3. Revisions to the Draft EIR Text

3. REVISIONS TO THE DRAFT EIR TEXT

3.1 INTRODUCTION

The Revisions to the Draft EIR Text chapter presents minor corrections, additions, and revisions made to the Draft EIR published by the Lead Agency (El Dorado County).

The changes represent minor clarifications/amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines, Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

3.2 DESCRIPTION OF CHANGES

New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

3.0 PROJECT DESCRIPTION

The description of the Project Development Area within the Project Description chapter of the Draft EIR states that the northernmost 7.9-acre portion of the project site, north of Country Club Drive, would be developed with 112 residential cottage units, 56 of which would be deed restricted for hotel employee housing, and the remaining 56 units would be available for rent on a daily or extended stay basis (Draft EIR, pg. 3-14). Each cottage unit would be comprised of two stories totaling approximately 560 sf, including a separate bedroom, bathroom, full kitchen facilities, and an outdoor deck. Since the release of the Draft EIR, further consideration has been given by the applicant team regarding whether deed restricting the 56 employee housing units would be consistent with state and federal fair housing laws. As a result, the applicant no longer proposes to deed restrict the 56 employee housing units, but rather, would rely on the requirements set forth in the Employee/Workforce Housing Program ("Program") for the Town and Country Village El Dorado project, attached to this Final EIR as Appendix B.

Appendix B explains that, while the 56 employee housing units would not be deed restricted, the applicant would administer a program to encourage and incentivize project employees to rent the 56 affordable-by-design housing units located near the project's planned commercial businesses. Leases for these businesses will require that employees be notified of the availability of the housing program, and eligible employees will receive preference in renting the units on a first-come, first-served basis. The employee housing units shall be maintained and rented in perpetuity through the Program, which shall be required as a Condition of Approval for the project.

Substantial evidence supports the Draft EIR's assumption that these units would be occupied by employees. For example, research was conducted to find other comparable examples of hotels offering employee housing on a voluntary basis through similar programs. As noted in Appendix B, the Post Ranch Inn in Monterey County is a 40-room hotel with 44 units of on-site staff housing, which are currently 100% occupied by employees, with a waitlist for additional employees. Alila Ventana Big Sur is a 54-room hotel with 45 units of on-site staff housing, which are currently 100%

occupied by employees. In addition, while the number of on-site employee housing units could not be verified, it was confirmed that all employee units at the Alisal Ranch in Saint Ynez Valley are fully occupied by employees. Please refer to Appendix B for additional examples provided in ski resort communities.

Based on this evidence, the EIR's assumptions and analyses regarding the employee housing units remains accurate. Notwithstanding, the following minor revisions are required:

Page 3-14 of the Project Description chapter is hereby revised as follows:

> *Residential Cottages*
> The northernmost 7.9-acre portion of the project site, located north of Country Club Drive, would be developed with a total of 112 residential cottage units; 56 units would be ~~deed restricted~~ for hotel employee housing, and the remaining 56 units would be available for rent on a daily or extended stay basis, which would require a conditional use permit. Each cottage unit would be comprised of two stories totaling approximately 560 sf, including a separate bedroom, bathroom, full kitchen facilities, and an outdoor deck (see Figure 3-11).

Page 3-1 of the Project Description chapter is also hereby revised to reflect the Assessor's Parcel Number (APN) changes that resulted from improvements to Country Club Drive and associated right-of-way dedication. The updated APNs for the project site are as follows:

> The approximately 60.5-acre site is identified by Assessor's Parcel Numbers (APNs) 119-080-~~12, -~~021~~ and -023~~, -025, and 0-27, comprising approximately 57 acres, with the remainder made up by Country Club Drive right-of-way.

These minor clarifications do not affect the environmental analysis in the Draft EIR, which evaluates the full extent of potential project-related disturbance.

4.2 AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Page 4.2-73 of the Draft EIR has been revised as follows:

> BMP-3: No Net increase in Total VMT
> As noted above, BMPs 1 and 2 would be required to be implemented during development of the Project Development Area. However, even with implementation of BMPs 1 and 2, the Project Development Area would still result in annual emissions over the SMAQMD's threshold of significance and, therefore, would be subject to BMP 3. The proposed project would not qualify for exemption from BMP 3 under the OPR's de minimis VMT criteria.
>
> As discussed in Chapter 4.11, Transportation, of this EIR, VMT associated with the Project Development Area would be less than 85 percent of the Baseline VMT per capita within the project area. Therefore, according to the Transportation Impact Study prepared for the proposed project by T. Kear Transportation, VMT impacts associated with the Project Development Area would be less than significant. Consequently, the Project Development Area would meet the requirements of an established local SB 743 target, which would ensure the proposed project would comply with BMP-3.
>
> It should also be noted that, while not required given that VMT associated with the Project Development Area would be less than significant, the project applicant has agreed to voluntarily implement several CAPCOA-recommended employer-based trip reduction

programs to further reduce the overall GHG emissions associated with the Project Development Area, which are provided as Mitigation Measure 4.2-7(d), below.

Page 4.2-75 of the Draft EIR has been revised as follows:

BMP-3: No Net increase in Total VMT

As noted above, BMPs 1 and 2 would be required to be implemented as part of Project Buildout. However, even with implementation of BMPs 1 and 2, the proposed project would still result in annual emissions over the SMAQMD's threshold of significance and, therefore, would be subject to BMP 3. The proposed project would not qualify for exemption from BMP 3 under the OPR's de minimis VMT criteria.

As discussed in Chapter 4.11, Transportation, of this EIR and noted above, VMT associated with the Project Development Area would be less than 85 percent of the Baseline VMT per capita within the project area. Therefore, according to the Transportation Impact Study prepared for the proposed project by T. Kear Transportation, VMT impacts associated with the Project Development Area would be less than significant. With regard to the Program Study Area, the Transportation Impact Study concluded that VMT associated with the retail portion of the Program Study Area would be less than 85 percent of the Baseline VMT per capita within the project area, and, therefore, would result in a less-than-significant impact. However, VMT associated with the residential portion of the Program Study Area would exceed 85 percent of the Baseline VMT per capita within the project area, and, therefore, would result in a significant impact. Therefore, because residential VMT associated with the Program Study Area would be above the applicable VMT threshold, VMT impacts associated with Project Buildout would be significant.

Consequently, the proposed project under Project Buildout conditions would not meet the requirements of an established local SB 743 target, and, as a result, would not comply with BMP-3.

It should also be noted that, while not required given that the significant GHG impact identified above is related to residential VMT associated with the Program Study Area, the project applicant has agreed to voluntarily implement several CAPCOA-recommended employer-based trip reduction programs to further reduce the overall GHG emissions associated with the Program Study Area, which are provided as Mitigation Measure 4.2-7(d), below.

Page 4.2-76 of the Draft EIR has been revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impacts related to construction GHG emissions, as well as BMP-1 and BMP-2 to a less-than-significant level. As a result, the Project Development Area's incremental contribution to the cumulatively significant effects of GHG emissions and global climate change would be reduced to a less than cumulatively considerable level.

With regard to BMP-3, as discussed further in Chapter 4.11, Transportation, of this EIR, mitigation for the VMT associated with the residential portion of the Program Study Area can be based on measures identified by CAPCOA. However, several of such measures are already inherently included in the design of the project, specifically the substantial densification relative to surrounding land uses, the mixed-use nature of the project, and bicycle connectivity. Additional CAPCOA measures, such as unbundling of parking costs

from rent and reducing parking supply, are included as Mitigation Measure 4.11-3 to reduce the number of vehicle trips that would be generated by the residential component of the Program Study Area. However, as discussed therein, the CAPCOA measures ultimately rely upon an alternative transportation mode, such as transit, being available. Because alternative modes are not available for the residential portion of the Program Study Area, the measures should only be implemented as practicable, to the satisfaction of the County Engineer. Thus, the CAPCOA measures included in Mitigation Measure 4.11-3 are not anticipated to reduce per capita VMT by the required 13.83 percent needed to meet the applicable threshold of significance. Consequently, the proposed project would still be considered inconsistent with SMAQMD BMP-3, and the incremental contribution to the cumulatively significant effects of GHG emissions and global climate change related to full Project Buildout, specifically, the residential portion of the Program Study Area, would remain *cumulatively considerable* and *significant and unavoidable*.

In addition, while not required given that the significant and unavoidable GHG impact identified above is related to residential VMT associated with the Program Study Area, as noted above, the project applicant has agreed to voluntarily implement several CAPCOA-recommended employer-based trip reduction programs to further reduce the overall GHG emissions associated with the proposed project. The CAPCOA has published guidance on estimating the associated emission reduction benefits associated with employer-based trip reduction programs.[1] The CAPCOA-recommended employer-based trip reduction programs are listed as follows:

- **T-5:** Implement Commute Trip Reduction Program (Voluntary);
- **T-6:** Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring);
- **T-7:** Implement Commute Trip Reduction Marketing;
- **T-8:** Provide Ridesharing Program;
- **T-9:** Implement Subsidized or Discounted Transit Program;
- **T-10:** Provide End-of-Trip Bicycle Facilities;
- **T-11:** Provide Employer-Sponsored Vanpool;
- **T-12:** Price Workplace Parking;
- **T-13:** Implement Employee Parking Cash-Out; and
- **T-23:** Provide Community-Based Travel Planning.

However, several of the above listed measures are not feasible or not relevant to the project as they would double count emission reduction benefits. For example:

- **T-5** is not relevant as the measure is listed as mutually exclusive to T-7 and has identical emission reduction benefits to T-7. The effectiveness of the trip reduction measures is estimated using T-7 rather than T-5.
- **T-6** is not feasible, as the measure requires implementation of T-7, T-8, T-9, T-10, and T-11; some of which are not feasible, as discussed below.
- **T-9** is not feasible because the measure requires high quality transit service within one-mile of the project site. High quality transit service is defined as a fixed route transit service with 15-minute headways during commute hours. Transit service with 15-minute headways does not exist within one-mile of the project site. Thus, subsidized transit service for employees is not considered valid mitigation for GHG reductions.

[1] California Air Pollution Control Officers Association. *CAPCOA Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*. December 2021.

- **T-12** is not feasible because paid parking (at above market rate as required by the measure) at the commercial and mixed used retail businesses is not anticipated to be acceptable to potential restaurant and retail tenants at this location.
- **T-23** requires teams of trained travel advisors visiting all households within the targeted geographic area to have tailored conversations about residents' household travel needs. While the project applicant could potentially enforce a requirement for household consultation during initial sales, a way to require continued implementation of this measure over time and beyond the initial owners does not exist. Thus, this measure is determined to be infeasible.

The remaining CAPCOA-recommended employer-based trip reduction programs were determined to be feasible to the proposed project, and are therefore voluntarily included as Mitigation Measure 4.2-7(d), below.

Based on CAPCOA guidance, the feasible CAPCOA-recommended employer-based trip reduction programs included in Mitigation Measure 4.2-7(d) would result in GHG emissions reductions of up to:

- **T-7** = three percent reduction in emissions in commuting GHG emissions;
- **T-8** = three percent reduction in emissions in commuting GHG emissions;
- **T-10** = 2.5 percent reduction in emissions in commuting GHG emissions;
- **T-11** = 4.6 percent reduction in emissions in commuting GHG emissions; and
- **T-13** = 8.8 percent reduction in emissions in commuting GHG emissions.

To calculate the emission reduction percentages for the mitigation strategies that include an adjustment based on the number of employees eligible to participate (i.e., CAPCOA measures T-7, T-8, and T-13), the "percentage of eligible employees" assumed that employees residing in the Project Development Area's employee housing would be ineligible to participate in the commute trip reduction measures. For example, employees living on-site are not anticipated to contribute to GHG reductions from a parking cash-out program (CAPCOA measure T-13), as such employees are anticipated to walk or bike to work due to the proximity of the on-site housing to the on-site employment uses. A total of 84 out of the 325 employees associated with the proposed project were assumed to reside in the provided employee housing (i.e., 1.5 employees per unit on average). Therefore, only 74 percent of the employees are assumed to be eligible to participate, and consequently, the anticipated emission reduction benefit for measures T-7, T-8, and T-13 was estimated as 74 percent of CAPCOA's maximum possible benefit from these measures.

When combined, the feasible CAPCOA-recommended employer-based trip reduction programs would result in a total reduction of up to 20.3 percent in commute GHG emissions. However, the actual reduction percentage would be dependent on the level of participation associated with each measure, which cannot be guaranteed as it depends upon individual employee selection preferences.

Based on the overall mobile-source emissions associated with the non-residential portions of the Project Development Area and Program Study Area (i.e., commute GHG emissions), voluntary implementation of these measures could result in an overall reduction of 145.75 $MTCO_2e$/yr associated with the Project Development Area and 983.54 $MTCO_2e$/yr associated with the Program Study Area. The level of participation assumed for the above measures is based on reasonable assumptions guided by CAPCOA. However neither the project applicant nor the County can compel the level of participation associated with employees of the proposed project. Thus, this level of reduction cannot be guaranteed.

Page 4.2-81 of the Draft EIR has been revised as follows:

4.2-7(c) Implement Mitigation Measure 4.11-3.

Project Development Area and Project Buildout

4.2-7(d) The below CAPCOA-recommended employer-based trip reduction programs shall be offered by the project applicant for the commercial uses within the Project Development Area and Program Study Area, to the satisfaction of the El Dorado County Department of Transportation:

- ***T-7:** Implement Commute Trip Reduction Marketing;*
- ***T-8:** Provide Ridesharing Program;*
- ***T-10:** Provide End-of-Trip Bicycle Facilities;*
- ***T-11:** Provide Employer-Sponsored Vanpool; and*
- ***T-13:** Implement Employee Parking Cash-Out.*

The lease agreements for all commercial tenants shall include language notifying tenants that they are required to inform their employees of the above-listed programs and provide related informational materials. The project applicant shall be required to provide an annual report to the El Dorado County Planning and Building Department and Department of Transportation, on the level of employee participation in each program over the course of the previous year.

4.3 BIOLOGICAL RESOURCES

Mitigation Measure 4.3-1, which begins on page 4.3-39 of the Draft EIR under Impact 4.3-1, is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

Project Development Area and Project Buildout

4.3-1 If construction has not commenced prior to the first day of spring 2026, a new round of special-status plant surveys shall be conducted in on- and off-site areas proposed for disturbance, prior to the commencement of construction~~.~~ according to the following requirements:

Before implementation of project construction activities and during the blooming period for the special-status plant species with potential to occur on the project site, a qualified botanist shall conduct protocol-level surveys for special-status plants in the off-site improvement areas and shall resurvey the main project site following survey methods from CDFW's Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities (CDFW 2018 or most recent version). The qualified botanist shall (1) be knowledgeable about plant taxonomy; (2) be familiar with plants of the El Dorado County foothills region, including special-status plants and sensitive natural communities; (3) have experience conducting floristic botanical field surveys as described in CDFW's protocol document; (4) be familiar with the California Manual

of Vegetation (Sawyer et al. 2009 or current version, including updated natural communities data at http://vegetation.cnps.org/); and (5) be familiar with federal and State statutes and regulations related to plants and plant collecting.

The surveys shall be conducted in accordance with the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants, the CNPS Botanical Survey Guidelines of the California Native Plant Society, and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The survey results shall be submitted to the El Dorado County Planning and Building Department prior to the commencement of construction activities. If special-status plant species are not found, further mitigation shall not be required.

If special-status plants are found ~~within the proposed impact area, specific mitigation measures shall be determined based on the plant species affected, physical conditions at the impact site, and conditions at a proposed mitigation site, if applicable. Options for mitigating impacts to annual plants, such as dwarf downingia, could include avoidance, seed collection and planting at a mitigation site, or collection of seed-bearing soil to be spread at a mitigation site. Options for mitigating impacts to perennial plants, such as Sanford's arrowhead or big-scale balsamroot, include avoidance, transplantation of plant to a mitigation site, propagation using cuttings to be planted at a mitigation site, or seed collection and planting at a mitigation site.~~ during special-status plant surveys and cannot be avoided, the applicant and a qualified botanist shall, in coordination/consultation with CDFW or USFWS, as appropriate depending on species status, develop and implement a site-specific mitigation strategy to compensate for loss of occupied habitat or individuals according to CDFW and USFWS guidelines.

~~If special-status plants are impacted, a qualified biologist shall prepare an avoidance and mitigation plan detailing protection and avoidance measures, transplantation procedures, success criteria, and long-term monitoring protocols. The plan shall be reviewed and approved by the El Dorado County Planning and Building Department and shall ensure that mitigation for the impacts to rare plants shall result in no net loss of individual plants after a five-year monitoring period. In addition, a pre-construction worker awareness training shall be conducted to alert workers to the presence of and protections for special-status plants.~~

Mitigation measures shall include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to offset loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within or outside the project site. Habitat and individual plants lost shall be mitigated at a minimum 1:1 ratio, considering acreage as well as function and value. The following

success criteria shall be used for preserved and compensatory populations:

- *The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than that in the affected occupied habitat.*
- *Compensatory and preserved populations shall be self-producing. Populations would be considered self-producing when:*
    - *plants reestablish annually for a minimum of 5 years with no human intervention, such as supplemental seeding; and*
    - *reestablished and preserved habitats contain an occupied area and flower density comparable to those in the existing occupied habitat areas in similar habitat types in the project vicinity.*

- *If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including designating responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria, including at a minimum, those listed above and other details, as determined appropriate by a qualified biologist to target the preservation of long-term viable populations.*

Documentation of the completion of the mitigation strategy and coordination/consultation process with CDFW or USFWS shall be provided to El Dorado County before commencement of any project construction activities.

If plants listed under the Federal Endangered Species Act or the California Endangered Species Act are located within the project impact area and those plants cannot be avoided, the project proponent shall coordinate with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) (as appropriate) for issuance of an Incidental Take Permit (ITP) and shall implement similar mitigation measures as outline above and ultimately approved by the appropriate agency.

Mitigation Measure 4.3-2, which begins on page 4.3-41 of the Draft EIR under Impact 4.3-2, is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

Project Development Area and Project Buildout

4.3-2 *If, at the time of project implementation, Crotch's bumble bee is not designated as a California Endangered Species Act (CESA) candidate or CESA listed, mitigation is not required. However, if the species is a CESA candidate or CESA listed or is otherwise considered to be a special-status species, the following mitigation shall be required.*

If feasible, initial ground-disturbing activities associated with development of the project site (e.g., grading, vegetation removal, staging) shall take place between September 1 and March 31 (i.e., outside the colony active period) to avoid potential impacts on Crotch bumble bee. ~~If completing all initial ground-disturbing activities between September 1 and March 31 is not feasible, then at a maximum of 14 days prior to the commencement of construction activities, a qualified biologist with 10 or more years of experience conducting biological resource surveys within California shall conduct a preconstruction survey for Crotch's bumble bee in the area(s) proposed for impact.~~ Regardless of the feasibility of the above limited operating period, a qualified biologist familiar with bumble bees of California and experienced using survey methods for bumble bees (qualified biologist) shall conduct a habitat assessment and focused survey for Crotch's bumble bee prior to the commencement of any ground-disturbing activities. Surveys shall be performed when Crotch's bumble bee is most likely to be identified, typically from April through August (i.e., the colony active period) when floral resources and ideal weather conditions are present, and shall follow the methods in Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). Surveys shall be conducted during the colony active period closest to the start of planned construction activities. Survey results shall be submitted to the applicant and El Dorado County Planning and Building Department a minimum of seven days before construction begins.

The survey shall occur during the period from one hour after sunrise to two hours before sunset, with temperatures between 65 degrees Fahrenheit and 90 degrees Fahrenheit, with low wind and zero rain. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying qualified biologist shall select the most appropriate days based on the National Weather Service seven-day forecast and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present within the area proposed for impact, and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources.

Suitable floral resources for Crotch bumble bee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae.

At a minimum, preconstruction survey methods shall include the following:

- *Search areas with floral resources for foraging bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumble bees are present;*
- *If bumble bees are observed, watch any bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest;*
- *Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat;*
- *If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of a minimum of four inches to assist with locating the nest;*
- *Look for concentrated bumble bee activity;*
- *Listen for the humming of a nest colony; and*
- *If bumble bees are observed, attempt to photograph the individual and identify it to species.*

The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed bumble bee activity, a list of bumble bee species observed, a description of any vegetation removed to facilitate the survey, and their determination of if survey observations suggest a Crotch's bumble bee nest(s) may be present or if construction activities could result in take of Crotch bumble bees. The survey report shall be submitted to the El Dorado County Planning and Building Department prior to the commencement of construction activities.

The applicant shall submit a survey report to CDFW within 1 month of survey completion and shall notify CDFW and El Dorado County within 24 hours if Crotch's bumble bees are detected.

If bumble bees are not located during the preconstruction survey or the bumble bees located are definitively identified as a common species (i.e., not special-status species), then further mitigation or coordination with the California Department of Fish and Wildlife (CDFW) is not required.

If Crotch's bumble bees are detected during the focused survey, appropriate avoidance measures shall be implemented. Avoidance measures shall include, but not be limited to, the following:

- *Protective buffers shall be implemented around active nesting colonies or overwintering queens until the identified sites are no longer active. A qualified biologist, in coordination with CDFW, shall determine the appropriate buffer size to protect nesting colonies or overwintering queens; however, the buffer shall be a minimum of 50 feet.*

If any sign(s) of a bumble bee nest is observed, and if the species present cannot be established as a common bumble bee, then construction shall not commence until either (1) the bumble bees present are positively identified as common (i.e., not a special-status species), or (2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include, but not be limited to, waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit (ITP) from CDFW.

If Crotch's bumble bees are located, and after coordination with CDFW take of Crotch's bumble bees cannot be avoided, the project applicant shall obtain an ITP from CDFW, and the applicant shall implement all conditions identified in the ITP. Mitigation required by the ITP may include, but not be limited to, the project applicant translocating nesting substrate in accordance with the latest scientific research to another suitable location (i.e., a location that supports similar or better floral resources as the impact area), enhancing floral resources on areas of the project site that will remain appropriate habitat, worker awareness training, and/or other measures specified by CDFW.

Documentation of compliance with the foregoing measures and any required coordination with CDFW or acquisition of an ITP shall be provided to the El Dorado County Planning and Building Department prior to commencement of any project construction activities.

Mitigation Measure 4.3-3, which begins on page 4.3-44 of the Draft EIR, is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

Project Development Area (and Sewer Alternative 2)

4.3-3 *If potential habitat for vernal pool fairy shrimp is identified within areas proposed for improvements, the project applicant shall redesign or modify project components to avoid the identified habitat to the maximum extent feasible. If avoidance of the identified habitat is not feasible, the project applicant shall either retain a USFWS-permitted biologist to conduct protocol-level branchiopod surveys to determine presence/absence of vernal pool fairy shrimp or the project applicant shall assume presence of the species. ~~T~~ If the project applicant ~~may~~ chooses to conduct the protocol level surveys, the project applicant shall employ a qualified biologist who is authorized by USFWS to conduct vernal pool branchiopod surveys (qualified biologist) to conduct surveys for vernal pool fairy shrimp prior to initiation of any ground disturbance activities within the Project Development Area and/or Sewer Alternative 2.~~; a~~ Any such surveys shall be conducted in accordance with the Survey Guidelines for the Listed Large Branchiopods (USFWS 2017). ~~If vernal pool fairy shrimp are not found during protocol-level wet and dry season surveys, further mitigation shall not be required. If protocol-level surveys of the on-site depressional seasonal wetlands are not conducted, or if vernal pool fairy shrimp are found during protocol-level wet- or dry-season~~

~~surveys of the features, then the project proponent or the USACE (depending on the regulatory mechanism) shall consult with the USFWS regarding impacts to vernal pool fairy shrimp associated with the project.~~ Survey results shall be provided to the El Dorado County Planning and Building Department within ~~15~~ 90 days of completion of all surveys.

~~The project proponent shall comply with any conditions of the appropriate take authorization from the USFWS prior to County approval of any permit authorizing construction. The conditions in this take authorization may include but will not be limited to fencing off avoided habitat, worker awareness trainings, preservation, restoration, or enhancement of habitat on- or off-site to compensate for indirect and/or direct effects; purchase of habitat credits from an agency-approved mitigation/conservation bank; working with a local land trust to preserve land; or any other method acceptable to USFWS.~~

If the presence of vernal pool fairy shrimp is confirmed or inferred for the proposed project, and the habitat they inhabit will be impacted by the project, Endangered Species Act (ESA) consultation with USFWS shall be required to address impacts on the species before any ground-disturbing activities occurs within the occupied habitat. Documentation of the completion of ESA consultation shall be provided to the El Dorado County Planning and Building Department prior to the issuance of the grading permit.

In addition, if the presence of vernal pool fairy shrimp is confirmed or inferred for the proposed project, the project applicant shall compensate for direct and indirect effects on occupied or presumed occupied habitat for vernal pool fairy shrimp by purchasing the appropriate mitigation credits from a USFWS-approved conservation property/mitigation bank. Minimum mitigation ratios shall be 2:1 preservation, for direct effects, and 1:1 preservation for indirect effects (within 250 feet of ground disturbance) or as determined by USFWS during ESA consultation.

Mitigation Measure 4.3-4, which begins on page 4.3-45 of the Draft EIR, is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

Project Development Area and Project Buildout

4.3-4 *If, at the time of project implementation, monarch butterfly is not designated as a federal Endangered Species Act (FESA) candidate or FESA listed, mitigation is not required. However, if the species is a FESA candidate or FESA listed or is otherwise considered to be a special-status species, the following mitigation shall be required.*

If ~~construction~~ ground disturbance occurs within annual brome grassland in on- and off-site improvement areas during the time when

milkweed plants may host monarch eggs or caterpillars (approximately mid-March through late September), a pre-construction survey shall be conducted by a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site (qualified biologist) no earlier than 15 days prior to construction within the proposed impact area and a 50-foot buffer in accessible areas. The biologist shall comprehensively search the survey area for milkweed plants, and all milkweed plants found shall be surveyed for monarch eggs, larvae (i.e., caterpillars), and chrysalises. Additionally, other plants immediately adjacent to milkweed plants shall also be searched for chrysalises. If eggs, caterpillars, or chrysalises are not detected, additional mitigation measures are not necessary. Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys.

If eggs, caterpillars, or chrysalises are found, the plants shall be avoided with a 50-foot buffer until metamorphosis is completed and adult butterflies emerge and voluntarily leave the host plant. ~~If the eggs, larvae, or chrysalises cannot be avoided, all eggs, larvae, and chrysalises, including the portion of the plant to which they are attached, shall be translocated to an alternative location. The alternative location must be a minimum of 50 feet outside of the impact area and must contain a similarly sized or larger population of larval host plants. The portions of the plants supporting eggs or chrysalises shall be tied to the live stem of the avoided larval host plant while caterpillars will be placed directly on a stem or leaf of a larval host plant. Should the species be listed under FESA in the future, coordination with USFWS shall be conducted prior to translocation.~~

Mitigation Measure 4.3-5, which begins on page 4.3-48 of the Draft EIR, is hereby revised as follows:

Off-Site Sewer Pipe Alignments Only

4.3-5 *Prior to initiation of ground disturbance activities within 100 feet of Carson Creek, associated with the off-site sewer pipe, the following measures shall be taken to mitigate potential impacts to foothill yellow-legged frog (FYLF):*

- *As part of the CWA Section 404 USACE permitting for the project, the USACE will conduct formal Endangered Species Act consultation with the USFWS on potential impacts to federally-listed species or species that are proposed for listing; this may include FYLF.[2] If the USACE consults with USFWS on FYLF, the project applicant shall prepare a Biological Assessment, which will include details on potential impacts and mitigation for FYLF, to be submitted to the USACE and the USFWS.*

[2] The USACE may choose not to consult with USFWS on FYLF as direct impacts to USACE jurisdictional FYLF habitat are not proposed; impacts would only be indirect.

- *If take of FYLF is determined to be likely, the project applicant shall submit an application for an CDFW Code Section 2081 Incidental Take Permit.*
- *To determine the presence or absence of FYLF within Carson Creek, protocol FYLF surveys shall be conducted by a qualified biologist. To increase the likelihood of detection, surveys shall include at least one visual encounter survey (VES) during the breeding and/or oviposition period (generally April through June), a tadpole survey four to eight weeks after the breeding survey(s), and a subadult survey in late summer/early fall (generally late August through early October). The survey shall be conducted in accordance with the Peek et al (2017) Visual encounter survey protocol for Rana boylii in lotic environments and CDFW's Considerations for Conserving the Foothill Yellow-Legged Frog.*
- *Regardless of whether FYLF are detected during the bioassessment surveys, the project applicant shall develop a Pre-Construction Survey Plan for FYLF and submit it to the USFWS and CDFW for review at least 30 calendar days prior to commencing ground-disturbing or in-water work activities within 500 feet upstream and downstream of the construction area (if permitted by adjacent land owners). The Pre-Construction Survey Plan shall include what life-stage(s) shall be surveyed for, survey method(s), and timing of survey(s). The Pre-Construction Survey Plan shall also provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snow pack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions). For sites with suitable breeding habitat, egg mass/larval surveys shall be conducted to support a negative finding.*
- *Within three to five days prior to entering or working within 100 feet of Carson Creek, a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site shall perform a pre-construction survey, as specified in the Pre-Construction Survey Plan, within the 500-foot upstream and downstream buffer zone to the construction area (if permitted by adjacent land owners). The survey shall include a description of any standing or flowing water. The project applicant shall provide Pre-Construction Survey results, notes, and observations to CDFW prior to commencing ground disturbing and in-water activities.*
- *If the qualified biologist encounters any life stages of FYLF during pre-construction surveys, ground-disturbing or in-water activities shall be suspended at the project site, and CDFW shall be notified within 24 hours. Work shall not re-initiate in the project site until the project applicant demonstrates compliance with CESA.*
- *If it is determined that take of FYLF is likely to occur, the project applicant shall abide by mitigation measures developed during the course of the Endangered Species Act consultation with the USFWS and CDFW. These mitigation measures could include, but are not limited to, seasonal work restrictions for initial ground disturbance, pre-construction surveys by a qualified biologist, the installation of wildlife exclusion fencing, biological monitoring, and*

worker environmental awareness training. A qualified biologist is defined as a person who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site. If it is determined that take of FYLF is likely to occur, additional measures could include preservation, restoration, or enhancement of habitat on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to USFWS and CDFW.

The mitigation measures listed below may be implemented if take of FYLF is likely to occur. The mitigation measures listed below may differ from mitigation measures included in a USFWS Biological Opinion or a CDFW Incidental Take Permit. If that occurs, the measures in the USFWS Biological Opinion and CDFW Incidental Take Permit take precedence.

- *The project proponent shall develop a Pre-Construction Survey Plan for FYLF and submit it to the USFWS and CDFW for approval prior to ground-disturbing activities with 100 feet of Carson Creek. The Plan shall include what life-stage(s) shall be surveyed for, survey method(s), and timing of survey(s). The Plan shall provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snow pack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions). For sites with suitable breeding habitat, two consecutive seasons of negative egg mass/larval surveys are recommended to support a negative finding.*
- *Within 3-5 days prior to entering or working within 100-feet of Carson Creek, a USFWS and CDFW-approved biologist shall perform a pre-construction survey, as specified in the Pre-Construction Survey Plan, within 500-foot buffer zone upstream and downstream of the construction area (if permitted by adjacent land owners). The survey shall include a description of any standing or flowing water. Permittee shall provide Pre-Construction Survey notes and observations to the USFWS and CDFW prior to commencing Covered Activities.*
- *The project proponent shall develop a Relocation Plan for FYLF and submit it to the USFWS and CDFW for approval prior to ground-disturbing activities within 100 feet of Carson Creek. The Relocation Plan shall include what life stage(s) will be relocated (e.g., adults or egg masses) and specific protocols for each life stage. The Relocation Plan shall quantify the amount, location, and quality of suitable receiving habitat (e.g., breeding and dispersal habitat). The Relocation Plan shall include capture and handling methods specific to each life stage. Relocation shall not occur without first obtaining the proper permits from*

USFWS and CDFW, and all relocation shall be conducted by a qualified biologist.

- *The project proponent shall ensure that Covered Activities, involving construction and heavy equipment use (such as excavation, grading, and contouring), that are conducted in streams, ponds, and riparian areas are limited to the period from May 1 to October 15 of each year (Dry Season). Any work outside of the Dry Season shall be subject to approval of the USFWS and CDFW.*
- *Prior to the start of construction within 100 feet of Carson Creek, high visibility orange fencing shall be installed around approved work areas. The fencing shall remain in place while construction activities are ongoing and shall be regularly inspected and fully maintained at all times.*
- *The project proponent shall develop a Water Diversion Plan for FYLF and submit it to CDFW for approval prior to any in-stream activities. The Water Diversion Plan shall contain detailed descriptions of the water intake screening (e.g., screen material, size, cleaning method, etc.), the duration of the water diversion, how the project proponent will ensure that aquatic life will be maintained or relocated from the dewatered area, diversion materials (unacceptable materials that are deleterious to fish and wildlife include particle board, plastic sheeting, bentonite, pressure-treated lumber, creosote, concrete, or asphalt), and monitoring methods for the diversion.*

- *If it is determined that take of FYLF is unlikely to occur, the Applicant shall conduct a pre-construction Visual Encounter Survey (VES) survey for the species within 15 days prior to initiation of ground disturbance within 100 feet of Carson Creek. The survey shall be conducted in accordance with the Peek et al (2017) Visual encounter survey protocol for Rana boylii in lotic environments and CDFW's Considerations for Conserving the Foothill Yellow-Legged Frog, but only implement the life-stage survey(s) that are appropriate for the time of year of the survey (which will be based on when construction commences). If survey results are negative, then no further mitigation will be required. If FYLF are found during the survey, then take should be considered likely to occur, and consultation with USFWS and CDFW as outlined above shall occur. Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys.*

Mitigation Measure 4.3-6 on page 4.3-51 of the Draft EIR is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level by requiring surveying, and if necessary, protection of northwestern pond turtle prior to installation of the off-site sewer pipe within the Carson Creek vicinity.

Off-Site Sewer Pipe Alignments Only

4.3-6 *Prior to ground-disturbing activities near Carson Creek, a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site (qualified biologist) shall survey the project site where suitable habitat (including nest sites) occurs for northwestern pond turtle. Surveys shall be performed within 30 days prior to starting project activities and shall be conducted within a minimum of 500 feet upstream and downstream of the proposed activity where accessible. If detected during surveys, a site-specific avoidance, minimization, and/or relocation plan shall be prepared and implemented by a qualified biologist with proper handling permits. The plan shall include daily construction monitoring. The plan shall be submitted to CDFW.*

Another northwestern pond turtle survey shall be conducted no more than 48 hours prior to construction where construction activities overlap with suitable aquatic habitat (i.e., Carson Creek), and where construction will occur in arroyo willow riparian scrub or oak woodlands within 150 feet of these aquatic resources. If northwestern pond turtles or nests are not found, further mitigation is not required. Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys.

If a northwestern pond turtle is observed within the proposed impact area, ~~a qualified biologist shall relocate the individual to habitat of equivalent or greater value outside of the proposed impact area prior to construction~~ work shall be suspended in a 100-foot radius of the animal until the animal leaves the project site on its own volition. If necessary, a qualified biologist shall notify CDFW to determine the appropriate procedures related to relocation, which shall include, but not be limited to, obtaining a valid and applicable CDFW Scientific Collecting Permit. Any worker who inadvertently injures or kills a northwestern pond turtle or who finds a northwestern pond turtle dead, injured, or entrapped must immediately report the incident to the applicant, who must then immediately notify CDFW. Entrapped northwestern pond turtles shall be relocated by a qualified biologist with a valid and applicable CDFW Scientific Collecting Permit if approved by CDFW. If a northwestern pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings shall occur as stipulated above, if necessary.

If, as part of the CWA Section 404 USACE permitting for the project, the USACE determines that formal Endangered Species Act (ESA) consultation with the USFWS is needed, the project proponent shall abide by the mitigation measures developed during the course of the ESA consultation, which shall supersede these measures. These mitigation measures could include, but are not limited to, seasonal work restrictions for initial ground disturbance, dewatering protocols,

pre-construction surveys by a qualified biologist, the installation of wildlife exclusion fencing, turtle relocation, nest avoidance, biological monitoring, and worker environmental awareness training. Additional measures could include preservation, restoration, or enhancement of habitat on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to USFWS.

Mitigation Measure 4.3-7, which begins on page 4.3-52 of the Draft EIR, is hereby revised as follows:

Project Development Area and Project Buildout

4.3-7 *To minimize the potential for loss of special-status bird species, raptors, and other native birds, project activities (e.g., tree removal, vegetation clearing, ground disturbance, staging, construction of off-site improvements) shall be conducted during the non-breeding season (approximately September 1 through January 31, as determined by a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site (qualified biologist).*

The project proponent shall implement the following:

- *If ground disturbance or other construction activities are proposed during the bird nesting season (February 1 – August 31), a focused survey for nesting raptors and migratory bird nests shall be conducted by a qualified biologist within ~~14~~ 15 calendar days prior to the beginning of construction activities in order to identify active nests. This survey shall be conducted within the proposed construction area and all accessible areas within the following buffer areas:*
    - *0.5-mile for bald eagle and golden eagle;*
    - *0.25-mile for tree-nesting raptors; and*
    - *500 feet for all other species.*

- *If active raptor nests are found, construction activities shall not take place within 0.25-mile for golden eagle or within 500 feet of other raptor nest(s) until the young have fledged. If active songbird nests are found, a 100-foot no-disturbance buffer shall be established. ~~These no-disturbance buffers may be reduced based on consultation and approval by the County.~~ Daily monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest as determined by the qualified biologist or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist. Documentation of compliance with the foregoing requirements and of any required coordination with CDFW shall be provided to El Dorado County Planning and*

Building Department prior to commencement of any project construction activities.

- *The limit of work shall be indicated by bright orange temporary fencing or other similar highly-visible marker. Construction activities or personnel shall not cross the fencing, except with approval of a qualified biologist. If trees containing nests or burrows must be removed as a result of project implementation, removal shall be completed during the nonbreeding season (~~late September to March~~ September 1 through January 31) if possible, or after a qualified biologist determines that the young have fledged (during the breeding season).*
- *If any special-status species are encountered during project activities and the individual may be harmed, or they do not leave the Project site independently within 2 hours, work shall be suspended, CDFW notified, and conservation measures shall be developed in agreement with CDFW according to CDFW protocols prior to re-initiating the activity. Conversely, if during project activities, any species listed pursuant to the CESA are encountered, work shall be suspended, and CDFW notified. Work may not re-initiate until the Project proponent has consulted with CDFW and can demonstrate compliance with CESA.*
- *If active nests are not found during the required pre-construction surveys, further mitigation shall not be required.*
- *Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys. Surveys shall be repeated if there is a break of construction of more than 14 days during the nesting season.*

Burrowing Owl

- *Burrowing owl pre-construction surveys of suitable habitat shall be conducted by a qualified biologist within 14 days prior to the beginning of any ground-disturbing ~~construction~~ activities on and within 500 feet of the project site and off-site improvements using survey methods consistent with the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). Inaccessible areas (e.g., adjacent private property) shall not be surveyed directly, but the qualified biologist may use binoculars or a spotting scope to survey the inaccessible areas.*

  If occupied burrows are not found, the qualified biologist shall submit a report documenting the survey methods and results to the project proponent and to the El Dorado County Planning and Building Department, and further mitigation shall not be required.

  If an active burrow is found within 500 feet of pending construction activities, the project proponent shall establish and maintain a minimum buffer of 164 feet around the occupied burrow throughout construction. The actual buffer

size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the CDFW Staff Report on Burrowing owl Mitigation, and may be as large as 1,640 feet (CDFW 2012). The protection buffer may be adjusted if, in coordination with CDFW, a qualified biologist determines that an alternative buffer would not disturb a burrowing owl from use of the burrow because of particular site features or other buffering measures. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, and the burrowing owl does not depart independently within a few days, the burrow(s) shall be buffered and avoided for the duration of occupancy, through the end of nesting (as determined by a Qualified Biologist) or an Incidental Take Permit (ITP) shall be obtained in order to exclude owls from the burrow(s). Burrowing owls shall not be excluded from occupied burrows until the ITP is approved by CDFW.

If burrowing owls are evicted from burrows and the burrows are destroyed by project activities, the project proponent shall mitigate the loss of occupied habitat in accordance with the ITP. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:

- *Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat; disturbance levels; potential for conflicts with humans, pets, and other wildlife; density of burrowing owls; and relative importance of the habitat to the species throughout its range.*
- *If feasible, mitigation lands shall be provided adjacent or proximate to the project site so that displaced owls can relocate with reduced risk of injury or mortality. The feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient habitat to support displaced owls that may be preserved in perpetuity.*
- *If habitat suitable for burrowing owl is not available for conservation adjacent or proximate to the project site, mitigation lands can be secured off-site and shall aim to consolidate and enlarge conservation areas outside planned development areas and within foraging distance of other conservation lands. Mitigation may also be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. Alternative mitigation sites and acreages may also be determined in coordination with CDFW.*

If burrowing owl habitat mitigation is completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and whether the numbers are maintained over time. Measures of success, as suggested in the CDFW Staff Report, shall include site tenacity, the number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.

- *Documentation of compliance with the foregoing requirements and the coordination process with CDFW shall be provided to El Dorado County before commencement of any project construction activities.*

Mitigation Measure 4.3-8, which begins on page 4.3-54 of the Draft EIR, is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

Project Development Area and Project Buildout

4.3-8 *A qualified biologist who is familiar with bats and bat ecology (qualified biologist) shall conduct a bat habitat assessment of all potential roosting trees within the proposed impact footprint. This habitat assessment shall identify all potentially suitable roosting habitat and may be conducted up to one (1) year prior to the start of construction.*

If potential roosting habitat is identified within the areas proposed for impact, the qualified biologist shall survey the potential roosting habitat within 14 days prior to tree removal to determine presence of roosting bats in suitable habitat (e.g., large trees, crevices, cavities, exfoliating bark, foliage, buildings) on and adjacent to the project site. These surveys are recommended to be conducted utilizing methods that are considered acceptable by CDFW and bat experts. Methods may include evening emergence surveys, acoustic surveys, inspecting potential roosting habitat with fiberoptic cameras or a combination thereof. Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys.

If pre-construction surveys indicate that roosts of special-status bats are not present, or that roosts are inactive or potential habitat is unoccupied, further mitigation is not required. ~~If roosting bats are found, exclusion shall be conducted as recommended by a qualified biologist. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by a qualified biologist. Two-step tree removal involves~~

~~*removal of all branches that do not provide roosting habitat on the first day, and the next day cutting down the remaining portion of the tree. Once the bats have been excluded, tree removal may occur.*~~

If evidence of bat maternity roosts or hibernacula is observed, the species and number of bats using the roost shall be determined by a qualified biologist using noninvasive methods. Bat detectors (i.e., acoustic monitoring) or evening emergence surveys shall be used if deemed necessary to supplement survey efforts by the qualified biologist.

A no-disturbance buffer of 250 feet shall be established around active pallid bat, Townsend's big-eared bat, or western red bat maternity roosts or hibernacula, as well as substantial maternity roosts or hibernacula of other bat species considered to be a wildlife nursery by the qualified biologist. Project activities shall not occur within this buffer until after the roosts are unoccupied as determined by a qualified biologist.

If roosts of pallid bat, Townsend's big-eared bat, or western red bat are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree is removed. A program addressing compensation, exclusion methods, and roost removal procedures shall be developed in coordination with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter) or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) resulting from the project shall be replaced in coordination with CDFW and may require construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. If determined necessary during coordination with CDFW, replacement roosts shall be implemented before bats are excluded from the original roost sites.

Prior to exclusion activity, the qualified biologist shall quantify the average number of bats present at the roost by species and season, compare the replacement habitat with the habitat to be removed to ensure the replacement habitat is of sufficient or equal size, and monitor the temperature of the existing roost with a temperature datalogger to compare to the replacement habitat.

Within one year of the installation of replacement habitat, post-construction monitoring of the replacement habitats shall begin. A qualified biologist shall monitor the replacement habitats on year one, three, and five. If the success criteria (as defined below) is met, the monitoring may be reduced or discontinued as recommended by the qualified biologist in coordination with CDFW.

For day roost monitoring, conduct daytime inspections and evening exit counts to assess presence/absence of bats and the average number of bats, collect photo documentation to show use or lack of

use by bats, record the location of bat use in the replacement habitat as well as the numbers and species of bats, as possible, in the replacement structure. Mitigation shall be considered successful when the target species has occupied the replacement habitat and when the estimated population of the replacement habitat has reached the goals set forth in the bat mitigation plan. If success criteria have not been met during the monitoring period, the qualified biologist shall provide recommendations for habitat modifications and additional monitoring.

After the replacement roosts are constructed and bats are confirmed to be absent from the original roost site by a qualified biologist, the roost tree or building may be removed. For roost trees, a two-step tree removal process supervised by a qualified biologist shall be implemented, including removal of all branches that do not provide roosting habitat on the first day, and removal of the remaining portion of the tree on the following day.

Documentation of compliance with the foregoing requirements shall be provided to El Dorado County Planning and Building Department prior to commencement of any project construction activities.

Mitigation Measure 4.3-9, which begins on page 4.3-55 of the Draft EIR, is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

Project Development Area (and Off-Site Sewer Pipe Alignments)

4.3-9 *Within 14 days prior to the initiation of any construction activities, a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site (qualified biologist) shall conduct non-invasive preconstruction surveys for Northern California ringtail and ringtail nests in suitable habitats (riparian habitats, oak woodlands with shrubby understory, and/or trees five inches diameter at breast height (DBH) or greater in riparian areas, particularly those with cavities) that will be disturbed by construction activity. Non-invasive methods may include camera traps and track plates as well as physical surveys of suitable habitat. If ringtail are found prior to the initiation of, and/or during construction activities, a qualified biologist shall consult with CDFW prior to relocation of any individual ringtail. The camera trap may be removed once construction begins.*

If a ringtail nest is observed within the project area during the preconstruction survey, a qualified biologist shall establish a 250-foot no-disturbance buffer and the nest shall be fenced off and avoided until the young have left the nest, and the nest is no longer active as determined by the qualified biologist. A qualified biologist shall monitor to ensure that ringtails do not disperse into the construction area.

If any ringtails are observed within the project area, work shall be suspended in a 100-foot radius of the animal until the animal leaves

the project area on its own volition. If necessary, the qualified biologist shall notify CDFW to determine the appropriate procedures related to relocation. All necessary permits for removal will be obtained from CDFW, and a Qualified Biologist shall conduct necessary removals. Any worker who inadvertently injures or kills a ringtail or who finds one dead, injured, or entrapped must immediately report the incident to a qualified biologist.

CDFW may require mitigation for potential impacts to ringtail as part of a streambed alteration agreement. If CDFW assigns mitigation that is more stringent than the measure proposed above, the CDFW measure shall take precedence.

Program Study Area
None required.

Mitigation Measure 4.3-10, as presented on page 4.3-59 of the Draft EIR, is hereby revised as follows:

Mitigation Measure(s)
Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

Off-Site Sewer Pipe Alignments Only
4.3-10 *Prior to the commencement of ground-disturbing activities associated with the off-site sewer pipe, the project proponent shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW. Minimization and avoidance measures shall be proposed as appropriate and may include: preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific storm water BMPs. Mitigation may include restoration or enhancement of resources on- or off-site, purchase habitat credits from an agency-approved mitigation/ conservation bank, off-site, working with a local land trust to preserve land, or any other method acceptable to CDFW.*

If proposed project activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the measures to protect fish and wildlife resources required by any executed agreement before any vegetation removal or activity that may affect the resource. Measures to protect fish and wildlife resources shall include, at a minimum, a combination of the following mitigation.

The applicant shall compensate loss of riparian woodland habitat such that no net loss of habitat function and values occurs by:

- *Restoring and preserving degraded riparian habitat outside the project site or on the project site (at least 1:1);*
- *Purchasing riparian habitat credits at an agency-approved mitigation bank (at least 1:1); or*

- *Preserving existing riparian habitat of equal or better value to the affected riparian habitat through a conservation easement or deed restriction at a ratio sufficient to offset the loss of riparian habitat function (at least 1:1).*

The applicant shall prepare and implement a Compensatory Mitigation Plan that includes the following elements:

- *For preserving existing riparian habitat outside the project site in perpetuity, the Compensatory Mitigation Plan shall include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The applicant shall provide evidence in the plan that the necessary mitigation has been implemented or that the applicant has entered into a legal agreement to implement it and that compensatory habitat shall be preserved in perpetuity.*
- *For restoring or enhancing riparian habitat outside the project site, the Compensatory Mitigation Plan shall, at a minimum, include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.*
- *Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the applicant (e.g., Lake and Streambed Alteration Agreement), if such requirements are equally or more effective than the mitigation identified above.*

Documentation of compliance with this mitigation measure and receipt of a Lake and Streambed Alteration Agreement from CDFW (or a letter from CDFW stating that such an Agreement is not required) shall be provided to El Dorado County before commencement of any project construction activities.

Pages 4.3-60 and 4.3-61 of the Draft EIR are hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

Project Development Area and Project Buildout

4.3-11(a) *Prior to initiation of any ground disturbance activities, the project proponent shall apply for a Section 404 permit from the U.S. Army Corps of Engineers (USACE) for impacts to regulated Waters (Waters) of the U.S. Waters that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat creation, restoration, rehabilitation, and/or replacement shall be at a location and by*

methods acceptable to the USACE through the preparation and approval by USACE of a wetland mitigation and monitoring plan.

For creating, restoring or rehabilitating wetlands or waters of the U.S. on or outside the project site, the wetland mitigation and monitoring plan shall include, at a minimum, a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.

Compensatory mitigation may be satisfied through compliance with permit conditions, or the purchase of agency-approved mitigation bank credits, if these requirements are equally or more effective than the mitigation identified above.

4.3-11(b) *Prior to initiation of any ground disturbance activities, the project proponent shall apply for WDRs and/or a Water Quality Certification from the RWQCB (depending on the limit of federal jurisdiction to wetlands and waters of the U.S. in place at the time) and adhere to the certification conditions. Waters of the state that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat creation, restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the RWQCB through the preparation and approval by the RWQCB of a wetland mitigation and monitoring plan.*

Compensatory mitigation may be satisfied through compliance with permit conditions, or the purchase of agency approved-mitigation bank credits, if such requirements are equally or more effective than the mitigation identified above.

4.3-11(c) *Implement Mitigation Measure 4.3-10.*

4.3-11(d) *If the project applicant proceeds with the proposed off-site water main to be installed within the alignment of the approved Bass Lake North Bike Trail, the project applicant shall implement all mitigation measures included in the following resource agency permit documents:*

- *Clean Water Act Section 401 Water Quality Certification and Order (WDID No. 5A09CR00228);*
- *Streambed Alteration Agreement (EPIMS Notification No. ELD-34364-R2); and*
- *Section 404 Permit (ID No. SPK-2022-00634).*

Agreement from CDFW (if applicable), as well as the Clean Water Act permit from USACE (if required), shall be provided to El Dorado County Planning and Building Department prior to commencement of any project construction activities.

4.10 PUBLIC SERVICES AND RECREATION

For clarification purposes, page 4.10-20 of the Draft EIR under Impact 4.10-4 is hereby revised as follows:

> As discussed above, the nearest parks to the project site are the Christa McAuliffe Park and Dave West Park, which are located approximately 1.25 miles east of the project site, and Laurel Oaks Park, located approximately 0.9-mile east of the project site at 5301 Whistlers Bend Way. In addition, the Bass Lake Regional Park is located approximately 1.51 miles north of the project site. The potential for the Project Development Area and Project Buildout to impact parks or other public recreational facilities are discussed in further detail below.