

# DEVELOPMENT SERVICES DEPARTMENT

County of  
EL DORADO

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October 12, 2006

TO: Board of Supervisors

RE: Cameron Park Congregate Care  
A06-0003, Z05-0008, PD05-0005, TM05-1400

RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY, CALIF.

2006 OCT 13 AM 11:14

The project was heard by the Board of Supervisors on September 26, 2006. The Board closed the public hearing and conceptually approved the project with direction to staff to return with final conditions of approval and mitigation measures. After the hearing, a fax was received from the Department of Fish and Game (DFG). The letter stated that the mitigation measures included in the Mitigated Negative Declaration were inadequate and the hearing should be postponed. DFG did not, however, offer any specific reasons or substantial evidence supporting its reasons for concluding that the MND was inadequate, nor did DFG offer any additional performance objectives or mitigation measures as provided by CEQA. (See Pub. Resources Code, § 21081.6, subd. (c)). Planning staff has considered DFG's letter and drafted a response which concludes that the MND, as revised to provide for expanded mitigation, is adequate for the project. An attachment to the letter to DFG was correspondence from 1997 wherein the DFG states they felt the County Preserve system was adequate mitigation for impacts on rare and endangered plants. In addition, the applicant's biologist, Dr. Little, has prepared the attached correspondence further explaining the impact assessment and mitigation requirements for this project in support of the County's conclusion that project impacts will be reduced to less than significant levels. A response was requested from DFG by October 10, but at the writing of this memorandum, no response has been received.

The County, together with other preservation partners, to date has acquired approximately 3,100 acres of land to implement the County Preserve system. The rare plan mitigation provisions of the County Zoning Ordinance, which are implemented in part through the Preserve system, are specifically designed to address project impacts on all of the state and federally listed rare and endangered plants that occur on the project site. This project includes specific mitigation measures and conditions of approval to ensure compliance with County Ordinance and CEQA requirements, including obtaining all necessary permits and approvals from the Department of Fish and Game that may be required for this project. This project does not involve any federal actions, therefore, no federal "nexus" exists for direct involvement by federal resource agencies, such as the Fish and Wildlife Service, in this project.

Attached to this addendum are the revised conditions of approval, findings, and mitigation monitoring and reporting plan (MMRP). Added language is underlined, and language that was replaced is shown in ~~strikeout~~ type. Additions include an indemnification condition as well as mitigation with more specificity

and enforceability to the measures required in the original Mitigation Monitoring and Reporting Program for the Ceanothus and Calystegia plants. (See Pub. Resources Code, § 21080, subd.(f); CEQA Guidelines, §§ 15074.1, 15073.5.)

Staff recommends that your Board:

- 1) Adopt the Mitigated Negative Declaration based on the findings listed in Attachment required pursuant to the California Environmental Quality Act accepting the MND, including the addendum dated October 12, 2006, as adequate;
- 2) Approve A06-0003 modifying the boundary between the Multi-Family Residential (MFR) and Commercial (C) land use designations , as shown on Exhibit A contained in the agenda transmittal of September 7, 2006, based on the findings listed in Attachment 2;
- 3) Approve Z05-0008, rezoning a portion of Assessor's Parcel Number 083-350-43 from Estate Residential Ten-acre (RE-10) to Commercial-Planned Development (C-PD/14.16 acres) and Limited Multifamily Residential-Planned Development (R2-PD/12.05 acres) (as shown on Exhibit B contained in the agenda transmittal of September 7, 2006), based on the findings listed on Attachment 2;
- 4) Approve PD05-0005, adopting the development plan as the official development plan, based on the findings listed on Attachment 2, subject to the conditions listed on Attachment 1;
- 5) Approve Tentative Parcel Map P05-0014 and Tentative Map TM05-1400 based on the findings listed on Attachment 2, subject to the conditions listed on Attachment 1; and
- 6) Approve Special Use Permit S05-0005 based on the findings listed on Attachment 2, subject to the conditions listed on Attachment 1.

Sincerely,



Gregory L. Fuz  
Development Services Director

Attachments:

1. Conditions of approval
2. Findings for approval
3. Mitigation Monitoring Program

- Exhibit A.1 Letter from Banky E. Curtis, Regional Manager, California Department of Fish and Game, Dated September 29, 1997
- Exhibit B.1 Letter from Kent A. Smith, Supervising Biologist, California Department of Fish and Game, Dated September 26, 2006
- Exhibit C.1 Letter from R. John Little, Ph.D., President, Sycamore Environmental Consultants, Inc., dated October 10, 2006
- Exhibit D.1 Map showing proposed 5.96-acre preserve area
- Exhibit E.1 Addendum to Mitigated Negative Declaration

**A06-0003/Z05-0008/TM05-1400/P05-0014/PD05-0005/S05-0017**

As recommended by the Planning Commission on August 24, 2006 and amended by staff on October 12, 2006.

**MITIGATION MEASURES/CONDITIONS**

**Mitigation Measures**

1. Grading and improvement plans shall state: "It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal and State Endangered Species Acts and the Clean Water Act. The County Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and Federal agencies in areas subject to State and Federal jurisdiction."
2. Twenty-four hours prior to construction activities, a qualified biologist shall conduct a preconstruction survey for California horned lizard.
3. All horned lizards found on the project site during the preconstruction survey shall be relocated to the property west of the EID easement by a qualified biologist.
4. A qualified biologist shall be present on-site for all clearing and grubbing activities. All horned lizards found during clearing and grubbing shall be relocated to the property west of the EID easement.
5. A qualified biologist shall conduct a survey within three weeks prior to the start of grading, clearing, or other construction activities for active nests. The survey will be conducted within 200 feet of the project site.
  - a. If no active nests are found, no further avoidance measures will be necessary.
  - b. If an active nest is located within 200 feet of a construction area, the biologist shall record the location(s) on a site map.
    - i. If the species is listed under the federal or state endangered species acts, the appropriate federal or state agency shall be contacted for guidance.
    - ii. If the species is not federal or state listed, but protected under the federal Migratory Bird Treaty Act of 1918, the biologist shall establish a minimum 100 foot buffer (Environmentally Sensitive Area) around the nest tree.
    - iii. The biologist will delimit the buffer zone with yellow caution tape, surveyor's flagging, pin flags, stakes, etc. The buffer zone shall be maintained until young have fledged. No construction activities shall occur within 100 feet of a nest tree while young are in the nest.
    - iv. A biologist shall monitor the nest weekly during construction to evaluate potential disturbance caused by construction activities. The biological monitor shall have the authority to stop construction if the nesting birds appear to be adversely affected by construction activities.

6. The landscaping plan shall show that only plants associated with gabbroic northern mixed chaparral shall be planted on graded slopes surrounding the project site. Additionally, only native riparian vegetation shall be placed within the 50 foot setback area.
7. The applicant shall pay the El Dorado County rare plant mitigation fee for Zone 1.
8. ~~The applicant shall establish an on-site Calystegia Preserve north of the project site, adjacent to the Pine Hill Preserve.~~

The applicant shall establish an approximately 5.96-acre plant preserve on the north and east side of the project area adjacent to the Cameron Park Unit of the Pine Hill Preserve. Included within the 5.96 acre preserve shall be an approximately .385 acre preserve for Calystegia stebbinsii as illustrated in the attachment to the MMRP.

9. Take cutting from the existing 6,700 Ceanothus roderickii plants in the project area, as well as an additional 2,000 cutting (30%) from the Ceanothus roderickii plants to allow for losses. Propagate said cuttings in a commercial nursery and plant the cuttings in the on-site plant preserve. Monitor the plantings for a minimum of five years and submit monitoring report to the County, California Department of Fish and Game, and the U.S. Fish and Wildlife Service.
10. The applicant shall transplant the four Calystegia stebbinsii from the project site to the Calystegia Preserve.
11. A qualified biologist shall collect seeds of Calystegia stebbinsii from plants in project study area; treat seeds (scarify and/or heat treatments), and plant some seeds or seedlings in the Calystegia Preserve and germinate others in a nursery. Plant seedlings from the nursery in the Calystegia Preserve.
12. The applicant shall remove chaparral shrubs from Calystegia stebbinsii transplant/seedling areas to encourage germination and growth of Calystegia stebbinsii plants.
13. Monitor plants bi-annually for at least five years and submit an annual monitoring report to El Dorado County and DFG. If dead Calystegia stebbinsii plants are found during the five year monitoring and reporting period, the same number of plants shall be planted thus ensuring “no net loss” in the number of individual plants.
14. A qualified biologist shall stake the ordinary high watermark (OHWM) of channels 1 and 2 adjacent to the project site.
15. The contractor will install temporary, high visibility construction fencing five feet from the staked ordinary high watermark (OHWM) prior to clearing and grubbing activities commence.
16. The contractor will remove the temporary fencing after the grading pad is completed and drainage, roads, and utilities are installed.

17. A certified arborist shall prepare a tree replacement plan showing the replacement of every inch diameter at breast height of tree removed from the site by planting the same number of inches of native oak trees on-site. The tree replacement plan shall be submitted and approved by the Planning Division prior to clearing and grubbing.
18. The applicant shall hire a qualified nursery, landscape contractor or consultant to take cuttings from the existing 6,700 Ceanothus roderickii plants in the project area and an additional 2,000 cuttings (for a total of at least 8,700 cuttings) to allow for loss.
19. Propagate the cuttings of Ceanothus roderickii in a commercial nursery, plant a minimum of 6,700 cuttings in the 5.96 acre preserve and install an irrigation system.
20. Monitor the Ceanothus roderickii plants bi-annually for at least five years and submit an annual monitoring report to El Dorado County and DFG. If dead Ceanothus roderickii plants are found during the five year monitoring and reporting period, the same number of plants shall be planted thus ensuring "no net loss" in the number of individual plants.
21. Implement a Boundary Line Adjustment (BLA) with Bureau of Land Management to include the approximately 5.96 acre Ceanothus roderickii preserve, including the .385 acre portion dedicated to Calystegia stebbinsii. The applicant shall dedicate the 5.96 acres encompassed by the BLA to the Pine Hill Preserve/BLM in perpetuity.
22. The applicant shall submit an annual monitoring report to El Dorado County for a period of five years.

### **Conditions**

23. The subject General Plan amendment, rezone, parcel map, planned development and special use permit approval is based upon and limited to compliance with the project description and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
24. The project, as approved, shall consist of the following (Exhibits A-J):
  - a. A General Plan amendment to modify the boundary between Multi-Family Residential (MFR) and Commercial (C) land use designations.
  - b. A rezone of the parcel from Estate Residential Ten-acre/Planned Development (RE-10/PD) to Commercial-Planned Development (C-PD) and Estate-Residential Ten-acre (RE-10) to Commercial-Planned Development (C-PD).
  - c. Tentative map to create 64 duets and three large lots.
  - d. Special use permit for a community care facility.
  - e. Development plan to allow a 35 room (21,000 square feet) Alzheimer's unit, 140 units of congregate care, and 64 duet cottages along with an 8,000 square foot clubhouse.

**PLANNED DEVELOPMENT**

25. All site improvements shall conform to the site plan(s), landscape plans, elevations, and color material boards as submitted and approved in Exhibits A-J.
26. The gates to the trash receptacle enclosure shall remain closed at all times when not in use.
27. Lighting for the project shall conform to standards set forth in Section 17.14 of the Zoning Ordinance.
28. Signs shall conform to the standards set forth in Section 17.16 of the County Zoning Ordinance and shall be consistent with the proposed building materials and colors
29. The project shall conform to the County's Water Conserving Landscaping Ordinance.
30. All windows for the project shall be trimmed with a minimum four-inch wide casing. Window trim shall be shown on plans and approved by the Planning Division prior to issuance of building permits.
31. The clubhouse building shall have a tile roof consistent with the roofs of all other buildings on the project site.
32. Landscape plans shall demonstrate compliance with Section 17.18.090 of the County Zoning Ordinance and be submitted and approved by the Planning Services prior to the issuance of building permits.
33. All buildings within the project shall have a stone veneer accent feature. Window trim shall be show on plans and approved by the Planning Services on prior to issuance of building permits.
34. The applicable requirements of the Medical Waste Management Act for the handling, storage, treatment and disposal of medical waste generated at the site shall be complied with.
35. The applicable requirements of Chapter 6.5 through 6.95 of the California Health and Safety Code for the handling, storage and disposal of hazardous waste at the site shall be complied with through the submittal and approval of the appropriate medical waste and hazardous materials reporting forms to the Solid Waste/Hazardous Materials Division of the Environmental Management Department.
36. The applicant shall construct and dedicate Gabbert Drive to the northerly curb return of the project entrance driveway using Standard Plan 101B, including curb and gutter, a six foot wide sidewalk, and a barricade at the end. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.

37. The applicant shall construct a Standard Plan 110 driveway (with pedestrian ramps and truncated domes per Caltrans Standard Plan A88A) on Gabbert Drive. The driveway shall have a "throat" length of at least 30 feet to the gate kiosk, per Tables 7-8 and 31 of the ITE manual Transportation and Land Planning and the Fire Safe standards, to prevent backup onto Gabbert Drive. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
38. Prior to occupancy or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to occupancy for verification of compliance with the applicable conditions of approval.
39. The subdivision is subject to parkland dedication in-lieu fees based on the values supplied by the County Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
40. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
41. The Project shall not interfere either directly or indirectly with BLM's ongoing management of the Pine Hill Preserve area or with the 5.96 acres to be dedicated as part of the Project. Specifically, any required fire safety buffer or clearance area(s) shall be maintained on the Project site and shall not interfere with the ongoing management of the adjacent Preserve lands.

## **PARCEL MAP**

### **County Surveyor**

42. All survey monuments must be set prior to filing the parcel map.
43. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

## **TENTATIVE MAP**

### **Planning Services**

44. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.
45. Only native riparian vegetation shall be planted within the wetland's 50 foot setback area.

## **Department of Transportation**

46. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the project facilities. All improvements shall be consistent with the approved tentative map.
47. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
48. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
49. The applicant shall improve the on-site access road (Lot R) to a minimum roadway width of 24 feet, with curb, gutter, and sidewalk, per Standard Plan 101B (including signage as necessary – stop signs, street name signs, etc.) prior to occupancy.
50. An irrevocable offer of dedication (IOD) of easement for Lot R for road and public utility purposes shall be dedicated for access for this project. A complete submittal for this IOD shall be made to the right-of-way unit of the Department of Transportation or shall be dedicated on the final map for this project. The County will reject this IOD.
51. The applicant shall secure approval of improvement plans and obtain an encroachment permit, for the following and prior to performing any work within the County right of way, including:
  - a. The attachment of the extension of roadway Lot R to Kevin Street (and the extension shall include sidewalk) to the existing Kevin Street, including a sign stating “End of County Maintained Road” at the property line.
  - b. The applicant shall construct a four-foot wide concrete sidewalk along the north side of Palmer Drive, from Kevin Street westerly, to join the existing sidewalk, in order to provide pedestrian access for the project residents. The improvement plans for this work shall be submitted with the application for on-site grading/improvement plans, and construction shall be complete prior to occupancy of the project.
52. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports (and any other technical reports, such as structural or traffic reports, if applicable) in PDF format and the approved record drawings in TIF format.



53. The applicant shall pay the traffic impact fees in effect at the time a building permit is issued. Until such time as updated traffic impact fees are adopted pursuant to the General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been issued or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.
54. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado Design and Improvement Standards Manual, the Grading, Erosion and Sediment Control Ordinance, the Drainage Manual, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards.
55. The applicant shall provide a soils report at time of grading plan submittal addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, and pavement section based on TI and R values. The report shall include recommended design criteria for any retaining walls. Any export to be deposited within El Dorado County shall require an additional grading permit.
56. The applicant shall provide a drainage report at time of grading plan submittal, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
57. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
58. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
59. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District.
60. The emergency vehicle circulation requirements for roads and driveways, and the location of hydrants, shall be shown on the improvement plans, which shall be subject to the approval of the responsible Fire Protection District.
61. If human remains are discovered at any time during the grading or improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the

developer and shall be subject to the review and approval of the County Development Services Director.

### **County Surveyor**

62. All survey monuments must be set prior to presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit, are to be coordinated with the County Surveyor's Office.
63. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the final map.

### **Environmental Health Department – Air Quality Division**

64. District Rules 223, 223.1, and 223.2 which address the regulations and mitigation measures for fugitive dust emissions and asbestos emissions, shall be adhered to during the construction process.
65. The appropriate Fugitive Dust Plan (FDP) application or Asbestos Dust Mitigation Plan (ADMP) application shall be submitted to and approved by the District prior to the start of project construction.
66. Project construction for the road should adhere to District Rule 224, Cutback and Emulsified Asphalt paving materials, and the County Ordinance concerning asbestos dust.
67. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
68. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.

### **El Dorado County Resource Conservation District**

69. The project shall comply with the District's Erosion Control Requirements and Specifications.

### **El Dorado County Counsel's Office**

70. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

A06-0003/Z05-0008/TM05-1400/P05-0014/PD05-0005/S05-0017 – As recommended by the Planning Commission August 24, 2006, and amended by staff on October 12, 2006.

## **Findings**

### **1.0 CEQA FINDING**

1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a mitigated negative declaration has been filed.

1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

1.3 Through the adoption of feasible conditions and mitigation measures, the proposed project will not reduce the number or restrict the range of rare or endangered plants, or otherwise result in any significant impacts to rare or endangered plants.

1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as part of the monitoring program for this project, in addition to the Mitigation Monitoring and Reporting Program adopted as part of the Mitigated Negative Declaration. The monitoring program is designed to ensure compliance during project implementation.

1.5 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is deemed adequate for identifying and considering the potential effects of the proposed project. The revised and new mitigation measures included in the MMRP are more effective than the replaced measures in mitigating or avoiding the potential effects of the Project and the new measures will not cause any new potentially significant effects on the environment. (See Pub. Resources Code, § 21080, subd. (f); CEQA Guidelines, § 15074.1, subd. (b); see also CEQA Guidelines, § 15073.5, subd.(c)(4).)

1.6 A public hearing has been held and the County finds that the substitute mitigation for Mitigation Measures 6, 9, 10, and 11 (impacts to rare and endangered plant species) is more effective than the originally proposed mitigation. The revised mitigation measures increase the area to be preserved as natural habitat from 0.385 acre to 5.96 acres and include additional protections for the *Ceanothus roderickii*. The proposed new mitigation does not create any

potentially significant effect on the environment, because it reduces the amount of area that may be disturbed and does not authorize or require any construction beyond that which was previously considered. Recirculation of the MND, including the MMRP, is therefore not required for the reasons stated above and because the additional measures merely clarify, amplify, or makes insignificant modifications to the mitigated negative declaration (see CEQA Guidelines, § 15073.5, subd. (c)(4)).

1.7 A de minimis finding on the project's effect on fish and wildlife resources cannot be made for purposes of paying the fees owed to the Department of Fish and Game for CEQA documents. The project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 General Plan/Rezone/Development Plan**

2.1.1 This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,285.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$35.00 processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

2.1.2. The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both the land use designation and zoning district, as amended. The project as conditioned and mitigated fully complies with the General Plan policies governing the protection of natural resources, including rare and endangered plants, including but not limited to Policies 7.4.1.1 to 7.4.16. Specifically, the Project is consistent with 7.4.1.1. because the project is conditioned to pay the El Dorado County rare plant mitigation fee for Zone 1 (MM-5),, thus fully complying with the County Code Chapter 17.71, which was adopted to “ establish an integrated method of protecting certain rare, threatened or endangered plant species and their habitat. . . and at the same time, to make the development process simple for landowners, who by complying with this Ordinance, may be able to minimize or avoid the more complicated process of crafting individualized mitigation measures for the direct or indirect impacts of the development of their property on these plant species and their habitat.” The project has also been conditioned to create a approximately 5.96 acre preserve to be dedicated to the Bureau of Land Management for use as a preservation area in perpetuity (MM-6), and transplant the existing onsite Calystegia plants, plant Ceanothus cuttings, and monitor and report to ensure “no net loss” for the two plant species. (MM-6, MM-9, MM-10 thru 12.),thereby ensuring the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat consistent with the General Plan, the County Code, and the “Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (USFWS 2002)” referenced in General Plan Policy 7.4.1.1. (See also,

letter from John Little, Sycamore Environmental Consultants, to the Board of Supervisors (October 10, 2006.) Furthermore, the project is consistent with Policy 7.4.1.1 because only Federal agencies are mandated to take part in the Recovery Plan (pg. vii) and there is sufficient land available within the Recovery Plan area would not result in federal agencies being unable to acquire the amount of land set forth in the Recovery Plan. The proposed project is consistent with Policies 7.4.1.4 through 7.4.1.5 because the project site is not within an area designated as an Ecological Preserve on the General Plan maps, and the same species that are located on the project site exist, and are currently being protected., on adjacent lands that are publicly held, and were acquired for the purpose of the plant protection. In addition, Policy 7.4.1.2 indicates that any additional private land that is acquired would only be acquired from willing sellers, and the project applicant has indicated no interest in selling this land to be added to a plant preserve. The proposed project is fully consistent with Policy 7.4.1.6 because the project has been designed to avoid the disturbance of plant habitat to the extent reasonably feasible, and because the project has incorporated mitigation measures to fully mitigate the residual impacts to habitat.

2.1.3. The proposed use and development plan conforms to the Zoning Ordinance as follows:

a. *The PD zone request is consistent with the general plan;*

The project parcel consists of a rezone and development plan to make all the parcels consistent the Zoning and General Plan Land Use designations.

b. *The proposed development is so designed to provide a desirable environment within its own boundaries;*

The project is designed to provide a desirable environment within its own boundaries for visitors and residents. The project contains adequate parking and landscaping and has a consistent design throughout the project.

c. *There are no exceptions to the Zoning Ordinance proposed for the project;*

No variances to the Zoning Ordinance have been requested.

d. *The site is physically suited for the proposed uses;*

The site is physically suited for the proposed uses. The project will be built on slopes less than 30 percent slopes and although trees will be removed, a tree replacement plan will be required and adhered to.

e. *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;*

The project is located in a Commercial area of Cameron Park where there is existing development, therefore adequate services and improvements are available for the project.

- f. *The proposed uses do not significantly detract from the natural land and scenic values of the site.*

The project is suitable within a commercialized area of Cameron Park. The buildings are compatible with the surrounding development and will provide a consistent appearance to the site.

2.1.4. The proposed use and design will not be detrimental to the public health, safety, and welfare, nor be injurious to the neighborhood.

## **2.2 Tentative Map/Parcel Map**

2.2.1. The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.

2.2.2. The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.

2.2.3. The site is physically suitable for the proposed type and density of development.

2.2.4. The proposed tentative map is not likely to cause substantial environmental damage, as it is a commercial parcel map for an existing development.

## **2.3 Special Use Permit**

2.3.1 The proposed use is consistent with the policies in the El Dorado County General Plan and as discussed in the General Plan section of this staff report.

2.3.2 The use is found to comply with the requirements of Chapter 17.22.500, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

2.3.3. The proposed uses are specifically permitted by a special use permit as required by Chapter 17.32.190.

## ATTACHMENT 3

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### INTRODUCTION

The California Environmental Quality Act (CEQA) Guidelines, Section 15074(d), requires public agencies, as part of the adoption of a mitigated negative declaration, to adopt a reporting and monitoring program to ensure that changes made to the project as conditions of project approval to mitigate or avoid significant environmental effects are implemented.

The Mitigation Monitoring and Reporting Program (MMRP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Duets and Congregate Care project. The MMRP is intended to be used by County staff, project contractors, and mitigation monitoring personnel during implementation of the project.

The MMRP will provide for monitoring of construction activities as necessary, in-the-field identification and resolution of environmental concerns, and reporting to County staff. The MMRP will consist of the components described below.

### COMPLIANCE CHECKLIST

**Table 1** contains a compliance-monitoring checklist that provides a synopsis of all adopted mitigation measures, a suggested monitoring action, identification of agencies responsible for enforcement and monitoring, and timing of implementation.

### FIELD MONITORING OF MITIGATION MEASURE IMPLEMENTATION

During construction of the project facilities, El Dorado County's designated construction inspector will be responsible for monitoring the implementation of mitigation measures. The inspector will report to the El Dorado County Planning Department, and will be thoroughly familiar with all plans and requirements of the project. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. Aided by **Table 1**, the inspector will typically be responsible for the following activities:

- On-site, day to day monitoring of construction activities;
- Reviewing construction plans to ensure conformance with adopted mitigation measures;
- Ensuring contractor knowledge of and compliance with all appropriate conditions of project approval;
- Evaluating the adequacy of construction impact mitigation measures, and proposing improvements to the contractors and County staff;
- Requiring correction of activities that violate project mitigation measures, or that represent unsafe or dangerous conditions. The inspector shall have the ability and authority to secure compliance with the conditions or standards through El Dorado County, if necessary;
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project mitigation measures, or unsafe or dangerous conditions. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in



consultation with the construction representative and the El Dorado County Department of Transportation;

- Maintaining prompt and regular communication with County staff;
- Obtaining assistance as necessary from technical experts such as archaeologists and wildlife biologists to develop site-specific procedures for implementing the mitigation measures adopted by the County for the project. For example, it may be necessary at times for a wildlife biologist to work in the field with the inspector and construction contractor to explicitly identify and mark areas to be avoided during construction; and
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

#### PLAN CHECK

Many mitigation measures will be monitored via plan check during project implementation. County staff will be responsible for monitoring plan check mitigation measures.

**TABLE 1  
MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measure</b>	<b>Implementation and Monitoring Action</b>	<b>Enforcement/ Monitoring Agency</b>	<b>Timing</b>	<b>Mitigation Completed</b>	
<i>Biological Resources</i>					
<b>MM 1 (Duets and Congregate Care MND)</b>	Grading and improvement plans shall state: "It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal and State Endangered Species Acts and the Clean Water Act. The County Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and Federal agencies in areas subject to State and Federal jurisdiction."	<i>Review improvement plans.</i>	<i>El Dorado County</i>	<i>Prior to approval of plans</i>	
<b>MM 2 (Duets and Congregate Care MND)</b>	<ol style="list-style-type: none"> <li>1. Twenty-four hours prior to construction activities, a qualified biologist will conduct a preconstruction survey for California horned lizard.</li> <li>2. All horned lizards found on the project site during the preconstruction survey will be relocated to the property west of the EID easement.</li> <li>3. A qualified biologist will be present on-site for all clearing and grubbing activities. All horned lizards found during clearing and grubbing will be relocated to the property west of the EID easement.</li> </ol>	<i>Monitor construction activities for compliance</i>	<i>El Dorado County Planning Department</i>	<i>Clearing and Grubbing</i>	

<p><b>MM 3</b> <b>(Duets and Congregate Care MND)</b></p>	<p>A qualified biologist will conduct a survey within 3 weeks prior to the start of grading, clearing, or other construction activities for active nests. The survey will be conducted within 200 ft of the project site.</p> <ol style="list-style-type: none"> <li>1. If no active nests are found, no further avoidance measures will be necessary.</li> <li>2. If an active nest is located within 200 ft of a construction area, the biologist will record the location(s) on a site map.</li> </ol> <ul style="list-style-type: none"> <li>• If the species is listed under the federal or state endangered species acts, the appropriate federal or state agency will be contacted for guidance.</li> <li>• If the species is not federal or state listed, but protected under the federal Migratory Bird Treaty Act of 1918, the biologist will establish a minimum 100 ft buffer (Environmentally Sensitive Area) around the nest tree.</li> <li>• The biologist will delimit the buffer zone with yellow caution tape, surveyor's flagging, pin flags, stakes, etc. The buffer zone shall be maintained until young have fledged. No construction activities shall occur within 100 ft of a nest tree while young are in the nest.</li> </ul> <p>A biologist will monitor the nest weekly during construction to evaluate potential disturbance caused by construction activities. The biological monitor will have the authority to stop construction if the nesting birds appear to be adversely affected by construction activities..</p>	<p><i>Review survey and monitor construction activities for compliance</i></p>	<p><i>El Dorado County Planning Department</i></p>	<p><i>Prior to clearing and grubbing</i></p>	
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<b>MM 4</b> <b>(Duets and Congregate Care MND)</b>	The landscaping plan must show that only plants associated with gabbroic northern mixed chaparral will be planted on graded slopes surrounding the project site.	<i>Review landscaping plan.</i>	<i>El Dorado County</i>	<i>Prior to clearing and grubbing</i>	
<b>MM 5</b> <b>(Duets and Congregate Care MND)</b>	Pay El Dorado County rare plant mitigation fee for Zone 1.	<i>Verify payment of fees</i>	<i>El Dorado County</i>	<i>Prior to clearing and grubbing</i>	
<b>MM 6</b> <b>(Duets and Congregate Care MND)</b>	<ol style="list-style-type: none"> <li>1. <u>The Applicant shall establish an approximately 5.96 acre plant preserve on the north and east side of the project area adjacent to the Cameron Park Unit of the Pine Hill Preserve. Included within the 5.96 acre preserve shall be an approximately .385 acre preserve for <i>Calystegia stebbinsii</i> as illustrated in the attached map.</u></li> <li>2. Transplant the four <i>Calystegia stebbinsii</i> from the project site to the Calystegia Preserve.</li> <li>3. Collect seeds of <i>Calystegia stebbinsii</i> from plants in project study area; treat seeds (scarify and/or heat treatments), and plant some seeds in the Calystegia Preserve and germinate <u>others</u> in a nursery. Plant seedlings from the nursery in the Calystegia Preserve.</li> <li>4. Remove chaparral shrubs from <i>Calystegia stebbinsii</i> transplant/seedling areas and adjacent areas to encourage germination and growth of <i>Calystegia stebbinsii</i> plants.</li> <li>5. <u>Monitor plants bi-annually for at least 5 years and submit an annual monitoring report to El Dorado County and DFG. If</u></li> </ol>	<i>Verify transplanted</i>	<i>El Dorado County</i>	<i>Prior to clearing and grubbing</i>	

	<u>dead Calystegia stebbinsii plants are found during the 5 year monitoring and reporting period, the same number of plants shall be planted thus ensuring "no net loss" in the number of individual plants.</u>				
<b>MM 7</b> <b>(Duets and Congregate Care MND)</b>	<ol style="list-style-type: none"> <li>1. A qualified biologist will stake the ordinary high watermark (OHWM) of channels 1 and 2 adjacent to the project site.</li> <li>2. Contractor will install temporary, high visibility construction fencing five feet from the staked OHWM prior to clearing and grubbing activities commence.</li> <li>3. Contractor will remove the temporary fencing after the grading pad is completed and drainage, roads, and utilities are installed.</li> </ol>	<i>Monitor construction activities for compliance</i>	<i>El Dorado County</i>	<i>Prior to clearing and grubbing and throughout construction</i>	
<b>MM 8</b> <b>(Duets and Congregate Care MND)</b>	<ol style="list-style-type: none"> <li>1. Prepare tree replacement plan showing the replacement of every inch diameter at breast height of tree removed from the site by planting the same number of inches of native oak trees on- site.</li> </ol>	<i>Review tree planting plan and verify tree planting.</i>	<i>El Dorado County</i>	<i>Prior to clearing and grubbing</i>	
<b>MM 9</b> <b>(Duets and Congregate Care MND)</b>	<ol style="list-style-type: none"> <li>1. <u>The applicant shall hire a qualified nursery, landscape contractor or consultant to take cuttings from the existing 6,700 Ceanothus roderickii plants in the project area and an additional 2,000 cuttings (for a total of at least 8,700 cuttings) to allow for loss.</u></li> </ol>	<i>Verify contract with native plant nursery and verify that a minimum 8,700 cuttings have been taken.</i>	<i>El Dorado County Planning Department</i>	<i>Prior to clearing and grubbing</i>	

<b>MM-10</b> <b>(Duets and Congregate Care MND)</b>	<p>1. <u>Propagate the cuttings of <i>Ceanothus roderickii</i> in a commercial nursery, plant a minimum of 6,700 cuttings in the 5.96 acre preserve and install an irrigation system.</u></p> <p>2. <u>Monitor the <i>Ceanothus roderickii</i> plants bi-annually for at least 5 years and submit an annual monitoring report to El Dorado County and DFG. If dead <i>Ceanothus roderickii</i> plants are found during the 5 year monitoring and reporting period, the same number of plants shall be planted thus ensuring "no net loss" in the number of individual plants.</u></p>	<p><i>Verify that a minimum of 6,700 cuttings have been planted throughout the 5.96 acre plant preserve. Verify installation of irrigation system.</i></p>	<p><i>El Dorado County Planning Department</i></p>	<p><i>Prior to occupancy</i></p>	
<b>MM-11</b> <b>(Duets and Congregate Care MND)</b>	<p>1. Implement a Boundary Line Adjustment (BLA) with Bureau of Land Management to include the approximately 5.96 acre <u><i>Ceanothus roderickii</i> preserve, including the .385 acre portion dedicated to <i>Calystegia stebbinsii</i>. The applicant shall dedicate the 5.96 acres encompassed by the BLA to the Pine Hill Preserve/BLM in perpetuity.</u></p>	<p><i>Verify that BLA has been completed.</i></p>	<p><i>El Dorado County Planning Department</i></p>	<p><i>Prior to occupancy</i></p>	
<b>MM-12</b> <b>(Duets and Congregate Care MND)</b>	<p>1. <u>The applicant shall submit an annual monitoring report to El Dorado County for a period of five years.</u></p>	<p><i>Review results to determine that maintenance is occurring and no net loss has occurred at end of five years.</i></p>	<p><i>El Dorado County Planning Department</i></p>	<p><i>Five years after planting (MM 9)</i></p>	

Numerous botanical investigations have been conducted on the gabbroic and serpentine soils in western El Dorado County over the last two decades. The attached table lists the rare and endangered species that have been identified in this area.

At this time, there is an unique opportunity to acquire a 315-acre rare plant preserve in Cameron Park with substantial funding by federal and state agencies. We are hopeful the El Dorado entities will each fund their share of Phase 1 of the acquisition by mid-October 1997, because this rare plant preserve will provide enormous, positive benefits for El Dorado County. Moreover, a commitment to the acquisition and management, in perpetuity, of the entire five-preserve system will also resolve a broader issue. Presently, the Department opposes the acquisition of additional water supplies for the El Dorado Irrigation District service area and opposes development projects if there is inadequate mitigation for the adverse, growth-inducing impacts on rare and endangered plants associated with the gabbroic and serpentine soils located in western El Dorado County. However, if the El Dorado entities implement the acquisition and

The California Department of Fish and Game applauds the recent efforts of El Dorado County, El Dorado Irrigation District and the El Dorado County Water Agency (El Dorado entities) to establish, manage, and finance a five-preserve system to conserve eight rare plant species and the habitats that they are associated with.

Dear Gentlemen:

Board of Directors  
El Dorado Irrigation District  
2890 Mosquito Road  
Placerville, California 95667

Board of Directors  
El Dorado County Water Agency  
330 Fair Lane, Building A  
Placerville, California 95667

Board of Supervisors  
El Dorado County  
330 Fair Lane, Building A  
Placerville, California 95667

Page 1 of 2	Transmitted name: 7871	9/21/97
9/21/97	358-2874	
Tom Campbell		

September 26, 1997



DEPARTMENT OF FISH AND GAME  
781 N. HARVEY ROAD, SUITE A  
MADRID, CALIFORNIA 95976  
(Telephone 916) 300-0880

Board of Supervisors, et al  
September 29, 1997  
Page Two

maintenance of the entire five-preserve system, the mitigation for those rare plants on these soils will be accomplished.

In the opinion of the Department, the following steps would be necessary to implement the five-preserve system.

- a. Within six months, El Dorado County shall amend the County General Plan to add a fifth "southern preserve" to the four preserves already designated.
- b. By mid-October 1997, the El Dorado entities shall appropriate and authorize to spend the funds necessary to acquire the first 117 acres of the Smith-Gabbert property, which shall constitute a portion of the 315-acre southern preserve.
- c. The El Dorado entities shall commit to timely appropriation and authorization to spend the funds necessary to acquire the second 153 acres of the Smith-Gabbert property, as contemplated under the existing option agreement, which shall constitute a portion of the 315-acre southern preserve.
- d. The El Dorado entities shall not oppose efforts by federal agencies, state agencies, and conservation groups to raise monies to acquire up to 85 additional acres in the vicinity of the fifth preserve.
- e. Within six months, El Dorado County shall adopt a development impact fee and the El Dorado Irrigation District shall adopt a facilities connection charge or another equivalent charge to completely fund the acquisition and maintenance of the entire five-preserve system as outlined in the fee study.<sup>2</sup>

Assuming the acquisition and maintenance of the entire five-preserve system, as described in the recent workshops and the fee study, is implemented as proposed, the Department considers the rare plant preserve system sufficient to mitigate, under the California Environmental Quality Act, the impacts of growth on identified rare or endangered plants associated with the gabbroic and serpentine soils within western El Dorado County. The Department considers the proposed five preserve system to be sufficient to prevent jeopardy to the rare and endangered plants associated with the gabbroic and serpentine soils in western El Dorado County, and barring material unforeseen circumstances, the Department shall not request additional mitigation for the take of the identified species due to development projects in western El Dorado County.

Board of Supervisors, et al.

<sup>2</sup>The Department recognizes that these fees and charges will not reimburse contributions of the federal and state agencies.



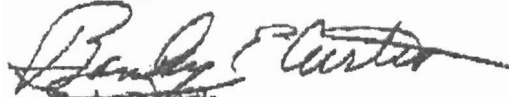
September 29, 1997

Page Three

Individual projects may still require authorization for incidental take under sections 2081 and 2835 of the Fish and Game Code. The Department will not thereafter assert adverse impacts on the identified rare and endangered plants associated with the gabbro and serpentine soils in western El Dorado County as a basis for opposing the acquisition or use of any present or future water supplies in El Dorado County or as a basis for opposing any development project in western El Dorado County.

The Department appreciates the willingness of the El Dorado entities to engage in the protection of these important biological resources in concert with the funding being supplied by federal and state agencies for this purpose.

Sincerely,



Binky E. Curtis  
Regional Manager

Attachment

cc: Mr. Merv de Haas, General Manager  
El Dorado County Water Agency  
330 Fair Lane  
Placerville, California 95667

Mr. William T. Hetland, District Manager  
El Dorado Irrigation District  
2890 Mosquito Road  
Placerville, California 95667

THE CYBERO AND SERPENTINE SOILS IN MEXICO AT DOBADO COCHILA  
 SUBJECT SPECIES RARE SPECIES ASSOCIATED WITH

Species	Status: Federal State	Global Distribution
Stebbins's morning glory <i>Calystegia stebbinsii</i>	Fed. Endangered State: Endangered	Pine Hill formation and 2 colonies on a serpentine formation in Nevada County
Pine Hill ceanothus <i>Ceanothus roderickii</i>	Fed. Endangered State: Rare	Pine Hill formation
Red Hills soaproot <i>Chlorogalum grandiflorum</i>	State: CEQA <sup>1</sup>	Predominantly on Pine Hill formation and the Red Hills (a serpentine formation) in Tuolumne County
Pine Hill flannelbush <i>Pyramotodendron californicum</i>	Fed. Endangered State: Rare	Pine Hill formation and on 1 colony on a serpentine formation in Nevada County.
BY DOBADO MEXICO STATE	Fed. Endangered State: Rare	Pine Hill formation
STATE: CEQA	State: CEQA	Foothills of Central Sierra, predominantly on gabbro, serpentine and kaolinitic clay soils
Fed. Threatened State: Rare	Fed. Threatened State: Rare	Pine Hill formation
State: CEQA	State: CEQA	formation) in Tuolumne County and the Red Hills (a serpentine formation) on Pine Hill formation

not officially listed by the state but meets the criteria of rare, threatened or endangered under section 12300 of the California Environmental Quality Act (CEQA).



State of California - The Resources Agency

AKNLSM 35-1170AUGENELDER, UNVEI 1100

**DEPARTMENT OF FISH AND GAME**

<http://www.dfg.ca.gov>



**Sacramento Valley-Central Sierra Region**  
1701 Nimbus Road, Suite A  
Gold River, CA 95670  
(916) 358-2900

September 26, 2006

Mr. Greg Fuz, Development Services Director  
El Dorado County Development Services Department  
2850 Fairlane Court  
Placerville, CA 95667

Dear Mr. Fuz:

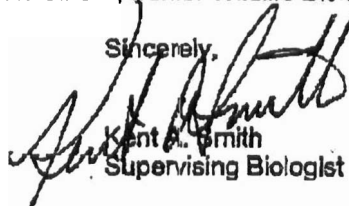
The California Department of Fish and Game (DFG) received your letter dated September 19, 2006, wherein you request our recommendations regarding the Cameron Park Congregate Care Project.

The Cameron Park Congregate Care Project will impact sensitive plants that are listed under both the State and Federal Endangered Species Acts (ESA). DFG is currently processing an Incidental Take Permit (section 2081 of the Fish and Game Code) for the State-listed, Stebbins Morning Glory (*Calystegia stebbansii*). When DFG authorizes take under the State ESA, it is required to make a California Environmental Quality Act (CEQA) finding that the conditions of our 2081 Incidental Take Permit "fully mitigate" the impacts of the project. We use El Dorado County's Mitigated Negative Declaration (MND) to make this finding.

There remain however, significant outstanding issues, including the details of the mitigation plan for the Cameron Park Congregate Care Project, which prevent us from using the current MND. Finally, in the event that DFG is unable to use El Dorado County's MND, we will be required to prepare and circulate our own CEQA document, adding to the time and expense related to this project. For these reasons, we request that approval of the Cameron Park Congregate Care Project be postponed until these matters can be resolved.

If the DFG can be of further assistance, or if you have any further questions, please contact Mr. Dan Gifford, Senior Wildlife Biologist, at (209) 369-8851.

Sincerely,

  
Kent A. Smith  
Supervising Biologist

cc. Roberta Gerson, Peter Trenham  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W2605  
Sacramento, CA 95825-1888

*Conserving California's Wildlife Since 1870*

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EL DORADO COUNTY  
BUILDING DEPARTMENT

09/28/2008 09:53 FAX 916 358 2884

CAL FISH&GAME R2

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cc: Kent Smith  
Dan Gifford  
Rancho Cordova, California



**SYCAMORE** ENVIRONMENTAL CONSULTANTS, INC.

6355 Riverside Blvd., Suite C, Sacramento, CA 95831  
916/ 427-0703 Fax/ 427-2175

10 October 2006

Honorable Chairman Sweeney and Members of the Board  
El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

VIA ELECTRONIC & REGULAR MAIL

Subject: Cameron Park Congregate Care Facility Project

Dear Honorable Chairman Sweeney and Board Members:

This letter was prepared in response to a letter submitted by the El Dorado Chapter of the California Native Plant Society (CNPS), to the Board dated 25 September 2006, regarding the Cameron Park Congregate Care Facility Project (the Project) and the adequacy of the mitigated negative declaration (MND) prepared by the County for the project under the California Environmental Quality Act (CEQA).

**I. The Mitigated Negative Declaration identifies all of the Protected Plant Species that could be affected by the Project.**

The CNPS letter states that the disclosure of impacts to rare plant species is inadequate in the MND and that the mitigation measures do not ensure that the effects of the project will remain less than significant. However, all of the rare, threatened, and endangered plant species within the project site were identified in the Biological Resources Evaluation and Jurisdictional Delineation Report (2005) prepared for the project. The Biological Resources Evaluation Report is incorporated by reference into this letter and is relied on in the MND.

**A. El Dorado Bedstraw**

The description in the CNPS letter regarding El Dorado bedstraw (*Galium californicum* ssp. *sierrae*) misstates the evidence supporting the conclusion that the species does not occur on-site. The Biological Resources Evaluation Report (2005) stated that flowers of this species are small and inconspicuous. The presence of flowers does not increase the likelihood of detection of this species.

To determine if El Dorado bedstraw would be detectable during the botanical survey of the Project site, a visit was made to a known population of the species near the project site a few days prior to the survey on the Project site. The practice

of using a known reference population to detect the species was described on page 25 of the Biological Resources Evaluation Report. El Dorado bedstraw was identified at the reference population by two botanists familiar with the species just prior to the botanical survey on the Project site. CNPS did not mention the use of a reference population in the Biological Resources Survey and Report.

The use of a reference population to detect special-status species is recommended in CNPS botanical survey guidelines (Revised 2 June 2001; Section 4(a)):

Specifically, botanical surveys should be: “Conducted in the field at the proper times of year when special status and locally significant plants are both evident and identifiable. When special status plants are known to occur in the type(s) of habitat present in the project area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the plants are identifiable at the time of survey.”

CNPS incorrectly claims the Biological Resources Evaluation Report concluded that El Dorado bedstraw does not occur in the project area because of the relative scarcity of oak trees on the site. The tendency for El Dorado bedstraw to occur in oak tree leaf litter was discussed in the Biological Resources Evaluation Report. However, the conclusion that the species does not occur on-site was based on the fact that the species was *not observed* on the proposed project site at a time of year when the plant was identifiable, as evidenced by the observations of plants in the off-site reference population.

The CNPS guidelines do not state that botanical surveys are to be conducted when plants are in bloom. Rather, the guidelines state that botanical surveys need to be conducted when plants are “both evident and identifiable.” The period when plants are “both evident and identifiable” is not equivalent to the blooming time for all plant species, as is the case with El Dorado bedstraw.

CNPS referenced a statement in the Biological Resources Evaluation Report that a California Natural Diversity Database record of El Dorado bedstraw occurs approximately 300 feet west of the project site. The area surveyed as described in the Biological Resources Evaluation Report was a 68-acre parcel, not the current 24-acre project site. (After the Biological Resources Evaluation Report was completed, the project area was limited to the easternmost 24 acres.) The record of El Dorado bedstraw mentioned in the CNPS letter is located approximately 1,800 feet from the Congregate Care project area described in the MND. The MND identifies all the rare, threatened or endangered plant species likely to occur on-site.

## B. Potential for Indirect Impacts

The proposed Project is adjacent to the southern boundary of the Cameron Park Unit of the Pine Hill Preserve. There is, however, no evidence to suggest that the Project would result in indirect impacts to plants within the Pine Hill Preserve due to the introduction of invasive plant species or from interference with management of the Pine Hill Preserve, including fire safety clearings and the potential for prescribed burning as a management tool. Mitigation Measure 4 requires that the landscaping plan for areas surrounding the Project site include only plants associated with gabbroic northern mixed chaparral (e.g., native plants). The potential for invasive plant species will therefore be less than significant.

The establishment of an on-site *Calystegia* Preserve (MM-6) and the implementation of the proposed boundary line adjustment (MM-11), to create an approximately six acre preservation area for *Calystegia stebbinsii* and *Ceanothus roderickii* adjacent to the Pine Hill Preserve, ensures that the Proposed project will not interfere with activities necessary for the proper management of the Pine Hill Preserve. These activities include maintenance of a fire safety buffer, which will be conducted on the Project site and not the Pine Hill Preserve as implied by the CNPS, and prescribed burning of the Pine Hill Preserve as needed and deemed necessary by BLM. The Project's design and the mitigation measures required in the Mitigation, Monitoring, and Reporting Plan (MMRP) therefore ensure that any indirect effects of the project on the Pine Hill Preserve will be less than significant.

## C. Recovery Plan for Gabbro Soil Plants of the Central Sierra Nevada Foothills (30 August 2002)

As explained in the Recovery Plan for Gabbro Soil Plants of the Central Sierra Nevada Foothills (2002) (the "Recovery Plan"), prepared by U.S. Fish and Wildlife Service (USFWS), a Rare Plant Advisory Committee (RPAC) was formed in 1992. The RPAC was established to identify feasible preserve sites, funding mechanisms and management strategies for the preserves. The RPAC consisted of personnel from the development community, California Department of Fish and Game (DFG), USFWS, Bureau of Land Management (BLM), CNPS, El Dorado County, and others (Recovery Plan, p. II-38). In February 1993, the RPAC issued a recommendation to the El Dorado County Board of Supervisors for preservation of three main preserve sites (Salmon Falls, Pine Hill, and Cameron Park/Shingle Springs), and two smaller preserves (Martel Creek and Penny Lane). The RPAC recommended preservation of approximately 3,500 acres (Recovery Plan, p. II-38; Table II-5). The Board approved four preserve areas in concept, but eliminated the Cameron Park southern preserve site (Recovery Plan, p. II-39), in which the proposed project is located.

In the Recovery Plan, USFWS disagreed with the recommendations of the RPAC. Specifically, the USFWS stated that the recommended 3,500 acres was inadequate to achieve recovery of some of the target species. Evaluation of GIS data by USFWS showed that even if all five preserve areas were protected, more than 50% of the acreage estimated from California Natural Diversity Data Base records would be lost for some target species. As a result, USFWS recommended the preservation of 5,001 acres to best protect or recover the target species (Recovery Plan, p. III-5). Thus, the differences between the RPAC and USFWS recommendations involve the total acreage to be preserved and the location and/or boundaries of areas recommended for preservation.

Differences between the County's approach and USFWS have not been resolved. The County's 2004 General Plan update process identified the proposed Project area for urban development. The County has determined that the proposed Project is consistent with the General Plan, as amended, and General Plan Policy 7.4.1.1.

Although there are approximately 25,700 acres of gabbro soils in El Dorado County, the number of acres that have been surveyed for rare species is unknown. The BLM is currently managing over 4,000 acres of gabbro soils in the Pine Hill Preserve, exceeding the 3,500 acres recommended by the RPAC.

**II. The MND includes mitigation measures that ensure the effects of the Project on rare, threatened and endangered plant species will be less than significant.**

The CNPS claims the mitigation measures included in the MND do not ensure that the potential effects of the Project will remain less than significant. However, the MMRP was revised after the Planning Commission meeting and the revised version was not available for review or comment by CNPS. A summary follows:

The MMRP requires that the applicant:

- (i) Pay the El Dorado County rare plant mitigation fee for Mitigation Area 1 (MM-5);
- (ii) Establish an on-site *Calystegia* Preserve north of the project site, transplant the four *Calystegia stebbinsii* identified on the project site to the on-site preserve, collect, treat and plant *Calystegia* seeds and remove chaparral shrubs from the transplant/seedling areas; (MM-6);
- (iii) Acquire a minimum of 8,700 cuttings of *Ceanothus roderickii*, plant a minimum of 6,700 cuttings and install irrigation; (MM 9-10, 12); and



- (iv) Implement a Boundary Line Adjustment (BLA) with the BLM to establish a 5.96 acre on-site preserve on the north and east sides of the Project site thus enlarging the Pine Hill Preserve Area; (MM-11).

Implementation of the above mitigation measures will ensure that the potential effects of the Project on all rare, threatened, or endangered species in the Project site are less than significant and that there will be no net loss of individual *Ceanothus roderickii* and *Calystegia stebbinsii* plants. The loss of 2.81 acres of currently occupied habitat for *Ceanothus roderickii* will be compensated by creation of a permanent 5.96-acre on-site preserve (including the 0.385 Calystegia Preserve).

As noted above (MM-5), El Dorado County has an established in-lieu fee program to fund the administration of the Pine Hill Preserve system and the acquisition of additional land for preservation. Pursuant to the County Code, development projects located within Mitigation Area 1, such as the proposed project, are required to pay a fee in lieu of Ecological Preserve Mitigation for the direct or indirect impacts caused by a project on rare, threatened or endangered plants (County Code, §§ 17.71.220, 17.71.230). Because the fee supports the acquisition and management of habitat for rare species including *Ceanothus roderickii* and *Calystegia stebbinsii*, payment of the County fee in lieu of Ecological Preserve Mitigation for Mitigation Area 1 mitigates impacts to the Pine Hill species (County Code, § 17.71.220). Thus, payment of the in lieu fee includes direct or indirect impacts caused by development on rare plants and rare plant habitat. Specifically, section 17.71.220 provides:

“17.71.220. Off-site Mitigation or Fee Payment in Lieu of Ecological Preserve Mitigation in Mitigation Areas 1 and 2. Payment of a fee in lieu of Ecological Preserve Mitigation is encouraged in Mitigation Areas 1 and 2. Developments in Mitigation Areas 1 and 2 shall mitigate impacts by exercising one of the following two options:

A. Pay the appropriate fee in lieu of Ecological Preserve Mitigation for the direct or indirect impacts caused by development on rare plants and rare plant habitat; or

B. Participate in the Rare Plant Off-Site Mitigation Program.”

The Project is located within Mitigation Area 1. To fully mitigate the impacts of the Project on rare, threatened and endangered plant species the Project applicant has opted to pay the in lieu fee *and* implement the mitigation measures set forth above and in the MMRP/ MND and the 2081 permit application. Thus, the Project

will not substantially reduce the range or number of rare, threatened, or endangered plants and therefore will result in a less than significant impact. The project applicant must also obtain a permit from the Department of Fish and Game. (See Fish & Game Code, § 2081, subd. (c) (applicant must demonstrate that the action will not jeopardize the continued existence of the species)).

### **III. The mitigation measures proposed for Stebbins' morning glory are specific and enforceable.**

CNPS states that the mitigation measures proposed for *Calystegia stebbinsii* (i.e., Stebbins' morning glory) are untested and not well defined. However, the description of the proposed mitigation measures in the CNPS letter is incomplete. Collecting and germinating seeds and transplanting them to the on-site plant preserve are only one of three methods that would be used to establish *Calystegia stebbinsii*. In addition to seedlings grown in a nursery that would be transplanted to the on-site plant preserve, the applicant would also (1) transplant and monitor the four existing plants to the on-site plant preserve; and (2) plant collected seeds directly into the on-site plant preserve. A Mitigation, Monitoring, and Reporting Plan was submitted to DFG in April 2006 with the 2081 permit application. Success criteria, monitoring methods and frequency, and annual reporting requirements are described in that document. A separate MMRP is a required component of the MND.

The size and location of the mitigation area were defined in the draft 2081 application submitted to DFG in April 2006. Following a meeting with County planning staff, an amended map identifying a larger on-site plant preserve was prepared. The amended map was submitted to DFG and the County on September 15, 2006. The applicant has worked with DFG to identify a preserve manager acceptable to DFG. The applicant contacted the Preserve Manager of the BLM Pine Hill Preserve to determine their interest in serving as the manager of the on-site plant preserve. The BLM indicated their willingness to accept lands designated in the 2081 for mitigation of rare plants (email dated August 13, 2006, from Graciela Hinshaw to Erik Pilegaard). The applicant has agreed to dedicate 5.96 acres of land that have been set aside for mitigation of *Calystegia stebbinsii* and *Ceanothus roderickii* to the Pine Hill Preserve. The issues surrounding the size, location, and management of the preserve have been addressed. The on-site plant preserve would be dedicated via a boundary line adjustment to the Cameron Park Unit of the Pine Hill Preserve (MND, MM-11). The BLM would manage the on-site preserve in perpetuity.

The on-site transplant location was based on its adjacency to the Cameron Park Unit of the Pine Hill Preserve. The location occurs in the same soil type as the site from which the plants will be transplanted. The transplant location is about 600

feet from the current location of the plants. The locations of *Calystegia stebbinsii* in and adjacent to the project site are closely associated with areas that have been disturbed. Plants are found, for example, adjacent to areas previously burned and areas that have been mechanically cleared (e.g., EID right-of-way). Due to a lack of data on transplanting this species, two additional methods would be implemented to help ensure the survival of at least four plants. Additional methods include planting *Calystegia stebbinsii* seeds in the Calystegia Preserve and germinating seeds in a nursery and transplanting them to the Calystegia Preserve. Techniques to germinate *Calystegia stebbinsii* seeds have been developed (Nosal, T. R. D. 1997. "A demographic study of Stebbins' morning glory, [*Calystegia stebbinsii* Brummitt, Convolvulaceae], a California State listed and federally listed endangered plant species." Master Thesis. CSU, Sacramento, CA).

#### **IV. The Project is Consistent with the 2004 El Dorado County General Plan.**

County staff has determined that the proposed Project is consistent with the General Plan, as amended, including General Plan Policy 7.4.1.1. As noted in the Recovery Plan (p. vii) "only Federal agencies are mandated to take part in the [recovery plan] effort." The Recovery Plan is meant to be flexible regarding the specific lands ultimately acquired for preservation. General Plan Policy 7.4.1.2 states, "private land for preserve sites will be purchased only from willing sellers."

The project applicant recognizes the importance for the County, CNPS, federal and state resource agencies to resolve the broader issues of contention surrounding implementation of the Recovery Plan relative to the RPAC recommendations for the preservation of rare, threatened, and endangered plant species in the County. However, the potential effects of the proposed Project on protected plant species have been fully mitigated.

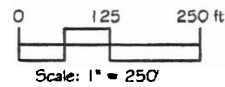
If you have any questions or wish to discuss any of the information provided in this letter further, please call. Thank you for your consideration.

Very truly,



R. John Little, Ph.D.  
President

C: Paula Frantz, El Dorado County Counsel  
Greg Fuz, El Dorado County Director of Development Services  
Lisa Burke, El Dorado County Planner  
Andrea Leisy, Remy, Thomas, Moose and Manley LLP  
Erik Pilegaard, Owner, Pacific Oak Development

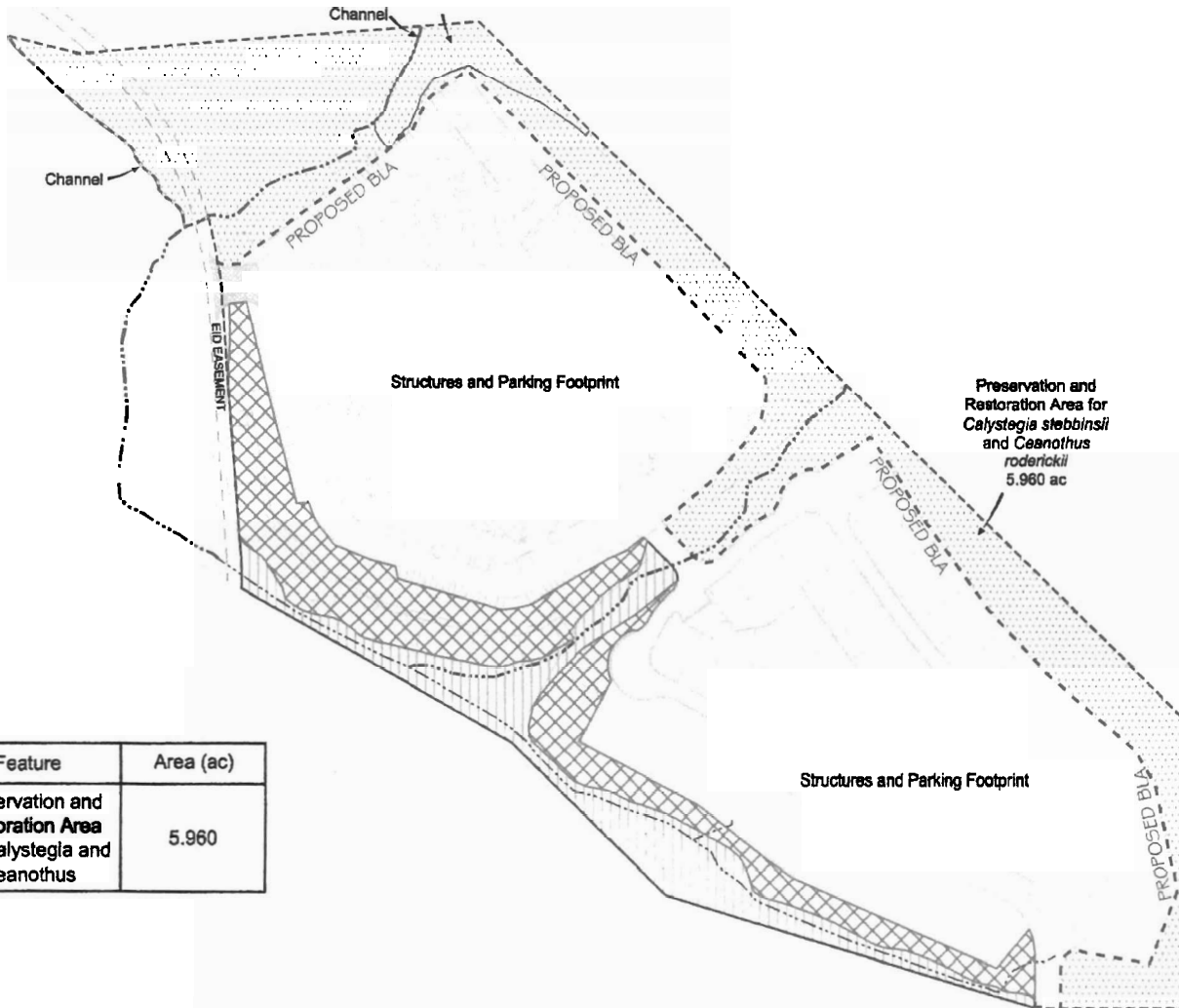


APN 083-350-43 Cameron Park  
 El Dorado County, CA  
 13 September 2006

**Preserve Area  
 Transplant Location for CS 1 (4  
 PLANTS)  
 0.385 ac**

**Preservation and Restoration Area  
 for *Calystegia stebbinsii* and  
*Ceanothus roderickii***

Option 1



- = Boundary
- = Proposed BLA
- = Channel
- = Preserve Area for *Calystegia stebbinsii* (CS)
- = Preservation and Restoration Area
- = Ungraded
- = External Graded Slope  
 Note: Grading footprint is approximate. Final grading to be determined.

Feature	Area (ac)
Preservation and Restoration Area for <i>Calystegia</i> and <i>Ceanothus</i>	5.960



Basemap:  
 E-SRV-508501.dwg,  
 E-TPM-508501.dwg,  
 Carlton Engineering

## **EXHIBIT E.1**

**The following text shall replace the prior text as indicated, and shall be included as an addendum to the Cameron Park Congregate Care Mitigated Negative Declaration dated June 2006.**

**Biological Resources  
Discussion of Impacts  
Page 24, Item F**

The El Dorado County Board of Supervisors adopted an in-lieu fee program in 1998 to fund administration of the Pine Hill Preserve system and the acquisition of parcels. Projects in Mitigation Area 1 (where the proposed project is located) are required to pay a fee in lieu of Ecological Preserve Mitigation for the direct or indirect impacts caused by a project on rare plants and rare plant habitat (County Code 17.71.220). Payment of the County rare plant mitigation fee for Mitigation Area 1 mitigates for impacts to Pine Hill species by supporting the acquisition and management of habitat for rare species including *Ceanothus roderickii* and *Calystegia stebbinsii*.

Mitigation for the proposed project includes payment of the in-lieu fee in addition to on-site mitigation. Thus, the project is consistent with and conforms to County Code 17.71.220. The project is also consistent with the El Dorado County Land Use Designation for the property.

The proposed project will not preclude the County's acquisition of lands to fulfill its goal of preserving 3,500 acres of gabbro soils plants in the Pine Hill Formation. There are approximately 25,700 acres in the Pine Hill Formation. Payment of an in-lieu fee will assist the County by providing funds for future acquisition of lands that can be added to the Pine Hill Preserve.

El Dorado County and USFWS disagree on the amount of acreage to be acquired in the Pine Hill Preserve system needed to protect Pine Hill plants. In the USFWS Recovery Plan (2002), the Service described its goal of acquiring 5001 acres. However, the County has not adopted the Recovery Plan.

In summary, the proposed project does not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan.

**Mandatory Findings of Significance**  
**Discussion of Impacts**  
**Page 54, Item A**

***Ceanothus roderickii***

*Ceanothus roderickii* is restricted to gabbro soil in openings in chaparral or less frequently on previously disturbed sites within chaparral (Wilson 1986 cited in USFWS Recovery Plan 2002). The species is known only from El Dorado County where it occurs in scattered locations in the northern, central, and southern portions of the Pine Hill formation (USFWS Recovery Plan 2002). *Ceanothus roderickii* is a federal listed endangered and state listed rare species.

**Impact**

The proposed 24.15-acre project will affect approximately 6,700 *Ceanothus roderickii* plants. Approximately 2.81 acres of habitat occupied by *C. roderickii* in the project area will be affected.

The area estimated to be currently occupied by *Ceanothus roderickii* populations in El Dorado County is 99.52 acres. Of the estimated 99.52 acres of occupied habitat in El Dorado County, the proposed project will affect 2.81 acres or 2.8 percent of occupied habitat.

**Mitigation**

The County's goal is to protect all Pine Hill Endemic species, which includes *Ceanothus roderickii*, regardless of state or federal listing status. The project has no federal nexus for the federal listed *C. roderickii*. Applicant has agreed to implement the mitigation measures described below.

Mitigation for the loss of 6,700 *Ceanothus roderickii* plants and 2.81 acres of occupied habitat will involve planting a minimum of 6,700 plants in the project area and dedication of 5.96 acres to the Cameron Park Unit of the Pine Hill Preserve. (The 5.96 acres includes a 0.385-acre preserve dedicated to *Calystegia stebbinsii* as described in a 2081 permit application to DFG.)

Table 1. *Ceanothus roderickii* CNDDDB occurrences.

CNDDB Occurrence	CNDDB Part	Last Known Estimate of Plants	Acres	Notes
1	1	7,000	18.8	This CNDDDB occurrence includes the estimated 6,700 plants in the project area. The verbal description in CNDDDB reported “hundreds of plants” along Hwy. 50.
--	--	5,800	3.22	These plants are the others on the 68-ac parcel containing the proposed project. These records are not currently in CNDDDB. The information was reported to CNDDDB in December 2005.
2	1	Unknown	1.1	
4	1	2,000	7.6	
5	1	>1,000	29.5	Includes former occurrence numbers 7, 8, 12, and 13.
5	2	Unknown	--	Acreage for this part included in part 1.
6	1	3,800	6.3	No plant estimate in CNDDDB. Sycamore Environmental recently conducted a botanical survey on a parcel partly in this occurrence and estimated 3,591 plants. Several hundred more plants were observed near the parcel in the Pine Hill Preserve.
9	1	Unknown	9.8	
10	1	Unknown	6.5	
11	1	<50	3.4	
14	1	Unknown	8.2	
15	1	300	1.5	
16	1	Unknown	0.5	
17	1	Unknown	0.5	
18	1	Unknown	0.5	
19	1	Unknown	0.5	
20	1	Unknown	0.5	
21	1	200	0.5	
22	1	32	0.6	No plant estimate in CNDDDB. Sycamore Environmental has conducted a botanical survey on a parcel partly in this occurrence and counted 32 plants. Information reported to CNDDDB in December 2005.
<b>Total:</b>		<b>20,182</b>	<b>99.52</b>	Occurrence 3 no longer in CNDDDB.

Prior to construction, a total of 8,700 *Ceanothus roderickii* cuttings will be obtained from the 6,700 plants that occur in the project area. The additional 2,000 cuttings (30 percent x 6,700; total of 8,700) will be taken in anticipation that some cuttings may not survive in the nursery or after planting. The cuttings will be grown at a local nursery that specializes in propagation of native species (discussions have been conducted with Cornflower Farms in Elk Grove, CA). The nursery will be contracted to take the cuttings and propagate them at their nursery. Based on the current project schedule, the rooted cuttings will be ready to plant in 2007 (pers. comm., N. Funston, Cornflower Farms). Mr. Funston noted that they have a person on staff with expertise in propagating *Ceanothus roderickii*. Taking cuttings from the existing plants on-site will ensure that the genotype of the *Ceanothus roderickii* plants to be removed will be preserved through propagation and planting.

Cuttings are a common way to propagate species of *Ceanothus* (Lenz and Dourley 1981, California native trees and shrubs, Rancho Santa Ana Botanic Garden). Since *Ceanothus* species tend to be short-lived (5-10 years), the many species and cultivars available for sale are maintained by propagation of cuttings. *Ceanothus roderickii* is one of several *Ceanothus* species suggested for use in rock gardens (Dr. P. Slaby, Rock Garden Plant Database; <http://www.kadel.cz/flora>). The Pine Hill Preserve has been working with a local nursery to propagate cuttings of *Ceanothus roderickii* (pers. comm., G. Hinshaw, Manager of Pine Hill Preserve). Thus, the available evidence suggests that *Ceanothus roderickii* can be successfully propagated by cuttings.

Rooting cuttings of *Ceanothus roderickii* will be planted throughout a 5.96-acre plant preserve located in the project area adjacent to the southern boundary of the Cameron Park Unit of the Pine Hill Preserve. A temporary irrigation system will be installed for the plantings. The purpose of the plant preserve is to provide habitat for *C. roderickii* and *Calystegia stebbinsii* in perpetuity, as well as other native species that occur in gabbroic northern mixed chaparral.

Applicant will monitor the 6,700 *Ceanothus roderickii* plantings twice annually for a period of five years. Monitoring will include an evaluation of the number and health of the plantings, recommendations regarding additional plantings (if needed), and a general evaluation of site conditions. Monitoring events will be summarized in an annual monitoring report that will be submitted to El Dorado County, DFG, and USFWS, for a minimum of five years. To achieve no net loss, monitoring will verify that survival of 6,700 individual plants have survived after five years.

The Pine Hill Preserve is managed by the Bureau of Land Management (BLM). The BLM has indicated their willingness to receive lands designated in the project area for mitigation of rare plants (email dated 31 August 2006 from G. Hinshaw, Manager of Pine Hill Preserve, to Erik Pilegaard, Applicant). Through a Boundary Line Adjustment (BLA), Applicant will dedicate the 5.96-acre plant preserve to the Pine Hill Preserve. The BLA will be completed within approximately six months after receipt of the 2081 permit from the Department of Fish and Game or after receipt of final project approvals from the County



whichever is later. Upon completion of the BLA, the 5.96-acre on-site preserve will become part of the Cameron Park Unit of the Pine Hill Preserve.

In addition to the proposed on-site mitigation for project impacts to *C. roderickii* the applicant will pay a fee for impacts to Pine Hill plants in accordance with County Ordinance 17.71. Payment of the County rare plant mitigation fee for Mitigation Area 1 supports acquisition and management of habitat for the Pine Hill plants including *C. roderickii*.

**Summary of Mitigation Measures for *Ceanothus roderickii*:**

- Take cuttings from the existing 6,700 *Ceanothus roderickii* plants in the project area.
- Take an additional 2,000 cuttings (30 percent) from the *Ceanothus roderickii* plants to allow for losses. A total of 8,700 *Ceanothus roderickii* will be obtained.
- Propagate the cuttings in a commercial nursery.
- Plant a minimum of 6,700 cuttings in the 5.96-acre on-site plant preserve.
- Monitor the plants twice annually for a minimum of five years.
- Submit an annual monitoring report to El Dorado County, DFG, and USFWS for a minimum of five years.
- Establish a 5.96-acre plant preserve on the north and east sides of the project area adjacent to the Cameron Park Unit of the Pine Hill Preserve. (The plant preserve includes a 0.385-acre portion dedicated to *Calystegia stebbinsii* as described in the 2081 permit application to DFG.)
- Dedicate the 5.96-acre on-site plant preserve to the BLM-managed Pine Hill Preserve via a Boundary Line Adjustment.
- Applicant will pay a fee for impacts to Pine Hill Endemics in accordance with County Ordinance 17.71. Payment of the County rare plant mitigation fee for Mitigation Area 1 supports acquisition and management of habitat for the Pine Hill species including *Ceanothus roderickii*.

Implementation of the proposed mitigation measures will result in no net loss of individual *Ceanothus roderickii* plants. The loss of 2.81 acres of currently occupied habitat will be compensated by creation of a permanent, 5.96 acre preserve at a nearly 2:1 ratio (acres preserved/ restored: acres affected) and restoration of habitat.

**Implementation of the proposed mitigation measures will reduce impacts to *Ceanothus roderickii* to less than significant.**

***Calystegia stebbinsii***

*Calystegia stebbinsii* is known only from El Dorado and Nevada counties. In El Dorado County, it occurs on gabbroic soils; in Nevada County, it occurs on serpentine soils. The species occurs in the northern and southern portions of the Pine Hill formation, but has not been reported from the central portion (USFWS Recovery Plan 2002). The Salmon Falls subpopulation of *C. stebbinsii* is in the northern portion of the Pine Hill Preserve and the Cameron Park subpopulation is in the southern portion. *Calystegia stebbinsii* is a federal and state listed endangered species.

**Impact**

The proposed 24.15-acre project will affect four *Calystegia stebbinsii* plants occurring in an area of approximately 0.09 acre.

The area estimated to be currently occupied by *Calystegia stebbinsii* populations in El Dorado County is 856.63 acres. The area of *C. stebbinsii* habitat currently protected in El Dorado County in the Pine Hill Preserve is estimated at 408.85 acres. Of the estimated 856.63 acres of occupied habitat in El Dorado County, the proposed project will affect 0.09 acre or 0.01 percent of occupied habitat.

An estimated 27,098 *Calystegia stebbinsii* plants occur in El Dorado County (CNDDDB; Table 2; 27,323-225). Of the estimated 27,098 *C. stebbinsii* plants in El Dorado County the proposed project will affect 4 individuals or 0.01 percent of the known population.

**Mitigation**

The County's goal is to protect all Pine Hill Endemic species, which includes *Calystegia stebbinsii*, regardless of state or federal listing status. The project has no federal nexus for the federal listed *C. stebbinsii*. Take of state listed species (i.e., *C. stebbinsii*) requires a 2081 permit from the California Department of Fish and Game (DFG). Applicant has prepared a 2081 permit application in consultation with DFG. Applicant has agreed to implement the mitigation measures described in the 2081 for *C. stebbinsii*. A summary of these measures follows.

Table 2. *Calystegia stebbinsii* CNDDDB occurrences.

CNDDDB Occurrence	CNDDDB Part	Last Known Estimate of Plants	Acres	Acres in Pine Hill Preserve	Acres in Nevada Co.	Estimated Plants in Pine Hill Preserve	Estimated Plants in Nevada Co.
1	1	Unknown	330.77	18.26	0	Unknown	0
2 <sup>a</sup>	1	50	50.86	6.37	0	6	0
2	2	266	270.55	259.94	0	256	0
2	3	4	4.19	4.19	0	4	0
3 <sup>b</sup>	1	2,642	1.13	0	0	0	0
3	2	2	1.16	0	0	0	0
3	3	0	2.97	0	0	0	0
3	4	0	1.31	0	0	0	0
4	1	0	2.71	0	0	0	0
4	2	0	12.9	0	0	0	0
4	3	0	1.05	0	0	0	0
6	1	Unknown	25.26	14.89	0	Unknown	0
7	1	0	8.78	0	0	0	0
13	1	30	1.27	0	0	0	0
15	1	Unknown	21.7	12.82	0	Unknown	0
16	1	24,000	62.7	47.12	0	18,036	0
17	1	12	4.95	0.65	0	2	0
18	1	2	4.94	0	4.94	0	2
19	1	1	4.94	0	4.94	0	1
20	1	0	4.94	0	4.94	0	0
21	1	Unknown	6.62	0	6.62	0	Unknown
22 <sup>c</sup>	1-9	218	34.9	0	34.9	0	218
23	1	17	44.61	44.61	0	17	0
24	1	35	3.88	0	0	0	0
24	2	25	9.54	0	0	0	0
25	1	4	2.14	0	2.14	0	4
26	1	15	17.44	0	0	0	0
<b>Total:</b>		<b>27,323</b>	<b>938.21</b>	<b>408.85</b>	<b>58.48</b>	<b>18,321</b>	<b>225</b>

Addendum to Mitigated Negative Declaration  
Cameron Park Congregate Care  
October 13, 2006 – Page 8

CNDDDB information did not separate *C. stebbinsi* plant estimate according to occurrence part. The number of plants in each part was estimated according to relative acreage.

CNDDDB occurrence 3 part 1 is assumed to be the same as occurrences 5 and 6 in the PSA based on the verbal description of location, “behind apartments on Palmer Drive.” Therefore, the Sycamore Environmental estimates of *C. stebbinsi* plants and acreage have been substituted for this record.

CNDDDB information did not clearly separate *C. stebbinsi* plant estimate according to occurrence part. The nine parts are treated as one for this table.

**Summary of Mitigation Measures for *Calystegia stebbinsii*:**

- Establish an on-site, 0.385-acre “Calystegia Preserve” adjacent to the Cameron Park Unit of the Pine Hill Preserve. This area is included in the 5.96-acre plant preserve for *Ceanothus roderickii* that will be dedicated to the BLM-managed Pine Hill Preserve via a Boundary Line Adjustment.
- Collect seeds of *Calystegia stebbinsii* from plants in project study area. Treat the seeds (scarify and/or heat treatments). Some seeds will be planted in the on-site Calystegia Preserve and some germinated in a nursery. Seedlings grown in the nursery will be planted in the Calystegia Preserve.
- Transplant the four *Calystegia stebbinsii* plants from the impact area to the Calystegia Preserve.
- Monitor the plants twice annually for a minimum of five years.
- Submit an annual monitoring report to Eldorado County, DFG, and USFWS, for a minimum of five years.
- Remove chaparral shrubs from *Calystegia stebbinsii* transplant/seedling areas and from adjacent areas to encourage germination and growth of *C. stebbinsii* plants.
- Applicant will pay a fee for impacts to Pine Hill plants in accordance with County Ordinance 17.71. Payment of the County rare plant mitigation fee for Mitigation Area 1 supports acquisition and management of habitat for the Pine Hill species including *Calystegia stebbinsii*.

The impact on approximately 0.09 ac of occupied habitat is not considered significant when compared to the total acreage of known CNDDDB occurrences (938.21 acres; Table 2), or to the acreage of known occurrences in the Cameron Park subpopulation (390.45 acres).

Implementation of the proposed mitigation measures will result in no net loss of individual *Calystegia stebbinsii* plants. The loss of currently occupied habitat will be compensated by the permanent preservation and restoration of habitat within the 5.96 acres to be established for *Ceanothus roderickii*.

**Implementation of the mitigation measures will reduce impacts to *Calystegia stebbinsii* to less than significant.**