one special-status habitat: an intermittent channel at its western edge. The Project Areas are at least 350 feet from this channel and vegetative buffers are present. No major ground disturbance is necessary. Project implementation will not impact any special-status habitats.

Recommended Mitigation Measures

No mitigation is necessary.

5.2.3. Potential Direct / Indirect Adverse Effects on Jurisdictional Water Resources

- *Will the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Potential direct impacts to water resources could occur during construction by modification or destruction of stream banks or riparian vegetation or the filling of wetlands or channels. However, the field survey determined that the Project Areas do not contain any channels or wetlands. The cultivation areas have been designed with large setbacks from watercourses (greater than 350 feet) and situated on flatter areas (ridgetops) and vegetative buffers are present. Because of these avoidance measures, no direct impacts to water resources will occur. Potential indirect impacts to water resources could occur during construction by increased erosion and sedimentation in receiving water bodies due to soil disturbance. If the total area of ground disturbance from installation of the cultivation operation is 1 acre or more, the Cultivator must 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 stormwater pollution prevention plan, and erosion control plan, along with regular inspections, will ensure that construction activities do not pollute receiving waterbodies.

Potential adverse impacts to water resources could occur during operation of cultivation activities resources by discharge of sediment or other pollutants (fertilizers, pesticides, human waste, etc.) into receiving waterbodies. However, the project proponent must file a Notice of Intent and enroll in Cannabis Cultivation Order WQ 2019-0001-DWQ. Compliance with this Order will ensure that cultivation operations will 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.

The Project would be considered to have a significant adverse impact on jurisdictional water resources if it would be non-compliant with these requirements. The minimum riparian setbacks apply to all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, diesel powered pump locations, water storage areas, and chemical toilet placement). The proposed project is compliant with the setback requirements of Cannabis Cultivation Order WQ 2019-0001-DWQ.

Minimum Riparian Setbacks

Common Name	Watercourse Class	Distance
Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established riparian zone vegetation

Recommended Mitigation Measures

No impacts were identified, and therefore no mitigation measures are proposed.

5.2.4. Potential Impacts to Wildlife Movement, Corridors, etc.

- *Will the project 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?*

Although no mapped wildlife corridors (such as the California Essential Habitat Connectivity Area layer in CNDDB) exist within or near the Study Area, the open space and the stream corridor in the Study Area facilitate animal movement and migrations. While the Study Area 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 in the Study Area would still be available.

Implementation of the proposed project would necessitate erection of security fences around the cultivation compounds. These fences do not allow animal movement and may act as a local barrier to wildlife movement. However, the fenced cultivation areas are surrounded by open space, allowing wildlife to move around these fenced areas. Thus, implementation of the proposed project is a less than significant impact upon wildlife movement. Implementation of the project will not 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.

Recommended Mitigation Measures

No mitigation is necessary.

5.2.5. Potential Conflicts with Ordinances, Habitat Conservation Plans, etc.

- *Will the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- *Will the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

As currently designed, construction of the project will not require the removal of mature oak trees, or any major trimming of branches or root disturbance.

The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved governmental habitat conservation plan. The Study Area is not within the coverage area of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Recommended Mitigation Measures

No mitigation is necessary.

If future expansion requires the removal of mature oak trees, or any major trimming of branches or root disturbance, El Dorado County's Oak Conservation Ordinance requires the inventory of oak resources and the mitigation for the removal of oak resources. If Oak Resources are to be removed or otherwise impacted, an Oak Tree or Oak Woodland Removal Permit is required. This requires preparation of an Oak Resources Technical Report and a code compliance certificate verifying that no protected oak trees have been impacted within two years prior to the permit application. Mitigation is required for impacts to oak woodland as well as to individual trees. Impacts to oak resources can be mitigated through in-lieu fee payment to the County's Oak Woodland Conservation Fund. Alternative mitigation such as replacement planting may be identified (either on-site or off-site and protected through deed restriction or conservation easement). If replacement plantings are used for mitigation, the plantings must follow the guidelines of the County's Oak Resources Management Plan, which specifies the planting ratios according to type (acorn, tree size) and maintenance requirements.

6. REFERENCES

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, and T.J. Rosatti, editors. 2012. The Jepson Manual: Vascular Plants of California, second edition, thoroughly revised and expanded. University of California Press, Berkeley, California. 1,600 pp.

Calflora. 2021. Calflora, the on-line gateway to information about native and introduced wild plants in California. Internet database available at http://calflora.org/.

California Department of Fish and Wildlife. 2021. List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database. Available on the Internet at: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities.

California Department of Fish and Wildlife. 2021a. RareFind, California Natural Diversity Data Base. Biogeographic Data Branch, Sacramento, California. (updated monthly by subscription service)

California Department of Fish and Wildlife, 2021b. California's Plants and Animals. Habitat Conservation Planning Branch, California Department of Fish and Wildlife, Sacramento, California. http://www.dfg.ca.gov/hcpb/species/search_species.shtml.

California Department of Fish and Wildlife. 2021c. California's Wildlife. California Wildlife Habitat Relationships System, Biogeographic Data Branch, California Department of Fish and Wildlife. Internet database available at http://www.dfg.ca.gov/whdab/html/cawildlife.html.

California Native Plant Society. 2021. Inventory of Rare and Endangered Plants. Rare Plant Scientific Advisory Committee, David P. Tibor, convening editor. California Native Plant Society. Sacramento, California. Internet database available at http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi.

Council of Science Editors. 2006. Scientific style and format: the CSE manual for authors, editors, and publishers, 7th edition. Rockefeller University Press, Reston, Virginia. 658 pp.

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station. Vicksburg, Mississippi. 92 pp.

Holland, R. F. 1986. Preliminary descriptions of the terrestrial natural communities of California. State of California, The Resources Agency, Nongame Heritage Program, Department of Fish and Wildlife, Sacramento, California. 156 pp.

Lanner, R. M. 2002. Conifers of California. Cachuma Press, Los Olivos, California. 274 pp.

Natural Resources Conservation Service. 2020. Web Soil Survey. National Cooperative Soil Survey, U.S. Department of Agriculture. NRCS Soils Website (Internet database and digital maps) available at: https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm.

NatureServe. 2021. NatureServe Explorer: An online encyclopedia of life. NatureServe, Arlington, Virginia. Internet database available at http://www.natureserve.org/explorer.

Pavlik, B. M., P. C. Muick, S. G. Johnson, and M. Popper. 1991. Oaks of California. Cachuma Press and the California Oak Foundation. Los Olivos, California. 184 pp.

Sawyer, J. O., and T. Keeler-Wolf. 1995. A manual of California vegetation. California Native Plant Society, Sacramento, California. Available electronically at http://davisherb.ucdavis.edu/cnpsActiveServer/index.html.

Sibley, D. A. 2003. The Sibley Field Guide to Birds of Western North America. Alfred A. Knopf, Inc., New York, New York.

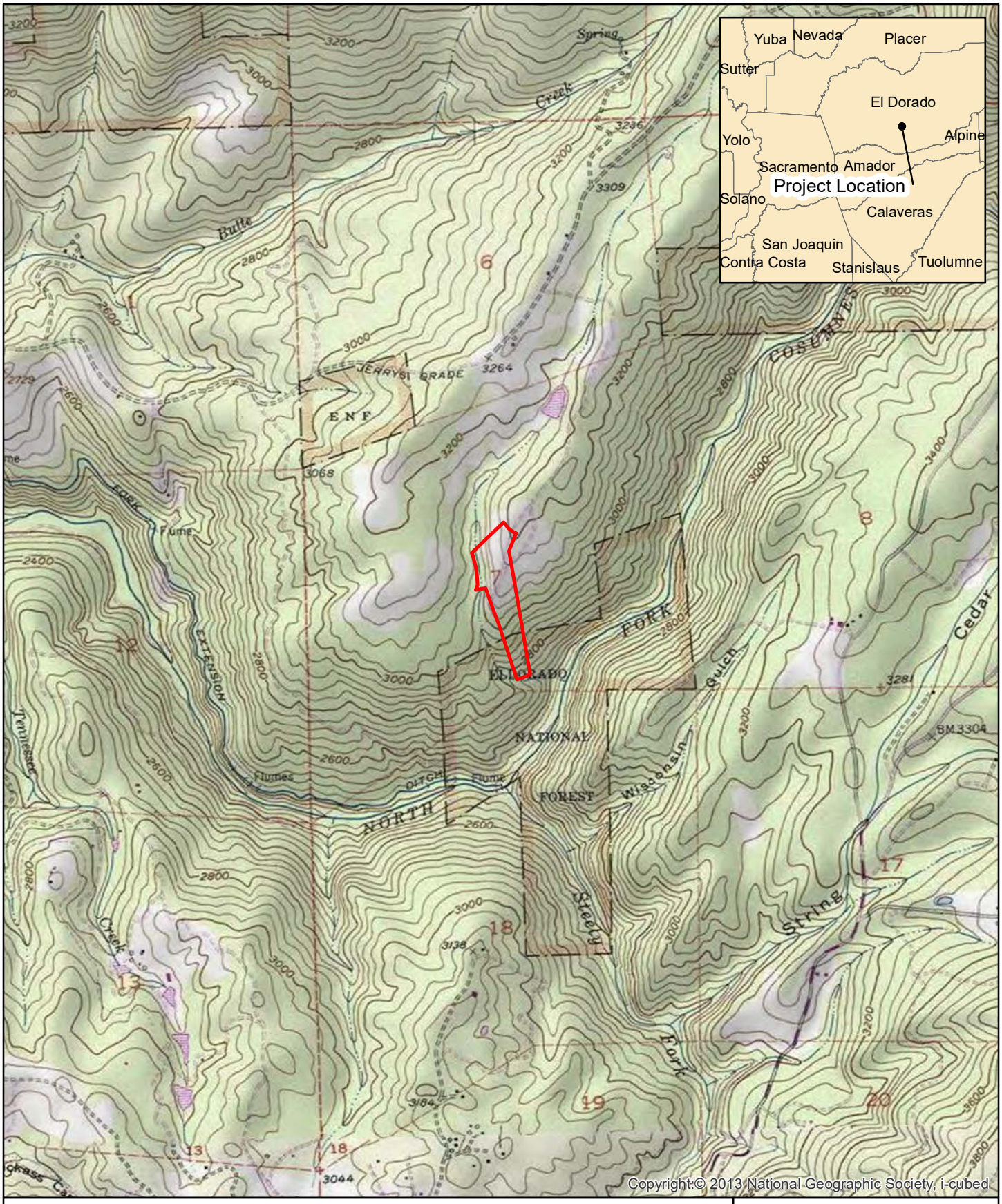
Stuart, J. D., and J. O. Sawyer. 2001. Trees and Shrubs of California. California Natural History Guides. University of California Press, Berkeley, California. 467 pp.

Sunset Western Garden Collection. 2020. Sunset Climate Zones. Sunset Publishing Corporation. Available on the Internet at: https://www.sunsetwesterngardencollection.com/climate-zones.

University of California at Berkeley. 2021a. Jepson Online Interchange for California Floristics. Jepson Flora Project, University Herbarium and Jepson Herbarium, University of California at Berkeley. Internet database available at http://ucjeps.berkeley.edu/interchange.html.

University of California at Berkeley. 2021b. CalPhotos. Biodiversity Sciences Technology Group, University of California at Berkeley. Internet database available at http://calphotos.berkeley.edu/

EXHIBITS



Parcel Location

0 0.5 1 Kilometers

0 0.5 1 Miles

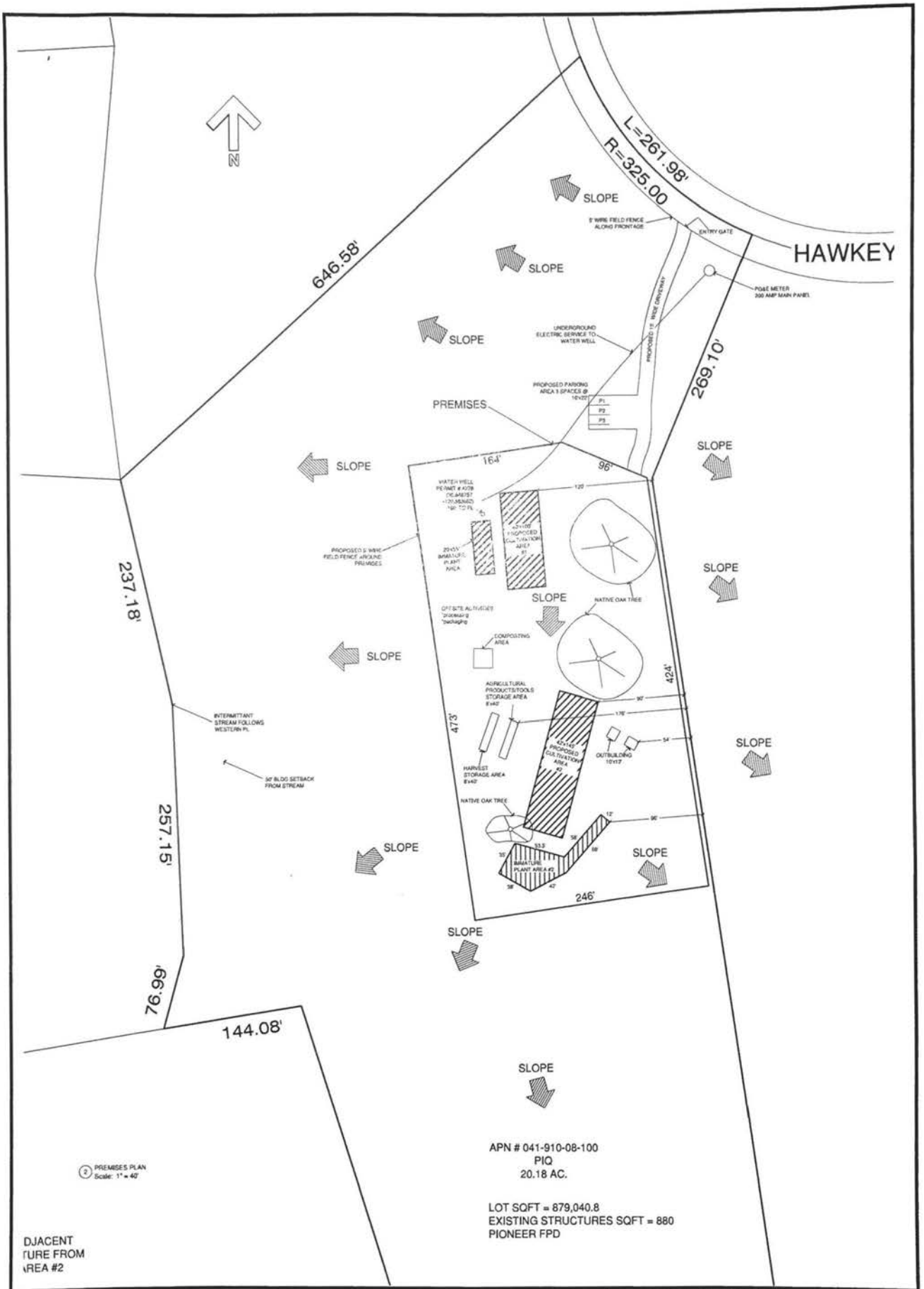
1:24,000

5445 Hawkeye Road
Parcel location Map

Natural Investigations Company

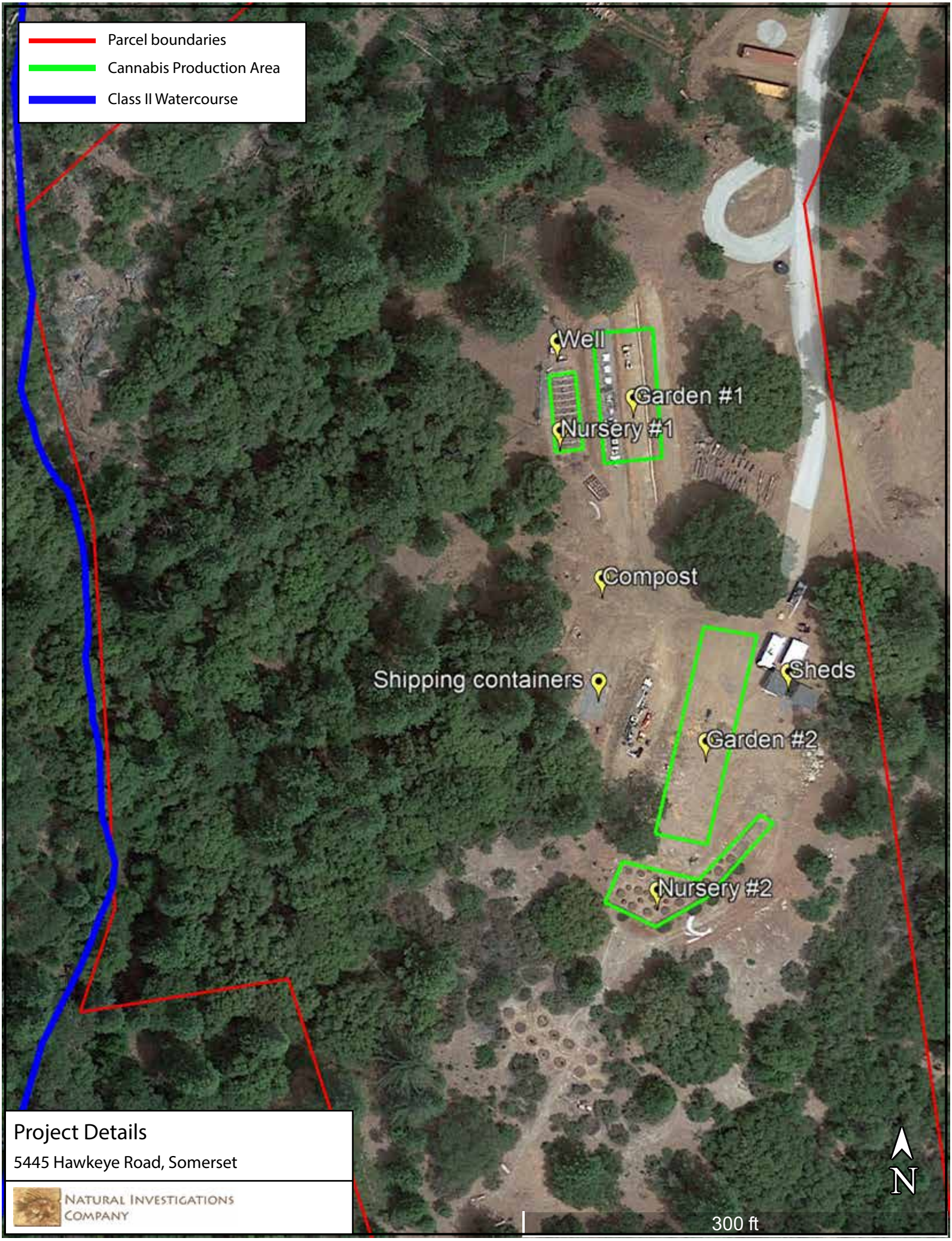
Map Date 5/6/2020

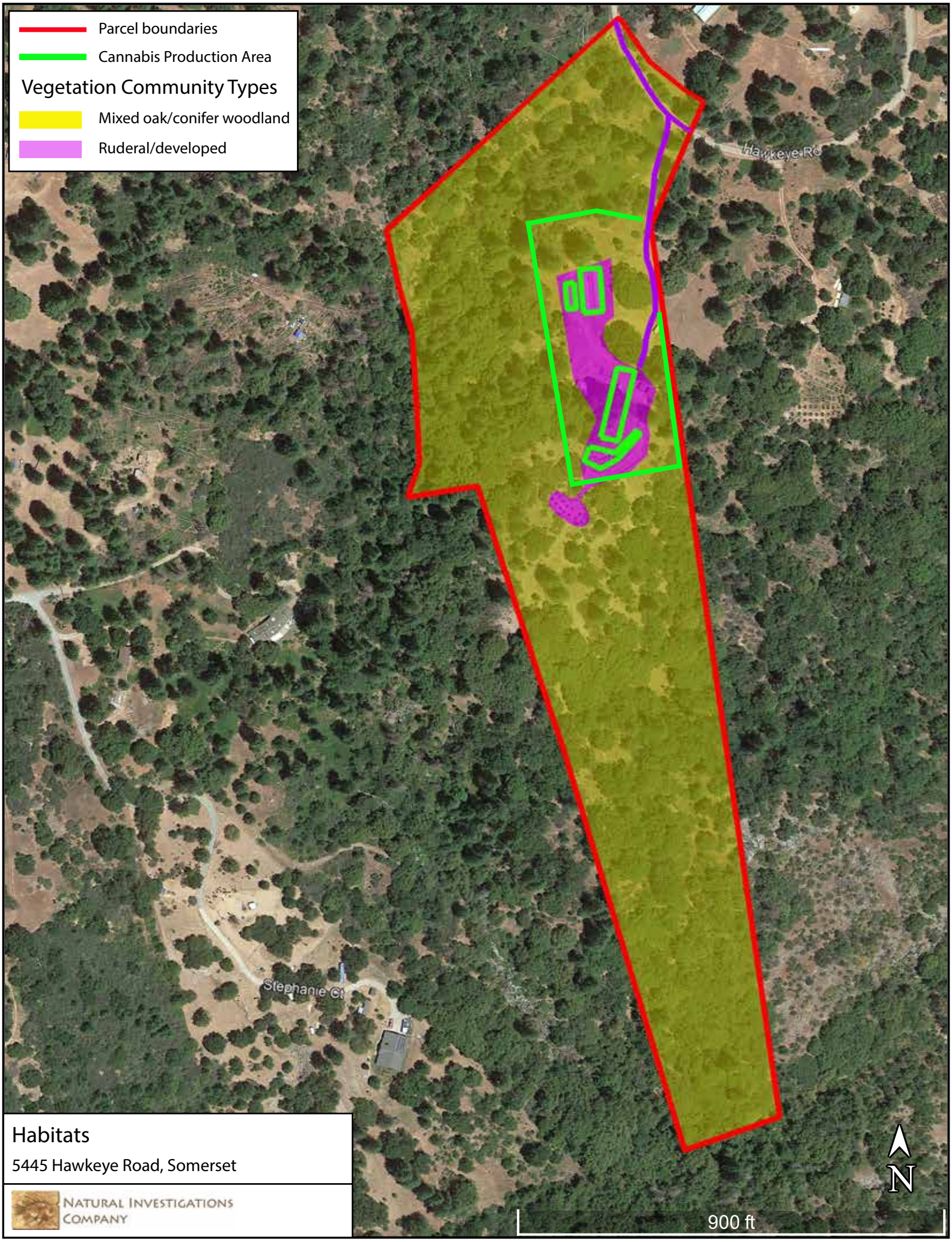
Sly Park 1952 Photorevised 1973 Quadrangle:Township 9N, Range 13E, Section 7

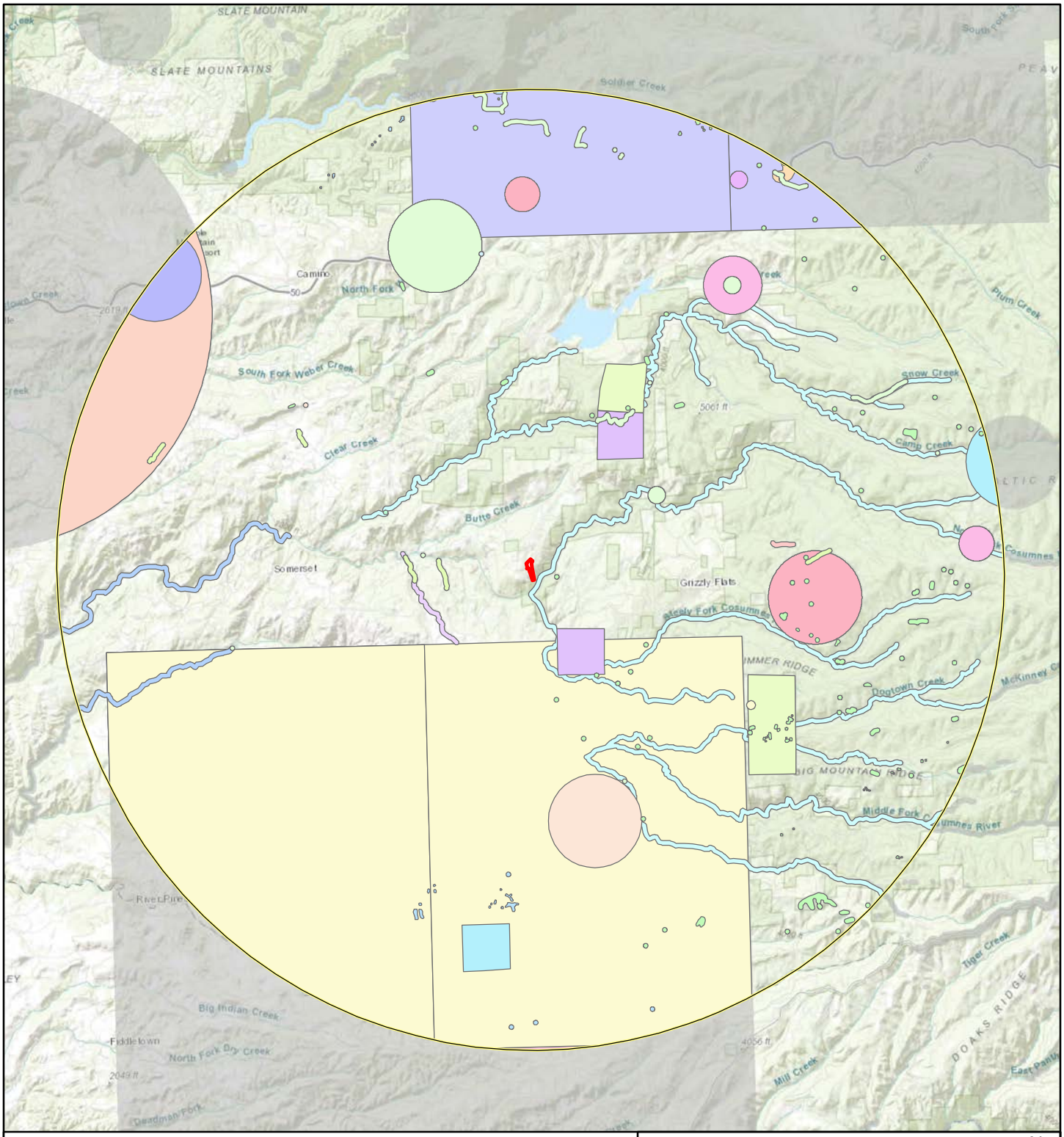


② PREMISES PLAN
Scale: 1" = 40'

SHEET NO. 2	5445 HAWKEYE ROAD SOMERSET CA 95684	APN# 041-910-08-100	510.913.0090	ROBERT ARABIAN
	PREMISES PLAN		OCTOBER 13, 2019	PO BOX 191573 SAN FRANCISCO CA 94119 ARABIAN.ROBERT@GMAIL.COM


Parcel boundaries
Cannabis Production Area
Class II Watercourse
Well
Garden #1
Nursery #1
Compost
Shipping containers
Sheds
Garden #2
Nursery #2
Project Details
5445 Hawkeye Road, Somerset
Natural Investigations Company
N
300 ft


Parcel boundaries
Cannabis Production Area
Vegetation Community Types
Mixed oak/conifer woodland
Ruderal/developed
Hawkeye Rd
Stephanie Ct
Habitats
5445 Hawkeye Road, Somerset
Natural Investigations Company
N
900 ft



Parcel Location 10 Mile Buffer

1:190,000 1 inch = 3 miles

0 3 6 Miles

N

Notes:
1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist inshowing features discussed in an attached document. Natural Investigations Company can not guarantee the accuracy and content of electronic files.The master file is stored by Natural Investigations Company and will serve as the official record of this communication.
3. It is unlawful to copy or reproduce all or any part thereof, whether for personal use or resale, without permission.Data Sources: California Department of Fish and Wildlife. 2020. RareFind 5.x, California Natural Diversity Data Base. Biogeographic Data Branch, Sacramento, California.
(updated monthly by subscription service)

Special-Status Species Occurrences Map

5445 Hawkeye Road

Sly Park 1952 Photorevised 1973 Quadrangle:
Township 9N, Range 13E, Section 7

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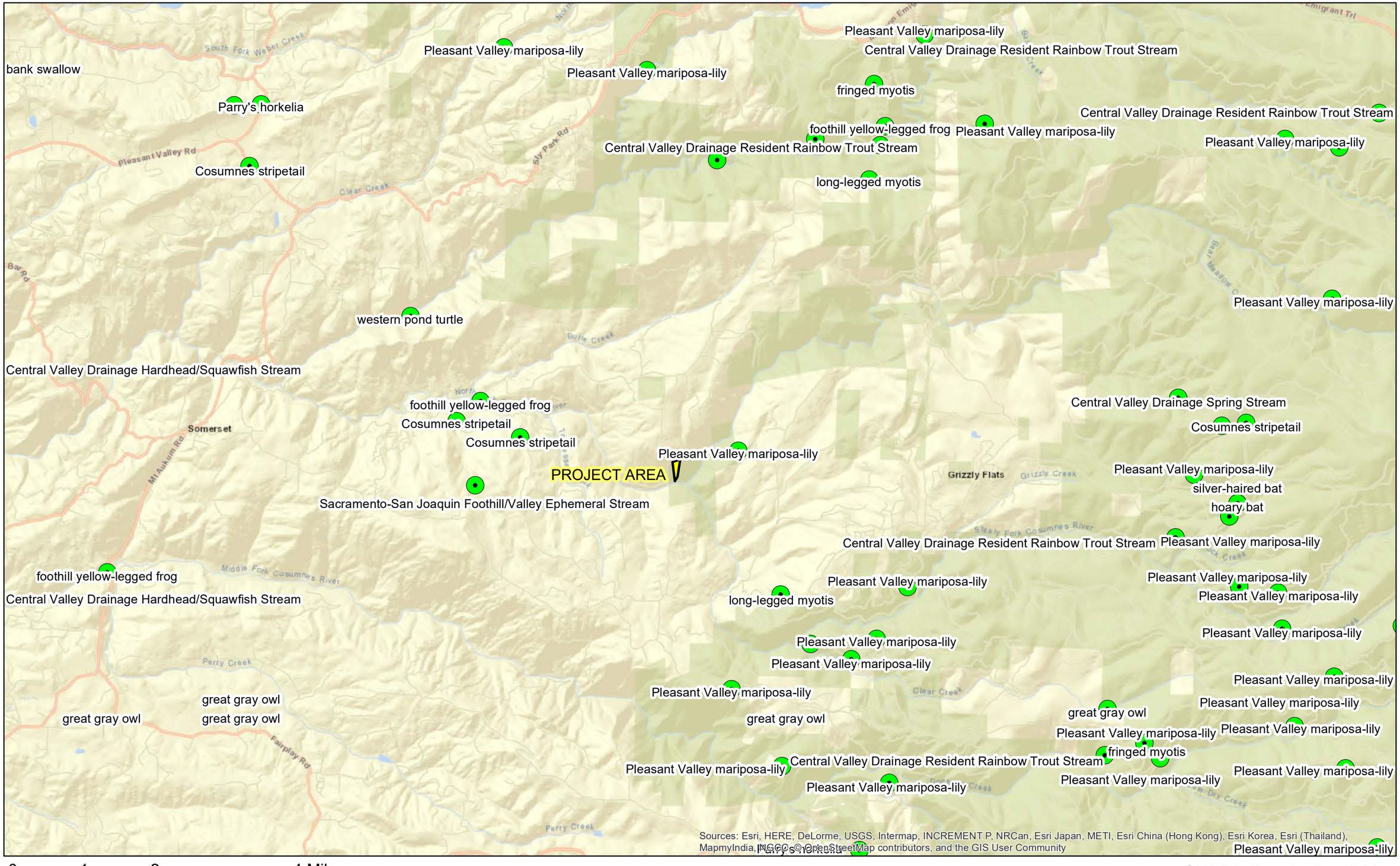
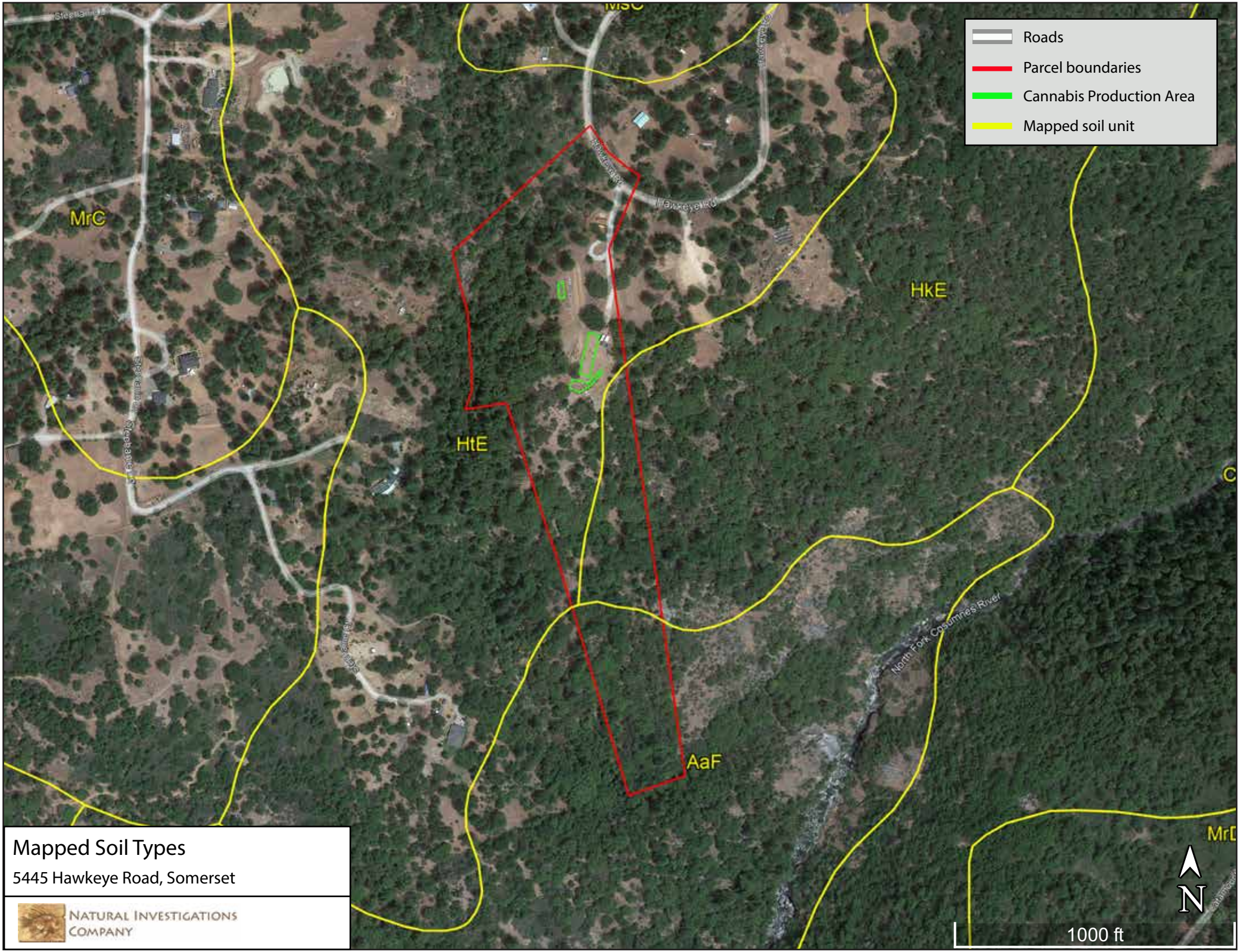
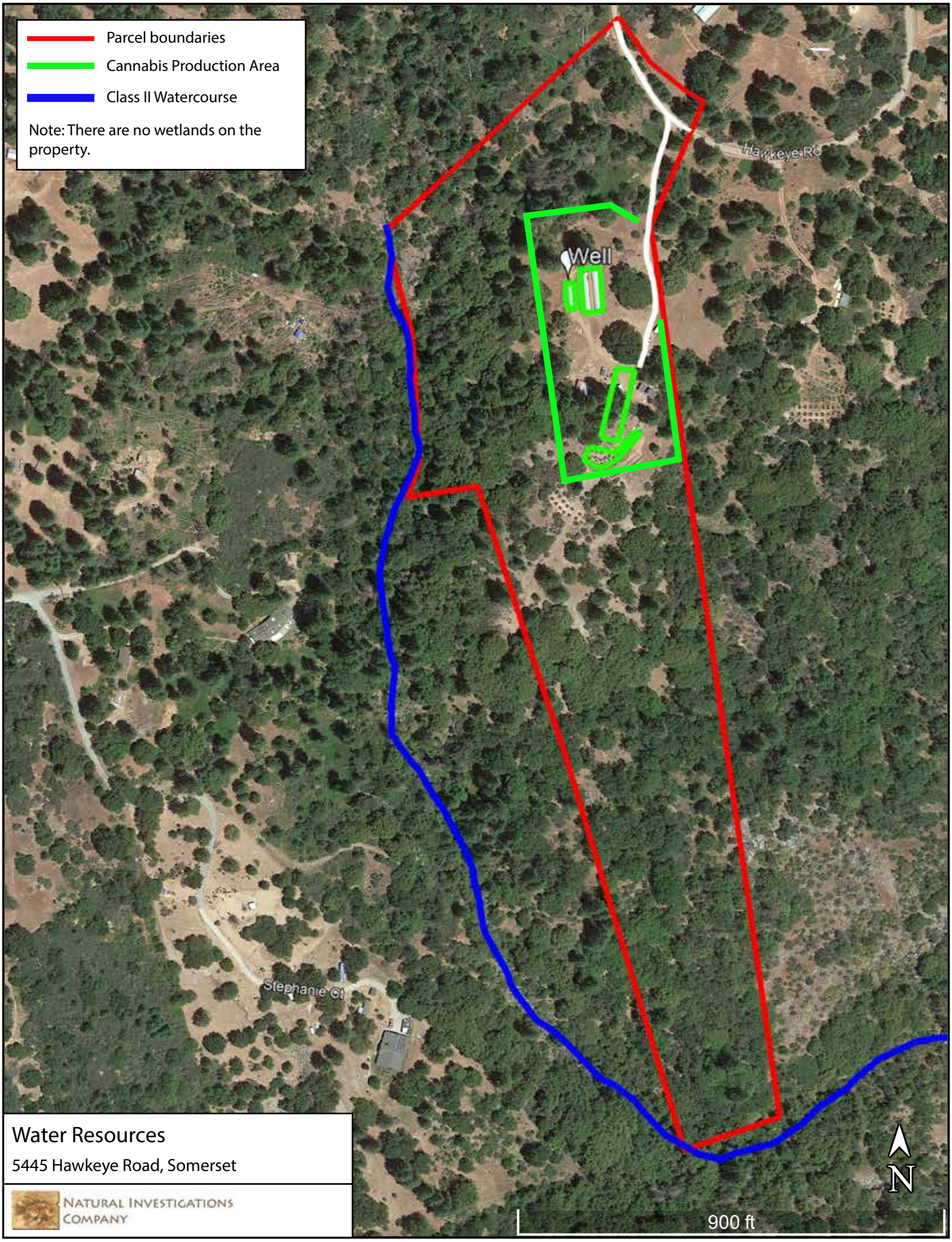

bank swallow
Parry's horkelia
Cosumnes stripetail
Pleasant Valley Rd
Clear Creek
Bar Rd
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
Central Valley Drainage Resident Rainbow Trout Stream
fringed myotis
foothill yellow-legged frog
Pleasant Valley mariposa-lily
Central Valley Drainage Resident Rainbow Trout Stream
Central Valley Drainage Resident Rainbow Trout Stream
Pleasant Valley mariposa-lily
long-legged myotis
Sly Park Rd
western pond turtle
Central Valley Drainage Hardhead/Squawfish Stream
Butte Creek
Pleasant Valley mariposa-lily
foothill yellow-legged frog
Cosumnes stripetail
Cosumnes stripetail
Somerset
Mt Aukum Rd
PROJECT AREA
Pleasant Valley mariposa-lily
Sacramento-San Joaquin Foothill/Valley Ephemeral Stream
Central Valley Drainage Spring Stream
Cosumnes stripetail
Pleasant Valley mariposa-lily
silver-haired bat
hoary bat
Grizzly Flats
Grizzly Creek
Central Valley Drainage Resident Rainbow Trout Stream
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
foothill yellow-legged frog
Central Valley Drainage Hardhead/Squawfish Stream
Middle Fork Cosumnes River
Pleasant Valley mariposa-lily
long-legged myotis
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
Perry Creek
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
great gray owl
great gray owl
great gray owl
great gray owl
Fairplay Rd
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
fringed myotis
Pleasant Valley mariposa-lily
Central Valley Drainage Resident Rainbow Trout Stream
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
Pleasant Valley mariposa-lily
Perry Creek
Clear Creek
Dry Creek
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community
0 1 2 4 Miles
CNDDB Results Detail Map



Mapped Soil Types

5445 Hawkeye Road, Somerset

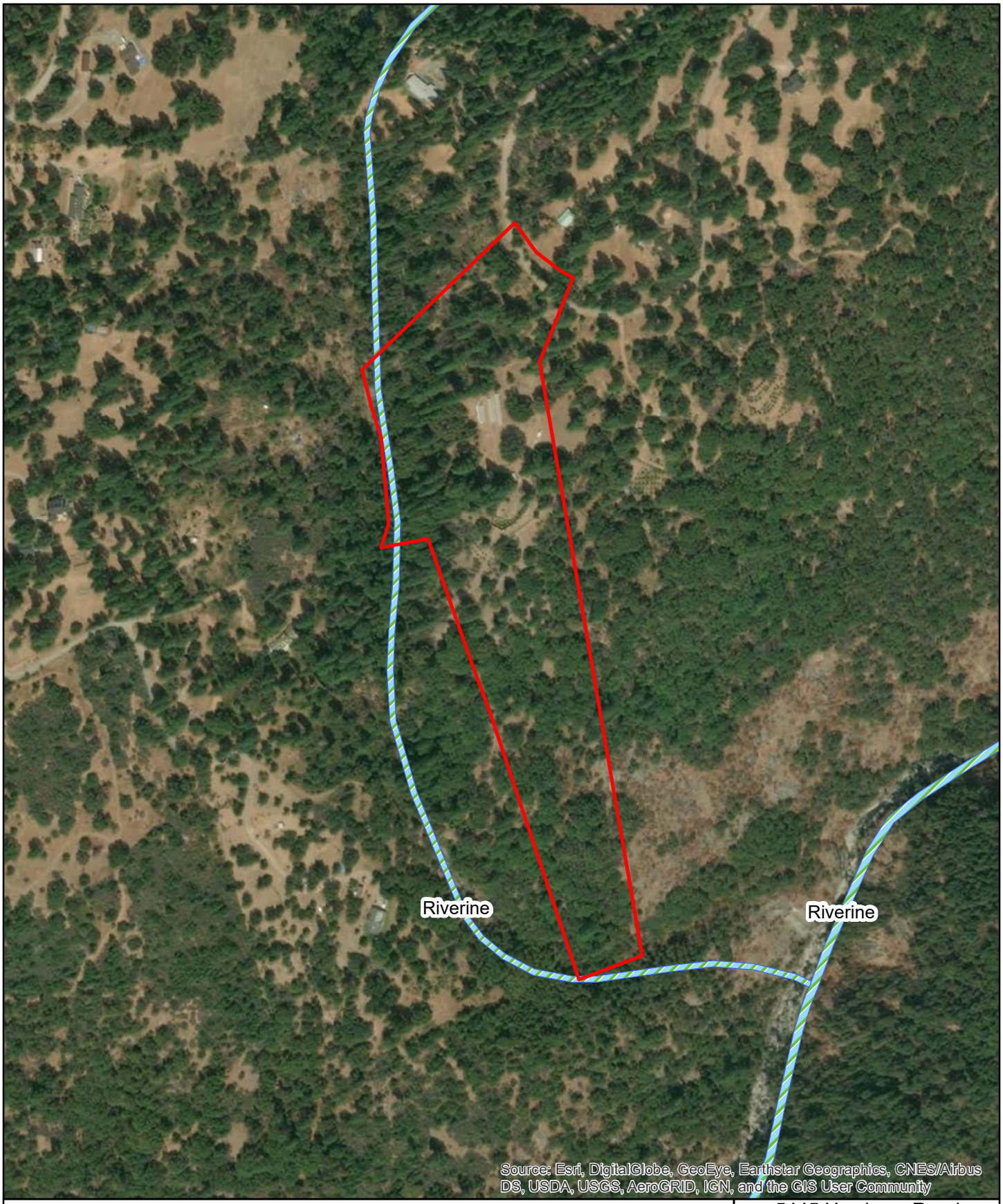
Natural Investigations Company



Water Resources

5445 Hawkeye Road, Somerset

Natural Investigations Company



Parcel Location

Wetlands and Channels

0 125 250 Meters

0 500 1,000 Feet

1:5,000

5445 Hawkeye Road
National Wetlands Inventory
Features Map

Natural Investigations Company

Map Date 5/6/2020

Sly Park 1952 Photorevised 1973 Quadrangle:Township 9N, Range 13E, Section 7

APPENDIX 1: USFWS SPECIES LIST

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To: May 06, 2020
Consultation Code: 08ESMF00-2020-SLI-1832
Event Code: 08ESMF00-2020-E-05678
Project Name: 5445 Hawkeye Road

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

To Whom It May Concern:

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

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

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

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

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

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

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

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

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

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

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

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2020-SLI-1832

Event Code: 08ESMF00-2020-E-05678

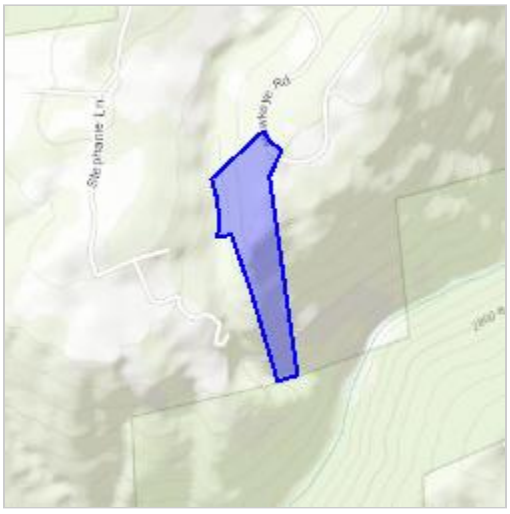
Project Name: 5445 Hawkeye Road

Project Type: ** OTHER **

Project Description: Bio Assessment

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/38.64703639702276N120.58340741503268W



Counties: El Dorado, CA

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. 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.

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.
Species profile: https://ecos.fws.gov/ecp/species/2891
Species survey guidelines:
https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf

Fishes

NAME	STATUS
Delta Smelt *Hypomesus transpacificus*	Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/321

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

APPENDIX 2: CHECKLIST OF PLANTS DETECTED IN THE STUDY AREA

Appendix 2:

Plants Observed at 5445 Hawkeye Road, Somerset on May 19, 2020

Common Name	Scientific Name
Hill lotus	*Acmispon parviflorus*
California buckeye	*Aesculus californicus*
California dandelion	*Agoseris grandiflora*
Spear leaf dandelion	*Agoseris retrorsa*
Silver hairgrass	*Aira caryophyllea*
Indian hemp	*Apocynum cannabinum*
White leaf manzanita	*Arctostaphylos viscida*
California mugwort	*Artemisia douglasiana*
Lady fern	*Athyrium filix-femina*
Slender wild oat	*Avena barbata*
Ripgut brome	*Bromus diandrus*
Soft chess	*Bromus hordeaceus*
Woodland brome	*Bromus laevipes*
Poverty brome	*Bromus sterilis*
Cheat grass	*Bromus tectorum*
Incense cedar	*Calocedrus decurrens*
Yellow star tulip	*Calochortus monophyllus*
Western morning glory	*Calystegia occidentalis*
Valley tassels	*Castilleja attenuata*
Wedge leaf ceanothus	*Ceanothus cuneatus*
Deer brush	*Ceanothus integerrimus*
Birch leaf mountain mahogany	*Cercocarpus betuloides*
Bear clover	*Chamaebatia foliolosum*
Purple clarkia	*Clarkia purpurea*
Narrow leaved miner's lettuce	*Claytonia parviflora*
Brown dogwood	*Cornus glabrata*
Dogtail grass	*Cynosurus echinatus*
Blue wildrye	*Elymus glaucus*
Wooly sunflower	*Eriophyllum lanatum*
Brome fescue	*Festuca bromoides*
Sixweeks rattail fescue	*Festuca myuros*
Bedstraw	*Galium sp.*
Carolina geranium	*Geranium carolinianum*
Globe gilia	*Gilia capitata*
Wand tarplant	*Holocarpha virgata*
Ocean spray	*Holodiscus discolor*
Smooth cat's-ear	*Hypochaeris glabra*
Rough cat's-ear	*Hypochaeris radicata*
Ramm's madia	*Jensia rammii*
Bush beardtongue	*Keckiella breviflorus*
Hillstar	*Lithophragma bolanderi*
Miniature lupine	*Lupinus bicolor*
Lupine	*Lupinus sp.*
Harlequin lupine	*Lupinus stiversii*
Small tarplant	*Madia exigua*
Coyote mint	*Monardella villosa*
Canyon nemophila	*Nemophila heterophylla*
Bird's-foot cliffbrake	*Pellaea mucronata*
Goldback fern	*Pentagramma triangularis*

Windmill pink	*Petrorhagia dubia*
Rock phacelia	*Phacelia egena*
American mistletoe	*Phoradendron leucarpum*
Sugar pine	*Pinus lambertiana*
Ponderosa pine	*Pinus ponderosa*
Popcorn flower	*Plagiobothrys sp.*
Bluegrass	*Poa sp.*
Douglas-fir	*Pseudotsuga menziesii*
Bracken	*Pteridium aquilinum*
Canyon live oak	*Quercus chrysolepis*
California black oak	*Quercus kelloggii*
Interior live oak	*Quercus wislizeni*
California rose	*Rosa californica*
Sheep sorrel	*Rumex acetosella*
Purple sanicle	*Sanicula bipinnatifida*
Fendler's meadow rue	*Thalictrum fendleri*
Poison-oak	*Toxicodendron diversilobum*
Indian clover	*Trifolium albopurpureum*
Hop clover	*Trifolium dubium*
Rose clover	*Trifolium hirtum*
Pretty face	*Triteleia ixioides*
American vetch	*Vicia americana*
Spring vetch	*Vicia sativa*
Goosefoot violet	*Viola purpurea*
California grape	*Vitis californica*

APPENDIX 3: SITE PHOTOS









































Appendix E

Fire 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 041-910-08-100

Introduction

Robert Arabian is planning a commercial cannabis cultivation site at 5445 Hawkeye Rd, Somerset, CA. 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. A fire plan is an evaluation of the existing vegetation, slope, aspect, elevation, weather, and fire history to determine wildland fires' potential to threaten the property.

Parcel Description

Vegetation

The subject parcel is 20 acres and is the area of analysis in this fire plan. The parcel is generally widely spaced oaks with non-native annual grasses and chaparral. The parcel has not been impacted by fire directly, but wildland fires have burned regionally for decades, and the subject parcel is in a very high fire hazard area. The fire return interval will now likely decrease due to non-native species, drought, and climate change.

The subject parcel is an oak woodland forest type with many live healthy and thriving oaks and pines that are thrifty and healthy. There are also many decadent canyon live oaks and chaparral further south on the property. The grass chaparral mixture is defined as a Grass / Shrub Fuel Model 2(GS2) as described in *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 fuel model that best describes the oak chaparral mix on the property is an SH7 – Very High Load, Dry Climate Shrub. This is an explosive fuel model that can produce some of the most dangerous fires in the region.

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 and are moderately well aligned with the southwest winds that drive explosive fire growth in the local area. The steep slopes also promote the pre-heating of fuels and thus the rate and direction of spread. Additionally, south-facing slopes have longer 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 is at 3200 feet in elevation. This elevation is characterized as having 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.

Weather

Local weather drives fire behavior in the Sierra Nevada. El Dorado County is both exposed to dangerous Diablo winds when low pressure off the coast of California and high pressure over the Great Basin result in strong, dry winds from the northeast. The subject parcel will be exposed to northeast winds several times each fall, but these winds are unlikely to drive extreme fire weather. The subject parcels will be exposed to strong upslope winds during much of the fire season because of the effects of solar radiation. Fires are likely to exhibit moderate rates of spread with moderate flame lengths during diurnal wind and fuel driven fires. The Sand Fire was exactly 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 late afternoon. The subject parcel is also exposed to strong southwest winds from approaching low pressure systems

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(775) 220-7675 jpickettRPF@gmail.com

as they drop from the Gulf of Alaska. During these events winds will pick up from the southwest and prior to the arrival of moisture there can be a very low humidity dry slot for up to a day prior to the arrival of increased humidities and wetting precipitation. During this period fires can grow explosively.

Fire Hazard on the Subject Parcels
The subject parcel is exposed to considerable hazard from grass and brush fueled wildfires. The GS2 fire model burns with high rates of spread but with moderate flame lengths. The SH7 fire model however can burn with great intensity. Fuels reduction should focus on creating gaps between islands of oak and reducing brush. The GS2 fire model is relatively simple to mitigate by reducing fuels near structures, clearing around evacuation routes and then using mowing 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 homes 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 pre-heating 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.

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

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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 cannot be made safe for humans during a wildland fire event, and therefore, early evacuation along safe routes is necessary. This is again relatively easy in a GS2 fuel model by mowing or masticating any fuels annually for 50 feet from both road edges. Oak trees should be thinned to create 10 foot spacing and only thrifty trees should remain near the evacuation routs.

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. If there is smoke anywhere near the historic Sand Fire scar, people should leave the property and crest the ridge to the north while awaiting further information. 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.

Conclusion

The project area is in a high fire hazard area with grass and native chaparral composing the primary fuel types with scattered pockets of thick oak and other areas with oak snags from the Sand Fire. The fuel model for the parcel is a GS2 which supports high rates of spread with only moderate flame lengths. Effective fuel reduction can be obtained with annual mowing and mastication for 200 feet around the structure or to the steep slope break. Then 50 feet 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.

Appendix F

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

February 25, 2021

Colfax-Todds Valley Consolidated Tribe
Pamela Cubbler, Treasurer
P.O. Box 4884
Auburn, CA 95604

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0005/Arabian 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.

> **CCUP20-0005/Arabian Commercial Cannabis Cultivation (Robert Arabian).** The proposed project will be located on property, identified by Assessor's Parcel Number 041-910-008, consists of 20.2 acres, and is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, **in the Somerset area**.
> This is a request for a Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5445 Hawkeye Court, Somerset, CA. The project is located on a 20-acre parcel in an RL-20 zone district. This application is for 10,000 square feet of outdoor cultivation which will be phased into mixed light greenhouses. Processing will be done on site. The applicant will be the sole employee.
> **County Planner: Aaron Mount, 530-621-5345**

Project Documentation is attached.

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 aaron.mount@edcgov.us.

cc. Clyde Prout, 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
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(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

February 25, 2021

Ione Band of Miwok Indians
Sara D. Setshwaelo, Chairperson
9252 Bush Street, Suite 2
Plymouth, CA 95669

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0005/Arabian 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.

> **CCUP20-0005/Arabian Commercial Cannabis Cultivation (Robert Arabian).** The proposed project will be located on property, identified by Assessor's Parcel Number 041-910-008, consists of 20.2 acres, and is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, **in the Somerset area**.
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South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

Nashville Enterprise Miwok-Maidu-Nishinam Tribe
Mr. Cosme Valdez, Chairperson
P.O. Box 580986
Elk Grove, CA 95758

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0005/Arabian 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.

> **CCUP20-0005/Arabian Commercial Cannabis Cultivation (Robert Arabian).** The proposed project will be located on property, identified by Assessor's Parcel Number 041-910-008, consists of 20.2 acres, and is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, **in the Somerset area**.
> This is a request for a Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5445 Hawkeye Court, Somerset, CA. The project is located on a 20-acre parcel in an RL-20 zone district. This application is for 10,000 square feet of outdoor cultivation which will be phased into mixed light greenhouses. Processing will be done on site. The applicant will be the sole employee.
> **County Planner: Aaron Mount, 530-621-5345**

Project Documentation is attached.

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 aaron.mount@edcgov.us.

PLANNING AND BUILDING DEPARTMENT

PLANNING SERVICES DIVISION

http://www.edcgov.us/DevServices/

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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

February 25, 2021

Shingle Springs Band of Miwok Indians
Regina Cuellar, Chairperson
P.O. Box 1340
Shingle Springs, CA 95682

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0005/Arabian 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.

> **CCUP20-0005/Arabian Commercial Cannabis Cultivation (Robert Arabian).** The proposed project will be located on property, identified by Assessor's Parcel Number 041-910-008, consists of 20.2 acres, and is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, **in the Somerset area**.
> This is a request for a Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5445 Hawkeye Court, Somerset, CA. The project is located on a 20-acre parcel in an RL-20 zone district. This application is for 10,000 square feet of outdoor cultivation which will be phased into mixed light greenhouses. Processing will be done on site. The applicant will be the sole employee.

Project Documentation is attached.

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cc. James Sarmento, Executive Director of Cultural Resources

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South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

February 25, 2021

Tsi Akim Maidu
Mr. Don Ryberg, Chairperson
P.O. Box 510
Browns Valley, CA 95918

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0005/Arabian 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.

> **CCUP20-0005/Arabian Commercial Cannabis Cultivation (Robert Arabian).** The proposed project will be located on property, identified by Assessor's Parcel Number 041-910-008, consists of 20.2 acres, and is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, **in the Somerset area**.
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> **County Planner: Aaron Mount, 530-621-5345**

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cc. Grayson Coney, Cultural Director

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924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

February 25, 2021

United Auburn Indian Community of the Auburn Rancheria — CERTIFIED MAIL
Gene Whitehouse, Chairperson
10720 Indian Hill Road
Auburn, CA 95603

RE: Assembly Bill 52 Consultation for **CCUP20-0005/Arabian 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.

> **CCUP20-0005/Arabian Commercial Cannabis Cultivation (Robert Arabian).** The proposed project will be located on property, identified by Assessor's Parcel Number 041-910-008, consists of 20.2 acres, and is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, **in the Somerset area**.
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> **County Planner: Aaron Mount, 530-621-5345**

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LAKE TAHOE OFFICE:
924 B Emerald Bay Rd
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax

February 25, 2021

Washoe Tribe of Nevada and California
Darrel Cruz, Cultural Resources Department
919 Highway 395 North
Gardnerville, NV 89410

CERTIFIED MAIL

RE: Assembly Bill 52 Consultation for **CCUP20-0005/Arabian 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.

> **CCUP20-0005/Arabian Commercial Cannabis Cultivation (Robert Arabian).** The proposed project will be located on property, identified by Assessor's Parcel Number 041-910-008, consists of 20.2 acres, and is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, **in the Somerset area**.
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> **County Planner: Aaron Mount, 530-621-5345**

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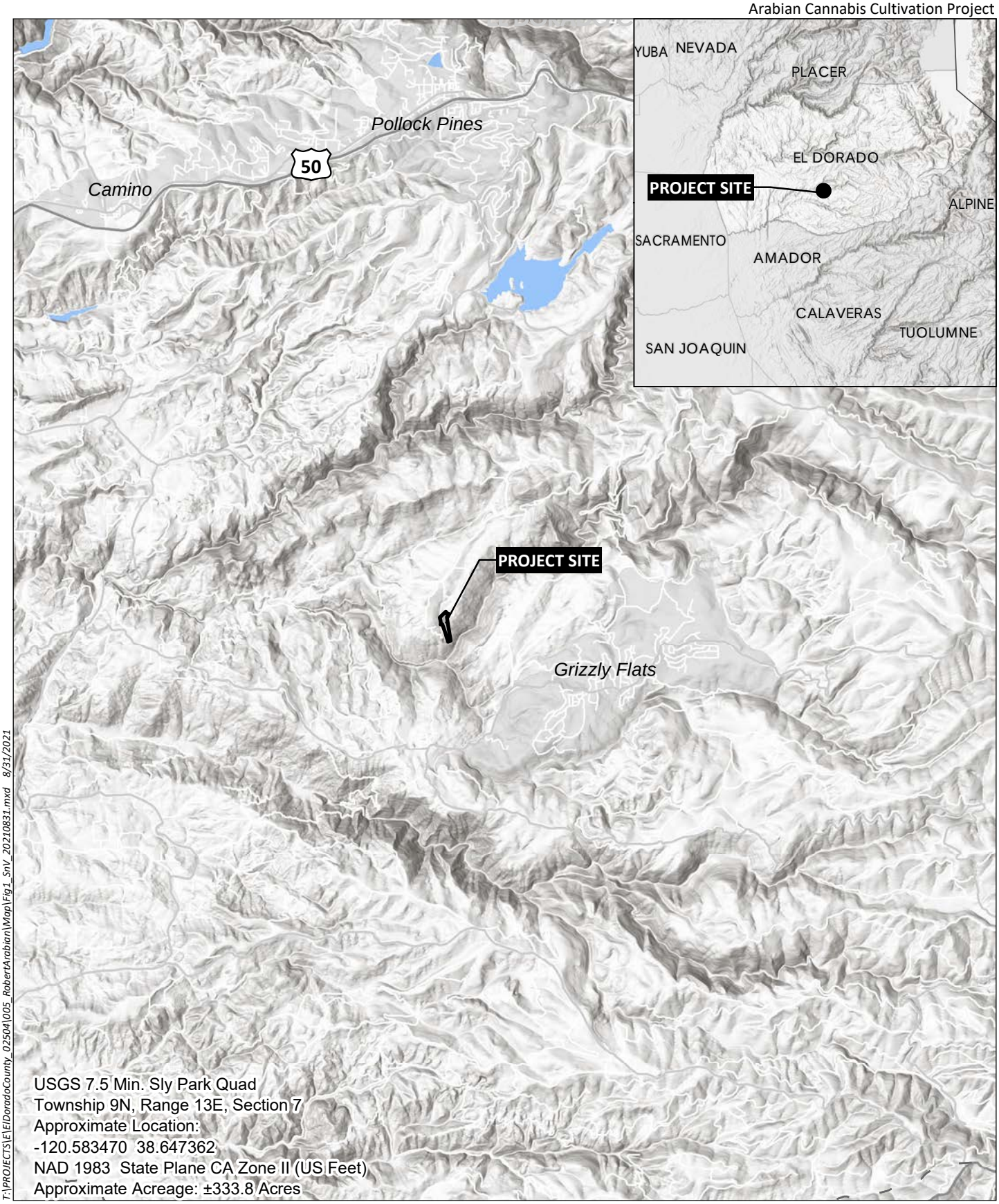
cc. Serrell Smokey, Chairperson



T:\PROJECTS\E\ElDoradoCounty_02504\005_RobertArabian\Map\Fig1_SnV_20210831.mxd 8/31/2021

Source: Base Map Layers (Esri, USGS, NGA, NASA)

HELIX Environmental Planning

Vicinity Map

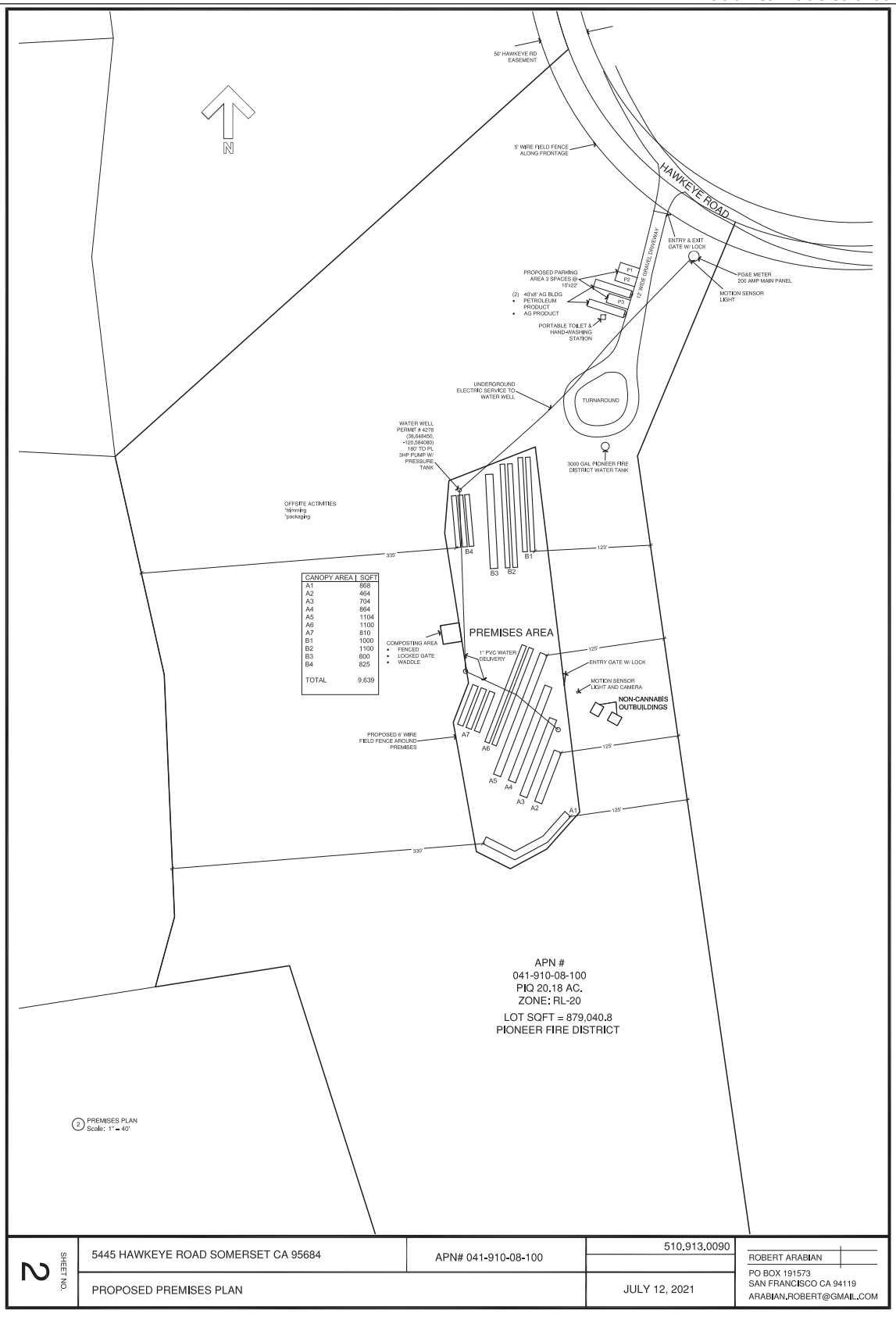
Figure 1

Source: Aerial (NAIP, 2020)

HELIX Environmental Planning

Aerial Map

Figure 2



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HELIX Environmental Planning

Site Plan

Figure 3