

6/3/2021

Edcgov.us Mail - Fwd: Public Comment Heritage Unit 2

PC 6-10-21

Item #3

Julie Saylor <julie.saylor@edcgov.us>

19 pages



**Fwd: Public Comment Heritage Unit 2**

1 message

**Gina Hamilton** <gina.hamilton@edcgov.us>

Thu, Jun 3, 2021 at 9:51 AM

To: Julie Saylor <julie.saylor@edcgov.us>

Cc: Rommel Pabalinas <rommel.pabalinas@edcgov.us>, Robert Peters <robert.peters@edcgov.us>

Hi, Julie:

Re: SP-R20-0001/TM20-0001/DA20-0001/Heritage at Carson Creek

Below is a comment email with an attached letter received from Mr. Bob Williams. My response to Mr. Williams is included.

Please upload Mr. Williams' communications along with my reply as a public comment for the above-referenced project going to PC on June 10.

Thanks,

**Gina Hamilton**  
Senior Planner

**County of El Dorado**  
Planning and Building Department  
2850 Fairlane Court, Bldg C  
Placerville, CA 95667  
Main Line (530) 621-5355  
Direct Line (530) 621-5980  
Fax (530) 642-0508  
gina.hamilton@edcgov.us

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

From: **Gina Hamilton** <gina.hamilton@edcgov.us>  
Date: Wed, Jun 2, 2021 at 12:22 PM  
Subject: Re: Public Comment Heritage Unit 2  
To: Robert Williams <bobw1800@gmail.com>  
Cc: George Turnboo <george.turnboo@edcgov.us>

Hi, Bob:

I have received your email, below, and the attached letter.

It appears that your comments are about a park site, located in a separate development, that is unrelated to the current proposal. The current project scheduled to go to the Planning Commission for review and consideration on June 10 does not encompass the park site (Heritage Carson Creek Village Park) identified in your email and comment letter. Therefore, the staff report and other associated documents for the project going forward on June 10 would not be expected to discuss that park site.

You may choose to reach out to the developer, either directly or via the HOA for that neighborhood. If you would like the contact info for the developer, just let me know. I can provide that to you.

Let me know if there is anything else I can help you with.

If you have comments directly related to the current project, please be sure to submit those to the email address in the public hearing notice.

Best regards,

**Gina Hamilton**  
Senior Planner

**County of El Dorado**  
Planning and Building Department  
2850 Fairlane Court, Bldg C  
Placerville, CA 95667  
Main Line (530) 621-5355  
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On Tue, Jun 1, 2021 at 6:19 PM Robert Williams <bobw1800@gmail.com> wrote:

Attached is a letter sent to the US Corp of Engineers, CA Fish & Wildland, and District 2 County Supervisor George Turnboo. As you will note, the letter focuses on omissions of the Heritage Carson Creek Park's potential environmental impacts on endangered species residing in Carson Creek Preserve. The staff report and exhibits associated with the June 10 hearing to modify the Carson Creek Basic Plan also omits the impacts of the Heritage Park.

It is interesting to note that the proposal before the Committee includes a 30 acre park that would more suitably be an alternative location of the currently the competitive sports complex Heritage Park. This location would not be harmful to the Carson Creek Preserve. Also, EDHCSD is proposing yet another 50+ acre park associate to the Creekside development. In short, alternative locations can accommodate the amenities being constructed in the middle of 55+ senior community.

The proposal to amend the Carson Creek Basic Plan should be rejected until said time as issues are fully resolved pertaining to Carson Creek Preserve.

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 **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

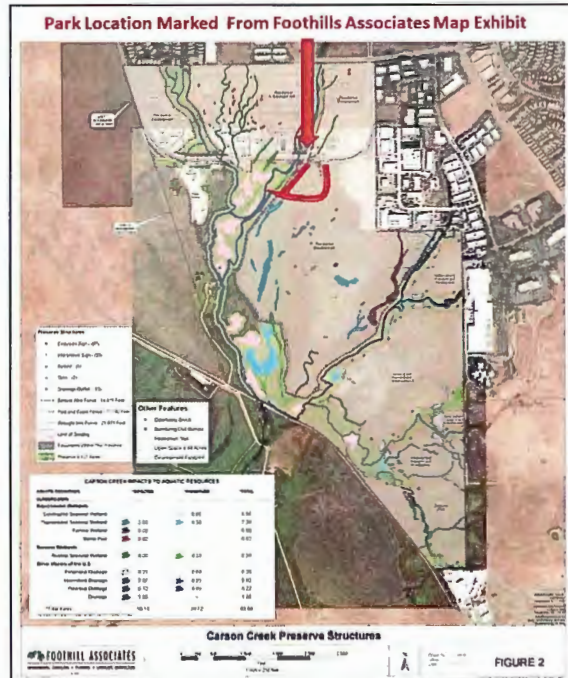
RE: Carson Creek Unit 2 Project (SPK-1992-00105) Factual Omissions

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.

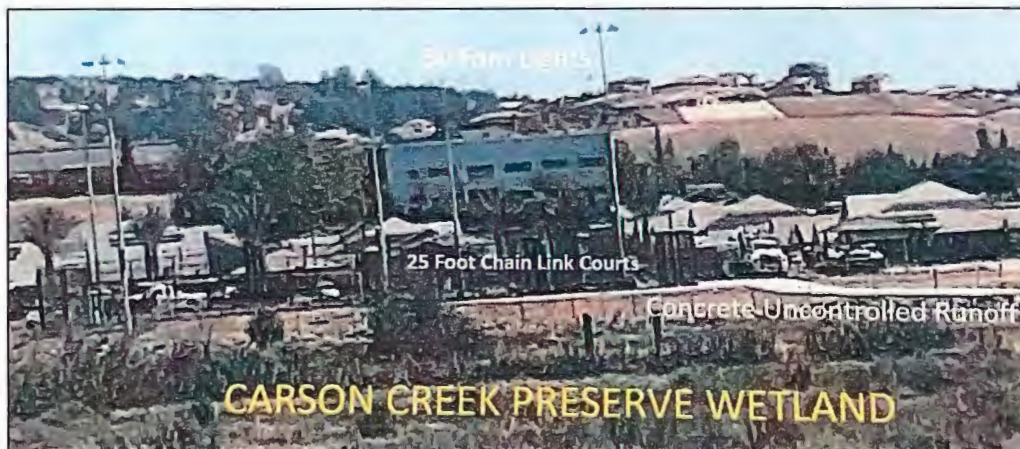
We have been unable to find any documentation showing that Lennar Homes informed you that a 4.67-acre park, much of which is covered in impervious surfaces, is being constructed at this location directly adjacent to the Preserve. An artist's conception of the park on the El Dorado Hills Community Service 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 13<sup>th</sup>, 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 Turnbo 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.

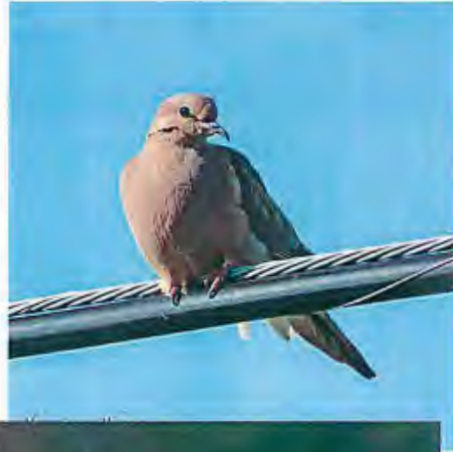


# CARSON CREEK PRESERVE INHABITANTS Pictorial Examples



Photos Courtesy of Glenn Sayers Photography

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Photos Courtesy of Glenn Sayers Photography

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Photos Courtesy of Glenn Sayers Photography

# CARSON CREEK PRESERVE INHABITANTS Pictorial Examples



Photos Courtesy of Glenn Sayers Photography



ENVIRONMENTAL CONSULTING • PLANNING • LANDSCAPE ARCHITECTURE

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](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](mailto:kshields@foothill.com).

Sincerely,

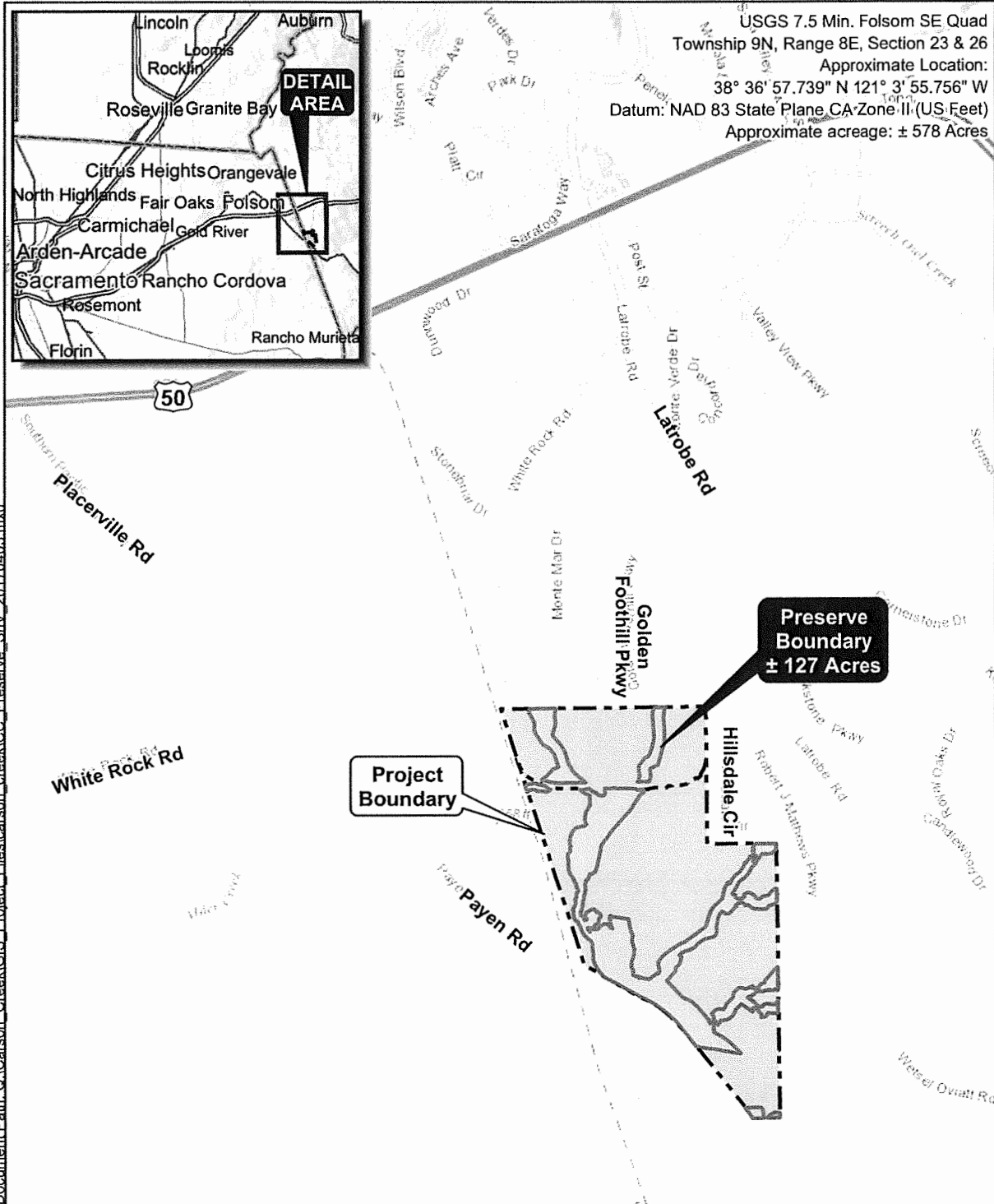


Kyrsten Shields  
Senior Regulatory Specialist

Enclosures (7)



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

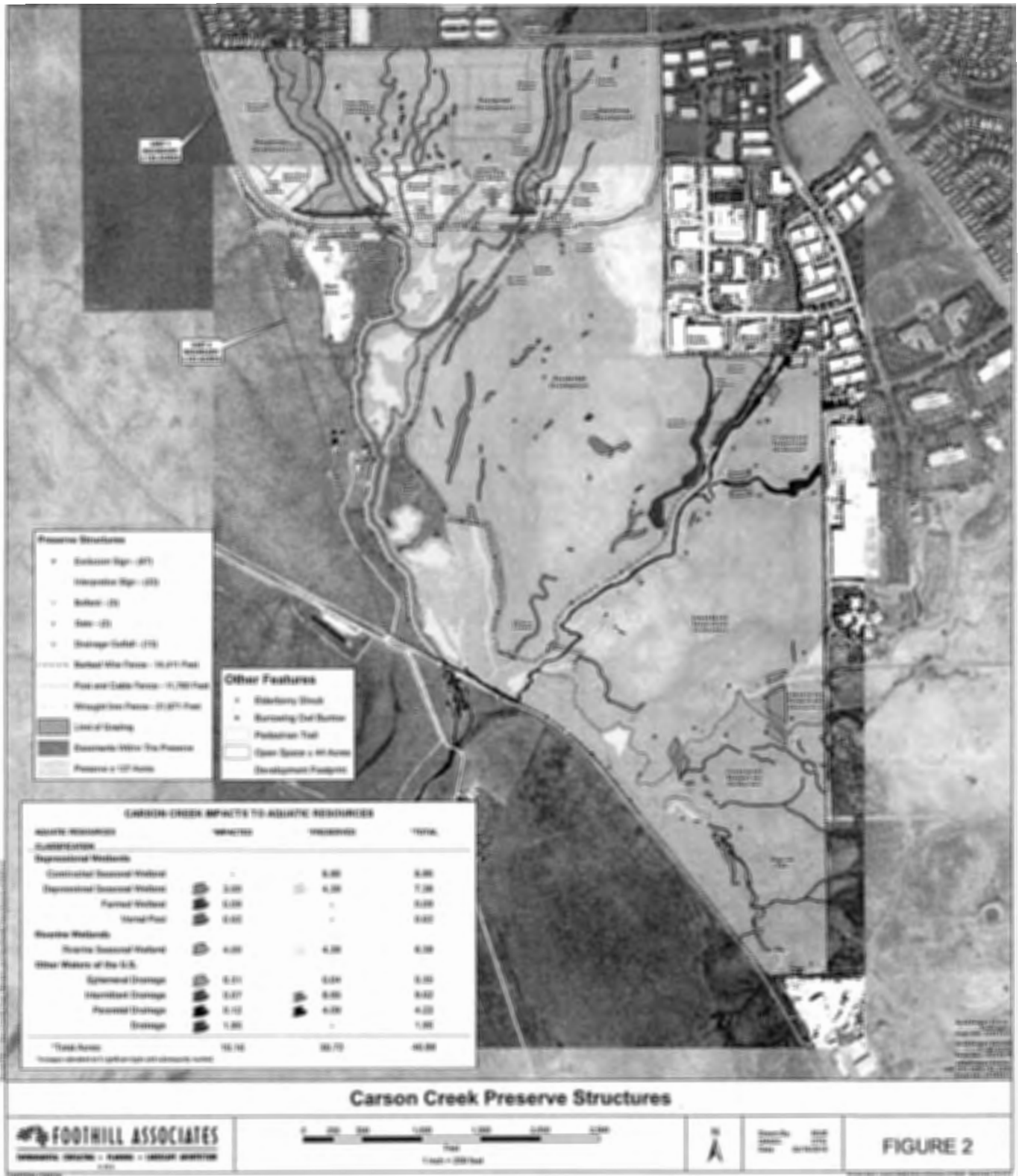




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**CARSON CREEK PRESERVE SITE AND VICINITY**

 <p><b>FOOTHILL ASSOCIATES</b>  <small>ENVIRONMENTAL CONSULTING • PLANNING • LANDSCAPE ARCHITECTURE</small>          © 2018</p>	<p>N</p> 	<p>0 0.25 0.5          Miles          1 in = 0.5 miles</p>	<p>Drawn By: MUB          QA/QC: AMP          Date: 04/03/2017</p>	<p><b>FIGURE 1</b></p>
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Kyrsten Shields <kshields@foothill.com>

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## Carson Creek Unit 2

1 message

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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](http://www.wildlifeheritage.org)

[darla@wildlifeheritage.org](mailto:darla@wildlifeheritage.org)

916.434.2759 x100

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