



SYCAMORE ENVIRONMENTAL CONSULTANTS, INC.

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PLANNING DEPARTMENT
1 February 2007

Mr. Ken Teague
4871 Rainbow Trail
Pollock Pines, CA 95726

Phone: 530/644-0201

Subject: Analysis of General Plan Policy 7.3.3.4 regarding Construction at 4871 Rainbow Trail, El Dorado County, CA.

Dear Mr. Teague:

This letter evaluates construction of a carport and adjacent concrete pad for consistency with El Dorado County General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines (adopted 22 June 2006) for setbacks from riparian areas and wetlands. I understand the County has requested this information as part of the building permit application process. I visited the site on 30 January 2007. The potential for the site to provide habitat for special-status species associated with wetlands, streams, or other aquatic features was considered. A completed County Site Assessment Form is in Attachment A.

The U.S. Geological Survey Sly Park quad map indicates there is an intermittent channel near the home in question. The pictures in Attachment C demonstrate that the feature in question is not an intermittent channel. There is a linear depression located north of the existing carport and concrete pad that is the feature of interest. The linear depression does not drain a large enough area to result in the presence of an Ordinary High Water Mark (OHWM). The U.S. Army Corps of Engineers uses the presence of an OHWM to determine the boundary of channels that are jurisdictional under the Federal Clean Water Act. The County's definitions regarding streams in the Interim Interpretive Guidelines are based on the concept of an OHWM. There is no prevalence of hydrophytic or riparian vegetation within 50 ft of the construction, hence the area is not a wetland. Since no OHWM is present, and the area is not a wetland, federal and state laws protecting creeks, wetlands, and riparian areas do not apply.

Our review indicates the County's Interim Interpretive Guidelines also do not apply in this instance, since by definition they apply only to setbacks from streams, wetlands, or other water features. The linear depression does become an ephemeral stream greater than 50 ft from the construction area, on the south side of a driveway serving the home. However, the County 50 ft setback requirement applies to intermittent streams, not ephemeral ones. The Interim Interpretive Guidelines defines "intermittent stream" as:

"A stream that normally flows for at least thirty days after the last major rain of the season and is dry the remainder of the year, not including manmade drainage. Intermittent streams do not include ephemeral watercourses."

The Interim Interpretive Guidelines do not require setbacks from ephemeral streams. Review of the photographs in Attachment C indicates that if water flows through the area in question, it is only during large precipitation events, and certainly not "thirty days after the last major rain of the season". Even if the area in question were considered an ephemeral stream, which it is not, such a feature is not subject to setbacks under General Plan Policy 7.3.3.4.

Conclusions

- County setbacks under Policy 7.3.3.4 do not apply because there are no wetlands, intermittent or perennial streams, or other water features within 50 of the concrete pad and carport.
- The construction has had no impact on regional special-status species associated with aquatic habitats.
- At the nearest point the linear depression is approximately 12 ft from the concrete pad and 31 ft from the carport.
- No federal or state permits concerning wetlands or waters are necessary.

Please contact me with any questions.

Yours truly,

DRAFT

Adam Forbes, M.S.
Botanist/ Biologist

Attachment A. Site Assessment Form
Attachment B. Resume of Adam Forbes
Attachment C. Photographs

Attachment A. SITE ASSESSMENT FORM

Project Biologist & Contact Information: <i>(attach qualifications)</i>	Adam Forbes. Sycamore Environmental Consultants, Inc. (916) 317-7281 or 427-0703	
APN(s):	042-280-34	
Address:	4871 Rainbow Trail	
General Plan Designation:	Medium Density Residential	
Zoning:	Single-Family Two-Acre Residential	
Project Description: <i>(attach site photos)</i>	Constructed carport and concrete pad.	
Alternative Setback Requested:	Not applicable, see attached letter.	
Would the project, at the proposed alternative setback, directly or indirectly have the potential to cause any impact, conflict with, or disturbance to:	YES	NO
a) Riparian Vegetation?		X
b) Creeks or Streams?		X
c) Wellands or Lakes?		X
d) Movement of Wildlife and/or Any Wildlife Migration Corridor?		X
e) Any Candidate, Listed or Special Status Plant or Animal Species?		X
f) Are all applicable Best Management Practices incorporated into the project? <i>(attach BMPs)</i>		
g) Was alternative setback request subject to prior County approval? <i>(If yes, provide Tentative Map # and environmental documents)</i>		X
Conclusions:	See attached letter for further discussion.	
<i>I affirm that all of the information contained in this document is true and correct to the best of my knowledge and I acknowledge and agree that any material misinformation in this document can result in the denial or revocation of any permits or County approvals for this project.</i>		
Biologist: _____	Date: _____	
Applicant/Owner: _____	Date: _____	

Required Attachments: 1) Biologist Qualifications; 2) Site Photos; 3) Project BMPs

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RESUME

Adam C. Forbes, M.S.
Senior Botanist/ Biologist

EDUCATION

New Mexico State University, Las Cruces, NM
Humboldt State University, Arcata, CA

M.S. Range Science, emphasis on plant systematics, 1999
B.S. Rangeland Resources Science, 1997

CERTIFICATION/ PERMITS

Wetlands Delineation Course, 2000 – Wetlands Training Institute.

EXPERIENCE

Mr. Forbes has over seven years experience conducting biological studies for the public and private sector. As a botanist/ biologist with Sycamore Environmental, Mr. Forbes conducts plant and wildlife surveys, conducts jurisdictional delineations, prepares and edits reports, serves as assistant project manager, and conducts informal consultations with regulatory agency personnel. Responsibilities also include assisting with proposal preparation and marketing activities. Mr. Forbes provides technical support for wetland delineations, biological resource evaluations, mitigation plans, and other documents used in the CEQA/NEPA process.

As the Environmental Services Manager for the County of Humboldt, Department of Public Works, Natural Resources Division, Mr. Forbes was responsible for obtaining necessary environmental entitlements for all Public Works Projects including road and bridge improvement projects, airport improvement projects, stormwater management, habitat restoration, and flood control. Other responsibilities included annual budget, staffing, and administrative aspects of the Division. In his role as a Botanist/ Plant Ecologist for The Pacific Lumber Company, Mr. Forbes was responsible for preparing CEQA compliant technical reports for review by California State Agencies, conducting detailed impact analysis for rare plant populations, and developing and implementing mitigation and monitoring plans for rare plant species/populations.

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For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

DEFINITIONS

Enhance: To improve existing conditions by increasing the quantity or quality of uses or features identified as desirable.

Environment: The physical conditions which exist within the area which may be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise and objects of historic or aesthetic significance.

Habitat: The physical location or type of environment in which an organism or biological population lives or can be found.

Intermittent Stream: A stream that normally flows for at least thirty days after the last major rain of the season and is dry the remainder of the year, not including manmade drainage. Intermittent streams do not include ephemeral watercourses.

Lake: Any natural or manmade body that impounds water year round under normal conditions. In identifying the high water mark on manmade lakes controlled by dams, the maximum spillway elevation will be used.

Natural Communities: A general term for an assemblage of naturally-occurring plants and animals coexisting together in a common area that is relatively undisturbed and unfragmented and that is self-perpetuating. These communities are generally comprised of a variety of plant and animal species that have evolved together over time in a specific location or region as a result of complex interactions among climate, soils, hydrology, topography, fire, vegetation, wildlife, and human interaction.

Natural State: The condition existing prior to development, modification, or disturbance.

Ordinary High Water Mark (OHWM): The line on the shore in non-tidal areas established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area.

Perennial Stream or River: Any watercourse that is either shown on the USGS 7.5 minute topographic quadrangle map series as a solid blue line or under normal conditions flows year round.