

Exhibit J - Proposed Mitigated Negative Declaration and Initial Study

MITIGATED NEGATIVE DECLARATION

FILE: CCUP20-0004

PROJECT NAME: Green Gables Growers

NAME OF APPLICANT: Robert Sandie

ASSESSOR'S PARCEL NO.: 087-021-057-000 **SECTION:** 53 **T:** 8N **R:** 9E

LOCATION: The property, identified by Assessor's Parcel Number(s) 087-021-057, consisting of 105 acres, is located on the west side of South Shingle Road, approximately 1.5 miles north of the intersection with Latrobe Road, in the Latrobe area.

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

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

TENTATIVE PARCEL MAP
SUBDIVISION (NAME):

SPECIAL USE PERMIT TO ALLOW: Commercial Cannabis Use Permit for the construction and operation of a mixed light commercial cannabis cultivation facility. The proposed project involves the construction of a 7,825-sf mixed light cannabis cultivation operation in eight (8) greenhouses, which would be planted immediately upon project approval and issuance of necessary permits. Additional infrastructure includes a 238-sf solid surface parking lot, 3,825-sf gravel parking area, a septic tank and leach field, and rockery wall contained within a 19,855-sf fenced area on the property.

OTHER:

REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:

NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY.

MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS.

OTHER:

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this MITIGATED NEGATIVE DECLARATION. A period of thirty (30) 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 _____ on _____.

Executive Secretary

Green Gables Growers

Public Review Draft Initial Study/Mitigated Negative Declaration

Prepared for:

County of El Dorado Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667

Prepared by:

HELIX Environmental Planning, Inc.
11 Natoma Street, Suite 155
Folsom, CA 95630

May 2022

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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ADA	Americans with Disabilities Act
AFY	acre-feet per year
APCD	Air Pollution Control District
bcf	billion cubic feet per year
BMP	Best Management Practices
BRE	Biological Resources Evaluation
BTU	British thermal units
CAL FIRE	California Department of Forestry and Fire Protection
Cal OES	California Governor's Office of Emergency Services
Cal/OSHA	California Division of Occupational Safety and Health
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCUP	Commercial Cannabis Use Permit
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CH ₄	methane
CHRIS	California Historical Resources Information System
CNPS	California Native Plant Society
CO ₂	carbon dioxide
County	El Dorado County
CRHR	California Register of Historical Resources
CVRWQCB	Central Valley Regional Water Quality Control Board
CWA	Clean Water Act
dB	decibels
dbh	diameter at breast height
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EDC ALUC	El Dorado County Airport Land Use Commission
EDCAQMD	El Dorado County Air Quality Management District
EIR	Environmental Impact Report
EO	Executive Order
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FDCP	Fugitive Dust Control Plan
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
FPA	Forest Practices Act
FPR	Forest Practice Rules
ft	feet or foot
GHG	greenhouse gas

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ACRONYMS AND ABBREVIATIONS (cont.)

GWh	gigawatt hours
IPaC	Information, Planning, and Consultation System
IS/MND	Initial Study/Mitigated Negative Declaration
kWh	kilowatt hours
LED	Light-emitting diode
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
MCAB	Mountain Counties Air Basin
MR	Mineral Resource
MRZ	Mineral Resource Zone
N ₂ O	nitrous oxide
NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NEHRP	National Earthquake Hazards Reduction Program
NMFS	National Marine Fisheries Service
NOA	naturally occurring asbestos
NSF	National Sanitation Foundation
NSF	National Science Foundation
OEHHA	Office of Environmental Health Hazard Assessment
ORMP	Oak Resources Management Plan
OSHA	Occupational Safety and Health Administration
PPV	peak particle velocity
PRC	Public Resources Code
RMP	risk management plan
RPF	Registered Professional Forester
RWQCB	Regional Water Quality Control Board
sf	square feet
SHMA	Seismic Hazards Mapping Act
SMP	Site Management Plan
SPCC	Spill Prevention, Control, and Countermeasure
SPL	sound pressure level
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TCR	Tribal Cultural Resources
THP	Timber Harvest Plan
TPZ	Timber Production Zone
USACE	U.S. Army Corps of Engineers
USDOE	United States Department of Energy
VMT	Vehicle Miles Travelled

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EL DORADO COUNTY PLANNING SERVICES
2850 FAIRLANE COURT
PLACERVILLE, CA 95667

INITIAL STUDY
ENVIRONMENTAL CHECKLIST

Project Title: Commercial Cannabis Use Permit CCUP20-0004/Green Gables Growers

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

Contact Person: Evan Mattes, Senior Planner

Phone Number: (530) 621-5355

Applicant's Name and Address: Robert Sandie; 6914 South Shingle Road, Shingle Springs, CA 95682

Project Agent's Name and Address: Same as above.

Project Engineer's Name and Address: D&Z Structural Engineering, Inc., Attn: Jim Dillingham, 3389 Mira Loma Drive, Suite 3, Cameron Park, CA 95682

Project Location: The project site is located in an unincorporated area of southwestern El Dorado County at 6914 South Shingle Road, Shingle Springs, CA. The project site is located near the El Dorado and Sacramento County line. It is generally situated west of South Shingle Road, approximately 1.5 miles north of the intersection between Latrobe Road and South Shingle Road. See Figure 1 for a vicinity map and Figure 2 for an aerial map of the project site.

Assessor's Parcel Number (APN): 087-021-057

Acres: 105.9 acres

Sections: USGS 7.5 Min Latrobe Quadrant, Section 3, Township 8N, Range 9E

General Plan Designation: Agricultural Lands (AL)

Zoning: Agricultural Grazing, AG-40

Description of Project: The project applicant is seeking a Commercial Cannabis Use Permit (CCUP) for the construction and operation of a cannabis cultivation facility on a 105.9-acre parcel. The proposed project would consist of 7,825 square feet (sf) of mixed light cannabis cultivation, a 238-sf solid surface parking lot, 3,825-sf gravel parking area, a septic tank and leach field, and a rockery wall. The septic tank and adjoining leach field would service the proposed restroom, and an existing on-site well would provide water to support the proposed project. Product processing would be completed off-site by a third party. The applicant would utilize an existing solar panel system as the primary power source for the proposed project, acquiring the remaining power from a connection with existing Pacific Gas & Electric (PG&E) infrastructure.

Surrounding Land Uses and Setting:

	Zoning	General Plan	Land Use
Project Site	AG-40	Agricultural Lands (AL)	Sparsely Wooded Land, Non-native Annual Grassland for Cattle Grazing, Single-Family Residence, Barn, and Other Minor Agricultural Infrastructure
North	RL-10	Rural Residential (RR)	Grassland, Sparsely Wooded Land, Scattered Single-Family Residences
South	AG-40	Agricultural Lands (AL)	Sparsely Wooded Land
East	PA-20	Rural Residential (RR), Agricultural Lands (AL)	Sparsely Wooded to Densely Wooded Land
West	RL-20	Rural Residential (RR)	Grassland, Sparsely Wooded Land, Rural Residential Neighborhood

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Initial Study/Environmental Checklist Form

Environmental Setting: The project parcel consists of slightly uneven terrain, sloping gently uphill away from South Shingle Road. The elevation on the project parcel ranges from approximately 980 feet (ft) to 1,150 ft above mean sea level (asml). Drainage within the parcel generally runs west to east, and eventually flows into Clark Creek, which lies just east of the property. The project parcel is bordered to the north by Brandon Road, grassland, sparsely wooded land, and single-family residences; to the south by undeveloped, sparsely wooded land; to the east by South Shingle Road, Clark Creek, and sparsely wooded land; and to the west by a rural residential neighborhood and sparsely wooded land. The parcel contains two vegetation communities, Annual Grassland and Blue Oak Woodland. Vegetation in the area proposed for development is non-native annual grassland and sparse oak woodland. These vegetation communities are discussed in further detail in Section 7.IV, Biological Resources. Two oak trees within the area to be developed would be removed.

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

1. El Dorado County – Grading permit, building permits, septic permit, Commercial Cannabis Operating Permit
2. El Dorado Hills Fire Department – Building plan review
3. Department of Cannabis Control – Cultivation License
4. State Water Resources Control Board – Notice of Applicability under the General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ-2019-0001-DWQ (Cannabis General Order)
5. California Department of Fish and Wildlife – General Permit, Lake or Streambed Alteration Agreement

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1.0 INTRODUCTION

This document is an Initial Study/Mitigated Negative Declaration (IS/MND) that has been prepared in accordance with the California Environmental Quality Act (CEQA) for the proposed Green Gables Growers project (proposed project). This IS/MND has been prepared in accordance with the CEQA Public Resources Code (PRC) Sections 21000 et seq., and the State CEQA Guidelines. Pursuant to the State CEQA Guidelines Section 15367, El Dorado County (County) is the lead agency for CEQA compliance.

An Initial Study is conducted by a CEQA lead agency to determine if a project may have a significant effect on the environment. In accordance with the State CEQA Guidelines Section 150649(a)(1), an Environmental Impact Report (EIR) must be prepared if the Initial Study indicates that the proposed project may have a potentially significant impact on the environment. According to State CEQA Guidelines Section 15070, a Negative Declaration or Mitigated Negative Declaration shall be prepared when either:

- a) The Initial Study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b) The Initial Study identified potentially significant effects, but:
 - 1) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
 - 2) There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

If revisions are incorporated into the proposed project in accordance with the State CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration is prepared. This document includes such revisions in the form of mitigation measures. Therefore, this document is a Mitigated Negative Declaration, that incorporates the accompanying Initial Study.

2.0 PROJECT LOCATION AND SURROUNDING LAND USES

The proposed project would be located on an approximately 105.9-acre parcel in southwestern El Dorado County area at 6914 South Shingle Road, Shingle Springs, CA 95682. The property consists of one parcel (APN 087-021-057), but construction and operation of the cannabis cultivation facility would only occur on approximately 0.6 acre of the parcel (project site). The proposed project would consist of a mixed light cannabis cultivation facility that would be setback at least 800 feet (ft) from all project property lines per Section 130.41.200 of the El Dorado County Cannabis Ordinance. The project site is accessible via a paved private road which connects to South Shingle Road. The existing driveway is 12 ft wide with three 10-ft turnouts located along the existing driveway. The existing driveway leads up to the proposed driveway that would provide access to the proposed cannabis cultivation premises. The property is designated as Agricultural Lands within the County's General Plan and within the AG-40 zone district.

The site consists of sparse blue oak woodland with an understory vegetation dominated by non-native annual grassland. The elevation of the parcel ranges from approximately 980 ft to 1,150 ft asml. The soil profile of the area is characterized by rocky silt loam. Drainage within the parcel generally runs west to east, and eventually flows into Clark Creek, which lies just east of the property.

The project parcel is bordered to the north by Brandon Road, grassland, sparsely wooded land, and single-family residences; to the south by undeveloped, sparsely wooded land; to the east by South Shingle Road, Clark Creek, and sparsely wooded land; and to the west by a rural residential neighborhood and sparsely wooded land. The area proposed for development currently consists of non-native annual grassland and oak trees. See Figure 1 for a vicinity map and Figure 2 for an aerial map of the project.

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Initial Study/Environmental Checklist Form

3.0 PROJECT DESCRIPTION

Green Gables Growers is applying for a Commercial Cannabis Use Permit (CCUP20-0004) for the construction and operation of a mixed light commercial cannabis cultivation facility. The proposed project involves the construction of a 7,825-sf mixed light cannabis cultivation operation in eight (8) greenhouses, which would be planted immediately upon project approval and issuance of necessary permits. Additional infrastructure includes a 238-sf solid surface parking lot, 3,825-sf gravel parking area, a septic tank and leach field, and rockery wall contained within a 19,855-sf fenced area on the property. The septic tank and adjoining leach field would service the proposed prefabricated Americans with Disabilities Act (ADA) accessible restroom, while an existing on-site well south of the project site would supply water for cannabis irrigation. The project does not include the storage or processing of cannabis on-site. An existing solar panel system, located northeast of the proposed fenced cannabis cultivation premises, would provide energy for the cannabis operation. Construction activities would yield a total cut of 560.20 cubic yards and total fill of 2,208.10 cubic yards which would require the import of 1,647.9 cubic yards of clean fill. The total area of land to be disturbed would be approximately 0.6 acre.

The existing dirt path leading to the cultivation premises would be paved with asphalt and include a 10-ft turnout located where the existing dirt path branches north from the existing paved driveway. A parking lot would be constructed at the end of the proposed access road, adjacent to the fenced cultivation premises. The parking lot would include one (1) solid-surface ADA accessible parking stall, and nine (9) standard (9 ft x 18 ft) gravel parking spaces. Three existing turnouts between South Shingle Road and the dirt road add 10 ft to the road and facilitate vehicle passing. See Figure 3 for the site plan and Appendix A for a copy of the detailed project site plans. The components of the proposed project are described in more detail below.

Cannabis Cultivation Areas

A single 7,825-sf mixed light cannabis cultivation area is proposed on the project site. The cultivation area would contain eight (8), approximately 14-ft tall greenhouses, which would rely on a combination of natural light and light-emitting diode (LED) lights. The LED lights would be used in conjunction with sunlight to create a mixed light system and supported by an existing solar panel system and PG&E for remaining power needs.

An 8-ft tall security fence with 6 ft of chain link and an additional 2 feet of barbed wire would be installed around the cultivation area and encompass a 19,855-sf area.

Support Structures and Infrastructure

The proposed project would include the installation of a prefabricated ADA accessible restroom, septic system, and leach field. The on-site septic system and leach field would be necessary to support the proposed restroom and would be located south of the cannabis cultivation area.

Water would be obtained from an existing well on the project site. The proposed project is estimated to demand approximately 150,000 gallons of water per year (or 0.46 acre-feet of water per year) for cannabis cultivation and sanitary needs. The well is 260 ft deep and can provide approximately 11 gallons per minute of water to support the proposed project. Two (2) 5,000-gallon fire suppression water storage tanks with fire risers and a fire hydrant would also be installed (see Appendix B for the Fire Prevention Plan).

Employees and Trip Generation

The proposed project would employ three (3) full-time employees throughout the year and up to six (6) additional part time employees during the harvest season. Under the most conservative (i.e., the busiest) assumptions, during peak season, up to nine (9) employees would be on-site. The actual number would be lower most days since some of these employees would be seasonal and assist only during the busiest time of year. The owner or designated employee of Green Gables Growers would have full on-site presence and run the day-to-day operations of the proposed project.

Conservatively, after full project buildout is complete and during the most intensive harvesting period of the year, it is estimated that there would be a maximum number of 20 trips per day (assuming nine employees arriving and leaving the site separately, along with one round trip for deliveries). This includes any expected seasonal workers who would

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Initial Study/Environmental Checklist Form

only be utilizing the site for very limited times of the year. Delivery and supply trips are expected to be made with vans or light trucks and are expected to account for an average of less than one round trip per day.

Security Plan and Hours of Operation

The cannabis cultivation area would be surrounded by an 8-ft tall security fence with 6 ft of chain link and an additional 2 ft of barbed wire. Site access driveways are currently controlled with locked security gates. A Knox box is installed on the gate along South Shingle Road for emergency personnel access. Hours of operation would be from 9:00 am – 5:00 pm, Monday through Friday. Additionally, the project applicant lives in an existing residence on the property, north and west of the proposed project, and would provide a permanent on-site presence.

Site Access/Parking

The project property can be accessed from the east by a paved private driveway that intersects South Shingle Road. The proposed project site would be accessed by an existing dirt path that branches north from the paved driveway and is planned to be paved with asphalt as part of the project.

There are two private gates: one at the junction between the private paved driveway and South Shingle Road and the second at the junction of the private driveway (which continues up to an existing residence) and the dirt road leading north to the proposed cannabis cultivation area. The dirt portion of the driveway leading to the project site from the private driveway would be paved with asphalt, as mentioned above. One (1) standard ADA-compliant parking space and nine (9) standard (9 ft x 18 ft) gravel parking spaces would be constructed at the head of the driveway, adjacent to the west of the proposed cannabis cultivation area.

There are three existing 10-ft turnouts between South Shingle Road and the dirt pathway to the proposed cannabis cultivation area, and an additional 10-ft turnout between the private paved driveway and cannabis cultivation area would be constructed to facilitate vehicle passing. No additional improvements are proposed for the driveway or turnouts beyond the second gate as it provides access to the on-site residence and is not a point of access to the project site.

Construction Schedule and Equipment

Construction would be initiated immediately upon project approval and acquisition of the required permits from the County and State and would take approximately 2 months to complete. Site grading and preparation would require that approximately 1,647.9 cubic yards of clean fill to be imported. According to Appendix D of the California Emissions Estimator Model (CalEEMod) Users' Guide, a project with a construction area of less than 1 acre would be expected to require a one rubber-tired dozer, one tractor/loader/backhoe, and one grader (California Air Pollution Control Officers Associate [CAPCOA] 2017), and it is estimated that each piece of equipment would operate for 8 hours per day during project construction.

4.0 PUBLIC REVIEW AND REQUIRED APPROVALS

This IS/MND is being circulated for public and agency review for a 30-day period. Written comments on the IS/MND should be submitted by mail or e-mail to the following:

Evan Mattes, Senior Planner
2850 Fairlane Court
Placerville, CA 95667
Evan.Mattes@edcgov.us

Following the close of the written comment period, the IS/MND will be considered by the lead agency (El Dorado County) in a public meeting and will be adopted if it is determined to be in compliance with CEQA.

Public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement) include the following:

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- **El Dorado County** – Grading permit, building permits, septic permit, Commercial Cannabis Operating Permit;
- **El Dorado Hills Fire Department** – Building plan review;
- **Department of Cannabis Control** – Cultivation License;
- **State Water Resources Control Board** – Notice of Applicability under the Cannabis General Order; and
- **California Department of Fish and Wildlife** – General Permit, Lake or Streambed Alteration Agreement (if needed).


5.0 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.

Signature:  Date: 1-27-23

Printed Name: Evan Mattes, Senior Planner For: El Dorado County

Signature:  Date: 1/27/23

Printed Name: Chris Perry, Assistant Director Planning and Building For: El Dorado County

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Initial Study/Environmental Checklist Form

6.0 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" or "Less than Significant with Mitigation" as indicated by the checklist on the following pages.

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

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7.0 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.

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ENVIRONMENTAL IMPACTS

I. AESTHETICS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project property is located approximately one mile northeast of Latrobe which is an unincorporated community in western El Dorado County. The setting is rural residential with sparse oak woodlands, and the population density is low; there are no publicly accessible facilities in the vicinity of the project. The project site is accessible via a dirt road that connects to a paved private driveway that intersects South Shingle Road. While the project property is visible from South Shingle Road, public views of the cultivation area would be obscured by vegetation and the topography of the site.

The project property is mostly undeveloped except for a single-family residence and access roads that are secured with a locked gate located near South Shingle Road frontage. The area proposed for development is in the center of the parcel and consists of non-native annual grassland and oak trees. Four wetland swales, two artificial impoundments, and three channels exist on the parcel. Three of the wetland swales occur northeast of the project site near the two artificial impoundments, and the other wetland swale occurs southwest of the project site. The two artificial impoundments and three channels are located northeast of the area proposed for development.

The site consists of relatively flat terrain in an area of rolling hills with the elevations ranging from approximately 980 ft to 1,150 ft amsl. Drainage within the project site generally runs west to east, and eventually flows into Clark Creek, located east of the project site on the eastern side of South Shingle Road. The project parcel is bordered to the north by Brandon Road, grassland, sparsely wooded land, and single-family residences; to the south by undeveloped, sparsely wooded land; to the east by South Shingle Road, Clark Creek, and sparsely wooded land; and to the west by a rural residential neighborhood and sparsely wooded land.

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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 (California Department of Transportation [Caltrans] 2020). The State highway system includes designated scenic highways and those that are eligible for designation as scenic highways.

The nearest officially designated or eligible State scenic corridor in the vicinity of the project site is eligible State Route 49, approximately 6.5 miles east of the project site (Caltrans 2021). The project site is not visible from any point on State Route 49.

Title 3 Section 8304(c) of the California Code of Regulations states: “All outdoor lighting used for security purposes shall be shielded and downward facing.”

Section 8304(g) states: “Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.”

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 the identification of uses allowed by right or requiring a special-use permit as well as specific development standards that apply in particular districts based on parcel size and land use density. These development standards often involve limits on the allowable size of structures, required setbacks, and design guidelines. Included are requirements for setbacks and allowable exceptions, the location of public utility distribution and transmission lines, architectural supervision of structures facing a state highway, height limitations on structures and fences, outdoor lighting, and wireless communication facilities.

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

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

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

Rivers in El Dorado County include the American, Cosumnes, Rubicon, and Upper Truckee rivers. A large portion of El Dorado County is under the jurisdiction of the United States Forest Service (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.

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Impact Analysis:

- a. **Scenic Vista:** A scenic vista is defined as a viewpoint that provides expansive views of a highly-valued landscape (such as an area with remarkable scenery or a resource that is indigenous to the area) for the benefit of the public. The project property is adjacent to rural residential uses, sparsely wooded lands, and grasslands in all directions with Clark Creek to the east. However, these features have not been identified as scenic vistas (El Dorado County 2018). Therefore, while the proposed project would introduce a new cannabis cultivation facility to the project site, it would not result in a substantial adverse effect to a scenic vista. All cannabis cultivation would be setback a minimum of 800 feet from all property boundaries, and views of the proposed project would be obscured by vegetation and hilly topography. Impacts would be **less than significant**.
- b. **Scenic Resources:** State Route (SR) 49 is classified as an “Eligible State Scenic Highway – Not Officially Designated” throughout El Dorado County (Caltrans 2021) and is located approximately 6.5 miles east of the project site. The nearest officially designated scenic highway is U.S. 50 between and within the City of Sacramento and the City of Placerville (Caltrans 2021). This designation occurs approximately 5.7 miles north of the project site. The project site would not be visible from any designated or eligible scenic highway. Therefore, the proposed project would have **no impact** to scenic resources within the proximity of a State scenic highway.
- c. **Visual Character:** The proposed project would result in the construction of a new commercial mixed-use cannabis cultivation facility. The proposed project would include eight (8), approximately 14-ft tall greenhouses enclosed by an 8-foot-high fence with a 238-sf solid surface parking lot, 3,825-sf gravel parking area, a septic tank and leach field, and rockery wall. The proposed development may result in a change to the visual character of the site by developing areas of annual grassland and removing two oak trees. However, the project site is surrounded by other sparsely wooded, privately-owned lands, and views of the project site from South Shingle Road would be obscured by vegetation and hilly topography. Therefore, the construction of the proposed project would not substantially degrade the character of the site or its surroundings or degrade the quality of views from publicly accessible vantage points. Impacts would be **less than significant**.

Light and Glare: The proposed project would result in the development of new structures, including eight (8) greenhouses equipped with LED lights to be used in conjunction with sunlight to create a mixed light system. The mixed light greenhouses would be required to be designed and installed to prevent light spillover that could be visible from all property boundaries between sunset and sunrise. The greenhouses for the mixed light cultivation would include light deprivation tarps to fully shield any light from escaping the greenhouses. Other potential sources of light and glare may include parking lot lighting. The introduction of new sources of light and glare may contribute to nighttime light pollution and result in impacts to nighttime views in the area. However, with the implementation of the design standards discussed above and the requirement for the project to comply with County design standards and El Dorado County Code of Ordinances (County Code) Section 130.14.170 (Outdoor Lighting), impacts from the introduction of new light and glare would be **less than significant**.

FINDING: The proposed project would result in less than significant or no impacts to scenic vistas, scenic resources, the visual character of the project area, and from new light and glare sources. Additionally, with adherence to the County Code (Section 130.14.170 – Outdoor Lighting), any potential aesthetic impacts from nighttime light pollution would be less than significant.

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II. AGRICULTURE AND FORESTRY RESOURCES

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

Environmental Setting

There are over 100,000 acres of active farmland in El Dorado County (Garoogian 2013). Major crops include fruits, and there are over 80 active vineyards in the County (EDCHM 2010). Cattle grazed on rangeland also comprise a considerable portion of the County’s agricultural production.

According to the custom Soil Resource Report for this project (NRCS 2021), the following soil map units occur on the project property:

- Auburn Silt Loam, 2 to 30 percent slopes (AwD): covers 100% percent of the parcel.

According to the Farmland Mapping and Monitoring Program (FMMP), no Prime or Unique Farmlands or Farmlands of Statewide Importance have been identified on the project site or project property. The project site is classified as Grazing Land (California Department of Conservation [CDC] 2021a).

The project site contains two vegetation communities: Annual Grassland and Blue Oak Woodland. The property has been historically used for single-family residential and cattle grazing. The area proposed for development contains

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mostly non-native annual grassland and sparse oak woodland. Two oak trees within the area to be developed would be removed.

Commercial timber harvest on this property would not likely be viable due to low stocking, and most of the existing trees are of non-commercial species. Timber harvesting has historically been a major component of El Dorado County's economy (Garoojian 2013). Although some commercial timber harvesting remains in the County, the vast majority is accomplished in elevations greater than those found on the project site because of more favorable conditions for commercial species.

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 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 2021b). FMMP rates and classifies agricultural land according to soil quality, irrigation status, and other criteria. Important Farmland categories are as follows (CDC 2021c):

Prime Farmland: Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields. Prime Farmland must have been used for irrigated agricultural production at some time during the 4 years before the FMMP's mapping date.

Farmland of Statewide Importance: Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Farmland of Statewide Importance must have been used for irrigated agricultural production at some time during the 4 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 4 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 2021d). 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 Z'Berg-Nejedly Forest Practices Act (FPA), which took effect January 1, 1974. The act established the Forest Practice Rules (FPRs) and charged the politically-appointed Board of Forestry to oversee their implementation. The California Department of Forestry and Fire Protection (CAL FIRE) works under the direction of the Board of Forestry and Fire Protection and is the lead

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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 non-federal timberland, with limited exceptions.

Local Laws, Regulations, and Policies

El Dorado County General Plan Agriculture and Forestry Element

Adopted in 2004 and amended in 2015, this element sets the County's priorities for the continued viability of agricultural and forestry activities. Goals of this element include agricultural land conservation, agricultural production, forest land conservation, and sustainable and efficient forest production (El Dorado County 2015b).

Impact Analysis:

- a. **Farmland Mapping and Monitoring Program:** According to the FMMP, the project site is classified as Grazing Land, and no Prime or Unique Farmlands or Farmlands of Statewide Importance have been identified on the project site or project property (CDC 2021a). As a result, implementation of proposed project would have no impact on Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland) as defined by the FMMP (CDC 2021a). Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland) to non-agricultural use, and there would be **no impact**.
- b. **Agricultural Uses:** The project property is zoned as Agricultural Grazing, 40-acre minimum (AG-40) and not under Williamson Act Contract. Cannabis cultivation is allowed on parcels zoned AG-40 with County approval of a CCUP. Additionally, existing cattle grazing operation on-site would continue in the areas of the project property not proposed for cannabis cultivation. Therefore, the proposed project would not conflict with existing zoning for agricultural use and would not impact any properties under a Williamson Act Contract. There would be **no impact**.
- c.-d. **Loss of Forest land or Conversion of Forest land:** The project site contains two vegetation communities: Annual Grassland and Blue Oak Woodland. The site is not zoned or designated as Timber Production Zone (TPZ) or another forest land use. The proposed project would be developed in an open, grassy space in the middle of the parcel with few trees in the area. Two oak trees are proposed for removal, but no commercial tree species are proposed for removal (14 CCR Section 895.1). Impacts to non-commercial oak resources (which are protected by the County Code) are addressed in Section 7.IV, Biological Resources.

Therefore, the proposed project would not conflict with the zoning for, or cause rezoning of, forest land or timberland or result in a substantial loss or conversion of forest land. Impacts would be **less than significant** for questions c) and d).
- e. **Conversion of Prime Farmland or Forest Land:** The proposed project would develop 0.6 acre of land currently used for cattle grazing into a cannabis cultivation facility on a 105.9-acre property. Implementation of the proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, the proposed project would not result in a substantial conversion of agricultural or forest land to non-agricultural or non-forest uses. Impacts would be **less than significant**.

FINDING: The proposed project would not conflict with existing zoning for agricultural use, TPZ, or other forest land, impact any properties under a Williamson Act Contract, or result in a substantial loss or conversion of agricultural land or forest land. Less than significant or no impact would occur for impacts related to Agriculture and Forestry Resources.

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III. AIR QUALITY

<i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. 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	
c. Expose sensitive receptors to substantial pollutant concentrations?			X	
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Regulatory Setting:

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards, or criteria, for outdoor concentrations to protect public health. The federal and state standards have been set, with an adequate margin of safety, at levels designed to protect the most sensitive persons from illness or discomfort. 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 the following criteria air pollutants: particulate matter of aerodynamic diameter of 10 micrometers or less (PM₁₀), particulate matter of aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}), carbon monoxide (CO), nitrogen dioxide (NO₂), ground-level ozone (O₃), sulfur dioxide (SO₂), and lead. Of these criteria pollutants, particulate matter and ground-level O₃ pose the greatest threats to human health. The California Air Resources Board (CARB) sets standards for criteria pollutants in California that are more stringent than the NAAQS and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide (H₂S), sulfates, and vinyl chloride.

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.

The proposed project is located within the Mountain Counties Air Basin (MCAB), which is comprised of seven air districts: the Northern Sierra Air Quality Management District (NSAQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County APCD, the Tuolumne County APCD, the Mariposa County APCD, and El Dorado County Air Quality Management District (EDCAQMD).

Air quality in the project area is regulated by the EDCAQMD. CARB 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 EDCAQMD regulates air quality through the federal and State Clean Air Acts, district rules, and its permit authority.

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The USEPA and State also designate regions as “attainment” (within standards) or “nonattainment” (exceeds standards) based on the ambient air quality. The MCAB is in nonattainment status for both federal and State O₃ standards, for the State PM₁₀ standard, and for the federal 24-hour PM_{2.5} standard and is in attainment or unclassified status for all other pollutants (CARB 2021).

California Code of Regulations Title 3, *Food and Agriculture*, Division 8, *Cannabis Cultivation*, contains the following sections applicable to the project and relevant to the air quality analysis:

Section 8102(s) states: [Each cultivation license application shall include the following, if applicable:] For indoor and mixed-light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation.

Section 8304(e) states: [All licensees shall comply with all of the following environmental protection measures:] Requirements for generators pursuant to section 8306 of this chapter.

Section 8306 provides requirements for stationary and portable generators greater than 50 horsepower. It requires these to comply with the appropriate Airborne Toxic Control Measure (e.g., USEPA Tier 4 certified engines or equivalent CARB certified engine retrofits) for stationary or portable generators and includes certificates or permits that are acceptable to prove compliance. Additional compliance options are provided for generators below 50 horsepower by 2023, including limiting hours of operation, meeting certain emergency use requirements, or filter and engine requirements.

Impact Analysis:

- a. **Air Quality Plan:** As mentioned previously, the MCAB is currently in non-attainment for O₃ (State and federal ambient standards), PM₁₀ (State ambient standard), and PM_{2.5} (federal ambient 24-hour standard). The Sacramento Regional 2008 NAAQS (National Ambient Air Quality Standards) 8-Hour Ozone Attainment Plan and Reasonable Further Progress Plan (Ozone Attainment Plan) was developed for application within the Sacramento region, including the MCAB portion of El Dorado County (EDCAQMD et al. 2017). The EDCAQMD and other Sacramento region air districts have submitted a PM_{2.5} Implementation/Maintenance Plan and Re-Designation Requests to fulfill CAA requirements to re-designate the region from nonattainment to attainment of the PM_{2.5} NAAQS (EDCAQMD et al. 2013).

Projects within the MCAB portion of the County must demonstrate Ozone Attainment Plan consistency with the following four indicators:

1. The project does not require a change in the existing land use designation (e.g., a general plan amendment or rezone), or projected emissions of ROG and NO_x from a project equal to or less than the emissions anticipated for the site if development under the existing land use designation;
2. The project does not exceed the “project alone” significance criteria;
3. The project would be consistent with the control measures for emissions reductions in the Ozone Attainment Plan; and
4. The project complies with all applicable district rules and regulations.

Regarding the first criterion for compliance with the Ozone Attainment Plan, the proposed project does not require a change in its current land use designation. Therefore, the project would not conflict with or exceed the assumptions of the Ozone Attainment Plan.

Regarding the second criterion, as discussed above, MCAB is currently in non-attainment for O₃ (State and federal ambient standards), PM₁₀ (state ambient standard), and PM_{2.5} (federal 24-hour ambient standard). As discussed in item b), below, the project would not exceed EDCAQMD significance criteria.

The third criterion is consistency with control measures in the Ozone Attainment Plan. Most of the control strategies in the Ozone Attainment Plan include measures in the categories of transportation and stationary sources. The non-regulatory control measures include on-road and off-road mobile incentive programs,

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and an emerging/voluntary urban forest development program. These are followed by the regulatory control measures, which include indirect source rules and a variety of stationary- and area-wide source control measures. The control measures for reducing mobile source emissions includes the following statewide measures: new engine standards, reducing emissions from in-use fleet, requiring the use of cleaner fuels, supporting the use of alternative fuels, and pursuing long-term advanced technology measures. The project would not conflict with or hinder any of the control measures for emissions reductions in the Ozone Attainment Plan.

The final criterion is compliance with the EDCAQMD rules and regulations. The EDCAQMD has adopted rules designed specifically to address a variety of air quality impacts through measures that reduce construction and operational related air quality emissions. The project would be required by law to comply with all applicable rules and regulations. Rules designed to control air pollutant emissions, and which may be applicable to the project include:

- Rule 210 related to the discharge of air contaminants;
- Rule 223 related to fugitive dust;
- Rule 223-1 related to construction generated fugitive dust;
- Rule 223-2 related to asbestos; and
- Rule 224 relates to application of cutback or emulsified asphalt for paving.

Notably, pursuant to Rule 223-1, any activities associated with plans for grading and construction would require a Fugitive Dust Control Plan (FDCP). 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.

In summary, the project would not conflict with the land use designation, would not exceed the “project alone” significance criterion, would be consistent with all control measures of the Ozone Attainment Plan, and would comply with applicable EDCAQMD rules. Based on these considerations, the project would not conflict with or obstruct implementation of an applicable air quality plan. The impact would be **less than significant**.

- b. Air Quality Standards and Cumulative Impacts:** The following discussion evaluates the potential for the project’s construction and operational emissions to result in a considerable contribution to the region’s cumulative air quality impact.

Construction

Construction of the project would result in the addition of pollutants to the local airshed caused by soil disturbance, fugitive dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials and worker vehicles commuting to and from the project site.

The EDCAQMD has adopted screening criteria for determining the significance of a project’s construction period ozone precursor and particulate matter emissions in Chapter 4 of the Guide to Air Quality Assessment (EDCAQMD 2002).

Screening of Construction Equipment Based on Fuel Use: If the average daily diesel fuels used for one quarter (3 months) would be less than 337 gallons (from Table 4.1 in the Guide to Air Quality Assessment), ROG and NO_x emissions from construction equipment may be deemed not significant. If ROG and NO_x emissions from diesel equipment are deemed not significant based on fuel usage in Table 4.1, then exhaust emissions of CO and PM₁₀ from construction equipment, and exhaust emissions of all constituents from worker commute vehicles, may also be deemed not significant.

Screening of Fugitive Dust Emissions Based on Incorporation of Mitigation Measures: Mass emissions of fugitive dust PM₁₀ need not be quantified, and may be assumed to be not significant, if the project

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includes mitigation measures that will prevent visible dust beyond the project property lines, in compliance with Rule 403 of the South Coast Air Quality Management District (included in Appendix C-1 of the Guide to Air Quality Assessment).

The construction equipment required for the project has not been determined at the time of this analysis. The California Emissions Estimator Model (CalEEMod), developed by the California Air Pollution Control Officers Association (CAPCOA) and the California air districts for estimating typical development project emissions, contains lists of equipment required for each activity of typical project construction based on project size. As described in Section 3.0, above, the project would encompass approximately 0.6 acre and involve the construction of 8 greenhouses, a parking lot, restroom, and driveway extension leading to the project site. The most intense use of heavy construction equipment typically occurs during the grading activity. According to Appendix D of the CalEEMod Users' Guide, a project with a construction area of less than 1 acre would be expected to require one rubber-tired dozer, one tractor/loader/backhoe, and one grader (CAPCOA 2017), and it is estimated that each piece of equipment would operate for 8 hours per day. Per El Dorado County Noise requirements, construction activities are restricted to the hours between 7:00 a.m. and 7:00 p.m. during weekdays and between 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays. The rubber-tired dozer would be the most fuel use intensive piece of construction equipment used during grading. A Caterpillar 824K Wheeled Dozer (405 horsepower) operating under medium intensity burns between 10.5 and 12.1 gallons of diesel per hour (Caterpillar 2018). Conservatively assuming that all equipment used during grading would burn 12.1 gallons per hours, the average daily diesel fuel use would be approximately 290 gallons, less than the 377 gallons per day screening level. Therefore, project construction emissions of ROG, NO_x and other exhaust constituents would be less than significant.

The EDCAQMD Rule 223-1 requires any construction or construction related activities, including the project construction, to submit a FDCP to the EDCAQMD prior to the start of any construction activity for which a grading permit was issued by El Dorado County (EDCAQMD 2005). The FDCP must identify the project's potential sources of fugitive dust and Best Management Practice (BMP; Rule 223-1, Table 1 through 4) or other effective measures for fugitive dust control. As a Condition of Approval, the County would require implementation of all applicable fugitive dust mitigation measures included in Appendix C-1, Tables C.4 and C.5 of the EDCAQMD Guide to Air Quality Assessment. Some of the requirements of these mitigation measures may overlap with the requirements of the EDCAQMD Rule 223-1. With adherence to this Condition of Approval, the project's construction-period emissions of fugitive dust PM₁₀ and PM_{2.5} would be less than significant.

Operation

The EDCAQMD has adopted screening criteria for determining the significance of a project's operational ozone precursor emissions in Chapter 5 of the Guide to Air Quality Assessment (EDCAQMD 2002):

For development projects whose only operational emissions come from increased vehicular traffic, screening based on project size or activity may be used to determine whether the project will exceed the threshold of significance for total emissions from project operation. Table 5.2 of from the Guide to Air Quality Assessment provides size or activity cut-points for various types of land uses that the EDCAQMD has determined, based on conservative assumptions, would, if exceeded, result in emissions above the EDCAQMD's thresholds of significance for ROG and NO_x.

The proposed project would not include other sources of operational emissions. The project's proposed commercial cannabis cultivation facility is not included in Table 5.2 of the Guide to Air Quality Assessment. Examples of the development types and sizes in Table 5.2 includes 230 single-family residences, 620,000 square feet of manufacturing, and 260,000 square feet of general office space. As described in the Section 7.XVII, Transportation, the project is expected to generate a total of 20 daily trips. For comparison, in transportation planning, the trip generation for typical single-family residences is 9 to 10 daily trips (2,070 to 2,300 daily trips for 230 residences). Therefore, the project trip generation of 20 daily trips would be far less than the expected trip generation for any of the development types listed in Table 5.2. Therefore, the project's operational emissions of ROG and NO_x would be less than significant.

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Impact Conclusion

The proposed project would not 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. Impacts would be **less than significant**.

- c. **Sensitive Receptors:** The State 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. Residences, hospitals, schools, and convalescent facilities are examples of sensitive receptors. The discussion below reviews the significance of emissions within the context of potential impacts to sensitive receptors. The closest sensitive receptors are single-family rural residences along the project parcel's western property line. The proposed cannabis cultivation area and supporting facilities are set back a minimum of 800 feet from all property lines, including the property lines of the neighboring residential properties. There are no daycare centers, schools, or hospitals, or convalescent facilities located within 1 mile of the project site.

Criteria Pollutants

Specific adverse health effects on individuals or population groups induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables such as cumulative concentrations, local meteorology and atmospheric conditions, and the number and characteristics of exposed individuals (e.g., age, gender). Criteria pollutant precursors (ROG and NO_x) affect air quality on a regional scale, typically after significant delay and distance from the pollutant source emissions. Health effects related to ozone are, therefore, the product of emissions generated by numerous sources throughout a region. Emissions of criteria pollutants from vehicles traveling to or from the project site (mobile emissions) are distributed nonuniformly in location and time throughout the region, wherever the vehicles may travel. As such, specific health effects from these criteria pollutant emissions cannot be meaningfully correlated to the incremental contribution from the project. As discussed above, the project is not expected to result in a substantial increase in criteria pollutant emissions based on the EDCAQMD screening criteria. That, combined with the 800-foot setback, would ensure impacts related to exposure of sensitive receptors to criteria pollutant emissions would be less than significant.

Toxic Air Contaminants

TACs are defined as substances that may cause or contribute to an increase in deaths or in serious illness, or that may pose a present or potential hazard to human health. Health effects from carcinogenic air toxics are usually described in terms of cancer risk. The EDCAQMD recommends an incremental cancer risk threshold of 10 in 1 million (with implementation of best available control technology for toxics). "Incremental cancer risk" is the net increased likelihood that a person continuously exposed to concentrations of TACs resulting from a project over a 9-, 30-, and 70-year exposure period will contract cancer based on the use of standard California Office of Environmental Health Hazard Assessment (OEHHA) risk-assessment methodology (OEHHA 2020). In addition, some TACs have non-carcinogenic effects. EDCAQMD recommends a Hazard Index of 1 or more for acute (short-term) and chronic (long-term) non-carcinogenic effects. The TAC that would potentially be emitted during construction activities associated with development of the proposed project would be diesel particulate matter (DPM).

Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as DPM. Almost all DPM is 10 microns or less in diameter and 90 percent of DPM is less than 2.5 microns in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung. In 1998, CARB identified DPM as a TAC based on published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. Due to the relatively short period of construction, approximately 2 months, the substantial distance to the nearest sensitive receptor, and minimal exhaust PM₁₀ emissions generated, project construction would not expose sensitive receptors to substantial concentrations of DPM.

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Asbestos dust is a known carcinogen and is classified as a TAC by CARB. Naturally occurring asbestos (NOA) most commonly occurs in ultramafic rock (i.e., igneous and metamorphic rock with low silica content) that has undergone partial or complete alteration to serpentine rock (or serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, is associated with ultramafic rock, particularly near geologic faults. Some areas of El Dorado County are known to contain NOA. Earthmoving activities in areas containing NOA could result in potentially significant levels of NOA in fugitive dust. El Dorado County provides a map which shows the locations of known areas of NOA, areas likely to contain NOA, and buffer zones for known and likely NOA areas (El Dorado County 2015a). The project site is not located within any area known to contain NOA, or within any known NOA buffer zone; however, the project site is located within an area classified as more likely to contain asbestos and within the quarter mile buffer for more likely to contain asbestos or fault line. Therefore, the project applicant would be required to comply with the EDCAQMD Rule 223-2 (Fugitive Dust - Asbestos Hazard Mitigation) as a Condition of Approval which requires either a site-specific Geologic Evaluation, or an Asbestos Dust Mitigation Plan if NOA, serpentine, or ultramafic rock is discovered by the project owner/operator, a professional geologist, or the Air Pollution Control Officer prior to or during construction activity. Therefore, the project construction would not expose sensitive receptors to substantial concentrations of NOA.

Operation of the project would not result in significant, direct emissions of TACs (e.g., those from a stationary source such as diesel generators) or result in substantial diesel vehicle trips (i.e., delivery trucks). The use of an on-site generator would be limited to power outage events and if the solar energy system is limited by undetermined weather conditions. Therefore, the project would not result in exposure of sensitive receptors in the vicinity of the project site to substantial TAC concentrations due to operations.

In summary, the project would not expose sensitive receptors to substantial pollutant concentrations, including DPM and NOA. The impact would be **less than significant**.

- d. Objectionable Odors:** The occurrence and severity of potential odor impacts depend on numerous factors. The nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receiving location; each contributes to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying, cause distress, and generate citizen complaints.

Common sources of odors include wastewater treatment plants, landfills, transfer stations, composting facilities, refineries, chemical plants, and food processing plants (EDCAQMD 2002). The proposed project would construct a cannabis cultivation facility within eight (8) mixed light greenhouses. During project construction, exhaust from equipment may produce discernible odors typical of most construction sites. Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from the tailpipes of construction equipment. However, such odors would disperse rapidly from the project site and generally occur at magnitudes that would not affect substantial numbers of people. There is an increased potential for odor emanating from project operation due to the strong fragrance of cannabis. The El Dorado County Cannabis Ordinance, Section 130.41.200 contains a minimum setback of 800 feet from the property line of the site or public right-of-way which allow cultivation and processing activities. In addition, the ordinance includes standards for maximum allowable odors measured by the County at the property line using a field olfactometer. Based on the results of field measurements, the County may require installation of odor control options which may include, but are not limited to, the use of a greenhouse or hoop house that includes activated carbon filtration or equivalent odor abatement control equipment on the air exhaust (El Dorado County 2019). Compliance with the County Cannabis Ordinance for odor control would ensure that impacts associated with odors would be **less than significant**.

Conditions of Approval:

1. The project applicant is required to implement of all applicable fugitive dust mitigation measures included in Appendix C-1, Tables C.4 and C.5 of the EDCAQMD Guide to Air Quality Assessment.
2. The project applicant is required to comply with the EDCAQMD Rule 223-2 (Fugitive Dust - Asbestos Hazard Mitigation) which requires either a site-specific Geologic Evaluation, or an Asbestos Dust

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Mitigation Plan if Naturally Occurring Asbestos (NOA), serpentine, or ultramafic rock is discovered by the project owner/operator, a professional geologist, or the Air Pollution Control Officer prior to or during construction activity.

FINDING: The proposed project would not 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 or expose sensitive receptors to substantial pollutant concentrations. The potential impact would be less than significant. Adherence to the County Conditions of Approval and EDCAQMD applicable rules would reduce the potential impact of the proposed project on air quality and odors to less than significant.

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IV. BIOLOGICAL RESOURCES

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

This section of the Initial Study is based on the project-specific Biological Resources Evaluation (BRE) and Oak Resources Technical Report prepared by Sycamore Environmental Consultants to assess the project’s potential impact to federal and State listed special-status plants and wildlife species and their habitats. The full BRE and the Oak Resources Technical Report are included as Appendices C and D of this Initial Study, respectively. The results of those reports are summarized in this section.

Environmental Setting:

The project area is located in unincorporated El Dorado County in the western Sierra Nevada foothills. The Sierra Nevada foothills lie between the western edge of the Sierra Nevada and the eastern border of the Central Valley. The foothills form a belt 10 to 30 miles wide that ranges from 500 to 5,000 feet in elevation in a series of northwest to north/northwest aligned ridges that decline in elevation from northeast to southwest. Many rapidly flowing rivers and streams run westerly in deeply incised canyons with bedrock channels to the Central Valley and eventually to the Pacific Ocean. Alluvial fans, floodplains, and terraces are not extensive. Dominant vegetation communities include non-native annual grasslands and blue oak woodland.

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Vegetation communities within the project parcel are typical of the lower Sierra Nevada foothills, and include annual grassland and blue oak woodland, along with four wetland swales, two artificial impoundments, and three channels. Three of the wetland swales occur northeast of the project site near the two artificial impoundments, and the other wetland swale occurs southwest of the project site. The two artificial impoundments and three channels are located northeast of the area proposed for development. The terrain within the project parcel is typical of the lower Sierra Nevada foothills that normally varies between flat ridges and valleys to gently and moderately sloping hillsides. The project parcel is mostly flat to gently sloping with elevations ranging from approximately 980 feet to 1,150 feet amsl.

Natural hydrologic sources for the project area include precipitation and surface runoff from adjacent lands. The project area receives an historic average of 34.27 inches of precipitation from October 1 through September 30. From October 1, 2019 through October 20, 2020, the project area reported 25.71 inches of precipitation. No water was present within the wetland swales, artificial impoundments, or channels during the October 20, 2020 survey.

The parcel is not actively used for natural resource extraction or production, although some of the land is currently used for cattle grazing. The center of the parcel, including the area proposed for development of the cultivation site, is non-native annual grassland with oak trees. The remainder of the site consists largely of blue oak/oak woodland, non-native vegetation, and a few small swales. The surrounding land uses include private, sparsely wooded and grazing lands and rural residential properties. Clark Creek is a seasonal creek located east of the project site.

The BRE (Appendix C) identified the following terrestrial vegetation communities on the project site:

- Annual Grassland: Within the annual grasslands of the subject parcel, the following species are dominant: slender wild oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), softchess (*Bromus hordeaceus*), medusahead (*Taeniatherum caput-medusae*) and yellow-star thistle (*Centaurea solstitialis*). Most native grasslands in El Dorado County have been replaced by non-native invasive plants and the majority of the annual grassland habitat identified within the subject parcel is dominated by non-native annual grassland species, many of which are considered invasive. This habitat type covers a large, open area in the central section of the project parcel, including 100 percent of the proposed cultivation area.
- Blue Oak – Oak Woodland: Blue oak – foothill pine woodland is a co-dominant habitat type within the subject parcel. Foothill pine (*Pinus sabiniana*) and blue oak (*Quercus douglasii*) are the dominant tree species within this habitat type. Blue oaks and interior live oak trees (*Quercus wislizeni*) were the only native oak trees identified within the subject parcel. Within the subject parcel this habitat is dominated by larger foothill pines and blue and interior live oak trees that are small in stature and in some cases could be considered large shrubs.

El Dorado County regulates impacts to oak trees and woodlands through the Oak Resources Management Plan (ORMP) and the Oak Conservation Ordinance (no. 5061). The purpose of the ORMP is to define mitigation requirements for impacts to oak resources (oak woodlands, individual native oak trees, and Heritage Trees) and to outline strategies for oak woodland conservation. The project would impact 2.29 acres of oak woodland on-site and require the removal of two oak trees. The project would indirectly impact six trees ranging from 17 to 35 inches diameter breast height (dbh) by grading within one-third or more of the root zone. One (1) Heritage tree would be indirectly impacted by grading within the root zone.

The project site does not provide habitat for any federal- or State-listed species. However, the project site does provide potential habitat for the following five CDFW species of special concern or fully protected species: Grasshopper sparrow (*Ammodramus savannarum*), Golden eagle (*Aquila chrysaetos*), Burrowing owl (*Athene cunicularia*), White-tailed kite (*Elanus leucurus*), and Pallid bat (*Antrozous pallidus*).

Based on the results of the database searches, one special-status plant species was identified as having a potential habitat within the surveyed area: Tuolumne button celery (*Eryngium pinnatisectum*).

According to the USFWS and CNDDDB, the following special-status species may occur or have documented historical occurrences in the vicinity of the project site.

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Table 1.
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR NEAR THE PROJECT SITE

Scientific Name Common Name	Regulatory Status ¹	Species Observed	Suitable Habitat in/near the Project Site
Birds			
<i>Ammodramus savannarum</i> Grasshopper sparrow	--/--/SSC/--	No	Habitat present
<i>Aquila chrysaetos</i> Golden eagle	--/--/FP/--	No	Habitat present
<i>Athene cunicularia</i> Burrowing owl	--/--/SSC/--	No	Habitat present
<i>Elanus leucurus</i> White tailed kite	--/--/FP/--	No	Habitat present
Mammals			
<i>Antrozous pallidus</i> Pallid bats	--/--/SCC/--	No	Habitat present
Plants			
<i>Eryngium pinnatisectum</i> Tuolumne button celery	--	No	Habitat present
Sensitive Natural Communities			
Blue Oak Woodland	--	Yes	Habitat present
Wetlands and Waters of the U.S. and State	--	Yes	Habitat present

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 *et seq.*) 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 (16 USC 1539 *et seq.*) 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.

¹ Regulatory Status is FESA listing/CESA listing/Other State status/CNDDDB element ranks status (only included if no other listing/status applies). FT = Federally Threatened; SCE=State Candidate Endangered; ST=State Threatened; FP=Fully Protected; SSC=Species of Special Concern; GH = Possibly Extinct globally; G2 = Imperiled globally; SH = Possibly Extirpated (Historical) within the State; S2 = Imperiled within the State

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Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC, Chapter 7, Subchapter II) protects migratory birds and their nests and eggs; protected species are on a federal list specific to this act (50 CFR Section 10.13). 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 civil and 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 water-filled depressions (33 CFR Part 328). Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of U.S. Army Corps of Engineers (USACE) under the provisions of CWA Section 404. Construction activities involving placement of fill into jurisdictional waters of the U.S. are regulated by USACE through permit requirements. No USACE permit is effective in the absence of state water quality certification pursuant to Section 401 of CWA.

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

State Laws, Regulations, and Policies

California Fish and Game Code

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

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

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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 1607 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. 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”.

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 Practice Act, which took effect January 1, 1974. The act established the Forest Practice Rules (FPRs) and charged the politically-appointed Board of Forestry to oversee their implementation. CAL FIRE works under the direction of the Board of Forestry and Fire Protection and is the lead government agency responsible for approving logging plans and for enforcing the FPRs. A Timber Harvest Plan must be prepared by a Registered Professional Forester for timber harvest on non-federal timberlands, with limited exceptions.

Cannabis Cultivation Program

Title 3 CCR Section 8102 states:

[Each application for a cultivation license shall include the following, if applicable]:

(w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required

(dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8216 states:

If the State Water Resources Control Board or the Department of Fish and Wildlife notifies the department in writing that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area pursuant to section 26069, subdivision (c)(1), of the Business and Professions Code, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area while the moratorium is in effect.

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Section 8304 states:

All licensees shall comply with all of the following environmental protection measures:

- (a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;
- (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;
- (c) All outdoor lighting used for security purposes shall be shielded and downward facing.

Section 8304(g) states:

Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Local Laws, Regulations, and Policies

The County General Plan also includes 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).

El Dorado County

El Dorado County Code and General Plan Policies pertaining to the protection of biological resources would include protection of rare plants, setbacks to riparian areas, and mitigation of impacted oak woodlands. Policy 7.4.4.4 of the General Plan establishes the native oak tree canopy retention and replacement standards. Impacts to oak woodlands have been addressed in the El Dorado County General Plan EIR, available for review online at https://www.edcgov.us/Government/planning/pages/final_environmental_impact_report_%28eir%29.aspx or at El Dorado County Planning Services offices located at 2850 Fairlane Court, Placerville, CA, 95667. Mitigation in the form of General Plan policies has been developed to mitigate impacts to less than significant levels. The County’s oak resources reporting and impact mitigation requirements are outlined in El Dorado County’s ORMP and codified in County Ordinance No. 5061.

El Dorado County Oak Resources Conservation Ordinance (No. 5061)

The El Dorado County Oak Resources Conservation Ordinance was adopted to establish standards for implementing the County’s ORMP. The Ordinance protects native oak resources as oak canopy or as an individual tree and states

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that an impact is defined for individual native oak trees as the physical destruction, displacement or removal of a tree or portions of a tree caused by poisoning, cutting, burning, relocation for transplanting, bulldozing or other mechanical, chemical, or physical means. For oak woodlands, tree and land clearing apply when they are associated with land development, including, but not limited to, grading, clearing, or otherwise modifying land for roads, driveways, building pads, landscaping, utility easements, fire-safe clearance and other development activities. If a project is determined to have an impact to individual native oak trees or oak woodlands the project is required to mitigate for that impact through one of the following: pay-in-lieu fees, purchase and deed-restrict oak woodland off-site, or plant replacement oaks on- or off-site. Several exemptions exist, including cutting of oaks for the property owner's personal use, so long as the oaks are not a Heritage Tree (native oak tree of 36 inches dbh or a multi-stemmed tree having a total aggregate dbh of 36 inches or more) nor a valley oak (*Quercus lobata*). A landowner may remove up to eight trees from a single parcel per year under this exemption, provided that the total dbh of trees removed from a single parcel does not exceed 140 inches (County Code 130.39.050 (J)).

Impact Analysis:

- a. **Special Status Species:** As discussed in the BRE, impacts to potential special-status species were considered based on field survey results and a review of the USFWS IPaC for federally endangered, threatened, and proposed listed species in the project area, the California Native Plant Society's online Inventory of Rare and Endangered Plants of California in the project area and a 9 Quad inventory search, and a CDFW CNDDDB records search of the project area and a 9 Quad inventory search. No special-status species were detected within the project area during the field survey. Based on the results of the database searches, one special-status plant species was identified as having a potential habitat within the surveyed area: Tuolumne button celery (*Eryngium pinnatisectum*). Tuolumne button celery is an annual or perennial herb that is endemic to California. Tuolumne button celery is known from the eastern Central Valley and Sierra Nevada foothills and inhabits vernal pools and other wet habitats in hills and grasslands. This species was identified as having a potential habitat in the wetlands and impoundments on the parcel. However, no habitat could occur in the drier areas where development is proposed, and this species was not observed during the October 2020 field surveys. Therefore, the proposed project is not anticipated to impact Tuolumne button celery, and no mitigation measures are proposed.

Wetlands, such as the four wetland swales, two artificial impoundments, and three channels, can sustain aquatic special-status species and diverse wildlife species in general. All proposed development and disturbance areas are setback at least 50 ft from all aquatic features in compliance with El Dorado County General Plan Policy 7.3.3.4, and there would be no impacts to any wetlands or waters.

No nests or nesting activity were observed in the project area during the field survey, but the project area contains suitable nesting habitat for various bird species due to the presence of trees. If construction or tree removal 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 disturbances. Therefore, project construction could cause a potentially significant adverse impact to nesting birds without mitigation. To reduce any potential impacts to special-status species or nesting birds, the project applicant would be required to implement Mitigation Measure BIO-1, Pre-Construction Nesting Bird Survey. With implementation of the Mitigation Measure BIO-1, the proposed project would have a **less than significant impact with mitigation**.

Mitigation Measure BIO-1: Pre-Construction Nesting Bird Survey

- If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active bird nests.
- Vegetation (trees and shrubs) schedule for removal should be removed during the non-breeding season from 1 September to 31 January.
- If construction will begin during the bird nesting season (1 February through 31 August), then a preconstruction survey for protected nesting birds shall be conducted by a qualified biologist.

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If a 15-day lapse in construction work occurs during nesting season, then another preconstruction survey shall be conducted prior to the resumption of work.

- The preconstruction survey shall be conducted within 7 days prior to the start of construction. The survey shall cover the Project site and areas within 1,320 feet for golden eagle, 500 feet for bird-of-prey, and within 100 feet for other (non-bird-of-prey) nests. Inaccessible areas and private lands shall be surveyed from accessible (public) areas with binoculars. If no active nest of a bird of prey, MBTA bird, or other CDFW protected bird is found, then no further avoidance and minimization measures are necessary. If active nests are found, they shall be avoided and protected as follows:
 - If a golden eagle nest is found, a 1,320-foot-radius Environmentally Sensitive Area (ESA) shall be established around the nest.
 - If a bird-of-prey nest is found, a 500-foot-radius ESA shall be established around the nest.
 - If an active nest of another (non-bird-of-prey) bird is found, a 100-foot-radius ESA shall be established around the nest.
- If a golden eagle nest is found, the applicant shall consult with the U.S Fish and Wildlife Service before construction activities commence. No construction activity shall be allowed in an ESA until the biologist determines that the nest is no longer active. Construction buffers may be reduced in size if the qualified biologist determines that construction activities will not disturb nesting activities or contribute to nest abandonment.
- Between 1 February and 31 August, if additional vegetation removal is required after construction, has started, a survey will be conducted for active nests in the area to be affected. If an active nest is found, the above measures will be implemented.
- If an active nest is identified in or adjacent to the construction zone after construction has started, the above measures will be implemented to ensure construction is not causing disturbance to the nest.

Monitoring Responsibility: El Dorado County Planning and Building Department.

- b, c. Riparian Habitat and Wetlands:** The BRE determined that the wetlands and waters within the biological study area are not considered potential waters of the U.S but are considered waters of the State. There are four wetland swales, two artificial impoundments, and three channels within the biological study area identified for this project. Three of the wetland swales occur northeast of the project site near the two artificial impoundments, and the other wetland swale occurs southwest of the project site. The two artificial impoundments and three channels are located northeast of the area proposed for development. Potential adverse impacts to water resources could occur during construction by modification or destruction of stream banks or riparian vegetation, the filling of wetlands, or by increased erosion and sedimentation in receiving water bodies due to soil disturbance. However, the cultivation area is setback a least 50 ft from all wetlands and waters in compliance with El Dorado County General Plan Policy 7.3.3.4 and is situated on relatively flat terrain. Therefore, no impacts to aquatic resources would occur.

Because the total area of ground disturbance from installation of the cultivation operation would not exceed one acre or more, the cultivator would not be required to enroll for coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ). Potential adverse impacts to water resources could occur during operation of cultivation activities through the discharge of sediment or other pollutants (fertilizers, pesticides, human waste, etc.) into receiving waterbodies. However, the project proponent is required to file a Notice of Intent and enroll in Cannabis Cultivation Order WQ 2019-0001-DWQ. Compliance with this order would ensure that cultivation operation

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would not significantly impact water resources by using a combination of BMPs, buffer zones, sediment and erosion controls, site management plans, inspections and reporting, and regulatory oversight. With the implementation of these required measures, potential impacts to any riparian habitat or other sensitive natural community would be **less than significant**.

- d. Migration Corridors:** Wildlife movement corridors typically are associated with ridgelines and valleys, rivers, and creeks supporting riparian vegetation. The proposed project area does provide some of these features, along with good cover for movement and foraging for many species. Clark Creek to the east would provide a more typical movement corridor. Proposed project development would impede wildlife use of the project area; however, these project related effects would be localized and would not substantially affect wildlife movements. No wildlife nursery sites are in the proposed project area. While the project property may be used for movement or migration, the project would not have a significant impact on this movement because it would not block movement, and the majority of the open space on the project property would remain undisturbed as only 0.6 acre of the 105.9-acre property would be developed as a part of the proposed project. The fenced cultivation area would be surrounded by open space which would allow wildlife to move around this small, fenced area.

Therefore, implementation of the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Impacts would be **less than significant**.

- e. Local Policies:** The applicant intends to remove two (2) oak trees, impact 2.29 acres of oak woodland on-site, and indirectly impact one Heritage tree. Therefore, an Oak Resources Technical Report was prepared in compliance with the County's Oak Resources Conservation Ordinance (Oak Ordinance; County Code Chapter 130.39). Trees within the oak woodland may be removed entirely or impacted by construction activities within the root protection zone (RPZ). The ORMP defines the RPZ as "roughly one-third larger than the drip line (or outermost edge of the foliage based on the longest branch)." Project activities that would impact oak woodlands include the following: grading and compacting an access road, parking area, and facility; creation of a leach field; and excavating a utility trench from the cannabis facility to an existing electrical shed.

The project would impact 2.29 acres of oak woodland, or 4% of oak woodlands mapped on-site. Two oak trees that are located within the footprint of the cannabis facility would be removed. The project would also indirectly impact six trees ranging from 17 inches dbh to 35 dbh by grading within one-third or more of the root zone, and one Heritage tree would be indirectly impacted by grading within the root zone. The Heritage tree is not planned for removal; however, impacts to the Heritage tree are included in the in-lieu mitigation fee. Impacts to oak resources would be less than significant with the following mitigation incorporated.

Mitigation Measure BIO-2: Oak Resource Protection

- A Root Protection Zone (RPZ) shall be established around retained trees. The RPZ shall extend 20 feet beyond the dripline where possible given grading limits. The RPZ around retained trees near the limit of grading will be much smaller.
- The RPZ shall be marked with a minimum 4-foot-high orange construction fence hung on posts (such as T-posts) before clearing occurs. The fence shall not be supported by trees or other vegetation. The fence shall remain in place until construction is complete.
- There shall be no driving, parking, or storage of supplies or equipment within the RPZ. Entry of construction personnel into the RPZ is not allowed except for maintenance of the fence or other activities undertaken for the protection of trees.
- The tree canopy along the RPZ boundary shall be inspected prior to vegetation clearing in the area of grading. The canopy of trees to be removed shall be pruned where it is intertwined with the canopy of retained trees, or wherever felling of trees to be removed may damage the canopy

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of retained trees. The canopy of retained trees that overhangs the area to be graded shall be pruned to the minimum height required for construction.

- Apply 2-4 inches of organic mulch over the root system prior to construction. Mulch should not be placed against the trunk as it promotes fungal growth. Mulch moderates soil temperature, maintains soil moisture, reduces soil compaction, enhances root growth, and reduces competition with weeds.
- Prune dead or damaged limbs from the tree. The removal of dead limbs is beneficial to the tree and reduces safety concerns of dead branches falling during construction.
- Limb pruning of retained trees should be conducted by an arborist or tree worker that is ISA certified and licensed by the State of California for tree service. Pruning shall be conducted in accordance with American National Standard Institute (ANSI) A300 Pruning Standard and adhere to the most recent edition of ANSI Z133. L.
- Do NOT thin out the canopy or do any additional pruning. It is more beneficial for a tree to have the most amount of foliage possible in order to promote new root growth.

Mitigation Measure BIO-3: Protection During Vegetation Clearing

- Brush clearing along the RPZ boundary may be necessary in some areas for installation of a fence. Brush along the RPZ boundary, outside areas to be graded, shall be cut near ground level, not removed by the roots. Brush shall be cut and removed so that trees in the RPZ are not harmed. Brush shall not be disposed of in the RPZ.
- Trees in the area of grading shall be felled in a direction away from the RPZ.

Mitigation Measure BIO-4: Protection During Project Operation

- Most absorbing roots of trees are in the top 12 inches of the soil. If grading cuts or excavation is necessary within the RPZ, root pruning should be conducted beforehand along the cut/excavation limit. Roots should be pruned to the same depth, and no more, as adjacent excavation, up to one foot below existing grade. Roots should be pruned by a method that cuts them cleanly such as a rock saw, vibrating knife, narrow trencher with sharp blades, or hand excavation and sawing. Roots should not be severed with backhoes, excavators, bulldozers, graders, or other rough grading equipment that may pull or shatter tree roots. No root pruning is necessary for fill.
- Most of the trees in the areas of avoided oak woodland are mature. All of them have been growing under the natural moisture regime without irrigation and are adapted to dry summer/fall conditions. Extra irrigation water should not be applied to the trees, especially within a few feet of the trunk.

Mitigation Measure BIO-5: Oak Woodland In-Lieu Fee

The Project applicant shall pay an in-lieu fee to the Oak Woodland Conservation Fund at a 1:1 mitigation ratio for impacts to oak woodlands per acre impacted and a 3:1 mitigation ratio per dbh inch for impacted Heritage trees.

No other local policies or ordinances protecting biological resources are applicable to the proposed project. Compliance with the El Dorado County Oak Resources Conservation Ordinance and mitigation measures BIO-2 through BIO-5 would reduce potential impacts to **less than significant with mitigation incorporated.**

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- f. Adopted Habitat Conservation Plans:** This project would not conflict with the provisions of an adopted Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. There would be **no impact**.

FINDING: No special-status plant or wildlife species or sensitive habitats were identified on the project site. Implementation of Mitigation Measure BIO-1, Pre-Construction Nesting Bird Survey, would avoid any potential impacts to nesting raptors, nesting birds, or other migratory birds. Implementation of Mitigation Measure BIO-2, Oak Resource Protection, Mitigation Measure BIO-3, Protection During Vegetation Clearing, Mitigation Measure BIO-4, Protection During Project Operation, and Mitigation Measure BIO-5, Oak Woodland In-Lieu Fee, would reduce any impacts to protected oak resources to less than significant levels. For this Biological Resources evaluation, impacts would be less than significant with mitigation incorporated.

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V. CULTURAL RESOURCES

<i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?			X	
c. Disturb any human remains, including those interred outside of formal cemeteries?			X	

This section of the Initial Study is based on the project-specific Cultural Resource Assessment (CRA) prepared by Peak & Associates to assess the project’s potential impact to cultural resources. The full CRA is included as Appendix E of this Initial Study. The results of that report are summarized in this section.

Environmental Setting:

The project area lies in the territory attributed to the Nisenan -- a branch of the Maidu group of the Penutian language family. Tribes of this family dominated the Central Valley, San Francisco Bay areas, and western Sierra Nevada foothills at the coming of the white man. The Nisenan controlled the drainages of the Yuba, Bear, and American rivers, along with the lower portion of the Feather River. The tribes of this whole region referred to themselves as Nisenan, meaning “people,” in contrast to the surrounding tribes, in spite of close linguistic and cultural similarities. For this reason, they are usually named by this term rather than the more technical “Southern Maidu.” In any event, the local main village was of more importance to the people than the tribal designation, and groups identified themselves by the name of the central village.

The northern boundary of the Nisenan territory has not been clearly established due to similarity in language to neighboring groups. The eastern boundary of the Nisenan territory was the crest of the Sierra Nevada mountain range. Probably a few miles south at the confluence of the American and Sacramento rivers on the valley floor was their southern boundary. The western boundary of the Nisenan territory extended from this point upstream to the mouth of the Feather River. The Valley Maidu settlement pattern was basically oriented to major river drainages, with ancillary villages located on tributary streams and sloughs. Major villages often supported a population exceeding five hundred people. The inhabitants had an intimate knowledge of the environs within their territory. The Nisenan who occupied the foothills and lower Sierra Nevada elevations selected village sites on ridges and large flats or meadows near the major streams. These villages tended to have smaller populations than those in the great valley, and it was not uncommon for family groups to have their abodes located away from the main village.

Both the valley and foothill people lived by hunting and gathering, with the latter being more important. Acorns in the forms of meal, soup or bread provided the staple diet, augmented by a wide variety of seeds and tubers. Hunting and fishing were regularly practiced but provided less of the diet than vegetable foods. The bedrock mortar and pestle were employed to process the acorn meats into flour, and the mortar cups are frequently found throughout the range of oak trees. Both salmon and eel were caught at nearby Salmon Falls.

Religion was in the form of the “Kuksu Cult,” a widespread pattern among the California Indians. People congregated in the semi-subterranean dance-house located at the central village and attended "cry sites" where the annual mourning ceremony for the dead took place.

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In 1833, a malaria epidemic swept through the Sacramento Valley, and it is estimated to have killed seventy-five percent of the native population, leaving only a shadow of the original Maidu to face the intruding miners and settlers. The Nisenan of the mountain areas felt little of the impact of European settlement in California as compared to the Valley Nisenan people, who were subjected to missionization. The Mountain Nisenan people, remote from these early impacts, instead were overwhelmed by the gold rush. Native ways of life were almost totally abandoned, and today only a few families in Placer, Nevada, Yuba, and El Dorado counties identify themselves as Nisenan and can speak the language.

Research

A record search was conducted by the North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS) at California State University, Sacramento on October 24, 2020 (ELD-20-97, Appendix 2). The results of the record search determined that the project area had not been subject to prior surveys. There are no known sites in the project area, but one prehistoric period site and five historic period resources have been recorded within a 0.5-mile radius of the property.

Field Survey and Results

On November 14, 2020, the entire project site was field surveyed by Michael Lawson, Archeological Specialist with Peak & Associates, with complete coverage. The survey extended wider than the project impact area.

The landform of the project area consists of undulating hills with narrow seasonal drainages and several rock outcroppings. Soils are mostly loam, with some silt and sand near the drainages. Color ranges from reddish brown on the slopes and hilltops and darker brown beneath old oaks. The soil includes a high angular stone content from pebbles to large cobbles between outcroppings of schist, serpentine and shale “tombstone” rocks. These formations are angular and perpendicular to the ground, rarely having a horizontal flat surface for food preparation by grinding. Occasional horizontal stone surfaces can be found and were checked carefully for signs of human use. Other stone types noted are milky quartz, varieties of quartzite, and unidentified crypto-crystalline silicates, in fragments no larger than two centimeters.

Vegetation includes sparse new grass shoots and some brown decaying grass, mature oaks, and occasional other sparse invasive plants, allowing excellent visibility of the soil. Leaf litter under oak trees is thick, requiring some scraping to reveal soils.

Survey strategy included walking parallel transects no more than three meters apart with occasional pauses for closer soil inspection. Complete intensive coverage of the project site was employed due to proximity of known archaeological features as well as resources present such as drainages and useable tool stone.

No cultural resources were observed during the survey. Survey results for prehistoric period resources as well as for historical resources was negative. See Appendix E for more information.

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);

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- 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

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 CEQA. 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 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.

PRC (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 PRC 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

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recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

CEQA and State CEQA Guidelines

Section 21083.2 of the State CEQA Guidelines requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined 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.

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

Section 15064.5 of the State 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 CRHR (PRC Section 5024.1[k]);
- Included in a local register of historic resources (PRC Section 5020.1) or identified as significant in an historic resource survey meeting the requirements of PRC Section 5024.1(g); or
- Determined by a lead agency to be historically significant.

State CEQA Guidelines Section 15064.5 also prescribes the processes and procedures found under Health and Safety Code Section 7050.5 and PRC 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.

State 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.

Cannabis Cultivation Program:

California Code of Regulations Title 3 Section 8304(d) states:

[All licensees shall comply with all of the following environmental protection measures:] (d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

Impact Analysis:

- a. **Historical Resources:** A records search of the NCIC was conducted for the proposed project. The NCIC records search indicates that the proposed project area contains zero (0) recorded prehistoric period resources and zero (0) recorded historic-period cultural resources. Outside the proposed project area, but within a 0.5-

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mile radius, the broader search area contains one (1) recorded prehistoric-period resource(s) and five (5) recorded historic-period cultural resource(s). Additionally, a field survey was conducted in support of the preparation of a CRA for this project, and no cultural resources were observed during the survey. Survey results for prehistoric period resources as well as for historical resources was negative. Standard Conditions of Approval (below) imposed by the County on the project would address the accidental discovery of any previously unidentified historical resources during construction and result in project impacts that are **less than significant**.

- g. Archeological Resources:** Based on the results of the NCIC records search, field survey, and absence of known significant unique archaeological resources within the project site, project impacts to significant unique archaeological resources are not anticipated. Standard Conditions of Approval (below) imposed by the County on the proposed project would address the accidental discovery of any previously unidentified archaeological resources during construction and result in project impacts that are **less than significant**.
- h. Human Remains:** The records search and field survey completed for this project did not find evidence of potential human remains. In the unlikely event that human remains are discovered during construction, the County's standard Conditions of Approval (below) requiring compliance with CEQA Guidelines Section 15064.5(e) would result in project impacts that are **less than significant**.

Conditions of Approval:

1. **Heritage Resources:** In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
2. **Discovery of Human Remains:** In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

FINDING: With the implementation of standard Conditions of Approval imposed by the County, the proposed project would have a less than significant impact on Cultural Resources.

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VI. ENERGY

<i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Result in potentially 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	

Environmental Setting:

This section provides an evaluation of existing energy production and consumption conditions, as well as potential energy use and related impacts from the proposed project. The following discussion is consistent with and fulfills the intent of Appendix F Energy, of the State CEQA Guidelines.

The unit of energy used in this section are the British thermal units (BTU) and kilowatt hours (kWh). A BTU is the quantity of heat required to raise the temperature of one pound of water one-degree Fahrenheit (°F) at sea level. Because the other units of energy can all be converted into equivalent BTU, the BTU is used as the basis for comparing energy consumption associated with different resources. A kWh is a unit of electrical energy, and one kWh is equivalent to approximately 3,413-BTU, considering initial conversion losses (i.e., from one type of energy, such as chemical, to another type of energy, such as mechanical) and transmission losses. Natural gas consumption is described typically in terms of cubic feet or therms; one cubic foot of natural gas is equivalent to approximately 1,050-BTU, and 1-therm represents 100,000-BTU.

California Energy Overview:

Electricity

California's electricity needs are satisfied by a variety of entities, including investor-owned utilities, publicly owned utilities, electric service providers and community choice aggregators. In 2019, the California power mix totaled 277,704 gigawatt hours (GWh). In-state generation accounted for 200,475 GWh, or 72 percent, of the State's power mix. The remaining electricity came from out-of-state imports (California Energy Commission [CEC] 2021a). Table 2 below provides a summary of California's electricity sources in 2019.

**Table 2.
CALIFORNIA ELECTRICITY SOURCES 2019**

Fuel Type	Percent of California Power (%)
Coal	2.96
Large Hydro	14.62
Natural Gas	34.23
Nuclear	8.98
Oil	0.01
Other (Petroleum Coke/Waste Heat)	0.15

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Fuel Type	Percent of California Power (%)
Renewables (excluding Large Hydro)	31.70
Unspecified	7.34

Source: CEC 2021a

Natural Gas

Natural gas provides the largest portion of the total in-state capacity and electricity generation in California, with nearly 45 percent of the natural gas burned in California used for electricity generation in a typical year. Much of the remainder is consumed in the residential, industrial, and commercial sectors for uses such as cooking, space heating, and as an alternative transportation fuel.

Transportation Fuels

Transportation accounts for a major portion of California’s energy budget. Automobiles and trucks consume gasoline and diesel fuel, which are nonrenewable energy products derived from crude oil. Gasoline is the most used transportation fuel in California, with 97 percent of all gasoline being consumed by light-duty cars, pickup trucks, and sport utility vehicles (SUVs). In 2015, 15.1 billion gallons of gasoline were sold in California (CEC 2021c). Diesel fuel is the second most consumed fuel in California, used by heavy-duty trucks, delivery vehicles, buses, trains, ships, boats, and farm and construction equipment. In 2015, 4.2 billion gallons of diesel were sold in California (CEC 2021d).

Regulatory Setting:

Federal Laws, Regulations, and Policies

Energy Independence and Security act of 2007

House of Representatives Bill 6 (HR 6), the federal Energy Independence and Security Act of 2007, established new standards for a few equipment types not already subjected to a standard, and updated some existing standards. Perhaps the most substantial new standard that HR 6 established is for general service lighting that is being deployed in two phases. First, phased in between 2012 through 2014, common light bulbs were required to use about 20 to 30 percent less energy than previous incandescent bulbs. Second, by 2020, light bulbs were to consume 60 percent less energy than bulbs at the time the bill was passed; this requirement would effectively phase out the incandescent light bulb.

Energy Improvement and Extension Act of 2007

The formerly entitled “Renewable Energy and Job Creation Act of 2008,” or Division B of HR 1424, was signed into law by President Bush in October 2008. The signed bill contains \$18 billion in incentives for clean and renewable energy technologies, as well as for energy efficiency improvements.

State Laws, Regulations, and Policies

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 2 years, and to provide an update in the year between reports. 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. The 2019 Integrated Energy Policy Report covers a broad range of topics, including decarbonizing buildings, integrating renewables, energy efficiency, energy equity, integrating renewable energy, updates on Southern California electricity reliability, climate adaptation activities for the energy sector, natural gas assessment, transportation energy demand forecast, and the California Energy Demand Forecast.

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California Building Standards Code (California Code of Regulations, Title 24)

The 2019 Building Energy Efficiency Standards, comprising Title 24, Parts 1 and 6, of the California Code of Regulations, is mandatory statewide. Local government agencies may adopt and enforce energy efficiency standards for newly constructed buildings, additions, alterations, and repairs provided the California Energy Commission finds that the standards will require buildings to consume no more energy than permitted by Title 24, Part 6. Such local standards may include adopting the requirements of Title 24, Part 6 before their effective date, requiring additional energy conservation measures, or setting stricter energy budgets. Title 24, Part 11 contains additional energy measures that are applicable to the project under the California Green Building Standards Code (CALGreen).

Cannabis Cultivation Program

Title 3 of the California Code of Regulations Section 8102(s) states:

Each application for a cultivation license shall include the following, if applicable: For indoor and mixed-light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation.

Section 8305 provides requirements for certain mixed-light cannabis cultivator licensees to ensure that, by 2023, their electrical power meets the average electricity greenhouse gas emissions intensity required by their local utility provider. That section includes options for the purchase of carbon offset credits if such standards are not met.

Section 8306 provides requirements for stationary and portable generators greater than 50 horsepower. It requires these to comply with the appropriate Airborne Toxic Control Measure for stationary or portable generators and includes certificates or permits that are acceptable to prove compliance. Additional compliance options are provided for generators below 50 horsepower by 2023, including limiting hours of operation, meeting certain emergency use requirements, and filter and engine requirements.

Local Laws, Regulations, and Policies

El Dorado County General Plan and Zoning Ordinance

The El Dorado County General Plan Public Services and Utilities Element encourages energy-efficient development within the County by imposing two policies:

- *Policy 5.6.2.1*- Require energy conserving landscaping plans for all projects requiring design review or other discretionary approval.

Section 130.41.200(5)(I), Renewable Energy, of El Dorado County's Zoning Ordinance encourages energy-efficient development within the County by imposing the following code:

- Electrical power for outdoor or mixed-light cultivation operations, including but not limited to illumination, heating, cooling, water supply, and ventilation, shall be provided by on-grid power with a 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources. Generators may be used as a secondary back-up power source pursuant to a valid permit from the El Dorado County Air Quality Management District. Impacts from generator use will also be considered in the environmental analysis and site-specific restrictions and conditions may be imposed to mitigate those impacts, including conditions to minimize noise.

Impact Analysis:

- a. **Energy Consumption:** The proposed project would involve the construction of a cannabis cultivation facility that includes eight (8) mixed light greenhouse structures for 7,825 sf of cannabis cultivation, a 238-sf solid surface parking lot, 3,825-sf gravel parking area, a septic tank and leach field, and rockery wall contained within a 19,855-sf fenced area on the property. While construction activities would result in the

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temporary consumption of energy resources in the form of vehicle and equipment fuels (gasoline and diesel fuel) and electricity/natural gas (directly or indirectly), such consumption would be short-term and temporary and would thus not have the potential to result in wasteful, inefficient, or unnecessary consumption of energy resources. The project is expected to source all electricity for operation from existing solar panels installed on-site and PG&E. Therefore, use of an on-site generator would be limited to power outage events and if the solar energy system is limited by undetermined weather conditions. The project would be subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Title 24, Part 11, which contains additional energy measures that are applicable to the project under CALGreen. Prior to project approval, the project applicant would be required to ensure that the project would meet Title 24 requirements applicable at that time, as required by State regulations through their plan review process. Therefore, with the use of an existing renewable energy source and the inherent increase in efficiency of building code regulations, the project would not result in a wasteful use of energy. Impacts related to energy use would be **less than significant**.

- b. **Energy Plans and Efficiency Standards:** Part 6 of Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. Part 6 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Part 6 is updated periodically (every 3 years) to incorporate and consider new energy efficiency technologies and methodologies. Title 24 also includes Part 11, CALGreen. CALGreen institutes mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, and State-owned buildings, as well as schools and hospitals. The proposed project would meet Title 24 and CALGreen standards to reduce energy demand and increase energy efficiency. Overall, the project would not conflict with existing energy standards and regulations. Therefore, impacts during construction and operation of the project would be **less than significant**.

FINDING: Use of the existing solar renewable energy system on-site to power proposed project operations and conformance with statewide mandatory energy requirements as outlined in Title 24, Parts 6 and 11, and Title 3 of the California Code of Regulations, as well as the County's zoning ordinance, would reduce the potential impact the project would have on energy resources to less than significant.

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VII. GEOLOGY AND SOILS

<i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?			X	
b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?			X	

Environmental Setting

The site is located along the western foothills of the Sierra Nevada. The site consists of relatively flat terrain in an area of rolling hills. The elevation on the parcel ranges from approximately 980 ft to 1,150 ft amsl. Drainage within the project site generally runs east and eventually flows into Clark Creek, which lies just east of the project property. According to the custom Soil Resource Report for this project (NRCS 2021), the following soil map units occur on the project property:

- Auburn silt loam, 2 to 30 percent slopes (AwD): covers 100% of the parcel.

The Auburn series is not noted to have special erosive qualities.

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Regulatory Setting:

Federal Laws, Regulations, and Policies

National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) and creation of the National Earthquake Hazards Reduction Program (NEHRP) established a long-term earthquake risk-reduction program to better understand, predict, and mitigate risks associated with seismic events. The following four federal agencies are responsible for coordinating activities under NEHRP: USGS, National Science Foundation (NSF), Federal Emergency Management Agency (FEMA), and National Institute of Standards and Technology (NIST). Since its inception, NEHRP has shifted its focus from earthquake prediction to hazard reduction. The current program objectives (NEHRP 2016) are to:

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

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

State Laws, Regulations, and Policies

Alquist–Priolo Earthquake Fault Zoning Act

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

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

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Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) 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 SHMA 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 SHMA, 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.

Paleontological Resources

The CEQA 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 resource management is also addressed in PRC 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.

Impact Analysis:

a. Seismic Hazards:

i) Rupture of Fault: Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake’s seismic waves. The magnitude and nature of fault rupture can vary for different faults or even along different strands of the same fault. Surface rupture can damage or collapse buildings, cause severe damage to roads and pavement structures, and cause failure of overhead as well as underground utilities.

There are no earthquake faults delineated on Alquist-Priolo Fault Zone maps within the project property (CDC 2021b). Since the project property is not traversed by a known active fault and is not within 200 feet of an active fault trace, surface fault rupture is not considered to be a significant hazard for the project site. The project would not expose people or structures to substantial adverse effects from a fault rupture. Potential impacts from implementation of the proposed project related to fault rupture would be **less than significant**.

ii) Ground Shaking: The potential for seismic ground shaking in the project area would be considered low for the reason stated under question a(i) above. Potential impacts due to seismic impacts would be addressed

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through compliance with the Uniform Building Code (UBC). All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone. Therefore, potential project impacts related to ground shaking would be **less than significant**.

iii) Ground Failure: Because the project site is considered an area with low potential for seismic activity, there is minimal to no potential for seismic-related ground failure, including liquefaction (CDC 2021b). There would be **no impact**.

iv) Landslide: The site consists of relatively flat terrain in an area of rolling hills. The elevation on the parcel ranges from approximately 980 ft to 1,150 ft amsl. The slopes on the project site are gentle and have low landslide potential; additionally, the proposed project would be developed within flat-lying areas of the property. All grading activities on-site would be required to comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. Potential impacts related to landslides would be **less than significant**.

- b. Soil Erosion:** All grading activities on-site would be required to comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance including the implementation of pre- and post-construction BMPs. Erosion control BMPs to be implemented for the proposed project are identified on pages C2 and C3 of the project site plans provided in Appendix A. BMPs to be employed include, but are not limited to, hydroseeding areas disturbed during grading and construction, protection of drain inlets with inlet filter bags, and installation of silt fences and straw wattles as appropriate. 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. Project impacts would be **less than significant**.
- c. Geologic Hazards:** According to the NRCS Soil Resource Report for the proposed project, but the entirety of the project site consists of and would be developed on Auburn silt loam, 2 to 30 percent slopes (AwD) under the Auburn soil series (NRCS 2021). The Auburn soils series is not noted to have erosive qualities (USDA 2018). The proposed development areas would be graded to ensure that all development would occur on flat surfaces to minimize soil erosion. All grading activities would comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. Project impacts would be **less than significant**.
- 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 following soils were mapped on the project site: Auburn silt loam, 2 to 30 percent slopes (AwD). This soil is well-drained. Additionally, the proposed project would not include any habitable structures and would require building permits from the El Dorado County Building Department for the proposed structures. The proposed greenhouse structures would be designed and constructed by a qualified engineer, and with County issuance of building permits following the building plan check review, any potential impacts from development on potentially expansive soils would be **less than significant**.
- e. Septic Capability:** The proposed project would include the installation of a septic system and leach field. The property is located in a rural area of El Dorado County where residences rely on septic systems for sewage. Of the soil map units identified on the property, all have a Septic Tank Absorption Field rating of “very limited.” According to the NRCS, “very limited” indicates that the soil has one or more features that are unfavorable for the specified use. Any issues with soil conditions would be accounted for during the design process and would be remediated by the applicant to ensure that the septic tank and leach field perform at an acceptable level. The proposed treatment septic system would be required to meet National Sanitation Foundation (NSF) standards and is subject to County permitting requirements. Potential impacts from the installation of the septic system would be **less than significant**.
- f. Paleontological Resource:** No previous surveys conducted in the project area have identified the project site as sensitive for paleontological resources or other geologically sensitive resources, nor have ground disturbing activities performed to date uncovered any paleontological resources or geologically sensitive resources. Additionally, the project site is not located within the Mehrten Formation. Standard Conditions of

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Approval imposed by the County on the project would address the accidental discovery of any previously unidentified paleontological resources during construction and result in project impacts that would be **less than significant**.

FINDING: A review of the soils and geologic conditions on the project site determined that the project would not result in a substantial adverse effect. All grading activities would be required to comply with the El Dorado County Grading, Erosion, and Sediment Control 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. Potential impacts would be less than significant or no impact.

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VIII. GREENHOUSE GAS EMISSIONS

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

Environmental Setting:

Cumulative greenhouse gas (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. Criteria air pollutants and TACs are pollutants of regional and local concern (see Section 7.III, Air Quality, above); GHGs are global pollutants. The primary land-use related GHGs are carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). The individual pollutant's ability to retain infrared radiation represents its global warming potential (GWP) and is expressed in terms of CO₂ equivalents (CO₂e); therefore, CO₂ is the benchmark having a GWP of 1. To comply with international reporting standards, GWPs established by the Intergovernmental Panel on Climate Change Fourth Assessment Report is used in this analysis: CH₄ – GWP of 25; N₂O - GWP of 298 (IPCC 2007). Emissions are expressed in annual metric tons (MT) of CO₂e. Other GHGs include hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃). While these compounds have significantly higher global warming potentials (ranging in the thousands), these typically are not a concern in land-use development projects and are usually only used in specific industrial processes.

GHG Sources

The primary man-made source of CO₂ is the burning of fossil fuels; the two largest sources being coal to produce electricity and petroleum in combustion engines. The primary sources of man-made CH₄ are natural gas systems losses (during production, processing, storage, transmission, and distribution), enteric fermentation (digestion from livestock), and landfill off-gassing. The primary source of man-made N₂O is agricultural soil management (fertilizers), with fossil fuel combustion a very distant second. In El Dorado County, the primary source of GHG is fossil fuel combustion mainly in the transportation sector (estimated at 70 percent of countywide GHG emissions). A distant second are residential sources (approximately 20 percent), and commercial/industrial sources are third (approximately 7 percent). The remaining sources are waste/landfill (approximately 3 percent) and agricultural (<1 percent) (EDCAQMD 2020).

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.

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State Laws, Regulations, and Policies

Executive Order (EO) S-3-05 (June 2005) established California’s GHG emissions reduction targets and laid out responsibilities among the state agencies for implementing the EO and for reporting on progress toward the targets. This EO established the following targets:

- By 2010, reduce GHG emissions to 2000 levels
- By 2020, reduce GHG emissions to 1990 levels, and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels

In 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 provided initial direction on creating a comprehensive multi-year program to limit California’s GHG emissions to 1990 levels by 2020 and initiate the transformations required to achieve the State’s long-range climate objectives. One specific requirement of AB 32 was for CARB to prepare a “scoping plan” for achieving the maximum technologically feasible and cost-effective GHG emission reductions by 2020 (Health and Safety Code, Section 38561(a)) and to update the plan at least once every 5 years.

EO B-30-15 (April 2015) identified an interim GHG reduction target in support of targets previously identified under EO S-3-05 and AB 32. EO B-30-15 set an interim target goal of reducing GHG emissions to 40 percent below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80 percent below 1990 levels by 2050 as set forth in EO S-3-05. Senate Bill (SB) 32 was adopted in 2016, which codified the 2030 emissions reduction goal of EO B-30-15 by requiring CARB to ensure that statewide GHG emissions are reduced to 40 percent below 1990 levels by 2030.

California Code of Regulations Title 3, *Food and Agriculture*, Division 8, *Cannabis Cultivation*, contains the following sections applicable to the project and relevant to the greenhouse gas emissions analysis:

Section 8102(s) states: [Each cultivation license application shall include the following, if applicable:] For indoor and mixed-light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation.

Section 8305 provides requirements for certain mixed-light cannabis cultivator licensees to ensure that, by 2023, their electrical power meets the average electricity greenhouse gas emissions intensity required by their local utility provider. That section includes options for the purchase of carbon offset credits if such standards are not met.

Impact Analysis:

- a. **GHG Emissions:** The project would result in GHG emissions associated with short-term construction and long-term operations.

Construction

Construction GHG emissions would be generated by vehicle engine exhaust from construction equipment, on-road hauling trucks, and worker commuting trips. Construction for the proposed project would be short-term and temporary. All construction equipment and commercial trucks would be maintained to meet current emissions standards as required by CARB. Neither the EDCAQMD nor El Dorado County have adopted criteria or guidance for determining the significance of a project’s construction GHG emissions.

Operation

A project’s operational GHG sources would include: mobile emissions from vehicles traveling to and from the project site; the off-site generation of electricity; water sources from the energy required to source, treat and convey water used by the project; and solid waste sources from emissions associated with the collection,

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disposal, and decomposition of solid waste. For most development projects, mobile emissions are the dominant source of GHGs.

Neither the EDCAQMD nor El Dorado County have adopted criteria or guidance for determining the significance of a project's operational GHG emissions. The project site is located within western El Dorado County near the Sacramento Metropolitan Air Quality Management District's (SMAQMD's) jurisdictional boundary. Therefore, the guidance and screening criteria from the SMAQMD for a land use development project's GHG emissions was used in this analysis. The SMAQMD provides a table of operational screening levels with land uses and sizes below which a project's operational GHG emissions would not be expected to result in GHG emissions that would have a significant effect on the environment. A cannabis cultivation facility is not included in the Operational Screening Levels table. However, the relative size of land uses in the table can indicate whether the project's mobile GHG emissions would be significant. Screening levels in the table include 56 single-family residences, 26,000 square feet of regional shopping center, and 65,000 square feet of office building (SMAQMD 2018). According to Section 7.XVII, Transportation, below, the project is anticipated to result in a maximum generation of 20 daily trips. For comparison, in transportation planning, the trip generation for typical single-family residences is 9 to 10 daily trips (504 to 560 daily trips for 56 residences). Therefore, the project trip generation of 20 daily trips would be far less than the expected trip generation for any of the development types listed in the SMAQMD Operational Screening levels table. In addition, as described in the Section 3.0, Project Description, the project would rely on solar energy from existing solar panels on-site. The solar energy would be the main power source for illumination, cooling, and ventilation of the greenhouses, which would reduce the project's indirect GHG emissions from the use of electricity generated by fossil-fuel power plants. Water sourced from public utilities results in GHG emissions from the energy required to source, treat, and transport the water over long distances. The project would source all of its estimated 150,000 gallons per year of water needs from an on-site well, eliminating GHG emissions related to treating and pumping water off-site except for minor emissions associated with the electricity to run the well pump. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The potential impact would be **less than significant**.

- b. GHG Reduction Plans:** There are numerous State plans, policies, and regulations adopted for the purpose of reducing GHG emissions. The principal overall State plan and policy is AB 32, the California Global Warming Solutions Act of 2006. The quantitative goal of AB 32 was to reduce GHG emissions to 1990 levels by 2020. SB 32 requires further reductions of 40 percent below 1990 levels by 2030. Statewide plans and regulations such as GHG emissions standards for vehicles (AB 1493), the LCFS, and regulations requiring an increasing fraction of electricity to be generated from renewable sources are being implemented at the statewide level; as such, compliance at the project level is not addressed. The project energy demands are anticipated to be met through the on-site solar energy system, however, the project applicant would purchase any remaining power needs from PG&E as necessary, meeting the requirement of CCR Title 3, Division 8, Section 8305, which specifies that, by 2023, the electrical power used shall meet the average electricity GHG emissions intensity required by the local utility provider. Therefore, the proposed project does not conflict with those plans and regulations. As previously discussed, a comparison of the project with the SMAQMD Operational Screening levels table indicated that the project's GHG emissions would not result in a potentially significant impact. Therefore, implementation of the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. The potential impact would be **less than significant**.

FINDING: The proposed project would result in less than significant impacts to GHG emissions. The project would not conflict with State or local GHG reduction plans or regulations.

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IX. HAZARDS AND HAZARDOUS MATERIALS

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

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

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hazardous waste disposal activities and new hazardous material spills. Under CERCLA, the 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 the 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.

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 (if required). The code provides specific guidance regarding FAA notification requirements.

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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). 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. 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).

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 radiofrequency RF energy exposure limits for workers (Title 8 CCR Section 5085[b]) and requires warning signs where RF energy might exceed the specified limits (Title 8 CCR Section 5085[c]).

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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 CAL FIRE 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

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.

Cannabis Cultivation Program

Title 3 of the California Code of Regulations Section 8102(q) states:

[Each cultivation license application shall include the following, if applicable:] Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;

Section 8106(a)(3) states:

(a) The cultivation plan for each Specialty Cottage, Specialty, Small, and Medium licenses shall include all of the following:

(3) A pest management plan which shall include, but not be limited to, the following:

(A) Product name and active ingredient(s) of all pesticides to be applied to cannabis during any stage of plant growth;

(B) Integrated pest management protocols, including chemical, biological, and cultural methods the applicant anticipates using to control or prevent the introduction of pests on the cultivation site; and

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(C) A signed attestation that states the applicant shall contact the appropriate County Agricultural Commissioner regarding requirements for legal use of pesticides on cannabis prior to using any of the active ingredients or products included in the pest management plan and shall comply with all pesticide laws.

Section 8304(f) states:

[All licensees shall comply with all of the following environmental protection measures:] Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter.

Section 8307 contains requirements regarding compliance with pesticide laws and regulations. It also contains measures to protect pollinators, water bodies, and wildlife.

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 State Responsibility Areas (SRAs) in El Dorado County, as established by CAL FIRE. The classification system provides three classes of fire hazards: Moderate, High, and Very High. The County's 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. The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

Impact Analysis:

a. **Hazardous Materials:** The proposed project would involve cultivation and propagation of cannabis and construction of eight (8) mixed light greenhouse structures to support the cultivation operation. Hazardous materials use associated with the proposed operation of a cannabis cultivation facility would be below the State of California threshold levels of 55 gallons of liquid, 500 pounds of solid, and/or 200 cubic feet of compressed gas and include fertilizers, pesticides, solvents, and may include fuels, lubricants, and paint. Any uses of hazardous materials would be required to comply with all applicable federal, State, and local standards associated with the handling and storage of hazardous materials. The proposed project would also be subject to the requirements of the Central Valley Regional Water Quality Control Board (CVRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program. The CVRWQCB program has "standard conditions" applicable to cannabis operations that address impacts from the storage and use of hazardous materials which include the following requirements:

- Any pesticide or herbicide product application be consistent with product labeling and be managed to ensure that they would not enter or be released into surface or groundwater.
- Petroleum products and other liquid chemicals be stored in containers and under conditions appropriate for the chemical with impervious secondary containment.
- Implementation of spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

Appropriate storage and handling and the application of BMPs that comply with the requirements of the federal, State, and local regulations would reduce potential impacts from the handling and storage of materials to less than significant. The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, potential impacts would be **less than significant**.

b. **Hazardous Conditions:** As discussed under question a), fertilizers, pesticides, lubricants, fuels, solvents, and paints would be stored and used at the site. All potentially hazardous materials would be properly stored. Use of such materials would be required to comply with all applicable local, State, and federal standards associated with the handling and storage of hazardous materials, including the standard conditions contained in the CVRWQCB Cannabis Cultivation Waste Discharge Regulatory Program. Standard conditions include

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implementation of spill prevention, control, and countermeasures and the maintenance of appropriate cleanup materials on-site.

Implementation of appropriate storage and handling and the application of BMPs would reduce the potential impact from the use of these materials to less than significant. In the event of reasonably foreseeable upset and accident conditions, it is unlikely that these hazardous materials would be released in a manner that would create a significant hazard to the public or the environment. Project impacts would be **less than significant**.

- c. Hazardous Materials near Schools:** Latrobe Elementary School is located approximately 1.8 miles southwest of the project site, at 7900 South Shingle Road, Shingle Springs, CA 95682. The project would be required to ensure that hazardous chemicals and solid wastes are handled per County, State, and federal regulations. The proposed project would have **no impact**.
- d. Hazardous Sites:** The following databases were reviewed for the proposed project and surrounding area to identify potential hazardous contamination sites: the California DTSC EnviroStor database (DTSC 2021a); California SWRCB's Geotracker database (SWRCB 2021); and the U.S. EPA's Superfund National Priorities List (USEPA 2021). Based on review of these databases, the project site is not included on a list of or near any hazardous materials sites pursuant to Government Code Section 65962.5. Therefore, there would be **no impact**.
- e. Aircraft Hazards, Private Airstrips:** According to the County's Zoning Map and the El Dorado County Airport Land Use Compatibility Plan, the project site is not within any airport safety zone or airport land use plan area (El Dorado County Airport Land Use Compatibility Plan [EDC ALUC] 2012). The project site is not located in the vicinity of a public or private airstrip. The closest airstrip to the project site is the Cameron Park Airstrip, located approximately 6.4 miles north of the project site. As such, the project would not be subject to any land use limitations contained within any adopted Comprehensive Land Use Plan, and there would be no immediate hazard for people working in the project area or safety hazard resulting from airport operations and aircraft over-flights in the vicinity of the project site. Therefore, there would be **no impact**.
- f. Emergency Plan:** Any El Dorado Hills Fire Department requirements would be incorporated as Conditions of Approval that address site access, adequate fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements. No applicable emergency plan would be affected by the project as proposed. The proposed project would allow for adequate emergency ingress/egress and drive-aisle widths for interior circulation. An evacuation plan would be prepared for the project site, and workers on-site would monitor conditions in the area during periods of high fire danger to ensure early evacuations if needed. Therefore, impacts would be **less than significant**.
- g. Wildfire Hazards:** The project site is located in a High Fire Hazard Severity Zones of a State Responsibility Area (SRA) (CAL FIRE 2021). The El Dorado Hills Fire Department is primarily responsible for providing structure fire protection services to the project site, and CAL FIRE is primarily responsible for providing wildland fire suppression services. CAL FIRE's nearest station is located approximately 10 miles northeast of the project site at 5660 Mother Lode Drive, Placerville, CA 95667. CAL FIRE can also respond to structure fires and other incidents within SRA so it is likely an initial response would come from this station for most types of incidents on-site. The El Dorado Hills Fire Department provides emergency services to the project area, and their nearest staffed station, Fire Station 91, is located 1.39 miles south of the project site at 7660 South Shingle Road, Shingle Springs, CA 95682 (El Dorado County 2021). The degree of hazard in wildland areas depends on variables like temperature, wind, and moisture, the amount of dryness and arrangement of vegetation, slope steepness, accessibility to human activities, accessibility of firefighting equipment, and fuel clearance around structures. The County's General Plan Safety Element precludes development in areas of high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a RPF and approved by the local Fire Department and/or CAL FIRE. Such a plan was prepared for this project and is included as Appendix B to this Initial Study. The applicant would take several measures to reduce potential wildfire hazards, as recommended by the Fire Prevention Plan. Two 5,000-gallon water storage tanks with a fire riser and a fire hydrant would be installed south of the cultivation area to provide water for fire suppression. The greenhouses would have monitored

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sprinkler and alarm systems installed, and an emergency action plan would be prepared for employees to follow in case of a fire emergency. Impacts would be **less than significant**.

FINDING: The proposed project would not expose the public or environment to hazards relating to the use, storage, transport, or disposal of hazardous materials or wildfire hazards. Therefore, impacts would be less than significant or no impact would occur related to hazards and hazardous materials.

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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?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j. Inundation by seiche, tsunami, or mudflow?			X	

Environmental Setting

The project area receives an historic average of 25.71 inches of precipitation from October 1 through September 30. From October 1, 2019, through October 20, 2020, the project area reported 34.71 inches of precipitation. Most precipitation is concentrated in the winter and early spring months, with summers being almost completely dry. The site consists of relatively flat terrain in an area of rolling hills. The elevation on the parcel ranges from approximately 980 ft to 1,150 ft amsl. Drainage within the parcel generally runs west to east and eventually flows into Clark Creek, which lies just east of the property. The geology of the Western Slope portion of El Dorado County, which the

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proposed project site is within, 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. Existing demand for groundwater in the vicinity of the site is low given the rural and undeveloped nature of much of the surrounding land. The project site is not located within any mapped 100-year or hazard flood areas as shown on Firm Panel Number 06017C0975E, revised September 26, 2008 (FEMA 2008).

Regulatory Setting:

Federal Laws, Regulations, and Policies

Clean Water Act

The 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 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 1.0 or more acres are required to obtain coverage under SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). The General Permit requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a 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 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

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 CVRWQCB (Region Five). The Lake Tahoe Phase I MS4 NPDES Permit is administered by the Lahontan RWQCB (Region Six). The proposed project site falls under the jurisdiction of the CVRWQCB. 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 Phase II NPDES permit became effective on July 1, 2013. By July 1, 2015, this State-mandated permit required the County to address storm water runoff from new development and redevelopment projects, both during construction and after construction occurs.

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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 BMPs to reduce the adverse effects of polluted runoff discharges on Waters of the State.

State Laws, Regulations, and Policies

Porter–Cologne Water Quality Control Act

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

The Porter–Cologne Act requires RWQCBs to develop water quality control plans (also known as basin plans) that designate beneficial uses of California’s major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter–Cologne Act, basin plans must be updated every 3 years.

Cannabis Cultivation Program:

Applicants for a cannabis cultivation license are required to provide to CDFA a final copy of proof of a lake or streambed alteration agreement issued by CDFW or written verification that an agreement is not necessary (3 CCR Section 8102(v)).

Title 3 of the California Code of Regulations Section 8102 states, in part:

Each application [for a cultivation license] shall include the following, if applicable:

(p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;

(v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107 of this chapter:

- (1) A retail water supplier;
- (2) A groundwater well;
- (3) A rainwater catchment system;
- (4) A diversion from a surface waterbody or an underground stream flowing in a known and definite channel.

(w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;

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(dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8107(b) states:

If the water source is a groundwater well:

(1) The groundwater well's geographic location coordinates in either latitude and longitude or the California Coordinate System; and

(2) A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code. If no well completion report is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well completion report. If no well completion report is available, the State Water Resources Control Board may request additional information about the well.

Section 8216 states:

If the State Water Resources Control Board or the Department of Fish and Wildlife notifies the department in writing that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area pursuant to section 26069, subdivision (c)(1), of the Business and Professions Code, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area while the moratorium is in effect.

Section 8304 (a and b) states:

All licensees shall comply with all of the following environmental protection measures:

(a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;

(b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;

Section 8307 contains requirements regarding compliance with pesticide laws and regulations. It also contains measures to protect pollinators, water bodies, and wildlife.

Impact Analysis:

- a. Water Quality Standards:** There is potential for the proposed project to result in degradation of water quality during both the construction and operational phases. Polluted runoff from the project site during construction and operation could include sediment from soil disturbances, oil and grease from construction equipment, and pesticides and fertilizers from the cultivation. The greatest potential source of water contaminants from the proposed development would be from erosion related to construction and from surface pollutants associated with the impervious surfaces on-site following completion of construction. This degradation could result in violation of water quality standards. The project proponent would be required to enroll under the SWRCB Cannabis General Order WQ 2019-0001-DWQ. One of the requirements is to prepare a Site Management Plan (SMP), which includes identifying potential sources of water quality violations or waste discharge requirements, corrective actions including implementing and monitoring BMPs, and documenting water usage and timing to ensure the water use is not impacting water quality objectives and beneficial uses. The project applicant would be required to prepare and implement an SMP which would reduce the potential impact from construction and operation to water quality to **less than significant**.

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The project proposes to construct an on-site waste treatment system to handle sanitary waste. The proposed septic tank and leach field would be installed during construction of the proposed project. The proposed septic tank and leach field would be sufficient to meet the needs of the project at peak staffing levels. The project's proposed septic system requires approval from the County Environmental Management Department, and future improvement plans would be further reviewed for approval by the Department to ensure wastewater disposal does not impact water quality. Adherence to the County Code would reduce potential impacts from the septic system to water quality to **less than significant**.

- b. Groundwater Supplies:** Water would be obtained from an existing private well on the project site. The proposed project is estimated to demand approximately 150,000 gallons of water per year (or 0.46 acre-feet of water per year) for cannabis cultivation and support and sanitary needs. For comparison, the average unit demand for water for a single-family residential unit located in the western supply area of El Dorado County is 0.45 acre-feet of water per year (El Dorado Irrigation District 2019). The well is 260 ft deep and can provide approximately 11 gallons per minute of water to support the proposed project. Additionally, the applicant would provide two (2) 5,000-gallon water storage tanks and a fire hydrant on-site for fire suppression. There is adequate water supply to irrigate the proposed project, and the proposed project would not introduce substantial impervious surfaces that would interfere with groundwater recharge in the area of the proposed project. Therefore, impacts to groundwater supplies and recharge would be **less than significant**.
- c-f. Drainage Patterns:** The site consists of relatively flat terrain in an area of rolling hills. The elevation ranges from approximately 980 ft to 1,150 ft amsl. Drainage within the project site generally runs east, and eventually flows into Clark Creek, which lies just east of the project property. Project development would occur on approximately 0.6 acre of the 105.9-acre parcel and would not substantially alter drainage on-site. The project would not 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 or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. In addition, the project would not 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 or otherwise substantially degrade water quality. The project would be required to conform to the El Dorado County Grading, Erosion, and Sediment Control Ordinance (County Code Section 110.14) which includes the use of BMPs to minimize degradation of water quality during construction and operation. BMPs to be employed include, but are not limited to, hydroseeding areas disturbed during grading and construction, protection of drain inlets with inlet filter bags, and installation of silt fences and straw wattles as appropriate. Conformance with County Code and implementation of BMPs would reduce potential impacts to **less than significant** related to drainage patterns.
- g-j. Flood-related Hazards:** The project site is not located within any mapped 100-year or hazard flood areas as shown on Firm Panel Number 06017C0975E, revised September 26, 2008 (FEMA 2008). The project would not result in the construction of any structures that would impede or redirect flood flows. No dams are located in the project area that could result in potential hazards related to dam failures. The project site would not be at risk for tsunami impact as the site is approximately 121 miles inland from the coast. According to USGS, mudflows or debris flows start on steep slopes and travel to canyon bottoms, stream channels, and areas near the outlets of canyons during intense rainfall. Debris flows commonly begin in swales on steep slopes, making areas downslope from the swale particularly hazardous (USGS 2000). As discussed above, the proposed project property boundary contains gentle slopes ranging from 980 ft to 1,150 ft amsl, and the proposed project would be developed on a relatively flat area of the property. Therefore, the proposed project would not be at significant risk of exposure to mudflows. The project is also not located near a lake or large body of standing water, so there is no risk of seiche. Therefore, impacts would be **less than significant** related to flood hazards.

FINDING: Adherence to federal, State, and local regulations would reduce the potential impact related to hydrology and water quality to less than significant.

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XI. LAND USE PLANNING

<i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project property is zoned Agricultural Grazing, 40-acre Minimum (AG-40) and designated for Agricultural Lands (AL) in the El Dorado County General Plan. The intent of the AG-40 zone is to identify those lands that are being used for grazing and/or that have the potential for commercially viable grazing operations, based on existing use, soil type, water availability, topography, and similar factors. Grazing and other agricultural activities are intended to be the primary use of these lands, but other compatible commercial uses may also be allowed in compliance with the provisions of the County’s Zoning Ordinance. Minimum lot size designators shall be applied to this zone based on use designation and other appropriate factors. The minimum lot size designator shall be in the following increments: 40, 80 and 160 acres. This zone is applied to those lands suitable for grazing whether encumbered by a farmland conservation contract or not. The purpose of the AL land use designation is to be applied to lands described in County General Plan Policy 8.1.1.8 (below).

Policy 8.1.1.8: Lands assigned the AL designation shall be of sufficient size to sustain agricultural use and should possess one or more of the following characteristics:

- A. Are currently under a Williamson Act or Farmland Security Zone Contract;
- B. Contain the characteristics of choice agricultural land (i.e., contain choice agricultural soils and/or contain Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Locally Important Farmland); or
- C. Are under cultivation for commercial crop production or are identified as grazing land;

And one of the following:

- 1. Are located in the county’s Rural Region; or
- 2. The County Department of Agriculture has determined that the land is well suited for agricultural production.

A maximum of two residential dwellings used to support the agricultural use are allowed. The AL designation may be applied in rural regions only.

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

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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 County's 2013-2021 Housing Element was adopted in 2013.

Impact Analysis:

- a. **Divide Established Community:** The proposed project would involve the development of a cannabis cultivation facility with appurtenant uses located on a 105.9-acre parcel that is privately owned and located within a rural area in southwestern El Dorado County. The project property is not within or in the vicinity of an established community. Further, the proposed project would not develop any new roadways or involve any development that could divide an established community. Therefore, the project would have **no impact**.
- b. **Land Use Consistency:** Commercial Cannabis businesses in unincorporated El Dorado County are required to apply for and obtain a CCUP. The proposed project would conform to both the AG-40 zoning and AL land use designation as cannabis cultivation is allowed on lands zoned for AG and designated for AL with the issuance of a CCUP. Therefore, with County approval of the CCUP, the proposed project would be in conformance with the County's General Plan and Zoning Ordinance, and the project would have **no impact**.

FINDING: The proposed project would not divide an established community, and with County approval of a CCUP, would be in conformance with the County's General Plan and Zoning Ordinance. Therefore, there would be no impact related to land use planning.

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XII. MINERAL RESOURCES

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

Environmental Setting:

The western portion of El Dorado County is divided into four, 15-minute quadrangles (Folsom, Placerville, Georgetown, and Auburn) mapped by the State of California Division of Mines and Geology showing the location of Mineral Resource Zones (MRZs) (CDC 2001). Those areas which are designated MRZ-2a contain discovered mineral deposits that have been measured or indicate reserves calculated. Land in this category is considered to contain mineral resources of known economic importance to the County and/or State. Review of the mapped areas of the County indicates that project site does not contain any mineral resources of known local or statewide economic value.

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 Mineral Resource Zone (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.

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Exhibit 5.9-6 of the General Plan 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. The proposed project site is not located within this region.

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.

Impact Analysis:

a, b. Mineral Resources. The project site is not mapped as being within an MRZ by the CDC or in the County General Plan (CDC 2001, El Dorado County 2003). There would be **no impact** to mineral resources.

FINDING: No impacts to mineral resources are expected either directly or indirectly from implementation of the proposed project.

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XIII. NOISE

<i>Would the project result in:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b. Generation of excessive groundborne vibration or groundborne noise levels?			X	
c. For a project within the vicinity of a private airstrip or 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 levels?				X

Existing Noise Setting:

The project property is situated in the western Sierra Nevada foothills, approximately 6 miles southwest of Shingle Springs. The setting is rural residential with sparse oak woodlands. The ambient noise environment in the immediate project vicinity is defined primarily by sparse traffic on the local roadway network and typical noise associated with rural residences.

Background:

Noise Terminology and Metrics

All noise level or sound level values presented herein are expressed in terms of decibels (dB), with A weighting (dBA) to approximate the hearing sensitivity of humans. Time-averaged noise levels are expressed by the symbol LEQ, with a specified duration.

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals (mPa). One mPa is approximately one hundred billionth (0.0000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 to 100,000,000 mPa. Because of this wide range of values, sound is rarely expressed in terms of mPa. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of dBA. The threshold of hearing for the human ear is about 0 dBA, which corresponds to 20 mPa.

Because decibels are logarithmic units, SPL cannot be added or subtracted through standard arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3 dBA increase. In other words, when two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than from one source under the same conditions. For example, if one automobile produces an SPL of 70 dB when it passes an observer, two cars passing simultaneously would not produce 140 dBA—rather, they would combine to produce 73 dBA. Under the decibel scale, three sources of equal loudness together produce a sound level 5 dBA louder than one source.

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Under controlled conditions in an acoustical laboratory, the trained, healthy human ear is able to discern 1 dBA change in sound level, when exposed to steady, single-frequency (“pure-tone”) signals in the mid-frequency (1,000 Hz–8,000 Hz) range. In typical noisy environments, changes in noise of 1 to 2 dBA are generally not perceptible. It is widely accepted, however, that people begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5 dBA increase is generally perceived as a distinctly noticeable increase, and a 10 dBA increase is generally perceived as a doubling of loudness.

Groundborne Vibration Terminology and Metrics

Groundborne vibration consists of rapidly fluctuating motions or waves transmitted through the ground with an average motion of zero. Sources of groundborne vibrations include natural phenomena and anthropogenic causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions). Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints. Generally, a PPV of less than 0.08 in/sec does not produce perceptible vibration. At 0.10 PPV in/sec, continuous vibrations may begin to annoy people, and it is the level at which there is a risk of architectural damage (e.g., cracking of plaster) to historical buildings and other vibration-sensitive structures. A level of 0.30 PPV in/sec is commonly used as a threshold for risk of architectural damage to standard dwellings (Caltrans 2013).

Regulatory Setting:

El Dorado County General Plan

The El Dorado County General Plan Public Health, Safety, and Noise Element contains Goal 6.5: “Ensure that County residents are not subjected to noise beyond acceptable levels.” The following objective and policies from the General Plan would be applicable to the project (El Dorado County 2004):

- Objective 6.5.1: Protection of Noise-Sensitive Development. Protect existing noise-sensitive developments (e.g., hospitals, schools, churches and residential) from new uses that would generate noise levels incompatible with those uses and, conversely, discourage noise-sensitive uses from locating near sources of high noise levels.

- Policy 6.5.1.2 Where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.

- Policy 6.5.1.7 Noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise sensitive uses.

- Policy 6.5.1.11 The standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to those activities associated with actual construction of a project as long as such construction occurs between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m. on weekends, and on federally recognized holidays. Further, the standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to public projects to alleviate traffic congestion and safety hazards.

Table 6-2, Noise Level Performance Protection Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources, of the General Plan establishes noise level standards for sensitive land uses. For rural areas, the noise standard limits are: 50 dBA L_{EQ} and an L_{MAX} of 60 dBA from 7:00 a.m. to 7:00 p.m.; 45 dBA L_{EQ} and an L_{MAX} of 55 dBA from 7:00 p.m. to 10:00 p.m.; and 40 dBA L_{EQ} and an L_{MAX} of 50 dBA from 7:00 a.m. to 7:00 p.m.

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Table 6-4, Maximum Allowable Noise Exposure for Non-Transportation Noise Sources in Rural Centers – Construction Noise, of the General Plan establishes construction noise level standards (that occurs outside the hours specified in Policy 6.5.1.11) of: 55 dBA L_{EQ} and an L_{MAX} of 75 dBA from 7:00 a.m. to 7:00 p.m.; 50 dBA L_{EQ} and an L_{MAX} of 65 dBA from 7:00 p.m. to 10:00 p.m.; and 45 dBA L_{EQ} and an L_{MAX} of 60 dBA from 7:00 a.m. to 7:00 p.m.

Each of the noise levels specified above shall be lowered by 5 dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).

The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.

In Community areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural Areas the exterior noise level standard shall be applied at a point 100 ft away from the residence. The above standards shall be measured only on property containing a noise sensitive land use as defined in Objective 6.5.1. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all effected property owners and approved by the County.

For the purposes of the Noise Element, transportation noise sources are defined as traffic on public roadways, railroad line operations and aircraft in flight. Control of noise from these sources is preempted by Federal and State regulations. Control of noise from facilities of regulated public facilities is preempted by California Public Utilities Commission (CPUC) regulations. All other noise sources are subject to local regulations. Non-transportation noise sources may include industrial operations, outdoor recreation facilities, HVAC units, schools, hospitals, commercial land uses, other outdoor land use, etc.

El Dorado County Municipal Code

The El Dorado County Municipal Code, Chapter 9.16, Noise, defines and prohibits loud or raucous noise:

Section 9.16.040 – Loud and raucous noises—Definitions.

Loud and raucous noise means:

1. Any noise made by the motor of any automobile, truck, tractor, motorcycle, or aircraft of any kind not reasonably required in the operation thereof under the circumstances and shall include, but not be limited to, backfiring, motor racing, and the buzzing by airplanes;
2. The sound of the discharge of any explosive except by or with the permission of any appropriate State or local licensing agency;
3. The human voice or any record or recording thereof when amplified by any device whether electrical or mechanical or otherwise to such an extent as to cause it to unreasonably carry on to public or private property or to be heard by others using the public highways, public thoroughfares, or public buildings;
4. Any sound not included in the foregoing, which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons upon public or private property or other users of the public highways, thoroughfares, and buildings.

Section 9.16.040 – Loud and raucous noises—Prohibited.

Except as otherwise provided in this chapter, it is unlawful for any person to willfully make, emit, or transmit or cause to be made, emitted, or transmitted any loud and raucous noise upon or from any public highway or public thoroughfare or from any aircraft of any kind whatsoever, or from any public or private property to such an extent that it unreasonably interferes with the peace and quiet of another's private property.

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The El Dorado County Municipal Code, Chapter 130, Zoning, is the El Dorado County Zoning Ordinance and establishes the following regarding noise:

Chapter 130.37 of the County Zoning Ordinance complies with General Plan Goal 6.5 (Acceptable Noise Levels), and supplements County Code Chapter 9.16 (Noise) by establishing standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses. Per Chapter 130.37, “The following noise sources shall be exempt from the standards of this Chapter: I. Construction (e.g., construction, alteration or repair activities) during daylight hours provided that all construction equipment shall be fitted with factory installed muffling devices and maintained in good working order.” Table 130.37.060.1 contains noise standards for projects which require an acoustic analysis.

Impact Analysis:

a. Generation of Noise:

Construction

Construction of the project would generate noise from the use of heavy construction equipment. Chapter 130.37 of the County Zoning Ordinance complies with General Plan Goal 6.5 (Acceptable Noise Levels), and supplements County Code Chapter 9.16 (Noise) by establishing standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses. Per Chapter 130.37, “The following noise sources shall be exempt from the standards of this Chapter: I. Construction (e.g., construction, alteration or repair activities) during daylight hours provided that all construction equipment shall be fitted with factory installed muffling devices and maintained in good working order” (El Dorado County 2018). A County Condition of Approval would restrict construction activities to the daylight hours specified in the County’s Zoning Ordinance. The applicant would maintain compliance with the relevant requirements of Chapter 130.37, and construction of the project would not result in the generation of a substantial temporary increase in ambient noise levels in excess of the standards established in the General Plan Noise Element. Therefore, the potential impact of construction noise would be **less than significant**.

Operation

Sources of noise resulting from long-term operation of the project would include worker commute vehicles traveling to and from the project site, trucks used for occasional supply deliveries or product shipments, ventilation fans on the greenhouses and support structure, and occasional noise from testing/maintaining backup generators.

The specific model of greenhouse ventilation fans to be used by the project, and the proposed fan locations, was not known at the time of this analysis. A typical ventilation fan for greenhouse applications would be a Schaefer 54” Galvanized Light Trap Box Exhaust Fan Model 545B2G-LT. This specific exhaust fan model has a reference noise level of 73 dBA at a distance of 10 feet (Schaefer 2021). Because noise generated near the ground attenuates at 6 dBA for every doubling of distance, the predicted noise from a single example fan at the closest residence (over 800 feet) would be 35 dBA. Assuming fans running continuously at night, the noise would not exceed the County’s most stringent nighttime noise standard of 45 dBA L_{EQ} . Therefore, on-site project operational noise would be **less than significant**.

In typical outdoor environments, changes in sound levels of 1 to 2 dBA are generally not perceptible. A sound level change of 3 dBA is considered a barely perceptible increase and a sound level change of 5 dBA is considered a readily perceptible increase. Due to the logarithmic nature of the decibel scale, a doubling of sound levels is an increase in 3 dBA. Therefore, in order for traffic noise to increase by 3 dBA (a barely perceptible increase), the traffic volume would have to double. The project would result in 20 average daily trips (ADT) from employees during peak conditions plus occasional truck trips to deliver supplies, remove waste, and transport finished products. Traffic counts are not available for the roads in the project vicinity. For transportation planning, the trip generation for typical single-family residences is 9 to 10 ADT. The project site would be accessed from South Shingle Road. The 2-mile section of South Shingle Road between

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Latrobe Road and Brandon Road provides access for at least 15 single-family homes. Therefore, traffic levels on South Shingle Road are expected to be at least 135 ADT. The addition of 20 ADT as a result of the project would not double the traffic volumes on nearby roads. The project would result in a **less than significant** increase in traffic-related ambient noise level.

Impact Summary

Adherence to the County Condition of Approval to restrict the hours of construction along with the small scale of the project would reduce the potential impact related to a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance to **less than significant**.

- b. Excessive Groundborne Vibration and Noise Levels:** Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be conducted to implement the proposed project. A possible source of vibration during general project construction activities would be a vibratory roller used for soil and aggregate compaction. A large vibratory roller would create approximately 0.210 inch per second PPV at a distance of 25 feet (Caltrans 2013). The closest vibration sensitive land use would be greater than 1,000 feet from the construction activity. At this distance, groundbourne vibration from the project's construction equipment would be imperceptible. Once operational, the project would not be a source of substantial groundbourne vibration. Therefore, the project would not result in generation of excessive groundborne vibration levels. The impact would be **less than significant**.
- c. Aircraft Noise:** The project is not located within an airport land use plan or in the immediate vicinity of a private airstrip. The closest airstrip to the project site is the Cameron Park Airstrip, located approximately 6.4 miles north of the project site. Therefore, the project would not expose people residing or working in the project area to excessive noise levels from airports. There would be **no impact**.

Condition of Approval:

1. The project applicant shall restrict construction activities to the daylight hours specified in the County's Zoning Ordinance.

FINDING: Adherence to the County Condition of Approval to restrict construction hours would reduce the potential impact of the project to create a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards to less than significant. The project would generate less than significant groundborne vibrations levels. The project would not expose people residing or working in the project area to excessive noise levels from airports.

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XIV. POPULATION AND HOUSING

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

Regulatory Setting:

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

Local Laws, Regulations, and Policies

The El Dorado County General Plan (adopted 2004) limits residential density on lands designated for RR. Up to one single family dwelling unit per 10 to 160 acres is allowed on RR lands. In October of 2013, the El Dorado County Board of Supervisors adopted the 2013-2021 Housing Element to the Adopted General Plan.

Impact Analysis:

- a. **Population Growth:** The proposed project does not include the construction of any new homes; however, it does include the construction of a cannabis cultivation facility that could create a limited number of new jobs in the region. There would be three (3) full-time employees and up to six (6) part-time employees throughout the year to support the cannabis cultivation operations. While the addition of new employment opportunities could increase the County’s population, it is anticipated that the employees would be existing residents of the County or surrounding area that would commute to the project site. As such, the proposed project would not induce substantial population growth or result in a demand for new housing. The impact is **less than significant**.

- b. **People or Housing Displacement:** There is an existing residence on the property that would remain on-site and would not be impacted by construction and operation of the proposed project. Therefore, no existing housing or residents would be displaced by the proposed project. There would be **no impact**.

FINDING: The proposed project would not induce substantial growth either directly or indirectly and would not displace housing or residents. Less than significant or no impact would occur to population and housing.

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XV. PUBLIC SERVICES

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

Regulatory Setting:

No relevant federal laws, regulations, or policies are applicable to this section.

State 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.

California Public Resources Code Division 4: Forests, Forestry and Range and Forage Lands

The project is located in a High Fire Hazard Severity Zone of an SRA (CAL FIRE 2021). SRAs are defined by California PRC Section 4102 as areas of the State in which the Board of Forestry and Fire Protection has determined that the financial responsibility for preventing and suppressing fires lies with the State of California. SRAs are lands in California where CAL FIRE has legal and financial responsibility for wildfire protection. SRA lands typically are unincorporated areas of a county, are not federally owned, have wildland vegetation cover, have housing densities lower than three units per acre, and have watershed or range/forage value.

California PRC Sections 4291 et seq. requires that brush, flammable vegetation, or combustible growth within 100 feet of buildings be removed. Vegetation that is more than 30 feet from the building, less than 18 inches high, and important for soil stability, may be maintained as may single specimens of trees or other vegetation that is maintained so as to manage fuels and not form a means of rapid transmission of fire from nearby vegetation to a structure. Requirements regarding hazardous vegetation and fuel management are also contained in Sections 4906 and 4907 of the CFC.

California PRC Section 4290 requires CAL FIRE to adopt regulations implementing minimum fire safety standards for defensible space that would be applicable to lands within the SRA and lands within very high FHSZs. Additional regulations regarding defensible space can be found in Title 14, Sections 1270.00 et seq. of the California Code of Regulations.

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Impact Analysis:

- a. Fire Protection:** The proposed project is located within an SRA. The El Dorado Hills Fire Department is primarily responsible for providing structure fire protection services to the project site, and CAL FIRE is primarily responsible for providing wildland fire suppression services. CAL FIRE's nearest station is located approximately 10 miles northeast at 5660 Mother Lode Drive, Placerville, CA 95667. CAL FIRE can also respond to structure fires and other incidents within SRAs, an initial response would likely come from this station for most types of incidents on site. The El Dorado Hills Fire Department provides emergency services to the project area, and their nearest staffed station, Fire Station 91, is located 1.4 miles south at 7660 South Shingle Road, Shingle Springs, CA 95682 (El Dorado County 2021). The project would be subject to review by the El Dorado Hills Fire Department to ensure all required fire protection measures are incorporated into the building plans. Two (2) 5,000-gallon water storage tanks and a fire hydrant would be constructed south of the cultivation area to provide water for fire suppression (see Appendix B, Fire Prevention Plan). While a new cannabis cultivation facility project could potentially require fire services, it would not result in the need for new fire personnel or facilities, as existing levels of fire service can be provided adequately with existing personnel out of existing facilities. Additionally, Fire Department fees would be collected as part of the building permit process. Therefore, the impact would be **less than significant**.
- b. Police Protection:** Law enforcement services for the project area are provided by the El Dorado County Sheriff's Office. Their nearest facility is a substation located 7.3 miles north of the site at 4355 Town Center Drive, Suite 113, El Dorado Hills, CA (El Dorado County Sheriff's Office 2021). Development of the project site could potentially result in a need for police protection services to respond to any potential incidents that may occur at the site. Access to the site would be controlled with locked gates. The current law enforcement services in the area and the implementation of site security measures, including security fencing, full-time on-site presence, and camera surveillance would reduce the potential impact of the proposed project to police protection in the area. The impact would be **less than significant**.
- c-e. Schools, Parks, and Government Services:** Operation of the proposed project would not induce population growth that would substantially contribute to increased demand on schools, parks, or other governmental services that could, in turn, result in the need for new or expanded facilities. Therefore, the project's impact to these services would be **less than significant**.

FINDING: The project would not result in a significant increase of public services to the project. The potential impact to increased demand for services would be reduced through the payment of established impact fees. Impacts to public services would be less than significant.

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

Regulatory Setting:

Federal Laws, Regulations, and Policies

National Trails System

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

The NTS includes four classes of trails:

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

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.

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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 Section 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 2 acres of neighborhood parkland per 1,000 residents.

Impact Analysis:

a, b. Parks and Recreational Services: The proposed project would not induce a significant increase in population that would contribute to increased demand on recreation facilities or contribute to increased use of existing facilities such that physical deterioration of the facility would occur. The proposed project would be located in rural, southwestern El Dorado County, and the closest park is the Valley View Sports Park, located approximately 5.5 miles northwest of the site. The proposed project would have no impact on this facility or others in the vicinity of the site. There would be **no impact** to parks and recreational services.

FINDING: No impacts to park or recreational facilities would result from implementation of the proposed project.

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XVII. TRANSPORTATION

<i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with a 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)?			X	
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d. Result in inadequate emergency access?			X	

Environmental Setting:

The project site is located at 6914 South Shingle Road in El Dorado County, California. South Shingle Road is a public road that intersects Latrobe Road in the town of Latrobe, approximately 1.5 miles south of the project site; and with Highway 50 approximately 6 miles north of the project site. The project parcel is accessed via a locked, gated driveway that intersects South Shingle Road. The paved driveway winds west through the property to an existing residence, and a dirt road branching off of the paved driveway leads north toward the project site. The existing dirt road is narrow (12 ft wide).

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

According to the transportation element of the County General Plan, Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions. Level of Service is defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council). There are some roadway segments that are excepted from these standards and are allowed to operate at LOS F, although none of these are located in the Lake Tahoe Basin. According to Policy TC-Xe, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A two percent increase in traffic during a.m., p.m. peak hour, or daily
- B. The addition of 100 or more daily trips, or

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C. The addition of 10 or more trips during the a.m. or p.m. peak hour.

Impact Analysis:

- a. **Conflict with Transportation Plan:** The project is expected to generate a maximum of 20 daily trips under the most conservative (i.e., busiest) estimate (assuming nine employees arriving and leaving the site separately, along with one round trip for deliveries). Vehicles accessing the site would approach from South Shingle Road. Those commuting from outside the local community may reach South Shingle Road via Highway 50. On South Shingle Road, sufficient level of sight distance exists in both directions of the main site driveway to facilitate safe turns to and from the site. Given the low traffic volume in the area and low anticipated daily trips, the small number of increased trips resulting from the project would not result in a significant impact.

Given the rural nature of the site, the low population density of the area, low existing traffic volumes, and low increase in daily trips anticipated from implementation of the proposed project, bicycle or pedestrian use of public roadways would not be impeded. Therefore, the proposed project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Therefore, impacts would be **less than significant**.

- b. **Vehicle Miles Travelled (VMT):** Current direction regarding methods to identify VMT and comply with State requirements is provided by the 2021 CEQA Guidelines Section 15064.3. 15064.3(b)(3) provides this direction for small projects:

Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

Conservatively, after full project buildout is complete and during the most intensive harvesting period of the year, it is estimated that there would be a maximum number of 20 trips per day (assuming nine employees arriving and leaving the site separately, along with one round trip for deliveries). This includes any expected seasonal workers who will only be utilizing the site for a very limited portion of the year. Delivery and supply trips are expected to be made with vans or light trucks and are expected to account for an average of less than one round trip per day. Given that only three full-time employees are proposed to support the project for most of the season, daily trips generated from the proposed project would be less than the estimated 20 trips per day for most of the year.

Given the low level of existing traffic volume in the area and adequacy of existing infrastructure to accommodate additional traffic volume, impacts from the proposed project would be **less than significant**.

- c. **Design Hazards:** The site is anticipated to accommodate the circulation needs of all vehicle types. As such, the proposed project is considered to allow for adequate on-site circulation for all vehicle types. An evaluation of sight distance was completed for the existing site access driveway intersection based on observed horizontal and vertical geometric conditions. This evaluation was performed in accordance with the guidelines presented in the Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials (AASHTO), and the Highway Design Manual, published by Caltrans. Adequate sight distance was observed at the existing driveway. Roadside vegetation should be maintained to preserve sight distance. In addition, according to the project site plan, there appears to be adequate sight distance on-site to facilitate safe and orderly circulation. There would be **no impact**.
- d. **Emergency Access:** The proposed project site would have adequate access for emergency vehicles. The project applicant has installed a knock box at the locked gate along South Shingle Road to provide emergency crews with access to the site, and the main driveway would also be improved to ensure reliable access for fire apparatus. The driveway would be kept clear of ladder fuels, and dead, downed, and dying vegetation for at least the nearest ten feet on either side, and a minimum vertical clearance of at least 15 feet from the road

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surface would be maintained. A hammerhead turnaround would be constructed west of the parking area near the intersection of the two driveways to facilitate turnarounds as needed, including for emergency vehicles. Additionally, the project would be reviewed by the El Dorado Hills Fire Department to confirm the adequacy of the interior project road circulation and availability of adequate emergency ingress and egress in the project design. Therefore, impacts would be **less than significant**.

FINDING: The proposed project would not exceed traffic or VMT thresholds, introduce hazardous transportation design features, or obstruct emergency vehicle access. Therefore, impacts to transportation would result in less than significant or no impacts.

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XVIII. TRIBAL CULTURAL RESOURCES

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

Environmental Setting:

Records of Assembly Bill (AB) 52 consultation by the County are included as Appendix F to this Initial Study. Formal invitations to participate in AB 52 consultation on the proposed project were sent by the County to nine tribal representatives on December 23, 2020. The representatives included:

- Pamela Cubbler, Colfax-Todds Valley Consolidated Tribe
- Sara Setshwaelo, Ione Band of Miwok Indians
- Cosme Valdez, Nashville-El Dorado Miwok
- Regina Cuellar, Shingle Springs Band of Miwok Indians
- Don Ryberg, T’si-Akim Maidu
- Gene Whitehouse, United Auburn Indian Community of the Auburn Rancheria
- Darrel Cruz, Washoe Tribe of Nevada and California

Katie Solorio, Administrative Assistant of the Shingle Springs Band of Miwok Indians Cultural Resources Department, provided a written response via e-mail on January 14, 2021. Ms. Solorio requested to review the biological and cultural resources reports prepared for the project. County Senior Planner, Aaron Mount, provided Ms. Solorio and Kara Perry, Site Protection Manager for the Shingle Springs Band of Miwok Indians Cultural Resources Department, with a copy of the biological resources report and the project application on January 14, 2021. Senior County Planner Aaron Mount sent a follow-up e-mail on March 30, 2021, providing Ms. Solorio and Ms. Perry with a copy of the cultural resources report. Following receipt of the cultural resources report, Ms. Perry responded via e-mail on April 14, 2021, stating that although there were no resource observed, the area can still produce cultural resources once ground disturbance occurs. Ms. Perry inquired about the compilation of any mitigation measures for the project proponent. Senior County Planner Aaron Mount responded via e-mail to Ms. Perry’s request on April 14, 2021, stating that the County will apply their standard conditions for discovery of artifacts and human remains to the project. Ms. Perry responded via e-mail, requesting to know the County’s Standard Conditions. Senior County Planner Aaron Mount responded via e-mail to this request on April 14, 2021 with the County’s Standard Conditions. No further correspondence was received from the Shingle Springs Band of Miwok Indians.

Anna Starkey, Cultural Regulatory Specialist of the United Auburn Indian Community of the Auburn Rancheria, provided a written response via email on January 13, 2021. Ms. Starkey stated that the United Auburn Indian Community of the Auburn Rancheria would like to consult, and that the Tribal Historic Preservation Department had reviewed the project location in the THRS database and did not show any previously recorded sites in the project area. Ms. Starkey stated that she was aware of a tribal cultural resource in proximity to the project area, and that

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therefore, the project area has the potential for unrecorded tribal cultural resources. Ms. Starkey requested to review the biological and cultural reports for the project. On January 14, 2021, County Senior Planner Aaron Mount provided via e-mail the biological resources report and a copy of the project application, noting that the NCIC report recommendation an onsite cultural resource report, which was processing and would be forwarded to Ms. Starkey as soon as it was received. County Senior Planner Aaron Mount responded via e-mail on March 30, 2021 to provide Ms. Starkey with the cultural resources report. No further correspondence was received from the United Auburn Indian Community of the Auburn Rancheria.

The tribes did not provide any information about TCRs in the project area to the County, thereby concluding AB 52 consultation.

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 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
- 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 TCRs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

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Impact Analysis:

a.i),ii) Tribal Cultural Resources. As noted above, formal invitations to participate in AB 52 consultation on the proposed project were sent by the County to seven (7) tribal representatives on December 23, 2020. Two of the seven tribes provided written responses requesting a review of the biological and cultural resources reports, and both tribes were provided with copies of the biological and cultural resources report. None of the tribes provided any information about TCRs in the project area to the County, thereby concluding AB 52 consultation. Adherence to El Dorado County’s Standard Conditions would reduce the potential impact from inadvertent discovery of TCRs to **less than significant**.

FINDING: Adherence to the County’s Standard Conditions would reduce the potential impact from inadvertent discovery of TCRs to be less than significant.

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XIX. UTILITIES AND SERVICE SYSTEMS

<i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunication facilities, the construction or relation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry or multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in the 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 providers existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.

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California Integrated Energy Policy

Senate Bill 1389, passed in 2002, requires the CEC to prepare an Integrated Energy Policy Report for the governor and legislature every 2 years, and to provide an update in the year between reports. 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. The 2019 Integrated Energy Policy Report covers a broad range of topics, including decarbonizing buildings, integrating renewables, energy efficiency, energy equity, integrating renewable energy, updates on Southern California electricity reliability, climate adaptation activities for the energy sector, natural gas assessment, transportation energy demand forecast, and the California Energy Demand Forecast.

Title 24 – Building Energy Efficiency Standards

The CALGreen (CCR Title 24, Part 11) is a code with mandatory requirements for new residential and nonresidential buildings (including industrial buildings) throughout California. The code is Part 11 of the California Building Standards Code in Title 24 of the CCR (CBSC 2019). The current 2019 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings went into effect on January 1, 2020.

CALGreen contains requirements for storm water control during construction; construction waste reduction; indoor water use reduction; material selection; natural resource conservation; site irrigation conservation; and more. The code provides for design options allowing the designer to determine how best to achieve compliance for a given site or building condition. The code also requires building commissioning, which is a process for the verification that all building systems, like heating and cooling equipment and lighting systems, are functioning at their maximum efficiency.

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).

Cannabis Cultivation Program

California Code of Regulations Title 3 Section 8102(s) states:

[Each application for a cultivation license shall include the following, if applicable:] For indoor and mixed-light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;

Section 8108 includes options for acceptable management of cannabis waste, including onsite composting, collection by a local or contracted waste agency, or self-hauling to certain approved destinations.

Section 8308 includes additional requirements for cannabis waste management, including reporting requirements.

Impact Analysis:

- a. **Construction of New/Expansion of Existing Utilities:** The proposed project would include the installation of an on-site septic tank and leach field system. The proposed project also includes the installation of two (2) 5,000-gallon water tanks with a fire riser for fire suppression needs. An existing private well would provide water for irrigation and sanitary needs, and a solar array system would provide power to the greenhouses. The construction of new utilities (i.e., septic system and leach field) would involve minor soil disturbance and would not result in significant impacts. The proposed project would not require relocation or expansion of existing utilities. Therefore, the proposed project would have a **less than significant impact**.

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- b. Sufficient Water Supply:** As noted above, the water source for the proposed project would be a private well on-site. This well would provide the main water supply for the proposed cultivation operation and miscellaneous support and sanitary needs. Additionally, two (2) 5,000-gallon water storage tanks and a fire hydrant would be installed on-site for fire suppression. The proposed project is anticipated to demand approximately 150,000 gallons of water per year, and there is adequate water supply to irrigate the proposed project. Therefore, impacts would be **less than significant**.
- c. Wastewater Treatment:** There are no public wastewater treatment systems serving the project site. As discussed above, the proposed project would construct a private wastewater system which would include a septic tank and leach field. At final buildout of the proposed project, the facility would employ three (3) full-time employees throughout the year, and up to six (6) part time employees during the harvest season (i.e., December to March). The proposed septic system would be required to meet NSF standards, is subject to County permitting requirements, and would accommodate the proposed number of employees. This impact would be **less than significant**.
- d.e. 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. On-site solid waste collection would be handled through the local waste management contractor and would be stored in a covered trash enclosure. Cannabis waste would be composted with livestock waste on the property site. The project would not produce substantial volumes of waste, and compliance with existing regulations for diversion would minimize the materials sent to local landfills. Impacts would be **less significant**.

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

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XX. WILDFIRE

<i>Would the project:</i>				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	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	

Environmental Setting:

The proposed project site is bordered to the north by Brandon Road, scattered residences, and sparsely wooded land; to the south by undeveloped, sparsely wooded land; to the east by South Shingle Road, Clark Creek, and sparsely wooded land; and to the west by a rural residential neighborhood and sparsely wooded land. The project is located in High Fire Hazard Severity Zones of an SRA (CAL FIRE 2021). The El Dorado Hills Fire Department is primarily responsible for providing structure fire protection services to the project site, and CAL FIRE is primarily responsible for providing wildland fire suppression services. CAL FIRE’s nearest station is located approximately 10 miles north of the project site at 5660 Mother Lode Drive., Placerville, CA, 95667; given that CAL FIRE can also respond to structure fires and other incidents within SRA, an initial response would likely come from this station for most types of incidents on site. The El Dorado Hills Fire Department provides emergency services to the project area, and their nearest staffed station, Fire Station 91, is located 1.4 miles south of the project site at 7660 South Shingle Road, Shingle Springs, CA 95682 (El Dorado County 2021).

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies apply to this section, as the project site not on or adjacent to federal land and does not receive direct protection from a federal agency.

State Laws, Regulations, and Policies

The project is located in a High Fire Hazard Severity Zones of an SRA (CAL FIRE 2021). SRAs are defined by California PRC Section 4102 as areas of the State in which CAL FIRE has determined that the financial responsibility for preventing and suppressing fires lies with the State of California. SRAs are lands in California where CAL FIRE has legal and financial responsibility for wildfire protection. SRA lands typically are unincorporated areas of a county, are not federally owned, have wildland vegetation cover, have housing densities lower than three units per acre, and have watershed or range/forage value.

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California PRC Sections 4291 *et seq.* requires that brush, flammable vegetation, or combustible growth within 100 feet of buildings be removed. Vegetation that is more than 30 feet from the building, less than 18 inches high, and important for soil stability, may be maintained; as may single specimens of trees or other vegetation that is maintained so as to manage fuels and not form a means of the rapid transmission of fire from other nearby vegetation to a structure. Requirements regarding hazardous vegetation and fuel management are also contained in Sections 4906 and 4907 of the CFC.

California PRC Section 4290 requires CAL FIRE to adopt regulations implementing minimum fire safety standards for defensible space that would be applicable to lands within the SRA and lands within very high FHSZs. Additional regulations regarding defensible space can be found in Title 14, Sections 1270.00 *et seq.* of the California Code of Regulations.

Local Laws, Regulations, and Policies

El Dorado County Municipal Code

El Dorado County Municipal Code Chapter 8.09. - Vegetation Management and Defensible Space contains requirements for wildfire prevention and enforcement of such measures within the unincorporated areas of the county. That chapter reaffirms relevant state statutes and regulations and adds additional requirements and mechanisms of enforcement.

El Dorado County General Plan

The El Dorado County General Plan (El Dorado County 2004) includes the following relevant policies:

- Policy 5.7.2.1 Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.
- Policy 6.2.1.1 Implement Fire Safe ordinance to attain and maintain defensible space through conditioning of tentative maps and in new development at the final map and/or building permit stage.
- Policy 6.2.2.1 Fire Hazard Severity Zone Maps shall be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard.
- Policy 6.2.2.2 The County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, as listed in the Federal Register Executive Order 13728 of May 18, 2016, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or California Department of Forestry and Fire Protection. (Resolution 124-2019, August 6, 2019)
- Policy 6.2.3.1 As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

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- Policy 6.2.3.2 As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.
- Policy 6.2.4.1 Discretionary development within high and very high fire hazard areas shall be conditioned to designate fuel break zones that comply with fire safe requirements to benefit the new and, where possible, existing development.

Impact Analysis:

- a. **Impair an Adopted Emergency Response or Evacuation Plan.** No applicable emergency response or evacuation plan would be affected by the project as proposed. The proposed project would allow for adequate emergency ingress/egress and drive-aisle widths for interior circulation. An evacuation plan would be prepared for the project site, and workers on-site would monitor conditions in the area during periods of high fire danger to ensure early evacuations if needed. Therefore, impacts would be **less than significant**.
- b, d. **Expose People or Structures to Wildfire Risk.** The project site is within an SRA-designated High Fire Hazard Severity Zone and a project-specific Fire Prevention Plan was prepared for the proposed project (see Appendix B to this Initial Study). El Dorado Hills Fire Department requirements would be incorporated as Conditions of Approval that address site access, adequate fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements. The proposed project would be 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 project activities. The project applicant would also be required to construct the project structures to meet 'defensible space' requirements as specified under Objective 6.2.1 of the Safety Element of the El Dorado County General Plan.

The existing dirt path leading to the cultivation premises would be paved with asphalt and include a 10-ft turnout located where the existing dirt path branches north from the existing paved driveway to allow for a fire engine to turn around. Additionally, three existing turnouts between South Shingle Road and the dirt road add 10 ft to the road and facilitate vehicle passing. The project would be reviewed by the El Dorado Hills Fire Department and CAL FIRE and is not anticipated to exacerbate wildfire risks with implementation of the on-site circulation plan and fire prevention plan.

The proposed project is located adjacent to hilly terrain, but all proposed developments would be located on flat graded pads. All grading activities on-site would be required to comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance. Therefore, the project would not pose a significant landslide risk in post-fire conditions. Additionally, the site is not located within any mapped 100-year flood areas as show on Firm Panel Number 06017C0975E (FEMA 2008), and due to the site's upland location relative to the surrounding topography, the site would not be at risk of post-fire flooding. Therefore, project impacts would be **less than significant**.

- c. **Installation or Maintenance of Infrastructure.** The project's Fire Prevention Plan does not include any requirements for installation or maintenance of infrastructure aside from basic requirements: sprinkler and alarm systems must be tested annually, and fire extinguishers must be inspected monthly and annually. Therefore, impacts would be **less than significant**.

FINDING: As conditioned and with adherence to the County Code and CAL FIRE requirements, wildfire impacts would be less than significant.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

<i>Does the project:</i>				
	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	

Impact Analysis:

- 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. As conditioned or mitigated, and with adherence to County permit requirements, 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, pre-history, or tribal cultural resources. Any impacts from the project would be **less than significant** due to the design of the project and required standards that would be implemented prior to project construction 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 State CEQA Guidelines as *two or more individual effects, which when considered together, would be considerable or which would compound or increase other environmental impacts.*

No other cannabis operations or other developments are proposed or anticipated in the vicinity of the project site. Due to the small size of the proposed project, types of activities proposed, and site-specific environmental conditions, which have been disclosed in the Project Description and analyzed in Sections 7.I through 7.XX, there would be no significant impacts anticipated related to aesthetics, agriculture and forestry resources, air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards/hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire that would be cumulatively considerable. Mitigation measures for the proposed project would reduce potential impacts related to biological resources such that no contributions to

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cumulative impacts would be expected. Therefore, the proposed project would not contribute to potentially significant cumulative impacts. Impacts would be **less than significant**.

- c. As conditioned and with compliance with the County Code, the proposed project would be anticipated to have a less than significant project-related environmental effect on human beings, either directly or indirectly. Therefore, impacts would be **less than significant**.

FINDINGS: The proposed project would not result in significant environmental impacts, exceed applicable environmental standards, or significantly contribute to cumulative environmental impacts.

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8.0 INITIAL STUDY PREPARERS

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