

CHAPTER 1 INTRODUCTION

This Final Environmental Impact Report (EIR) contains the public and agency comments received during the public review period for the Biological Resources Policy Update and Oak Resources Management Plan (proposed project), and the responses to each of those comments. It also includes those pages from the Draft EIR that have been revised in response to the comments.

The EIR is an informational document intended to disclose the environmental consequences that would result if the proposed project or one of the alternatives is approved and implemented. All written comments received on the Draft EIR during the public review period (June 30, 2016 through August 15, 2016) are addressed in this Final EIR.

1.1 CEQA REQUIREMENTS

Under the California Environmental Quality Act (CEQA), the lead agency must prepare and certify a Final EIR prior to a proposed project being approved. The contents of a Final EIR are specified in the CEQA Guidelines, Section 15132, which states that the Final EIR shall consist of the following:

- The Draft EIR or a revision of the Draft
- Comments and recommendations received on the Draft EIR, either verbatim or in summary
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- The lead agency's responses to significant environmental points raised in the review and consultation process
- Any other information added by the lead agency

The lead agency (for this project, the County of El Dorado (County)) must provide each agency that commented on the Draft EIR with a copy of the lead agency's responses to those comments within a minimum of 10 days before certifying the Final EIR. The Final EIR allows commenting agencies and the public an opportunity to review revisions to the Draft EIR and the responses to comments. This EIR serves to inform the County's consideration of the proposed project, either in whole or in part, or of one of the alternatives to the proposed project discussed in the Draft EIR.

This Final EIR provides responses to all comments received on the Draft EIR. The responses clarify, correct, and/or amplify text in the Draft EIR, as appropriate. Chapter 2 contains Master Responses that address issues raised in numerous comment letters received on the Draft EIR. The Final EIR also includes text changes made to the Draft EIR either in response to comments

or at the initiative of the County. These changes are summarized in Table 1-1 (see Section 1.3, Summary of Draft EIR Text Changes), identified in the responses discussions in Chapter 3, and shown in strikeout/underline format in Chapter 4, Text Changes to the Draft Environmental Impact Report. The revisions to the Draft EIR text do not alter the conclusions of the Draft EIR. This document was prepared in accordance with CEQA (California Public Resources Code, Section 21000 et seq.).

1.2 CERTIFICATION OF THE FINAL EIR

The comments and responses that make up the Final EIR, in combination with the Draft EIR included in this document as amended by the text changes, constitute the EIR that will be considered for certification by the County decision makers. As required by Section 15090(a)(1)–(3) of the CEQA Guidelines, in certifying a Final EIR, a lead agency must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA;
2. The Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project; and
3. The Final EIR reflects the lead agency’s independent judgment and analysis (14 CCR 15090(a)(1–3)).

As required by CEQA Guidelines, Section 15091, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding, supported by substantial evidence in the record. The possible findings are as follows:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (14 CCR 15091).

Additionally, pursuant to the CEQA Guidelines, Section 15093(b), when a lead agency approves a project that would result in significant unavoidable impacts that are disclosed in

the Final EIR, the agency must state in writing the reasons for supporting the action. The Statement of Overriding Considerations must be supported by substantial evidence in the lead agency’s administrative record.

The Findings of Fact are included in a separate document that will be considered for adoption by the County’s decision makers at the time of project approval.

1.3 SUMMARY OF DRAFT EIR TEXT CHANGES

Table 1-1 identifies all changes made to the Draft EIR. These text changes provide additional clarification for the responses to comments received on the Draft EIR and describe revisions to the proposed project made by the project applicant. The text changes do not change the conclusions presented in the Draft EIR regarding the significance of the proposed project’s environmental impacts. The pages from the Draft EIR on which text revisions were made are included in this Final EIR (Chapter 4). Upon certification of the Final EIR by the County, the Draft EIR, as revised, will be reprinted in whole and posted to the County’s website.

Table 1-1
Summary of Draft EIR Text Changes

Draft EIR Page No.	Revised Draft EIR Page No.*	Text Revision Made
3-5	3-5	Delete addition of “where feasible” to Policy 7.4.1.1 in Table 3-1.
3-6	3-6	Add description of revision to Policy 7.4.2.8 subsection (C) to require that Biological Resources Assessments include recommendations for pre-construction surveys and avoidance/minimization measures. Add description of new Policy 7.4.2.8 subsection (F) requiring applicants to submit a Mitigation Monitoring Plan to the County and specifying requirements for the monitoring plan. Delete duplicate “to” from description of Changes Made to Policy 7.4.4.3 in Table 3-1.
5-15	5-15	Revise acreages to correct calculation error as discussed in Master Response 9; Also add text clarifying that mitigation exemption does not apply to construction of single-family homes on lots less than 1 acre in size and agricultural activities, “except those uses requiring Conditional Use Permits”.
5-16 and 5-17	5-16 and 5-17	Clarify General Plan goals and policies related to land use development in Community Regions, Rural Centers, and Rural Regions.
6-48	6-48	Revise acreages in Table 6-6 to correct calculation error as discussed in Master Response 9.
6-50	6-50	Revise acreages to correct calculation error as discussed in Master Response 9.
6-56	6-56	Revise acreages to correct calculation error as discussed in Master Response 9.
6-57	6-57	Agricultural Activities Exemption – Add text “and those uses requiring a Conditional Use Permit” after “...(excluding commercial firewood operations”.

**Table 1-1
Summary of Draft EIR Text Changes**

Draft EIR Page No.	Revised Draft EIR Page No.*	Text Revision Made
6-58	6-58	Agricultural Activities Exemption – Add text clarifying the exemption does not apply to activities that require the County to issue a Conditional Use Permit; add text clarifying agricultural zones.
6-59	6-59	Delete text regarding the Rural Lands zoning district, which is not necessarily considered an agricultural zone.
6-61	6-62	Personal Use Exemption – Add text clarifying tree removal limits.
6-62 and 6-63	6-63 and 6-64	Revise acreages to correct calculation error as discussed in Master Response 9.
6-65	6-66	Update description of agricultural exemption and related General Plan goals, objectives and policies.
6-68	6-69 and 6-70	Update Table 6-15 to reflect corrected calculation of land cover impacts.
6-70	6-71	Clarify that requirements for mitigation apply to all upland land cover types.
6-70	6-72	Update Table 6-16 to reflect corrected calculation of land cover available for conservation.
6-81 and 6-82	6-82 and 6-83	Revise acreages to correct calculation error as discussed in Master Response 9.
7-9 and 7-10	7-9 and 7-10	Revise acreages to correct calculation error as discussed in Master Response 9.
8-18 and 8-19	8-18 through 8-24	Revise acreages to correct calculation error as discussed in Master Response 9; Also add text to further classify emissions impacts by process.
9-4	9-4	Revise Table 9-1 to add scenic viewpoint “East of Bass Lake Road” based on Response to Comment 8-13 (Section 3.4, Individuals).
9-13	9-13	Revise acreages to correct calculation error as discussed in Master Response 9.
9-14 and 9-15	9-14 and 9-15	Add text to descriptions of Marble Valley scenic views from Highway 50.
9-17	9-17	Revise acreages to correct calculation error as discussed in Master Response 9.
10-11	10-11	Delete addition of “where feasible” to Policy 7.4.1.1 as listed in Table 10-2.
10-19	10-19	Revise acreages to correct calculation error as discussed in Master Response 9.
10-22	10-22 and 10-23	Revise acreages to correct calculation error as discussed in Master Response 9.
11-9 through 11-12	11-9 through 11-12	Revise acreages to correct calculation error as discussed in Master Response 9.
11-15	11-15	Revise acreages to correct calculation error as discussed in Master Response 9.
Appendix B, page 144	Appendix B, page 144	Revise proposed General Plan Policy 7.4.1.1 to remove proposed addition of “where feasible”.
Appendix B, page 147	Appendix B, page 147	Revise proposed General Plan Policy 7.4.2.8.C (Biological Resources Assessment) to add requirements that species surveys conform to current CDFW and USFWS recommendations and that biological resources technical report shall include recommendations for consideration of mitigation requirements related to nesting birds, roosting bats, entanglement of wildlife, and indirect impacts to adjacent properties.

Table 1-1
Summary of Draft EIR Text Changes

Draft EIR Page No.	Revised Draft EIR Page No.*	Text Revision Made
Appendix B, page 148	Appendix B, page 149	Revise proposed General Plan Policy 7.4.2.8 to add subsection F (Mitigation Monitoring) requirements related to Mitigation Monitoring consistent with Draft EIR Mitigation Measure BIO-1.
Appendix C, page 6	Appendix C, page 6	Revise proposed ORMP Section 2.1 consistent with Draft EIR Mitigation Measure BIO-2 to stipulate that the ORMP Exemptions do not apply to individual valley oak trees or to valley oak woodlands unless such trees qualify for the Dead, Dying or Diseased Trees Exemption defined in Section 2.1.9.
Appendix C, page 7	Appendix C, page 7	Revise proposed ORMP Section 2.1.6 to clarify Agricultural Activities Exemption does not apply to activities that require issuance of a Conditional Use Permit.
Appendix C, page 7	Appendix C, page 7	Revise proposed ORMP Section 2.1.9 to specify that the Dead, Dying, or Diseased Tree Exemption does apply to valley oak trees.
Appendix C, page 8	Appendix C, page 8	Revise proposed ORMP Section 2.1.10 to specify tree removal limits of the Personal Use Exemption.
Appendix C, page 8	Appendix C, page 8	Revise proposed ORMP Section 2.1.11 to clarify that the Affordable Housing Mitigation Reduction does not apply to valley oak trees or valley oak woodlands.
Appendix C, page 9	Appendix C, page 10	Revise proposed ORMP Section 2.2.2 to clarify use of in-lieu fee payment for conservation.
Appendix C, page 13	Appendix C, page 14	Revise proposed ORMP Section 2.3.2 to clarify use of in-lieu fee payment for conservation; also add Section 2.4 description: "Replacement Planting Guidelines" and add Section 2.5 description: "Oak Resources Technical Reports".
Appendix C, page 18	Appendix C, page 19	Revise proposed ORMP Section 2.6 to add Section 4.0 description: "Priority Conservation Areas".
Appendix C, page 19	Appendix C, page 20	Revise proposed ORMP Section 3.1 to add Section 4.0 description: "Priority Conservation Areas".
Appendix C, page 24	Appendix C, page 25	Revise proposed ORMP Section 4.1 to add Section 4.3 description: "Conservation Outside of PCAs".
Appendix C, pages 26	Appendix C, pages 27	Revise proposed ORMP Section 5.0 subsection 5(b) to clarify use of in-lieu fee payment for conservation.
Appendix C, pages 27	Appendix C, pages 28	Revise proposed ORMP Section 5.0 subsection 6(c) to clarify use of in-lieu fee payment for conservation.
Appendix C, pages 31	Appendix C, pages 31	Revise proposed ORMP Section 6.0 definition of "Mitigation Maintenance, Monitoring and Reporting" under 2): revise Section 6.0 reference: (see Section 6.0 , definition of "Monitoring Report" <u>in this section</u>).
Appendix D, page 4	Appendix D, page 4	Revise proposed Oak Resources Conservation Ordinance (Title 130, new Chapter 130.39), Section 130.39.030 to revise "Oak Resources Technical Report" definition: "...Section 2.5 (<u>Oak Resources Technical Reports</u>) of the ORMP (Oak Resources Technical Reports)."

**Table 1-1
Summary of Draft EIR Text Changes**

Draft EIR Page No.	Revised Draft EIR Page No.*	Text Revision Made
Appendix D, page 6	Appendix D, page 6	Revise proposed Oak Resources Conservation Ordinance, Section 130.39.050 to add language clarifying oak resources impact mitigation required for any non-exempt action requiring discretionary development entitlements or approvals, or ministerial actions requiring a building permit or grading permit; also add language to stipulate that all impacts to Heritage Trees, individual valley oak trees, and valley oak woodlands shall be subject to provisions and mitigation requirements in the ORMP, regardless of whether or not the action requires a development permit.
Appendix D, page 7	Appendix D, page 7	Revise proposed Oak Resources Conservation Ordinance, Section 130.39.050(F) to clarify the Agricultural Activities Exemption does not apply to activities that require issuance of a Conditional Use Permit, consistent with ORMP revisions.
Appendix D, page 7	Appendix D, page 7	Revise proposed Oak Resources Conservation Ordinance, Section 130.39.050(I) to specify that the Dead, Dying, or Diseased Tree Exemption does apply to valley oak trees, consistent with ORMP revisions.
Appendix D, page 7	Appendix D, page 7	Revise proposed Oak Resources Conservation Ordinance, Section 130.39.050(J) to specify tree removal limits of the Personal Use Exemption, consistent with ORMP revisions.
Appendix D, page 7	Appendix D, page 7	Revise proposed Oak Resources Conservation Ordinance, Section 130.39.050(K) to clarify that the Affordable Housing Mitigation Reduction does not apply to valley oak trees or valley oak woodlands, consistent with ORMP revisions.
Appendix D, pages 10 and 11	Appendix D, pages 10 and 11	Revise proposed Oak Resources Conservation Ordinance, Section 139.39.070, subsections C.1.a and C.2.a to clarify use of in-lieu fee payment for conservation, consistent with ORMP revisions.

* Page numbering shown on PDFs in Chapter 4, Text Changes to the Draft Environmental Impact Report.