



Julie Saylor <julie.saylor@edcgov.us>

Public comment clarification/update 21-0916

1 message

Robert Williams <bobw1800@gmail.com>

Thu, Jul 15, 2021 at 10:39 AM

To: jvegna@edcgov.us, Cheryl Bly-Chester <cheryl.bly-chester@edcgov.us>, john.clerici@edcgov.us, james.williams@edcgov.us, aross@edcgov.us, Gina Hamilton <gina.hamilton@edcgov.us>, julie.saylor@edcgov.us

I am writing to clarify my public comments made June 12, 2021 for agenda item 21-0916 (Heritage at Carson Creek Project). At the time I referenced EIR omissions and concerns relating to environmental impact on the Carson Creek Preserve (currently managed by Lennar Homes of California). I call your attention to the following:

1. County staff offered a 228 MB document with over 200 pages of biological impact reports buried inside (See Staff Exhibit W – Amendment to the CCSP EIR)
2. The biological reports contained extensive information about the nature, breadth and depth of the sensitive wetlands preserve with identification of specific endangered species
3. Maps of the impacted wetlands were clearly identified in the package provided to you
4. No direct reference to the wetlands was made in summary bullets of EIR issues made by Staff or developer Lennar
5. Lennar's construction of the Heritage Carson Creek Village Park that is directly adjacent was omitted including 50-foot stadium lights, acres of imperious concrete/asphalt surfaces, run-off concerns, increased ambient temperatures, competitive sports noise, and other issues
6. In particular, the 50-foot stadium lights were approved by the County contrary to the official outdoor lighting standards and 30-foot height limits established by the Carson Creek Basic Plan
7. I submitted a copy of my letter to the US Corp of Engineers and the California Department of Fish and Wildlife (see attachment) that references said omissions
8. Staff reported to you that my submittal was not relevant despite evidence that the Park was within feet of the Preserve
9. State of California Wildlife Senior Environmental Scientist Supervisor Kelley Barker confirmed on July 11, 2021 that "our staff are investigating the matter to see if there have been any non-compliant issues with existing CDFW permits/agreements or potential violations of Fish and Game Code."

Thank you for the opportunity to clarify my earlier public comment.

Respectfully Submitted

Bob

George Robert (Bob) Williams [6512 Primavera Lane](#) [El Dorado Hills, CA 95762](#)

2US Army Corps of Engineers CA Fish Wireland.pdf
6089K

May 23, 2021

USPS PRIORITY MAIL

Peck Ha, Senior Project Manager, CA Delta Branch
U.S. Army Corps of Engineers
Sacramento District, Regulatory Division
1325 J Street, Room 1350
Sacramento, CA 95814

Kevin Thomas, Regional Manager
California Dept. of Fish and Wildlife, Region 2
170 Nimbus Rd.
Rancho Cordova, CA 95670

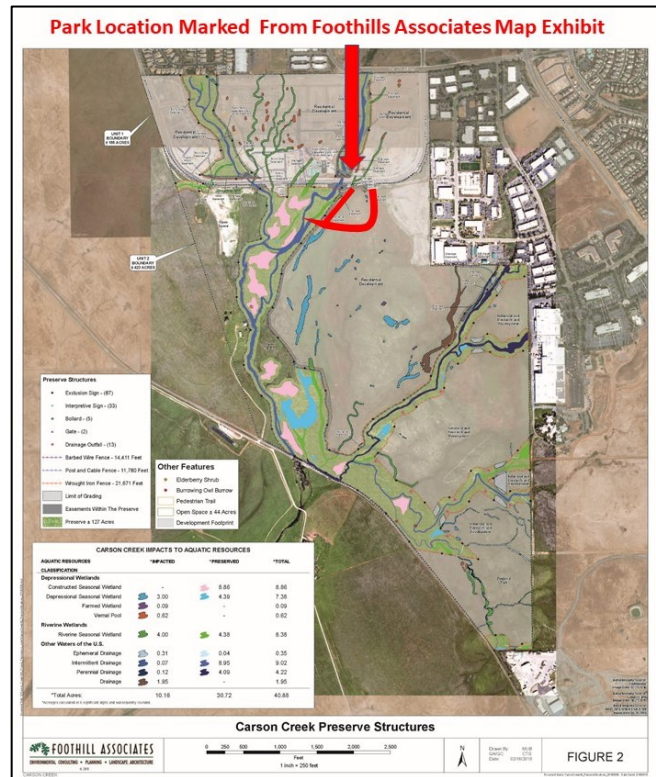
RE: Carson Creek Unit 2 Project (SPK-1992-00105) Factual Omissions

Dear Mr. Ha and Mr. Thomas,

This letter seeks wetland environmental impact mitigation on Carson Creek Preserve resulting from the construction and operation of an adjacent heavily lighted sports complex park.

We are very concerned about the environmental impact of the park being developed by Lennar Homes at the corner of Carson Crossing Road and Palmdale in El Dorado Hills, CA on the Carson Creek Preserve. This park named *Heritage Carson Creek Village Park* is located within the boundaries of the Carson Creek Unit 2 Project and within mere feet of the approximately 127- acre Carson Creek Preserve. *Information about the park appears to be OMITTED on the map and in the report prepared on behalf of Lennar Homes by Foothill Associates, an environmental consulting firm in Rocklin, CA, and sent to you in a letter dated February 21, 2018.* (Copy of letter attached)

The creation of Carson Creek Preserve was required by the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (SSA), which requires the establishment of the Preserve to compensate for impacts to 0.53 acre of riparian habitat, 13.7 acres of floodplain habitat, and 6.63 acres of seasonal and ephemeral streams. Lennar Homes is the current Preserve Manager until the responsibility is assumed by a land conservancy which will manage and monitor the Preserve in perpetuity.



Foothill Associates identified the Preserve as being home to the Western Pond Turtle and the Burrowing Owl. Both are listed as *Species of Special Concern* by the California Dept of Fish and Wildlife (CDFW).

Foothill Associates identified Purple needlegrass, listed by CDFW as a *sensitive plant*, growing throughout the Preserve. Also identified growing throughout the Preserve are non-native annual grasses which can provide foraging habitat for the golden eagle (*Aquila chrysaetos*) and the tricolored blackbird (*Agelaius tricolor*), both of which are on the *endangered species list*. Elderberry bushes also grow in the Preserve and are a food source for the Valley Elderberry Longhorn Beetle, a CDFW *threatened species*.

Our homes are located with a view of the Preserve and we thoroughly enjoy the herons, egrets, ducks, geese, owls, hawks, eagles, frogs, songbirds, beavers, coyotes, bobcats, and other many inhabitants that live in the Preserve. We want to see the Preserve saved as it is, for us, and for future generations.

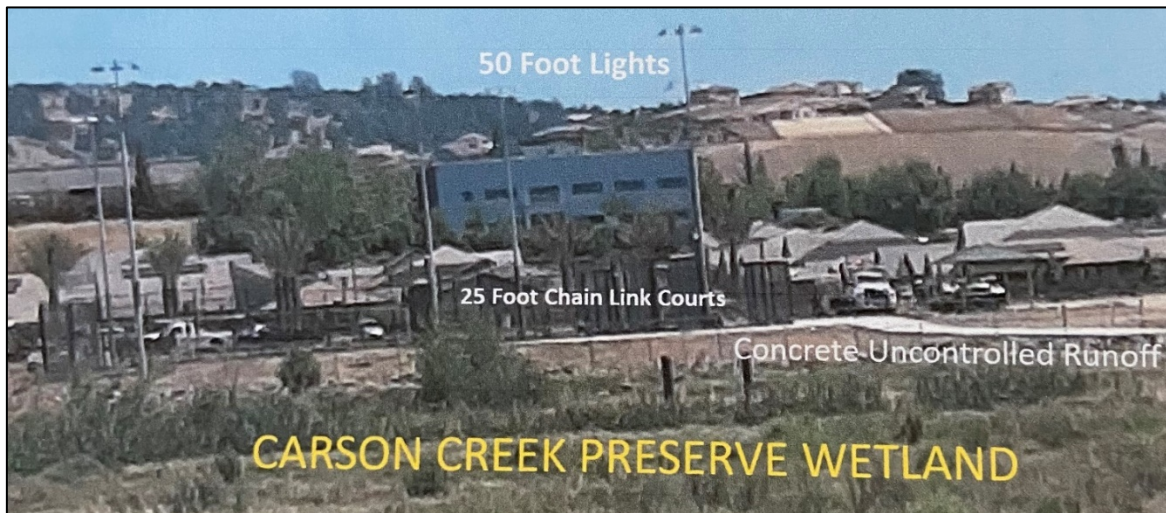
We have been unable to find any documentation showing that Lennar Homes informed you that a 4.67-acre park, much of which is covered in impervious surfaces, is being constructed at this location directly adjacent to the Preserve. An artist's conception of the park on the El Dorado Hills Community Service District (EDHCSD) website shows areas not overlaid in hard, impervious surfaces will be covered in turf and shrubbery which will be irrigated and contribute to run off. The run-off from a 4.67-acre park from rain is also a concern. The turf and shrubbery may be chemically treated for insect pests and disease and fertilized with chemical fertilizers. Concrete paths are oddly down-sloped in the in the direction of the Preserve. We are concerned that run off from rain and irrigation could carry these harmful products into Carson Creek in the Preserve.



The radiant temperature of the asphalt, concrete, and other impervious surfaces in Heritage Carson Creek Village Park will likely increase the temperature of the surrounding area in the summer months. Winter runoff of warmer than normal water can increase the temperature of Carson Creek thus impacting the reproductive cycle of the birds, animals, and amphibians that make Carson Creek their home. Thermal water pollution could increase algae and bacterial growth. These factors could alter the habitat of the birds, animals, and amphibians that depend on Carson Creek for shelter and food.



Five (5) stadium style lights of 50+ feet in height were recently installed around the tennis and pickleball courts at Heritage Carson Creek Village Park directly next to the Preserve. The El Dorado Hills Community Services District, the entity that will operate and set rules for the park, voted on May 13th, 2021 to operate the lights for timespans after dusk. We are concerned this will upset the circadian rhythm of the birds, amphibians, and animals in the Preserve. For example, hunting by the endangered burrowing owl commences at dusk. (NOTE: These lights are in violation of the local *dark sky* objectives.) Along with the light pollution will be noise pollution from competitive sports users, and sports tournaments, that the El Dorado Hills Community Services District has announced they are planning on holding at Heritage Carson Creek Village Park. These types of illuminated uses will disturb the birds, amphibians, and animals nesting in the Preserve. **No publicly available lighting or noise studies arising from this sports complex park have been conducted.** Light pollution, noise pollution, and thermal water pollution will violate the very reasons the Preserve was required to be created!



Lennar Homes is the developer (in conjunction with the El Dorado Hills Community Services District) of Heritage Carson Creek Village Park and simultaneously serves as the Carson Creek Preserve Manager. As the licensed conservator is selected, we believe Lennar and EDHCSD must fully disclose design and operational impacts.



As you can see from an aerial map, Heritage Carson Creek Village Park is located directly adjacent to the Carson Creek Preserve. It poses a potentially significant threat to the Preserve if it is not properly designed and operated with appropriate environmental mitigation. At a minimum, government regulators and the public deserve full disclosure of the “improvements” and their potential harmful impacts.

As you are aware, the Endangered Species Act (“the ESA”) and corresponding California statutes reflects a conscious decision to give endangered species priority. The ESA tasks agencies with ensuring that “any action” is not likely to jeopardize the continued existence of any listed species. If a listed species is present in the area of a proposed action, a Biological Assessment (“BA”) must be conducted “for the purpose of identifying any endangered species or threatened species which is likely to be affected by such action.” While such a study may exist for the Carson Creek Preserve in general, we have not as yet uncovered any disclosure pertaining to the action of constructing the Heritage Carson Creek Park’s concentrated sports complex with 50-foot stadium lighting, no noise abatement, and significant impervious heat conducting surfaces. In view of the apparent omission of the Park in the Foothills Associate’s letter and exhibits, we ask that you consider undertaking mitigation “in a manner that causes an effect to the listed species or critical habitat that was not considered.”

In the interest of disclosure, this letter is signed by an individual but based upon input echoed by many members of our senior age restricted community living adjacent to the Carson Creek Preserve. We are not environmental engineers, certified biologists or even attorneys. We are simply concerned seniors as a protected class wanting to protect wetland inhabitants without voices. Finally, this letter does not directly or by inference question or impute the integrity or professional standing of the mentioned entities or their officers, employees, or affiliates. We simply seek clarity and action that will insure protection of the wetlands.

We hope you will address the issues we have raised and begin the process to mitigate them before the park is allowed to open in summer. At that time, control of the Park will transfer from Lennar to EDHCS. The stadium lights are scheduled to be tested in mid-August. The 50-foot lights and other park design items also appear to violate a number of El Dorado County restrictions. El Dorado County Supervisor George Turnboo for District 2 is actively involved in a review of the project and has been copied on this letter.

We look forward to your response. Also, please advise us of additional habitat issues or concerned parties. We are eager to assist in the preservation of our wetlands.

For reference, we have included a pictorial example of the inhabitants residing in the Carson Creek Preserve.

Respectfully submitted on behalf of concerned citizens,

*Bob Williams**

G. Robert Williams, PhD

6512 Primavera Lane

El Dorado Hills, CA 95762

HeritageCarsonCreek@gmail.com *signed electronically, original signatures on file

cc: George Turnboo, El Dorado County Supervisor, District 2

CARSON CREEK PRESERVE INHABITANTS Pictorial Examples

The **burrowing owl** is federally protected by the [Migratory Bird Treaty Act](#) in the U.S. and Mexico, and is listed as **endangered, threatened**, or as a Species of Concern in nine states, including California, where it is considered a Species of Special Concern by the California Department of Fish and Game.



Photos Courtesy of Glenn Sayers Photography

CARSON CREEK PRESERVE

INHABITANTS

Pictorial Examples

The western pond turtle, *Actinemys marmorata* is the only remaining freshwater turtle species native to California. The species formerly ranged from western Washington and British Columbia to northern Baja, California. Habitat destruction appears to be the major cause of its decline and the species is listed as a Species of Special Concern by the California Department of Fish and Wildlife.

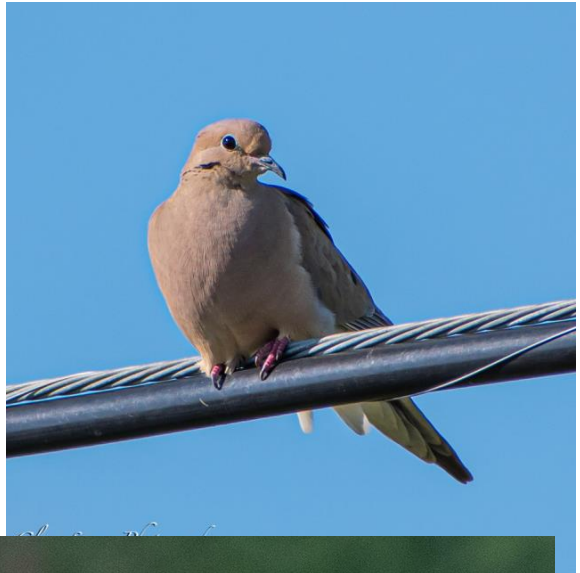


CARSON CREEK PRESERVE INHABITANTS Pictorial Examples



Photos Courtesy of Glenn Sayers Photography

CARSON CREEK PRESERVE INHABITANTS Pictorial Examples



Photos Courtesy of Glenn Sayers Photography

CARSON CREEK PRESERVE INHABITANTS Pictorial Examples



Photos Courtesy of Glenn Sayers Photography

21-1182 Public Comment
Rcvd 07-15-21

CARSON CREEK PRESERVE

INHABITANTS

Pictorial Examples



Photos Courtesy of Glenn Sayers Photography

February 21, 2018

Peck Ha
Senior Project Manager, CA Delta Branch
U.S. Army Corps of Engineers
Sacramento District, Regulatory Division
1325 J Street, Room 1350
Sacramento, CA 95814

RE: Carson Creek Unit 2 Project (SPK-1992-00105)

Dear Mr. Ha:

On behalf of Lennar Homes of California, Inc. (Lennar Homes), Foothill Associates is providing the following details relevant to the proposed Easement Holder and Preserve Manager pursuant to Special Condition 5(b) of the Carson Creek Unit 2 Individual Permit.

PRESERVE ESTABLISHED

The Carson Creek Preserve (Preserve) is located in the community of El Dorado Hills, El Dorado County, California, within the boundaries of the 155-acre Carson Creek Unit 1 Project and 423-acre Carson Creek Unit 2 Project. The Preserve is approximately 127 acres in size, and is located south of Golden Foothill Parkway, bounded by the Sacramento-El Dorado County border to the west and the El Dorado Hills Business Park to the north and east, and the Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA) Rail Corridor to the south, and can be located within a portion of Sections 23 and 26, Township 9 North, Range 8 East, Mount Diablo Baseline and Meridian (MDB&M), on the U.S. Geological Survey (USGS) *Clarksville* and *Folsom SE*, California 7.5-minute topographic quadrangles (38° 36' 57.739" North, Longitude 121° 3' 55.756" West, NAD 83). The Preserve is bisected by Carson Crossing Drive (**Figure 1**).

The Preserve includes 30.72 acres of jurisdictional waters of the U.S. including 8.86 acres of constructed seasonal wetlands, 4.39 acres of depressional seasonal wetlands, 4.38 acres of riverine seasonal wetlands, 0.04 acres of ephemeral drainages, 8.95 acres of intermittent drainages, and 4.09 acres of perennial drainages (**Figure 2**).

REGULATORY BACKGROUND

The Carson Creek Preserve was created in accordance with the U.S. Army Corps of Engineers (Corps) Section 404 Nationwide Permit (NWP) 26 for the Carson Creek Specific Plan (CCSP), as

well as, the subsequent May 31, 2016 NWP 32 Authorization for the Unit 1 (SPK-1992-00105), and the May 30, 2017 Individual Permit for Unit 2 (SPK-1992-00105).

In addition, the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (SAA) requires the establishment of the Preserve to compensate for impacts to 0.53 acre of riparian habitat, 13.7 acres of floodplain habitat, and 6.63 acres of seasonal and ephemeral streams.

Pursuant to SAA conditions 3.3, 3.4, and 3.5, the May 25, 2017 *Interim Long-term Management Plan for the Carson Creek Preserve* prepared by Foothill Associates was updated to include a Grazing Plan, Annual Grassland Management strategies, and a Restoration and Enhancement Plan covering five (5) acres of annual grassland uplands (**enclosed on compact disk**). As of the date of this letter, the updated Draft Long-term Management Plan, including the Draft Conservation Easement, is still under review by CDFW.

PRESERVE LONG-TERM MANAGEMENT

The Preserve is proposed to be managed by Golden State Land Conservancy (GSLC). GSLC shall implement the final version of the *Carson Creek Preserve Long-term Management Plan* (Plan), managing and monitoring the Preserve in perpetuity to preserve its habitat and conservation values pursuant to the Conservation Easement. Long-term management tasks shall be funded through a non-wasting Endowment Fund to be held by GSLC. GSLC shall be responsible for providing an Annual Report to the Corps detailing the time period covered, an itemized account of the management tasks and total amount expended.

GSLC is currently approved to hold the easement and serve as Preserve Manager for the following Preserves:

- Spring Valley Preserve (SPK-2013-01009);
- Rancho Del Oro Estates Preserve (SPK-2006-00800); and
- Fieldstone North Preserve (SPK-2011-00351).

Foothill Associates previously provided Due Diligence information for GSLC relevant to the Ranch Del Oro Estates Preserve (SPK-2006-00800). Lisa Gibson had directed us to reference this file as containing the Due Diligence details related to future requests for Corps approval of GSLC. Confirmation of GSLC operating according to current Land Trust Alliance (LTA) Standards and Practices (S&Ps) is enclosed with this letter to supplement the Due Diligence information in the SPK-2006-00800 file (**Attachment 1**). This information may also be accessed at the web address https://www.findalandtrust.org/land_trusts/138425.

Both the Sacramento Valley Conservancy (SVC) and Wildlife Heritage Foundation (WHF) declined to accept the Carson Creek Preserve (**Attachment 2**).

ONGOING PRESERVE MANAGEMENT

In the interim, the Preserve will continue to be managed by Lennar Homes. Lennar Homes will implement the Preserve Manager's responsibilities until the Plan is finalized.

PRESERVE PROTECTION

Following incorporation of agency comments and final approval by third-party beneficiaries (Corps and CDFW), the Draft Conservation Easement (**Attachment 3**) will be finalized and recorded with the County Clerk and will designate the Preserve as a non-developable area and designated as Preserve in perpetuity to be managed in perpetuity according to the provisions described within the final Plan.

FINANCIAL ASSURANCE

The annual cost of holding the Conservation Easement and carrying out the tasks of the Preserve Manager will be provided through a non-wasting endowment to be held by GSLC.

An estimate of the costs of long-term management for the Preserve is included in the form of a Property Analysis Record (PAR) included as Attachment J of the July 31, 2017 *Draft Long-term Management Plan for the Carson Creek Preserve* prepared by Foothill Associates. Anticipated costs include estimates of time and funding needed to conduct the basic monitoring site visits, reporting, invasive plant management, and trash removal. The total annual funding is currently estimated at approximately \$29,068; therefore, assuming an annual estimated capitalization rate of three and one-half (3.5) percent, the total endowment amount required will be \$830,516.

If you have any questions, please contact me at your earliest convenience at (916) 435-1202 or email kshields@foothill.com.

Sincerely,



Kyrsten Shields
Senior Regulatory Specialist

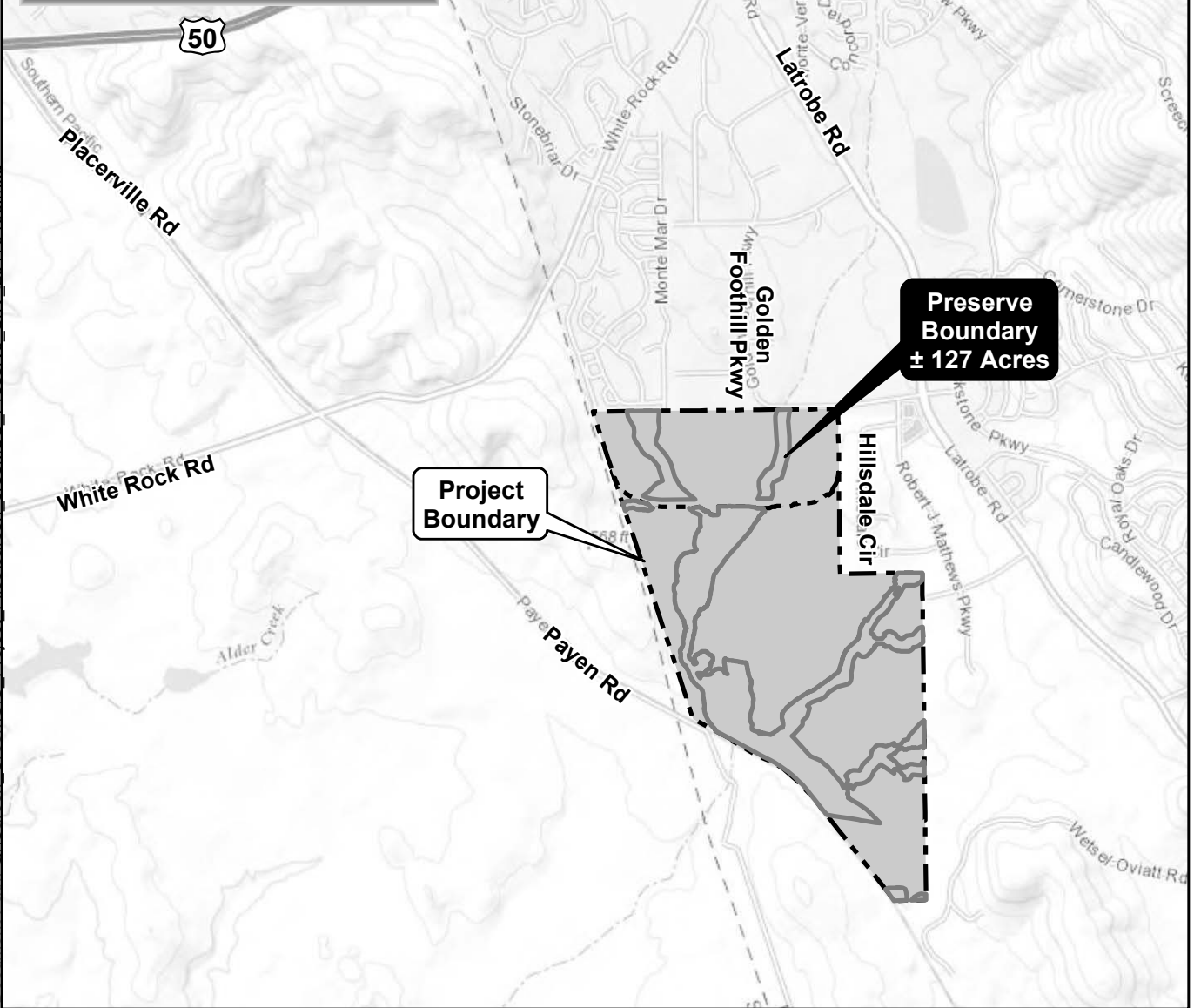
Enclosures (7)

cc: Larry Gualco, Lennar Homes of California, Inc. (electronic copy)
Robert Shattuck, Shattuck Planning and Management (electronic copy)

Document Path: Q:\Carson_Creek\GIS_Project_Files\carson_creek\CC_Preserve_SnV_20170403.mxd



USGS 7.5 Min. Folsom SE Quad
Township 9N, Range 8E, Section 23 & 26
Approximate Location:
38° 36' 57.739" N 121° 3' 55.756" W
Datum: NAD 83 State Plane CA Zone II (US Feet)
Approximate acreage: ± 578 Acres



CARSON CREEK PRESERVE SITE AND VICINITY



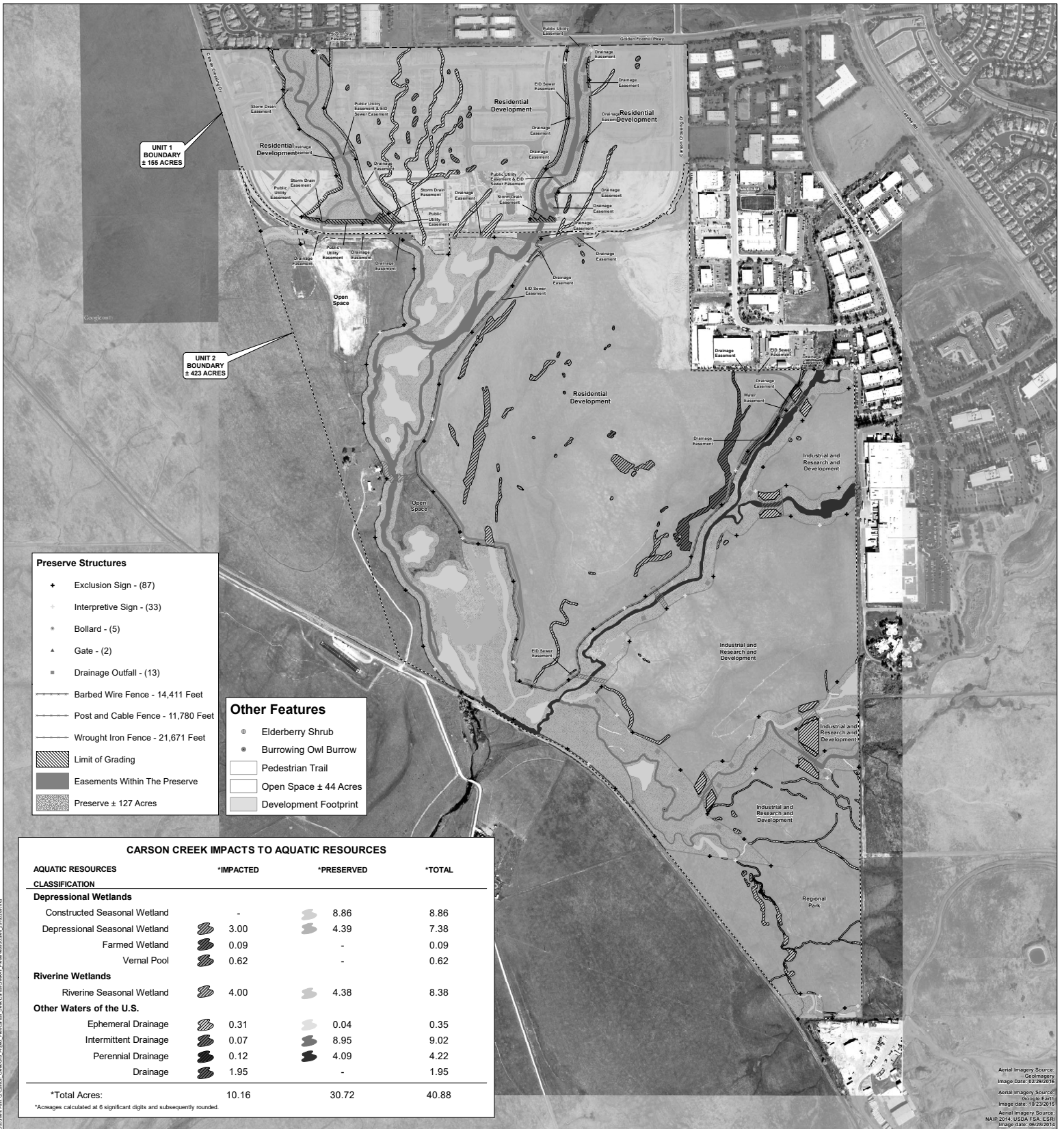
© 2018



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Miles
1 in = 0.5 miles

Drawn By: MUB
QA/QC: AMP
Date: 04/03/2017

FIGURE 1



Carson Creek Preserve Structures



Kyrsten Shields <kshields@foothill.com>

Carson Creek Unit 2

1 message

Kyrsten Shields <kshields@foothill.com>
To: Kyrsten Shields <kshields@foothill.com>

Tue, Feb 6, 2018 at 12:06 PM

----- Forwarded message -----

From: Darla Guenzler <darla@wildlifeheritage.org>
Date: Mon, Feb 5, 2018 at 1:04 PM
Subject: RE: Carson Creek Unit 2
To: Kyrsten Shields <kshields@foothill.com>
Cc: Kelly Velasco <kellyvelasco@wildlifeheritage.org>

Kyrsten,

Thank you so much for circling back and thinking of WHF. Unfortunately, at this time, we have to take a pass on Carson Creek due to the volume of other projects in our active pipeline.

Many thanks,

Darla Guenzler

WILDLIFE HERITAGE FOUNDATION

Darla Guenzler, PhD, Executive Director

www.wildlifeheritage.org

darla@wildlifeheritage.org

916.434.2759 x100

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