1 INTRODUCTION

1.1 TYPE OF EIR

This environmental impact report (EIR) evaluates the impacts of the Amador County Draft General Plan (Draft General Plan). It is a program EIR, as described within the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq. [14 CCR 15000 et seq.]).

According to the State CEQA Guidelines (Section 15168[a]), a state or local agency should prepare a program EIR, rather than a project EIR, when the lead agency proposes the following:

- a series of related actions that are linked geographically;
- logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program; or,
- individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

A key advantage of a program EIR is that it allows the lead agency to consider broad policy alternatives and “program-wide mitigation measures” at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. (State CEQA Guidelines Section 15168(b)(4).)

A program EIR “may be prepared on a series of actions that can be characterized as one large project and are related...in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program” (State CEQA Guidelines Section 15168[a][3]). In this case, the program EIR addresses the impacts of the Draft General Plan, which is the proposed “project,” as defined by CEQA.

As a program EIR, this document focuses on the general effects of the Draft General Plan. The analyses in this EIR do not examine the project-specific effects of projects or programs that may implement the Draft General Plan. State CEQA Guidelines Section 15146(b) provides that an EIR prepared for a general plan should focus on the secondary environmental effects to be expected following adoption, but that the EIR need not be as detailed as one prepared for the specific construction projects that follow.

The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated. (State CEQA Guidelines Section 15146.) The nature of general plans is such that many proposed policies are intended to be general, with details to be worked out during implementation. As a result, many of the impacts and mitigation measures in this EIR can be described only in general or qualitative terms. This EIR does, however, quantify impacts related to transportation, air quality, noise, and other topics, making reasonable assumptions as to the amount, type, and character of land use change anticipated pursuant to the Draft General Plan.

Although the legally required contents of a program EIR are the same as those of a project EIR; in practice, there are differences in level of detail. General Plans by their nature are broad, long-range, and conceptual. Program EIRs are typically conceptual and abstract. They contain a more general discussion of impacts, alternatives, and mitigation measures than do project-level EIRs. This is appropriate since the General Plan is meant to guide long-term development within the unincorporated area of the County (the planning area). The General Plan does not dictate specific site-planning requirements, internal transportation networks, or other project-level details. The County acknowledges and intends to make best use of the advantages of the programmatic approach to environmental analysis and reporting in this EIR. As noted in CEQA Guidelines Section 15168(b):
“Use of a program EIR can provide the following advantages. The program EIR can:

1. Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;
2. Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis;
3. Avoid duplicative reconsideration of basic policy considerations;
4. Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
5. Allow reduction in paperwork.

1.1.1 Tiering and Streamlining

The County will make use of existing streamlining provided by CEQA and other streamlining techniques that may become available in the future. The County has invested substantial resources in the General Plan and EIR, and wishes to promote fiscally prudent use of this EIR, once it is certified, to accommodate development consistent with the General Plan.

The analysis in this program EIR is considered the first tier of environmental review and creates a foundation upon which future, project-specific CEQA documents can build. Tiering refers to the concept of a multilevel approach to preparing environmental documents set forth in the PRC Section 21083.3 and the State CEQA Guidelines Section 15152.

Through tiering, project-level environmental analysis can be limited in scope to site-specific environmental impact issues following the preparation of an EIR for a general plan. This streamlining provision applies to site-specific discretionary approvals subject to CEQA review for projects that are consistent with a general plan. This program EIR will, in practice, help determine the need for subsequent environmental documentation, as well as dictate the scope of project level CEQA review.

A program EIR can be incorporated by reference into subsequently prepared environmental documents to address cumulative and growth-inducing impacts, allowing subsequent documents to focus on new or site-specific impacts (State CEQA Guidelines Section 15168[d]). Section 15152 of the CEQA Guidelines provides that where a first-tier EIR has “adequately addressed” the subject of cumulative impacts, such impacts need not be revisited in second- and/or third-tier documents. According to Section 15152(f)(3), significant effects identified in a first-tier EIR are adequately addressed, for purposes of later approvals, if the lead agency determines that such effects have been either:

- "mitigated or avoided as a result of the prior [EIR] and findings adopted in connection with that prior [EIR]"; or
- "examined at a sufficient level of detail in the prior [EIR] to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project."

Public Resources Code Section 21083.3 offers another approach to CEQA streamlining using a Program EIR. It allows a lead agency to narrow the focus of project level analysis to effects upon the environment which are peculiar to the parcel or project (PRC Section 21083.3.(a)). The Code also limits the effects that can be considered peculiar in project-level analysis under the program EIR.

The Public Resources Code provides CEQA streamlining opportunities to the County of Amador and other public agencies. Public agencies can use the general CEQA tiering provisions (State CEQA Guidelines Section 15152),
streamlining for infill projects provided by SB 226, or can use uniformly applied policies or standards to mitigate effects of future projects, avoiding the need to analyze these effects, unless new information arises that changes the impact analysis (PRC Section 21083.3 (d)). For this reason, this EIR includes references to Draft General Plan implementation programs, where appropriate, to mitigate environmental impacts. Future CEQA documents can reference the same General Plan programs, where appropriate, to demonstrate less-than-significant impacts.

1.1.2 PURPOSE AND INTENDED USES OF THE EIR

This EIR has been prepared in accordance with CEQA, including the CEQA statute (Public Resources Code Sections 21000–21178.1), the State CEQA Guidelines (14 CCR Sections 15000–15387), and CEQA case law to evaluate the environmental impacts that could result from implementation of the Draft General Plan.

The purpose of an EIR is not to recommend either approval or denial of a project. CEQA requires decision makers to balance the benefits of a project against its unavoidable environmental effects in deciding whether to carry out a project. The lead agency will consider the Draft EIR, comments received on the Draft EIR, and responses to those comments before making a decision. When significant effects are identified and the lead agency wishes to approve or conditionally approve the project, CEQA Section 21081(a) requires that one of three specific findings be made for each significant effect. The possible findings include the following:

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.

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.

Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The County, as the lead agency, must also adopt a “statement of overriding considerations,” in accordance with CEQA Section 21081(b), if the proposed project is approved with unavoidable significant effects to the environment. The statement of overriding considerations is a statement by the decision makers acknowledging that significant unavoidable environmental impacts are acceptable when balanced against certain economic, legal, social, technological, or other benefits of the project.

The lead agency is the public agency with primary responsibility over the proposed project. In accordance with State CEQA Guidelines Section 15051(b)(1), “the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” The County of Amador, as the lead agency, has prepared this EIR to evaluate the environmental impacts of implementation of the Draft General Plan.

In making its decision about the proposed project, the County will consider the information in this EIR, comments received on the Draft EIR, and responses to those comments, along with other available information in the record.

The EIR will include only program-level, or “first-tier,” analysis for the Draft General Plan, consistent with California Public Resources Code (PRC) Section 21083.3, 21093, and 21094; and 14 California Code of Regulations (CCR) Sections 15152 and 15168. A Program EIR provides the necessary environmental review and impact mitigation for adoption and implementation of the Draft General Plan, as well as program-level review for any subsequent actions related to implementation of general plan goals, policies, programs, and implementation measures. The County will review subsequent projects for consistency with the Program EIR and prepare appropriate environmental documentation pursuant to CEQA provisions for subsequent projects.
In addition to disclosing and documenting environmental effects of the proposed project, the analysis provided in the program EIR document is intended to establish a framework for subsequent, more detailed analyses associated with individual project applications. One of the County’s goals in preparing the current document is to reduce the amount of new information that would be required in the future at the project level by dealing as comprehensively as possible in this document with cumulative impacts, regional considerations, Countywide alternatives and similar big-picture issues. The County recognizes that this document does not include the level of detail necessary to qualify as a project EIR.

According to State CEQA Guidelines Section 15168(c)(5), “[a] program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible.” Later environmental documents (EIRs, mitigated negative declarations, or negative declarations) can incorporate by reference materials from the program EIR regarding regional influences, secondary impacts, cumulative impacts, broad alternatives, and other factors (State CEQA Guidelines Section 15168[d][2]). These later documents need only focus on new impacts that have not been considered before (State CEQA Guidelines Section 15168[d][3]).

Section 15168(c), entitled “Use with Later Activities,” provides, in pertinent part, as follows:

1. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared:

   - If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.
   - An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
   - Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

Future County projects that can tier from a Program EIR may include, but are not limited to, the following implementation activities:

- Rezoning of properties for consistency with the General Plan Land Use Policy Map
- Amendments to the Zoning Ordinance to achieve consistency with General Plan (e.g., adoption of new zoning districts for mixed-use development)
- Amendments to the Subdivision Ordinance to achieve consistency with the General Plan
- Approval of Specific Plans
- Approval of development projects, including tentative maps, variances, conditional use permits, and other land use permits
- Approval of development agreements
- Approval of facility and service master plans and financing plans
- Approval and funding of public improvements projects
Approval of resource management plans

Issuance of municipal bonds

Issuance of permits and other approvals necessary for implementation of the General Plan

Acquisition of property by purchase

The following agencies may utilize this Program EIR in the adoption of the 2030 General Plan and approval of subsequent implementation activities:

- U.S. Fish and Wildlife Service
- United States Army Corps of Engineers
- California Department of Fish and Wildlife
- California Department of Conservation
- California Department of Housing and Community Development
- California Department of Transportation (Caltrans)
- State Lands Commission
- California Water Resources Control Board
- Amador Air District
- Amador Water Agency
- Amador County Transportation Commission
- Amador Regional Transit System
- Amador Unified School District
- Amador LAFCO
- Amador County Recreation Agency

1.2 SCOPE OF THE EIR

1.2.1 GEOGRAPHIC SCOPE

The County’s planning area includes all unincorporated areas within the County’s current jurisdictional limits, excluding lands within the city limits of the County’s five cities (Amador City, Ione, Jackson, Plymouth, and Sutter Creek). Exhibit 3-1 in Chapter 3, “Project Description,” illustrates the planning area. Although the County owns land and occupies facilities within city limits, the Draft General Plan does not propose changes to these lands and facilities.

The geographic scope of analysis is dependent upon the topic being analyzed. While geologic and soils impacts are generally localized, air pollutant emissions can have regional impacts. Please refer to the topic-specific chapters of this EIR for a description of the geographic scope of analysis for each resource.

1.2.2 ENVIRONMENTAL ISSUES ADDRESSED

Environmental review in compliance with CEQA (PRC Sections 21000 et seq.) is required as part of the County’s consideration of the Draft General Plan. This EIR includes an evaluation of all required environmental resource areas, as well as other CEQA-mandated sections, as presented below:
► aesthetics;
► agriculture and forestry resources;
► air quality;
► biological resources;
► cultural resources;
► geology, soils, mineral resources, and paleontological resources;
► greenhouse gas emissions;
► hazards and hazardous materials
► hydrology and water resources;
► land use, population, and housing;
► noise;
► public services;
► traffic and transportation;
► utilities and energy efficiency; and
► maximum development scenario.

The EIR includes an analysis of alternatives to the Draft General Plan, as required by Section 15126.6 of the State CEQA Guidelines (Chapter 5). Other CEQA-mandated issues discussed within the context of this EIR are cumulative impacts, growth-inducing impacts, and significant and unavoidable adverse impacts (Chapter 6).

1.3 REQUIRED EIR CONTENTS

The State CEQA Guidelines have specific requirements for EIRs related to descriptions of the project, the environmental setting, and certain types of impacts. Table 1-1 identifies the required elements of an EIR (with State CEQA Guidelines sections referenced) and the corresponding chapters or sections in which each element is discussed in this document.

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1.4 NOTICE OF PREPARATION

Pursuant to the provision of Section 15082 of the CEQA Guidelines, the County circulated a Notice of Preparation (NOP) of the General Plan EIR to government agencies, special service districts, organizations, and individuals with an interest in or jurisdiction over the project. This step ensured early consultation on the scope of the EIR. The comment period ended on August 27, 2009. The NOP is a brief notice sent by the lead agency to inform responsible agencies, trustee agencies, and potentially affected federal, state, and local agencies that the lead agency plans to prepare an EIR. The NOP also seeks comments regarding the scope and content of the EIR. The NOP and all comments received on the NOP are included as Appendix A to this EIR.

The County received NOP comment letters from the following:

- Amador Business Council;
- Amador Citizens for Smart Growth;
- Amador County Public Health Department;
- Amador County Transportation Commission;
- Amador Water Agency;
- Amador Olive Oil (Susan Bragstad);
- California Department of Forestry and Fire Protection;
- California Department of Transportation, Division of Aeronautics;
- California Public Utilities Commission;
- California Department of Fish and Game;
- East Bay Municipal Utilities District;
- Foothill Conservancy;
- Sacramento County; and
- Sue Hokana.

The County also held a scoping meeting on August 13, 2009, to receive comments on the NOP. The County has conducted public outreach in various formats and settings to support the preparation of the Draft General Plan. Although social and economic issues were raised during this outreach, many environmental issues were also raised.

The NOP comment letters and comments at the scoping meeting suggest that the following are particular areas of focus for the EIR (please refer to Appendix A for a more complete summary):

- Population projections and analysis of maximum theoretical buildout.
- Traffic circulation, especially in Martell, and on SR 88 and Ridge Road east of SR 49.
- Water supply and wastewater, including water distribution facilities and water treatment plant capacity.
- Water quality should consider Camanche and Pardee Reservoirs.

California Senate Bill (SB) 18 requires that local governments conduct consultations with California Native American tribes for the purpose of preserving or mitigating impacts to Cultural Places prior to adoption of any general plan. The County has provided the opportunity for SB 18 consultation to the Native American Heritage Center’s list of contacts.

On September 27, 2005, the County sent letters to the Buena Vista Rancheria of Mewuk Indians, the Ione Band of Miwuk Indians, and the Jackson Band of Mi-Wuk Indians offering consultation pursuant to SB 18. The County received a response from the Ione Band and scheduled a consultation meeting for December 05, 2005. However, no Ione Band representatives attended the scheduled meeting.
On April 04, 2006, the County sent letters, signed by the Chairman of the Board of Supervisors, to the Buena Vista Rancheria of Mewuk Indians, the Ione Band of Miwuk Indians, the Jackson Band of Mi-Wuk Indians, and the Calaveras Band of Mi-Wuk Indians offering pre-consultation. On April 26, 2006, Amador County planning staff and the Chairman of the Board of Supervisors met with Rhonda Morningstar Pope and John Tang of the Buena Vista Rancheria for a pre-consultation meeting. During the meeting, an SB 18 Consultation Protocol was developed, however, there was no discussion specific to the General Plan Update.

On December 01, 2006 the County sent letters, signed by Chairman of the Board of Supervisors, to the same distribution as the April 04, 2006 pre-consultation letters offering another consultation opportunity. The County received no response to these letters.

On November 06, 2007, the County received a letter from Billie Blue Elliston with the Ione Band of Miwuk Indians Heritage Cultural Committee. The letter indicates the project (i.e., the General Plan Update) is within the ancestral territory and the tribe would like to be kept informed of the project. There was no request for consultation.

On February 06, 2008, the County received an email from Debra Grimes, Tribal Cultural Resources Specialist for the Calaveras Band of Mi-Wuk Indians. The letter requested she be kept informed of the General Plan Update as well as any other projects.

On July 01, 2008, the County sent letters, signed by the Chairman of the Board of Supervisors, offering consultation for a 3rd time. No response was received as a result of these letters.

As a result of the consultation offers, meetings, and discussions, none of the Native American contacts requested changes to the Draft General Plan to preserve or mitigate impacts to cultural places.

1.5 ORGANIZATION OF THE EIR

This EIR is organized as follows:

Chapter 1, “Introduction,” describes the type of EIR prepared for the Draft General Plan; the purpose, intended uses, and geographic and environmental scope of the EIR; the environmental review process; the relationship of the EIR to other County plans and zoning; subsequent actions required; the type of mitigation proposed in this EIR; the EIR comment process; and other agencies expected to use this EIR.

Chapter 2, “Executive Summary,” provides an overview of the findings and conclusions of this EIR.

Chapter 3, “Project Description,” describes the project’s location, purpose, and history; the framework of the Draft General Plan; and the relationship of the Draft General Plan to other plans.

Chapter 4, “Environmental Impact Analysis,” evaluates the topics listed above in Section 1.3.2, “Environmental Issues Addressed,” and includes a discussion of the existing conditions; regulatory framework; less than significant, potentially significant, and significant environmental effects; mitigation for potentially significant and significant effects; and a discussion of impacts remaining after incorporation of mitigation.

Chapter 5, “Alternatives Analysis,” provides a comparative analysis between the Draft General Plan as described in Chapter 3, “Project Description,” and several alternatives. This chapter also describes alternatives that were considered but eliminated from the EIR and identifies the “environmentally superior” alternative.

Chapter 6, “Other CEQA Considerations,” describes the impacts of implementing the Draft General Plan in combination with the impacts of related past, present, and probable future projects. Chapter 6 also discusses the growth inducement potential of the Draft General Plan, significant irreversible environmental changes associated with the plan, and significant and unavoidable effects of the plan.
Chapter 7, “Comments and Responses,” will be included in the Final EIR only and will present the comments and recommendations received on the Draft EIR, along with the County’s responses to significant environmental points raised in the review and consultation process.

Chapter 8, “Report Preparation,” lists the individuals who contributed to preparation of the EIR.

Chapter 9, “References,” lists the sources of information cited throughout the EIR.

Appendices provide background and technical information.

1.6 AVAILABILITY OF THE DRAFT EIR

Copies of the Draft General Plan and the Draft EIR are available through the County of Amador, and are also available to be reviewed at all branches of the Amador County Library, including:

- 530 Sutter Street in Jackson;
- 25 Main Street in Ione;
- 19889 Highway 88 in Pine Grove;
- 25070 Buckhorn Ridge Road in Pioneer; and
- 9375 Main Street in Plymouth.

The County will circulate the document widely to public agencies, other public and private organizations, property owners, developers, and other interested individuals. Information on the General Plan and EIR is also available on the County’s web site (http://www.amadorgov.org/departments/planning/amador-general-plan-update).

Comments pertaining to the environmental analysis contained in the Draft EIR may be submitted before the close of the 45-day review period on December 15, 2014 in writing or via email to the County:

Amador County Planning Department
Attn: Susan Grijalva, Planning Director
810 Court Street
Jackson, CA 95642
E-mail to: <planning@amadorgov.org>

In reviewing Draft EIRs, commenters should focus on the document’s sufficiency in analyzing possible environmental impacts. Comments are most helpful when they suggest additional specific alternatives or mitigation measures to avoid those impacts. (State CEQA Guidelines Section 15204(a).) Reviewers should explain the basis for their comments and should submit data or references based on facts or expert opinions based on facts in support of their comments. (State CEQA Guidelines Section 15204(c).)

After the close of the public review period, a Final EIR is prepared, containing all the comments received by the County during the public review period and responses to those comments. This document will be made available to public agencies (and the general public via the website, library, and Planning Department) so those parties can review the FEIR before the County certifies it as complete.
1.7 AGENCIES EXPECTED TO USE THIS EIR

State CEQA Guidelines Section 15124 states that an EIR should contain a statement briefly describing the intended uses of the EIR and, to the extent that it is known to the lead agency, a list of agencies expected to use the EIR in their decision making, permits or other approvals implementing the project, and related environmental review and consultation required by law or regulation.

As the lead agency for this “project,” the County will be responsible for considering certification of the EIR and adoption of the Final General Plan. The County may tier from this EIR for subsequent actions implementing the Final General Plan, including revisions to the County zoning ordinance and other provisions of the County Code, adoption of other County plans, approval of future development and infrastructure projects, or other County actions implementing the General Plan.

Responsible agencies under CEQA are defined as agencies which propose to carry out or approve a project for which the lead agency has prepared an EIR (State CEQA Guidelines Section 15381.) The Amador Local Agency Formation Commission (LAFCO) has been identified as responsible agency for this Draft General Plan EIR. LAFCO may rely on this DEIR when adopting policies that are subject to CEQA, and if annexations for services within or adjacent to the Town Centers are required. No responsible agencies have been identified for this Draft General Plan EIR.

In addition to the County, a wide variety of federal, state, regional, and local agencies may also use this EIR in their planning, environmental review, and permitting and regulatory processes. These agencies are discussed in the “Regulatory Setting” sections in Chapter 4.