

Silva Valley Interchange Project

Addendum to the Environmental Impact Report
and Supplemental Impact Report
(SCH No. 1988050215)

January 2022 | 02504.00002.001

Prepared for:

County of El Dorado
Department of Transportation
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Placerville, CA 95667

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TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1.0 INTRODUCTION.....	1
2.0 PROJECT BACKGROUND.....	1
2.1 Project Overview.....	1
2.2 Summary of Existing Documentation	2
2.2.1 County Documentation.....	2
2.2.2 Project Documentation.....	4
3.0 BASIS FOR AN ADDENDUM.....	5
4.0 CONCLUSION.....	7
5.0 REFERENCES.....	8

ACRONYMS AND ABBREVIATIONS

CEQA	California Environmental Quality Act
CDFW	California Department of Fish and Wildlife
EIR	Environmental Impact Report
IS	Initial Study
MMRP	Mitigation Monitoring and Reporting Program
SEIR	Supplemental Environmental Impact Report

1.0 INTRODUCTION

The County of El Dorado (County) certified an Environmental Impact Report (EIR) for the Silva Valley Parkway Interchange with U.S. Highway 50 Project (project) in 1991 (State Clearinghouse No. 1988050215; Jones and Stokes 1990). Subsequently, a Supplemental EIR (SEIR) was certified on June 28, 2011 which allowed minor design changes to the project evaluated in the certified 1991 EIR (LSA 2011). The County is currently proposing minor revisions to the language of the EIR for the project to incorporate the oak mitigation program currently adopted by the County and which wasn't in place at the time of the 2011 SEIR.

The State CEQA Guidelines environmental review procedures allow for updating and use of a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a Subsequent EIR or Negative Declaration have occurred. Although minor changes to a project typically would not trigger a CEQA Section 15162 analysis, this document has been prepared by HELIX Environmental Planning, Inc. (HELIX) on behalf of the County to demonstrate that the proposed modifications do not require preparation of a Subsequent EIR or Negative Declaration under Section 15162. In addition, the proposed modification to the adopted mitigation measure was reviewed to determine whether or not the proposed modification would sufficiently address the identified impacts to oak resources on the project site.

2.0 PROJECT BACKGROUND

2.1 PROJECT OVERVIEW

The project includes construction of a new interchange at U.S. 50 and Silva Valley Parkway in unincorporated El Dorado County. The project site is located along U.S. 50, approximately 1.8 miles east of the Sacramento County line.

As previously mentioned, the project was certified in 1991 and subsequently modified with certification of the 2011 SEIR. Mitigation measure (MM) BIO-12 from the 2011 SEIR addresses impacts to oak woodland in accordance with the requirements of the Oak Woodland Management Plan (OWMP) adopted by the County Board of Supervisors on May 6, 2008 and which was in place at the time the 2011 SEIR was certified. The 2008 OWMP allowed for mitigation through two options: Option A, on-site retention and replacement of woodland habitat removed at a 1:1 ratio; and Option B, payment of in-lieu fees. Consistent with these requirements, MM BIO-12 includes preparation of an oak woodland canopy survey and either retention of oaks on site or mitigation through on-site replanting and replacement or payment of conservation fund in-lieu fee and specifically refers to the 2008 OWMP. However, after the revised project was approved in 2011, the County was compelled to rescind the OWMP and its implementing ordinance in September 2012 pursuant to a decision by the Appellate Court. The rescission resulted in revoking the in-lieu fee option as mitigation for oak woodland impacts and limited mitigation to retention of oaks on-site and replacement of woodland habitat removed at a 1:1 ratio.

In compliance with the requirements of MM BIO-12, an *Arborist Report, Oak Woodland Canopy, and Riparian Tree Assessment* (Arborist Report) documenting the oak resources on the project site was prepared in 2012 by Foothill Associates and a *Revegetation, Mitigation, and Monitoring Plan* (Tree Mitigation Plan) that defined mitigation implementation and success guidelines for oak trees and riparian trees was prepared in 2013 by Foothill Associates. The mitigation strategy presented was

limited to on-site retention and replacement since the in-lieu fee option was not available (see Sections 2.2.2.2 and 2.2.2.3 for more information regarding the Arborist Report and Tree Mitigation Plan). Construction of the interchange took place between 2013 and 2016; however, compensatory mitigation for impacts to oak resources has not yet been implemented.

On October 24, 2017, the County Board of Supervisors adopted the Oak Resources Management Plan and Oak Resources In-Lieu Fee Program (ORMP) which amended the County's Oak Resources Conservation Ordinance (Ordinance 5061; County Ordinance Code Title 130 Section 130.39). The 2017 ORMP went into effect in November 2017 and included provisions to remove on-site retention standards contained in the 2008 OWMP, clarified how impacts to oak resources would be evaluated and mitigated (based on Heritage Trees and individual protected oaks as well as oak woodland), and reenacted the in-lieu fee that had previously been revoked.

The County is proposing to implement oak mitigation for the project in accordance with the currently adopted 2017 ORMP which would be a change to the 1991 EIR as modified by the 2011 SEIR which specifically referenced the 2008 OWMP as mitigation for impacts to oak resources. Under the 2017 ORMP, the County would fulfill all or part of the mitigation requirements for impacts to oak resources through payment of in-lieu fees. Replacement plantings for up to 50 percent of the mitigation requirement may also be used. While the 2008 OWMP and the 2017 ORMP allow for establishment of an off-site conservation easement, MM BIO-12 did not include this option and it is currently not proposed by the County.

2.2 SUMMARY OF EXISTING DOCUMENTATION

Existing documentation relevant to the proposed project modification are summarized below.

2.2.1 County Documentation

2.2.1.1 2008 Oak Woodland Management Plan

On May 6, 2008, the County adopted the OWMP and its implementing ordinance (County Code Chapter 17.73; Ord. 4771). The purpose of the OWMP was to implement the oak woodland mitigation requirements outlined in Options A and B of the 2004 General Plan Open Space Policy 7.4.4.4 (County of El Dorado 2004).

Under the 2008 OWMP, the County protected oak woodland. The 2008 OWMP set forth the following protection measures for oak woodland relative to development (LSA 2011):

Prior to disturbance of any oak woodlands, one or more of the following mitigation measures shall be completed: (i) preparation of a replacement planting plan by a qualified professional as defined in the OWMP which requires mitigating the first 10 percent of oak canopy removed at a 1:1 ratio and any additional canopy acreage to be removed at a 2:1 ratio. The Plan, if prepared, shall require maintaining plantings and replacing dead or diseased trees for not less than seven years to ensure "no net loss"; (ii) preserving "like kind" oak woodland habitat in perpetuity through acquisition of conservation easements or fee simple at the 1:1 and 2:1 ratio set forth in the OWMP; (iii) contributing funds to the Oak Woodlands Conservation Fund, consistent with the OWMP, for the purpose of purchasing oak woodlands conservation easements.

Options i and ii outlined in the 2008 OWMP are based on Option A of the Conservation and Open Space Element Policy 7.4.4.4 of the 2004 General Plan (County of El Dorado 2004) for on-site retention and replacement of oak woodland habitat. Option iii from the 2008 OWMP addresses Option B from the 2004 General Plan which allows payment of fees to the County's Oak Woodland Conservation Fund.

2.2.1.2 2017 Oak Resource Management Plan

Under the 2017 ORMP, the County protects oak woodlands, Heritage Trees (native oaks with a total trunk diameter greater than 36 inches), and individual native oaks outside of oak woodlands with a trunk diameter of 6 inches or more.

The 2017 ORMP includes an on-site preservation incentive consisting of a sliding scale mitigation ratio based on the percentage of on-site oak canopy impacted. Mitigation is 1:1 (acre mitigation per acre impacted) for impacts to oak woodland comprising zero to 50 percent of the oak woodland on the site; 1.5:1 for impacts to oak woodland comprising 50.1 to 75 percent of the oak woodland on the site; and 2:1 for impacts to oak woodland comprising 75.1 to 100 percent of the oak woodland on the site. Mitigation may be completed with a combination of the following options: acquisition of an off-site conservation easement, payment of in-lieu fees, or on- or off-site replacement planting of up to 50 percent of the required mitigation area and subject to a conservation easement or deed restriction.

Mitigation for removal of heritage or individual protected oaks is based on an inch-for-inch trunk diameter replacement standard. Mitigation for removal of heritage oaks is based on a 3:1 ratio (inch mitigation per inch impacted) while individual protected oaks is based on a 1:1 ratio. Table 4 of the 2017 ORMP identifies tree replacement quantities per inch of trunk diameter removed. Mitigation may be completed with a combination of the following options: on- or off-site replacement plantings subject to a conservation easement or deed restriction or payment of in-lieu fees.

General Plan Conservation and Open Space Element Policy 7.4.4.4 was amended in October 2017 to refer to the ORMP (County of El Dorado 2017).

In summary, relevant revisions to the 2008 OWMP under the 2017 ORMP included: (1) clarifying and addressing impacts to individual native oak trees, including defining Heritage Trees based on tree species and trunk diameter measurement; (2) updating impact requirements to use oak canopy cover as a unit of measurement for impacts to oak woodlands as opposed to determining impacts based on individual trees under the 2008 OWMP; (3) development of a 2-tiered mitigation approach that incorporates oak woodland mitigation (Policy 7.4.4.4) and oak tree mitigation (including Heritage Trees [Policy 7.4.5.2]); and (4) clarification of mitigation options to enact in-lieu fee payment as mitigation (the in-lieu fee payment option under the 2008 OWMP and Option B of Policy 7.4.4.4 was inoperative at the time of the 2016 EIR). The revised framework noted under item (3), above, removed the necessity for the two oak woodland mitigation options (Options A and B) under the 2008 OWMP and removed retention standards by incorporating an incentive-based approach for oak woodland avoidance (i.e., mitigation ratio at 1:1 for first 50 percent of oak woodland removed with mitigation ratio increasing thereafter as impacts increase) (Dudek 2016).

2.2.2 Project Documentation

2.2.2.1 2011 SEIR

Mitigation measure BIO-12 in the 2011 SEIR addressed impacts to oak woodland in the project site (Impact BIO-5). The full language of the measure follows:

BIO-12: *A certified arborist shall conduct an oak woodland canopy survey in accordance with requirements of the OWMP [Oak Woodland Management Plan], which include: An Oak Woodland Canopy Report shall be prepared and submitted to the County for review and approval. The report shall contain survey methodology and results and the survey results will be used to quantify impacts and mitigation requirements (i.e., percentage of canopy that would be removed, retained, and replaced) prior to tree removal.*

If possible, the retention standards stipulated in the OWMP (see Table 4.4-3) shall be adhered to. If retention requirements cannot be met, then mitigation for the total area of oak woodland canopy impacted shall occur in accordance with either Option A (On-Site Mitigation, Replanting and Replacement), Option B (Conservation Fund In-Lieu Fee), or a combination of these.

2.2.2.2 2012 Arborist Report, Oak Woodland Canopy, and Riparian Tree Assessment

The Arborist Report for the project (Foothill Associates 2012) was prepared to meet the requirements of MM BIO-12 from the 2011 SEIR, in accordance with 2008 OWMP, as well as document impacts to riparian habitat in accordance with the project's Streambed Alteration Agreement (SAA) with the California Department of Fish and Wildlife (CDFW). At the time the report was prepared, only Option A of the 2008 OWMP, which required on-site replacement planting, was the available mitigation option due to a lawsuit regarding the calculation of in-lieu fees. However, the report includes a caveat to allow payment of in-lieu fees to the County's oak conservation fund, should the option become available. See the below excerpt from the Arborist Report (Foothill Associates 2012):

In the event that Mitigation Option B, which allows payment of funds to the County's mitigation fund as described in Policy 7.4.4.4 of the General Plan, becomes available prior to project implementation, the mitigation plan may be revised to incorporate this strategy.

The report found that the project would impact a total of 4.22 acres of existing blue oak woodland canopy. Although the report does not identify Heritage Trees or protected individual trees as defined by the 2017 ORMP, tree data is provided in Appendix A of the Arborist Report which allows impacts to these resources as they are currently recognized under the 2017 ORMP to be determined. A total of 580 trunk inches of Heritage Tree and 106 inches of protected individual trees as defined by the 2017 ORMP were impacted by the project.

2.2.2.3 2013 Revegetation, Mitigation, and Monitoring Plan

The Tree Mitigation Plan for the project (Foothill Associates 2013) was prepared to define the mitigation implementation procedures, success criteria, and monitoring protocol for oak woodlands, riparian trees, and elderberry shrubs to meet the requirements of both the 2008 OWMP and the SAA for the project. The plan was reviewed and approved by CDFW for mitigating impacts to riparian vegetation.

Because the in-lieu fee option of the 2008 OWMP was inoperative at the time the Plan was prepared, the Plan addresses replacement planting as the mitigation method for impacts to 4.22 acres of blue oak woodland but it does include an option that should payment of in-lieu fee to the County's mitigation fund become available prior to project implementation, the mitigation plan may be revised to incorporate an in-lieu fee mitigation strategy.

3.0 BASIS FOR AN ADDENDUM

Minor project changes that require only ministerial approval do not trigger review pursuant to State CEQA Guidelines Section 15162 (Practice under CEQA Section 19.10); however, the County has elected to prepare this Addendum to document why further environmental review is not required.

Section 15164(e) of the State CEQA Guidelines requires a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162, that is supported by substantial evidence.

Pursuant to State CEQA Guidelines Section 15162, a subsequent EIR or Negative Declaration is required when: (1) substantial changes are proposed and/or substantial changes have occurred which will require major revisions to the prior CEQA document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (2) new previously unknown information shows that the project will have significant effects not previously discussed or previously identified significant effects will be substantially more severe than shown in the prior CEQA document.

According to the Tree Mitigation Plan, the project has impacted approximately 4.22 acres (14.6 percent) of oak woodland on the site and retained 24.65 acres of the existing canopy which is in compliance with the retention requirements of the 2008 OWMP (Foothill Associates 2013). In addition, a total of 580 trunk inches of Heritage Tree and 106 inches of protected individual trees were impacted by the project (Foothill Associates 2013).

As previously mentioned, implementation of the requirements of the 2017 ORMP would result in changes to how the impacts to oak resources are calculated and how the replacement standards could be met. Under the 2008 OWMP, mitigation for impacts to only the oak woodland would be required while under the 2017 ORMP additional mitigation for impacts to Heritage Trees and individual protected oaks in addition to oak woodland would be required. This results in compensatory mitigation provided in excess of the 2008 ORMP. In addition, the 2017 ORMP removed the on-site retention requirement contained in the 2008 OWMP, and the 2017 ORMP limits on- and/or off-site replanting to up to 50 percent of the required mitigation. The remaining balance needs to be met through in-lieu fee (the off-site conservation easement is not anticipated).

By removing the on-site retention requirement and capping the on-site replacement requirement at 50 percent, the 2017 ORMP could ultimately reduce the amount of oak woodland retained and replanted on the site when compared with the requirements of the 2008 OWMP. Mitigation under the 2017 ORMP is anticipated to be more favorable than on-site seedlings, which would have marginal growth success given the site characteristics and lengthy establishment period. Environmental resource area impacts potentially affected by a reduction in the on-site retention and replacement include an increase in impacts on the visual character of the area and impacts to wildlife using oak woodland habitats.

Furthermore, while visual impacts to the residential land uses for the area near the interchange were identified in the 2011 SEIR, the impacts were not specifically associated with removal of oak woodland, and it was found that the residential land uses were compatible with the proposed project. MM VIS-1 was included to require that the landscape design for the project comply with applicable Caltrans and County standards and that it be consistent with the natural landscape characteristics. No new or more severe impacts to visual resources would occur as a result of implementing the 2017 ORMP.

None of the potentially significant impacts to special-status species as a result of the project were associated with removal of oak woodland from the project site; however, impacts to general wildlife using blue oak woodland were identified. As previously mentioned, the 2011 SEIR concluded that, if possible, the retention standards contained in the 2008 OWMP would be met, but if not, mitigation could be implemented through either replanting and replacement and/or payment of in-lieu fees. No new or more severe impacts to visual resources or general wildlife using blue oak woodland would occur as a result of implementing the 2017 ORMP.

Lastly, while the project was able to meet the retention standards of the 2008 OWMP, MM BIO-12 does allow for removal of all oak woodland from the site if on-site retention is not feasible and allows for mitigation through either replanting and replacement and/or in-lieu fee. Therefore, the project as approved does not require that any of the mitigation be implemented through replacement plantings, even if all oak resources are removed from the site. As previously described, approval of the 2011 SEIR, the in-lieu fee option in MM BIO-12, which was in accordance with the 2008 OWMP, became inoperative and has since been replaced by the in-lieu fee requirements pursuant to the 2017 ORMP. As such, any mitigation that is provided for the project as in-lieu fee would have to be in accordance with the 2017 ORMP. Should the County mitigate for impacts to oak resources via in-lieu fee, the option would allow for a mitigation mechanism previously unavailable to the project. The in-lieu fee was specifically envisioned as a mitigation option and identified in MM BIO-12 for the project. Therefore, although the mitigation measure specifically referenced the 2008 OWMP, the intent of allowing for the in-lieu fee option would be met through implementation of the 2017 ORMP since in-lieu fee consistent with the 2008 OWMP is no longer feasible. The 2017 ORMP offers additional compensatory mitigation and better mitigation viability than on site replanting. Furthermore, the in-lieu fee option allows for an integrated program with flexibility and assurance that lost oak resources can be replaced or compensated which would be an additional benefit of the proposed revision.

4.0 CONCLUSION

The proposed modification would not require major revisions of the 2011 SEIR that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There are no new circumstances or available information which could result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. While the proposed revision affects an adopted mitigation measure, the proposed modification is a minor technical change to the adopted MM BIO-12 to allow impacts to oak resources to be mitigated in accordance with the currently effective 2017 ORMP, rather than the currently inoperative 2008 ORMP. The resulting mitigation is equivalent or superior to the adopted mitigation measure and would result in higher mitigation values (and potentially more conservative due to consideration of Heritage Trees and individual protected oaks) than those considered in the 2011 SEIR. Furthermore, implementation of the 2017 ORMP would allow for use of the in-lieu fee option identified in MM BIO-12 but which is not feasible under the 2008 OWMP. The in-lieu fee option would allow flexibility and assurance that removed oak resources can be replaced or compensated with an integrated approach, a further benefit of the proposed revision. No new mitigation measures or alternatives have been identified that weren't previously considered or previously found to be infeasible that have been found to be feasible.

An Addendum is the appropriate documentation for this minor modification and preparation of a Subsequent EIR or Mitigated Negative Declaration is not required. None of the circumstances listed in State CEQA Guidelines Section 15162 requiring the preparation of a Subsequent EIR or Negative Declaration are present.

5.0 REFERENCES

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