## **MITIGATED NEGATIVE DECLARATION**

FILE: P23-0007

PROJECT NAME Gerken Parcel Map

NAME OF APPLICANT: Shirley Gerken

ASSESSOR'S PARCEL NO.: 102-200-025 SECTION: 19 T: 10N R: 9E, MDM

**LOCATION:** The project is located at the intersection of Deer Valley Road and Fawn Way within the vicinity of the Cameron Park Community Region.

GENERAL PLAN AMENDMENT: FROM: TO:

**REZONING:** FROM: TO:

 $\square$  TENTATIVE PARCEL MAP  $\square$  SUBDIVISION:

SUBDIVISION (NAME):

SPECIAL USE PERMIT TO ALLOW:

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 with incorporated mitigation measures. Based on this finding, the Planning Department hereby prepares this MITIGATED NEGATIVE DECLARATION. A period of twenty (20) days from the date of filing this mitigated 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 Mitigated Negative Declaration was adopted by the *hearing body* on *month/day/year*.

Executive Secretary



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

Project Title: P23-0007/Gerken Tentative Parcel Map

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

Contact Person: Timothy Pitt, Senior Planner Phon

**Phone Number:** (530) 621-6565

Owner's Name and Address: Shirley Gerken, 2680 Fawn Way, Rescue, CA 95672

Applicant's Name and Address: Mathis Land Surveying, c/o Juanita Mathis, 5020 Ellinghouse Dr., Cool, CA 95614

**Project Location:** The project is located at the intersection of Deer Valley Road and Fawn Way within the vicinity of the Cameron Park Community Region.

Assessor's Parcel Number: 102-200-025 Acres: 21.91 acres

**Sections: S:** 19 **T:** 10N **R:** 9E

General Plan Designation: Low Density Residential (LDR)

Current Zoning: Residential Estate – Five Acre (RE-5)

**Description of Project:** A request for a Tentative Parcel Map to subdivide an approximately 21.91-acre parcel into two parcels as follows: approximately 10.08 acres (Parcel One) and approximately 11.35 acre (Parcel Two) (Attachment F). The project parcel is partially developed, with one (1) primary residence and one (1) hardship mobile home. Access to both proposed parcels would be from Fawn Way (privately maintained roadway) which services the current 21.91-acre parcel only. Fawn Way connects to Deer Valley Road (county-maintained roadway) via an intersection existing near the southwestern corner of proposed parcel two. Electric utility service would continue to be provided by Pacific Gas & Electric (PG&E). The project proposes to continue maintaining well water and septic sanitation system which provides water and sanitation to both existing residences. No new on-site improvements or residential developments are proposed as a part of this application. Any future development would be reviewed at time of building permit submittal. No trees are proposed for removal at this time. The vegetation communities on the project site are classified as Oak Woodlands and Forests as well as Chaparral and developed disturbed habitat.

Environmental Setting: The subject parcel is an approximately 21.91-acre partially developed parcel located in the western slope of the Sierra Nevada Mountains at an elevation of approximately 1,050-feet to 1,290-feet above mean sea level. The topography of the project parcel reduces in elevation from the northern property line to the southern portion of the property. The southern portion of the project site is mostly flat. Soils on the project site includes Rescue very stony sandy loam (RfD), 15 to 30 percent slopes, Rescue extremely stony sandy loam (RgE2), eroded 3 to 50 percent slopes, and Rescue very stony sandy loam (RfC), 3 to 15 percent slopes. The vegetation communities on the project site includes Oak Woodlands and Forests as well as Chaparral and Developed Disturbed Habitat. The project site contains one freshwater forested/shrub wetland, which corresponds to the Sweetwater Creek corridor. The project parcel includes approximately 1.29 acres of residentially developed space, with the leftover lot area containing undeveloped open space. A Biological Resources Assessment and Botanical Field Survey dated March 30, 2023, was prepared by Graening and Associates, LLC (Attachment G). No oak trees are proposed for removal but could potentially be impacted by future site development. Special status plant species as listed in either the state or federal Endangered Species Acts were not found on the project site. There is a recorded occurrence of El Dorado Mule's Ears in the eastern portion of the project site, although the exact location is unknown. The occurrence of El Dorado Mule's Ears was not observed on the project parcel. The site provides potential habitat for other special status plant species which were not observed on site at the time of the plant survey. Additionally, various special-status fauna species have potential to occur on the project site none were observed during site visits. The adjacent-neighboring parcels to the south and west are zoned as Residential Estate – Ten Acre (RE-10); to the north and east is zoned as Residential Estate – Five Acres (RE-5). These surrounding properties are primarily developed for residential uses, but also include limited 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. Cameron Park 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 (SSBMI), 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 September 28, 2023. Staff received a response from the SSBMI on October 25, 2023. Staff sent the biological report, cultural resources assessment, cultural resources record search, and site plan on October 26, 2023. Planning staff had not received a response regarding SSBMI's consultation review and sent a request for follow-up on November 28, 2023. Staff sent another follow-up request to the SSBMI on December 21, 2023. As staff had not received a response from the SSBMI upon January 21, 2024, staff closed AB52 consultation review. Pursuant to the records search conducted at the North Central Information Center (NCIC) on July 25, 2022, the proposed project area contains zero indigenous resources and zero historic-period cultural resources. Zero cultural resources study reports covering any portion of the site are on file with the NCIC. Outside of the project area, but within the <sup>1</sup>/<sub>4</sub> mile radius of the geographic area, a broader search area contains one indigenous resource and two historic-period cultural resources. Additionally, four cultural resource study reports are on file which covers a portion of the broader search area. There is moderate potential for locating indigenous cultural resources in the immediate vicinity. There is moderate 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.

## 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
X	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.

For:

Date:

For:

Date:

<u>Printed Name</u>

Signature:

<u>74</u>

Printed Name

Ande Flower, Current Planning Manager

Timothy C. Pitt, Senior Planner

El Dorado County

El Dorado County

Signature:

11/15/2024

## 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 a tentative parcel map subdividing a partially developed approximately 21.91-acre parcel into two parcels as follows: approximately 10.08 acres (Parcel One) and approximately 11.35 acres (Parcel Two).

Throughout this Initial Study, please reference the following Attachments:

Attachment A: Vicinity Map Attachment B: Aerial Map Attachment C: General Plan Land Use Map Attachment D: Zoning Map Attachment E: Assessor's Parcel Map Attachment F: Tentative Parcel Map Attachment G: Biological Resources Assessment

#### Project Location and Surrounding Land Uses

The project is located at the intersection between Deer Valley Road and Fawn Way north of the Cameron Park Community Region. The adjacent-neighboring parcels to the south and west are zoned as RL-10; parcels to the north and east are zoned as RE-5. These surrounding properties are primarily developed for residential uses, but also include limited agricultural uses.

#### Project Characteristics

## 1. Transportation/Circulation/Parking

The project was reviewed by the El Dorado County Department of Transportation (DOT). Each of the proposed parcels would take access from Fawn Way, a privately maintained roadway, which connects to Deer Valley Road, a county-maintained roadway. Fawn Way is a 25-foot-wide right of way, which meets the right of way standards of El Dorado County DOT. No off-site improvements of the right of way would be required as a result of this project.

## 2. Utilities and Infrastructure

The El Dorado County Environmental Management Department (EMD) reviewed the project. The site has adequate well water access. Both proposed parcels include a septic system per prior approved permits and have been found adequate for septic developments. For electricity the parcels are connected to service provided by Pacific Gas & Electric (PG&E).

## 3. Construction Considerations

No construction is proposed as a part of the project. Any construction which may occur on site would be reviewed per future building permit submittals and/or any required entitlement permit applications. The proposed parcels would maintain a RE-5 zoning designation, which allows for single-family residential development. Any future construction activities, such as single-family dwelling units and accessory structures, would be completed in conformance with applicable agency requirements, and subject to a building permit 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 follow the 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**

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I.	. AESTHETICS. Would the project:					
		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.

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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. Scenic Vista:** There are no scenic vistas visible from the project site or from adjacent properties. Views of the project site would be consistent with other parcels in the vicinity. The existing visual character of the site is that of a developed parcel with one (1) single-family residence and one (1) temporary hardship mobile home as well as associated accessory structures. No substantial changes to the natural landscape will occur. There would be **no impact** on a scenic vista.
- **b. Scenic Resources:** The project site is not within the viewshed of an officially designated state scenic highway. The project site is developed with residential uses and does not include any scenic resources as defined in the General Plan. The project would not substantially damage scenic resources such as trees, rock outcroppings, or historic buildings. There would be **no impact** to scenic resources.
- c. Visual Character: The subject parcel is surrounded by other single-family homes on similarly zoned parcels. Each proposed parcel would have the capacity for one (1) accessory dwelling unit (ADU) and associated accessory structures. However, the potential ADU's would be consistent with the visual character in the vicinity of the subject parcel and would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Any potential impacts would be **less than significant**.
- **d.** Light and Glare: The subject parcel is currently developed with one (1) single-family residence and one (1) temporary hardship mobile home as well as associated accessory structures. Light sources in the vicinity of the project site are typical of a rural residential environment and sources of glare are minimal. The project does not propose to construct any new structures which would provide new light sources, but should future development occur, any future development would be required to comply with the County Lighting Ordinance requirements (Section 130.34.020) including the shielding of lights to avoid potential glare. Any potential impacts would be **less than significant**.
- **<u>FINDING</u>**: With adherence to El Dorado County Code of Ordinances (County Code), for this Aesthetics category, any potential impact would be **less than significant**.

**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 resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by California

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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: Less than Potentially Less Than Significant No Significant Significant with Impact Impact Impact Mitigation Convert Prime Farmland, Unique Farmland, a. Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as Х shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? Conflict with existing zoning for agricultural b. Х use, or a Williamson Act Contract? Conflict with existing zoning for, or cause c. rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Х Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Result in the loss of forest land or conversion d. Х of forest land to non-forest use? e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Х Farmland, to non-agricultural use or conversion of forest land to non-forest use?

## **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 longterm 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.

> Parcel Map P23-0007 Gerken Parcel Map APN: 102-200-025

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*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. **Farmland Mapping and Monitoring Program:** The site is zoned as Residential Estate 5 Acres (RE-5). The site is not designated as farmland of local or state importance. There would be **no impact**.
- **b.** Agricultural Uses: The property is not located within an agricultural district nor within a Williamson Act Contract. None of the proposed parcels would include 10 or greater acres of total lot area. All of the proposed parcels are located in a rural region north of the Cameron Park Community Region. The project would have **no 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.
- **<u>FINDING</u>**: For this Agriculture category, the project will not convert farmland or forestland to non-farm or non-forest uses. The proposed parcels will retain the RE-5 zoning designations and there will be no change to the allowed agricultural uses on the parcel or the potential for important farmland to be converted to another use. Any potential impact would be **less than significant**.

 III. AIR QUALITY. Would the project:
 Potentially
 Less than
 No

 Significant
 Impact
 Significant
 Impact
 No

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		with Mitigation		
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	
с.	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:**

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, NOx, 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. Any activities associated with future plans for grading and 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. The potential impacts of the project would be **less than significant**.

- **b-c.** Air Quality Standards and Cumulative Impacts: No construction is proposed as part of the project. There is the potential for future development on the lots for construction of additional residential structures as well as accessory structures. Although this would contribute air pollutants due to construction and possible additional vehicle trips to and from the site, 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. The El Dorado County Air Quality Management District (AQMD) reviewed the project and determined that the project is not expected to cause a significant air quality impact. As such, AQMD waived the requirement of an Air Quality Impact Analysis. With full review for consistency with General Plan Policies, any 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. No sources of substantial pollutant concentrations would be emitted by any future single-family residences, during construction or following construction. Any potential impact 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 parcels for residential uses as a use known to create objectionable odors. The request to subdivide a 21.91-acre parcel into two (2) parcels would not be a source of objectionable odors. There would be **no impact**.
- **<u>FINDING</u>**: The proposed project would not affect the implementation of regional air quality regulations or management plans. The proposed project would not cause substantial adverse effects to air quality, nor exceed established significance thresholds for air quality impacts. Any potential impact would be less than significant.

IV	IV. BIOLOGICAL RESOURCES. Would the project:						
		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?			Х			

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с.	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, 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 waterfilled 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. Special-Status Species: The project site is located within the El Dorado County Rare Plant Mitigation Area One. The project site is not located within 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. A biological resources report was prepared on March 30, 2023 by Graening and Associates, LLC. Animal life: Various special-status animals have a moderate potential to

> occur in the oak woodland/forest habitats, and a higher potential to occur in the Sweetwater Creek corridor because such a water supply is an attractant to wildlife and is a movement corridor. No listed special-status animals were observed within the Study Area. Special-status bird species were reported in databases (CNDDB and USFWS) in the vicinity of the Study Area. The Study Area contains suitable nesting habitat for various bird species. Future development activities involving noise, vibration, or other construction related disturbances may impact nesting birds if the development activities occur during the nesting season. The biological resources report recommended the inclusion of mitigation measures which would require preconstruction surveys for both avian and non-avian special-status species should any future development applications be submitted. Plant life: The oak woodland and chaparral habitat within the Study Area has a moderate potential for harboring various special-status plant species due to the presence of intact oak woodland habitat and Rescue series (gabbro) soils. An occurrence of El Dorado mule's ears is mapped be the CNDDB in the eastern portion of the Study Area, although the exact location is unknown. The species was not observed during the site visit. No listed plants or special-status plants were observed within the Study Area during the botanical survey. Future development requiring ground disturbance or habitat conversion could impact listed plants and/or special-status plants. The biological report recommended the inclusion of mitigation measures which would require pre-construction surveys for listed and/or specialstatus plants should any future development applications be submitted. Future property owners would be required to comply with all applicable County requirements at time of building permit issuance for any site development. These requirements would include the payment of a fee or replanting of any rare plant as required of projects located within El Dorado County's Rare Plant Mitigation Area One. Planning Services would review future building permits to ensure consistency with this requirement. With adherence to the County's Rare Plant Mitigation Area One requirements as well as conducting pre-construction rare plant and special-status species surveys, potential impacts to biological resources from future development would be less than significant, with mitigation.

#### MM BIO-1 Pre-Construction Special-Status Animal Species Surveys:

If construction activities would occur during the normal birthing and nesting season (February 1 – August 31), pre-construction surveys for special status animal species and nesting birds, including raptors, shall be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS must be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. Measures would be dependent on any specific species detected on site during required site surveys.

<u>Monitoring Requirement</u>: Planning Services shall verify completion of the requirement prior to issuance of grading and/or building permits in coordination with the applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

## MM BIO-2 Rare Plant Protection:

A qualified biologist shall conduct a pre-construction botanical survey during the appropriate blooming/identification period for the target species. The pre-construction survey shall be conducted during the blooming/identification period closest to the initiation of ground disturbing activities. If no rare plant species are observed, a letter report documenting the results of the survey shall be prepared, and no additional measures are recommended. If any rare plants are observed on site, the biologist shall clearly mark, map, and record the locations of all special-status plants species to be protected and shall conduct an on-site inspection to ensure fencing for special-status species is appropriately placed and there are no impacts to special-status plants. On-site construction staff and supervisors shall be required to sign an acknowledgement that they have received these instructions from the biologist and agree to follow all mitigation measures.

Full avoidance of the special-status species shall require designating the area containing said species as an Environmentally Sensitive Area (ESA). No equipment or construction personnel shall enter the ESA and the

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ESA shall be clearly marked and surrounded by high visibility fencing with a minimum of 4-foot-tall metal fence posts to ensure avoidance. Digging, trenching, placing fill, storage of equipment or materials, and all other construction related activity shall be prohibited within the ESA.

If special-status species are unavoidably impacted, coordination with CDFW shall be required prior to ground disturbance. The property owner shall ensure full compliance with any mitigation or compensation measures negotiated with CDFW before, during, and after disturbance of land containing special-status plants.

If construction activities last for more than one growing season, the pre-construction survey described above shall be repeated during the blooming/identification period in subsequent years.

<u>Monitoring Requirement</u>: Planning Services shall verify the completion of the requirement prior to issuance of grading and/or building permits in coordination with the applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

- **b, c. Riparian Habitat and Wetlands:** Based on review of the Biological Resources Assessment prepared for the project by Graening and Associates, LLC on March 30, 2023, there is one Freshwater Forested/Shrub Wetland, which corresponds to the Sweetwater Creek corridor. An assessment for the presence of potentially jurisdictional water resources within the project area was conducted during site surveys. The site surveys determined that the project site has one unnamed intermittent channel (Sweetwater Creek), but no distinct riverine wetlands. There are no vernal pools or other isolated wetlands on the project site. Any potential impact to riparian habitat, protected wetland as defined by Section 404 of the Clean Water Act or sensitive natural community as identified in local or regional plans, policies, regulations, or by the CDFW or USFWS would be less than significant.
- **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 parcel is not within winter deer habitat. The project is not within the Important Biological Corridor (IBC) General Plan Land Use Overlay. The project site is surrounded by similar forest land with interspersed low-density residential development and is not within a pathway between any important or significant wildlife areas. Accordingly, the project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites. Any potential impact would be **less than significant**.
- e. Local Policies: Local protection of biological resources includes the Important Biological Corridor (IBC) overlay and Rare Plant Mitigation overlay with the goal to preserve and protect sensitive natural resources within the County. Review of the Biological Survey Area (BSA) shows that the property is not located within the El Dorado County Important Biological Corridor (IBC) overlay area. The property is located within the County's Rare Plant Mitigation Area One. Any removal of impact to rare plants would be subject to mitigation requirements per County Ordinance. Oak woodlands, individual native oak trees, or heritage trees, as defined in Section 130.39.030, have not been nor would be impacted or removed as a result of the proposed project. Any future tree removal as a result of any potential future development would be required to follow 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 any building permit's issuance. Any future development would be required to comply with all applicable County ordinances and policies regarding oak woodland conservation and conditioned to require a pre-construction survey to detect and protect if any nests exist on site. Any potential impact would be **less than significant**.
- **f. Adopted Plans**: The subject parcel is not a part of a Habitat Conservation Plan, Natural Community Conservation Plan or any other approved local, regional, or state habitat conservation plan. There would be **no impact** to an adopted plan as a result of project approval.
- **Finding:** Potential impacts to biological resources from any future development would be less than significant with adherence to standard County development standards and two proposed mitigation measures

concerning special-status species. Future development is required to comply with applicable County codes and policies which would be reviewed at time of submittal for any grading and/or building permits. Any potential impacts to Biological Resources would be **less than significant with mitigation**.

v.	V. CULTURAL RESOURCES. Would the project:							
		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**:

**a-c. Historic or Archeological Resources.** Cultural resource analysis includes moderate potential for discovery and disturbance of paleontological resources. A Records Search was conducted through the North Central

Information Center (NCIC) dated July 25, 2022. According to the NCIC, the proposed project site contains no recorded indigenous cultural resource sites, features, or artifacts, nor were there any historic buildings, structures, or objects discovered. No significant cultural resources were identified, and the project is not likely to have an adverse effect to historic properties. Any potential impacts would be **less than significant**.

- **d. Human Remains.** A records search was conducted at the North Central Information Center on July 25, 2022. There were no Tribal Cultural Resources (TCRs) identified in the project footprint and the project site is not known to contain any TCRs. In the event of human remains discovery during any future construction if additional structures are built, standard conditions of approval to address accidental discovery of human remains would apply during any grading activities. Any potential impacts would be **less than significant**.
- **<u>FINDING</u>**: Standard conditions of approval would apply in the event of discovery of any Tribal Cultural Resources (TCRs) during any future construction, that construction would stop immediately, and the Tribes would be notified. The proposed project as conditioned would have a **less than significant** impact on Cultural Resources.

VI	ENERGY. Would the project:				
		Potentially Significant Imnact	Less than Significant with Mitigation	Less Than Significant Imnact	No Impact
a.	Result in potential significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

## **Regulatory Setting**

## Federal Energy Policy Act of 2005

The Federal Energy Policy Act of 2005 (EP Act) was intended to establish a comprehensive, long-term energy policy and is implemented by the U.S. Department of Energy (U.S. DOE). The EP Act addresses energy production in the U.S., including oil, gas, coal, and alternative forms of energy and energy efficiency and tax incentives. Energy efficiency and tax incentive programs include credits for the construction of new energy efficient homes, production or purchase of energy efficient appliances, and loan guarantees for entities that develop or use innovative technologies that avoid the production of greenhouse gases (GHG).

## State Laws, Regulations, and Policies

California Building Standards Code (Title 24, California Code of Regulations), including Energy Code (Title 24, Part 6) and Green Building Standards Code (Title 24, Part 11)

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California first adopted the California Buildings Standards Code in 1979, which constituted the nation's first comprehensive energy conservation requirements for construction. Since this time, the standards have been continually revised and strengthened. In particular, the California Building Standards Commission adopted the mandatory Green Building Standards Code (CALGreen [California Code of Regulations, Title 24, Part 11]) in January 2010. CALGreen applies to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure. The California Code of Regulations, Title 24, Part 6 (also known as the California Energy Code), and associated regulations in CALGreen were revised again in 2013 by the California Energy Commission (CEC). The 2013 Building Energy Efficiency Standards are 25% more efficient than previous standards for residential construction. Part 11 also establishes voluntary standards that became mandatory in the 2010 edition of the code, including planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The standards offer builders better windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses. The latest update to the California Building Code was published on July 1, 2022, with an effective date of January 1, 2023. The California Building Code applies to all new development, and there are no substantive waivers available that would exempt development from its energy efficiency requirements. The California Building Code is revised on a regular basis, with each revision increasing the required level of energy efficiency.

#### Senate Bills 1078/107 and Senate Bill 2-Renewables Portfolio Standard

Senate Bill (SB) 1078 and SB 107, California's Renewables Portfolio Standard (RPS), obligates investor-owned utilities (IOUs), energy service providers (ESPs), and Community Choice Aggregations (CCAs) to procure an additional 1% of retail sales per year from eligible renewable sources until 20% is reached, no later than 2010. The California Public Utilities Commission (CPUC) and CEC are jointly responsible for implementing the program. SB 2 (2011) set forth a longer range target of procuring 33% of retail sales by 2020. Implementation of the RPS will conserve nonrenewable fossil fuel resources by generated a greater percentages of statewide electricity from renewable resources, such as wind, solar, and hydropower.

#### Assembly Bill (AB) 1881 (Chapter 559, Statutes of 2006)

Water conservation reduces energy use by reducing the energy cost of moving water from its source to its user. Assembly Bill (AB) 1881 (Chapter 559, Statutes of 2006) requires the Department of Water Resources (DWR) to adopt an Updated Model Water Efficient Landscape Ordinance (MWELO) and local agencies to adopt DWR's MWELO or a local water efficient landscape ordinance by January 1, 2010 and notify DWR of their adoption (Government Code Section 65595). The water efficient landscape ordinance would apply to sites that are supplied by public water as well as those supplied by private well. Local adoption and implementation of a water efficient landscape ordinance would reduce per capita water use from new development.

#### Senate Bill X7-7 (Chapter 4, Statutes of 2009)

SB X7-7 (Chapter 4, Statutes of 2009), the Water Conservation Act of 2009, establishes an overall goal of reducing statewide per capita urban water use by 20% by December 31, 2020 (with an interim goal of at least 10% by December 31, 2015). This statute applies to both El Dorado Irrigation District (EID) and the Georgetown Divide Public Utilities District (GDPUD). EID has incorporated this mandate into its water supply planning, as represented in its Urban Water Management Plan 2010 Update (El Dorado Irrigation District 2011) and all subsequent water supply plans. Reducing water use results in a reduction in energy demand that would otherwise be used to transport and treat water before delivery to the consumer.

#### Assembly Bill 2076, Reducing Dependence on Petroleum

The CEC and Air Resources Board (ARB) are directed by AB 2076 (passed in 2000) to develop and adopt recommendations for reducing dependence on petroleum. A performance-based goal is to reduce petroleum demand to 15% less than 2003 demand by 2020.

#### Senate Bill 375—Sustainable Communities Strategy

SB 375 was adopted with a goal of reducing fuel consumption and GHG emissions from cars and light trucks. Each metropolitan planning organization (MPO) across California is required to develop a sustainable communities strategy (SCS) as part of their regional transportation plan (RTP) to meet the region's GHG emissions reduction target, as set by the California Air Resources Board. The Sacramento Area Council of Governments (SACOG) is the MPO for the

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Sacramento region, including the western slope of El Dorado County. SACOG adopted its current Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) on November 18, 2019.

#### Assembly Bill 1493—Pavley Rules (2002, Amendments 2009, 2012 rule-making)

AB 1493 required the ARB to adopt vehicle standards that will improve the efficiency of light duty autos and lower GHG emissions to the maximum extent feasible beginning in 2009. Additional strengthening of the Pavley standards (referred to previously as "Pavley II," now referred to as the "Advanced Clean Cars" measure) has been proposed for vehicle model years 2017–2025. Together, the two standards are expected to increase average fuel economy to roughly 54.5 miles per gallon by 2025. The improved energy efficiency of light duty autos will reduce statewide fuel consumption in the transportation sector.

#### CEQA and CEQA Guidelines

Section 15126.2(b) of the CEQA Guidelines requires detailed analysis of a project's energy impacts. If analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, the environmental document shall prescribe mitigation for those impacts. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project.

#### CEQA Guidelines, Appendix F: Energy Conservation

CEQA requires EIRs to include a discussion of potential energy impacts and energy conservation measures. Appendix F, Energy Conservation, of the State CEQA Guidelines outlines energy impact possibilities and potential conservation measures designed to assist in the evaluation of potential energy impacts of proposed projects. Appendix F places "particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy," and further indicates this may result in an unavoidable adverse effect on energy conservation. Moreover, the State CEQA Guidelines state that significant energy impacts should be "considered in an EIR to the extent relevant and applicable to the project." Mitigation for potential significant energy impacts (if required) could include implementing a variety of strategies, including measures to reduce wasteful energy consumption and altering project siting to reduce energy consumption.

#### Local Laws, Regulations, and Policies

The County General Plan Public Services and Utilities Element includes goals, objectives, and policies related to energy conservation associated with the County's future growth and development. Among these is Objective 5.6.2 (Encourage Energy-Efficient Development) which applies to energy-efficient buildings, subdivisions, development and landscape designs. Associated with Objective 5.6.2 are two policies specifically addressing energy conservation:

Policy 5.6.2.1: Requires energy conserving landscaping plans for all projects requiring design review or other discretionary approval.

Policy 5.6.2.2: All new subdivisions should include design components that take advantage of passive or natural summer cooling and/or winter solar access, or both, when possible.

Further, the County has other goals and policies that would conserve energy even though not being specifically drafted for energy conservation purposes (e.g., Objective 6.7.2, Policy 6.7.2.3).

## **DISCUSSION:**

a. Unnecessary Consumption: Although no new construction is being proposed as part of the project, each new parcel would have the capacity to potentially build one (1) new ADU for a total of two (2) potential new dwellings as well as accessory structures. The energy needs for potential construction would be temporary and not anticipated to require additional capacity or substantially increase peak or base period demands for electricity or other forms of energy. Any potential development on the proposed parcels would be typical of residential uses requiring electricity for lighting, climate control, kitchen facilities, and miscellaneous appliances. Any potential impact would be less than significant.

- **b. Conflict with Energy Plans:** No new construction or development is being proposed for this project. However, any future development will be required to be consistent with all applicable state and local plans for renewable energy efficiency and will not obstruct implementation of applicable energy plans. Any potential impact would be **less than significant**.
- **Finding:** There is no new development being proposed for this project so the project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Any future development would be required to be consistent with all applicable state and local plans for renewable energy or energy efficiency. For this energy category, any potential impact would be **less than significant**.

VI	VII.GEOLOGY AND SOILS. Would the project:						
		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		
	<ul> <li>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.</li> </ul>				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			
с.	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		

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e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?		x
f. Directly or indirectly destroy a unique paleontological resource of site or unique geologic feature?		X

## **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 NSFfunded 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.

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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. 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 (California Geological Society Survey 2007). The nearest such faults are located in Alpine and Butte Counties. There would be **no impact**.

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). Any potential future structures would be built to meet the construction standards of the UBC for the appropriate seismic zone. There would be **no impact**.

iii) El Dorado County is considered an area with low potential for seismic activity. Rescue series soils are not prone to liquefaction and the slopes on the subject parcel are not steep enough to be prone to landslides. There are no landslide, liquefaction, or fault zones (DOC, 2007) on or near the subject parcel. There would be **no impact**.

iv) No grading or development is being proposed as a part of this project. Any future grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. There would be **no impact**.

**b.** Soil Erosion: The project site includes rescue series soils. Rescue series soils are not known to be prone to significant erosion. Although no development is being proposed as a part of the project, there could be the potential for erosion or changes in topography during future construction of any structures. 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 potential impacts would be **less than significant**.

- 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). 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. No grading or development that would cause the soil to become unstable or result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse is being proposed as a part of this project. Any future development would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. There would be **no 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 soil types in the western portions of the county, including the Rescue soil types on the subject parcel, have a low expansiveness rating. Although no development is being proposed as a part of this project, any future development of the site would be required to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance and the development plans for any homes or other structures would be required to implement the Seismic construction standards. There would be **no impact**.
- e. Septic Capability: The El Dorado County Environmental Management Department (EMD) reviewed the project and determined that each proposed parcel meets the requirements for land divisions of parcels to be served by an onsite wastewater treatment system. As verified by EMD, each proposed parcel meets the minimum parcel size for septic system eligibility. Each proposed parcel has an existing septic system servicing the existing residences. The project proposes to maintain existing septic systems for both of the proposed parcels. There would be **no impact**.
- f. Unique Paleontological/Geologic Resource: The proposed project area is not located in an area that is considered likely to have paleontological resources present. Fossils of plants, animals, or other organisms of paleontological significance have not been discovered within the project area. In this context, the project will not result in impacts to paleontological resources or unique geologic features. No ground disturbance or development is being proposed as a part of this project, and any future development would be required to comply with standard conditions of approval requiring that all work activities cease in the event of an unanticipated discovery. There would be no impact as a result of project approval.
- **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. Any future 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. Future development would be required to comply with the UBC which would address potential seismic related impacts. Any potential impacts would be **less than significant**.

VIII.	GREENHOUSE GAS EMISSIONS. Would the project:					
		Potentially Significant Impact	Less than Significant	Less Than Significant Impact	No Impact	

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		with Mitigation		
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		Х	
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		Х	

#### **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 (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxides (N<sub>2</sub>O). The individual pollutant's ability to retain infrared radiation represents its "global warming potential" and is expressed in terms of CO<sub>2</sub> equivalents; therefore, CO<sub>2</sub> 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 CO<sub>2</sub> equivalent units of measure (i.e., MTCO<sub>2</sub>e/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  $CO_2$  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  $CH_4$  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  $N_2O$  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  $CO_2$  equivalent (MMTCO<sub>2</sub>e) while 1990 levels were estimated at 427

MMTCO<sub>2</sub>e. Setting 427 MMTCO<sub>2</sub>e 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).

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 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	<b>Operational Emissions</b>				
Non-stationary Sources	1,150 MTCO <sub>2</sub> e/yr				
	OR				
	4.9 MT CO <sub>2</sub> e/SP/yr				
Stationary Sources	10,000 MTCO <sub>2</sub> 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.

## **DISCUSSION:**

- a. **GHG Emissions:** The proposed project would create two new parcels from an approximately 21.91-acre parcel. Each parcel would be allowed to have a primary residence and secondary dwelling as well as limited agricultural uses by right. The site is partially developed with two (2) existing residential structures. The potential for future construction may involve a small increase in household GHG production. However, any future construction 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 development. The proposed project would have a negligible contribution towards statewide GHG inventories and would have a **less than significant** impact.
- **b. GHG Plan:** Because any future construction-related emissions would be temporary and below the minimum standard for reporting requirements under AB 32, and because any ongoing GHG emissions would be a result of a maximum potential of four households (two primary residences/two secondary dwellings possible), 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. According to the SLOAPCD Screening Table, the GHG emissions from this project are estimated at less than 1,150-metrictons/year. Cumulative GHG emissions impacts are considered to be less than significant. Therefore, the proposed project would have a **less than significant** impact.
- **FINDING:** Although there is no development proposed as a part of this project, the potential for future development does exist. Construction related to future development would be temporary and below established thresholds for GHG emissions. For the Greenhouse Gas Emissions category, there would be no significant adverse environmental effect as a result of the project. Any potential impacts would be **less than significant**.

IX.	IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:								
		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					
с.	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				X				

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	adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people 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 Section1.1307[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 arrestor 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-c. Hazardous Materials:** The Tentative Parcel Map project would not involve the routine transportation, use, or disposal of hazardous materials such as construction materials, paints, fuels, landscaping materials, and household cleaning supplies. The project site is not located near sensitive receptors. Any future development may involve the transportation or use of some hazardous materials temporarily, but this is considered to be small scale. Any potential 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. The closest airport is the Cameron Park Airport located approximately 2.5-miles southeast of the subject parcel. There would be **no impact** as a result of project approval.
- **g. Emergency Plan:** The project was reviewed by the County Transportation Department for traffic and circulation. A Traffic Impact Study (TIS) and On-site Transportation Review were both waived, and no further transportation studies are required. Access for both lots is proposed from the existing privately maintained roadway, Fawn Way, which connects to Deer Valley Road (a county-maintained roadway). The proposed project would not impair implementation of any emergency response plan or emergency evacuation plan. There would be **no impact**.
- h. Wildfire Hazards: According to the CALFIRE Fire and Resource Assessment Program (FRAP) map of April 1, 2024, the project site is in an area designated as a very high fire hazard in a State Responsibility Area (SRA). The project site is located within the Rescue Fire Protection District (RFPD) for structural fire protection and emergency medical services. RFPD reviewed the project and that the project meets the requirements for a wildfire safe plan and no additional fire safe plan will be necessary. With implementation of standard county fire safe requirements, impacts would be less than significant.
- **<u>FINDING</u>**: For the Hazards and Hazardous Materials category, with the incorporation of standard county requirements and Conditions of Approval, any potential impacts would be **less than significant**.

X.	. 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 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)?			X	
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?			Х	
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			X	

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	surface runoff in a manner which would result in flooding on- or off-site?			
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?		Х	
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

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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. 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,

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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. Water Quality Standards: No waste discharge will occur as part of the Tentative Parcel Map project. Erosion control would be required as part of any future building or grading permit. Stormwater runoff from potential 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 would not be anticipated to violate water quality standards. There would be **no impact**.
- 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 will substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. As well water exists for the two residences on site, the project is not anticipated to affect potential groundwater supplies above pre-project levels. Any potential impacts would be less than significant.
- **c-f. Drainage Patterns:** No development is being proposed as a part of this project. For any potential future development, a grading permit would be required to address grading, erosion, and sediment control. 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 construction. With the application of these standard requirements, impacts would be **less than significant**.
- **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). There are no water bodies close enough to the project site to expose the site to risk of seiche or tsunami. Due to topography on and around the project site, and the soil types, risk of exposure to mudflows is remote. Any potential impact would be less than significant.
- **FINDING:** No development is being proposed as a part of this project. Any future development would be required to adhere to all applicable El Dorado County ordinances and requirements. Any impacts to hydrology and water quality are anticipated to be **less than significant**.

XI. LAND USE PLANNING. Would the project:					
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	

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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
с.	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. Established Community:** The project is located just north of the Cameron Park Community Region. The project is surrounded by similarly zoned and developed residential lots. The Tentative Parcel Map project would not conflict with the existing land use pattern in the area or physically divide an established community. There would be **no impact**.
- b. Land Use Consistency: The parcel has a General Plan Land Use Designation of Low Density Residential (LDR) and a zone designation of Residential Estate Five Acre (RE-5). The LDR land use designation establishes areas for single-family residential development in a rural setting. Parcel size will be as follows: approximately 10.08 acres (Parcel One) and approximately 11.35 acres (Parcel Two). As proposed, the project is compatible with the General Plan land use designation and the zone district. There would be no impact.
- 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. 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. For this Land Use and Planning section, there would be **no impact** as a result of project approval.

XII.MINERAL RESOURCES. Would the project	t:			
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

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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-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 would occur either directly or indirectly as the site is not within or near a mineral resource district. For this mineral resources category, there would be **no impact** as a result of project approval.

XI	XIII. NOISE. Would the project result in:				
		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 ground borne vibration or ground borne 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?				Х

#### **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. Noise Exposures: The proposed project will not expose people to noise levels in excess of standards established in the General Plan or Zoning Ordinance. Future potential 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. There could be additional noise associated with potential future residential development. However, the project is not expected to generate noise levels exceeding the performance standards contained within the Zoning Ordinance. The noise associated with the project would be less than significant.
- **b. Ground Borne Shaking:** No construction or development is being proposed as a part of this project. The project does not propose any new uses that would cause groundbourne vibration or ongoing new noise sources different from the current surrounding land uses (i.e., residential). Any future development may generate short-term ground borne vibration or shaking events during project construction. These levels of disturbance would be minor and consistent with typical residential development. Any potential impacts would be considered **less than significant**.
- c. Permanent Noise Increases: The project does not propose new development; however, each parcel by right would have the potential for future residential development including ADU's and associated residential accessory structures as well as limited agricultural development. The long-term noise associated with development would be typical of rural residential uses and would not be expected to exceed the noise standards contained in the General Plan. Any potential impact would be less than significant.
- **d.** Short Term Noise: Although there is no development proposed as a part of this application, each new parcel would have the capacity for a new ADU and associated accessory structures. Construction noise resulting from any potential future development 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 grading operations would be required to comply with the noise performance standards contained in the General Plan. Any potential impact 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. The nearest airport is the Cameron Park Airport 2.5-miles southeast of the subject parcel. 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. Potential development of the resultant parcels is not expected to exceed General Plan noise standards. Any potential impacts would be **less than significant**.

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XIV.	POPULATION AND HOUSING.	Vould the project	•		
		Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. In ar ho th in	nduce substantial population growth in an rea, either directly (i.e., by proposing new omes and businesses) or indirectly (i.e., nrough extension of roads or other nfrastructure)?			X	
b. Di ho re	Displace substantial numbers of existing ousing, necessitating the construction of eplacement housing elsewhere?				X
c. Di ne ho	Displace substantial numbers of people, ecessitating the construction of replacement ousing elsewhere?				X

#### **Regulatory Setting:**

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

#### **DISCUSSION:**

- **a. Population Growth:** The approximately 21.91-acre parcel is partially developed. The proposed project would result in the creation of two parcels, each of which would be allowed a primary residence and a secondary dwelling as well as limited agricultural uses by right. The potential additional housing and population would not be considered a significant population growth. Any potential impact would be less than significant.
- **b. Housing Displacement:** The 21.91-acre parcel is partially developed. The proposed project would result in the creation of two parcels. No existing housing would be displaced by the project. There would be **no impact**.
- **c. Replacement Housing:** The subject parcel is currently partially developed with two primary residential structures. The proposed project could provide the potential of up to a total of four residences possible (two primary dwellings/two secondary dwellings). No persons would be displaced by the proposed project necessitating for the construction of housing elsewhere. There would be **no impact**.
- **<u>FINDING</u>**: The project would not displace housing and there would be no potential for a significant impact due to substantial growth, either directly or indirectly. For this Population and Housing category, the thresholds of significance would not be anticipated to be exceeded. Any potential impacts would be **less than significant**.
- **XV.PUBLIC SERVICES.** 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:

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
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a.	Fire protection?		X	
b.	Police protection?		Х	
c.	Schools?		Х	
d.	Parks?		Х	
e.	Other government services?		Х	

#### **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. Fire Protection:** The Rescue Fire Protection District (Fire Authority) and CALFIRE provide fire protection to the site. The project is located in a rural part of the County and because no new residential structures are being proposed as a part of this project, it is unlikely that the approval of the project would result in the need for additional fire personnel or facilities. The fire protection district would review any future improvement plans at the time of grading and/or building permit submittal to ensure compliance with applicable fire safety requirements. Any potential 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). Any potential future residential construction would not significantly increase demand for law enforcement protection. Impacts would be **less than significant**.
- **c-e.** Schools, Parks, and Other Government Services: There are no components of the proposed project that would include any permanent population-related increases that would substantially contribute to increased demand on schools, parks, or other government services that would result in the need for new or expanded facilities. Any potential impact would be less than significant.
- **FINDING:** The project would not result in a significant increase of public services as a result of project approval. Increased demand to services would be addressed through the payment of established impact fees. For this Public Services category, any potential impacts would be **less than significant**.

XVI. 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 occur or be accelerated?				X

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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
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#### **Regulatory Setting:**

#### 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-b. Parks and Recreational Services:** The proposed project consists of the division of a residentially zoned parcel and would not increase the local population such that it would increase the use of any existing neighborhood or regional parks causing substantial physical deterioration of those facilities. Although the proposed project does not include any development or construction, any future residential development would not significantly increase demand for recreational facilities. There would be **no impact** as a result of project approval.

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# **FINDING:** No significant impacts to open space or park facilities would result as part of the project and no new or expanded recreation facilities would be necessary as a result of project approval. For this Recreation category, there would be **no impact**.

XVII.   TRANSPORTATION/TRAFFIC. Would the project:						
	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. Conflicts with a Transportation Plan, Policy, or Ordinance: No substantial traffic increases would result from the proposed project. Proposed access to the proposed parcels would be from an existing 25-foot-wide private roadway, Fawn Way, which eventually connects to Deer Valley Road (a county-maintained road). The El Dorado County Department of Transportation reviewed the project and determined that a Transportation Impact Study (TIS) and On-Site Transportation Review (OSTR) were not required, and both the TIS and OSTR were waived. Trip generation from the properties (two (2) primary residences and two (2) potential 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 site is not on a main roadway and there are very low traffic volumes. 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 create two parcels for a total of two primary single-family dwellings. Trip generation from the properties (two (2) primary 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. Any potential impacts would be less than significant.
- c. **Design Hazards**: The design of the project would not create any significant hazards. The existing project site is partially developed with one (1) single-family residence and one (1) temporary hardship mobile home. The El Dorado County Department of Transportation (DOT) reviewed the project and found that the project as proposed is consistent with DOT design requirements. There would be **no impact** as a result of project approval.
- **d. Emergency Access:** The existing project site is partially developed with one (1) single-family residence and one (1) temporary hardship mobile home. Emergency access would be provided by the existing 25-foot-wide roadway, Fawn Way. Both the fire authority and DOT have confirmed the adequacy of Fawn Way for access to the proposed parcels and have confirmed that the project, as proposed, would not conflict with emergency access requirements. Any potential 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. 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 any potential impacts would be **less than significant**.

XVIII. TRIBAL CULTURAL RESOURCES. 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:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
<ul> <li>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</li> </ul>			X	

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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		v	
	the criteria set forth in subdivision (c) of		Λ	
	Public Resource Code Section 5024.1, the			
	lead agency shall consider the significance of			
	the resource to a California Native American			
	tribe.			

#### **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, considering the tribal cultural values and meaning of the resource.

#### **DISCUSSION**:

**a-b. Tribal Cultural Resources.** Pursuant to the records search conducted at the North Central Information Center (NCIC) on July 25, 2022, the proposed project area contains zero (0) indigenous resources and zero (0) historic-period cultural resources. Zero (0) cultural resources study reports covering any portion of the

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site are on file with the NCIC. Outside of the project area, but within the <sup>1</sup>/<sub>4</sub> mile radius of the geographic area, a broader search area contains one (1) indigenous resource, and two (2) historic-period cultural resources. Four (4) cultural resource study reports are on file with the NCIC which covers a portion of the broader search area which shows the site has moderate potential for locating indigenous cultural resources in the immediate vicinity. The project site is not known to contain either Tribal Cultural Resources (TCRs) or historic-period resources. With adherence to all applicable County policies regarding the discovery of TCRs, any potential impacts would be **less than significant**.

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

XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:						
		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).

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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. Wastewater Requirements**: The El Dorado County Environmental Management Department reviewed the project and has found that both proposed parcels have an adequate soil percolation rate for septic system eligibility. Any potential impacts would be **less than significant**.
- b. Construction of New Facilities: No development is proposed as a part of the Tentative Parcel Map project and no construction of new facilities is required. Each parcel is required to provide its own wastewater treatment system, connection to public water service or private well, and electricity services by Pacific Gas & Electric (PG&E). There is existing electricity delivery infrastructure on the project site serving the existing single-family residences. There is no natural gas service in the project area and any future development would be served by propane tanks. Existing hardware and wireless telecommunication service is available in the area to serve existing and potential future development. Any potential impact would be **less than significant.**
- c. New Stormwater Facilities: No new stormwater drainage facilities would be needed as a result of the project as no new development or ground disturbance is being proposed. Should future development occur, grading and drainage impacts would be assessed during the building/grading permit process. There would be **no impact** as a result of project approval.
- **d. Sufficient Water Supply:** Water for each parcel is provided by existing private wells. EMD reviewed the project and concluded that each parcel meets the requirements for private wells on site, including adequate water supply. Any potential impact would be **less than significant**.
- e. Adequate Wastewater Capacity: The project would require each parcel to provide its own existing onsite wastewater treatment system. As discussed in (a.), the EMD has reviewed the project to ensure that the parcels can be served by onsite wastewater treatment systems. Per EMD review, both parcels meet all applicable standards for individual onsite septic systems. Any potential impacts would be less than significant.
- 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, and potential future additional housing units would generate minimal amounts of additional solid waste for disposal. Project impacts would be less than significant.

**<u>FINDING</u>**: No significant utility and service system impacts would occur with the project, either directly or indirectly. Affected departments and agencies have been consulted and have determined that

sufficient capacity and delivery infrastructure to serve the resultant parcels exists. Any potential impacts would be **less than significant**.

XX	<b>XX. WILDFIRE.</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
		Potentially Significant Imnact	Less than Significant with Mitication	Less Than Significant Imnact	No Impact	
a.	Substantially impair an adopted emergency response plan or emergency evacuation plan?			X		
b.	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X		
c.	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X		
d.	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X		

According to the California Department of Forestry and Fire Protection (Cal Fire) Fire and Resource Assessment Program (FRAP) map of April 1, 2024, the subject parcel is in an area designated as a high fire hazard severity zone in a Local Responsibility Area (LRA).

#### **DISCUSSION**:

- a. Emergency Response or Evacuation Plans: The project is surrounded by mixture of developed residential parcels with existing residential uses and one undeveloped, vacant, residentially zoned parcel. Implementation of the proposed project would not alter any roadways, access points, or otherwise substantially hinder access to the area in such a way that would interfere with an emergency response or evacuation plan. There is no development proposed as a part of the project, and project approval would not notably increase the risk of wildfire on the project site. The project was reviewed by CALFIRE and EDCSO for emergency response and evacuation circulation. Neither agency expressed any concerns regarding the project impairing the implementation of any emergency response plan or emergency evacuation plan. Any potential impact would be less than significant.
- b. Exacerbate Wildfire Risks: Implementation of the proposed project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The project is required to adhere to all fire prevention and protection requirements and regulations of El Dorado County including the El Dorado County Fire Hazard Ordinance and the Uniform Fire Code, as applicable. Pertinent measures include, but are not limited to, the use of equipment with spark arrestors and non-sparking tools during development activities. CALFIRE has included Conditions of Approval intended to reduce wildland fire

risks. The project would be required to adhere to all requirements regarding fire prevention, the project would not exacerbate wildfire risk and any potential impacts would be **less than significant**.

- c. Installation or Maintenance of Associated Infrastructure: No new infrastructure is being proposed as a part of the project. Water service and electric service are existing on the parent parcel and any new connections would not require major infrastructure development that would exacerbate fire risk or result in temporary or ongoing impacts to the environment that would necessitate installation of additional infrastructure. Any potential impacts would be less than significant.
- d. Runoff, Post-Fire Slope Instability, or Drainage Changes: The proposed project would divide an approximately 21.91-acre parcel into two (2) parcels of approximately 10.08 acres, 11.35 acres, respectively. The project has been reviewed by the Rescue Fire Protection District and CALFIRE and is not anticipated to exacerbate wildfire risks. The project area is relatively flat and does not have steep or sloping terrain that would expose people or structures to significant risk from downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. Any potential impact would be less than significant.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:						
		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:**

**<sup>&</sup>lt;u>FINDING:</u>** As conditioned and with adherence to El Dorado County Code of Ordinances, for this wildfire category, any potential impacts would be **less than significant**.

- **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 will result in significant and unavoidable 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, required standards that would be implemented prior to recording the final Parcel Map, implementation of required mitigation measures, or 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 an excessive increase in population growth. Impacts due to increased demand for public services associated with the project would be offset by the payment of fees as required by service providers to extend the necessary infrastructure services. The project would not be anticipated to contribute substantially to increased traffic in the area and the project would not require an increase in the wastewater treatment capacity of the County. 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 XX, there would be no significant impacts anticipated related to agriculture resources, air quality, biological resources (with mitigation), 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 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 from project implementation. The project would not include any physical changes to the site, and any future development 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.
- **<u>FINDINGS</u>**: It has been determined that the proposed project would not result in significant environmental impacts. With adherence to required mitigation measures, the project would not exceed applicable environmental thresholds, nor significantly contribute to cumulative environmental impacts. Any potential impacts resulting from the approval of this project would be **less than significant with mitigation**.

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#### SUPPORTING INFORMATION SOURCE LIST

- CAPCOA Guide (August 2010): <u>http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-</u> 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
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## Attachment A: Vicinity Map



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## Exhibit H: Proposed Mitigated Negative Declaration and Initial Study Attachment B: Aerial Map



Parcel Map P23-0007 Gerken Parcel Map APN: 102-200-025

Parcel Map P23-0007 Gerken Parcel Map APN: 102-200-025

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Attachment C: General Plan Land Use Map



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## Attachment D: Zoning Map



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Exhibit H: Proposed Mitigated Negative Declaration and Initial Study Attachment E: Assessor's Parcel Map





## **BIOLOGICAL RESOURCES ASSESSMENT** AND **BOTANICAL SURVEY** FOR PROPOSED PARCEL SUBDIVISION AT 2680/2682 FAWN WAY, RESCUE, CALIFORNIA

March 30, 2023

Prepared by:



**Graening and Associates, LLC** 520 Wallingford Lane, Folsom CA 95630

Parcel Map P23-0007 Gerken Parcel Map APN: 102-200-025 Parcel Map P23-0007 **Gerken Parcel Map** APN: 102-200-025

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## **1. INTRODUCTION**

#### **1.1. PROJECT LOCATION AND DESCRIPTION**

A biological resources assessment and protocol botanical survey was conducted on a 21.91-acre property (APN 102-200-025-100) at 2680/2682 Fawn Way, Rescue, El Dorado County, California (see Exhibits). The proposed action is a parcel split / tentative map that would result in two new 10-acre parcels. Development plans have not been provided at this time.

For this assessment, the Study Area was defined as the entire 22-acre property. For purposes of the Placer County Conservation Program, the Area of Effect was also defined as the entire 22-acre property.

#### **1.2. REGULATORY SETTING**

The following section summarizes some applicable regulations of biological resources on real property in California.

#### 1.2.1. Special-status Species Regulations

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service implement the Federal Endangered Species Act of 1973 (FESA) (16 USC §1531 et seq.). Threatened and endangered species on the federal list (50 CFR §17.11, 17.12) are protected from "take" (direct or indirect harm), unless a FESA Section 10 Permit is granted or a FESA Section 7 Biological Opinion with incidental take provisions is rendered. Pursuant to the requirements of FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present in the project area and determine whether the proposed project will have a potentially significant impact upon such species. Under FESA, habitat loss is considered to be an impact to the species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC §1536[3], [4]). Therefore, project-related impacts to these species or their habitats would be considered significant and would require mitigation. Species that are candidates for listing are not protected under FESA; however, USFWS advises that a candidate species could be elevated to listed status at any time, and therefore, applicants should regard these species with special consideration.

The California Endangered Species Act of 1970 (CESA) (California Fish and Game Code §2050 *et seq.*, and CCR Title 14, §670.2, 670.51) prohibits "take" (defined as hunt, pursue, catch, capture, or kill) of species listed under CESA. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Section 2081 establishes an incidental take permit program for state-listed species. Under CESA, California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of threatened and endangered species designated under state law (CFG Code 2070). CDFW also maintains lists of species of special concern, which serve as "watch lists." Pursuant to requirements of CESA, an agency reviewing proposed projects within its jurisdiction must determine whether any state-listed species may be present in the Study Area and determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation.

California Fish and Game Code Sections 4700, 5050, and 5515 designates certain mammal, amphibian, and reptile species "fully protected", making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The California Native Plant Protection Act of 1977 (CFG Code §1900 *et seq.*) requires CDFW to establish criteria for determining if a species or variety of native plant is endangered or rare. Section 19131 of the code requires that landowners notify CDFW at least 10 days prior to initiating activities that will destroy a listed plant to allow the salvage of plant material.

Many bird species, especially those that are breeding, migratory, or of limited distribution, are protected under federal and state regulations. Under the Migratory Bird Treaty Act of 1918 (16 USC §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbances must be reduced or eliminated during the nesting cycle. California Fish and Game Code (§3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs. Fish and Game Code §3511 designates certain bird species "fully protected", making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The Bald and Golden Eagle Protection Act (16 USC §668) specifically protects bald and golden eagles from harm or trade in parts of these species.

California Environmental Quality Act (CEQA) (Public Resources Code §15380) defines "rare" in a broader sense than the definitions of threatened, endangered, or fully protected. Under the CEQA definition, CDFW can request additional consideration of species not otherwise protected. CEQA requires that the impacts of a project upon environmental resources must be analyzed and assessed using criteria determined by the lead agency. Sensitive species that would qualify for listing but are not currently listed may be afforded protection under CEQA. The CEQA Guidelines (§15065) require that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines (§15380) provide for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Plant species on the California Native Plant Society (CNPS) Lists 1A, 1B, or 2 are typically considered rare under CEQA. California "Species of Special Concern" is a category conferred by CDFW on those species. While they do not have statutory protection, Species of Special Concern are typically considered rare under CEQA and thereby warrant specific protection measures.

#### 1.2.2. Water Resource Protection

Real property that contains water resources are subject to various federal and state regulations and activities occurring in these water resources may require permits, licenses, variances, or similar authorization from federal, state, and local agencies, as described next.

The Federal Water Pollution Control Act Amendments of 1972 (as amended), commonly known as the Clean Water Act (CWA), established the basic structure for regulating discharges of pollutants into "waters of the United States". Waters of the US includes essentially all surface waters, all interstate waters and their tributaries, all impoundments of these waters, and all wetlands adjacent to these waters. CWA Section 404 requires approval prior to dredging or discharging fill material into any waters of the US, especially wetlands. The permitting program is designed to minimize impacts to waters of the US, and when impacts cannot be avoided, requires compensatory mitigation. The US Army Corps of Engineers (USACE) is responsible for administering Section 404 regulations. Substantial impacts to jurisdictional wetlands may require an Individual Permit. Small-scale projects may require only a Nationwide Permit, which typically has an expedited process compared to the Individual Permit process. Mitigation of wetland impacts is required as a condition of the CWA Section 404 Permit and may include on-site preservation, restoration, or enhancement and/or off-site restoration or enhancement. The characteristics of the restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Under CWA Section 401, every applicant for a federal permit or license for any activity which may result in a discharge to a water body must obtain State Water Quality Certification that the proposed activity will comply with State water quality standards. The California State Water Resources Control Board is responsible for administering CWA Section 401 regulations.

Section 10 of the Rivers and Harbors Act of 1899 requires approval from USACE prior to the commencement of any work in or over navigable Waters of the US, or which affects the course, location, condition, or capacity of such waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used, or are susceptible to use, as a means to transport interstate or foreign commerce up to the head of navigation. Rivers and Harbors Act Section 10 permits are required for construction activities in these waters.

California Fish and Game Code (§1601 - 1607) protects fishery resources by regulating "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." CDFW requires notification prior to commencement, and issuance of a Lake or Streambed Alteration Agreement, if a proposed project will result in the alteration or degradation of "waters of the State." The limit of CDFW jurisdiction is subject to the judgment of the Department; currently, this jurisdiction is interpreted to be the "stream zone", defined as "that portion of the stream channel that restricts lateral movement of water" and delineated at "the top of the bank or the outer edge of any riparian vegetation, whichever is more landward". CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the CDFW and the applicant is the Streambed Alteration Agreement. Projects that require a Streambed Alteration Agreement may also require a CWA 404 Section Permit and/or CWA Section 401 Water Quality Certification.

For construction projects that disturb one or more acres of soil, the landowner or developer must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

### 2. ENVIRONMENTAL SETTING

The Study Area is located within the Sacramento Valley geographic subregion, which is contained within the Great Valley geographic subdivision of the larger California Floristic Province (Baldwin et al. 2012). This region has a Mediterranean-type climate, characterized by distinct seasons of hot, dry summers and wet, moderately-cold winters. The Study Area and vicinity is in Climate Zone 9 – Thermal Belts of California's Central Valley, defined by hot summers and mild but pronounced winters without severe winter cold or high humidity (Sunset, 2022). The topography of the Study Area ranges from gently rolling hills in the north to nearly flat in the south. The elevation ranges from approximately 1,050 to 1,290 feet above mean sea level. Drainage runs generally to the west, and eventually flows into Sweetwater Creek. The land use is rural residential and open space. The USDA soil types are as follows:

- RfD: Rescue very stony sandy loam, 15 to 30 percent slopes,
- RgE2: Rescue extremely stony sandy loam, 3 to 50 percent slopes, eroded
- RfC: Rescue very stony sandy loam, 3 to 15 percent slopes

## 3. METHODOLOGY

#### 3.1. PRELIMINARY DATA GATHERING AND RESEARCH

Prior to conducting the field survey, the following information sources were reviewed:

- Any readily-available previous biological resource studies pertaining to the Study Area or vicinity
- Aerial photography of the Study Area (current and historical)
- United States Geologic Service 7.5 degree-minute topographic quadrangles of the Study Area and vicinity
- USFWS National Wetland Inventory
- USDA Natural Resources Conservation Service soil survey maps
- California Natural Diversity Database (CNDDB), electronically updated monthly by subscription
- USFWS species list (IPaC Trust Resources Report).

#### 3.2. FIELD SURVEY

Consulting biologist/botanist Tim Nosal, M.S., conducted a wildlife survey and botanical survey on March 26, 2022. Weather conditions were warm and sunny. A variable-intensity pedestrian survey was performed, and modified to account for differences in terrain, vegetation density, and visibility. All visible fauna and flora observed were recorded in a field notebook and identified to the lowest possible taxon. Survey efforts emphasized the search for any special-status species that had documented occurrences in the CNDDB within the vicinity of the Study Area and those species on the USFWS species list (Appendix 1).

When a specimen could not be identified in the field, a photograph or voucher specimen (depending upon permit requirements) was taken and identified in the laboratory using a dissecting scope where necessary. Dr. Graening holds the following scientific collection permits: CDFW Scientific Collecting Permit No. SC-006802; and CDFW Plant Voucher Specimen Permit 09004. Tim Nosal holds CDFW Plant Voucher Specimen Permit 2081(a)-16-102-V. Taxonomic determinations were facilitated by referencing museum specimens or by various texts, including the following: Powell and Hogue (1979); Pavlik (1991); (1993); Brenzel (2012); Stuart and Sawyer (2001); Lanner (2002); Sibley (2003); Baldwin et al. (2012); Calflora (2022); CDFW (2022b,c); NatureServe 2022; and University of California at Berkeley (2022a,b).

The locations of any special-status species sighted were marked on aerial photographs and/or georeferenced with a geographic positioning system (GPS) receiver. Habitat types occurring in the Study Area were mapped on aerial photographs, and information on habitat conditions and the suitability of the habitats to support special-status species was also recorded. The Study Area was also informally assessed for the presence of potentially-jurisdictional water features, including riparian zones, isolated wetlands and vernal pools, and other biologically-sensitive aquatic habitats.

The botanical survey methodology followed the following protocols:

- California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.
- U.S. Fish and Wildlife Service. 1996. Guidelines for conducting and reporting botanical inventories for federally listed, proposed and candidate plants. Sacramento Fish and Wildlife Office, Sacramento, California. 2 pp.
- California Native Plant Society. 2001. CNPS botanical survey guidelines.

#### 3.3. MAPPING AND OTHER ANALYSES

Locations of species' occurrences and habitat boundaries within the Study Area were digitized to produce the final habitat maps. The boundaries of potentially jurisdictional water resources within the Study Area were identified and measured in the field, and similarly digitized to calculate acreage and to produce informal delineation maps. Geographic analyses were performed using geographical information system software (ArcGIS 10, ESRI, Inc.). Vegetation communities (assemblages of plant species growing in an area of similar biological and environmental factors), were classified by Vegetation Series (distinctive associations of plants, described by dominant species and particular environmental setting) using the CNPS Vegetation Classification system (Sawyer and Keeler-Wolf, 1995). Informal wetland delineation methods consisted of an abbreviated, visual assessment of the three requisite wetland parameters (hydrophytic vegetation, hydric soils, hydrologic regime) defined in the US Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, 1987). Wildlife habitats were classified according to the CDFW's California Wildlife Habitat Relationships System (CDFW, 2022c). Species' habitat requirements and life histories were identified using the following sources: Baldwin et al. (2012); CNPS (2022), Califora (2022); CDFW (2022a,b,c); and University of California at Berkeley (2022a,b).

### 4. RESULTS

#### 4.1. INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEY

All plants detected during the field survey of the Study Area are listed in Appendix 2. The following animals were detected within the Study Area during the field survey:

Botta's pocket gopher (Thomomys bottae); Columbian black-tailed deer (Odocoileus hemionus columbianus); coyote (Canis latrans); goat (Capra aegagrus hircus); acorn woodpecker (Melanerpes formicivorus); American robin (Turdus migratorius); Anna's hummingbird (Calypte anna); bandtailed pigeon (Patagioenas fasciata); Bewick's wren (Thryomanes bewickii); California quail (Callipepla californica); California scrub jay (Aphelocoma californica); cedar waxwing (Bombycilla cedrorum); common raven (Corvus corax); dark-eyed junco (Junco hyemalis); European starling (Sturnus vulgaris); house finch (Haemorhous mexicanus); house sparrow (Passer domesticus); house wren (Troglodytes aedon); killdeer (Charadrius vociferus); lesser goldfinch (Spinus psaltria); mourning dove (Zenaida macroura); northern flicker (Colaptes auratus); Nuttall's woodpecker (Picoides nuttallii); oak titmouse (Baeolophus inornatus); orangecrowned warbler (Vermivora celata); red-shouldered hawk (Buteo lineatus); red-tailed hawk (Buteo jamaicensis); ruby crowned kinglet (Regulus calendula); savannah sparrow (Passerculus sandwichensis); song sparrow (Melospiza melodia); spotted towhee (Pipilo maculatus); turkey vulture (Cathartes aura); western bluebird (Sialia mexicanus); white-breasted nuthatch (Sitta carolinensis); wild turkey (Meleagris gallopavo); wrentit (Chamaea fasciata); and yellow-rumped warbler (Setophaga coronata).

#### 4.2. VEGETATION COMMUNITIES AND WILDLIFE HABITAT TYPES

#### 4.2.1. Terrestrial Vegetation Communities

General vegetation communities occurring in the Study Area were mapped (see Exhibits). More specifically, the following terrestrial natural communities occur in the Study Area (as categorized by CDFW 2022):

- 11.000.000 Disturbed (1.29 acres)
  - o 11.300.00 Disturbed Habitat
  - o 12.000.00 Urban/Developed
- 71.000.00 Oak Woodlands and Forests (20.25 acres)
  - o 71.020.00 Blue oak woodland and forest
  - o 71.100.00 Mixed oak woodland and forest
- 37.000.00 Chaparral (0.37 acre)
  - o 37.100.00 Chamise Chaparral [Adenostoma fasciculatum]
  - o 37.200.00 Chaparral with Ceanothus as principal indicator
### 4.2.2. Wildlife Habitat Types

Wildlife habitat types were classified using CDFW's Wildlife Habitat Relationship System. The Study Area contains the following wildlife habitat types: Blue Oak Woodland; Mixed Chaparral; Valley Foothill Riparian; Riverine.

### 4.2.3. Critical Habitat and Special-status Habitat

No critical habitat for any federally-listed species occurs within the Study Area. The nearest Critical Habitat is for Sacramento Orcutt grass, approximately 11 miles southwest of the Study Area. The CNDDB reported no special-status habitats within the Study Area. The CNDDB reported the following special-status habitats in a 10-mile radius outside of the Study Area: Valley Needlegrass Grassland; Central Valley Drainage Hardhead/Squawfish Stream; Northern Volcanic Mud Flow Vernal Pool; and Northern Hardpan Vernal Pool.

No special-status habitats were detected within the Study Area, although the intermittent channel can be considered special status.

### 4.2.4. Habitat Plans and Wildlife Corridors

Wildlife movement corridors link remaining areas of functional wildlife habitat that are separated primarily by human disturbance, but natural barriers such as rugged terrain and abrupt changes in vegetation cover are also possible. Wilderness and open lands have been fragmented by urbanization, which can disrupt migratory species and separate interbreeding populations. Corridors allow migratory movements and act as links between these separated populations.

The Study Area is part of a mapped "Essential Connectivity Areas" – as identified in the California Essential Habitat Connectivity Project (CDFW 2021d). The intermittent channel on the western edge of the Study Area—Sweetwater Creek—is a limited fisheries resource because the flow is not perennial and because downstream barriers exist in the form of impoundments and urbanization. The Study Area is not located within an adopted Habitat Conservation Plan / Natural Community Conservation Plan area.

### 4.3. LISTED SPECIES AND OTHER SPECIAL-STATUS SPECIES

For the purposes of this assessment, "special status" is defined to be species that are of management concern to state or federal natural resource agencies, and include those species that are:

- Listed as endangered, threatened, proposed, or candidate for listing under the Federal Endangered Species Act;
- Listed as endangered, threatened, rare, or proposed for listing, under the California Endangered Species Act of 1970;
- Designated as endangered or rare, pursuant to California Fish and Game Code (§1901);
- Designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050);
   Designated as a graving of apprint part over the OPEW.
- Designated as a species of special concern by CDFW;
- Plants considered to be rare, threatened or endangered in California by the California Native Plant Society (CNPS); this consists of species on Lists 1A, 1B, and 2 of the CNPS Ranking System; or
- Plants listed as rare under the California Native Plant Protection Act.

### 4.3.1. Reported Occurrences of Listed Species and Other Special-status Species

A list of special-status plant and animal species that have occurred within the Study Area and vicinity was compiled based upon the following:

- Any previous and readily-available biological resource studies pertaining to the Study Area;
- Informal consultation with USFWS by generating an electronic Species List (Information for Planning and Conservation website at https://ecos.fws.gov/ipac/); and
- A spatial query of the CNDDB using the standard 9 quadrangle boundary

• A query of the California Native Plant Society's database *Inventory of Rare and Endangered Plants* of *California* (online edition).

The CNDDB was queried, and any reported occurrences of special-status species were plotted in relation to the Study Area boundary using GIS software (see exhibits). The CNDDB has mapped an occurrence of El Dorado County mule ears (Wyethia reticulata) within the Study Area. However, the exact location of this occurrence is unclear and the accuracy is an 80 meter radius of uncertainty. The location description of this occurrence is specified by CNDDB as:

"SOUTHEAST SIDE OF SWEETWATER CREEK, APPROXIMATELY 1.5 AIR MILES WSW OF SUMMIT OF PINE HILL.... MAPPED BY CNDDB ACCORDING TO MAP DETAIL PROVIDED BY HUGHES & FORBES IN 2007. A 1986 WILSON MAP PLACES THE PLANTS ~0.1 MI NE OF THE CURRENTLY MAPPED AREA; HOWEVER, HUGHES & FORBES DID NOT FIND ANY PLANTS THERE....COLONY IS UNDER OAK CANOPY BUT IN AREA WITH LITTLE SHRUB COVER.....UNKNOWN NUMBER OF PLANTS OBSERVED IN 1986....APPROXIMATELY 1426 PLANTS OBSERVED IN 2007."

Within a 10-mile buffer of the Study Area boundary, the CNDDB reported several special-status species occurrences, summarized in the table in the Appendix along with any additional CNPS species.

A USFWS species list was generated online using the USFWS' IPaC Trust Resource Report System (see Appendix 1). This list is generated using a regional and/or watershed approach and does not necessarily indicate that the Study Area provides suitable habitat. The following listed species should be considered in the impact assessment:

- California Red-legged Frog (Rana draytonii) Threatened
- California Tiger Salamander (Ambystoma californiense Central CA DPS) Threatened
- Monarch Butterfly (*Danaus plexippus*) Candidate
- Vernal Pool Fairy Shrimp (*Branchinecta lynchii*) Threatened
- Vernal Pool Tadpole Shrimp (Lepidurus packardi) Endangered
- El Dorado Bedstraw (Galium californicum ssp. sierrae) Endangered
- Layne's Butterweed (Senecio layneae) Threatened
- Pine Hill Ceanothus (Ceanothus roderickii) Endangered
- Pine Hill Flannelbush (Fremontodendron californicum ssp. decumbens) Endangered
- Stebbins' Morning-glory (Calystegia stebbinsii) Endangered

#### 4.3.2. Listed Species or Special-status Species Observed During Field Survey

During the field survey, no listed species or special-status species were detected within the Study Area.

### 4.3.3. Potential for Listed Species or Special-status Species to Occur in the Study Area

See the Appendix for a complete table of Special-status Species and their potential to occur in the Study Area.

#### Plants

The oak woodland habitat and chaparral habitats within the Study Area have a potential for harboring various special-status plant species due to the presence of intact natural vegetation community structure and Rescue series (gabbro) soil. These special-status species consist of:

- Stebbins' morning-glory (Calystegia stebbinsii)
- Chaparral sedge (Carex xerophila)
- Fresno ceanothus (Ceanothus fresnensis)

- Pine Hill ceanothus (Ceanothus roderickii)
- Red Hills soaproot (Chlorogalum grandiflorum)
- Brandegee's clarkia (Clarkia biloba ssp. brandegeeae)
- Streambank spring beauty (Claytonia parviflora ssp. grandiflora)
- Bisbee Peak rush-rose (*Crocanthemum suffrutescens*)
- Pine Hill flannelbush (Fremontodendron decumbens)
- El Dorado bedstraw (Galium californicum ssp. sierrae)
- Humboldt lily (*Lilium humboldtii ssp. humboldtii*)
- Layne's ragwort (Packera layneae)
- El Dorado County mule ears (Wyethia reticulata)

#### El Dorado County mule ears (Wyethia reticulata)

An occurrence of El Dorado mule's ears is mapped by the CNDDB in the eastern portion of the Study Area, although the exact location is not known. This species was not observed during the site visit, although two other species of *Wyethia* were observed during the survey (*Wyethia angustifolia* and *Wyethia bolanderi*); these species of *Wyethia* are not rare and are not listed species or special status. The *Wyethia angustifolia* was relatively common in the northeastern portion of the Study Area. One individual *Wyethia bolanderi* was detected (at coordinates 38.71262, -121.01750). The CNDDB-mapped location is in an area that is rural residential with mowing and goat grazing, which may have either obscured or eliminated this rare population, or the population exists to the east, beyond the Study Area's parcel boundaries.

#### Animals

Various special-status animals have a moderate potential to occur in the oak woodland/forest habitats, and a higher potential to occur in the Sweetwater Creek corridor, because such a water supply is an attractant to wildlife and is a movement corridor. Oak woodland/forest habitats may provide suitable habitat for special status animals such as:

- Crotch bumble bee (Bombus crotchii)
- Western bumble bee (Bombus occidentalis)
- Foothill yellow-legged frog (Rana boylii)
- Coast horned lizard (Phrynosoma blainvillii)
- Merlin (Falco columbarius)
- Purple martin (Progne subis)
- Cooper's hawk (Accipiter cooperii)
- North American porcupine (Erethizon dorsatum)
- Pallid bat (Antrozous pallidus)
- Silver-haired bat (Lasionycteris noctivagans)

### 4.4. POTENTIALLY-JURISDICTIONAL WATER RESOURCES

The USFWS National Wetland Inventory reported one Freshwater Forested/Shrub Wetland within the Study Area, which corresponds to the Sweetwater Creek corridor (see Exhibits). An assessment for the presence of potentially-jurisdictional water resources within the Study Area was also conducted during the field survey. The field survey determined that the Study Area has one unnamed intermittent channel (Sweetwater Creek), but no distinct riverine wetlands. There are no vernal pools or other isolated wetlands in the Study Area.

### 5. IMPACT ANALYSES AND MITIGATION MEASURES

This section establishes the impact criteria, then analyzes potential Project-related impacts upon the known biological resources within the Study Area, and then suggests mitigation measures to reduce these impacts to a less-than-significant level.

### 5.1. IMPACT SIGNIFICANCE CRITERIA

The significance of impacts to biological resources depends upon the proximity and quality of vegetation communities and wildlife habitats, the presence or absence of special-status species, and the effectiveness of measures implemented to protect these resources from Project-related impacts. As defined by CEQA, the Project would be considered to have a significant adverse impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a special-status species in local or regional plans, policies, or regulations, or by USFWS or CDFW
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by USFWS or CDFW
- 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
- 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
- Conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved governmental habitat conservation plan.

### 5.2. IMPACT ANALYSIS

### 5.2.1. Potential Direct / Indirect Adverse Effects Upon Special-status Species

 Will the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

### Plants 1 1

The oak woodland and chaparral habitat within the Study Area has a moderate potential for harboring various special-status plant species due to the presence of intact oak woodland habitat and Rescue series (gabbro) soil. An occurrence of El Dorado mule's ears is mapped by the CNDDB in the eastern portion of the Study Area, although the exact location is not known. This species was not observed during the site visit, although two other species of *Wyethia* were observed during the survey. No listed plants or special-status plants were observed within the Study Area during the botanical survey.

The proposed parcel subdivision will have no impact upon listed plant species or special-status plant species.

If the land is developed in the future, such as construction of a new residence, ground disturbance and habitat conversion could impact listed plants or special-status plants. This is a potentially significant impact before mitigation.

#### Animals

Various special-status animals have a moderate potential to occur in the oak woodland/forest habitats, and a higher potential to occur in the Sweetwater Creek corridor, because such a water supply is an attractant to wildlife and is a movement corridor. No listed or special-status animals were observed within the Study Area. No direct impacts to special-status animals will occur from proposed parcel subdivision.

The proposed parcel subdivision will have no impact upon listed animal species or special-status animal species.

If the land is developed in the future, such as construction of a new residence, ground disturbance and habitat conversion could impact listed animals or special-status animals. Listed or special-status species could migrate into the Study Area between the time that the field survey was completed and the start of construction. This is a potentially significant impact before mitigation.

Special-status bird species were reported in databases (CNDDB and USFWS) in the vicinity of the Study Area. The Study Area contains suitable nesting habitat for various bird species. If construction activities are conducted during the nesting season, nesting birds could be directly impacted by tree removal and indirectly impacted by noise, vibration, and other construction-related disturbance. Therefore, future construction is considered a potentially significant adverse impact to nesting birds.

#### **Recommended Mitigation Measures**

The proposed parcel subdivision does not require any mitigation measures because no impacts will occur.

If new land development occurs in the future, the following mitigation measures are recommended:

An additional, pre-construction botanical survey is recommended because our botanical survey may not have detected all listed or special-status plant populations. If listed or special-status plant species are detected, it is recommended that these plants be avoided. Avoidance measures consist of shifting the cultivation compound boundaries to locations outside of the rare plant population boundaries or the creation of preserve islands within the compound boundaries. Populations should be demarcated with exclusion fencing and signage. Where avoidance is not possible, a rare plant mitigation program should be implemented. Project activities shall be delayed long enough for a qualified biologist to prepare and implement the rare plant mitigation program. An overview of the mitigation program is summarized next.

If the impacted rare plants are annuals (annual life history strategy), the mitigation program shall consist of the following: collection of seeds; sowing of the seeds in the Fall/Winter in all suitable habitats on the Property or in a specified preserve area on the Property; and covering with a weed-free mulch, such as sterile (pasteurized) wheat straw.

If the impacted rare plants are perennials (perennial life history strategy), the mitigation program shall consist of the following: careful excavation of the entire rare plant, including the majority of the root ball; placement in containers and performing health maintenance activities; transplantation in the Fall/Winter to various suitable habitats on the Property or in a specified preserve area on the Property; covering with a weed-free mulch, such as sterile (pasteurized) wheat straw; and supplemental irrigation (as needed) for a minimum of 2 years.

Note that if the plant species are federally-listed, consultation with USFWS must occur before construction, and a take permit may be necessary and specific mitigation implemented.

With the implementation of avoidance measures and a rare plant mitigation program, potential impacts to special-status plant species from future development can be reduced to a less than significant level.

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 Because special-status animal species that occur in the vicinity could migrate onto the Study Area between the time that the field survey was completed and the start of construction, a pre-construction survey for special-status species should be performed by a qualified biologist to ensure that specialstatus species are not present. If any listed species are detected, construction should be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) should be consulted and project impacts and mitigation reassessed.

With the implementation of this mitigation measure, adverse impacts upon special-status species would be reduced to a less-than-significant level.

If construction activities would occur during the nesting season (typically February through August), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. With the implementation of this mitigation measure, adverse impacts upon special-status bird species and nesting birds would be reduced to a less-than-significant level.

#### 5.2.2. Potential Direct / Indirect Adverse Effects Upon Special-status Habitats or Natural Communities or Corridors

• Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The Study Area is not within any designated listed species' critical habitat. The Study Area does not contain special-status habitats although an intermittent channel is present; aquatic resources are discussed in the next section.

The proposed parcel subdivision will have no impact upon listed special-status habitats.

If the land is developed in the future, such as construction of a new residence, ground disturbance and habitat conversion will have no impact upon listed special-status habitats; aquatic resource impacts are discussed in the next section.

### **Recommended Mitigation Measures**

No mitigation is necessary.

# 5.2.3. Potential Direct / Indirect Adverse Effects on Jurisdictional Water Resources

 Will the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There is one water resource in the Study Area: Sweetwater Creek. The proposed parcel subdivision will have no impact upon listed water resources because ground disturbance is not necessary.

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If the land is developed in the future, such as construction of a new residence, ground disturbance and habitat conversion could impact water resources. Potential direct impacts to water resources could occur during construction by modification or destruction of stream banks. Potential indirect impacts to water resources could occur during construction by increased erosion and sedimentation in receiving water bodies due to soil disturbance.

#### **Recommended Mitigation Measures**

The proposed parcel subdivision does not require any mitigation measures because no impacts will occur.

If new land development occurs in the future near Sweetwater Creek, the following mitigation measures are recommended:

- If future construction will disturb 1 or more acres of land, the landowner must enroll under the State Water Quality Control Board's Construction General Permit prior to the initiation of construction. In conjunction with enrollment under this Permit, a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan must be created and implemented during construction to avoid or minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. Implementation of these measures mandated by law would reduce potential construction-related impacts to water quality to a less-than-significant level.
- It is recommended that a formal delineation of jurisdictional waters be performed before construction work, or ground disturbance, is performed within 50 feet of any wetland or channel. This delineation should also include an assessment of potential waters of the State. If the USACE determines that the water features are subject to their jurisdiction, a CWA 404 permit must be obtained and mitigation performed before any channels or wetlands are modified or filled. If waters of the State are present, a Streambed Alteration Agreement may be needed before ground disturbance is initiated at the channel or wetland. CWA 401 water quality certification will also be necessary. Avoidance and minimization measures, as well as compensatory mitigation for loss of jurisdictional waters, is required by federal and state permits to maintain the policy of "No Net Loss" of wetlands and other protected water resources. Compensatory mitigation would consist of any combination of in-lieu fee payment to a mitigation bank, stream enhancement, or land dedication, at mitigation ratios determined by USACE.

#### 5.2.4. Potential Impacts to Wildlife Movement, Corridors, etc.

 Will the project 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?

A mapped wildlife corridor (a California Essential Habitat Connectivity Area) exists within or near the Study Area, and the open space and the stream corridor in the Study Area facilitate animal movement and migrations. While the Study Area may be used by wildlife for movement or migration, the act of parcel subdivision would not impact this corridor because it would not block movement and the majority of the open space in the Study Area would still be available.

If new land development occurs in the future, impacts may occur if barriers (new fences, roads) are created or if large areas are developed.

#### **Recommended Mitigation Measures**

The proposed parcel subdivision does not require any mitigation measures because no impacts will occur.

If new land development occurs in the future, the project should be designed to avoid the Sweetwater Creek corridor and retain open space that allows wildlife to move between parcels.

#### 5.2.5. Potential Conflicts with Ordinances, Habitat Conservation Plans, etc.

- Will the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- Will the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Parcel subdivision will not require the removal of mature trees or conflict with any habitat conservation plans because parcel subdivision does not require ground disturbance.

If the land is developed in the future, such as construction of a new residence, tree removal and ground disturbance will likely be necessary. This is a potentially significant impact before mitigation.

#### **Recommended Mitigation Measures**

The proposed parcel subdivision does not require any mitigation measures because no impacts will occur.

If new land development occurs in the future, and mature trees need to be removed, various ordinances and laws must be addressed and permits obtained.

El Dorado County's Oak Conservation Ordinance requires mitigation for the removal of oak trees and oak woodlands. Protected trees include valley oak trees, valley oak woodlands, and Heritage Trees (live native oak tree with a single main trunk measuring 36 inches or greater, or with a multiple trunk with an aggregate trunk measuring 36 inches or greater). If protected trees are to be removed, an Oak Tree or Oak Woodland Removal Permit may be required. This requires preparation of an Oak Resources Technical Report and a code compliance certificate verifying that no protected oak trees have been impacted within two years prior to the permit application.

Mitigation is required for impacts to oak woodland as well as to individual trees. Impacts to oak woodlands are typically mitigated through in-lieu fee payment to the County's Oak Woodland Conservation Fund. Alternative mitigation may be used such as replacement planting or oak woodlands conservation (either on-site or off-site through fee title or conservation easement). Methods of mitigation can also be combined. Mitigation ratios depend on the percentage of woodlands impacted on a development site and range from 1:1 for impacts less than 50 percent and 2:1 for impacts over 75 percent.

Impacts to individual trees, including Heritage Trees, typically mitigated through in-lieu fee payment to the County's Oak Woodland Conservation Fund. The per inch of trunk diameter (at breast height) fee is calculated, with Heritage Trees requiring a 3:1 mitigation ratio. Alternative mitigation such as replacement planting may be identified (either on-site or off-site and protected through deed restriction or conservation easement).

If replacement plantings are used to mitigation, the plantings must follow the guidelines of the County's Oak Resources Management Plan, which specifies the planting ratios according to type (acorn, tree size) and maintenance requirements.

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### **EXHIBITS**

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### APPENDIX 1: USFWS SPECIES LIST

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United States Department of the Interior

FISH AND WILDLIFE SERVICE Sacramento Fish And Wildlife Office Federal Building 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846 Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To: Project Code: 2023-0059321 Project Name: Parcel Subdivision March 23, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

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(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

**Migratory Birds**: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/ executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

Official Species List

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# **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

#### Sacramento Fish And Wildlife Office Federal Building 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846 (916) 414-6600

### **PROJECT SUMMARY**

Project Code:	2023-0059321
Project Name:	Parcel Subdivision
Project Type:	Residential Construction
Project Description:	Division of a 20-acre parcel into two 10-acre parcels. Requires
	environmental review.

Project Location:

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@38.71204455,-121.01855528326226,14z</u>



Counties: El Dorado County, California

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### **ENDANGERED SPECIES ACT SPECIES**

There is a total of 10 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### **AMPHIBIANS**

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/2891</u>	Threatened
California Tiger Salamander <i>Ambystoma californiense</i> Population: U.S.A. (Central CA DPS) There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/2076</u>	Threatened
INSECTS NAME	STATUS

Monarch Butterfly Danaus plexippus	Candidate
No critical habitat has been designated for this species.	
Species profile: <u>https://ecos.fws.gov/ecp/species/9743</u>	

### CRUSTACEANS

NAME	STATUS
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/498</u>	Threatened
Vernal Pool Tadpole Shrimp <i>Lepidurus packardi</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/2246</u>	Endangered
FLOWERING PLANTS NAME	STATUS
El Dorado Bedstraw <i>Galium californicum ssp. sierrae</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/5209</u>	Endangered
Layne's Butterweed Senecio layneae No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/4062</u>	Threatened
Pine Hill Ceanothus <i>Ceanothus roderickii</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/3293</u>	Endangered
Pine Hill Flannelbush <i>Fremontodendron californicum ssp. decumbens</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/4818</u>	Endangered
Stebbins' Morning-glory <i>Calystegia stebbinsii</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/3991</u>	Endangered

### **CRITICAL HABITATS**

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

### **IPAC USER CONTACT INFORMATION**

 Agency:
 Graening and Associates, LLC

 Name:
 G.O. Graening

 Address:
 520 Wallingford Lane

 City:
 Folsom

 State:
 CA

 Zip:
 95630

 Email
 graening@gmail.com

 Phone:
 9164525442

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# APPENDIX 2: CHECKLIST OF PLANTS DETECTED IN THE STUDY AREA

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Yarrow	Achiliea milietolium	
Deerweed	Acmispon glaber	
Cnamise	Adenostoma fasciculatum	
Maidenhair fern	Adiantum jordanii	
California buckeye	Aesculus californicus	
Fiddleneck	Amsinckia sp.	
Pine dwarf mistletoe	Arceuthobium campylopodum	
Whiteleaf manzanita	Arctostaphylos viscida ssp. viscida	
California mugwort	Artemisia douglasiana	
Coyote brush	Baccharis pilularis	
Brodiaea	Brodiaea sp.	
Ripgut brome	Bromus diandrus	
Soft chess	Bromus hordeaceus	
California brome	Bromus sitchensis var. carinatus	
Calochortus	Calochortus sp.	
Western morning glory	Calystegia occidentalis	
Shepherd's purse	Capsella bursa-pastoris	
Western bittercress	Cardamine oligosperma	
Italian thistle	Carduus pycnocephalus	
Wedge leaf ceanothus	Ceanothus cuneatus	
Western redbud	Cercis occidentalis	
Wavy leaf soap plant	Chlorogalum pomeridianum	
Clarkia	Clarkia sp.	
Narrow leaved miner's lettuce	Claytonia parviflora	
Miner's lettuce	Claytonia perfoliata	
Chinese houses	Collinsia heterophylla	
Pacific houndstooth	Cynoglossum grande	
Dogtail grass	Cynosurus echinatus	
Wild hyacinth	Dichelostemma sp.	
Blue dicks	Dipterostemon capitatus	
Sticky cinquefoil	Drymocallis glandulosa	
Medusa-head grass	Elymus caput-medusae	
Blue wildrye	Elymus glaucus	
Broad leaved filaree	Erodium botrys	
Red-stemmed filaree	Erodium cicutarium	
Rattail sixweeks grass	Festuca myuros	
Fescue	Festuca sp.	
Edible fig	Ficus carica	
Hoary coffeeberry	Frangula tomentosa	
Bedstraw	Galium aparine	
Climbing bedstraw	Galium porrigens	
Cutleaf geranium	Geranium dissectum	

Plants Observed at 2680 Fawn Way, Rescue on March 26, 2023

Common Name	Scientific Name
Dove's foot geranium	Geranium molle
Great Valley gumplant	Grindelia camporum
Toyon	Heteromeles arbutifolia
Wall barley	Hordeum murinum
Iris	Iris sp.
Rush	Juncus sp.
Iris-leaved rush	Juncus xiphioides
Prickly lettuce	Lactuca serriola
Wild pea	Lathyrus sp.
Hawkbit	Leontodon saxatilis
Pitcher sage	Lepechinia calycina
Flax	Linum sp.
Pink honeysuckle	Lonicera hispidula
Chaparral honeysuckle	Lonicera interrupta
Silver bush lupine	Lupinus albifrons
Miniature lupine	Lupinus bicolor
Pacific woodrush	Luzula comosa
California man-root	Marah fabacea
Melic grass	Melica sp.
Spearmint	Mentha spicata
Coyote mint	Monardella villosa
Deer grass	Muhlenbergia rigens
Canyon nemophila	Nemophila heterophylla
Foothill penstemon	Penstemon heterophyllus
Goldback fern	Pentagramma triangularis
American mistletoe	Phoradendron leucarpum
Gray pine	Pinus sabiniana
English plantain	Plantago lanceolata
Licorice fern	Polypodium calirhiza
Henderson's shooting star	Primula hendersonii
Blue oak	Quercus douglasii
California black oak	Quercus kelloggii
Valley oak	Quercus lobata
Interior live oak	Quercus wislizeni var. wislizeni
Western buttercup	Ranunculus occidentalis
Hollyleaf redberry	Rhamnus ilicifolia
Rose	Rosa sp.
Himalayan blackberry	Rubus armeniacus
Red willow	Salix laevigata
Willow	Salix sp.
Poison sanicle	Sanicula bipinnata
Purple sanicle	Sanicula bipinnatifida
Pacific sanicle	Sanicula crassicaulis
Old man of spring	Senecio vulgare

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Common Name	Scientific Name
Sidalcea	Sidalcea sp.
Milk thistle	Silybum marianum
Goldenrod	Solidago sp.
South American soliva	Soliva sessilis
Chickweed	Stellaria media
Smilo grass	Stipa miliacea
Purple needlegrass	Stipa pulchra
Creeping snowberry	Symphoricarpos mollis
Tall sock-destroyer	Torilis arvensis
Poison-oak	Toxicodendron diversilobum
Clover	Trifolium sp.
Triplet lily	Triteleia sp.
Spring vetch	Vicia sativa
Winter vetch	Vicia villosa
Periwinkle	Vinca major
Narrow leaf mule ears	Wyethia angustifolia
Bolander's mule ears	Wyethia bolanderi

### **APPENDIX 3: SITE PHOTOS**

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Parcel Map P23-0007 Gerken Parcel Map APN: 102-200-025 Parcel Map P23-0007 Gerken Parcel Map APN: 102-200-025

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# APPENDIX 4: SPECIAL-STATUS SPECIES TABLE AND POTENTIAL TO OCCUR

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#### Special-status Species Reported by CNDDB and CNPS in the Vicinity of the Study Area

Common Name	Scientific Name	Status*	General Habitat**	Microhabitat**	Potential to Occur in
ANIMALS					FIDJECTAICa
Cooper's hawk	Accipiter cooperii	CWL	Woodland, chiefly of open, interrupted or marginal type.	Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains; also, live oaks.	Potential to occur: Suitable habitat present.
Tricolored blackbird	Agelaius tricolor	CT	Highly colonial species, most numberous in central valley & vicinity. Largely endemic to california.	Requires open water, protected nesting substrate, & foraging area with insect prey within a few km of the colony.	Absent: No habitat onsite.
Grasshopper sparrow	Ammodramus savannarum	CSSC	Dense grasslands on rolling hills, lowland plains, in valleys & on hillsides on lower mountain slopes.	Favors native grasslands with a mix of grasses, forbs & scattered shrubs. Loosely colonial when nesting.	Absent: No habitat onsite.
Blennosperma vernal pool andrenid bee	Andrena blennospermatis	CSSC	This bee is oligolectic on vernal pool blennosperma.	Bees nest in the uplands around vernal pools.	Absent: No habitat onsite.
Pallid bat	Antrozous pallidus	CSSC	Deserts, grasslands, shrublands, woodlands & forests. Most common in open, dry habitats with rocky areas for roosting.	Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Potential to occur: Suitable habitat present.
Golden eagle	Aquila chrysaetos	CFP/CWL	Rolling foothills, mountain areas, sage-juniper flats, & desert.	Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	Absent: No habitat onsite.
Great egret	Ardea alba	CSSC	Colonial nester in large trees.	Rookery sites located near marshes, tide-flats, irrigated pastures, and margins of rivers and lakes.	Absent: No habitat onsite.
Great blue heron	Ardea herodias	CSSC	Colonial nester in tall trees, cliffsides, and sequestered spots on marshes.	Rookery sites in close proximity to foraging areas: marshes, lake margins, tide-flats, rivers and streams, wet meadows.	Absent: No habitat onsite.
Burrowing owl	Athene cunicularia	CSSC	Open, dry annual or perenial grasslands, deserts & scrublands characterized by low-growing vegetation.	Subterranean nester, dependent upon burrowing mammals, most notably, the california ground squirrel.	Absent: No habitat onsite.
Alabaster Cave harvestman	Banksula californica	CSSC	Known only from the type locality, alabaster cave, el dorado county.	The type locality has been partly destroyed by mining and the species may be extinct.	Absent: No habitat onsite.
Crotch bumble bee	Bombus crotchii	CSSC			Potential to occur: Suitable habitat present.
Western bumble bee	Bombus occidentalis	CSSC	Once common & widespread, species has declined precipitously from central ca to southern b.c., perhaps from disease.		Potential to occur: Suitable habitat present.
Vernal pool fairy shrimp	Branchinecta lynchi	FT	Endemic to the grasslands of the central valley, central coast mtns, and south coast mtns, in astatic rain-filled pools.	Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	Absent: No habitat onsite.
Midvalley fairy shrimp	Branchinecta mesovallensis	CSSC	Vernal pools in the central valley.		Absent: No habitat onsite.
Ferruginous hawk	Buteo regalis	CWL	Open grasslands, sagebrush flats, desert scrub, low foothills & fringes of pinyon-juniper habitats.	Eats mostly lagomorphs, ground squirrels, and mice. Population trends may follow lagomorph population cycles.	Absent: No habitat onsite.
Swainson's hawk	Buteo swainsoni	CT	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, & agricultural or ranch lands	Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Absent: No habitat onsite.
Cosumnes stripetail	Cosumnoperla hypocrena	CSSC	Known only an intermittent tributary of the cosumnes river in el dorado county.		Absent: No habitat onsite.
Valley elderberry longhorn beetle	Desmocerus californicus dimorphus	FT	Occurs only in the central valley of california, in association with blue elderberry (sambucus mexicana).	Prefers to lay eggs in elderberrries 2-8 inches in diameter; some preference shown for "stressed" elderberries.	Absent: No habitat onsite.
Hairy water flea	Dumontia oregonensis	CSSC	Vernal pools. In california, known only from mather field.		Absent: No habitat onsite.
White-tailed kite	Elanus leucurus	FP	Rolling foothills and valley margins with scattered oaks & river bottomlands or marshes next to deciduous woodland.	Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Absent: No habitat onsite.
Western pond turtle	Emys marmorata	CSSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams & irrigation ditches, usually with aquatic vegetation, be	Need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-lavin	Absent: No habitat onsite.
North American porcupine	Erethizon dorsatum	CSSC			Potential to occur: Suitable habitat present.
Merlin	Falco columbarius	CWL	Seacoast, tidal estuaries, open woodlands, savannahs, edges of grasslands & deserts, farms & ranches.	Clumps of trees or windbreaks are required for roosting in open country.	Potential to occur: Suitable habitat present.
Bald eagle	Haliaeetus leucocephalus	CE	Ocean shore, lake margins, & rivers for both nesting & wintering. Most nests within 1 mi of water.	Nests in large, old-growth, or dominant live tree w/open branches, especially ponderosa pine. Roosts communally in winte	Absent: No habitat onsite.
Ricksecker's water scavenger beetle	Hydrochara rickseckeri	CSSC	Aquatic.		Absent: No habitat onsite.
Silver-haired bat	Lasionycteris noctivagans	CSSC	Primarily a coastal & montane forest dweller feeding over streams, ponds & open brushy areas.	Roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes & rarely under rocks. Needs drinking water.	Potential to occur: Suitable habitat present.

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California black rail	Laterallus jamaicensis coturniculus	CT	Inhabits freshwater marshes, wet meadows & shallow margins of saltwater marshes bordering larger bays.	Needs water depths of about 1 inch that does not fluctuate during the year & dense vegetation for nesting habitat.	Absent: No habitat onsite.
Vernal pool tadpole shrimp	Lepidurus packardi	FE	Inhabits vernal pools and swales in the sacramento valley containing clear to highly turbid water.	Pools commonly found in grass bottomed swales of unplowed grasslands. Some pools are mud-bottomed & highly turbid.	Absent: No habitat onsite.
California linderiella	Linderiella occidentalis	CSSC	Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions.	Water in the pools has very low alkalinity, conductivity, and tds.	Absent: No habitat onsite.
Double-crested cormorant	Nannopterum auritum	CWL	Colonial nester on coastal cliffs, offshore islands, & along lake margins in the interior of the state.	Nests along coast on sequestered islets, usually on ground with sloping surface, or in tall trees along lake margins.	Absent: No habitat onsite.
Steelhead - Central Valley DPS	Oncorhynchus mykiss irideus pop. 11	FT	Populations in the sacramento and san joaquin rivers and their tributaries.		Absent: No habitat onsite.
Osprey	Pandion haliaetus	CWL	Ocean shore, bays, fresh-water lakes, and larger streams.	Large nests built in tree-tops within 15 miles of a good fish-producing body of water.	Absent: No habitat onsite.
Fisher	Pekania pennanti	CSSC			Absent: No habitat onsite.
Coast horned lizard	Phrynosoma blainvillii	CSSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes.	Open areas for sunning, bushes for cover, patches of loose soil for burial, & abundant supply of ants & other insects.	Potential to occur: Suitable habitat present.
Purple martin	Progne subis	CSSC	Inhabits woodlands, low elevation coniferous forest of douglas-fir, ponderosa pine, & monterey pine.	Nests in old woodpecker cavities mostly, also in human-made structures. Nest often located in tall, isolated tree/snaq.	Potential to occur: Suitable habitat present.
Foothill yellow-legged frog	Rana boylii	CE	Partly-shaded, shallow streams & riffles with a rocky substrate in a variety of habitats.	Need at least some cobble-sized substrate for egg-laying. Need at least 15 weeks to attain metamorphosis.	Potential to occur: Suitable habitat present.
California red-legged frog	Rana draytonii	FT	Lowlands & foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation.	Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Absent: No habitat onsite.
Bank swallow	Riparia riparia	CT	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert.	Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Absent: No habitat onsite.
Western spadefoot	Spea hammondii	CSSC	Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands.	Vernal pools are essential for breeding and egg-laying.	Absent: No habitat onsite.
American badger	Taxidea taxus	CSSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.	Needs sufficient food, friable soils & open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Absent: No habitat onsite.
Giant gartersnake	Thamnophis gigas	FT/CT	Prefers freshwater marsh and low gradient streams. Has adapted to drainage canals & irrigation ditches.	This is the most aquatic of the garter snakes in california.	Absent: No habitat onsite.
PLANTS					
Jepson's onion	Allium jepsonii	1B.2	Chaparral, Cismontane woodland, Lower montane coniferous forest	Serpentinite, Volcanic	Absent: No habitat onsite.
Sanborn's onion	Allium sanbornii var. sanbornii	4.2	Chaparral, Cismontane woodland, Lower montane coniferous forest	Gravelly, Serpentinite (usually)	Absent: No habitat onsite.
Big-scale balsamroot	Balsamorhiza macrolepis	1B.2	Chaparral, Cismontane woodland, Valley and foothill grassland	Serpentinite (sometimes)	Absent: No habitat onsite.
Valley brodiaea	Brodiaea rosea ssp. vallicola	4.2	Valley and foothill grassland, Vernal pools	Alluvial Terraces, Gravelly, Sandy	Absent: No habitat onsite.
Brewer's calandrinia	Calandrinia breweri	4.2	Chaparral, Coastal scrub	Burned areas, Disturbed areas, Loam (sometimes), Sandy (sometimes)	Absent: No habitat onsite.
Stebbins' morning-glory	Calystegia stebbinsii	FE/CE/1B.1	Chaparral (openings), Cismontane woodland	Gabbroic (sometimes), Seeps (sometimes)	Potential to occur: Suitable habitat present.
Chaparral sedge	Carex xerophila	1B.2	Chaparral, Cismontane woodland, Lower montane coniferous forest	Gabbroic, Serpentinite	Potential to occur: Suitable habitat present.
Fresno ceanothus	Ceanothus fresnensis	4.3	Cismontane woodland (openings), Lower montane coniferous forest		Potential to occur: Suitable habitat present.
Pine Hill ceanothus	Ceanothus roderickii	FE/CR/1B.1	Chaparral, Cismontane woodland	Gabbroic (sometimes), Serpentinite (sometimes)	Potential to occur: Suitable habitat present.
Red Hills soaproot	Chlorogalum grandiflorum	1B.2	Chaparral, Cismontane woodland, Lower montane coniferous forest	Gabbroic, Serpentinite	Potential to occur: Suitable habitat present.
Brandegee's clarkia	Clarkia biloba ssp. brandegeeae	4.2	Chaparral, Cismontane woodland, Lower montane coniferous forest	Roadsides (often)	Potential to occur: Suitable habitat present.
Streambank spring beauty	Claytonia parviflora ssp. grandiflora	4.2	Cismontane woodland	Rocky	Potential to occur: Suitable habitat present.

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Bisbee Peak rush-rose	Crocanthemum suffrutescens	3.2	Chaparral	Burned areas (often), Disturbed areas (often), Gabbroic (often)	Potential to occur: Suitable habitat present.
Dwarf downingia	Downingia pusilla	2B.2	Valley and foothill grassland (mesic), Vernal pools		Absent: No habitat onsite.
Tripod buckwheat	Eriogonum tripodum	4.2	Chaparral, Cismontane woodland	Serpentinite (often)	Absent: No habitat onsite.
Jepson's woolly sunflower	Eriophyllum jepsonii	4.3	Chaparral, Cismontane woodland, Coastal scrub	Serpentinite (sometimes)	Absent: No habitat onsite.
Tuolumne button-celery	Eryngium pinnatisectum	1B.2	Cismontane woodland, Lower montane coniferous forest, Vernal pools	Mesic	Absent: No habitat onsite.
Pine Hill flannelbush	Fremontodendron decumbens	FE/CR/1B.2	Chaparral, Cismontane woodland	Gabbroic (sometimes), Rocky, Serpentinite (sometimes)	Potential to occur: Suitable habitat present.
Stinkbells	Fritillaria agrestis	4.2	Chaparral, Cismontane woodland, Pinyon and juniper woodland, Valley and foothill grassland	Clay, Serpentinite (sometimes)	Absent: No habitat onsite.
El Dorado bedstraw	Galium californicum ssp. sierrae	FE/CR/1B.2	Chaparral, Cismontane woodland, Lower montane coniferous forest	Gabbroic	Potential to occur: Suitable habitat present.
Serpentine bluecup	Githopsis pulchella ssp. serpentinicola	4.3	Cismontane woodland (loam, serpentinite)		Absent: No habitat onsite.
Boggs Lake hedge-hyssop	Gratiola heterosepala	CE/1B.2	Marshes and swamps (lake margins), Vernal pools	Clay	Absent: No habitat onsite.
Hogwallow starfish	Hesperevax caulescens	4.2	Valley and foothill grassland (mesic clay), Vernal pools (shallow)	Alkaline (sometimes)	Absent: No habitat onsite.
Coast iris	Iris longipetala	4.2	Coastal prairie, Lower montane coniferous forest, Meadows and seeps	Mesic	Absent: No habitat onsite.
Ahart's dwarf rush	Juncus leiospermus var. ahartii	1B.2	Valley and foothill grassland (mesic)		Absent: No habitat onsite.
Legenere	Legenere limosa	1B.1	Vernal pools		Absent: No habitat onsite.
Serpentine leptosiphon	Leptosiphon ambiguus	4.2	Cismontane woodland, Coastal scrub, Valley and foothill grassland	Serpentinite (usually)	Absent: No habitat onsite.
Humboldt lily	Lilium humboldtii ssp. humboldtii	4.2	Chaparral, Cismontane woodland, Lower montane coniferous forest	Openings	Potential to occur: Suitable habitat present.
Tehama navarretia	Navarretia heterandra	4.3	Valley and foothill grassland (mesic), Vernal pools		Absent: No habitat onsite.
Pincushion navarretia	Navarretia myersii ssp. myersii	1B.1	Vernal pools	Acidic (often)	Absent: No habitat onsite.
Slender Orcutt grass	Orcuttia tenuis	FT/CE/1B.1	Vernal pools	Gravelly (often)	Absent: No habitat onsite.
Sacramento Orcutt grass	Orcuttia viscida	FE/CE/1B.1	Vernal pools		Absent: No habitat onsite.
Layne's ragwort	Packera layneae	FT/CR/1B.2	Chaparral, Cismontane woodland	Gabbroic (sometimes), Rocky, Serpentinite (sometimes)	Potential to occur: Suitable habitat present.
Beautiful shootingstar	Primula pauciflora	4.2	Great Basin scrub, Meadows and seeps, Pinyon and juniper woodland	Mesic	Absent: No habitat onsite.
Sanford's arrowhead	Sagittaria sanfordii	1B.2	Marshes and swamps (shallow freshwater)		Absent: No habitat onsite.
Hernandez bluecurls	Trichostema rubisepalum	4.3	Broadleafed upland forest, Chaparral, Cismontane woodland, Lower montane coniferous forest, Vernal pools	Gravelly, Serpentinite (sometimes), Volcanic (sometimes)	Absent: No habitat onsite.
El Dorado County mule ears	Wyethia reticulata	1B.2	Chaparral, Cismontane woodland, Lower montane coniferous forest	Clay (sometimes), Gabbroic (sometimes)	Potential to occur: Species has been previously documented to occur within/near Study Area

\*Definitions of Status Codes: FE = Federally listed as endangered; FT = Federally listed as threatened; FT = Federally listed as threatened; FPE = Federally proposed for listing as endangered; FT = Federally proposed for listing as threatened; FC = Candidate for Federal listing; MB = Migratory Bird Act; CE = California State listed as endangered; CT = California State listed as threatened; CSSC = California species of special concern; CR = California rare species; CFP = California fully protected species; CRPR (California Rare Plant Rank) List 1A = Plants presumed extinct in California by; CRPR List 1B = Plants designated rare, threatened or endangered in California and elsewhere; CRPR List 2A = Plants presumed extirpated in California but common elsewhere; CRPR 2B = Plants rare threatened or endangered in California, but more common elsewhere; CRPR 3 Review List: Plants about which more information is needed and CRPR 4 = Watch List: Plants of limited distribution. CRPR Threat Ranks: 0.1 = seriously threatened in California; S2 = moderately threatened in California; S3 = not very threatened in California .

\*\*Copied verbatim from CNDDB, unless otherwise noted.

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