

DRAFT NEGATIVE DECLARATION

FILE: CUP21-0006

PROJECT NAME Carson Road Monopine

NAME OF APPLICANT: TSJ Consulting c/o Emily Golubow

ASSESSOR'S PARCEL NO.: 043-180-011 **SECTION:** 08 **T:** 10N **R:** 12E, MDM

LOCATION: The project parcel straddles both the north and south side of Carson Road, approximately 1,200-feet west of the intersection with Larson Drive, in the Camino Rural Center.

GENERAL PLAN AMENDMENT: **FROM:** **TO:**

REZONING: **FROM:** **TO:**

TENTATIVE PARCEL MAP

SUBDIVISION:

SUBDIVISION (NAME):

SPECIAL USE PERMIT TO ALLOW: Conditional Use Permit for the construction and ongoing operation of a new 160-foot-tall monopine. The monopine is proposed to include 13 panel antennas, 15 RRU's, three DC-9 surge protectors, and one GPS antenna.

OTHER:

REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:

NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY.

MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS.

OTHER:

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this NEGATIVE DECLARATION. A period of thirty (30) days from the date of filing this negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by COUNTY OF EL DORADO. A copy of the project specifications is on file at the County of El Dorado Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

This Negative Declaration was adopted by _____ on _____.

Executive Secretary



COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
INITIAL STUDY
ENVIRONMENTAL CHECKLIST

Project Title: CUP21-0006/Carson Road Monopine

Lead Agency Name and Address: El Dorado County, 2850 Fairlane Court, Placerville, CA 95667

Contact Person: Matthew Aselage, Assistant Planner

Phone Number: (530) 621-5977

Applicant's Name and Address: TSJ Consulting c/o Emily Golubow, 27128 Paseo Espada #A-1521, San Juan Capistrano, CA 92675

Project Location: The project parcel straddles both the north and south side of Carson Road, approximately 1,200-foot west of the intersection with Larson Drive in the Camino Rural Center.

Assessor's Parcel Number: 043-180-011 **Acres:** 24.51-acres

Sections: S: 8 T: 10N R: 12E

General Plan Designation: Industrial (I)

Zoning: Light Industrial (IL)

Description of Project: A request for a Conditional Use Permit for the construction and ongoing operation of a new 160-foot-tall monopine. The monopine is proposed to include 13 panel antennas, 15 RRU's, three DC-9 surge protectors, and one GPS antenna. Supporting ground equipment would include a 64-square-foot (8X8) Oldcastle CWIX cabinet, fiber and DC cables running to the proposed antennas, a seven-foot-tall chain link fence, development of new underground utilities, and a standby back-up generator. The monopine and supporting equipment would sit within a 1250-square-foot lease area (Attachment A). The proposed back-up generator would be used during times of rolling power shut-offs and for 15-minutes on a regular schedule of at most every 30-days and at least every three-months. The regular schedule would ensure proper function and maintenance of the back-up generator. 15-minute test runs will occur on weekdays between the hours of 7am – 5pm. The property is currently developed by Sierra Pacific Industries, a company specializing in localized reforestation activities. The site does not include a cellular facility use. The site currently takes access from Carson Road. Electricity/utilities services are provided by Pacific Gas & Electric (PG&E). The project site takes water and sanitation service from EID. Any required water service would be provided via EID. No trees are proposed for removal at this time. This project would require minimal grading and would be located on a previously cleared and leveled portion of the project parcel currently used for vehicle parking.

Environmental Setting: The project site is a 1250-square-foot lease area within a parcel totaling 24.51-acres located in the western slope of the Sierra Nevada Mountains at an elevation of approximately 3115-feet above mean sea level. The topography of the subject property is characterized by a broad ridge graded, cut, and compacted as part of a former mill site. The project parcel straddles Carson Road, leaving the southern portion of the property mostly undeveloped. The northern portion of the property contains development associated with Sierra Pacific Industries. The proposed lease area for this telecommunications facility would sit entirely within the northern portion of the project parcel. The specific location of the lease area has been graded prior and leveled for use as an automobile parking area. This specific area of the site does not require grading or removal of vegetation including oak trees. According to the Geologic Map of Camino, USGS Quadrangle, El Dorado County, California, the predominant onsite soils are classified as Aiken loam. Per California Fish and Wildlife Occurrence Reports, there have been finds of species of special concern within a five-mile radius of the project site. These finds have been limited, indicating potentially suitable habitat for these species within the project area. No oak trees are proposed for removal. The adjacent-neighborhood parcels to the north, east, and west are zoned as Light Industrial (IL); to the north are zoned as Light Industrial (IL) and Planned Agriculture – 20-Acres (PA-20). These surrounding properties are primarily developed, but also include undeveloped parcels and agricultural uses.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

1. El Dorado County Surveyor
2. El Dorado County Building Services
3. El Dorado County Environmental Management Department

4. El Dorado County Department of Transportation
5. El Dorado County Fire Protection District

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

At the time of the application request, seven Tribes: Colfax-Todds Valley Consolidated Tribe, Ione Band of Miwok Indians, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, Shingle Springs Band of Miwok Indians, T'si-Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, Washoe Tribe of California and Nevada, had requested to be notified of proposed projects for consultation in the project area. Consultation notices were sent on February 7, 2022. Staff did not receive any responses within a 30-day period from the date of staff's consultation initiation response. As such, AB52 consultation has been closed. Pursuant to the records search conducted at the North Central Information Center on August 25, 2021, the proposed project area contains zero prehistoric-period resources and zero historic-period cultural resources. Additionally, two cultural resources study reports conducted within 1/8-mile radius of the site. There are zero cultural resources study reports conducted within the project site. Outside of the project area, but within the ¼ mile radius of the geographic area, a broader search area contains zero prehistoric-period resources and one historic-period cultural resource. There is low potential for locating prehistoric-period cultural resources in the immediate vicinity. There is low potential for locating historic-period cultural resources in the immediate vicinity. The project site is not known to contain neither Tribal Cultural Resources (TCRs) nor historic-period resources.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agriculture and Forestry Resources	Air Quality
Biological Resources	Cultural Resources	Geology / Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology / Water Quality
Land Use / Planning	Mineral Resources	Noise
Population / Housing	Public Services	Recreation
Transportation/Traffic	Tribal Cultural Resources	Utilities / Service Systems

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by Mitigation Measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION**, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or Mitigation Measures that are imposed upon the proposed project, nothing further is required.

Printed Name Matthew Aselage, Assistant Planner For: El Dorado County

Signature: _____ Date: _____

Printed Name Gina Hamilton, Current Planning Manager For: El Dorado County

Signature: _____ Date: _____

PROJECT DESCRIPTION

Introduction

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts resulting from the proposed project. The proposed project would allow for the construction and ongoing operation of a new 160-foot-tall communications facility with a stealth monopine design. The monopine is proposed to include 13 panel antennas, 15 RRU's, three DC-9 surge protectors, and one GPS antenna. Supporting ground equipment would include a 64-square-foot (8X8) Oldcastle CWIX equipment cabinet, a 30-kw standby generator, fiber and DC cables running to the proposed antennas, a seven-foot-tall chain link fence, and development of new underground utilities. The monopine and supporting equipment would sit within a 1250-square-foot (25x50) lease area. The proposed back-up generator would be used during times of rolling power shut-offs and for 15-minutes on a regular schedule of at most every 30-days and at least every three-months. The regular schedule would ensure proper function and maintenance of the back-up generator. 15-minute test runs would occur on weekdays between the hours of 7am – 5pm.

Throughout this Initial Study and staff report, please reference the following Attachments:

- Attachment A: Site Plans
- Attachment B: California Fish and Wildlife Occurrence Report
- Attachment C: Location/Vicinity Map
- Attachment D: Assessor's Parcel Map
- Attachment E: Land Use Designation Map
- Attachment F: Zoning Designation Map
- Attachment G: Aerial Site Map
- Attachment H: Generator Spec Sheet and Hazardous Materials Statement
- Attachment I: Radio Frequency (RF) Report
- Attachment J: Photosimulations

Project Location and Surrounding Land Uses

The project site straddles the north and south side of Carson Road, approximately 1200-feet west of the intersection with Larson Road in the Camino Rural Center. The adjacent-neighboring parcels to the south, east, and west are zoned as Light Industrial (IL); to the north are zoned as Light Industrial (IL) and Planned Agriculture – 20-Acres (PA-20). These surrounding properties are primarily developed, but also include undeveloped parcels and agricultural uses.

Project Characteristics

1. Transportation/Circulation/Parking

The project will take access from an existing encroachment onto Carson Road. No additional road access will be required for the monopine project.

2. Utilities and Infrastructure

The monopine site will not require additional water beyond that which supplies the site currently. For electricity, service would be provided by Pacific Gas & Electric (PG&E).

3. Construction Considerations

Construction of a 160-foot-tall monopine is proposed as a part of the project. The project parcel would maintain the current IL zoning designation, which allows for manufacturing and associated retail or service activities, wholesaling, and other industrial uses, where the primary activity is conducted within a building or buildings, or in

outdoor storage or activity area. Construction activities would be completed in conformance with applicable agency requirements, and subject to building permits from the El Dorado County Building Services.

Project Schedule and Approvals

This Initial Study is being circulated for public and agency review for a minimum 20-day period. Written comments on the Initial Study should be submitted to the project planner indicated in the Summary section, above. Following the close of the written comment period, the Initial Study will be considered by the Lead Agency in a public meeting and will be certified if it is determined to be in compliance with California Environmental Quality Act (CEQA). The Lead Agency will also determine whether to approve the project.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. If the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of Mitigation Measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the Mitigation Measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

ENVIRONMENTAL IMPACTS

I. AESTHETICS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			X	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c. Substantially degrade the existing visual character quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal regulations are applicable to aesthetics in relation to the proposed project.

State Laws, Regulations, and Policies

In 1963, the California State Legislature established the California Scenic Highway Program, a provision of the Streets and Highways Code, to preserve and enhance the natural beauty of California (Caltrans, 2015). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways.

There are no officially designated state scenic corridors in the vicinity of the project site.

Local Laws, Regulations, and Policies

The County has several standards and ordinances that address issues relating to visual resources. Many of these can be found in the County Zoning Ordinance (Title 130 of the County Code). The Zoning Ordinance consists of descriptions of the zoning districts, including identification of uses allowed by right or requiring a special-use permit and specific development standards that apply in particular districts based on parcel size and land use density. These development standards often involve limits on the allowable size of structures, required setbacks, and design guidelines. Included are requirements for setbacks and allowable exceptions, the location of public utility distribution and transmission lines, architectural supervision of structures facing a state highway, height limitations on structures and fences, outdoor lighting, and wireless communication facilities.

Visual resources are classified as 1) scenic resources or 2) scenic views. Scenic resources include specific features of a viewing area (or viewshed) such as trees, rock outcroppings, and historic buildings. They are specific features that act as the focal point of a viewshed and are usually foreground elements. Scenic views are elements of the broader viewshed such as mountain ranges, valleys, and ridgelines. They are usually middle ground or background elements of a viewshed that can be seen from a range of viewpoints, often along a roadway or other corridor.

A list of the county's scenic views and resources is presented in Table 5.3-1 of the El Dorado County General Plan EIR (p. 5.3-3). This list includes areas along highways where viewers can see large water bodies (e.g., Lake Tahoe and Folsom Reservoir), river canyons, rolling hills, forests, or historic structures or districts that are reminiscent of El Dorado County's heritage.

Several highways in El Dorado County have been designated by the California Department of Transportation (Caltrans) as scenic highways or are eligible for such designation. These include U.S. 50 from the eastern limits of the Government Center interchange (Placerville Drive/Forni Road) in Placerville to South Lake Tahoe, all of SR 89 within the county, and those portions of SR 88 along the southern border of the county.

Rivers in El Dorado County include the American, Cosumnes, Rubicon, and Upper Truckee rivers. A large portion of El Dorado County is under the jurisdiction of the USFS, which under the Wild and Scenic Rivers Act may designate rivers or river sections to be Wild and Scenic Rivers. To date, no river sections in El Dorado County have been nominated for or granted Wild and Scenic River status.

Discussion: A substantial adverse effect to Visual Resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

- a. **Scenic Vista or Resource:** The project proposes development of a monopine cellular facility. The site is located in a developed area surrounded mostly by similarly zoned Light Industrial (IL) parcels. The site is not located within a scenic vista; and is located outside of the identified Camino Heights Important Public Scenic Viewpoint, as designated by the county General Plan (El Dorado County, 2003, p. 5.3-3 through 5.3-5). The project site is visible from US Highway 50, which is designated as a State Scenic Highway Corridor. This proposed project is allowed on lots zoned for light industrial uses, with approval of a conditional use permit due to the proximity to US Highway. Impacts would be less than significant.
- b. **Scenic Resources:** The overall project site is visible from an officially designated State Scenic Highway (Caltrans, 2013). The proposed monopine will be visible from US Highway 50. There are trees on site and within the project vicinity; however, there are few trees surrounding the proposed lease area for the monopine facility. The monopine will be identifiable from the US Highway 50 scenic corridor. No trees are proposed for removal. Impacts would be less than significant.
- c. **Visual Character:** Photosimulations of the proposed monopine have been included. The proposed monopine facility will be identifiable from portions of US Highway 50 designated as a State Scenic Highway Corridor. The proposed 160-foot-tall monopine will include visual concealments including broad leaf elements, natural foliage colored antenna and mounted equipment socks, natural foliage colored fencing surrounding all ground equipment along the perimeter of the proposed lease area. The project site is surrounded by other similarly zoned and developed industrial properties. The proposed project would not affect the visual character of the surrounding primarily industrially zoned area. Impacts would be less than significant.
- d. **Light and Glare:** The proposed project does not include any substantial new light sources. The proposed project would be required to comply with the County lighting ordinance, including the shielding of lights to avoid potential glare, during the building permit process, and therefore any impacts would be less than significant.

FINDING: With adherence to El Dorado County Code of Ordinances (County Code), for this Aesthetics category, impacts are anticipated to be less than significant.

<p>II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest</p>
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resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by California Department of forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal regulations are applicable to agricultural and forestry resources in relation to the proposed project.

State Laws, Regulations, and Policies

Farmland Mapping and Monitoring Program

The Farmland Mapping and Monitoring Program (FMMP), administered by the California Department of Conservation (CDC), produces maps and statistical data for use in analyzing impacts on California’s agricultural resources (CDC 2008). FMMP rates and classifies agricultural land according to soil quality, irrigation status, and other criteria. Important Farmland categories are as follows (CDC 2013a):

Prime Farmland: Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields. Prime Farmland must have been used for irrigated agricultural production at some time during the four-years before the FMMP’s mapping date.

Farmland of Statewide Importance: Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Farmland of Statewide Importance must have been used for irrigated agricultural production at some time during the four-years before the FMMP's mapping date.

Unique Farmland: Farmland of lesser quality soils used for the production of the state's leading agricultural crops. These lands are usually irrigated but might include non-irrigated orchards or vineyards, as found in some climatic zones. Unique Farmland must have been cropped at some time during the four-years before the FMMP's mapping date.

Farmland of Local Importance: Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) allows local governments to enter into contracts with private landowners for the purpose of preventing conversion of agricultural land to non-agricultural uses (CDC 2013b). In exchange for restricting their property to agricultural or related open space use, landowners who enroll in Williamson Act contracts receive property tax assessments that are substantially lower than the market rate.

Z'berg-Nejedly Forest Practice Act

Logging on private and corporate land in California is regulated by the 1973 Z'berg-Nejedly Forest Practice Act. This Act established the Forest Practice Rules (FPRs) and a politically-appointed Board of Forestry to oversee their implementation. The California Department of Forestry (CALFIRE) works under the direction of the Board of Forestry and is the lead government agency responsible for approving logging plans and for enforcing the FPRs.

Discussion: A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
 - The amount of agricultural land in the County is substantially reduced; or
 - Agricultural uses are subjected to impacts from adjacent incompatible land uses.
- a. **Farmland Mapping and Monitoring Program:** The site is zoned as Light Industrial (IL). The project parcel is located adjacent to an Agricultural District. The subject project site, as well as all portions of the surrounding parcels, are listed as Urbanized and Built-up lands. There are no unique farmlands or farmlands of local importance directly adjacent to the subject project site, but the lot to the northeast contains areas designated as unique farmland and farmland of local importance. These farmland designations are beyond the portions designated as urban and built-up lands. All agriculturally significant lands exist beyond the built-up portions of the adjacent agricultural parcel. Therefore, impacts would be less than significant.
- b. **Agricultural Uses:** The site is not located within a Williamson Act Contract. The site is adjacent to an agricultural district to the northeast. The subject project site is mapped as urban and built-up lands. Despite being surrounded by Agricultural District lands to the north, the project site is surrounded on all sides by parcels designated partly or in whole as urban and built-up lands. The parcel to the northeast includes both unique farmland and farmland of local importance beyond the portions designated as urban and built-up lands. There would be a less than significant impact.
- c-d. **Loss of Forest land or Conversion of Forest land:** The site is not designated as Timberland Preserve Zone (TPZ) or other forestland according to the General Plan and Zoning Ordinance. No trees are proposed for removal as part of the project. There would be no impact.

- e. **Conversion of Prime Farmland or Forest Land:** The project is not within an agricultural district or located on forest land and would not convert Farmland or forest land to non-agriculture use. There would be no impact.

FINDING: For this Agriculture category, the thresholds of significance have not been exceeded impacts are anticipated to be less than significant as a result of the project.

III. AIR QUALITY. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?			X	
e. Create objectionable odors affecting a substantial number of people?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

The Clean Air Act is implemented by the U.S. Environmental Protection Agency (USEPA) and sets ambient air limits, the National Ambient Air Quality Standards (NAAQS), for six criteria pollutants: particulate matter of aerodynamic radius of ten-micrometers or less (PM10), particulate matter of aerodynamic radius of 2.5-micrometers or less (PM2.5), carbon monoxide (CO), nitrogen dioxide (NO2), ground-level ozone, and lead. Of these criteria pollutants, particulate matter and ground-level ozone pose the greatest threats to human health.

State Laws, Regulations, and Policies

The California Air Resources Board (CARB) sets standards for criteria pollutants in California that are more stringent than the U.S. National Ambient Air Quality Standards (NAAQS) and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. The proposed project is located within the Mountain Counties Air Basin, which is comprised of seven air districts: the Northern Sierra Air Quality Management District (AQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County APCD, the Tuolumne County APCD, the Mariposa County APCD, and a portion of the El Dorado County AQMD, which consists of the western portion of El Dorado County. The El Dorado County Air Quality Management District (AQMD) manages air quality for attainment and permitting purposes within the west slope portion of El Dorado County.

USEPA and CARB regulate various stationary sources, area sources, and mobile sources. USEPA has regulations involving performance standards for specific sources that may release toxic air contaminants (TACs), known as hazardous air pollutants (HAPs) at the federal level. In addition, USEPA has regulations involving emission criteria for off-road sources such as emergency generators, construction equipment, and vehicles. CARB is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB also establishes passenger vehicle fuel specifications.

Air quality in the project area is regulated by the El Dorado County Air Quality Management District. California Air Resources Board and local air districts are responsible for overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of environmental documents required to comply with CEQA. The AQMD regulates air quality through the federal and state Clean Air Acts, district rules, and its permit authority. National and state ambient air quality standards (AAQS) have been adopted by the Environmental Protection Agency and State of California, respectively, for each criteria pollutant: ozone, particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide.

The Environmental Protection Agency and State also designate regions as “attainment” (within standards) or “nonattainment” (exceeds standards) based on the ambient air quality. The County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard, and is in attainment or unclassified status for other pollutants (California Air Resources Board 2013). County thresholds are included in the chart below.

Criteria Pollutant	El Dorado County Threshold	
Reactive Organic Gasses (ROG)	82-lbs/day	
Nitrogen Oxides (NOx)	82-lbs/day	
Carbon Monoxide (CO)	Eight-hour average: Six parts per million (ppm)	One-hour average: 20-ppm
Particulate Matter (PM10):	Annual geometric mean: 30-µg/m3	24-hour average: 50-µg/m3
Particulate Matter (PM2.5):	Annual arithmetic mean: 15-µg/m3	24-hour average: 65-µg/m3
Ozone	Eight-hour average: 0.12-ppm	One-hour average: .09

The guide includes a Table (Table 5.2) listing project types with potentially significant emissions. ROG and NOx Emissions may be assumed to not be significant if:

- The project encompasses 12-acres or less of ground that is being worked at one time during construction;
- At least one of the recommended mitigation measures related to such pollutants is incorporated into the construction of the project;
- The project proponent commits to pay mitigation fees in accordance with the provisions of an established mitigation fee program in the district (or such program in another air pollution control district that is acceptable to District); or
- Daily average fuel use is less than 337-gallons per day for equipment from 1995 or earlier, or 402-gallons per day for equipment from 1996 or later

If the project meets one of the conditions above, AQMD assumed that exhaust emissions of other air pollutants from the operation of equipment and vehicles are also not significant.

For Fugitive dust (PM10), if dust suppression measures will prevent visible emissions beyond the boundaries of the project, further calculations to determine PM emissions are not necessary. For the other criteria pollutants, including CO, PM10, SO2, NO2, sulfates, lead, and H2S, a project is considered to have a significant impact on air quality if it will cause or contribute significantly to a violation of the applicable national or state ambient air quality standard(s).

Naturally occurring asbestos (NOA) is also a concern in El Dorado County because it is known to be present in certain soils and can pose a health risk if released into the air. The AQMD has adopted an El Dorado County Naturally Occurring Asbestos Review Area Map that identifies those areas more likely to contain NOA (El Dorado County 2005).

Discussion: The El Dorado County Air Quality Management District (AQMD) has developed a Guide to Air Quality Assessment (2002) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. A substantial adverse effect on air quality would occur if:

- Emissions of ROG and No_x will result in construction or operation emissions greater than 82-lbs/day (Table 3.2);
 - Emissions of PM₁₀, CO, SO₂ and No_x, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
 - Emissions of toxic air contaminants cause cancer risk greater than one in one million (ten in one million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than one. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.
- a. **Air Quality Plan:** El Dorado County has adopted the Rules and Regulations of the El Dorado County Air Quality Management District (2000) establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO_x, and O₃). The EDC/State Clean Air Act Plan has set a schedule for implementing and funding transportation contract measures to limit mobile source emissions. The project would not conflict with or obstruct implementation of either plan. Per standard County requirements, any activities associated with plans for grading and/or construction would require a Fugitive Dust Mitigation Plan (FDMP) for grading and construction activities. Such a plan would address grading measures and operation of equipment to minimize and reduce the level of defined particulate matter exposure and/or emissions to a less than significant level. This plan is a requirement for all developments. Impacts would be less than significant.
- b-c. **Air Quality Standards and Cumulative Impacts:** The proposed project consists of the development and ongoing operation of a 160-foot-tall monopine cellular facility. The site will include a 300-gallon back-up diesel generator. Although this project would contribute air pollutants due to construction, possible additional vehicle trips to and from the site, and the irregular use of a back-up generator, these impacts would be minimal. Existing regulations implemented at issuance of building and grading permits would ensure that any construction related PM₁₀ dust emissions would be reduced to acceptable levels. Impacts would be less than significant.
- d. **Sensitive Receptors:** The CEQA Guidelines (14 CCR 15000) identify sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors. This project would not result in the emission of additional pollutant concentrations that could be affect sensitive receptors. Impacts would be less than significant.
- e. **Objectionable Odors:** Table 3-1 of the Guide to Air Quality Assessment (AQMD, 2002) does not list the proposed use of the parcel for a monopine as a use known to create objectionable odors. The request to construct and operate a 160-foot-tall monopine would not be a source of objectionable odors. However, the irregular use of the proposed back-up generator could produce small amounts of objectionable odors due to the use of diesel fuel. There would be a less than significant impact.

FINDING: The proposed project would not affect the implementation of regional air quality regulations or management plans. The proposed project would not be anticipated to cause substantial adverse effects to air quality, nor exceed established significance thresholds for air quality impacts. There would be less than significant impact.

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

Endangered Species Act

The Endangered Species Act (ESA) (16 U.S. Code [USC] Section 1531 *et seq.*; 50 Code of Federal Regulations [CFR] Parts 17 and 222) provides for conservation of species that are endangered or threatened throughout all or a

substantial portion of their range, as well as protection of the habitats on which they depend. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) share responsibility for implementing the ESA. In general, USFWS manages terrestrial and freshwater species, whereas NMFS manages marine and anadromous species.

Section 9 of the ESA and its implementing regulations prohibit the “take” of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term “take” to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 USC Section 1532). Section 7 of the ESA (16 USC Section 1531 *et seq.*) outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats. Section 10(a)(1)(B) of the ESA provides a process by which nonfederal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in “take” of endangered or threatened species, subject to specific conditions. A habitat conservation plan (HCP) must accompany an application for an incidental take permit.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC, Chapter 7, Subchapter II) protects migratory birds. Most actions that result in take, or the permanent or temporary possession of, a migratory bird constitute violations of the MBTA. The MBTA also prohibits destruction of occupied nests. USFWS is responsible for overseeing compliance with the MBTA.

Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), first enacted in 1940, prohibits "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, at, poison, wound, kill, capture, trap, collect, molest or disturb." The definition for "Disturb" includes injury to an eagle, a decrease in its productivity, or nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present.

Clean Water Act

Clean Water Act (CWA) section 404 regulates the discharge of dredged and fill materials into waters of the U.S., which include all navigable waters, their tributaries, and some isolated waters, as well as some wetlands adjacent to the aforementioned waters (33 CFR Section 328.3). Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial waterbodies such as swimming pools, vernal pools, and water-filled depressions (33 CFR Part 328). Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of U.S. Army Corps of Engineers (USACE) under the provisions of CWA Section 404. Construction activities involving placement of fill into jurisdictional waters of the U.S. are regulated by USACE through permit requirements. No USACE permit is effective in the absence of state water quality certification pursuant to Section 401 of CWA.

Section 401 of the CWA requires an evaluation of water quality when a proposed activity requiring a federal license or permit could result in a discharge to waters of the U.S. In California, the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs) issue water quality certifications. Each RWQCB is responsible for implementing Section 401 in compliance with the CWA and its water quality control plan (also known as a Basin Plan). Applicants for a federal license or permit to conduct activities that may result in the discharge to waters of the U.S. (including wetlands or vernal pools) must also obtain a Section 401 water quality certification to ensure that any such discharge will comply with the applicable provisions of the CWA.

State Laws, Regulations, and Policies

California Fish and Game Code

The California Fish and Game Code includes various statutes that protect biological resources, including the Native Plant Protection Act of 1977 (NPPA) and the California Endangered Species Act (CESA). The NPPA (California Fish and Game Code Section 1900-1913) authorizes the Fish and Game Commission to designate plants as endangered or rare and prohibits take of any such plants, except as authorized in limited circumstances.

CESA (California Fish and Game Code Section 2050–2098) prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under CESA as endangered or threatened. Section 2080 of the California Fish and Game Code prohibits the take of any species that is state listed as endangered or threatened, or designated as a candidate for such listing. California Department of Fish and Wildlife (CDFW) may issue an incidental take permit authorizing the take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions.

California Fish and Game Code Section 3503, 3513, and 3800 protect native and migratory birds, including their active or inactive nests and eggs, from all forms of take. In addition, Section 3511, 4700, 5050, and 5515 identify species that are fully protected from all forms of take. Section 3511 lists fully protected birds, Section 5515 lists fully protected fish, Section 4700 lists fully protected mammals, and Section 5050 lists fully protected amphibians.

Streambed Alteration Agreement

Sections 1601 to 1606 of the California Fish and Game Code require that a Streambed Alteration Application be submitted to CDFW for any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake. As a general rule, this requirement applies to any work undertaken within the 100-year floodplain of a stream or river containing fish or wildlife resources.

California Native Plant Protection Act

The California Native Plant Protection Act (California Fish and Game Code Section 1900–1913) prohibits the taking, possessing, or sale of any plants with a state designation of rare, threatened, or endangered (as defined by CDFW). The California Native Plant Society (CNPS) maintains a list of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Plants of California (CNPS 2001). Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

Forest Practice Act

Logging on private and corporate land in California is regulated by the Z'berg-Nejedly Forest Practices Act (FPA), which took effect January 1, 1974. The act established the Forest Practice Rules (FPRs) and a politically-appointed Board of Forestry to oversee their implementation. CALFIRE works under the direction of the Board of Forestry and is the lead government agency responsible for approving logging plans and for enforcing the FPRs. A Timber Harvest Plan (THP) must be prepared by a Registered Professional Forester (RPF) for timber harvest on virtually all non-federal land. The FPA also established the requirement that all non-federal forests cut in the State be regenerated with at least three hundred stems per acre on high site lands, and one hundred fifty trees per acre on low site lands.

Local Laws, Regulations, and Policies

The County General Plan also include policies that contain specific, enforceable requirements and/or restrictions and corresponding performance standards that address potential impacts on special-status plant species or create opportunities for habitat improvement. The El Dorado County General Plan designates the Important Biological Corridor (IBC) (Exhibits 5.12-14, 5.12-5 and 5.12-7, El Dorado County, 2003). Lands located within the overlay district are subject to the following provisions, given that they do not interfere with agricultural practices:

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- Increased riparian corridor and wetland setbacks;
- Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Wildlife);
- Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;
- Building permits discretionary or some other type of “site review” to ensure that canopy is retained;
- More stringent standards for lot coverage, floor area ratio (FAR), and building height; and
- No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

Discussion: A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;
- Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

- a. **Special Status Species:** The project site is not located within the County of El Dorado Important Biological Corridor or Rare Plant Mitigation Areas, nor any other sensitive natural community of the County, state or federal agency, including but not limited to an Ecological Preserve, or U.S. Fish and Wildlife Service (USFWS) Recovery Plan boundaries. California Fish and Wildlife Occurrence Reports as downloaded on March 11, 2022 shows little occurrence of protected, special status, or species of concern. The project site is a 1250-square-foot lease area within a parcel totaling 24.51-acres located in the western slope of the Sierra Nevada Mountains at an elevation of approximately 3115-feet above mean sea level. The topography of the subject property is characterized by a broad ridge graded, cut, and compacted as part of a former mill site. The project parcel straddles Carson Road, leaving the southern portion of the property mostly undeveloped. The northern portion of the property contains developments associated with Sierra Pacific Industries. The proposed lease area for this telecommunications facility will sit entirely within the northern portion of the project parcel. The specific sited location of the lease area is currently used for automobile parking. This specific area of the site would require minimal grading, no removal of plants including oak trees, and no impacts to riparian resources.

According to the Geologic Map of Camino, USGS Quadrangle, El Dorado County, California, the predominant onsite soils are classified as Aiken loam. As found within a California Fish and Wildlife Occurrence Report (downloaded on March 11, 2022), there are few occurrences of species of concern and no occurrences of protected status species within a five-mile radius of the project site. Per California Fish and Wildlife Occurrence Reports, there are no documented finds of protected status species within a five-radius of the project site. There is one historic find dated 2019 for California Red-legged Frog, one find dated 2018 for Foothill Yellow-legged Frog, one find dated 2002 for Yuma Myotis, one find dated 2007 for Silver-haired Bat, one find dated 2019 for Western Pond Turtle, one find dated 1988 and another dated 2012 for Cosumnes Stripetail, one find dated 2001 for Flagella-like Atractylocarpus, two finds dated 2015 and one dated 1979 for Nissenan Manzanita, one find dated 2009 for Brandegee’s Clarkia, four finds dated 2015 for Parry’s Horkelia, one find dated 1989 and one dated 1992 one dated 2003 for Pleasant Valley Mariposa-lily, one find dated 2015 and two dated 2016 and one dated 2017 for Red Hills Soaproot. All finds dated 100 or more years prior to the current date have not been included in this list of finds as they are definitively extant. None of the listed finds concern protected species. The proposed project site and the broader Sierra Pacific Industries parcel have been graded prior and the proposed project would not require

any land clearing activities. No oak trees are proposed for removal. The adjacent parcels to the south, east, and west are zoned as Light Industrial (IL); to the north are zoned as Light Industrial (IL) and Planned Agriculture – 20-Acres (PA-20). These surrounding properties are primarily zoned and developed for industrial uses, and also include undeveloped parcels and agricultural uses. No removal of fauna and/or flora is proposed as a result of the cell tower project. The project requires no mitigation measures to protect or mitigate impacts to flora or fauna resources with potential to occur on site. The project would result in less than significant impacts.

- b, c. **Riparian Habitat and Wetlands:** The project site is currently developed for uses by Sierra Pacific Industries. The project site does not contain waterways or wetlands. Furthermore, the project would require minimal ground disturbance. Given there are no portions of the overall Sierra Pacific Industries 50-foot beyond the cell tower location that are left ungraded, there would be less than significant impacts to wetlands or riparian habitat as a result of this project.
- d. **Migration Corridors:** Review of the Department of Fish and Wildlife Migratory Deer Herd Maps and General Plan DEIR Exhibit 5.12-7 indicate that the Outside deer herd migration corridor does not extend over the project site. The El Dorado County General Plan does not identify the project site as an Important Biological Corridor (IBC). Per CDFW Occurrence Report (conducted on March 11, 2022), there have been no finds of migratory species within a five-mile radius of the project site. Impacts would be less than significant.
- e. **Local Policies:** The project site is not located within the Important Biological Corridor (IBC) overlay or any other local environmental overlays with the goal of preserving and protecting sensitive natural resources within the County. Oak woodlands, individual native oak trees, or heritage trees, as defined in Section 130.39.030, have not been nor will be impacted or removed as a result of the proposed project. Any future tree removal as a result of the proposed project would be required to be in compliance with the Oak Resources Conservation Ordinance of Section 130.39.070.C (Oak Tree and Oak Woodland Removal Permits), which would be reviewed at time of future building permit issuance. The proposed project would be required to comply with all applicable County ordinances and policies regarding oak woodland conservation. Therefore, any potential impacts would be less than significant.
- f. **Adopted Plans:** No significant impacts to protected species, habitat, wetlands or oak trees were identified for the proposed project. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The impacts would be less than significant.

Finding: As found within the CDFW Occurrence Report as downloaded on March 11, 2022, there are few occurrences of species of concern and no occurrences of protected status species within a five-mile radius of the project site. The project is sited in a location that has been graded prior. There will be land disturbing activities associated with this project. As such, impacts to biological resources are expected to be less than significant

V. CULTURAL RESOURCES. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?			X	

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

The National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic resources. The NRHP is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. The criteria for listing in the NRHP include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history (events);
- B. Are associated with the lives of persons significant in our past (persons);
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (architecture); or
- D. Have yielded or may likely yield information important in prehistory or history (information potential).

State Laws, Regulations, and Policies

California Register of Historical Resources

Public Resources Code Section 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR includes all properties listed as or determined to be eligible for listing in the National Register of Historic Places (NRHP), including properties evaluated under Section 106 of the National Historic Preservation Act. The criteria for listing are similar to those of the NRHP. Criteria for listing in the CRHR include resources that:

- 1. Are associated with the events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- 2. Are associated with the lives of persons important in our past;
- 3. Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- 4. Have yielded, or may be likely to yield, information important in prehistory or history.

The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

The California Register of Historic Places

The California Register of Historic Places (CRHP) program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act. The criteria for listing in the CRHP include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- B. Are associated with the lives of persons important to local, California or national history.
- C. Embody the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- D. Have yielded, or have the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The State Office of Historic Preservation sponsors the California Historical Resources Information System (CHRIS), a statewide system for managing information on the full range of historical resources identified in California. CHRIS provides an integrated database of site-specific archaeological and historical resources information. The State Office of Historic Preservation also maintains the California Register of Historical Resources (CRHR), which identifies the State's architectural, historical, archeological and cultural resources. The CRHR includes properties listed in or formally determined eligible for the National Register and lists selected California Registered Historical Landmarks.

Public Resources Code (Section 5024.1[B]) states that any agency proposing a project that could potentially impact a resource listed on the CRHR must first notify the State Historic Preservation Officer, and must work with the officer to ensure that the project incorporates "prudent and feasible measures that will eliminate or mitigate the adverse effects."

California Health and Safety Code Section 7050.5 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24-hours, the Native American Heritage Commission.

Section 5097.98 of the California Public Resources Code stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24-hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

CEQA and CEQA Guidelines

Section 21083.2 of CEQA requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined in CEQA as an archaeological artifact, object, or site about which it can be clearly demonstrated that there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.
- Although not specifically inclusive of paleontological resources, these criteria may also help to define "a unique paleontological resource or site."

Measures to avoid, conserve, preserve, or mitigate significant effects on these resources are also provided under CEQA Section 21083.2.

Section 15064.5 of the CEQA Guidelines notes that “a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Substantial adverse changes include physical changes to the historic resource or to its immediate surroundings, such that the significance of the historic resource would be materially impaired. Lead agencies are expected to identify potentially feasible measures to mitigate significant adverse changes in the significance of a historic resource before they approve such projects. Historic resources are those that are:

- listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (Public Resources Code Section 5024.1[k]);
- included in a local register of historic resources (Public Resources Code Section 5020.1) or identified as significant in an historic resource survey meeting the requirements of Public Resources Code Section 5024.1(g); or
- determined by a lead agency to be historically significant.

CEQA Guidelines Section 15064.5 also prescribes the processes and procedures found under Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.95 for addressing the existence of, or probable likelihood of, Native American human remains, as well as the unexpected discovery of any human remains within the project site. This includes consultation with the appropriate Native American tribes.

CEQA Guidelines Section 15126.4 provides further guidance about minimizing effects to historical resources through the application of mitigation measures. Mitigation measures must be legally binding and fully enforceable.

The lead agency having jurisdiction over a project is also responsible to ensure that paleontological resources are protected in compliance with CEQA and other applicable statutes. Paleontological and historical resource management is also addressed in Public Resources Code Section 5097.5, “Archaeological, Paleontological, and Historical Sites.” This statute defines as a misdemeanor any unauthorized disturbance or removal of a fossil site or remains on public land and specifies that state agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. This statute would apply to any construction or other related project impacts that would occur on state-owned or state-managed lands. The County General Plan contains policies describing specific, enforceable measures to protect cultural resources and the treatment of resources when found.

Discussion: In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on Cultural Resources would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or property that is historically or culturally significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;
- Conflict with established recreational, educational, religious or scientific uses of the area; or
- Conflict with adopted environmental plans and goals of the community where it is located.

a-c. **Historic or Archeological Resources.** A cultural resource survey drafted by Dana Supernowicz and dated August 30, 2021 includes low potential for discovery and disturbance of precontact or historical resources. A Records Search was conducted through the North Central Information Center (NCIC) dated August 25, 2021. According to the NCIC, the proposed project site contains no pre-historic period cultural resource sites, features, or artifacts. There is one historic multicomponent property. This resource was not considered a historic property for the purposes of this project. No reason for exclusion has been provided. No mitigation measures were suggested. The County’s standard project conditions of approval regarding cultural resource finds and human remain find would apply. Therefore, no significant cultural resources

were identified and the project would have no known effect to historic properties. Impacts would be less than significant.

- d. **Human Remains.** A records search was conducted at the North Central Information Center on August 25, 2021. There were no Tribal Cultural Resources (TCRs) identified in the project footprint and the project site is not known to contain any TCRs. In accordance with the laws of AB 52, the county notified seven Tribes: Colfax-Todds Valley Consolidated Tribe, Ione Band of Miwok Indians, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, Shingle Springs Band of Miwok Indians, T'si-Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, and the Washoe Tribe of California and Nevada. None of these tribes requested consultation within the 30-day consultation request period. The submitted Cultural Resources Survey confirms no expected impacts associated with this project proposal, but does provide a condition in the unlikely event that a cultural resource(s) or human remains is discovered. In the event of human remains discovery during any project construction if additional structures are built, standard conditions of approval to address accidental discovery of human remains would apply during any grading activities. Impacts would be less than significant.

FINDING: Standard conditions of approval would apply in the event of discovery of any Cultural Resources during project construction. Therefore, the proposed project as conditioned would have a less than significant impact on Cultural Resources.

VI. GEOLOGY AND SOILS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			X	

e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
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Regulatory Setting:

Federal Laws, Regulations, and Policies

National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) and creation of the National Earthquake Hazards Reduction Program (NEHRP) established a long-term earthquake risk-reduction program to better understand, predict, and mitigate risks associated with seismic events. The following four federal agencies are responsible for coordinating activities under NEHRP: USGS, National Science Foundation (NSF), Federal Emergency Management Agency (FEMA), and National Institute of Standards and Technology (NIST). Since its inception, NEHRP has shifted its focus from earthquake prediction to hazard reduction. The current program objectives (NEHRP 2009) are to:

1. Develop effective measures to reduce earthquake hazards;
2. Promote the adoption of earthquake hazard reduction activities by federal, state, and local governments; national building standards and model building code organizations; engineers; architects; building owners; and others who play a role in planning and constructing buildings, bridges, structures, and critical infrastructure or “lifelines”;
3. Improve the basic understanding of earthquakes and their effects on people and infrastructure through interdisciplinary research involving engineering; natural sciences; and social, economic, and decision sciences; and
4. Develop and maintain the USGS seismic monitoring system (Advanced National Seismic System); the NSF-funded project aimed at improving materials, designs, and construction techniques (George E. Brown Jr. Network for Earthquake Engineering Simulation); and the global earthquake monitoring network (Global Seismic Network).

Implementation of NEHRP objectives is accomplished primarily through original research, publications, and recommendations and guidelines for state, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

State Laws, Regulations, and Policies

Alquist–Priolo Earthquake Fault Zoning Act

The Alquist–Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 *et seq.*) was passed to reduce the risk to life and property from surface faulting in California. The Alquist–Priolo Act prohibits construction of most types of structures intended for human occupancy on the surface traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones). It also defines criteria for identifying active faults, giving legal weight to terms such as “active,” and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” Before a project can be permitted, cities and counties are required to have a geologic investigation conducted to demonstrate that the proposed buildings would not be constructed across active faults.

Historical seismic activity and fault and seismic hazards mapping in the project vicinity indicate that the area has relatively low potential for seismic activity (El Dorado County 2003). No active faults have been mapped in the project area, and none of the known faults have been designated as an Alquist-Priolo Earthquake Fault Zone.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690–2699.6) establishes statewide minimum public safety standards for mitigation of earthquake hazards. While the Alquist–Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist–Priolo Act. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other seismic hazards, and cities and counties are required to regulate development within mapped seismic hazard zones. In addition, the act addresses not only seismically induced hazards but also expansive soils, settlement, and slope stability.

Mapping and other information generated pursuant to the SHMA is to be made available to local governments for planning and development purposes. The State requires: (1) local governments to incorporate site-specific geotechnical hazard investigations and associated hazard mitigation, as part of the local construction permit approval process; and (2) the agent for a property seller or the seller if acting without an agent, must disclose to any prospective buyer if the property is located within a Seismic Hazard Zone. Under the Seismic Hazards Mapping Act, cities and counties may withhold the development permits for a site within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans.

California Building Standards Code

Title 24 CCR, also known as the California Building Standards Code (CBC), specifies standards for geologic and seismic hazards other than surface faulting. These codes are administered and updated by the California Building Standards Commission. CBC specifies criteria for open excavation, seismic design, and load-bearing capacity directly related to construction in California.

Discussion: A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
- Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
- Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.

a. **Seismic Hazards:**

i) According to the California Department of Conservation Division of Mines and Geology, there are no Alquist-Priolo fault zones within the west slope of El Dorado County. However, a fault zone has been located in the Tahoe Basin and Echo Lakes area. The West Tahoe Fault runs along the base of the range front at the west side of the Tahoe Basin. The West Tahoe Fault has a mapped length of 45-km. South of Emerald Bay, the West Tahoe Fault extends onshore as two parallel strands. In the lake, the fault has clearly defined scarps that offset submarine fans, lake-bottom sediments, and the McKinney Bay slide deposits (DOC, 2016). There is clear evidence that the discussed onshore portion of the West Tahoe Fault is active with multiple events in the Holocene and poses a surface rupture hazard. However, because of the distance between the project site and these faults, impacts would be less than significant.

- ii) The potential for seismic ground shaking in the project area would be considered remote for the reason stated in Section i) above. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code (UBC). All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone. Impacts would be less than significant.
 - iii) El Dorado County is considered an area with low potential for seismic activity. There are no landslide, liquefaction, or fault zones (DOC, 2007). Impacts would be less than significant.
 - iv) All grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Impacts would be less than significant.
- b. **Soil Erosion:** According to the Geologic Map of Camino, USGS Quadrangle, El Dorado County, California, the predominant onsite soils are classified as Aiken loam. This soil type is prominent in the foothills. Any development activities would need to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance, including the implementation of pre- and post-construction Best Management Practices (BMPs). Implemented BMPs are required to be consistent with the County's California Stormwater Pollution Prevention Plan (SWPPP) issued by the State Water Resources Control Board to eliminate run-off and erosion and sediment controls. Any grading activities exceeding 250-cubic-yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado Grading, Erosion, and Sediment Control Ordinance. Any project construction would require similar review for compliance with the County SWPPP. Impacts would be less than significant. Potential degradation of water quality and soil erosion impacts. If project construction will disturb one-acre or more of soil, the project proponent must obtain a General Permit for discharges of storm water associated with activity from SWRCB. As part of this permit, a SWPPP must be prepared and implemented. The SWPPP must include erosion control measures and construction waste containment measures to ensure that waters of the State are protected during and after project construction. This project would be subject to these standards and requirements. Therefore, this project would have a less than significant impact.
- c. **Geologic Hazards:** Based on the Seismic Hazards Mapping Program administered by the California Geological Survey, no portion of El Dorado County is located in a Seismic Hazard Zone or those areas prone to liquefaction and earthquake-induced landslides (DOC, 2013). Therefore, El Dorado County is not considered to be at risk from liquefaction hazards. Lateral spreading is typically associated with areas experiencing liquefaction. Because liquefaction hazards are not present in El Dorado County, the county is not at risk for lateral spreading. All grading activities would comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. There would be a less than significant impact.
- d. **Expansive Soils:** Expansive soils are those that greatly increase in volume when they absorb water and shrink when they dry out. When buildings are placed on expansive soils, foundations may rise each wet season and fall each dry season. This movement may result in cracking foundations, distortion of structures, and warping of doors and windows. The western portions of the county have a low expansiveness rating. Any development of the site would be required to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance and would be required to implement the Seismic construction standards. There would be a less than significant impact.
- e. **Septic Capability:** The El Dorado County Environmental Management Department (EMD) reviewed the project and determined that the project site meets the requirements to be served by an onsite wastewater treatment system. However, private water well and septic systems are not proposed as part of this project. There would be no impact.

FINDING: A review of the soils and geologic conditions on the project site determined that the project would not result in a substantial adverse effect. All grading activities would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance which would address potential impacts related to soil erosion, landslides and other geologic impacts. The proposed project would be required to comply with the UBC which would address potential seismic related impacts. There would be less than significant impact.

VII. GREENHOUSE GAS EMISSIONS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Background/Science

Cumulative greenhouse gases (GHG) emissions are believed to contribute to an increased greenhouse effect and global climate change, which may result in sea level rise, changes in precipitation, habitat, temperature, wildfires, air pollution levels, and changes in the frequency and intensity of weather-related events. While criteria pollutants and toxic air contaminants are pollutants of regional and local concern (see Section III. Air Quality above); GHG are global pollutants. The primary land-use related GHG are carbon dioxide (CO₂), methane (CH₄) and nitrous oxides (N₂O). The individual pollutant’s ability to retain infrared radiation represents its “global warming potential” and is expressed in terms of CO₂ equivalents; therefore CO₂ is the benchmark having a global warming potential of one. Methane has a global warming potential of 21 and thus has a 21 times greater global warming effect per metric ton of CH₄ than CO₂. Nitrous Oxide has a global warming potential of 310. Emissions are expressed in annual metric tons of CO₂ equivalent units of measure (i.e., MTCO₂e/yr). The three other main GHG are Hydrofluorocarbons, Perfluorocarbons, and Sulfur Hexafluoride. While these compounds have significantly higher global warming potentials (ranging in the thousands), all three typically are not a concern in land-use development projects and are usually only used in specific industrial processes.

GHG Sources

The primary man-made source of CO₂ is the burning of fossil fuels; the two largest sources being coal burning to produce electricity and petroleum burning in combustion engines. The primary sources of man-made CH₄ are natural gas systems losses (during production, processing, storage, transmission and distribution), enteric fermentation (digestion from livestock) and landfill off-gassing. The primary source of man-made N₂O is agricultural soil management (fertilizers), with fossil fuel combustion a very distant second. In El Dorado County, the primary source of GHG is fossil fuel combustion mainly in the transportation sector (estimated at 70% of countywide GHG emissions). A distant second are residential sources (approximately 20%), and commercial/industrial sources are third (approximately seven-percent). The remaining sources are waste/landfill (approximately three-percent) and agricultural (less than one-percent).

Regulatory Setting:

Federal Laws, Regulations, and Policies

At the federal level, USEPA has developed regulations to reduce GHG emissions from motor vehicles and has developed permitting requirements for large stationary emitters of GHGs. On April 1, 2010, USEPA and the National Highway Traffic Safety Administration (NHTSA) established a program to reduce GHG emissions and improve fuel economy standards for new model year 2012-2016 cars and light trucks. On August 9, 2011, USEPA and the NHTSA announced standards to reduce GHG emissions and improve fuel efficiency for heavy-duty trucks and buses.

Federal Laws, Regulations, and Policies

In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the *California Climate Solutions Act of 2006* (Stats. 2006, ch. 488) (Health & Safety Code, Section 38500 et seq.). AB 32 requires a statewide GHG emissions reduction to 1990 levels by the year 2020. AB 32 requires the California Air Resources Board (CARB) to implement and enforce the statewide cap. When AB 32 was signed, California’s annual GHG emissions were estimated at 600 million metric tons of CO₂ equivalent (MMTCO₂e) while 1990 levels were estimated at 427 MMTCO₂e. Setting 427 MMTCO₂e as the emissions target for 2020, current (2006) GHG emissions levels must be reduced by 29%. CARB adopted the AB 32 Scoping Plan in December 2008 establishing various actions the state would implement to achieve this reduction (CARB, 2008). The Scoping Plan recommends a community-wide GHG reduction goal for local governments of 15%.

In June 2008, the California Governor’s Office of Planning and Research’s (OPR) issued a Technical Advisory (OPR, 2008) providing interim guidance regarding a proposed project’s GHG emissions and contribution to global climate change. In the absence of adopted local or statewide thresholds, OPR recommends the following approach for analyzing GHG emissions: Identify and quantify the project’s GHG emissions, assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or Mitigation Measures that would reduce the impact to less than significant levels (CEC, 2006).

Discussion

CEQA does not provide clear direction on addressing climate change. It requires lead agencies identify project GHG emissions impacts and their “significance,” but is not clear what constitutes a “significant” impact. As stated above, GHG impacts are inherently cumulative, and since no single project could cause global climate change, the CEQA test is if impacts are “cumulatively considerable.” Not all projects emitting GHG contribute significantly to climate change. CEQA authorizes reliance on previously approved plans (i.e., a Climate Action Plan (CAP), etc.) and mitigation programs adequately analyzing and mitigating GHG emissions to a less than significant level. “Tiering” from such a programmatic-level document is the preferred method to address GHG emissions. El Dorado County does not have an adopted CAP or similar program-level document; therefore, the project’s GHG emissions must be addressed at the project-level.

Unlike thresholds of significance established for criteria air pollutants in EDCAQMD’s *Guide to Air Quality Assessment* (February 2002) (“CEQA Guide”), the District has not adopted GHG emissions thresholds for land use development projects. In the absence of County adopted thresholds, EDCAQMD recommends using the adopted thresholds of other lead agencies which are based on consistency with the goals of AB 32. Since climate change is a global problem and the location of the individual source of GHG emissions is somewhat irrelevant, it’s appropriate to use thresholds established by other jurisdictions as a basis for impact significance determinations. Projects exceeding these thresholds would have a potentially significant impact and be required to mitigate those impacts to a less than significant level. Until the County adopts a CAP consistent with CEQA Guidelines Section 15183.5, and/or establishes GHG thresholds, the County will follow an interim approach to evaluating GHG emissions utilizing significance criteria adopted by the San Luis Obispo Air Pollution Control District (SLOAPCD) to determine the significance of GHG emissions.

SLOAPCD developed a screening table using CalEEMod which allows quick assessment of projects to “screen out” those below the thresholds as their impacts would be less than significant.

These thresholds are summarized below:

Significance Determination Thresholds	
GHG Emission Source Category	Operational Emissions
Non-stationary Sources	1,150 MTCO ₂ e/yr OR 4.9 MT CO ₂ e/SP/yr
Stationary Sources	10,000 MTCO ₂ e/yr

SP = service population, which is resident population plus employee population of the project

Projects below screening levels identified in Table 1-1 of SLOAPCD’s CEQA Air Quality Handbook (pp. 1-3, SLOAPCD, 2012) are estimated to emit less than the applicable threshold. For projects below the threshold, no further GHG analysis is required.

- a. The proposed project would develop and operate a new 160-foot-tall monopine. The site is currently developed for Sierra Pacific Industries. The potential for future modifications may involve a small increase in GHG production. However, any future modifications would be required to incorporate modern construction and design features that reduce energy consumption to the extent feasible. Implementation of these features would help reduce potential GHG emissions resulting from the proposed project and any future modifications. Therefore, this project would have a less than significant impact to GHG production.
- b. Because any project-related emissions would be below the minimum standard for reporting requirements under AB 32, and because any expected ongoing GHG emissions would not change as a result of this project, the proposed project’s GHG emissions would have a negligible cumulative contribution towards statewide and global GHG emissions. The proposed project would not conflict with the objectives of AB 32 or any other applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Therefore, the proposed project would have no impact.

FINDING: For the Greenhouse Gas Emissions category, there would be no significant adverse environmental effect as a result of the project.

VIII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people				X

residing or working in the project area?				
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Regulatory Setting:

Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations to protect public health and the environment. These regulations provide definitions of hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. The major federal, state, and regional agencies enforcing these regulations are USEPA and the Occupational Safety and Health Administration (OSHA); California Department of Toxic Substances Control (DTSC); California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); California Governor’s Office of Emergency Services (Cal OES); and EDCAPCD.

Federal Laws, Regulations, and Policies

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act; 42 USC Section 9601 *et seq.*) is intended to protect the public and the environment from the effects of past hazardous waste disposal activities and new hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the “Superfund”) for the remediation of hazardous materials contamination. The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) amends some provisions of CERCLA and provides for a Community Right-to-Know program.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act of 1976 (RCRA; 42 USC Section 6901 *et seq.*), as amended by the Hazardous and Solid Waste Amendments of 1984, is the primary federal law for the regulation of solid waste and hazardous waste in the United States. These laws provide for the “cradle-to-grave” regulation of hazardous wastes, including generation, transportation, treatment, storage, and disposal. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of.

USEPA has primary responsibility for implementing RCRA, but individual states are encouraged to seek authorization to implement some or all RCRA provisions. California received authority to implement the RCRA program in August 1992. DTSC is responsible for implementing the RCRA program in addition to California’s own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law.

Energy Policy Act of 2005

Title XV, Subtitle B of the Energy Policy Act of 2005 (the Underground Storage Tank Compliance Act of 2005) contains amendments to Subtitle I of the Solid Waste Disposal Act, the original legislation that created the Underground Storage Tank (UST) Program. As defined by law, a UST is "any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground." In cooperation with USEPA, SWRCB oversees the UST Program. The intent is to protect public health and safety and the environment from releases of petroleum and other hazardous substances from tanks. The four primary program elements include leak prevention (implemented by Certified Unified Program Agencies [CUPAs], described in more detail below), cleanup of leaking tanks, enforcement of UST requirements, and tank integrity testing.

Spill Prevention, Control, and Countermeasure Rule

USEPA's Spill Prevention, Control, and Countermeasure (SPCC) Rule (40 CFR, Part 112) apply to facilities with a single above-ground storage tank (AST) with a storage capacity greater than 660-gallons, or multiple tanks with a combined capacity greater than 1,320-gallons. The rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans.

Occupational Safety and Health Administration

OSHA is responsible at the federal level for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

Federal Communications Commission Requirements

There is no federally mandated radio frequency (RF) exposure standard; however, pursuant to the Telecommunications Act of 1996 (47 USC Section 224), the Federal Communications Commission (FCC) established guidelines for dealing with RF exposure, as presented below. The exposure limits are specified in 47 CFR Section 1.1310 in terms of frequency, field strength, power density, and averaging time. Facilities and transmitters licensed and authorized by FCC must either comply with these limits or an applicant must file an environmental assessment (EA) with FCC to evaluate whether the proposed facilities could result in a significant environmental effect.

FCC has established two sets of RF radiation exposure limits—Occupational/Controlled and General Population/Uncontrolled. The less-restrictive Occupational/Controlled limit applies only when a person (worker) is exposed as a consequence of his or her employment and is "fully aware of the potential exposure and can exercise control over his or her exposure," otherwise the General Population limit applies (47 CFR Section 1.1310). The FCC exposure limits generally apply to all FCC-licensed facilities (47 CFR Section 1.1307[b][1]). Unless exemptions apply, as a condition of obtaining a license to transmit, applicants must certify that they comply with FCC environmental rules, including those that are designed to prevent exposing persons to radiation above FCC RF limits (47 CFR Section 1.1307[b]). Licensees at co-located sites (e.g., towers supporting multiple antennas, including antennas under separate ownerships) must take the necessary actions to bring the accessible areas that exceed the FCC exposure limits into compliance. This is a shared responsibility of all licensees whose transmission power density levels account for five or more percent of the applicable FCC exposure limits (47CFR 1.1307[b][3]).

Code of Federal Regulations (14 CFR) Part 77

14 CFR Part 77.9 is designed to promote air safety and the efficient use of navigable airspace. Implementation of the code is administered by the Federal Aviation Administration (FAA). If an organization plans to sponsor any construction or alterations that might affect navigable airspace, a Notice of Proposed Construction or Alteration (FAA Form 7460-1) must be filed. The code provides specific guidance regarding FAA notification requirements.

State Laws, Regulations, and Policies

Safe Drinking Water and Toxic Enforcement Act of 1986 – Proposition 65

The Safe Drinking Water and Toxic Enforcement Act of 1986, more commonly known as Proposition 65, protects the state's drinking water sources from contamination with chemicals known to cause cancer, birth defects, or other reproductive harm. Proposition 65 also requires businesses to inform the public of exposure to such chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. In accordance with Proposition 65, the California Governor's Office publishes, at least annually, a list of such chemicals. OEHHA, an agency under the California Environmental Protection Agency (CalEPA), is the lead agency for implementation of the Proposition 65 program. Proposition 65 is enforced through the California Attorney General's Office; however, district and city attorneys and any individual acting in the public interest may also file a lawsuit against a business alleged to be in violation of Proposition 65 regulations.

The Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. CalEPA and other state agencies set the standards for their programs, while local governments (CUPAs) implement the standards. For each county, the CUPA regulates/oversees the following:

- Hazardous materials business plans;
- California accidental release prevention plans or federal risk management plans;
- The operation of USTs and ASTs;
- Universal waste and hazardous waste generators and handlers;
- On-site hazardous waste treatment;
- Inspections, permitting, and enforcement;
- Proposition 65 reporting; and
- Emergency response.

Hazardous Materials Business Plans

Hazardous materials business plans are required for businesses that handle hazardous materials in quantities greater than or equal to 55-gallons of a liquid, 500-pounds of a solid, or 200-cubic-feet (cf) of compressed gas, or extremely hazardous substances above the threshold planning quantity (40 CFR, Part 355, Appendix A) (Cal OES, 2015). Business plans are required to include an inventory of the hazardous materials used/stored by the business, a site map, an emergency plan, and a training program for employees (Cal OES, 2015). In addition, business plan information is provided electronically to a statewide information management system, verified by the applicable CUPA, and transmitted to agencies responsible for the protection of public health and safety (i.e., local fire department, hazardous material response team, and local environmental regulatory groups) (Cal OES, 2015).

California Occupational Safety and Health Administration

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations pertaining to the use of hazardous materials in the workplace (CCR Title 8) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about exposure to hazardous substances, and preparation of emergency action and fire prevention plans. Hazard communication program regulations that are enforced by Cal/OSHA require workplaces to maintain procedures for identifying and labeling hazardous substances, inform workers about the hazards associated with hazardous substances and their handling, and prepare health and safety plans to protect workers at hazardous waste sites. Employers must also make material safety data sheets available to employees and document employee information and training programs. In addition, Cal/OSHA has established maximum permissible RF radiation exposure limits for workers (Title 8 CCR Section 5085[b]), and requires warning signs where RF radiation might exceed the specified limits (Title 8 CCR Section 5085 [c]).

California Accidental Release Prevention

The purpose of the California Accidental Release Prevention (CalARP) program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. In accordance with this program, businesses that handle more than a threshold quantity of regulated substance are required to develop a risk management plan (RMP). This RMP must provide a detailed analysis of potential risk factors and associated mitigation measures that can be implemented to reduce accident potential. CUPAs implement the CalARP program through review of RMPs, facility inspections, and public access to information that is not confidential or a trade secret.

California Department of Forestry and Fire Protection Wildland Fire Management

The Office of the State Fire Marshal and the CALFIRE administer state policies regarding wildland fire safety. Construction contractors must comply with the following requirements in the Public Resources Code during construction activities at any sites with forest-, brush-, or grass-covered land:

- Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrester to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442).
- Appropriate fire-suppression equipment must be maintained from April 1 to December 1, the highest-danger period for fires (Public Resources Code Section 4428).
- On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor must maintain the appropriate fire suppression equipment (Public Resources Code Section 4427).
- On days when a burning permit is required, portable tools powered by gasoline fueled internal combustion engines must not be used within 25-feet of any flammable materials (Public Resources Code Section 4431).

California Highway Patrol

CHP, along with Caltrans, enforce and monitor hazardous materials and waste transportation laws and regulations in California. These agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roads. All motor carriers and drivers involved in transportation of hazardous materials must apply for and obtain a hazardous materials transportation license from CHP.

Local Laws, Regulations, and Policies

A map of the fuel loading in the County (General Plan Figure HS-1) shows the fire hazard severity classifications of the SRAs in El Dorado County, as established by CDF. The classification system provides three classes of fire hazards: Moderate, High, and Very High. Fire Hazard Ordinance (Chapter 8.08) requires defensible space as described by the State Public Resources Code, including the incorporation and maintenance of a 30-foot fire break or vegetation fuel clearance around structures in fire hazard zones. The County's requirements on emergency access, signing and numbering, and emergency water are more stringent than those required by state law (Patton 2002). The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

Discussion: A substantial adverse effect due to Hazards or Hazardous Materials would occur if implementation of the project would:

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
- Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
- Expose people to safety hazards as a result of former on-site mining operations.

- a-c. **Hazardous Materials:** The proposed 160-foot-tall monopine project would not involve the routine transportation, use, or disposal of hazardous materials such as construction materials, paints, landscaping materials, and household cleaning supplies. However, the project does include a back-up standby diesel-fuel generator which will house 300-gallons of fuel. This generator does comply with California State requirements for approval via the ministerial eligibility review process pursuant to California Assembly Bill 2421. These requirements include (1) a maximum of 50 horsepower with no more than a 300-gallon fuel tank, (2) mounted on a concrete pad, (3) physical dimensions of both generator and storage tank are cumulatively no more than 250 cubic feet in volume, and (4) sited no more than 100-feet from the monopine. As proposed, the generator will run at a maximum of 49 horsepower and contain no more than 300-gallons of fuel; the generator would be mounted on a concrete pad; the physical dimensions of both the generator and storage tank would be no larger than 250 cubic feet in volume; and the generator will be sited no further than 15-feet from the monopine location. Therefore, the monopine is not expected to result in a substantial impact. Impacts would be less than significant.
- d. **Hazardous Sites:** The project site is not included on a list of or near any hazardous materials sites pursuant to Government Code section 65962.5 (DTSC, 2015). There would be no impact.
- e-f. **Aircraft Hazards, Private Airstrips:** As shown on the El Dorado County Zoning Map, the project is not located within an Airport Safety District combining zone or near a public airport or private airstrip. There would be no impact.
- g. **Emergency Plan:** The project was reviewed by the County’s Department of Transportation (DOT) and the El Dorado County Fire Protection District (EDCFPD) for emergency circulation planning. The Traffic Impact Study (TIS) - Initial Determination and a Fire Safe Plan were both waived and no further studies are required. DOT has identified the need for improvements to the encroachment area accessing Larson Road. The condition of the encroachment area would not conflict with the implementation of any emergency plans. Further, the overall proposed project would not impair implementation of any emergency response plan or emergency evacuation plan. There would be no impacts.
- h. **Wildfire Hazards:** The overall Sierra Pacific Industries site is in an area of very high fire hazard for wildland fire pursuant to Figure 5.8-4 of the 2004 General Plan Draft Environmental Impact Report (EIR). The project site is within the EDCFPD for structural fire protection and emergency medical services. Given the site will be developed within a currently developed industrial site; the addition of the cell tower will result in minimal impacts. With implementation of standard county fire safe requirements and any additional requirements per EDCFPD’s review during the building permit stage, there will be less than significant impacts.

FINDING: For the Hazards and Hazardous Materials category, with the incorporation of standard county requirements, impacts would be less than significant.

IX. HYDROLOGY AND WATER QUALITY. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?				X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a				X

lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or -off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j. Inundation by seiche, tsunami, or mudflow?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

Clean Water Act

The Clean Water Act (CWA) is the primary federal law that protects the quality of the nation’s surface waters, including lakes, rivers, and coastal wetlands. The key sections pertaining to water quality regulation for the Proposed Project are CWA Section 303 and Section 402.

Section 303(d) — Listing of Impaired Water Bodies

Under CWA Section 303(d), states are required to identify “impaired water bodies” (those not meeting established water quality standards), identify the pollutants causing the impairment, establish priority rankings for waters on the list, and develop a schedule for the development of control plans to improve water quality. USEPA then approves the State’s recommended list of impaired waters or adds and/or removes waterbodies.

Section 402—NPDES Permits for Stormwater Discharge

CWA Section 402 regulates construction-related stormwater discharges to surface waters through the NPDES, which is officially administered by USEPA. In California, USEPA has delegated its authority to the State Water Resources Control Board (SWRCB), which, in turn, delegates implementation responsibility to the nine RWQCBs, as discussed below in reference to the Porter-Cologne Water Quality Control Act.

The NPDES program provides for both general (those that cover a number of similar or related activities) and individual (activity- or project-specific) permits. General Permit for Construction Activities: Most construction projects that disturb one or more acre of land are required to obtain coverage under SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). The general permit requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). SWPPP must include a site map and a description of the proposed construction activities, demonstrate compliance with relevant local ordinances and regulations, and present a list of Best Management Practices (BMPs) that will be implemented to prevent soil erosion and protect against discharge of sediment and other construction-related pollutants to surface waters. Permittees are further required to monitor construction activities and report compliance to ensure that BMPs are correctly implemented and are effective in controlling the discharge of construction-related pollutants.

Municipal Stormwater Permitting Program

SWRCB regulates stormwater discharges from municipal separate storm sewer systems (MS4s) through its Municipal Storm Water Permitting Program (SWRCB, 2013). Permits are issued under two phases depending on the size of the urbanized area/municipality. Phase I MS4 permits are issued for medium (population between 100,000 and 250,000 people) and large (population of 250,000 or more people) municipalities, and are often issued to a group of co-permittees within a metropolitan area. Phase I permits have been issued since 1990. Beginning in 2003, SWRCB began issuing Phase II MS4 permits for smaller municipalities (population less than 100,000).

El Dorado County is covered under two SWRCB Regional Boards. The West Slope Phase II Municipal Separate Storm Sewer Systems (MS4) NPDES Permit is administered by the Central Valley Regional Water Quality Control Board (RWQCB) (Region Five). The Lake Tahoe Phase I MS4 NPDES Permit is administered by the Lahontan RWQCB (Region Six). The current West Slope MS4 NPDES Permit was adopted by the SWRCB on February 5, 2013. The Permit became effective on July 1, 2013 for a term of five years and focuses on the enhancement of surface water quality within high priority urbanized areas. The current Lake Tahoe MS4 NPDES Permit was adopted and took effect on December 6, 2011 for a term of five years. The Permit incorporated the Lake Tahoe Total Maximum Daily Load (TMDL) and the Lake Clarity Crediting Program (LCCP) to account for the reduction of fine sediment particles and nutrients discharged to Lake Tahoe.

On May 19, 2015 the El Dorado County Board of Supervisors formally adopted revisions to the Storm Water Quality Ordinance (Ordinance 4992). Previously applicable only to the Lake Tahoe Basin, the ordinance establishes legal authority for the entire unincorporated portion of the County. The purpose of the ordinance is to 1) protect health, safety, and general welfare, 2) enhance and protect the quality of Waters of the State by reducing pollutants in storm water discharges to the maximum extent practicable and controlling non-storm water discharges to the storm drain system, and 3) cause the use of Best Management Practices to reduce the adverse effects of polluted runoff discharges on Waters of the State.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities complying with FEMA regulations that limit development in floodplains. The NFIP regulations permit development within special flood hazard zones provided that residential structures are raised above the base flood elevation of a 100-year flood event. Non-residential structures are required either to provide flood proofing construction techniques for that portion of structures below the 100-year flood

elevation or to elevate above the 100-year flood elevation. The regulations also apply to substantial improvements of existing structures.

State Laws, Regulations, and Policies

Porter–Cologne Water Quality Control Act

The Porter–Cologne Water Quality Control Act (known as the Porter–Cologne Act), passed in 1969, dovetails with the CWA (see discussion of the CWA above). It established the SWRCB and divided the state into nine regions, each overseen by an RWQCB. SWRCB is the primary State agency responsible for protecting the quality of the state’s surface water and groundwater supplies; however, much of the SWRCB’s daily implementation authority is delegated to the nine RWQCBs, which are responsible for implementing CWA Sections 401, 402, and 303[d]. In general, SWRCB manages water rights and regulates statewide water quality, whereas RWQCBs focus on water quality within their respective regions.

The Porter–Cologne Act requires RWQCBs to develop water quality control plans (also known as basin plans) that designate beneficial uses of California’s major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter–Cologne Act, basin plans must be updated every three-years.

Discussion: A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

- Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
 - Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
 - Substantially interfere with groundwater recharge;
 - Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or
 - Cause degradation of groundwater quality in the vicinity of the project site.
- a. **Water Quality Standards:** No waste discharge would occur as part of the monopine project. Erosion control would be required as part of any future building or grading permit. Stormwater runoff from project development would contain water quality protection features in accordance with a potential National Pollutant Discharge Elimination System (NPDES) stormwater permit, as deemed applicable. The project is not anticipated to violate water quality standards. There would be less than significant impacts.
- b. **Groundwater Supplies:** The geology of the Western Slope portion of El Dorado County is principally hard, crystalline, igneous, or metamorphic rock overlain with a thin mantle of sediment or soil. Groundwater in this region is found in fractures, joints, cracks, and fault zones within the bedrock mass. These discrete fracture areas are typically vertical in orientation rather than horizontal as in sedimentary or alluvial aquifers. Recharge is predominantly through rainfall infiltrating into the fractures. Movement of this groundwater is very limited due to the lack of porosity in the bedrock. Wells are typically drilled to depths ranging from 80 to 300-feet in depth. There is no evidence that the project would substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. The project itself would not require any water for operational purposes and is not anticipated to affect potential groundwater supplies above pre-project levels. There would be no impacts.
- c-f. **Drainage Patterns:** No grading is anticipated as part of this proposed project. Construction activities would be required to adhere to the El Dorado County Grading, Erosion Control and Sediment Ordinance.

This includes the use of Best Management Practices (BMPs) to minimize degradation of water quality during project construction. Therefore, this project would result in less than significant impacts.

- g-j. **Flood-related Hazards:** The project site is not located within any mapped 100-year flood areas and would not result in the construction of any structures that would impede or redirect flood flows (FEMA, 2008). The risk of exposure to seiche, tsunami, or mudflows would be remote. Impacts would be less than significant.

FINDING: The project would be required to address any potential changes to the drainage pattern on site during the building permit review process for the project proposal as well as any future modifications of the facility. Therefore, there would be less than significant impact.

X. LAND USE PLANNING. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Regulatory Setting:

California State law requires that each City and County adopt a general plan "for the physical development of the City and any land outside its boundaries which bears relation to its planning." Typically, a general plan is designed to address the issues facing the City or County for the next 15-20 years. The general plan expresses the community's development goals and incorporates public policies relative to the distribution of future public and private land uses. The El Dorado County General Plan was adopted in 2004. The 2013-2021 Housing Element was adopted in 2013.

Discussion: A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
 - Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
 - Result in conversion of undeveloped open space to more intensive land uses;
 - Result in a use substantially incompatible with the existing surrounding land uses; or
 - Conflict with adopted environmental plans, policies, and goals of the community.
- a. **Established Community:** The project is located within the Camino Rural Center and is primarily surrounded by similarly zoned IL properties. The monopine project would not conflict with the existing land use pattern in the area or physically divide an established community. Therefore, there would be no impact.

- b. **Land Use Consistency:** The parcel has a General Plan Land Use Designation of Industrial (I) and zoning designation of IL. The I land use designation provides for a full range of light and heavy industrial uses including manufacturing, processing, distribution, and storage. The proposal to develop and operate a 160-foot-tall monopine is compatible with both the I General Plan land use designation and the IL zone district. There would be no impacts.
- c. **Habitat Conservation Plan:** The project site is not within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or any other conservation plan. As such, the proposed project would not conflict with an adopted conservation plan. Therefore, there would be no impact.

FINDING: The proposed use of the land would be consistent with the Zoning Ordinance and General Plan. There would be no impact to land use goals or standards resulting from the project.

XI. MINERAL RESOURCES. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies apply to mineral resources and the Proposed Project.

State Laws, Regulations, and Policies

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Mining and Geology Board identify, map, and classify aggregate resources throughout California that contain regionally significant mineral resources. Designations of land areas are assigned by CDC and California Geological Survey following analysis of geologic reports and maps, field investigations, and using information about the locations of active sand and gravel mining operations. Local jurisdictions are required to enact planning procedures to guide mineral conservation and extraction at particular sites and to incorporate mineral resource management policies into their general plans.

The California Mineral Land Classification System represents the relationship between knowledge of mineral deposits and their economic characteristics (grade and size). The nomenclature used with the California Mineral Land Classification System is important in communicating mineral potential information in activities such as mineral land classification, and usage of these terms are incorporated into the criteria developed for assigning mineral resource zones. Lands classified MRZ-2 are areas that contain identified mineral resources. Areas classified as MRZ-2a or MRZ-2b (referred to hereafter as MRZ-2) are considered important mineral resource areas.

Local Laws, Regulations, and Policies

El Dorado County in general is considered a mining region capable of producing a wide variety of mineral resources. Metallic mineral deposits, including gold, are considered the most significant extractive mineral resources. Exhibit 5.9-6 shows the MRZ-2 areas within the county based on designated Mineral Resource (-MR) overlay areas. The -MR overlay areas are based on mineral resource mapping published in the mineral land classification reports referenced above. The majority of the county’s important mineral resource deposits are concentrated in the western third of the county.

According to General Plan Policy 2.2.2.7, before authorizing any land uses within the -MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses. Where the affected minerals are of regional significance, the County shall consider the importance of these minerals to their market region as a whole and not just their importance to the County.

Where the affected minerals are of Statewide significance, the County shall consider the importance of these minerals to the State and Nation as a whole. The County may approve the alternative land use if it determines that the benefits of such uses outweigh the potential or certain loss of the affected mineral resources in the affected regional, Statewide, or national market.

Discussion: A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.

a-b. **Mineral Resources.** The project site has not been delineated in the El Dorado County General Plan as a locally important mineral resource recovery site (2003, Exhibits 5.9-6 and 5.9-7). Review of the California Department of Conservation Geologic Map data showed that the project site is not within a mineral resource zone district. There would be no impact.

FINDING: No impacts to mineral resources are expected either directly or indirectly. For this mineral resources category, there would be no impacts.

XII. NOISE. <i>Would the project result in:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise level?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Regulatory Setting:

No federal or state laws, regulations, or policies for construction-related noise and vibration that apply to the Proposed Project. However, the Federal Transit Administration (FTA) Guidelines for Construction Vibration in Transit Noise and Vibration Impact Assessment state that for evaluating daytime construction noise impacts in outdoor areas, a noise threshold of 90 dBA Leq and 100 dBA Leq should be used for residential and commercial/industrial areas, respectively (FTA 2006).

For construction vibration impacts, the FTA guidelines use an annoyance threshold of 80 VdB for infrequent events (fewer than 30 vibration events per day) and a damage threshold of 0.12-inches per second (in/sec) PPV for buildings susceptible to vibration damage (FTA 2006).

Discussion: A substantial adverse effect due to Noise would occur if the implementation of the project would:

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60 dBA CNEL;
- Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3 dBA, or more; or
- Results in noise levels inconsistent with the performance standards contained in Table 130.37.060.1 and Table 130.37.060.2 of the El Dorado County Zoning Ordinance.

TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community/ Rural Centers	Rural Regions	Community/ Rural Centers	Rural Regions	Community/ Rural Centers	Rural Regions
Hourly Leq, dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50

- a. **Noise Exposures:** The proposed project will not expose people to noise levels in excess of standards established in the General Plan or Zoning Ordinance. Project construction may require the use of trucks and other equipment, which may result in short-term noise impacts to surrounding neighbors. These activities would require grading and building permits and would be restricted to construction hours pursuant to the General Plan. The proposed back-up generator would result in noise generation during the irregular use of the generator. The back-up generator would be used during times of rolling power shut-offs to ensure ongoing operations of the cellular facility. Additionally, the back-up generator would run for approximately 15-minutes no more than every 30-days and no less than once every three-months. There could be additional noise associated with any future modifications – additional noise due to modifications may be reviewed per a CUP revision. Therefore, the project is not expected to generate noise levels exceeding the performance standards contained within the Zoning Ordinance. The proposed project would result in less than significant impacts.
- b. **Groundborne Shaking:** The site is currently used for Sierra Pacific Industries. Project construction may generate short-term ground borne vibration or shaking events during project construction. There would be no additional impacts associated with this monopine project.
- c. **Permanent Noise Increases:** The project does include a stand-by emergency generator. This generator would be used during times of power outages and would be tested on a regular basis to ensure safe operation. Regular testing would occur during weekdays between the hours of 7am and 5pm on a frequency of no more than every 30-days and no less than once every three months. This generator would result in additional noise. Noise impacts would occur primarily during times of rolling power shut-off emergencies, to ensure consistent telecommunications coverage. The noise associated with running generators is estimated at a maximum of 61 decibels within seven meters of the generator. Due to the express usage of the generator for emergency power supply of a critical public utility, the impacts can be stated as less than significant. The long term noise associated with the overall communications facility would not be expected to exceed the noise standards contained in the General Plan. There would be less than significant impact as a result of this proposed project.
- d. **Short Term Noise:** The construction noise resulting from any the proposed project may result in short-term noise impacts. These activities would require grading and building permits and would be restricted to construction hours. All construction and operations would be required to comply with the noise performance standards contained in the General Plan. Impacts would be less than significant.
- e-f. **Aircraft Noise:** The project site is not located within an airport land use plan or within two-miles of a public airport or public use airport. There would be no impact.

FINDING: As conditioned and with adherence to County Code, no significant direct or indirect impacts to noise levels are expected. Impacts would be less than significant.

XIII. POPULATION AND HOUSING. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure)?				X
b. Displace substantial numbers of existing housing, necessitating the construction of				X

replacement housing elsewhere?				
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Regulatory Setting:

No federal or state laws, regulations, or policies apply to population and housing and the proposed project.

Discussion: A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- Create substantial growth or concentration in population;
- Create a more substantial imbalance in the County’s current jobs to housing ratio; or
- Conflict with adopted goals and policies set forth in applicable planning documents.

- a. **Population Growth:** The subject parcel is currently not zoned for or developed with residential uses. There would be no impacts.
- b. **Housing Displacement:** The parcel of concern is not zoned for or developed with residential uses. There would be no housing removed or developed as a result of this monopine project. There would be no impact.
- c. **Replacement Housing:** Given there would be no impact to existing housing, the project would not need replacement housing. There would be no impact.

FINDING: The project would not displace housing and there would be no potential for a significant impact due to substantial growth, either directly or indirectly. There would be no impacts.

XIV. PUBLIC SERVICES. <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?				X
d. Parks?				X
e. Other government services?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

California Fire Code

The California Fire Code (Title 24 CCR, Part 9) establishes minimum requirements to safeguard public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings. Chapter 33 of CCR contains requirements for fire safety during construction and demolition.

Discussion: A substantial adverse effect on Public Services would occur if the implementation of the project would:

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department’s/District’s goal of 1.5 firefighters per 1,000 residents and two firefighters per 1,000 residents, respectively;
 - Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff’s Department goal of one sworn officer per 1,000 residents;
 - Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
 - Place a demand for library services in excess of available resources;
 - Substantially increase the local population without dedicating a minimum of five-acres of developed parklands for every 1,000 residents; or
 - Be inconsistent with County adopted goals, objectives or policies.
- a. **Fire Protection:** The EDCFPD provides fire protection to the site and surrounding vicinity. Per the EDCFPD, the project site is located within a Very High Fire Hazard zone; however the proposed project is located within an already developed industrial site which has been confirmed to have existing infrastructure for fire and emergency ingress/egress. Impacts would be less than significant.
- b. **Police Protection:** Police services would continue to be provided by the El Dorado County Sheriff’s Department (EDSO). Operation of a telecommunications facility would not significantly increase demand for law enforcement protection. Impacts would be less than significant.
- c. **Schools:** The project would not result in additional residents or additional students. There would be no impact.
- d. **Parks.** This project would not result in additional residents or regular on-site employees. There would be no impact.
- e. **Government Services.** This project would not result in additional residents or regular on-site employees. No government services would be significantly impacted as a result of the project. Impacts would be less than significant.

FINDING: The project would not result in a significant increase of public services to the project. For this Public Services category, there would be no impacts.

XV. RECREATION.				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would				X

occur or be accelerated?				
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Regulatory Setting:

National Trails System

The National Trails System Act of 1968 authorized The National Trails System (NTS) in order to provide additional outdoor recreation opportunities and to promote the preservation of access to the outdoor areas and historic resources of the nation. The Appalachian and Pacific Crest National Scenic Trails were the first two components, and the System has grown to include 20 national trails.

The National Trails System includes four classes of trails:

1. National Scenic Trails (NST) provide outdoor recreation and the conservation and enjoyment of significant scenic, historic, natural, or cultural qualities. The Pacific Coast Trail falls under this category. The PCT passes through the Desolation Wilderness area along the western plan area boundary.
2. National Historic Trails (NHT) follow travel routes of national historic significance. The National Park Service has designated two National Historic Trail (NHT) alignments that pass through El Dorado County, the California National Historic Trail and the Pony Express National Historic Trail. The California Historic Trail is a route of approximately 5,700-miles including multiple routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon. The Pony Express NHT commemorates the route used to relay mail via horseback from Missouri to California before the advent of the telegraph.
3. National Recreation Trails (NRT) are in, or reasonably accessible to, urban areas on federal, state, or private lands. In El Dorado County there are five NRTs.

State Laws, Regulations, and Policies

The California Parklands Act

The California Parklands Act of 1980 (Public Resources Code Section 5096.141-5096.143) recognizes the public interest for the state to acquire, develop, and restore areas for recreation and to aid local governments to do the same. The California Parklands Act also identifies the necessity of local agencies to exercise vigilance to see that the parks, recreation areas, and recreational facilities they now have are not lost to other uses.

The California state legislature approved the California Recreational Trail Act of 1974 (Public Resources Code Section 2070-5077.8) requiring that the Department of Parks and Recreation prepare a comprehensive plan for California trails. The California Recreational Trails Plan is produced for all California agencies and recreation providers that manage trails. The Plan includes information on the benefits of trails, how to acquire funding, effective stewardship, and how to encourage cooperation among different trail users.

The 1975 Quimby Act (California Government Code Section 66477) requires residential subdivision developers to help mitigate the impacts of property improvements by requiring them to set aside land, donate conservation easements, or pay fees for park improvements. The Quimby Act gave authority for passage of land dedication ordinances to cities and counties for parkland dedication or in-lieu fees paid to the local jurisdiction. Quimby exactions must be roughly proportional and closely tied (nexus) to a project's impacts as identified through traffic studies required by CEQA. The exactions only apply to the acquisition of new parkland; they do not apply to the physical development of new park facilities or associated operations and maintenance costs.

The County implements the Quimby Act through §16.12.090 of the County Code. The County Code sets standards for the acquisition of land for parks and recreational purposes, or payments of fees in lieu thereof, on any land subdivision. Other projects, such as ministerial residential or commercial development, could contribute to the demand for park and recreation facilities without providing land or funding for such facilities.

Local Laws, Regulations, and Policies

The 2004 El Dorado County General Plan Parks and Recreation Element establishes goals and policies that address needs for the provision and maintenance of parks and recreation facilities in the county, with a focus on providing recreational opportunities and facilities on a regional scale, securing adequate funding sources, and increasing tourism and recreation-based businesses. The Recreation Element describes the need for 1.5-acres of regional parkland, 1.5-acres of community parkland, and two-acres of neighborhood parkland per 1,000 residents. Another 95-acres of park land are needed to meet the General Plan guidelines.

Discussion: A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

- Substantially increase the local population without dedicating a minimum of five-acres of developed parklands for every 1,000 residents; or
 - Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.
- a. **Parks.** The proposed monopine project would not result in a local population increase. Therefore, the project would not increase the use of parks and recreational facilities. There would be no impacts.
- b. **Recreational Services.** The project would not include additional recreation services or sites as part of the project. There would be no impacts.

FINDING: No significant impacts to open space or park facilities would result as part of the project. There would be no impacts.

XVI. TRANSPORTATION/TRAFFIC. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) (Vehicle Miles Traveled)?			X	
c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d. Result in inadequate emergency access?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies apply to transportation/traffic and the Proposed Project.

State Laws, Regulations, and Policies

Caltrans manages the state highway system and ramp interchange intersections. This state agency is also responsible for highway, bridge, and rail transportation planning, construction, and maintenance.

Local Laws, Regulations, and Policies

Starting on July 1, 2020, automobile delay and level of service (LOS) may no longer be used as the performance measure to determine the transportation impacts of land development under CEQA. Instead, an alternative metric that supports the goals of SB 743 legislation will be required. The use of vehicle miles traveled (VMT) has been recommended by the Governor's Office of Planning and Research (OPR) and is cited in the CEQA Guidelines as the most appropriate measure of transportation impacts (Section 15064.3(a)).

The intent of SB743 is to bring CEQA transportation analysis into closer alignment with other statewide policies regarding greenhouse gases, complete streets, and smart growth. Using VMT as a performance measure, instead of LOS, is intended to discourage suburban sprawl, reduce greenhouse gas emissions, and encourage the development of smart growth, complete streets, and multimodal transportation networks.

El Dorado County Department of Transportation (DOT) adopted VMT screening thresholds through Resolution 141-2020 on October 6, 2020. The County significance threshold is 15%, as recommended by OPR's Technical Advisory, below baseline for residential projects. There is a presumption of less than significant impact for projects that generate or attract less than 100 trips per day, consistent with OPR's determination of projects that generate or attract fewer than 110 trips per day, and further reduced to 100 to remain consistent with the existing thresholds in General Plan Policy TC-Xe. Access to the project site would be provided by existing driveways for each resulting parcel.

Discussion: A substantial adverse effect on Transportation would occur if the implementation of the project would:

- Conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) (Vehicle Miles Traveled); or
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Result in inadequate emergency access.

a. **Conflicts with a Transportation Plan, Policy or Ordinance:** No substantial traffic increases would result from the proposed project. Access to the monopine would be from a currently existing encroachment onto Carson Road. DOT reviewed the project and determined that a Transportation Impact Study (TIS) and On-Site Transportation Review were not required, and both the TIS and OSTR were waived. Trip generation from the properties (four primary residences and four secondary residences) using the ITE Trip Generation Manual, 10th Edition is less than 100 trips daily. This is presumed to have less than significant transportation impacts, per El Dorado County Resolution 141-2020. The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant.

b. **Vehicle Miles Travelled (VMT):** The proposed project would develop a single monopine telecommunications facility. Trip generation from the property using the ITE Trip Generation Manual, 10th Edition is less than 100 trips daily. The monopine would result in regular maintenance trips. These maintenance trips would occur at least once every three months, and at most once per month. This is

presumed to have less than significant transportation impacts, per El Dorado County Resolution 141-2020. Impacts would be less than significant.

- c. **Design Hazards:** The design and location of the project is not anticipated to create any hazards. The existing project site is developed for Sierra Pacific Industries, LLC. The current access point has been conditioned by DOT to be improved along the area of encroachment onto Carson Road as the current driveway is near the point of failure. Future road or driveway improvements would require a grading permit. DOT reviewed the project and provided no additional comments or concerns. The impact for design hazards would be less than significant.
- d. **Emergency Access:** The project site is located within a large overall developed site operated by Sierra Pacific Industries, LLC. DOT has identified the need for improvements to the encroachment area accessing Larson Road. With adherence to DOT’s condition of approval, the encroachment area would not conflict with emergency access. Impacts would be less than significant.

FINDING: The project would not conflict with applicable General Plan policies regarding effective operation of the County circulation system. Further, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) (Vehicle Miles Traveled). The project would not create any road hazards or affect road safety and would not result in inadequate emergency access. For this Transportation category, the threshold of significance would not be exceeded and impacts would be less than significant.

XVII. TRIBAL CULTURAL RESOURCES. <i>Would the project: Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies apply to Tribal Cultural Resources (TCRs) and the Proposed Project.

State Laws, Regulations, and Policies

Assembly Bill (AB) 52

AB 52, which was approved in September 2014 and effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. The bill, chaptered in CEQA Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

1. Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

- a. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- b. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TRCs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

Discussion:

In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a TCR significant or important. To be considered a TCR, a resource must be either: (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or: (2) a resource that the lead agency chooses, in its discretion, to treat as a TCR and meets the criteria for listing in the state register of historic resources pursuant to the criteria set forth in Public Resources Code Section 5024.1(c). A substantial adverse change to a TCR would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a TCR such that the significance of the resource would be materially impaired

a-b. **Tribal Cultural Resources.** At the time of the application request, seven Tribes: Colfax-Todds Valley Consolidated Tribe, Ione Band of Miwok Indians, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, Shingle Springs Band of Miwok Indians, T’si-Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, Washoe Tribe of California and Nevada, had requested to be notified of proposed projects for consultation in the project area. Consultation notices were sent to each consulting tribe on February 7, 2022 in accordance with the provisions of Assembly Bill 52. Staff had not received a response within a 30-day period from the date of staff’s consultation notice. As such, AB52 consultation has been closed. Pursuant to the records search conducted at the North Central Information Center on August 25, 2021, the proposed project area contains zero prehistoric-period resources and zero historic-period cultural resources. Additionally, two cultural resources study reports conducted within 1/8-mile radius of the site. There are zero cultural resources study reports conducted within the project site. Outside of the project area, but within the ¼ mile radius of the geographic area, a broader search area contains zero prehistoric-period resources and one historic-period cultural resource. There is low potential for locating prehistoric-

period cultural resources in the immediate vicinity. There is low potential for locating historic-period cultural resources in the immediate vicinity. The project site is not known to contain either Tribal Cultural Resources (TCRs) or historic-period resources. There is potential for discovering unknown resources, including human remains, during all project construction activities. The project has been conditioned with standard county conditions concerning the find of tribal cultural resources, including human remains. Therefore, the project would result in less than significant impacts.

FINDING: No Tribal Cultural Resources (TCRs) are known to exist on the project site and conditions of approval have been included to ensure protection of TCRs if discovered during project construction activities. As a result, the proposed project would not cause a substantial adverse change to any known TCRs. The impacts would be less than significant.

XVIII. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

Energy Policy Act of 2005

The Energy Policy Act of 2005, intended to reduce reliance on fossil fuels, provides loan guarantees or tax credits for entities that develop or use fuel-efficient and/or energy efficient technologies (USEPA, 2014). The act also increases the amount of biofuel that must be mixed with gasoline sold in the United States (USEPA, 2014).

State Laws, Regulations, and Policies

California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act of 1989 (Public Resources Code, Division 30) requires all California cities and counties to implement programs to reduce, recycle, and compost wastes by at least 50-percent by 2000 (Public Resources Code Section 41780). The state, acting through the California Integrated Waste Management Board (CIWMB), determines compliance with this mandate. Per-capita disposal rates are used to determine whether a jurisdiction's efforts are meeting the intent of the act.

California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act of 1991 (Public Resources Code Sections 42900-42911) requires that all development projects applying for building permits include adequate, accessible areas for collecting and loading recyclable materials.

California Integrated Energy Policy

Senate Bill 1389, passed in 2002, requires the California Energy Commission (CEC) to prepare an Integrated Energy Policy Report for the governor and legislature every two-years (CEC 2015a). The report analyzes data and provides policy recommendations on trends and issues concerning electricity and natural gas, transportation, energy efficiency, renewable energy, and public interest energy research (CEC 2015a). The 2014 Draft Integrated Energy Policy Report Update includes policy recommendations, such as increasing investments in electric vehicle charging infrastructure at workplaces, multi-unit dwellings, and public sites (CEC 2015b).

Title 24–Building Energy Efficiency Standards

Title 24 Building Energy Efficiency Standards of the California Building Code are intended to ensure that building construction, system design, and installation achieve energy efficiency and preserve outdoor and indoor environmental quality (CEC 2012). The standards are updated on an approximately three-year cycle. The 2013 standards went into effect on July 1, 2014.

Urban Water Management Planning Act

California Water Code Sections 10610 *et seq.* requires that all public water systems providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000-acre-feet per year (AFY), prepare an urban water management plan (UWMP).

Other Standards and Guidelines

Leadership in Energy & Environmental Design

Leadership in Energy & Environmental Design (LEED) is a green building certification program, operated by the U.S. Green Building Council (USGBC) that recognizes energy efficient and/or environmentally friendly (green) components of building design (USGBC, 2015). To receive LEED certification, a building project must satisfy prerequisites and earn points related to different aspects of green building and environmental design (USGBC, 2015). The four levels of LEED certification are related to the number of points a project earns: (1) certified (40–49 points), (2) silver (50–59 points), (3) gold (60–79 points), and (4) platinum (80+ points) (USGBC, 2015). Points or

credits may be obtained for various criteria, such as indoor and outdoor water use reduction, and construction and demolition (C&D) waste management planning. Indoor water use reduction entails reducing consumption of building fixtures and fittings by at least 20% from the calculated baseline and requires all newly installed toilets, urinals, private lavatory faucets, and showerheads that are eligible for labeling to be WaterSense labeled (USGBC, 2014). Outdoor water use reduction may be achieved by showing that the landscape does not require a permanent irrigation system beyond a maximum two-year establishment period, or by reducing the project's landscape water requirement by at least 30% from the calculated baseline for the site's peak watering month (USGBC, 2014). C&D waste management points may be obtained by diverting at least 50% of C&D material and three material streams, or generating less than 2.5-pounds of construction waste per square foot of the building's floor area (USGBC, 2014).

Discussion: A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

- Breach published national, state, or local standards relating to solid waste or litter control;
 - Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
 - Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or
 - Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.
- a. **Wastewater Requirements:** The project would not require wastewater service. There would be no impact.
- b. **Construction of New Facilities:** Development of the proposed monopine would not require the construction of new utility facilities. There would be no impact.
- c. **New Stormwater Facilities:** The project does not propose any new drainage facilities. Any possible future drainage facilities serving the proposed project would be built in conformance with the County of El Dorado Drainage Manual, as determined by Development Services standards, during associated grading and building permit processes. The impacts would be less than significant.
- d. **Sufficient Water Supply:** The monopine does not require water for ongoing operations. There would be no impact.
- e. **Adequate Wastewater Capacity:** The project does not involve wastewater. As discussed in (a.), the project would not require sanitation service. There would be no impacts.
- f-g. **Solid Waste Disposal and Requirements:** El Dorado Disposal distributes municipal solid waste to Forward Landfill in Stockton and Kiefer Landfill in Sacramento. Pursuant to El Dorado County Environmental Management Solid Waste Division staff, both facilities have sufficient capacity to serve the County. Recyclable materials are distributed to a facility in Benicia and green wastes are sent to a processing facility in Sacramento. County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting and loading of solid waste and recyclables. This project does not propose to add any activities that would generate substantial additional solid waste, as a monopine facility would generate minimal amounts of solid waste for disposal. This impact would be less than significant.

FINDING: No significant utility and service system impacts would be expected with the project, either directly or indirectly. Impacts would be less than significant.

XIV. MANDATORY FINDINGS OF SIGNIFICANCE. <i>Does the project:</i>
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	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion

a. No substantial evidence contained in the project record has been found that would indicate that this project would have the potential to significantly degrade the quality of the environment. There are no project impacts which would result in significant impacts. With adherence to County permit requirements and mitigation measures as applied, this project would not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of California history or pre-history. Any impacts from the project would be less than significant due to the design of the project, conditions of approval, and required standards that would be implemented with the building permit processes and/or any required project specific improvements on the property.

b. Cumulative impacts are defined in Section 15355 of the California Environmental Quality Act (CEQA) Guidelines as *two or more individual effects, which when considered together, would be considerable or which would compound or increase other environmental impacts.*

The project would not involve development or changes in land use that would result in cumulative impacts. Due to the small size of the proposed project and types of activities proposed, which have been disclosed in the Project Description and analyzed in Items I through XVIII, there would be no significant impacts anticipated related to agriculture resources, air quality, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, traffic/transportation, or utilities/service systems that would combine with similar effects such that the project’s contribution would be cumulatively considerable. For these issue areas, either no impacts, or less than significant impacts would be anticipated.

As outlined and discussed in this document, as conditioned and with compliance to County Codes, this project would be anticipated to have a less than significant project-related environmental effect which

would cause substantial adverse effects on human beings, either directly or indirectly. Based on the analysis in this study, it has been determined that the project would have less than significant cumulative impacts.

- c. Based on the discussion contained in this document, no potentially significant impacts to human beings are anticipated to occur with respect to potential project impacts. The project would not include any physical changes to the site, and any modifications or physical changes would require review and permitting through the County. Adherence to these standard conditions would be expected to reduce potential impacts to a less than significant level.

FINDINGS: It has been determined that the proposed project would not result in significant environmental impacts. The project would not exceed applicable environmental standards, nor significantly contribute to cumulative environmental impacts.

SUPPORTING INFORMATION SOURCE LIST

- CAPCOA Guide (August 2010): <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-QuantificationReport-9-14-Final.pdf>
- California Air Resources Board (CARB). (2008). *Climate Change Scoping Plan*. Available at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf
- California Attorney General's Office. (2010). Addressing Climate Change at the Project Level. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf
- California Department of Conservation (CDC). (2008). *Farmland Mapping and Monitoring Program: El Dorado County Important Farmland 2008*. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2008/eld08.pdf>.
- California Department of Conservation (CDC). (2013a). Important Farmland Categories webpage. Available online at: www.conservation.ca.gov/dlrp/fmmp/mccu/Pages/map_categories.aspx.
- California Department of Conservation (CDC). (2013b). The Land Conservation Act. Available online at: www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx.
- California Department of Toxic Substances Control (DTSC). (2015). *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*. Retrieved April 15, 2015 from http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.
- California Energy Commission. (2006). *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004, Staff Final Report*. Publication CEC-600-2006-013-SF.
- California Department of Transportation (Caltrans). (2015). Scenic Highway Program FAQs: Caltrans Landscape Architecture Program. Retrieved February 27, 2015 from www.dot.ca.gov/hq/LandArch/scenic/faq.htm.
- California Department of Transportation (Caltrans). (2013). *California Scenic Highway Program, Officially Designated State Scenic Highways*. Retrieved April 8, 2015 from <http://www.dot.ca.gov/hq/LandArch/scenic/schwyt.htm>.
- California Geological Survey. (2016). Alquist-Priolo Earthquake Fault Zone Maps. Retrieved October 4, 2016 from <http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>.
- California Geological Survey. (2013). Seismic Hazards Zonation Program. Retrieved April 15, 2015 from <http://www.conservation.ca.gov/cgs/shzp/Pages/affected.aspx>.
- California Code of Regulations. *Guidelines for Implementation of the California Environmental Quality Act*. Title 14, Section 15000, et seq. 14 CCR 15000
- California Office of Emergency Services. 2015. Business Plan/EPCRA 312. Available online at: www.caloes.ca.gov/for-businesses-organizations/plan-prepare/hazardousmaterials/hazmat-business-plan.
- El Dorado County. (2003). *El Dorado County General Plan Draft Environmental Impact Report*. State Clearinghouse No. 2001082030. Placerville, CA: El Dorado County Planning Services.
- El Dorado County. (2015). *El Dorado County General Plan: A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief*. Placerville, CA: El Dorado County Planning Services.
- El Dorado County. (2005, July 21). Asbestos Review Areas, Western Slope, El Dorado County, California. Available at: < <http://www.edcgov.us/Government/AirQualityManagement/Asbestos.aspx>>.

- El Dorado County Air Quality Management District (AQMD). (2000). *Rules and Regulations of the El Dorado County Air Quality Management District*. Retrieved April 15, 2015 from <http://www.arb.ca.gov/DRDB/ED/CURHTML/R101.HTM>.
- El Dorado County Air Quality Management District (AQMD). (2002). *Guide to Air Quality Assessment: Determining the Significance of Air Quality Impacts Under the California Environmental Quality Act*. Retrieved from http://www.edcgov.us/Government/AirQualityManagement/Guide_to_Air_Quality_Assessment.aspx.
- El Dorado County Geographic Information System (GIS) Data. Placerville, CA: Esri ArcGIS. Available: El Dorado County controlled access data GISDATA\LIBRARIES.
- El Dorado County Transportation Commission. (2012). *El Dorado County Airport Land Use Compatibility Plan*. Retrieved from <http://www.edctc.org/2/Airports.html>.
- Federal Emergency Management Agency (FEMA). (2008). FEMA Map Service Center, Current FEMA Issued Flood Maps: El Dorado County, California, unincorporated area, no. 06017C1025E. Available at: <http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=94926033&IFIT=1>.
- Governor's Office of Planning and Research (OPR). (2008, June 19). *Technical advisory: CEQA and climate change: Addressing climate change through California Environmental Quality Act Review*. Available at: Sacramento, CA. <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>.
- Sacramento Metropolitan Air Quality Management District (SMAQMD). (2010). Construction GHG Emissions Reductions. Available at: <http://airquality.org/ceqa/cequguideupdate/Ch6FinalConstructionGHGReductions.pdf>
- State Water Resources Control Board (SWRCB). (2013). Storm Water Program, Municipal Program. Available online at: www.waterboards.ca.gov/water_issues/programs/stormwater/municipal.shtml.
- National Earthquake Hazards Reduction Program (NEHRP). (2009). Background and History. Available online at: www.nehrp.gov/about/history.htm.
- San Luis Obispo County Air Pollution Control District (SLOAPCD). (2012, April). A Guide for Assessing The Air Quality Impacts For Projects Subject To CEQA Review. Available at http://www.slocleanair.org/images/cms/upload/files/CEQA_Handbook_2012_v1.pdf.
- United States Department of Agriculture (USDA) Soil Conservation Service and Soil Service. (1974). *Soil Survey of El Dorado Area, California*. Retrieved April 10, 2015 from http://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/el_doradoCA1974/EDA.pdf
- U.S. Environmental Protection Agency. (2014). Summary of the Energy Policy Act. Available online at: www2.epa.gov/laws-regulations/summary-energy-policy-act.
- U.S. Environmental Protection Agency. (2015). The Green Book Nonattainment Areas for Criteria Pollutants. Available online at: www.epa.gov/airquality/greenbook.
- U.S. Green Building Council (USGBC). (2014). LEED v4 for Building Design and Construction Addenda. Updated October 1, 2014. Available online at: www.usgbc.org/resources/leed-v4-building-design-and-construction-redline-current-version.
- U.S. Green Building Council (USGBC). (2015). LEED Overview. Available online at: www.usgbc.org/leed.