Foothill Conservancy Comments on the
Amador County General Plan
Draft Environmental Impact Report

Submitted
January 30, 2015
January 30, 2015

Amador County Planning Department
Attn: Susan Grijalva, Planning Director
810 Court Street
Jackson, CA 95642-2132
(planning@amadorgov.org)

RE: Foothill Conservancy Comments on the Amador County General Plan Draft EIR

Dear Ms. Grijalva:

My name is Tom Infusino, and I am submitting these comments on behalf of the Foothill Conservancy. Thank you for providing the opportunity to comment on the Amador County General Plan DEIR. We have made every effort to provide constructive comments to assist the County in improving the EIR. In particular, we have tried to identify additional feasible mitigation measures to reduce impacts that would otherwise be more severe.

We strongly encourage you to review the Matrix of Recommended Mitigation Measures provided by Terrell Watt. We believe that this matrix presents an opportunity to resolve differences between the Foothill Conservancy and the County regarding the general plan. More importantly, we believe that the mitigation measures and programs in the matrix provide great hope for future economic and environmental prosperity in Amador County. We hope that you and other County leaders will take the time to review this matrix, and to discuss it with us.

Our comments are divided into sections as is the DEIR. Our comments include specific page references to the parts of the DEIR on which we comment. In addition, many comments refer to additional information that is provided in a separate folder of exhibits. Please retain a copy of these comments for the administrative record.

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Our comment note a number of weaknesses in the EIR. In our 2009 scoping comment, we encouraged the County to avoid making a list of common mistakes when preparing the DEIR. It is very disappointing that, after over five years of work, the DEIR still encompasses the very weaknesses it was warned to avoid.

We expect the County’s written responses to our comments will conform to CEQA Guidelines section 15088. Specifically, we expect the response to describe the disposition of the environmental issue raised. We expect the response to be at the same level of detail as the comment. We expect a reasoned explanations of why any of our suggestions were not accepted. We expect a good faith effort at full disclosure, based upon factual information.

Every citizen has a responsibility to contribute to the preservation and enhancement of the environment. (Public Resources Code, sec. 21000.) Some who value the human and natural environment of Amador County embrace participation in the environmental review of the Draft General Plan as a noble part of their duty as citizens. Others, more concerned about issues other than our environment, begrudgingly participate in government planning and environmental review, as one of the less than noble duties of citizenship. Ultimately, we will all benefit or pay the price for the general plan decisions made by the County. We hope that an improved Final EIR will provide a more informed basis for all members of the public and for all government decisionmakers, as we move toward approval of a new general plan.

Sincerely,

Thomas P. Infusino, Esq.

The Foothill Conservancy
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List of Contributors

Charles R. "Bob" Leitzell  
4895 Lyle Court  
Mokelumne Hill, CA  
B.S. Civil Engineering  
Registered Traffic Engineer  

Gary Reinoehl  
19387 Ponderosa Drive  
Pioneer, CA  
M.A. Cultural Resource Management  

Rebecca Brown  
19387 Ponderosa Drive  
Pioneer, CA  
B.A. Environmental Studies  

Cecily Smith  
116 Valley View Way # 222  
Sutter Creek, CA  
J.D.; M.P.A.  

Gwen Starrett  
5731 Harris Court  
Plymouth, CA  
M.S. Ecology  

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SECTION 1 INTRODUCTION

1.4 NOTICE OF PREPARATION

On Pages 1-8 and 1-9 the DEIR states:

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.

The County started consultation efforts in 2005 through 2008. The information provided by the County indicates that the Ione Band of Miwuk Indians responded within the 90 day requirement of 2005 Supplement to General Plan Guidelines. On page 11 the Guidelines state, “No statutory limit on the duration of the consultation.” The draft general plan is dated October, 2014. Please provide a description of the ongoing efforts that the county took to consult with Native American tribes between July 2008 and October 2014 regarding this general plan update.
2 EXECUTIVE SUMMARY

SECTION 2.5 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

An EIR shall contain a brief summary that identifies the areas of controversy, and the issues to be resolved. (CEQA Guidelines, sec. 15123.)

On page 2-6, the entire description of the area of controversy and issues to be resolved states:

“Based on public input received on the Draft General Plan and EIR, areas of controversy related to the Draft General Plan EIR include loss of agricultural land, loss of wildlife habitat, residential growth rates, and locations of land use change, including Special Planning Areas. This EIR addresses a full range of impact topics related to agricultural land, biological resources, land use, and growth inducement.

Issues to be resolved include selection of a project alternative and selection of mitigation measures.”

There are areas of controversy and issues to be resolved by the general plan that the County is aware of from the General Plan Advisory Committee (GPAC) meetings and from public comments. These areas of controversy and issues are relevant to the impacts of the plan, their mitigation, and alternatives, but that are not listed in this section. This section of the EIR has an important informational function to members of the public and to decisionmakers. This section should provide a handy checklist of issues for use when reviewing the completeness of the EIR and the General Plan Update. By not providing this list, the County avoids accountability for overlooking issues of great concern to the community. In addition, it disrespects those many citizens who spent hours attending meetings and making comments to try to ensure that critical issues were not overlooked.

We encourage the County to review the GPAC background documents, the GPAC notes, the public survey, the responses to the NOP, and the public input provided during the many Board of Supervisors’ hearings and workshops on the General Plan Update to develop a more complete list of the controversies and issues to be resolved by the General Plan that relate to this environmental review. Please include this list in the Final EIR.

For starters, controversies and issues to be resolved noted in the Foothill Conservancy’s scoping comments include:

- What impact will the General Plan have on “aspects of Amador County that residents value most, including our scenic beauty, natural places, cultural and historical resources, ability to travel freely and safely, rural quality of life, rivers and creeks, dark night skies, small towns, agriculture, schools?” (Foothill Conservancy Scoping Comment, Cover Letter, p.1)

- Will the County “develop a general plan that is primarily grounded in vague goal and policy platitudes rather than clear directions toward a diversified economy, a caring society, and a sustainable environment?” (Foothill Conservancy Scoping Comment, Cover Letter, p.2)
Foothill Conservancy Comment on Amador County General Plan DEIR – Executive Summary

Will the County “embrace programs to protect agricultural land from needless conversion, and to strengthen economic viability of ongoing agricultural operations?” (Foothill Conservancy Scoping Comment, Cover Letter, p 2.)

Will the County adopt “practical mitigation measures on the subjects of agricultural land protection, air quality, biological resources, child care, conservation and open space, fire hazards, global climate change, governance and economic development, historic preservation, public services, and water?” (Foothill Conservancy Scoping Comment, Cover Letter, p 2.)

Will the County come to “acknowledge that there are divergent points of view on the general plan, and to separately engage these interests in crafting separate general plan alternatives, that would be comparatively and quantitatively evaluated in the EIR, along with the general plan project description?” (Foothill Conservancy Scoping Comment, Cover Letter, p 3.)

The General Plan survey suggests that the General Plan EIR should address the following environmental issues and controversies:

Which cultural and historic properties should be preserved? Should the County participate in such preservation or should it be funded by private sources?

What design characteristics of new development do not fit in with existing communities, and which do?

Where should tourism be encouraged and where not?

Should we retain the current proportion of commuters, or should we develop more local job sources to reduce adverse impacts of commuting on roads, air quality, and families?

What rate of population growth is optimal for the County?

Where should population and business growth be directed, and where should it be avoided?

What type of recreation development is needed?

What natural resources need protection?

What roads are the most and least useful?

Is additional transit needed, and will it be provided?

Does infrastructure (water, sewer, telephone, internet, cable T.V., gas, etc.) need improvement, and will it improve?

What schools need improvement, and will they be improved?

Is there a need for improved law enforcement and emergency services, and will they be improved?
In addition, a number of upcountry general plan issues were raised:

Which communities upcountry are prepared for more commercial and industrial development, and which are more prepared for additional residential development?

How will the county address development beyond the “Dew Drop Line?”

Will upcountry areas receive an equitable distribution of future public services and infrastructure, or will the focus be on the 49 corridor and westward?

Will the upcountry get representation on important County government bodies?

What will be done to address high and very high fire danger upcountry? How will the infrastructure to support development be funded?

What are our options when local institutions (CSD, Road Committees, etc.) stop functioning to implement mitigation?
4.3 AIR QUALITY

4.3.1 Regulatory Setting

Amador Air District Rules and Regulations
Page 4.3-2

On page 4.3-2, the DEIR states,

"The Air District's Rules and Regulations most relevant to the Draft General Plan include, but are not limited to:

- Rule 202 - Visible emissions,
- Rule 205 - Nuisance,
- Rule 207 - Particulate Matter,
- Rule 210 - Specific Contaminants (sulfur compounds, combustion contaminants),
- Rule 218 - Fugitive Dust Emissions,
- Regulation IV - Authority to Construct, and
- Regulation V - Permit to Operate."

- Please explain why the above rules and regulations are the most relevant and why others are not to the Draft General Plan?
- Please provide information about where the Amador County Air District's Rules and Regulations can be found.

4.3.2 ENVIRONMENTAL SETTING

Amador County Emissions Sources
Page 4.3-7

On page 4.3-7, Exhibit 4.3-1 is the graph titled, "Amador County 2008 - Emissions Inventory."

- Is 2008 the most recent emissions inventory? If not, please provide the most recent inventory. This will help to inform decisionmaking and public participation, by assuring all that analysis based on the 2008 inventory does not underestimate potential impacts.
- Was the 2008 inventory used in the analysis because it was the most recent complete data set at the time the NOP was issued in July of 2009?
- How often is an emissions inventory taken?
- Please provide the quantities shown in this bar graph for each of the emissions.
- Are these levels significant?
- Why is Ozone not in the table?
On page 4.3-7, the DEIR states,

“Figure 4.3-1 summarizes emissions of criteria air pollutants and precursors within Amador County for various source categories.”

- What are “precursors”? Please explain the role they play in air quality.

### AMBIENT AIR QUALITY

Page 4.3-7 to 4.3-9

In our scoping comments we explained the importance of the environmental setting sections of an EIR. “An EIR must contain an accurate description of the project’s environmental setting. An EIR ‘must include a description of the physical environmental conditions in the vicinity of the project ... from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.’ (Guidelines, § 15125, subd. (a).) There is good reason for this requirement: ‘Knowledge of the regional setting is critical to the assessment of environmental impacts.... The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.’ (Guidelines, § 15125, subd. (c).) We interpret this Guideline broadly in order to ‘afford the fullest possible protection to the environment.’ (Kings County Farm Bureau, supra, 221 Cal.App.3d 692, 720.) In so doing, we ensure that the EIR’s analysis of significant effects, which is generated from this description of the environmental context, is as accurate as possible.” (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874; quoted in Foothill Conservancy Scoping Comments, Chapter I, p. 5.)

The Amador County monitoring station is sited at approximately 1,250’ elevation, on Shopping Drive, less than ¼ mile from SR Highway 49, a busy highway, in the city of Jackson. Amador County is approximately 605 square miles, with elevations from 100’ to 9000’. Elevations in Amador County range from over 9,000 feet at the Sierra crest down to several hundred feet above sea level at the County’s boundary with Sacramento County.

On page 4.3-7, in the third paragraph, the DEIR states that the city of Jackson

“...is the only monitoring station in Amador County that can provide “sufficient data to meet EPA and ARB criteria for quality assurance. The San Andreas air quality monitoring station on Gold Strike Road in Calaveras County is located 15 miles south of Jackson. In general, the ambient air quality measurements from these monitoring stations are representative of the air quality in the County.”

4.3 - 2
Foothill Conservancy Comment on Amador County General Plan DEIR – Air Quality

On page 4.3-2, in the first paragraph, ENVIRONMENTAL SETTING, the DEIR states,

“Natural factors that affect pollutant transport and dispersion include terrain, wind, atmospheric stability, and sunlight. Therefore, ambient air quality conditions within the local air basin are influenced by such natural factors as topography, meteorology, and climate, in addition to the amount of air pollutant emissions released by existing air pollutant sources.”

On page 4.3-2, in the second paragraph, Topography, Climate, and Meteorology, the DEIR states,

“Topography is highly variable throughout the County and includes rugged mountain peaks and valleys with extreme slopes and elevation variations in the Sierra range, as well as rolling foothills to the west.”

On page 4.3-3, at the end of the first paragraph, the DEIR says,

“From an air quality perspective, the topography and meteorology of the MCAB [Mountain Counties Air Basin] combine such that local conditions are the predominate factor in determining the effect of emissions in the MCAB.”

- Considering the significance of topography, climate and meteorology on air quality, please explain why there is only one monitoring station for the county.
- Please explain what criteria were used to select the site in Jackson to monitor data for the county?
- Explain why the air quality measurements from this one monitoring station are accepted as providing “representative” ambient air quality measurements in Amador County and are sufficient for determining level of significance, impacts and mitigations measures.
- Explain why the test results from the one monitoring station are acceptable and sufficient to determine levels of significance for the entire county and to establish air quality standards, rules and regulations, impacts and mitigations measures for the entire county.

As we noted in our scoping comments, “Among the most relevant aspects of the environmental setting that must be disclosed in an EIR, is that the agency must divulge harm to the environment caused by current and past mismanagement, and any efforts being made to remedy that harm that might affect the proposed project. (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874.)” (Foothill Conservancy Scoping Comments, Chapter 1, p. 6.)

- Provide the number of days for the years 2010, 2011, 2012, and 2013, when the standards of criteria pollutants were exceeded.
- During the last ten years, in which years have the county met the attainment requirements?

On page 4.3-8 is Table 4.3-2 titled Ambient Air Quality Summary.
Correct the title on Table 4.3-2 to read:

"Amador County's Ambient Air Quality Summary."

• Why is some data "unavailable" in the Table?
• In the last paragraph on the page, the DEIR says there are “three basic designation categories”. Why is there an “unclassified” status? What does that status does it mean?
• Can an emissions inventory be created from the “Ambient Air Quality” data in Table 4.3-2?
• How many years of previous data for emissions and air quality are needed to plan and implement air quality programs and to meet air quality standards for the next 20-30 years? Please provide data and analysis sufficient to plan and implement air quality programs for the next 20-30 years.

TOXIC AIR CONTAMINANTS
Page 4.3-9

On page 4.3-9, in paragraph 4, correct the highlighted sentence.

"In 2000, ARB approved a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled vehicles and engines. ARB estimated that an average statewide concentration of 1.8μg/m and an associated health risk of 540 excess cancer cases per million people (ARB 2009). The regulation is anticipated to result in an 85% decrease in statewide diesel health risk in 2020 relative to the year 2000 diesel risk (ARB 2009).

• The italicized sentence needs to be corrected. Note the period between the word “million” and “people”.

On page 4.3-9, in paragraph 2, the DEIR says,

“TAC emissions from individual facilities are quantified and prioritized. ‘High-priority’ facilities must perform a health risk assessment and, if specific thresholds are violated, must communicate the results to the public in the form of notices and public meetings. The regulation of TACs is generally through statutes and rules that require the use of the maximum or best available technology (MAC or BACT) to limit TAC emissions.”

• Provide a list of Amador County’s high priority facilities, their locations, and a list of the threshold violations that have occurred in each during the past five years.
• Explain how the county and the facilities resolved the violations and what steps were implemented to avoid future violations.
• How and by whom are these emissions monitored?
4.3.3 IMPACTS AND MITIGATIONS MEASURES

Analysis Methodology

As we explained in our scoping comment, “The environmental effects that must be considered in an EIR include, direct and indirect effects, short and long-term effects, physical changes in an area, potential health and safety problems, changes in ecological systems, changes in population distribution and concentration, changes in land use, effects on public services, and effects on natural resources including water, scenic beauty, etc. (CEQA Guidelines, sec. 15126.2, subd. (a).)” (Foothill Conservancy Scoping Comment, Chapter 1, p. 7, emphasis added.) It is insufficient to disclose only the primary project impact without correlating it to the ultimate impacts on the human environment. (Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184.)

- On the Air Resources Board website, it says:

  "What is ozone?"
  Ozone, an important ingredient of smog, is a highly reactive and unstable gas capable of damaging the linings of the respiratory tract. This pollutant forms in the atmosphere through complex reactions between chemicals directly emitted from vehicles, industrial plants, and many other sources. Key pollutants involved in ozone formation are hydrocarbon and nitrogen oxide gases."

  "Health and Welfare Effects from Exposure to Ambient Levels of Ozone"
  Exposure to levels of ozone above the current ambient air quality standard can lead to human health effects such as lung inflammation and tissue damage and impaired lung functioning. Ozone exposure is also associated with symptoms such as coughing, chest tightness, shortness of breath, and the worsening of asthma symptoms. The greatest risk for harmful health effects belongs to outdoor workers, athletes, children and others who spend greater amounts of time outdoors during smoggy periods. Elevated ozone levels can reduce crop and timber yields, as well as damage native plants. Ozone can also damage materials such as rubber, fabrics and plastics."  
  http://www.arb.ca.gov/research/aaqs/aaqs/ozone/ozone.htm

Amador County has a small population but because air pollution blows in from the Sacramento Valley and the Bay region, air pollution gets trapped in our foothills and the mountains contributing to increased ozone levels. ROG and NOx are precursors of ozone and the county also generates particulate matter (PM) levels in the winter, mainly from older wood burning stoves, burning of wet yard waste, and fireplaces.

As noted above, the Air Resources Board states "elevated ozone levels can reduce crop and timber yields, as well as damage native plants". In Amador County, we have two crops that are known to be especially ozone sensitive - pines and grapes.
That National Aeronautics and Space Administration states on their website,

"Ozone Affects Plants and Causes Economic Loss
Ozone air pollution has been known since the late 1950s to cause significant injury and economic losses to many agricultural crops, herbaceous ornamentals, native plants and numerous forest tree species throughout many regions of the U.S., Canada, and Mexico. First discoveries of direct effects included confirmation of ozone-caused symptoms on grapes in California followed by similar confirmations of symptoms on certain varieties of tobacco, potato, beans, and eastern white pine in eastern U.S. (Karnosky et al., 2007). Many agricultural, forest, and native plant species are continuing to be identified as sensitive to ozone air pollution with confirmation of field symptoms being successfully duplicated under controlled ozone exposures within laboratory and field chamber investigations (Burkey et al., 2005; Lnes et al., 2001; Lee et al., 2003; Orendovici et al., 2007). Foliar symptoms and related productivity effects have been documented on ozone sensitive plant species in many European and Asiatic countries. Given projected trends in populations, economic outputs, and the associated increased demands for required energy supplies, the impacts of ozone air pollution are very likely to increase." (http://science-educ.larc.nasa.gov/ozonegarden/detect-indicators.php)

A study presented by the USDA states,

"In California, ozone-caused yield losses were highest in cantaloupe, grape, cotton, orange, onion, and bean, where losses were projected to range from 12 to 31%." (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_008861.pdf)

There has been ongoing research and study of the impacts of ozone (and other contaminants) to pines in the Western Sierra and they all concur that,

"The major pollutants causing ecological harm in the Sierra Nevada are ozone, which can be toxic to plants, and nitrogen deposition, which can induce undesirable effects on terrestrial and aquatic ecosystems. Other airborne pollutants of concern include black carbon, particulate matter (PM), pesticides, and heavy metals, including mercury. Atmospheric pollutants that are delivered in wet and dry forms cause deposition of nitrogen to forests and other land areas. The highest potential for ozone to injure plants occurs on western, low-elevation slopes that have elevated daytime levels that coincide with the highest physiological activity of plants. However, recent evaluations of ozone injury in the Sierra Nevada are lacking. Ozone and nitrogen deposition interact with other environmental stressors, especially drought and climate change, to predispose forests to impacts of pests and diseases."

(http://www.fs.fed.us/psw/publications/documents/psw_gtr247/chapters/psw_gtr247_chapter8_1.pdf)

Other counties all over the nation are addressing ozone problems. Ozone affects not only sensitive receptors, like people with asthma and children, but healthy adults as well. Considering that Amador County is a nonattainment area for ozone, and that ozone is a
serious quality of life issue, why hasn’t the DEIR properly addressed the impacts of ozone? Please address these deficiencies.

As noted in our scoping comment, “[T]he EIR should provide a sufficient degree of analysis to allow decisionmakers to make an intelligent judgment. In addition, it must reflect a good faith effort at full disclosure. (CEQA Guidelines, sec. 15151.) “A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 712 [270 Cal.Rptr. 650]; quoted in Foothill Conservancy Scoping Comments, Chapter 1, p. 3.) Furthermore, EIRs must be “organized and written in a manner that will be meaningful and useful to decisionmakers and to the public.” (Pub. Resources Code, sec. 21003, sub. (b)).

- Regarding Appendix B, the tables are not easy to use and understand and limiting to determine the analysis, assumptions and conclusions presented in the DEIR. It is not clearly identifiable which tables are applied to which impacts, mitigations measures, and significance after mitigation. There are abbreviations with no explanations. For example, what is meant on page 7 of 18, 4.3 “Trip Type Info”? There are tables with default values and new values but how were those values arrived at? Why are some of the tables filled with nothing but zeros? How am I to know if these are accurate, flawed assumptions, or even applicable? As a layperson, these tables are confusing and difficult, if not impossible, to interpret. Please correct these problems.

On Page 4.3-11, in the second paragraph, the DEIR states,

“Modeling was based on plan-specific data, when available. However, when information was not available (e.g., amount of land to be disturbed/graded per day, types of equipment to be used, number of construction employees), reasonable assumptions and default settings were used to estimate air pollutant emissions.”

- It is not clear how much “plan-specific data” is available. What amount of the modeling was able to use plan-specific data and what amount used reasonable assumptions and default settings?
- The DEIR for the Air Quality section does not provide data on population for the “existing” conditions and population projections for 2030 used in your analyses.
- Comments cannot be made on the analyses and mistakes can’t be corrected because the DEIR has failed to explain what are their “reasonable assumptions and default settings”. Please add the “reasonable assumptions” and the “default settings” and explain why they are “reasonable” and what are the “default settings.”
- Please note that the Amador County Long Range Transit Development Plan (February 2013), adopted by the Amador County Transportation Commission, on page 42, Demographic and Development Forecasts, states,
“Table 20 also presents population projections by age. These forecasts are useful in considering future trends in demand for transit services:

- Countywide total population is forecast to increase by 14,451 or 36 percent between 2010 and 2030. This represents an annual growth rate of 1.5 percent.
- Over a third (37 percent) of this future growth in population by 2030 will consist of elderly residents (defined by age 60 and above), which are forecast to increase by a full 7,024 persons. Within this elderly population increase, more than half (57 percent) will consist of older seniors age 75 and above that are more likely to need “door to door” transportation services.
- Reflecting the aging of the Baby Boom generation, the greatest increase in younger seniors will occur between 2010 and 2020, followed by the greatest increase in older seniors between 2020 and 2030.
- The number of children (less than 10 years of age) and youth (age 10 to 19) is forecast to increase very slowly in the next decade, followed by a consistent increase. Any appreciable increase in youth population (a group with a relatively high demand for transit service) does not occur until after 2020.”

- On page 43, Table 20 lists the total population in 2010 as 40,337 and projects the 2030 population to be 54,788. Their source is the California Department of Finance, Demographic Research Unit.”

- The increase in elderly residents and aging Baby Boomers is probably not consistent with the “reasonable assumptions and default settings” used in the methodology.
- Considering the projection of increased elderly residents, are your assumptions accurate regarding the increased workforce in the county and jobs?
- Considering mobile operational emissions and the projected growth in jobs, did you take into account non-residential traffic (i.e. commuters and tourism)? If not, please include that information.
- You make the assumption that advancements in engine technology, retrofits, and turnover in the equipment fleet will result in lower levels of emissions. However, in Amador County, used vehicles that are still operational are sold for reuse, whether personal or commercial, and probably very few of these used vehicles are scrapped and taken off the roads. Is there data to account for the number of vehicles that would be scrapped justifying the assumption of lower levels of emissions because of turnover? Please include the data.

THRESHOLDS OF SIGNIFICANCE

On page 4.3-11, the DEIR states,

“Based on Appendix G of the State CEQA Guidelines, an impact on air quality is considered significant if implementation of the Draft General Plan would do any of the following:” Following that is a list of four points.

- Include the fifth point in Appendix G, III. AIR QUALITY, that states.
Foot Hill Conservancy Comment on Amador County General Plan DEIR – Air Quality

"Conflict with or obstruct implementation of the applicable air quality plan?"

Page 4.3-11, in the last paragraph, the DEIR states,

“As stated in Appendix G, the significance criteria established by the applicable air quality management district may be relied on to make the above determinations. The Amador Air District does not have adopted thresholds of significance to determine significant increases in levels of criteria air pollutant emissions. Therefore, any net increase in emissions would be considered a significant impact for the purposes of the air quality impact analysis in this section. This approach is for the Draft General Plan EIR only and does not imply that future projects developed as a result of the Draft General Plan will be required to use this threshold.”

- Please explain the legal justification for the County changing the threshold of significance form one EIR to the next. If the County can randomly raise or lower the threshold from project to project, then impacts previously considered significant and requiring mitigation, could subsequently be deemed insignificant, and trigger no mitigation. This calls into great question efficacy of the County’s proposals to defer general plan impact mitigation until later project-level environmental reviews. This also seems inconsistent with the goal to interpret CEQA “to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 110; citing Laurel Heights Improvement Association v. Regents of University of California (1988) 47 Cal.3d 376, 390.)

- How is this approach useful? It makes an assumption that “any net increase in emissions” can result in a significant impact. This assumption could be incorrect. This analysis can result in a significant impact when there may be no significance. Or there could be an increase in one pollutant that does not raise the net result and causes the conclusion to be less significant. However, that one increased pollutant can be of significance.

- The assumption that “any net increase in emissions would be considered a significant impact for the purposes of the air quality impact analysis” is misleading. If the Amador Air District established an Air Quality Plan to implement policies and procedures to mitigate criteria air pollutants significant impacts could be avoided or reduced. Establishing a plan would provide the Air District with the ability to determine if conditions were approaching a level of significance and the Air District could address the issues before the emissions reach high levels or exceed thresholds. Adopting an Air Quality Plan with thresholds of significance will allow for planning and management to reduce impacts to less than significant.

- As a mitigation measure, the county should require new development to pay for its full long term impacts to air quality based on assessment of the actual impacts of the development. Those air quality fees should be used for monitoring equipment, public transit, sidewalks, bike lanes and other programs that reduce emissions and impacts to less than significant.
IMPACT ANALYSIS

On page 4.3-12, the DEIR states,

“IMPACT 4.3-1, Construction-Related Emissions.
Implementation of the Draft General Plan would lead to project-generated construction activities that would result in emissions of ROG, NO, PM10, and PM2.5 with the potential to substantially contribute to emissions concentrations that exceed the NAAQS and CAAQS (Table 4.3-1). Construction-related emissions of these criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, result in a cumulatively considerable net increase in non-attainment criteria pollutants, and/or expose sensitive receptors to substantial pollutant concentrations. This impact would be significant.”

In paragraph 2, it states,

“Given that exhaust emission rates of the construction equipment fleet in the state are expected to decrease over time as stricter standards take effect and older equipment is retired, maximum daily construction emissions were estimated using the earliest calendar year when construction could begin to generate conservative estimates. In later years, advancements in engine technology, retrofits, and turnover in the equipment fleet are anticipated to result in lower levels of emissions.”

- This is unclear. What years are you talking about for “earliest” and “later” for your estimations and what data did you use for your assumptions?
- When were the standards and laws requiring the retrofits, retirement, turnovers and cleaner equipment implemented and were there goals set for the desired outcomes? If so, please provide them.

In paragraph 4, it states,

“Construction under the Draft General Plan would occur from 2013 through 2030 (assuming a baseline year of 2013), but the timing of construction activities each year is unknown. Therefore, it was assumed that construction under the Draft General Plan would occur evenly between 2013 and 2030, and approximately 6 percent of the construction activity would occur during any given year. It is likely that the different types of construction activities (i.e. site grading, trenching, asphalt paving, building construction, and application of architectural coatings) would occur simultaneously at various locations within the planning area. Modeling of construction emissions was conducted for the year 2013, as this is assumed to be the earliest year during which construction would occur.”
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- Using an average is not a very good method to establish substantial results for determining quantities and concentrations of emissions and their adverse health impacts. If the assumption is that construction activities are occurring evenly and simultaneously from 2013 to 2030, why not model for the entire period? Aren’t there better examples of how to determine significance and mitigations for construction?

On page 4.3-13 is Mitigation Measure 4.3-1a: Implement Measures to Control Particulate Matter Emissions Generated by Construction Activities and on page 4.3-14 is Mitigation Measure 4.3-1b: Reduce Exhaust Emissions from Construction Equipment. These comments refer to Impact 4.3-1 and both mitigation measures proposed.

- If the conditions of the permit are not met, what actions will the county take?
- Implementation measures should be required that will address any and all construction-related emissions and pollutants. In addition to the examples of mitigation measures provided in the DEIR, the implementation of the following mitigations can result in less than significant impacts and result in fewer “unavoidable” outcomes than the optional examples provided.

1. The Amador Air District will review new development projects for the potential to cause adverse air quality impacts.
2. The Amador County Air District should create a handbook for all discretionary construction projects. It would include monitoring and mitigation programs to ensure compliance with the conditions of the permit. It would require applicants to use the most current best management practices feasible to reduce all criteria air pollutant emissions. The handbook can be used to establish a partnership between the applicant and the county and applicant is provided with clear information about the Air Quality plan, permit requirements, expectations, and consequences if conditions are not met. The program requirements could reduce emissions to less than significant.
3. Require new development to pay for its full impacts to long-term air quality impacts. Fees will be based on an assessment of the actual impacts and will be used for monitoring equipment, public transit, sidewalks, bike lanes and other measures to reduce emissions and create a healthy environment.
4. Permit conditions for discretionary projects shall include the following:
   a) Development projects shall incorporate all economically feasible and most current Best Management Practices and control technology to reduce emissions from construction, grading, excavation, and demolition activities to avoid, minimize, and/or offset their impacts consistent with the Amador Air District requirements.
   b) Require construction plans to show how the project will implement the economically feasible and most current Best Management Practices.
   c) All access roads, driveways, and parking areas serving commercial and industrial development are constructed with materials that will minimize particulate emissions and are appropriate to the scale and intensity of use.
5. The Amador Air District will review new development projects for potential causes of adverse air quality impacts. The review will be coordinated with other interested parties, such as Health and Human Services and the public, and will incorporate
assessment of impacts in relationship to other proposed or existing projects to avoid cumulative impacts.

On page 4.3-14, the DEIR states,

“IMPACT 4.3-2: Generation of Long-term Operational (Regional) Emissions of ROG, NOx, PM10 and PM2.5. Operational area- and mobile-source emissions from implementation of the Draft General Plan would lead to long-term operational emissions of ROG, NOx PM10 and PM2.5 that could violate or contribute substantially to an existing or projected air quality violation, result in a cumulatively considerable net increase in non-attainment criteria pollutants, and/or expose sensitive receptors to substantial pollutant concentrations. This impact would be significant.”

- Define “Regional”.
- The importance of the DEIR is about means for mitigating impacts to local air quality, not regional. Please revise to reflect local air quality instead of regional air quality.

On page 4.3-15, in the second paragraph, the DEIR refers to Table 3-1 in Chapter 3 “Project Description” of the Draft General Plan.

- To make it easier to find Table 3-1, please include the page number it is on, which is 3-9 of the Draft General Plan.

On page 4.3-15 is “Table 4.3-4, Summary of Modeled Long-Term Operational Emissions Under the Draft General Plan”. The DEIR says the detailed summary of the modeling assumptions inputs and outputs of this table are in Appendix B.

- On what page(s) in Appendix B are the models and summaries?
- In the discussion for IMPACT 4.3-2, there is no reference about the emission source “Energy”, shown in Table 4.3-4. What is “Energy” in this context? Please define “Energy”.
- The table lists data in tons/year and the table providing pollutant standards, Table 4.3-2, page 4.3-8, provides standards in parts per million and micrograms per cubic meter. How can we compare the information to know which emissions in Table 4.3-4 meet or do not meet the pollutant standards provided in 4.3-2? Which sources in Table 4.3-4 meet and exceed the standards?
- Are these models and summaries only from Amador County?
- In the table the results show that mobile sources of ROG and NOx are reduced by 54.98% for ROG and 60.37% for NOx. You say that it is the net decrease from the state and federal regulations reducing vehicle emissions from advancements in engine technology and fleet turnover, even with operational emissions, the ROG and NOx emissions will be less than significant. These are big changes just from mobile sources – how were those numbers reached? Provide the data used to reach this conclusion.
In paragraph 2 on page 4.3-16 is a formula provided to indicate whether the “plan” is successful in addressing motor vehicle emissions (“whether VMT increases at a slower rate than population growth”). The conclusion from the formula is, “Therefore, implementation of the Draft General Plan would reduce VMT per service population for the region compared to existing conditions.”

- Define “Regional” in the Final EIR.
- The importance of the DEIR is about local air quality and means for mitigating impacts, not regional. Please revise to reflect local air quality instead of regional air quality.
- Table 4.12-1, page 4.12-2, of the Population and Housing Document of the DEIR states there are 37,911 residents in 2011. The number of residents in your formula state there are 22,123. In the Final EIR, please provide the source used for the existing number of residents in your formula and why it is different from the number provided in the Population and Housing Document.
- Table 4.12-1, page 4.12-2, of the Population and Housing Document states there will be 42,036 residents in 2030. The number of residents in your formula is 25,241. In the Final EIR, please provide the source used for your 2030 number of residents in this formula and why it is different from the number provided in the Population and Housing Document.
- In the Final EIR, please provide the source used for the 2030 number of jobs (17,586) in this formula. Based on your figures, the population increase is about 3,118 for 2030 and the increase in jobs is 11,121 (approximately 270%) in approximately 17 years. These numbers seem unrealistic and skew the data to come to the assumption of significant and unavoidable impacts.
- There are inconsistencies in the population data in this section of the DEIR with the data in the Population and Housing Document and the Amador County Long Range Transit Development Plan. Please resolve inconsistencies in the Final EIR.
- At the end of the third paragraph, the DEIR says reductions would be “…in the region”. What region? Why is “region” being used sometimes and not others? Again, the DEIR is about local air quality.
- I appreciate that you included the detailed summaries of the modeling assumptions, inputs and outputs in Appendix B. It is quite a challenge to determine which ones apply to the tables, assumptions and conclusions in the DEIR. For example, using the results in Table 4.3-4, you come to the conclusion that even with implementation of policies recommended in the Draft General Plan, the operational and mobile emissions would result in a significant impact. I don’t understand how you reach that conclusion. Please explain in the final EIR.

On page 4.3-17 is “Mitigation Measure 4.3-2a: Implement Reduction Measures for Discretionary Projects.

- In the Final EIR, require fees be paid to the Amador County Transit system for vehicles and equipment to meet increased capacity and operational costs resulting from the projects.
“Mitigation Measure 4.3-2b: Implement Program D-7, Air Emissions and Sensitive Receptors”

- In the Final EIR, please reference the location of “Program D-7”.
- Add Program D-7, point number 2, page P-23:
  "In the review of the development proposals, the County will use reference the guidelines presented in the California Air Resources Board’s Air Quality and Land Use Handbook: A community Health Perspective, or the Amador Air District guidelines and recommendations available at the time, when established buffers around existing or proposed sources of toxic air contaminants or odorous emissions. During future environmental CEQA review for individual projects, projects that would result in substantial TAC emissions directly or indirectly (e.g., industrial sources), or for land use projects that would expose sensitive receptors to substantial TAC concentrations (e.g. residential land uses located near existing TAC sources, the County will require an HRA to be performed by project applicants to determine whether existing or proposed on-site sensitive receptors will be exposed to significant levels of TAC emissions. An HRA would only be required for those projects that would be anticipated to expose sensitive receptors to substantial TAC concentrations based on the project description or other relevant characteristics as determined by County Planning staff during the environmental review process. If the results of the HRA indicate a significant impact, the individual project applicant shall employ measures (e.g., air filters, project redesign) to reduce exposure below acceptable limits.

As noted in our scoping comments, “When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures until a specific project is proposed. (Citizens for Quality Growth v. City of Mount Shasta (3 Dist. 1988) 198 Cal.App.3d 433, 442 [243 Cal.Rpt. 727]).” (Foothill Conservancy Scoping Comment, Chapter 1, p. 9.)

For both mitigation measures 4.3-2a and b:
- In addition to the mitigation measures described on page 4.3-16 from the Conservation Element and Circulation Element of the Draft General Plan, and those listed on page 4.3-17, there are other mitigation measures not listed in the DEIR, including those provided in my responses elsewhere in this document, with the feasibility of changing the conclusion in the DEIR that there will be significant and unavoidable impacts. These include, but are not limited to:

1. Implementation of an Amador Air Quality Plan and establishment of thresholds of significance.
2. Make the best efforts possible to minimize motor vehicle emissions through the promotion of alternative fuels.

3. Require local government to take the lead and set an example by initiating energy efficiency and emissions reduction programs. Common and feasible examples include controlled lighting in all buildings and grounds; timed irrigation systems for water parks and landscapes; energy efficient “bulbs”; more solar panels in county-owned buildings and on county-owned parking lots.

4. It is not hard to find many energy efficient programs. The state and federal government web pages, as well as local governments have long lists of examples.

5. The county can set purchasing requirements for low or zero emission vehicles and alternative fuels for its fleets. Those requirements should include transit vehicles and vehicles used by county contracted businesses, such as those used for the collection of waste, recycling and green waste.

6. The County can require access roads, driveways, and parking areas (including their own) for commercial and industrial sites be constructed using materials that minimize particulate emissions, that are permeable, and are appropriate for the scale and intensity of use. This can apply to new or remodeled projects.

7. It can require through the Amador Air Quality plan that industrial facilities incorporate feasible Best Management Practices and control technology to reduce PM10 and PM2.5 emissions so they are consistent with all regulations.

8. It can require new housing projects to reduce air quality impacts from energy consumption.

9. The county can provide residential and commercial users with rebates, discounts, and other incentives for replacement of the following with the most current low emission and EPA certified products: polluting wood stoves, fireplaces, generators, HVAC units, fossil fuel burning landscaping equipment, and appliances.

10. Require curbside collection and drop-off programs for all green waste (including but not restricted to grass, pine needles, leaves, woody debris) to be sent to composting and biomass facilities. This would reduce the use of chipping equipment and debris burning.

11. It can encourage and promote implementation of Best Management Practices for agricultural and industrial operations. For example, to the maximum extent possible and feasible, pave roads, use windbreaks, and reduce the use of pesticides and tilling on high-wind days.

12. The county can pave and maintain its roads to reduce PM10 and PM2.5 emissions.

13. The county can institute smog checking.

14. The county can work with neighboring jurisdictions to partner on air quality issues and programs to reduce emissions.

15. In addition to saying, “Promote ‘least polluting’ ways to connect people and goods to their destinations”, include implementation of ways to connect people and goods to their destinations.

On page 4.3-18 the DEIR states,
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“IMPACT 4.3-3, Generation of Long-Term Operational and Local Mobile-Source Emissions of CO. Emissions of CO from local mobile sources and generated by long-term operations would not result in or substantially contribute to emissions concentrations that exceed the 1-hour ambient air quality standard of 20 ppm or the 8-hour standard of 9 ppm, respectively. As a result, this impact would be less than significant.”

- This section lists eight “intersections” and provides the highway/road names. Provide the names of the intersecting streets for the eight intersections. There is more than one intersection on some of these roads and highways so we cannot determine which of them would operate at LOS E or F.

On page 4.3-19, the first paragraph, the DEIR states,

“Implementation of the Draft General Plan would also not contribute traffic to a location where horizontal or vertical mixing of air would be substantially limited, and the mix of vehicle types at these intersections is not anticipated to have a greater percentage of heavy-duty vehicles and would not be substantially different from the County average.”

- What is the data that supports the conclusion of having no anticipation of a greater percentage of heavy-duty vehicles at intersections? With the DEIRs estimation of population increases and an increase to 17,586 jobs in 2030, why wouldn’t there be more heavy-duty vehicles? Some industries use a high percentage of very heavy-duty vehicles, like propane trucks and garbage trucks. Wouldn’t they change the percentage of heavy-duty vehicles at intersections?

- On page 4.3-18, the DEIR says,

“Under specific meteorological conditions, CO concentrations near roadways and/or intersections may reach unhealthy levels for local sensitive land uses such as residential units, hospitals, schools, and childcare facilities.”

- Sacramento is a metropolitan area in the valley and we have a wide variety of elevations and meteorological conditions in the County. Are the Sacramento Metropolitan Air Quality District (SMAQMD) guidelines appropriate to use and if so, please explain why?

- The Sacramento guidelines only address CO from mobile emissions and not long term and operational emissions. Carbon monoxide does primarily come from vehicular exhaust but it is not the only source for outdoor emissions.

- Burning wood, oil, natural gas, propane, kerosene and coal also produces CO, and other criteria air pollutant. In Amador County, we typically don’t use coal, but we do use the other fuels. For example, wood stoves are very commonly used for heating, even in some commercial sites. For some people, wood stoves are their only source of heat in the winter. Wood smoke is a source of particulate matter, hydrocarbons, nitrogen oxides, toxic air contaminants and odors. Older woodstoves and fireplaces, along with the burning of residential yard waste, are important contributors to particulate matter (PM) air pollution. Woodstoves routinely produce several times more air pollutants than promoted by
manufacturers because of improper operation (including use for burning residential refuse. Burn barrels are banned.), maintenance, and normal equipment degradation with use. Residential yard debris burning smoke generated by yard waste significantly worsens air quality. In the final EIR, please address the outdoor and indoor long term and operational emissions, impacts, levels of significance and mitigation measures.

On page 4.3-19 the DEIR states,

“IMPACT 4.3-4, Exposure of Sensitive Receptors to Short-and Long-Term emissions of Toxic Air Contaminants. Implementation of the Draft General Plan would result in exposure of sensitive receptors to short- and long-term emissions of TACs from on-site stationary and mobile sources, or from off-site mobile sources. This impact would be significant.”

In the first paragraph under “Construction”

- Define a “short period of time” in this paragraph. What is the basis for the assumption that the individual projects will last for that time period? Some projects occur for many years; for example, Castle Oaks in Ione and Martell Plaza in Martell.
- In the second paragraph of this section on page 4.3-19, the DEIR states that they anticipate individual projects to last about 6 months to a year and “Thus, if the duration of potentially harmful construction activities near a sensitive receptor was 1 year, the exposure would be approximately one percent of the total exposure period used for typical health risk calculations. Considering this information, the highly dispersive nature of diesel PM, and the fact that construction activities would occur intermittently and at various locations over approximately 17 years (i.e., 2013 to 2030), it is not anticipated that the implementation of the Draft General Plan would expose sensitive receptors to substantial construction-related TAC concentrations. Therefore, this impact would be less than significant.”
- I don’t understand how can the impacts can be seen as “less than significant” when on page 4.3-9 in the DEIR, it states, “For regulatory purposes, carcinogens such as diesel PM are assumed to have no safe threshold below which health impacts would not occur. Any exposure to a carcinogen poses some risk of contracting cancer.”
- What quantity of TACs is harmful to sensitive receptors?
- If there are on-going projects in the area of sensitive receptors, when does it become cumulatively significant?

On page 4.3-20 of the DEIR,

- Please provide the location of “Mitigation Measure 4.3-2b” and “Program D-7 (2)”.

On page 4.3-19 the DEIR states,

“IMPACT 4.3-6: Exposure of Sensitive Receptors to Odors. Long-term project operation would result in siting sensitive receptors near existing sources of odorous emissions. This impact would be significant.”
On page 4.3-10 of the DEIR, the section on ODORS, says odors are generally an annoyance and not a health problem. Examples of odors we experience indoors and outdoors include architectural coatings, gasoline, formaldehyde, auto and truck exhaust, VOCs in buildings, solvents used in paints, and equipment with 2-cycle engines. We know that vehicles not fitted with current or effective emission controls emit toxic pollutants. We not only see it, we smell it. Some toxic emissions are not visible, but they do emit odors. They do affect people with allergies and respiratory problems. Odors may be seen as an annoyance but they are also indicators of potential air quality problems, including those that affect the health of individuals and the natural environment.

On page 4.3-22, the DEIR states,

"The Amador Air District does not provide guidelines for analysis of odor impacts. Rule 205, "Nuisance," prohibits sources from discharging air contaminants or other material which can cause injury, detriment, nuisance, or annoyance to any considerable number of persons. However, this rule does not apply to odors emanating from agricultural operations."

The DEIR states in paragraph 3 that, "screening distances have been used based on the broadly similar air conditions in the SMAQMD region and Amador County." What are their air conditions and do they really apply to all areas of Amador County? All areas are affected by odors.

The Amador Air District should establish its own guidelines for analysis of odor impacts. The discussion of odors focuses primarily on impacts as a result of land uses, and especially in relationship to construction, vehicles, and commercial/industrial sources of odors. It seems as though this section is dismissive of the importance of odors and health and safety. Odors and healthy air quality need more attention and analysis in the Final EIR.
4.4 BIOMEDICAL RESOURCES

4.4.1 Regulatory Setting

As noted in our scoping comment, “The setting section of the DEIR must discuss any inconsistencies between the proposed project and existing general plans and regional plans. (CEQA Guidelines, sec. 15125.) This requirement is especially critical in a General Plan EIR. The General Plan Guidelines encourage cities and counties to review the plans of other neighboring areas, and of other agencies with jurisdiction; and to tailor general plans to conform, so that all the government agencies are pulling in the same direction, toward the same goals, as citizens and taxpayers prefer.” (Foothill Conservancy Scoping Comment, Chapter I, p. 7.)

On page 4.4-2, the DEIR includes a list of State Plans, Programs, and Policies that would inform decisions on biological resources. An important statewide program was omitted - California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California (Exhibit 4.4.1·1). As noted on the website (https://www.wildlife.ca.gov/Conservation/Planning/Connectivity), this program is valuable in guiding local general plans. Quoting,

“The California Department of Fish and Wildlife and the California Department of Transportation (CalTrans) commissioned a team of consultants to produce a statewide assessment of essential habitat connectivity by February of 2010, using the best available science, data sets, spatial analyses and modeling techniques.

“The goal was to identify large remaining blocks of intact habitat or natural landscape and model linkages between them that need to be maintained, particularly as corridors for wildlife.”

Along with this statewide effort, a regional project was undertaken in the Northern Sierras – the Sierra Nevada Foothills Wildlife Connectivity Modeling Project (Exhibit 4.4.1·2) that provided more detailed habitat connectivity modeling for our region. Maps of natural landscape blocks and critical linkage areas are readily accessible from the California Department of Fish and Wildlife’s BIOS. These maps should be included in the Final EIR and used to determine critical habitat corridors for biological resources.

The DEIR eliminates an informative section on Regional Habitat Conservation Planning that was included in the Biological Resources General Plan Update Working Paper (Exhibit 4.4.1·3). The use of Habitat Conservation Plans or Natural Community Conservation Plans are valuable tools for preserving and protecting biological resources. Large conservation planning in neighboring counties could increase the value of conservation acquisitions and easements in Amador County.

4.4-1
The final EIR should include an updated description of “Regional Habitat Conservation Planning Efforts” as provided in the Working Paper (ibid, p.9-10),

“Many counties in California are undergoing conservation planning efforts at a regional scale through the development of habitat conservation plans (HCPs) and natural community conservation plans (NCCPs). HCPs are authorized by Congress under Section 10(a) of the ESA and allow issuance of incidental-take permits upon approval of a conservation plan developed by the permit applicants. Early HCPs addressed one or two listed species in small areas, often in response to individual development projects. Recent efforts have shifted toward large-scale, multispecies plans, often covering hundreds of thousands of acres and involving multiple jurisdictions or planning partners.

“In 1991 the State of California passed the Natural Community Conservation Planning Act, which established the natural community planning program. NCCPs are carried out under state law and can be even broader than HCPs. This landscape-level approach is typically a more effective means of protecting substantial areas than HCPs; protecting a more substantial area, in turn, has a higher likelihood of conserving special-status species over the long term. Large-scale conservation planning offers several benefits to stakeholders: It accelerates and integrates the permitting process; it reduces applicants’ permitting costs, while improving regulatory certainty; and it facilitates needed public infrastructure projects. The program provides economic incentives for willing private landowners to conserve and steward valuable resources. In addition, it enables local governments to play a leadership role in natural resource conservation and permitting within a framework established in partnership with regulatory agencies. Appendix A provides a brief overview of the HCP and NCCP processes.

“Many local jurisdictions surrounding Amador County are undergoing regional conservation planning efforts on a county and subcounty scale. The following paragraphs briefly describe comprehensive conservation planning efforts currently under way in south Sacramento County, San Joaquin County, and El Dorado County. Calaveras County is also in the preliminary phase of regional conservation planning.

“In Sacramento County the proposed South Sacramento Habitat Conservation Plan (SSHCP) is intended to provide a regional approach to issues related to urban development, habitat conservation, agricultural production, and open-space planning. It would serve as a multispecies, multihabitat conservation plan.
addressing the biological impacts of future urban development within the Urban Services Boundary (USB) in the southern portion of the county. The SSHCP emphasizes securing large, interconnected blocks of habitat that focus on protecting intact subwatersheds while minimizing edge effects and maximizing heterogeneity of habitat types. The SSHCP is scheduled for completion and implementation sometime in 2007.

"In San Joaquin County, the San Joaquin County Multi-species Conservation and Open Space Plan (SJMSCP) provides a strategy for balancing the desires to conserve open space, maintain the agricultural economy, and allow development in San Joaquin County. It was developed to avoid, minimize, and mitigate impacts on plant and wildlife habitat projected to occur in San Joaquin County between 2001 and 2051. Ninety-seven species are covered by the SJMSCP, which is intended to provide comprehensive mitigation, in accordance with federal, state, and local regulations, for impacts on these species from SJMSCP-permitted activities. The approach of the SJMSCP is to minimize the potential for take by implementing take avoidance and minimization measures and compensating for incidental take and habitat conversion through payment of fees (or in-lieu land dedication) for conversion of open-space lands. These fees are used to preserve and create natural habitats to be managed in perpetuity through the establishment of habitat preserves. Participation in the SJMSCP is voluntary for local jurisdictions and project proponents. The SJMSCP was adopted in 2001 and is currently being implemented.

"In El Dorado County, the development of an Integrated Natural Resources Management Plan (INRMP) was a condition of the adoption of the 2004 El Dorado County General Plan. The INRMP is in its early stages of development. Once completed, it will identify important habitat in the county and establish a program for effective habitat preservation and management. The INRMP will include an inventory of all habitats present in the county, strategies for protecting important habitats based on coordinated land acquisitions, programs to facilitate mitigation of impacts on biological resources resulting from projects approved by El Dorado County, a list of habitat acquisition opportunities, and descriptions of potential opportunities for restoration and management of selected properties or easements. An oak woodland mitigation plan is an important component of the INRMP and is currently under development. The plan is expected to be completed in early 2007."
4.4.2 Environmental Setting

In our scoping comments we explained the importance of the environmental setting sections of an EIR. “An EIR must contain an accurate description of the project's environmental setting. An EIR ‘must include a description of the physical environmental conditions in the vicinity of the project ... from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.’ (Guidelines, § 15125, subd. (a.) There is good reason for this requirement: ‘Knowledge of the regional setting is critical to the assessment of environmental impacts.... The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.’ (Guidelines, § 15125, subd. (c.) We interpret this Guideline broadly in order to ‘afford the fullest possible protection to the environment.’ (Kings County Farm Bureau, supra, 221 Cal.App.3d 692, 720.) In so doing, we ensure that the EIR’s analysis of significant effects, which is generated from this description of the environmental context, is as accurate as possible.” (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874; quoted in Foothill Conservancy Scoping Comments, Chapter I, p. 5.)

As we noted in our scoping comments, “Among the most relevant aspects of the environmental setting that must be disclosed in an EIR, is that the agency must divulge harm to the environment caused by current and past mismanagement, and any efforts being made to remedy that harm that might affect the proposed project. (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874.)” (Foothill Conservancy Scoping Comments, Chapter I, p. 6.)

On page 4.4-5 of the DEIR, Table 4.4.-1 indicates the major habitat types in Amador County. The table indicates that over 16,000 acres in the county have not yet been mapped for habitat type. The table uses CalFire and USFS data from 2005, nearly a decade ago. Is there recent information to determine the habitat type for this unmapped area? This unmapped area also seems to include geographical areas that are identified as critical habitat for vernal pool ecosystems and tiger salamander habitat, as indicated in Exhibit 4.4.1. Is the vernal pool ecosystem acreage included in Table 4.4.-1? If not, the acreage of Vernal Pool Complexes should be included and identified as sensitive habitat. Why does the table not include acreage for Freshwater Emergent Wetlands which are mapped on Exhibit 4.4-5?

Vegetation and Wildlife

In the subsection, Vegetation and Wildlife, the DEIR (pages 4.4-7 to 4.4-10) contains descriptive paragraphs on the natural habitat communities found in Amador County. The descriptions for wet meadows and freshwater emergent wetlands are missing and need to be added, especially
since these resources are uncommon and provide unique natural resources. While the descriptions of the diverse habitats within the County make for enjoyable reading, they fall short of informing the reader of important planning decisions. Existing conditions must be determined in the EIR. Impacts of the project must be measured against real conditions on the ground. Baseline determinations are the first rather than the last step in the environmental review process. (Save our Peninsula Committee v. Monterey County Board of Supervisors (App. 6 Dist. 2001) 87 Cal.App.4th 99.)

Basic data that would aid planning efforts are not discussed. These data gaps include:

1) What is the extent and type of habitat protected under conservation easements?
2) What conversions in habitat type have occurred since the last General Plan? For example, how much oak woodland acreage has been converted to intense agriculture such as vineyards?
3) Were past efforts by the County in protecting these natural habitats successful?
4) Are habitats that are not deemed ‘sensitive’ in jeopardy of significant reductions in size or quality?
5) What critical changes are likely to occur in these habitats due to climate change?

The description needs to identify critical changes that could occur in these habitats in the foreseeable future. With climate change, there is a high likelihood that the Sierra Nevada region will see higher temperatures, lower snowpack, and shifting distributions of plants and animals (Exhibit 4.4.2-1). Furthermore, some natural systems are more vulnerable to climate change than others. In a relevant vulnerability assessment of the Sierra Nevada (Exhibit 4.4.2-2), the vulnerability of seven Sierra Nevadan ecosystems and twelve Sierra Nevada species were evaluated. In a companion effort, adaptation strategies for these vulnerable resources were enumerated (Exhibit 4.4.2-3). Some of these strategies are suited for public forest lands; however, many are also applicable to private forest lands and could be used as mitigation for environmental impacts associated with the General Plan. Numerous approaches to climate change vulnerability assessment are available and have been used to provide for the protection of natural resources (Exhibit 4.4.2-4). The DEIR falls short of a reasonable analysis of the environmental setting without assessing the vulnerability of habitats and focal species within those habitats to climate change. The Final EIR should evaluate the vulnerability of the dominant habitat types and sensitive resource communities to climate change in Amador County.

Models of current vegetation versus projected vegetation under different climate change models (e.g. National Center for Atmospheric Research Community Climate System Model or Geophysical Fluid Dynamics Laboratory Coupled Climate Model) are readily available online (e.g. at the California Avian Data Center, http://data.prbo.org/ecd2/index.php?page=climate-change-distribution). What will be the likely changes in vegetative cover in Amador County with climate change? What impacts will the General Plan have on natural habitat and sensitive
habitats given changes in these habitats due to climate change? Please include this discussion in the Final EIR.

It is critical to evaluate these “cumulative impacts” of climate change and development. “Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines, sec. 15355.)

Woodland Habitats

On page 4.4-8 of the DEIR, blue oak woodland’s extent and plant community are described. Several species of oaks, particularly Blue Oak and Valley Oak, may not be naturally regenerating at rates that would maintain oak woodlands (Exhibit 4.4.2-5). In this study, eighty-six percent of the studied plots showed tree mortality outpaced sapling recruitment enough to suggest future net loss in canopy cover and tree density. The authors conclude,

“We believe that the stands we sampled represent a typical range of conditions in blue oak woodlands, and therefore our results indicate that poor regeneration rates may exist over large portions of the blue oak range. If such poor rates of regeneration persist over an extended period, the stand density and extent of blue oak woodlands are likely to decline over large portions of the existing range.”

Factors negatively affecting the natural regeneration of blue oaks have also been studied (Exhibit 4.4.2-6). In light of these factors, the authors list several management decisions that would support the natural regeneration of blue oaks. The DEIR fails to describe whether blue oaks in Amador County are regenerating at a sufficient rate to maintain stands. It also does not address factors that might inhibit the recruitment of oak saplings to mature trees. The final EIR should address natural blue oak regeneration, identify impacts to natural regeneration, and recommend mitigation that would improve natural regeneration.

While the DEIR notes the requirements of California Public Resources Code Section 21083.4 in the preservation of Oak Woodland (page 4.4-3), the effectiveness of past mitigation measures in Amador County is not discussed. Without an understanding of whether past measures have successfully avoided or reduced impacts to oak woodlands, it is uncertain that proposed mitigation (Mitigation Measures 4.4-4a, 4.4-4b on page 4.4-41) will avoid significant impacts. The Final EIR should address the effectiveness of past actions. In particular, the Final EIR should answer the following questions:

1) How many conservation easements for the protection of oak woodland have been enacted in Amador County? What is the acreage of those easements?
2) What is the success of oaks planted as part of mitigation on past projects? Have trees that have died been replaced as required by Section 21083.4? Does Amador County ensure that mitigation is successful by requiring appropriate maintenance? 
   a. What is the success of oaks planted as part of the Caltrans Hwy 49 bypass project? This mitigation project is clearly visible to most Amador residents and visitors. Has Caltrans maintained this mitigation effectively by replacing dead and diseased trees? Did Caltrans follow through on its mitigation obligations? This project is within the jurisdiction of the City of Sutter Creek but may act as an indicator of how successful mitigation is in Amador County.

3) Have any projects attempted restoration of oak woodlands? Were they successful? Did Amador County ensure that restoration met appropriate goals?

4) How much money has been contributed to the Oak Woodland Conservation Fund as part of mitigation for oak woodland impacts in Amador County? Has that money been used to purchase oak woodlands conservation easements in Amador County?

5) Has Amador County approved any Natural Community Conservation Plans that include oaks as a covered species? If so, please locate these on a map and evaluate their success with respect to compliance with Section 21083.4.

6) Has Amador County implemented any other mitigation measures to address the conservation of oak woodlands?

7) Has the County engaged with University of Cooperative Extension in educational outreach to promote actions by private landowners that will protect oak woodlands and encourage regeneration?

Oak are not only a species-rich ecosystem. Oaks also provide visual appeal and shade that can increase property value and reduce home energy costs. With over 50,000 acres of oak woodland in the county (DEIR, p.4.4-40), the health of oak woodlands is one of our most significant aesthetic and biological resources.

Wildlife

In the subsection Wildlife of the DEIR starting on page 4.4-10, the DEIR states, “The complex array of habitats in Amador County supports an abundant and diverse fauna because large tracts of land are covered by habitats known to have outstanding value for wildlife, such as mixed coniferous forests and oak woodlands.” The subsequent paragraphs provide examples of species occurring in different habitats in Amador County. A more rigorous data gathering effort is necessary to inform county planning. The discussion lacks important information on the status and trends of wildlife species, and on the habitat value and connectivity for wildlife. The Final EIR needs to evaluate current data, determine data gaps, and provide the best available information on wildlife status and trends and habitat connectivity. CEQA guidelines require an evaluation of impacts to biological resources that would substantially reduce habitat for fish or
wildlife species or interfere with movement of native resident or migratory fish or wildlife species.

On page 4.4-13, the DEIR describes annual grasslands as supporting lower wildlife diversity than woodland and shrub-dominated habitats. Grasslands bird species have been in decline across America for many years. Across the Great Plains, conservation easements have been important in avoiding further declines of these bird species. Loss of grassland habitat is significant (Exhibit 4.4.2-7). Amador County supports large expanses of grasslands, once common in the Central Valley, but now replaced by urban environments and intense agriculture. Rangeland can provide critical habitat to wildlife while supporting cattle production. Has Amador County promoted conservation easements in grasslands as beneficial to wildlife and to ranchers? Has the County engaged with University of Cooperative Extension in educational outreach to promote ranching and wildlife protection? Does the County participate in the California Rangeland Conservation Coalition’s efforts to provide payment for environmental services to ranchers?

Fisheries Resources

On page 4.4-13, the DEIR discusses fisheries resources, but neglects to mention the National Marine Fisheries Services’ recovery plan for salmonids in the Central Valley (Exhibit 4.4.2-8) which identifies the Mokelumne River above Pardee as a candidate for possible reintroduction of spring-run Chinook salmon and steelhead. The plan provides specific actions for recovery of steelhead and Chinook salmon runs in the Mokelumne River that should be included in the FEIR. Participation in landowner education, outreach, and restoration actions could be used as mitigation measures for significant environmental impacts. Please add these mitigation measures in the final EIR.

The DEIR (page 4.4-14) identifies several fish assemblages that are likely the most abundant in different streams in Amador County. The DEIR lacks any information on the status or trends in those fish assemblages. What is the condition of the four fish assemblages that occur in Amador County? Are rivers, streams and lakes in the county meeting water quality standards that protect cold and warm water fishes per Porter-Cologne Water Quality Control Act and the Clean Water Act? What land uses are impacting water quality? Are the fisheries sufficient to provide recreational opportunities in the county? Most of the foothill creeks dry up in the summer months. Have fish populations been eliminated or substantially reduced because of reduced flows and/or water diversions? The Mokelumne River has numerous diversions, dams, and hydroelectric facilities. What impacts have they had on fish populations? What is the status of fish assemblages in the Cosumnes River?
Ione Chaparral Plants

The Ione chaparral, ‘one of Amador’s most unique biological resources’ (p.4.4-17) is impacted by numerous factors, including loss of habitat, surface mining, plant disease, road widening, illegal OHV use, residential development, utility maintenance and fire suppression (Appendix C of the DEIR). The DEIR notes that Ione chaparral is mapped on 1,196 acres in Amador County. However, Appendix of C of the DEIR states, “The distribution of Ione manzanita was mapped in GIS by consultant Tiffany Meyer using aerial photographs at a minimum mapping unit of 100 acres. Her mapping identified 17 patches that total 4,700 acres.” Please explain the discrepancy in acreage estimates. The DEIR does not indicate how much Ione chaparral would be potentially threatened by incompatible land uses. Please provide current and proposed acreage in Ione chaparral that is designated as Mineral Resource Zone, Residential, Agricultural, Industrial, and Commercial. Within this analysis, acreage designated as Tier One and Tier Two Ione Chaparral (as defined in Appendix C of the DEIR) should be noted. An EIR must describe the physical conditions and environmental resources within the project site and in the project vicinity, and evaluate all potential effects on those physical conditions and resources. (County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 952 [91 Cal.Rptr.2d 66].)

Special-Status Wildlife

Six federally listed threatened or endangered animal species are listed in the DEIR (p.4.4-18). No discussion of the status of Valley Elderberry longhorn beetle, California red-legged frog or Central Valley steelhead is provided. Please identify the status and distribution of these species. What is being done to protect these species in Amador County? What is the success of current mitigation measures in avoiding the incidental take of these listed species and in the protection of their habitat? Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the EIR adequately investigated and discussed the environmental impacts of the project. (See Cadiz Land Co., Inc. v. Rail Cycle, L.P. (2000) 83 Cal.App.4th 74, 92, 99.)

California Tiger Salamander and Northern Hardpan Vernal Pools

The DEIR (p.4.4-18) notes that the California Tiger Salamander inhabits vernal pools and adjacent upland areas in western Amador County. The USFWS (70 FR 49379-49458, August 23, 2005) designated 1,506 acres of critical habitat within Amador County that is part of a larger unit that extends into Sacramento County where jurisdictions are working on the South Sacramento Habitat Conservation Plan. This Plan includes significant effort in mapping special status species, including the California Tiger Salamander. Amador County could benefit from these planning efforts. Did Amador County contact the municipalities involved in this Conservation Plan to coordinate and enhance conservation measures across the county line? What measures are currently being undertaken to avoid taking of this federally-listed species?
Has the County worked with landowners, resource agencies, or environmental organizations to acquire and preserve critical habitat for the California Tiger Salamander? Will increased traffic on Highway 88 affect migration of juvenile California Tiger Salamander? Has CalTrans been consulted on possible mitigation for effects of the Highway which transects critical habitat for the California Tiger Salamander? Please address these issues in the Final EIR.

To what extent will activities in the General Plan Update impact California Tiger Salamander and vernal pools? Tiger Salamanders have been documented in Vernal Pool grasslands in areas of the community slated for mixed-use development in the Camanche Village SPA, along the western county line, and in areas immediately north of Highway 104 proposed for industrial and mining land uses (DEIR, p. 4.4-34). The DEIR goes on to comment on the significance of this impact, “Because implementation of the Draft General Plan would result in industrial development and mining in high quality vernal pool habitat, vernal pool species such as vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, Tuolumne button celery, and pincushion navarretia that are at moderate to high risk of extinction due to a restricted range, low numbers of existing populations statewide, and widespread habitat declines, would be especially vulnerable to the threats of habitat loss that would result from implementation of the Draft General Plan.” How many acres of vernal pool grassland will be impacted from mining, industrial activities, or mixed-used development in the Camanche Village SPA? Vernal pools are also lost when grazing rangeland is converted to intensive agriculture such as orchards or vineyards. To what extent will the conversion of rangeland to intensive agriculture affect vernal pool habitat? How will these impacts be mitigated?

It appears that the County has not evaluated an alternative that would acquire vernal pool acres and provide permanent protection in a vernal pool preserve. As noted below, the USFWS annually provides grant funds, under the Cooperative Endangered Species Conservation Fund, for the acquisition of lands that would protect federally-listed species. Please provide more detailed information on impacts and include an alternative in the final EIR that creates Vernal Pool preserves or provides a mechanism for the creation of vernal pool preserves. (See also in these DEIR comments, Terrell Watt, Matrix of Recommended Mitigation Measures.)

On page 4.4-21, Table 4.4-3 provides a list of Special-Status wildlife species known to occur or potentially occur in Amador County. This list needs to include additional species that are on the CDFW’s list of state and federally listed threatened and endangered animals of California (Exhibit 4.4.2-9) and California Bird Species of Special Concern (Exhibit 4.4.2-10). These species have been observed in Amador County. Observations of bird species by amateur birders or professional ornithologists have been added to Cornell’s public access database called eBird (eBird.org) which is accessible online. USFS and Sierra Pacific Industries assess and map PACs for threatened and endangered species on their lands. Please work with them to determine the...
status and distribution of listed species in the montane sections of Amador County. Are current land use practices, BMPs, and mitigation measures protecting special-status species on private forest lands?

The Final EIR should include these special status species and address impacts to them:

1) Barrow’s Goldeneye – known to winter in small numbers along with Common Goldeneyes at the Lone Wastewater Treatment Plant
2) Common Loon – known to winter on lakes, particularly Camanche and Pardee Reservoirs
3) American White Pelican – observed year around at various locations
4) California Spotted Owl – present in conifer forests and PACs identified by the USFS in Amador county
5) Vaux’s Swift – uncommon throughout the county with observations at higher elevations suggesting possible breeding
6) Olive-sided Flycatcher – nesting species in conifer forests
7) Yellow Warbler – Neotropical migrant nesting along major drainages like the Mokelumne River
8) Northern Goshawk – present in conifer forests and PACs identified by the USFS in Amador County
9) Yellow-breasted Chat – Neotropical migrant nesting along major drainages like the Mokelumne River
10) Yellow-headed Blackbird – individuals have been uncommonly observed in flocks of other blackbirds.
11) Willow Flycatcher – migrates through Amador County. Breeding populations in the Sierra have seriously declined despite efforts to restore montane meadow habitat

One additional secretive species, the Grasshopper Sparrow, has not been reported in Amador County, but has been observed in rangeland of Sacramento and Calaveras counties. This species could occur in Amador County and should be added to the list.

Deer Migration Corridors

The DEIR (p.4.4-29) suggests that ‘no established migration corridors have been identified in Amador County.’ It goes on to note that deer range in eastern Amador County has been identified by the USFS. This higher elevation range occurs at elevations of 4,000-9,000 feet and is critical summer range and fawning areas. However, critical winter range is at lower elevations of 2,000-4,000 feet. This information indicates a significant upslope and downslope migration through corridors in Amador County. The CDFW modeled habitat connectivity for focal species in the Sierra Nevada as part of the Sierra Nevada Foothills Wildlife Habitat Connectivity Modeling Project (Exhibit 4.4.1-2). Mule deer was one of the focal species and the connectivity
model is online at CDFW’s BIOS. This report notes that, “The foothills ecoregion represents an important movement corridor between the low elevations of the Central Valley and the mountains of the Sierra Nevada. The foothills provide key habitat areas for species such as mule deer that migrate seasonally between high elevations in the Sierras during the summer and lower elevations in the foothills during the winter. (p. 1)” Least-cost corridors for wildlife movement between intact natural landscape blocks were determined. The mule deer corridors appear to follow stream drainages throughout Amador County. If so, protection of the riparian habitat could benefit mule deer as well. The Final EIR should evaluate adverse effects on these corridors. Mitigation measures that avoid significant impacts to riparian habitat and mule deer corridors should be developed.

The DEIR fails to assess the status and distribution of mule deer on private forest land since it assumes that critical summer range and critical fawning areas ‘would largely occur on National Forest lands managed by USFS’ (p.4.4-29). Since these areas are not mapped, no evidence is provided to justify this statement. Please determine if private forest landowners have programs to protect these critical areas. In addition, it is important that the Final EIR determines appropriate mitigation measures for protection of these areas on privately-owned lands.

4.4.3 IMPACTS AND MITIGATION MEASURES

Thresholds of Significance

The DEIR’s thresholds of significance (p. 4.4-33) are so broad that they provide no meaningful measure for determining what impacts would be substantial or significant. The DEIR merely quotes the Thresholds of Significance from Appendix G of the State CEQA Guidelines. No quantitative thresholds of ‘substantial adverse effects’ or ‘significant effect’ are provided. No performance-based thresholds are described. This is not protective of the county’s rich biological resources. It also provides little guidance to project applicants that are required to comply with the General Plan.

For sensitive species, the EIR needs to provide identifiable quantitative, qualitative or performance level measures of substantial adverse effects. (See CEQA Guidelines, Section 15064.7, subd. (a).) Is the substantial adverse effect based on a certain percent loss of habitat? Is it based on degradation of habitat? Is it based on maintaining a certain number of populations of sensitive species? Will the level of significance depend on which sensitive species is being addressed? Examples of planning efforts that have tackled the quantification of sensitive species thresholds include the Tahoe Regional Planning Agency’s (TRPA) development of Environmental Threshold Carrying Capacities (Exhibit 4.4.3-1). The numerical standard for sensitive species states, ‘Provide a minimum number of population sites and disturbance zones
for the following species’ and then lists the sensitive species, the number of population centers and the disturbance and influence zones around those population centers.

The threshold of significance for sensitive plant communities, riparian habitat, wetlands and meadows should be a nondegradation standard. This would ensure compliance with the Clean Water Act and policies and regulations of the CDFW and/or USFWS. An example of a nondegradation standard is, “A nondegradation standard shall apply to significant wildlife habitat consisting of deciduous trees, wetlands, and meadows while providing for opportunities to increase the acreage of such riparian associations (Exhibit 4.4.3-1, p. 15).

The DEIR does not include quantitative thresholds of significance for oak woodlands (p. 4.4-33) even though conservation organizations and resource agencies have developed qualitative and quantitative standards for the protection of oak woodlands. The California Oak Foundation’s Oak Woodland Conservation Ordinance (http://www.californiaoaks.org/ordinance.html) recommends:

“A project’s disturbance of oak woodland habitat or dependent species would be considered significant if any of the following occur:

- Reduce or eliminate species diversity or abundance;
- Reduce or eliminate quantity or quality of nesting areas;
- Fragment, eliminate or otherwise disrupt foraging areas or access to food sources;
- Limit or fragment range or movement of species; or
- Result in a loss of 25 percent or more of the existing tree canopy cover on the project site. For example, if a project site had 32 percent existing canopy cover the removal of more than 8 percent of the canopy cover would be considered significant.”

Additional guidance on determining thresholds of significance and appropriate mitigation measures is readily available but not used in development of the DEIR. A decision matrix, Oak Woodland Impact Decision Matrix (Exhibit 4.4.3-2) should be used to develop a more quantifiable threshold and more appropriate mitigation measures in the Final EIR. The goal of this matrix is stated,

“The University of California (UC) Integrated Hardwood Range Management Program (IHRMP) convened a working group comprised of the California Department of Fish and Game, the California Department of Forestry and Fire Protection and the Wildlife Conservation Board (WCB). The purpose of the working group was to develop information to assist county planners with the process of determining project significance including, what types of projects fall under the purview of the law, what constitutes a “significant impact,” compliance standards,
effective strategies to conserve oak woodlands and how to determine suitable, appropriate mitigation.”

IMPACT ANALYSIS

Impact. 4.4-1 Adverse effect on special-status species

As we explained in our scoping comment, “The environmental effects that must be considered in an EIR include, direct and indirect effects, short and long-term effects, physical changes in an area, potential health and safety problems, changes in ecological systems, changes in population distribution and concentration, changes in land use, effects on public services, and effects on natural resources including water, scenic beauty, etc. (CEQA Guidelines, sec. 15126.2, subd. (a).)” (Foothill Conservancy Scoping Comment, Chapter 1, p. 7, emphasis added.)

The DEIR does not indicate an environmentally superior alternative that would protect a greater portion of special-status species in Amador County from incompatible land uses. The DEIR fails to address impacts to numerous special-status species, including but not limited to the following federally and state endangered, threatened or candidate species that are listed in Table 4.4-3:

1) Valley elderberry longhorn beetle,
2) Central Valley steelhead
3) Chinook Salmon
4) Sacramento-San Joaquin roach
5) Sacramento splittail
6) Hardhead
7) California red-legged frog
8) Mountain yellow-legged frog
9) Foothill yellow-legged frog
10) Yosemite toad
11) Western spadefoot
12) Tricolored Blackbird
13) Golden Eagle
14) Burrowing Owl
15) Swainson’s Hawk
16) Northern Harrier
17) White-tailed Kite
18) Loggerhead Shrike
19) Peregrine Falcon
20) Bald Eagle
21) Bank Swallow  
22) Pallid bat  
23) Sierra Nevada mountain beaver  
24) Wolverine  
25) Pacific fisher  
26) Sierra Nevada red fox.

The DEIR does not address impacts to the Tricolored Blackbird (*Agelaius tricolor*) which was emergency listed by the California Fish and Game Commission in December 2014. Tricolored Blackbirds’ primary geographical range is the Central Valley and surrounding foothills. The species requires open water, a protected nesting site in cattails, marshes, blackberry bushes, triticale fields, or stinging nettle patches, and a foraging habitat with high densities of insects (Exhibit 4.4.3-3). Significant habitat loss has resulted in a substantial reduction in its population and its reproductive success.

Amador County hosts several locations where Tricolored Blackbirds have nested, and two locations are mapped on Exhibit 4.4-4 of the DEIR. One large colony of Tricolored Blackbirds in western Amador County is not mapped. The colony location near Dave Brubeck Road, surveyed during the statewide efforts conducted by the Tricolored Blackbird Portal (http://tricolor.ice.ucdavis.edu), has not been made available to the public because of its location on private property (Robert Meese, Tricolored Blackbird Portal, personal communication). Colony size is significant and may be valuable to the recovery of this endangered species. Please determine the location of this Tricolored Blackbird colony by contacting staff at the Tricolored Blackbird Portal. This location should be included in the final EIR.

Impacts regarding the land use designations where Tricolored Blackbird colonies exist have not been addressed in the DEIR. These designations should be consistent with the species protection as required by the California Endangered Species Act (CESA). The DEIR indicates that the colony near Dave Brubeck Road may be adjacent to or within a Mineral Resource Zone, a land designation that would likely imperil the colony if nesting habitat, open water, and appropriate foraging habitat are disturbed. Every effort should be made to avoid the taking of Tricolored Blackbirds in Amador County. Possible mitigation measures to protect this species should be worked out with the CDFW and Tricolored Blackbird Portal biologists. Possible mitigation measures are conservation easements, agreements with the landowner regarding protection measures, funding landowners for costs incurred in species protection, or implementation of regulatory protective measures developed by CDFW under the CESA. (See also in these DEIR comments, Terrell Watt, *Matrix of Recommended Mitigation Measures.* )

4.4-15
Significant impacts to biological resources and sensitive species are expected after implementation of Mitigation Measures 4.4-1a and 4.4-1b (page 4.4-36). Both these measures rely on proposal-specific mitigation measures. This piecemeal approach is likely to promote cumulative degradation to habitat protection. The DEIR (p. 4.4-36) notes this problem and concludes that, “Implementation of Mitigation Measures 4.4-1a and 4.4-1b would reduce impacts on special-status species resulting from implementation of the Draft General Plan by requiring the consideration of special-status species habitat in site selection, and by implementing mitigation in accordance with regulatory guidance and the best available science. Complete avoidance of all impacts would not be possible because special-status species are expected to occur on land which would transition to developed land uses under the Draft General Plan. Similarly, although these mitigation measures would lessen reduction in wildlife habitat and help prevent substantial reductions in the number or restrictions to the range of endangered and threatened species, substantial reductions in habitat could still occur. This impact would be significant and unavoidable. No additional feasible mitigation measures are available.”

This conclusion is surprising since the Biological Resources General Plan Update Working Paper (Exhibit 4.4.1-3, p.44) suggested that regional habitat conservation planning might be particularly efficient at conserving sensitive species, “The County may wish to explore the option of regional habitat conservation planning, which has proven to be a more efficient means of addressing the conservation needs of several listed species while still providing opportunities for growth and economic development.” We agree with recommendations from the Working Paper for the protection of wetlands, riparian habitat, and other sensitive communities. It notes (p. 44),

“Future residential, commercial, and infrastructure development and expansion of agricultural or mining activities have the potential to directly remove, degrade, or fragment sensitive habitats. These habitats can be protected and preserved by establishing preserves and protecting areas that are particularly environmentally sensitive.

“The County may wish to consider adopting goals and policies to:

- protect sensitive habitats and preserve areas that could be enhanced or restored, and therefore serve as mitigation sites for projects that are unable to accommodate on-site preservation;
- establish buffers and special setbacks that protect wetland and riparian areas; and
- integrate rivers, streams, lakes, ponds, and wetlands within new development to enhance the aesthetic and natural character of project sites while avoiding or minimizing disturbance of resources and limiting fragmentation.”

4.4-16
Please consider mitigation measures that address the three bulleted points above and include them in the final EIR.

As noted in our scoping comments, "When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures until a specific project is proposed. (Citizens for Quality Growth v. City of Mount Shasta (3 Dist. 1988) 198 Cal.App.3d 433, 442 [243 Cal.Rptr. 727].)" (Foothill Conservancy Scoping Comment, Chapter I, p. 9.) "A program EIR is supposed to, ‘Allow a 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.’ (CEQA Guidelines, sec. 15168.)" (Foothill Conservancy Scoping Comment, Chapter I, p. 16.)

To avoid significant impacts to biological resources, the County should develop a countywide Biological Resource Plan that provides for the management and preservation of biological resources in the county. The Plan should integrate Habitat Conservation Plan/Natural Community Conservation Plan for sensitive communities that harbor threatened or endangered species. Appropriate Habitat Conservation Plan/Natural Community Conservation Plan would address federal or state-listed biological resources including 1) Vernal Pool Ecosystems, 2) lone Chaparral, 3) Tricolored Blackbirds, and 4) other special status-species habitats.

The Biological Resource Plan should center on providing habitat in quantity and quality sufficient to ensure long-term viability of key biological resources. The Plan would need to:

- Assess, map, manage and monitor critical habitat for sensitive species (threatened, endangered, and special status) and sensitive natural communities
- Assess, map, manage, and monitor habitat connectivity for key biological resources using available resources like the Sierra Nevada Foothills Wildlife Connectivity Modeling Project (Exhibit 4.4.1-2)
- Provide a process for acquiring funds for the purchase of land from willing sellers for critical habitat
- Develop educational programs to promote resource protection and promote conservation easements
- Provide appropriate frameworks for working with resource agencies (e.g. USFWS, CDFW, and USFS) and neighboring counties (e.g. El Dorado, Sacramento, Calaveras, San Joaquin) on the regional protection of biological resources and connectivity patterns.
Since sensitive-species and other wildlife move between different habitat types to meet their needs for food and reproduction, connecting important habitat is critical to their survival. It is important that critical biological corridors (or habitat connectivity) are identified, mapped and prioritized. As previously mentioned, the Sierra Nevada Foothills Wildlife Connectivity Modeling Project has developed maps within Amador County of natural landscape blocks and least-cost corridors for wildlife movement. Another planning effort could also be used as a model for prioritizing key habitats and connectivity between those habitats. In Safe Passages: Local and Regional Wildlife Habitat Connectivity Planning (Exhibit 4.4.3-4), local planners, academics, and resource agency staff developed and prioritized habitat connectivity areas around the city of Riverbank along the Stanislaus River. The methodology uses available GIS data and is readily transferrable to other planning efforts. We recommend that this type of effort is feasible mitigation when combined with conservation easements. Habitat connectivity modeling should be required as part of the Biological Resources Plan.

The DEIR does not contain mitigation measures that would provide the infrastructure within the county government to protect biological resources and avoid significant impacts to biological resources. The County should establish a Biological Resources Technical Advisory Committee to advise the Planning Commission and Board of Supervisors on planning issues with regards to plant and wildlife protection, mitigation and monitoring, and funding for conservation and habitat protection and acquisition measures. The Biological Resources Technical Advisory Committee would develop and implement the countywide Biological Resource Plan and specific Habitat Conservation Plans. This committee should develop and provide landowners with educational information and guidance on protecting natural resources on their property. The County needs to use plan amendments and zoning ordinances to retain the most contiguous blocks of significant plant and wildlife habitat. Habitat connectivity should be protected in the land-use planning decision process through consultation with CDFW, USFS, BLM, USFWS, SWRCB, and the County Biological Resources Technical Advisory Committee. Habitat Conservation Plans and the Biological Resources Technical Advisory Committee should be included in the Final General Plan.

Funding for habitat conservation planning and land acquisition to protect federally-listed species is available through the USFWS’s Cooperative Endangered Species Conservation Fund (CESCF). In its press release for 2015 grant proposals (http://www.fws.gov/news/ShowNews.cfm?ID=629E5E63-C13A-DD96-B20310FA3490D2F), the USFWS noted that it “is seeking proposals in three categories: Recovery Land Acquisition Grants, which provide funds for the acquisition of habitat in support of approved and draft species recovery plans; Habitat Conservation Planning Assistance Grants, which provide funds to support the development of Habitat Conservation Plans (HCPs) that protect habitat for listed species while providing for economic growth and development; and HCP Land Acquisition Grants.”
Grants, which provide funds to acquire habitat for listed species associated with approved HCPs.”

In 2011 the South Sacramento Habitat Conservation Plan (http://www.per.saccounty.net/PLANSANDPROJECTSIN-PROGRESS/Pages/SSHCPPlan.aspx) was awarded $994,500 to support ongoing planning to protect high-quality species habitat adjacent to western Amador County. Congressman Dan Lundgren was quoted at the time, “The SSHCP is an important planning document for the Sacramento region; one that will protect and enhance Sacramento County’s unique natural resources while allowing the region to achieve carefully planned economic development. I am pleased that our region was awarded this grant to continue its work on this important project” (See http://sacramentopress.com/2011/08/29/south-sacramento-habitat-conservation-plan-receives-994500-federal-grant/).

The draft South Sacramento Habitat Conservation Plan is particularly useful to Amador County planning as it covers land types, several sensitive natural communities, and sensitive species that are also present in western Amador County. A significant effort was undertaken to map sensitive resources, determine priority conservation areas, develop appropriate mitigation ratio multipliers, and appropriate setbacks from conservation areas (see Chapter 7 of the plan, Exhibit 4.4.3-5). It also identified land uses and activities that might benefit sensitive species. This effort could provide a valuable jump-start to Amador County in reducing impacts to less-than-significant for many special-status species.

**IMPACT 4.4-2 Substantial adverse effect on riparian habitat, a sensitive natural community**

Riparian habitat losses are expected to occur in the Drytown Area along Dry Creek, in the River Pines Town Center along the Cosumnes River, and in the Pine Grove Town Center along Jackson Creek (DEIR, p. 4.4-37). If new Town Centers are developed, they should completely avoid riparian areas and a sufficient buffer should be developed to protect the riparian corridor and its vegetation (see below). Additional impacts to riparian habitat that are noted in the DEIR include “infrastructure and road improvements, development of roads, water diversions, and other projects” (DEIR p. 4.4-37). Please indicate in the Final EIR what and where these new roads and water diversions would take place and define the impact they might have on riparian habitat. The locational details regarding this infrastructure should be in the Circulation Element of the Draft General Plan. If these cumulative impacts are not addressed in this EIR, they may never be addressed. Without including the impacts of the related infrastructure, the severity and significance of the cumulative impacts on wildlife will be inadequate. (See Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 869; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 723.) Irrigated agriculture and ranching
may also impact riparian habitat if riparian vegetation is removed by grazing or mechanical means. New homes on rural lots could also affect riparian corridors. Since riparian habitat can be impacted by numerous activities, it seems appropriate and feasible to provide countywide guidance on protecting riparian habitat. Setbacks and buffers for wetlands and riparian habitat, developed with the assistance of CDFW, could be incorporated into County ordinance. This mitigation would be feasible and provide clear and consistent guidance to developers and landowners.

County policies or ordinances on riparian setbacks have been adopted by several counties in California, including San Joaquin, San Luis Obispo, Marin, and Santa Cruz counties. For example, San Joaquin County provides clear language in county ordinance regarding an appropriate setback (Exhibit 4.4.3-6, p.5):

"9-1510.5 NATURAL BANK BUFFER.

Parallel to any natural bank of a waterway, a natural open space for riparian habitat and waterway protection shall be maintained to provide nesting and foraging habitat and the protection of waterway quality. The minimum width of said open space shall be one-hundred (100) feet, measured from the mean high water level of the natural bank or fifty (50) feet back from the existing riparian habitat, whichever is greater. Water-dependent uses may be permitted in this buffer. (Ord. 3675)"

Avoiding riparian habitat loss is preferable to compensation as the DEIR provides no assessment of the success of riparian habitat compensation in Amador County. Riparian habitat lost in Amador County should not be mitigated by mitigation banking outside the county. The Cosumnes Floodplain Mitigation Bank (DEIR, p. 4.4-38) lies in Sacramento County and provides little or no protection to wildlife using riparian habitat in Amador County. Is the County recommending that a mitigation bank be established in Amador County?

The DEIR should assess potential riparian habitat loss from the land use designations of Mineral Resource Zones. Since mining may lower the water table, riparian habitat could be lost and streambeds downcut when the groundwater table is lowered. This impact may not be mitigated by riparian setbacks or buffer zones. Please evaluate the potential impact and identify appropriate mitigation.

The DEIR does not assess riparian habitat loss from agricultural lands. While land use designations may not have changed since the last General Plan, the nature of agriculture and the increase in vineyards clearly has. How has agriculture affected riparian corridors? How has the County encouraged agribusiness to protect riparian habitat? Measures that provide financial
incentives for riparian habitat protection should be evaluated. Solano County’s General Plan provides a policy that requires the development of an “agricultural riparian incentive program that encourages farmers and ranchers and other landowners to maintain or create riparian habitat along streams, creeks, canals, and wetlands.” (Exhibit 4.4.3-7, p. 20). Funding mechanisms, including grant funds, could be pursued with the support of resource agencies, conservation groups, and land trusts. These organizations could also help developing strategies (e.g. payment for ecological services, purchase of conservation easements or riparian areas) to pay farmers and ranchers for habitat protection. Please address this mitigation option in the Final EIR.

**IMPACT 4.4-3 Substantial adverse effects on Lone Chaparral**

The DEIR notes that, “Impacts to lone chaparral would result primarily from mining of the lone formation, but could also result from incremental loss of this community due to industrial and urban development and infrastructure projects” (p.4.4-39). The DEIR does not indicate an environmentally superior alternative that would protect a greater portion of the lone chaparral from incompatible land uses. Please evaluate the feasibility of modifying land uses in lone chaparral. As the DEIR notes, the most incompatible land uses would be Industrial, Commercial, and Mineral Resource Zone. Resource agencies (BLM, CDFW) and non-profit organizations (The Nature Conservancy, Amador Land Trust) have shown interest in protecting lone chaparral. What is the current status of efforts to acquire lone chaparral for protection? Is it feasible for the County to participate in future efforts to acquire land for the protection of lone chaparral?

Since this resource is sensitive and threatened, it is even more important to evaluate if past project-specific mitigation measures have been successful. Did the county require mitigation measures protecting lone chaparral when approving residential development, mining operations, road widening or utility development since the focus plan was adopted in 2003? Has any lone chaparral on private property been placed in conservation easements? Did the county require 2:1 or greater compensation to prevent cumulative loss of habitat? And if so, what acreage has been protected and what acreage has been destroyed? What BMPs were developed and were they successful? Has the county successfully developed educational materials for landowners that would help protect lone chaparral on private land? What track record does the county have in protecting this sensitive plant community? "Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent’s prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent’s promises in an EIR." *(Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 420 [253 Cal.Rptr. 426].)
The DEIR suggests that project applicants submit mitigation plans for unavoidable impacts to lone chaparral (page 4.4-39). We believe that the preferred mitigation would be avoidance. Since so little habitat currently exists, all lone chaparral needs to be protected. As noted in the Lone Chaparral Focus Plan (see Appendix C of the DEIR),

"The minimum viable size patch for lone chaparral is unknown. Roy Woodward suggests that at least 75% of existing lone manzanita and all remaining lone and Irish Hill buckwheat occurrences need to be protected in order to attempt to ensure the species' long-term viability. Because of the root fungus that is affecting lone manzanita, it will be important to protect an assemblage of unconnected sites. Those sites located farther from roads and less accessible to people have so far proven to be less susceptible to the fungus."

The DEIR does not analyze the feasibility of avoiding mining on lone chaparral. This feasibility study should be included in the final EIR. Please evaluate an environmentally superior alternative that would modify the land uses in lone chaparral to ensure its protection.

The DEIR goes on to note that, "Mitigation may include replanting and enhancement of degraded stands of lone chaparral. However, because it is difficult to rehabilitate land to support lone chaparral once it has been mined, planting and enhancement will be combined with preservation to help ensure the loss of habitat is compensated (p. 4.4-39)." Please provide the research that indicates that replanting and enhancement of degraded stands of lone chaparral is a viable alternative. If planting and enhancement are not known to be effective, then preservation is the only feasible mitigation. The administrative record must contain substantial evidence supporting the agency's view that the measures will mitigate the impacts. "A clearly inadequate or unsupported study is entitled to no judicial deference." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California, (1988) 47 Cal.3d 376, 422 & 409 fn. 12 [253 Cal.Rptr. 426]).

The impact to lone chaparral even after implementation of mitigation measures is expected to be significant and unavoidable (p. 4.4-40). This significant impact is justified because 'mining activities directly depend on the same substrates where this plant community grows.' Lone chaparral includes several federally-listed threatened and endangered species. It seems clear that the significant and unavoidable impacts to lone chaparral result in the taking of these species. No information is provided in the DEIR to indicate that the USFWS was consulted and that they permitted the incidental taking of these listed species. Section 10 of the ESA requires the submission of a habitat conservation plan prior to taking of listed species. The DEIR does not contain a Habitat Conservation Plan or recommendations for developing a countywide Habitat Conservation Plan for lone chaparral. Development of this plan seems feasible and may ensure
that cumulative adverse impacts to Ione chaparral are avoided. Consultation with CDFW and USFWS would ensure standardized BMPs are available to project applicants.

**Impact 4.4-4 Substantial adverse effect on oak woodland, a sensitive natural community**

Fragmented oak woodlands have less biological richness than large connected woodlands. Fragmentation and loss of species diversity cannot be addressed by project-specific mitigation. Mitigation measures identified in the DEIR are project-specific, will result in fragmentation, and do not reduce the impacts to less-than-significant levels. To mitigate against fragmentation of oaks, the County needs to develop an Oak Woodland Conservation Plan that provides for the long-term conservation of oak woodlands. A similar conclusion was drawn in the Biological Resources General Plan Update Working Paper (Exhibit 4.4.1-3, p.43),

> “Goals to achieve oak woodland conservation can be tied to successful preservation of habitat for wildlife through countywide conservation planning such as habitat conservation planning and natural community conservation planning strategies or through nonregulatory frameworks such as County policy. Under these strategies, oak woodlands can be preserved as open space and habitat for wildlife, while also being managed as working landscapes for livestock grazing and limited firewood harvesting. Ranchers and landowners of large tracts of land who are willing to conserve natural and agricultural resources can be compensated for participating in this type of planning.

> “The County may wish to consider adopting goals and policies that prioritize conservation of oak woodlands as the most effective strategy for preserving wildlife habitat. The County may also consider applying for funding from the WCB to develop and implement a countywide oak woodland management and conservation plan, obtain funding to purchase conservation easements, and conduct outreach and education efforts.”

El Dorado County required the development of an oak woodland conservation plan in its General Plan and the draft plan is available for review (Exhibit 4.4.3-8). The goals set forth in their plan helped El Dorado County mitigate adverse significant impacts to oak woodlands. These goals are:

> • Mitigate oak canopy removal by providing flexibility through a range of on-site and off-site mitigation alternatives;
> • Establish a Conservation Fund In-Lieu Fee that is sufficient to fully fund the mitigation program;
• Identify Priority Conservation Areas (PCAs) within large expanses of contiguous oak woodland habitat where conservation easements may be acquired from willing sellers to offset the effects of increased habitat loss and fragmentation elsewhere;
• Focus conservation easement acquisition efforts within areas not currently fragmented and which are unlikely to become fragmented through implementation of the General Plan;
• When weighing acquisition opportunities for conservation easements, generally maintain the relative acreages of all five oak woodland California Wildlife Habitat Relationship (CWHR) types (Valley Oak Woodland, Blue Oak Woodland, Blue Oak-Foothill Pine, Montane Hardwood Woodland, and Montane Hardwood-Conifer Woodland), but emphasize conservation of Valley Oak Woodlands, considered a “sensitive habitat” due to its relative rarity in the county;
• Encourage voluntary conservation and management of oak woodlands, including sustainable ranching and farming operations within working landscapes;
• Provide incentives (e.g., grants or cost-sharing for fuels/fire risk management) for the voluntary protection of oak woodlands providing superior wildlife values on private land
• Provide oak woodland conservation guidance to private landowners and County planners through education and outreach
• Enhance oak woodland conservation by connecting acquisitions from willing sellers with existing open space, including publicly-owned lands that are managed for oak woodland habitat values (e.g., ecological preserves, recreation lands, rangelands, or natural resource areas) consistent with the County’s open space conservation goals
• Establish a database inventory of interested buyers and willing landowners wishing to participate in oak woodland acquisition and management mitigation options.”

We provide these goals as a framework for developing feasible and effective mitigation measures in the Final EIR.

CEQA requires agencies to adopt feasible mitigation measures in order to substantially lessen or avoid otherwise significant environmental effects. (Pub. Resources Code, secs. 21002, 21081, subd. (a); CEQA Guidelines, secs. 15002, subd. (a)(3), 15021, subd. (a)(2), 15091, subd. (a)(1).) As noted in our scoping comments, “When approving projects that are general in nature (e.g., general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures until a specific project is proposed. (Citizens for Quality Growth v. City of Mount Shasta (3 Dist. 1988) 198 Cal.App.3d 433, 442 [243 Cal.Rptr. 727]).” (Foothill Conservancy Scoping Comment, Chapter 1, p. 9.) “A
program EIR is supposed to, 'Allow a 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.' (CEQA Guidelines, sec. 15168.)'' (Foothill Conservancy Scoping Comment, Chapter 1, p. 16.) Certification of EIR without adoption of a feasible mitigation measure is an abuse of discretion under CEQA. Adopting a statement of overriding considerations does not justify certification of the EIR absent adoption of the mitigation measure. (City of Marina v. Board of Trustees (2006) 39 Cal.4th 341.)

Since El Dorado County is mapping Oak Woodland Priority Conservation Areas (Exhibit 4.4.3-9), coordinating oak woodland conservation in Amador County with El Dorado County would ensure greater habitat value for contiguous oak woodland on the northern border of Amador County.

**Impact 4.4-5 Substantial adverse effect on federally protected wetlands**

Mitigating the impacts to wetlands is based on project-specific measures and project compliance with regulations under the Clean Water Act. The DEIR notes that the County will require project applicants to commit to replace, restore, or enhance on a ‘no-net-loss’ basis the acreage of all wetlands that would be removed.

The administrative record must contain substantial evidence supporting the agency's view that the measures will mitigate the impacts. "A clearly inadequate or unsupported study is entitled to no judicial deference." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 422 & 409 fn. 12 [253 Cal.Rptr. 426.]).

For vernal pool habitat, the DEIR provides no scientific justification that vernal pool habitat has been or could be "replaced, restored, or enhanced" in Amador County. Has any vernal pool habitat been successfully replace, restored or enhanced in the County? Is there a vernal pool ‘mitigation bank’ in Amador County? Where would this be? Would the County require replacement of adjacent upland grassland habitat that is important to California Tiger Salamanders? Is the Army Corp of Engineers 404 permitting process successful in addressing cumulative impacts or meeting the CWA requirement of 'no-net-loss'? How will the County follow-up on mitigation requirements to ensure their success? Cumulative impacts from vernal pool mitigation and lack of monitoring success hamper the effectiveness of mitigation banking (Exhibit 4.4.3-10). "Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 420 [253 Cal.Rptr. 426.]).
The uncertainty associated with losses from replacement of vernal pools indicates that avoiding vernal pool loss is preferred. If vernal pools are present in rangeland, then conversion of that rangeland to intensive agriculture should trigger mitigation requirements under the ESA, CESA, and the Clean Water Act. The final EIR should provide an alternative that avoids conversions of vernal pools.

The DEIR notes that mitigation banking for wetlands should occur first at locations that have demonstrated functionality. While we agree that this is critical to mitigation success, the example provided, the Cosumnes Floodplain Mitigation Bank is in Sacramento County. The County should pursue wetland preserves within its boundaries. Has the County identified any landowners, land managers, or land trusts that provide mitigation for wetlands? These efforts should precede and functional wetlands demonstrated prior to approving wetland mitigation in the County.
SECTION 4.5 CULTURAL RESOURCES

4.5.1 REGULATORY SETTING

STATE PLANS, POLICIES, REGULATIONS AND LAWS

CEQA and CRHR Resource Significance

On page 4.5-1, the DEIR states, "Per the Public Resources Code, section 15064.5, ‘historical resources’ includes:’” There is no Public Resources Code, section 15064.5. The code that is correct is the California Code of Regulations, Title 14, Chapter 3, Article 5, Section 15064.5. Please replace with the proper citation of code.

This section of the DEIR starts with five bulleted items, essentially providing the text of a portion of the code. The bullets create the perception that these are all paragraphs of the code. That is not the case. Please change this section to use the formatting of the code and cite the entirety of paragraph (a):

For purposes of this section, the term “historical resources” shall include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).

2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

   A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
   B. Is associated with the lives of persons important in our past;
   C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
   D. Has yielded, or may be likely to yield, information important in prehistory or history.
(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

On page 4.5-2, the DEIR states under the Public Resources Code Section, “3. It is directly associated with a scientifically recognized important prehistoric or historic event.” This portion of the code states, “It is directly associated with a scientifically recognized important prehistoric or historic event or person.” Please correct the text of the DEIR to reflect the code.

### 4.5.2 ENVIRONMENTAL SETTING

In our scoping comments we explained the importance of the environmental setting sections of an EIR. “An EIR must contain an accurate description of the project's environmental setting. An EIR must include a description of the physical environmental conditions in the vicinity of the project ... from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” (Guidelines, § 15125, subd. (a).) There is good reason for this requirement:

‘Knowledge of the regional setting is critical to the assessment of environmental impacts,... The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.’ (Guidelines, § 15125, subd. (c).) We interpret this Guideline broadly in order to ‘afford the fullest possible protection to the environment.’

(Kings County Farm Bureau, supra, 221 Cal.App.3d 692, 720.) In so doing, we ensure that the EIR's analysis of significant effects, which is generated from this description of the environmental context, is as accurate as possible.” (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874; quoted in Foothill Conservancy Scoping Comments, Chapter I, p. 5.)

On page 4.5-3, the DEIR states, “The NCIC was asked to provide information regarding documented cultural resource sites within Amador County, excluding federal lands as properties owned or operated by the U.S. Forest Service or the bureau of Land Management, and excluding the incorporated cities of Plymouth, Amador City, Sutter Creek, Jackson, and Ione.” The record search was limited, excluding federally owned land and land within the jurisdiction of the cities within the county. In some cases cultural resources extend from one land owner to another. A few examples of cultural resources that cross jurisdictional boundaries are shown in Exhibit 4.5-1: Known Cultural Resources. By limiting the record search to exclude federal land and the incorporated cities, resources may be known and recorded that extend onto land over which the General Plan applies. Also, knowing the density of recorded resources on the excluded lands may help in the development of the Cultural Resource Sensitivity map. Thus, the record search is inadequate because of the restrictions. The background information for this section may be lacking in full disclosure and an adequate description of the existing condition because of the
limited search. Please extend the record search of cultural resources to include those located on land adjacent to the boundaries of the excluded lands.

On page 4.5-3, the DEIR states, “Additional background research was conducted at the Amador County Archives, where historic maps from the mid-19th century to the early 20th century were examined. In addition, the County Archivist provided location information for sites which have been noted at the archives but not officially recorded with the NCIC.” Typically background research includes requesting information about cultural resources from local historical societies, preservation societies, libraries, history museums, and the Native American Heritage Commission because of the knowledge base of those institutions and their members. One example of a resource that the Amador County Historical Society is aware of is the Volcano Ditch. The ditch is documented in History of Amador County by Thompson and West (1881). Again, the background research is deficient by not requesting easy to acquire information from other well known sources. Please extend the background research to include the additional information sources.

Contact with the Native American Heritage Commission requesting a search of their Sacred Land files is particularly important in identifying traditional tribal cultural places. The Sacred Lands files contain information about significant places in Amador County (personal communication with Debbie Treadway, NAHC, on January 20, 2015). Please include information regarding traditional tribal cultural places that is relevant to the Environmental Setting while complying with the confidentiality of these records.

PREHISTORIC SITES

On page 4.5-7, the DEIR states, “Prehistoric sites have been grouped into three separate categories for ease of analysis, but frequently are found in combination.” This description does not provide clarity on why the three categories are used for analysis. There are additional types of sites that could be present within the county and are commonly found in all parts of California. A frequently used site type is a “lithic scatter” (personal communication with Miranda Gavalis, USFS, January 26, 2015). Please expand the categories to include lithic scatters, temporary camps and other commonly used categories for prehistoric site types.

On page 4.5-7, the DEIR states, “Bedrock mortars are deliberately produced holes made by pecking into granitic bedrock outcrops.” This description is limited to granitic bedrock outcrops. Indian Grinding Rock is listed on the National Register of Historic Places. This significant bedrock mortar site in Amador County would not meet with the requirements of this description. Likewise, many other mortar sites in this county would not meet the requirements of this definition. Please revise to reflect a definition appropriate to Amador County.

On page 4.5-7, the DEIR lists one category of prehistoric sites as Traditional Cultural Properties. “Traditional Cultural Properties” is a term used for National Register properties and is not a term used under state codes. Under state law, “traditional tribal cultural place” is the appropriate term. Please correct the text to include the state defined term.
On page 4.5-7, the DEIR states, “A TCP is generally eligible for the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that are rooted in that community’s history and are important in maintaining the continuing cultural identity of the community.” In the Final EIR, please add a description of traditional tribal cultural places that would be considered under state codes.

**4.5.3 Impacts and Mitigation Measures**

**Thresholds of Significance**

On page 4.5-11, the DEIR states, “Section 15064.5 of the State CEQA Guidelines defines “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resources or its immediate surroundings.” The code section is more specific and states, “…physical demolition, destruction, relocation, or alteration of the resources or its immediate surroundings such that the significance of an historical resource would be materially impaired.” In the Final EIR, please correct this to include the entire citation of the definition of “substantial adverse change”.

**Impact Analysis**

On page 4.5-11, the DEIR has no explanation of what is required in the impact analysis section. Public Resources Code 15126.4 (b) provides the requirements for “Consideration and Discussion of Mitigation Measures Proposed to minimize Significant Effects” when there are impacts to historical resources:

1. Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

2. In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

3. Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:
   
   (A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
(B) Preservation in place may be accomplished by, but is not limited to, the following:
1. Planning construction to avoid archaeological sites;
2. Incorporation of sites within parks, greenspace, or other open space;
3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
4. Deeding the site into a permanent conservation easement.

(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

(D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

In the Final EIR, please insert these requirements so it is clear what is required to mitigate to less than significant.

IMPACT 4.5-1

On page 4.5-11, the DEIR states, “As illustrated in Exhibit 4.5-1 and described in Section 4.5.2, “Environmental Setting,” known cultural resources are located throughout the county, but are concentrated in the western portion of the County…” The record search which is the basis of Exhibit 4.5-1 did not include federally owned lands which are mostly in the eastern portion of the county. This would mean that little information is available in the exhibit regarding the quantity of cultural resources in the eastern portion of the county. Please explain how the conclusion was made that cultural resources are concentrated in the western portion of the county when much of the information was excluded. There are 344 sites located within the national forest property in Amador County, many more than shown in Exhibit 4.5-1 (personal communication with Miranda Gavalis, USFS, January 26, 2015). Please change the text so appropriately describe the concentrations of sites within Amador County.

On page 4.5-11, the DEIR states, “Lot splits and development of individual residential uses would also be possible throughout the planning area.” Lot splits are a discretionary process. However, the grading and building permits are ministerial. Lot splits do not cause an impact to resources, but the development of the lot is “reasonably foreseeable” under CEQA and impacts need to be analyzed as part of the discretionary process. Typically the County allows lot splits with conditions for reducing impacts rather than identifying cultural resources prior to the
discretionary action. This procedure may allow impacts to significant resources that can not be mitigated. On page CR-17 in Appendix D of the DEIR is the statement, “Archeological sites frequently are not visible to the untrained eye and are less prominent on the landscape than standing historic resources.” This statement acknowledges that cultural resources are not as notable to an untrained person. Please indicate that impacts caused by lot splits and the subsequent development will be analyzed prior to approval of the discretionary action.

Mitigation Measure 4.5-1a: Implementation Program D-6, Cultural Resources

“Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” (CEQA Guidelines, sec. 15126.4, subd. (a)(2).) On page 4.5-11, the DEIR states in mitigation measure 4.5-1a, “The objective of this program is to substantially reduce or avoid impacts to cultural resources. The County will work with applicants to comply with state and federal laws that preserve and protect cultural resources, including historic resources and archeological sites.” The term “work with” does not require the applicant to comply with any laws, regulations or standards. Please indicate what measures will be required, e.g. permit conditions, to ensure that cultural resources are preserved and protected. Also, please indicate that individuals that meet the Secretary of Interior’s Standards for the appropriate profession will be used to determine that the impact on the historical resource shall generally be considered mitigated below a level of significance.

On page CR-1 of Appendix D the DEIR states, “County residents have established a vision of enhancing the County’s unique character, including the historic built environment, natural beauty, agriculture, and scenic vistas.” “The identification, interpretation, and protection of cultural resources is a key contributor to the County’s history and character.” And on page CR-23 in Appendix D the DEIR states, “The development of historic districts could enhance the interpretive value of these unique landscapes, promoting preservation and enhancement of the resources as part of the landscape.” In the Final EIR, please include a description of the actions the County will take to minimize impacts while implementing these goals.

The administrative record must contain substantial evidence supporting the agency’s view that the measures will mitigate the impacts. "A clearly inadequate or unsupported study is entitled to no judicial deference." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 422 & 409 fn. 12 [253 Cal.Rptr. 426].)

On page 4.5-11, the DEIR states in mitigation measure 4.5-1b, “When evaluating discretionary projects, the County will use its review process to guide the applicant toward the retention of as many key character-giving features as possible in the protection, preservation, restoration, or renovation of cultural resources such as historic buildings, structures, objects, landscapes, or sites, where feasible.” This mitigation indicates that the county will encourage retention of character defining elements of a historic property, where feasible. To successfully mitigate the impact, sufficient character defining elements would have to remain so that the eligibility of the building, structure, object, landscape or site would not be materially impaired. In the Final EIR, please indicate what measures will be used, e.g. permit conditions, to ensure the retention of character defining elements. Also, please indicate that individuals that meet the Secretary of
Interior’s Standards for the appropriate profession will be used to determine that the impact on the historical resource shall generally be considered mitigated below a level of significance.

On page 4.5-11 and 4.5-12, the DEIR states in mitigation measure 4.5-1b, “When possible, project applicants shall also strive to maintain or restore original proportions, dimensions, and elements of historic buildings or structures and preserve or restore features of historic objects, landscapes, or sites.” In the Final EIR, please indicate that individuals that meet the Secretary of Interior’s Standards for the appropriate profession will be used to determine that the impact on the historical resource shall generally be considered mitigated below a level of significance.

On page 4.5-12, the DEIR states in mitigation measure 4.5-1b, “Applications may be required to use historic preservation techniques and standards to maintain the historical integrity of historic buildings or structures (including the Historic Building Code [Title 24, Part 8]) where mandated. Where restoration or renovation is undertaken to meet the proposed use of the owner, upgrades to plumbing, electrical, HVAC, and interior arrangements will be allowed.” In some cases where the interior of the building or structure is integral to the eligibility of the building or structure, the interior alterations being allowed may materially impair the resources eligibility. In the Final EIR, please indicate that individuals that meet the Secretary of Interior’s Standards for the appropriate profession will be used to determine whether allowing these upgrades will mitigate to below a level of significance.

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource is undertaken, CEQA is very specific in the requirements to mitigate below a level of significance. Public Resources Code 15126.4 (b)(1) states “Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project’s impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.” The mitigation measure proposed by the County does not require the specified conditions as in the Public Resources Code, possibly allowing significant impacts. In the Final EIR, please change the County proposed mitigation measure to match the requirements of the Public Resources Code 15126.4 or indicate that the impact will be significant.

On page 4.5-12, the DEIR states in mitigation measure 4.5-1a, “An expansion that meets building code guidelines will be permitted so long as the style of the expansion matches the original structure.” In some cases a proposed expansion may be of sufficient scale that the eligibility of the building or structure would be materially impaired. This sentence may allow a significant impact. In the Final EIR, please indicate that individuals that meet the Secretary of Interior’s Standards for the appropriate profession will be used to determine that the impact on the historical resource shall be considered mitigated below a level of significance.

In several locations there is a need to identify individuals that meet the Secretary of Interior’s Standards for the appropriate profession to be used to determine that the impact on the historical resource shall be considered mitigated below a level of significance. This could be more easily
accomplished by the County becoming a Certified Local Government and having qualified members as part of a commission that would review the environmental documents.

One page 4.5-12, the DEIR states, “Where restoration or preservation of a cultural resource is not feasible, applicants shall document the resource and retain the information in a secure, but publicly accessible location.” In some cases the documentation of an archaeological site may result in a collection of relevant materials. In the Final EIR, please indicate how the collection will be managed, how the management will be funded, and how the ownership of the collection will be handled. Without identifying these aspects of recordation, the impact could still be significant. Some information about cultural resources is confidential under state law. In the Final EIR, please indicate how the confidential information will be addressed rather than being publicly accessible.

Please be aware that Public Resources Code 15126.4 (b) states “In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.” In these cases, there will be a significant impact even with recordation. In the Final EIR, please indicate that there may be a significant impact in some cases.

Mitigation Measure 4.5-1b: Implement CEQA Review of Discretionary Projects

On page 4.5-12, the DEIR states, “The County will require applicants for discretionary projects that could have significant adverse impacts to prehistoric or historic resources to assess impacts and provide mitigation as part of the CEQA process, and consistent with the requirements of CEQA Guidelines Section 15126.4(b)(3) and Public Resources Code Section 21083.2, or equivalent County regulation. These regulations generally require consultation with appropriate agencies and Native American groups, record search, significance determination by qualified professional, and avoidance of resources if feasible. If avoidance is not feasible, recovery, documentation and recordation of resources is required. In the event human remains are discovered, the project proponent and landowner will comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 7050.5.” The specific codes noted in this section only apply to resources of an archeological nature. In the Final EIR, please note under these mitigation measures that the recordation of a resource is to be done prior to an environmental document for the specific project. The data recovery and related documentation are generally completed prior to the implementation of a project. The data recovery reports are to be kept at the NCIC. Please require a report or document for public consumption to be provided to the Amador County Library and the Amador County Archives.

This mitigation measure indicates that the County may have an equivalent regulation to the requirements of CEQA Guidelines Section 15126.4(b)(3) and Public Resources Code Section 21083.2. In order to meet the environmental assessment contained in this document, any equivalent County regulation would have to ensure less of an impact to cultural resources than the stated state codes.
On page 4.5-12, the DEIR states, “In the event human remains are discovered, the project proponent and landowner will comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 7050.5. There is no PRC 7050.5. Please replace this with the proper Public Resources Code that deals with Native American remains and associated grave goods.

On pages 4.5-11 and 4.5-12, the DEIR refers to the “Applicant”. In some cases the County is the project proponent. In the Final EIR, please provide the procedures the County will use when they are the “Applicant”.

**Significance after Mitigation**

On page 4.5-12, the DEIR states, “Mitigation Measures 4.5-1a and 4.5-1b would require development projects that implement the Draft General Plan to identify resources, avoid resources where feasible, and substantially reduce impacts to resources under the direction of an archaeologist, where avoidance would not be feasible. Because these mitigation measures would avoid substantial adverse changes in the significance of known cultural resources, the impact would be reduced to less than significant.” An archaeologist may be one of the appropriate specialists to ensure the impacts are reduced under these two mitigation measures. In the Final EIR, please indicate that individuals that meet the Secretary of Interior’s Standards for the appropriate profession will be used to determine whether the impact on the historical resource shall be considered mitigated below a level of significance. Also please require an archaeologist specializing in historic archeology be used when historic archeological resources are found and an archaeologist that specializes in prehistoric archeology be used when prehistoric archeological resources are found.

On page 4.5-12, the DEIR states, “Where restoration or preservation of a cultural resource is not feasible, applicants shall document the resource and retain the information in a secure, but publicly accessible location.” Public Resources Code 15126.4 (b)(2) states, “In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.” In the case where demolition of a building or structure is part of the proposed project, recording the historical resource may not reduce the impact to less than significant. In the Final EIR, please revisit this mitigation measure and assess what may be done to reduce the impact and provide a mitigation measure that does reduce the impact, or indicate that the impact will be significant.

On page 4.5-7, the DEIR lists one category of prehistoric sites as Traditional Cultural Properties. Neither of these mitigation measures clearly identifies methods that could be utilized to reduce the impact to identified traditional tribal cultural places. In the Final EIR, please clearly articulate impacts as they apply to traditional tribal cultural places and mitigation measures that would be applied if there is an impact to one of those places. Also indicate whether the measure would reduce the impact to less than significant. If measures cannot be identified that would reduce the impact to less than significant, then clearly state that the impact would be significant.

**IMPACT 4.5-2**

4.5-9
Mitigation Measure: Implement Mitigation Measures 4.5-1a and 4.5-1b.

Mitigation Measure 4.5-2: Impose Standard Conditions on Development

On page 4.5-13, the DEIR states, “During ground-disturbing activity, if palaeontological, historic or pre-historic resources such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone are inadvertently discovered, the operator/permittee shall immediately cease all such activities within 100 feet of the find and notify the Amador County Technical Advisory Committee.” Although this condition lists some examples of materials that if found need to be reported to the Technical Advisory Committee, there are more intangible features and resources that can be encountered during project development. On page CR-17 in Appendix D of the DEIR a box contains the statement, “Archaeological sites frequently are not visible to the untrained eye and are less prominent on the landscape than standing historic resources.” This statement acknowledges that cultural resources are not as notable to an untrained person. Where projects take place in high sensitivity areas it would be more appropriate to have an archaeologist monitor ground disturbing activities in order to assure that a resource is not adversely impacted during project development. In the Final EIR, please add the following as one of the standard conditions:

When a discretionary project is allowed in a high sensitivity area an archaeologist will monitor ground disturbing activities. The archaeologist will have authority to stop construction where a resource is discovered until the cultural resource can be evaluated and any additional mitigation is completed.

On page 4.5-13, the DEIR states, “In the event of discovery or recognition of any human remains anywhere within the work area, the operator/permittee shall comply with the following protocol:

1. Immediately cease any disturbance of the area where such suspected remains are discovered and any nearby areas reasonably suspected to overlie adjacent remains until the Amador County Coroner is contacted, per Section 7050.5 of the California Health and Safety Code, who shall:
2. Determine if an investigation of cause of death is required;
3. Determine if the remains are most likely that of Native American origin, and if so suspected:"

The listed items suggest that the operator/permittee is required to determine if an investigation of cause of death is required or to determine if the remains are most likely of Native American origin. California codes do not require this. California code requires the coroner to make the determinations listed in number 2 and 3. In the Final EIR, please rephrase the conditions to be consistent with state laws and so it is clear to the reader that the coroner is required to make these determinations.

One page 4.5-13, the DEIR states, “If the NAHC is unable to identify a descendant, or the descendant fails to make a recommendation within 24 hours after being contacted by the NAHC, operations may continue.” This is technically correct, however anyone reading this section may believe they can resume construction in 24 hours after the discovery of Native American human
remains. This is not the case. California Health and Safety Code 7050.5(b) gives the Coroner two working days to determine if remains are "...not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death...". The Health and Safety Code 7050.5(c) requires the Coroner to contact the NAHC within 24 hours of his determination if the Coroner believes the remains do not fall under their authority and are those of Native Americans. Only at this point does the 24 hour period start. Construction could be delayed by six days depending on when the first notification is made. In the Final EIR, please add language indicating that construction could be delayed by several days.

The City of San Diego has perhaps the most thorough mitigation measures that would minimize impacts to cultural resources. Please consider using measures such as these (City of San Diego Draft General Plan Final PEIR pages 3.6-9 through 3.6-25 (September 2007)):

3.6.4 Mitigation Framework

Goals, policies, and recommendations enacted by the City combined with the federal, state and local regulations described above provide a framework for developing project level historical resources mitigation measures for future discretionary projects. All future project submittals will be subject to specific review in accordance with the Historical Resources Regulation and Guidelines. The City’s process for the evaluation of discretionary projects includes environmental review and documentation pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies and recommendations of the General Plan. Historical resource evaluations are required when new resources are identified as a result of a survey, when previously recorded resources that have not been previously evaluated are relocated during a survey, and when previously recorded sites are not relocated during the survey and there is a likelihood that the resource still exists. Evaluations will not be required if the resource has been evaluated for CEQA significance or for National Register eligibility within the last five years if there has been no change in the conditions which contributed to the determination of significance or eligibility. A property should be re-evaluated if its condition or setting has either improved or deteriorated, if new information is available, or if the resource is becoming increasingly rare due to the loss of other similar resources. Once it has been determined that a historical resource is present and could be impacted as a result of project implementation, recommendations for mitigation consistent with the Historical Resources Guidelines must be adopted.

Included here are measures that are currently applied to projects that could result in impacts to historical resources. It should be noted that at the time of this writing, these measures are generally considered to be adequate mitigation. However, in the future, mitigation measures may be periodically updated. Future projects would be subject to site-specific measures in effect at the time the projects are processed.

Prior to issuance of any permit that would directly or indirectly affect a building/structure in excess of 45 years of age, the City shall determine whether the affected building/structure meets any of the following criteria: (1) National Register-Listed or formally determined eligible, (2) California Register-Listed or formally determined eligible, (3) San Diego Register-Listed or formally determined eligible, or (4) meets the CEQA criteria for a historical resource. The evaluation of historic architectural resources would be based on criteria such as: age, location,
context, association with an important person or event, uniqueness or structural integrity as indicated in the Historical Resources Guidelines.

Preferred mitigation for historic buildings or structures is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures can include, but is not limited to:

a. Preparing a historic resource management plan;

b. Designing new construction which is compatible in size, scale, materials, color and workmanship to the historic resource (such additions, whether portions of existing buildings or additions to historic districts, shall be clearly distinguishable from historic fabric);

c. Repairing damage according to the Secretary of the Interior's Standards for Rehabilitation;

d. Screening incompatible new construction from view through the use of berms, walls and landscaping in keeping with the historic period and character of the resource;

e. Shielding historic properties from noise generators through the use of sound walls, double glazing and air conditioning; and

f. Removing industrial pollution at the source of production.

For resources that have been determined eligible or have been designated under federal, state or local criteria, and the potential exists for direct and/or indirect impacts associated with building alteration, demolition, restoration or relocation, the following measures shall be implemented:

I. Prior to Permit Issuance
A. Construction Plan Check
   1. Prior to Notice to Proceed (NTP) for ANY construction permits, including but not limited to, any demolition permit, the first Grading Permit and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the requirements for historical monitoring during stabilization have been noted on the appropriate construction documents.
      a. Stabilization work can not begin until a Precon Meeting has been held at least one week prior to issuance of appropriate permits.
      b. Physical description, including the year and type of structure, and extent of stabilization shall be noted on the plans.

B. Submittal of Treatment Plan for Retained Historic Resources
   1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, the Applicant shall submit a Treatment Plan to the ADD Environmental Designee for review and approval that includes measures for protecting any historic buildings and/or building components during construction related activities (e.g. removal of non-historic features, demolition of adjacent structures, subsurface structural support, etc.). The Treatment Plan shall be shown as notes on all construction documents (i.e. Grading and/or Building Plans).

C. Letters of Qualification have been submitted to the ADD
   1. The applicant shall submit a letter of verification to the City Mitigation Monitoring Coordination Section (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the historical monitoring program (i.e.,
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Architectural Historian, Historic Architect and/or Historian), as defined in the City of San Diego Historical Resources Guidelines (HRG).

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the historical monitoring of the project.

3. Prior to the start of work, the applicant must obtain approval from the ADD for any personnel changes associated with the monitoring program.

D. In addition to the following Historical Mitigation Program, the Applicant shall comply with any other conditions for designated historical resources, when applicable that are contained in the Site Development Permit identified under the heading Historical Resources Requirements.

II. Prior to Start of Construction

A. Documentation Program (DP)

1. Prior to the first Precon Meeting and/or issuance of any construction permit, the DP shall be submitted to MMC for review and approval and shall include the following:

   a. Photo Documentation

      (1) Documentation shall include professional quality photo documentation of the structure prior to any construction related activities with 35mm black and white photographs, 4x6 standard format, taken of all four elevations and close-ups of select architectural elements, such as, but not limited to, roof/wall junctions, window treatments, decorative hardware. Photographs shall be of archival quality and easily reproducible.

      (2) Xerox and/or digital copies (CD/DVD) of the photographs shall be submitted for archival storage with the City of San Diego Historical Resources Board and the City of San Diego Project file and Historical Resources Library. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other relative historical society or group(s).

   b. Required drawings

      (1) Measured drawings of the building’s exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blueprint drawings are acceptable). Standard drawing sizes are 19” x 24” or 24” x 36”, standard scale is 1/4” = 1 foot.

      (2) One set of measured drawings shall be submitted for archival storage with the City of San Diego Historical Resources Board, the City of San Diego Project file and Historical Resources Library, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other historical society or group(s).

2. Prior to the first Precon Meeting, MMC shall verify that the DP has been approved.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Historian and/or Architectural Historian shall attend any
grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Historical Monitoring program with the Construction Manager and/or Grading Contractor.

a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Historical Monitoring Plan (HMP)
   a. Prior to the start of any work that requires monitoring, the PI shall submit a Historical Monitoring Program which describes how the monitoring would be accomplished for approval by the MMC. The HMP shall include a Historical Monitoring Exhibit (HME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
   b. The HME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
   c. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
   d. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

3. Prior to beginning any work that requires monitoring, the Applicant shall submit a preliminary research plan to indicate how the significant historical resources will be handled should they be encountered during the monitoring. The preliminary research plan must be approved by the MMC before work begins.

C. Implementation of Approved Treatment Plan for Historic Resources
   1. Implementation of the approved Treatment Plan for the protection of Historic Resources within the project site may not begin prior to the completion of the Documentation Program as defined above.
   2. The Historian and/or Architectural Historian shall attend weekly jobsite meetings and be on-site daily during the stabilization phase for any retained or adjacent historic resource to photo document the Treatment Plan process.
   3. The Historian and/or Architectural Historian shall document activity via the Consultant Site Visit Record (CSV R). The CSV R’s shall be faxed by the CM to the RE the first day and last day (Notification of Monitoring Completion) of the Treatment Plan process and in the case of ANY unanticipated incidents. The RE shall forward copies to MMC.
   4. Prior to the start of any construction related activities, the applicant shall provide verification to MMC that all historic resources on-site have been adequately stabilized in accordance with the approved Treatment Plan. This may include a site visit with MMC, the CM, RE or BI, but may also be accomplished through submittal of the draft Treatment Plan photo documentation report.
   5. MMC will provide written verification to the RE or BI after the site visit or upon approval of draft Treatment Plan report indicating that construction related activities can proceed.

4.5-14
D. Verification of approval of a Historical Commemorative Program (HCP), if applicable
   1. The applicant shall submit documentation to MMC for concurrent review and approval by HRB for a site-specific HCP, if mitigation for impacts to a designated resource is based on association with an important person, event or community history and the building would not be retained on-site.
   2. MMC in consultation with HRB staff shall provide a letter to the applicant approving or denying the proposal prior to the first preconstruction meeting and/or issuance of any construction permit. However, should conditional approval of the proposal be granted, construction may be allowed to proceed, but the Certificate of Occupancy may not be issued until the historical commemorative program is approved.
   3. Prior to the issuance of any Certificate of Occupancy, the applicant shall provide verification to MMC that the HCP has been implemented in accordance with the approved program. This may include a site visit with MMC, HRB, the ADD Environmental Designee, the CM, RE or BI, but may also be accomplished through submittal of photo documentation or appropriate reporting program.
   4. MMC will provide written verification to the RE or BI after the site visit indicating that the Certificate of Occupancy can issued.

III. During Construction
   A. Monitor Shall be Present During Grading/Excavation/Trenching
      1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to historical resources as identified on the HME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
      2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV is to be faxed to the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY incidents involving the historical resource. The RE shall forward copies to MMC.
      3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition arises which could effect the historical resource being retained on-site or adjacent to the construction site.
   B. Notification Process
      1. In the event of damage to a historical resource retained on-site or adjacent to the project site, the Historical Monitor shall direct the contractor to temporarily divert construction activities in the area of historical resource and immediately notify the RE or BI, as appropriate, and the PI (unless Monitor is the PI).
      2. The PI shall immediately notify MMC by phone of the incident, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
   C. Determination/Evaluation of Impacts to a Historical Resource
      1. The PI shall evaluate the incident relative to the historical resource.
         a. The PI shall immediately notify MMC by phone to discuss the incident and shall also submit a letter to MMC indicating whether additional mitigation is required.
         b. If impacts to the historical resource are significant, the PI shall submit a proposal for mitigation and obtain written approval from MMC in consultation with HRB and the ADD Environmental Designee. Direct and/or indirect impacts to historical resources can include...
from construction activities must be mitigated before work will be allowed to resume.

c. If impacts to the historical resource are not considered significant, the PI shall submit a letter to MMC indicating that the incident will be documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract
   1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
   2. The following procedures shall be followed.
      a. No Impacts/Incidents
         In the event that no historical resources were impacted during night work, the PI shall record the information on the CSVR and submit to MMC via fax by 9am of the next business day.
      b. Potentially Significant Impacts
         If the PI determines that a potentially significant impact has occurred to a historical resource, the procedures detailed under Section III – During Construction shall be followed.
      c. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction
   1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
   2. The RE, or BI, as appropriate, shall notify MMC immediately.
   C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Submittal of Draft Monitoring Report
   1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Historical Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
      a. The preconstruction Treatment Plan and Documentation Plan (photos and measured drawings) and Historical Commemorative Program, if applicable, shall be included and/or incorporated into the Draft Monitoring Report.
      b. The PI shall be responsible for updating (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any existing site forms to document the partial and/or complete demolition of the resource. Updated forms shall be submitted to the South Coastal Information Center with the Final Monitoring Report.
   2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
   3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
   4. MMC shall provide written verification to the PI of the approved report.
   5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
B. Final Monitoring Report(s)
   1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
   2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC.

Prior to issuance of any permit that could directly affect an archaeological resource; the City shall require the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities.

INITIAL DETERMINATION

The environmental analyst will determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g. Archaeological Sensitivity Maps, the Archaeological Map Book, and the City of San Diego’s “Historical Inventory of Important Architects, Structures, and People in San Diego”) and conducting a site visit. If there is any evidence that the site contains archaeological resources, then a historic evaluation consistent with the City of San Diego’s Historical Resources Guidelines would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City’s Historical Resources Guidelines.

STEP 1:

Based on the results of the Initial Determination, if there is evidence that the site contains historical resources, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archeological testing and analysis. Before actual field reconnaissance would occur, background research is required which includes a record search at the South Coastal Information Center (SCIC) at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the Native American Heritage Commission (NAHC) must also be conducted at this time. Information about existing archaeological collections should also be obtained from the San Diego Archaeology Center and any tribal repositories or museums.

In addition to the record searches mentioned above, background information may include, but is not limited to: examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic cartographic and aerial photograph sources; reviewing previous archeological research in similar areas, models that predict site distribution, and archeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information would be included in the evaluation report.

Once the background research is complete a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City of San Diego’s historical Resources Guidelines. Consultants are encouraged to employ innovative survey techniques when...
conducting enhanced reconnaissance including but not limited to, remote sensing, ground
penetrating radar and other soil resistivity techniques as determined on a case by case basis.
Native American participation is required for field surveys when there is likelihood that the
project site contains prehistoric archaeological resources or traditional cultural properties. If
through background research and field surveys historic resources are identified, then an
evaluation of significance must be performed by a qualified archaeologist or historian, as
applicable.

STEP 2:
Once a historic resource has been identified, a significance determination must be made. It
should be noted that tribal representatives and/or Native American monitors will be involved in
making recommendations regarding the significance of prehistoric archaeological sites during
this phase of the process. The testing program may require reevaluation of the proposed project
in consultation with the Native American representative which could result in a combination of
project redesign to avoid and/or preserve significant resources as well as mitigation in the form
of data recovery and monitoring (as recommended by the qualified archaeologist and Native
American representative). An archaeological testing program will be required which includes
evaluating the horizontal and vertical dimensions of a site, the chronological placement, site
function, artifact/ecofact density and variability, presence/absence of subsurface features and
research potential. A thorough discussion of testing methodologies including, surface and
subsurface investigations can be found in the City of San Diego’s Historical Resources
Guidelines.

The results from the testing program will be evaluated against the Significance Thresholds found
in the Historical Resources Guidelines. If significant historical resources are identified within the
Area of Potential Effect, the site may be eligible for local designation. At this time, the final
testing report must be submitted to Historical Resources Board staff for eligibility determination
and possible designation. An agreement on the appropriate form of mitigation is required prior to
distribution of a draft environmental document. If no significant resources are found, and site
conditions are such that there is no potential for further discoveries, then no further action is
required. Resources found to be non-significant as a result of a survey and/or assessment will
require no further work beyond documentation of the resources on the appropriate DPR site
forms and inclusion of results in the survey and/or assessment report. If no significant resources
are found but results of the initial evaluation and testing phase indicates there is still a potential
for resources to be present in portions of the property that could not be tested, then mitigation
monitoring is required.

STEP 3:
Preferred mitigation for historic resources is to avoid the resource through project redesign. If the
resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be
taken. For archaeological resources where preservation is not an option, a Research Design and
Data Recovery Program (RDDRP) is required which includes a Collections Management Plan
for review and approval. The data recovery program shall be based on a written research design
and is subject to the provisions as outlined in CEQA, Section 21083.2. The data recovery
program must be reviewed and approved by the City’s Environmental Analyst prior to draft
CEQA document distribution. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as but not limited to, existing development or dense vegetation.

A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground disturbing activities whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the APE of a City project would be impacted. In the event that human remains are encountered during data recovery and/or monitoring program, the provisions of Public Resources Code Section 5097 must be followed. These provisions are outlined in the Mitigation Monitoring and Reporting Program included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.

**STEP 4:**

Historic resource reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the Historical Resources Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, or sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.

Specific types of historical resource reports are required to document the methods (see Section III of the Historical Resources Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g. collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation (OHP) "Archaeological Resource Management Reports (ARMR): Recommended Contents and Format" (see Appendix C of the Historical Resources Guidelines), which will be used by Environmental Analysis Section staff in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under separate cover), along with historical resources reports for archaeological sites and traditional cultural properties, containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects which result in a substantial collection of artifacts and must address the management and research goals of the project, the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City.
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of San Diego. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries.

STEP 5:
For Archaeological Resources: All cultural materials, including original maps, field notes, nonburial related artifacts, catalog information and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one which has the proper facilities and staffing for insuring research access to the collections consistent with state and federal standards. In the event that a prehistoric and/or historical deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project Mitigation, Monitoring and Reporting Program (MMRP).

The disposition of human remains and burial related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., AB 2641 and California Native American Graves Protection and Repatriation Act (CALNAGPRA) of 2001 and federal (i.e., Federal NAGPRA) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.

Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must be included in the archaeological survey, testing and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission’s Guidelines for the Curation of Archaeological Collection (dated May 7, 1993) and, if federal funding is involved, 36CFR79 of the Federal Register. Additional information regarding curation is provided in Section II of the Historical Resources Guidelines.

I. Prior to Permit Issuance
A. Land Development Review (LDR) Plan Check.
1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD.
1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.
II. Prior to Start of Construction
   A. Verification of Records Search.
      1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was inhouse, a letter of verification from the PI stating that the search was completed.
      2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
      3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.
   B. PI Shall Attend Precon Meetings
      1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
         a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
      2. Identify Areas to be Monitored
         Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
      3. When Monitoring Will Occur
         a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
         b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction
   A. Monitor(s) Shall be Present During Grading/Excavation/Trenching.
      1. The Archaeological monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process
   1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
   2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
   3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance
   1. The PI and Native American representative, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below:
      a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
      b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
      c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Discovery of Human Remains
   If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:
   A. Notification
      1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
      2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
   B. Isolate discovery site
      1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examineer, in consultation with the PI, will determine the need for a field examination to determine the provenience.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.

2. The NAHC will contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.

3. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

4. The PI shall coordinate with the MLD for additional consultation.

5. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.

6. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
   a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
   b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
   c. In order to protect these sites, the Landowner shall do one or more of the following:
      (1) Record the site with the NAHC;
      (2) Record an open space or conservation easement on the site;
      (3) Record a document with the County.
   d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 6.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.

2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.
   a. No Discoveries
      In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 9am the following morning of the next business day.
   b. Discoveries
      All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
   c. Potentially Significant Discoveries
      If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
   d. The PI shall immediately contact MMC, or by RAM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction
   1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
   2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction
A. Submittal of Draft Monitoring Report
   1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
      a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
      b. Recording Sites with State of California Department of Parks and Recreation
         The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City’s Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
   2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
   3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
   4. MMC shall provide written verification to the PI of the approved report.
   5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

3.6.5 Significance of Impact with Mitigation Framework

Although significant impacts to historical resources may be mitigated through review of discretionary projects, specific mitigation at the program EIR level is not available since specific development projects are not known. Therefore, the impact to historical resources is considered significant and unavoidable.
SECTION 4.6 GEOLOGY, SOILS, MINERAL RESOURCES, AND PALEONTOLOGICAL RESOURCES

Paleontological Resource Assessment Criteria

On page 4.6-12 the DEIR states, "The potential paleontological importance of the project site can be assessed by identifying the paleontological importance of exposed rock units within the project site." The Society of Vertebrate Paleontology (SVP) provides "Conformable Impact Mitigation Guidelines" (http://vertpalco.org/The-Society/Governance-Documents/Conformable-Impact-Mitigation-Guidelines-Committee.aspx, 2014) which assigns importance by designating the potential as: high, undetermined and low. Please follow the SVP guidelines and provide a designation for each of the rock units in the analysis.

On page 4.6-12 the DEIR states, "Because the areal distribution of a rock unit can be easily delineated on a topographic map, this method is conducive to delineating parts of the project site that are of higher and lower sensitivity for paleontological resources and to delineating parts of the project site that may require monitoring during construction." Please provide a map of the project area that clearly delineates the rock and the rock units potential.

Paleontological Resource Assessment Results

On pages 4.6-12 and 13 the DEIR lists four formations that are known to contain paleontological deposits: Modesto Formation, Riverbank Formation, Mehrten Foundation, and the Lone Foundation. Exhibit 4.6-3 Geologic Map and its accompanying legend only list the Mehrten and Lone Formations. There is no information as to the location of the Modesto and Riverbank Formations. In the Final EIR, please provide a map that clearly delineates all of the formations that contain paleontological materials.

In our scoping comments we explained the importance of the environmental setting sections of an EIR. "An EIR must contain an accurate description of the project's environmental setting. An EIR must include a description of the physical environmental conditions in the vicinity of the project... from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (Guidelines, § 15125, subd. (a).) There is good reason for this requirement: "Knowledge of the regional setting is critical to the assessment of environmental impacts. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context." (Guidelines, § 15125, subd. (c).) We interpret this Guideline broadly in order to "afford the fullest possible protection to the environment." (Kings County Farm Bureau, supra, 221 Cal.App.3d 692, 720.) In so doing, we ensure that the EIR's analysis of significant effects, which is generated from this description of the environmental context, is as accurate as possible." (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874; quoted in Foothill Conservancy Scoping Comments, Chapter 1, p. 5.)
On pages 4.6-12 and 13 the DEIR notes that the Mehrten Formation and the Ione Formation are “considered a paleontologically sensitive rock unit under the Society of Vertebrate Paleontology guidelines (1995).” Please indicate the sensitivity of the other rock units within the project area.

4.6.3 IMPACTS AND MITIGATION MEASURES

ANALYSIS METHODOLOGY

On page 4.6-19 the DEIR states, “For paleontological resources, impact analysis is based on the likelihood that implementation of the Draft General Plan would affect areas or formations with known vertebrate paleontological resources.” Appendix G of the CEQA Guidelines states that impacts related to paleontological resources would be significant if the proposed Project would, “Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.” The description of the four formations (DEIR pages 4.6-12 and 4.6-19) identified in the analysis indicate that more than vertebrate resources have been found in most of these formations. Since CEQA requires an impact analysis to paleontological resources, please provide an analysis for all types of paleontological resources in the Final EIR.

THRESHOLDS OF SIGNIFICANCE

On page 4.6-21 the DEIR states, “Marine invertebrate fossil specimens are generally common, well developed, and well documented. They would generally not be considered a unique paleontological resource.” The SVP “Conformable Impact Mitigation Guidelines” (http://vertpalaeo.org/The-Society/Governance-Documents/Conformable-Impact-Mitigation-Guidelines-Committee.aspx, 2014) state, “Sensitivity comprises both (a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, or botanical and (b) the importance of recovered evidence for new and significant taxonomic, phylogenetic, ecologic, or stratigraphic data. Areas which contain potentially datable organic remains older than Recent, including deposits associated with nests or middens, and areas which may contain new vertebrate deposits, traces, or trackways are also classified as significant.” Please note that the SVP does not limit the impacts to just vertebrate fossils. In the Final EIR, please amend your analysis to include all categories of fossils and pertinent remains as identified by AVP, not just vertebrate remains.

IMPACT

4.6.9

On page 4.6-26 the DEIR states, “As discussed in detail above in the section titled “Paleontological Resource Inventory and Assessment by Rock Unit,” numerous vertebrate fossil specimens have been recorded from the Modesto, Riverbank, Mehrten, and Ione Formations. The fact that vertebrate fossils have been recovered near Amador County and other recorded vertebrate fossil localities have been recorded in sediments referable to these formations, suggests that there is a potential for uncovering additional similar fossil remains during construction related earthmoving activities, including trenching for utilities, within the planning area.” This part of the impact analysis is limited to vertebrate fossils and does not address the full...
potential impacts of the project. In the Final EIR, please expand this part of the analysis to include all categories of fossil remains.

Mitigation Measure 4.6-9: Paleontological Resource Assessment

On page 4.6-26 the DEIR states, “When reviewing discretionary development proposals, the County will require project applicants to conduct a paleontological resources impact assessment for projects proposed within the Modesto, Riverbank, Mehrten, and Lone Formations, where a CEQA document is required and where substantial excavation is anticipated.” If there are other rock units besides these four formations that qualify as high potential and undetermined potential to contain paleontological remains, please include these areas as qualifying under this mitigation measure.

Please define the quantity of excavation that qualifies as substantial. Please indicate what mitigation will be implemented if a discovery is made during construction for projects that do not meet the criteria of “substantial excavation.”

On pages 4.6-26 and 4.6-27 the DEIR states, “Where such impacts are found to be potentially significant, the County will require project applicants to implement feasible mitigation measures to reduce impacts, such as construction worker personnel education, consultation with a qualified paleontologist should resources be encountered, avoidance of resources if feasible, and recovery and curation of specimens, as appropriate.” In some cases monitoring of the excavations by a qualified paleontologist may be necessary to mitigate potential impacts. In the Final EIR, please add this to the list of potential mitigation measures.

On page 4.6-27 the DEIR states, “Projects on already-disturbed sites and projects that do not involve substantial excavation would be exempt from this requirement.” Projects even though they are built on already disturbed sites may excavate into undisturbed sediments disturbing paleontological remains. Projects with less than substantial excavation could also disturb paleontological remains. In the Final EIR, please provide measure(s) that would mitigate the discovery during the implementation of these types of projects.

This section does not consider discoveries of paleontological remains during project activities. However, in Chapter 4 (Environmental Impact Analysis) on page 4.5-13 the DEIR states under Mitigation Measure 4.5-2 (Cultural Resources),

The County will continue to impose the following conditions on projects which include ground disturbing activity. Applicants will be required to do the following:

• During ground-disturbing activity, if paleontological, historic or pre-historic resources such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone are inadvertently discovered, the operator/permittee shall immediately cease all such activities within 100 feet of the find and notify the Amador County Technical Advisory Committee.

In the Final EIR, please include such a mitigation measure in this section.
4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Regulatory Setting

Groundwater Legislation

The final EIR should include a summary of the recently adopted legislation that affects groundwater management – State Bill 1168, Assembly Bill 1739, and State Bill 1319. This summary should provide sufficient information for county residents to determine:

- current efforts addressing sustainable groundwater management
- the timeframes for complying with specific requirements of the legislation
- the agency that will act as “the groundwater sustainability agency” and be responsible for implementation of groundwater regulation in Amador County
- the requirements of groundwater sustainability plans and how they will affect landowners.

Water Quality Control Plan for the Sacramento-San Joaquin River Basins

The beneficial uses of waterbodies in Amador County are listed in Table 4.9-1 (p. 4.9-7). The beneficial uses are designated by the Central Valley Regional Water Quality Control Board (CVRWQCB) in the Water Quality Control Plan for the Sacramento-San Joaquin River Basins (Basin Plan, CVRWQCB 2011 as cited in the DEIR, p. 4.9-4). However, the Basin Plan does not list beneficial uses for all waterbodies. It states that the “…beneficial uses of any specifically identified water body generally apply to its tributary streams (page II-2.00).” This ‘tributary rule’ extends beneficial uses to smaller tributaries. For example, Jackson Creek has beneficial uses not noted in the Table 4.9-1 and this should be corrected. The beneficial uses of Jackson Creek are provided in the NPDES permit for the City of Jackson which discharges effluent to Jackson Creek (Exhibit 4.9.1-1, Table 5, p.5).

Table 4.9-1 omits Dry Creek from its list. Please include the beneficial uses of Dry Creek.

On page 4.9-10 of the DEIR, a list of wastewater treatment facilities indicates that several facilities are under current enforcement actions. Please provide more detailed information of these violations of wastewater permits as they indicate that these facilities might not be able to adequately handle increased wastewater that would be generated by future growth. As we noted in our scoping comments, “Among the most relevant aspects of the environmental setting that must be disclosed in an EIR, is that the agency must divulge harm to the environment caused by current and past mismanagement, and any efforts being made to remedy that harm that might affect the proposed project. (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874.)” (Foothill Conservancy Scoping Comments, Chapter 1, p. 6.) “Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's
promises in an EIR." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 420 [253 Cal.Rptr. 426].)

Irrigated Lands Regulatory Program

In the discussion of the Irrigated Lands Regulatory Program, the DEIR (p.4.9-11) fails to indicate what coalition group was created for irrigated lands and what growers opted for individual permits or coverage under a general WDR. Please discuss the Sacramento Amador Water Quality Alliance, its water quality monitoring, BMPs, and governing infrastructure.

4.9.2 Environmental Setting

Water Quality

In our scoping comments we explained the importance of the environmental setting sections of an EIR. “An EIR must contain an accurate description of the project's environmental setting. An EIR 'must include a description of the physical environmental conditions in the vicinity of the project ... from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.' (Guidelines, § 15125, subd. (a).) There is good reason for this requirement: 'Knowledge of the regional setting is critical to the assessment of environmental impacts.... The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.' (Guidelines, § 15125, subd. (c).) We interpret this Guideline broadly in order to 'afford the fullest possible protection to the environment.' (Kings County Farm Bureau, supra, 221 Cal.App.3d 692, 720.) In so doing, we ensure that the EIR's analysis of significant effects, which is generated from this description of the environmental context, is as accurate as possible.” (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874; quoted in Foothill Conservancy Scoping Comments, Chapter 1, p. 5.)

Impaired Water Bodies within Amador County are listed in Table 4.9-3 (p.4.9-19). The data are from the 303(d) list for 2010. EPA requires the States to update their 303(d) lists every two years on even years, so this list is outdated and should be revised. With that said, information from the 2010 list is not in agreement with information provided by the CVWQCB in its NPDES permit to the City of Jackson (Exhibit 4.9.1-1, p. 5). Lake Amador is not listed in the DEIR table; however the Regional Board indicates that Lake Amador is a water-quality limited segment due to high pH.

The draft EIR does not evaluate water quality impacts associated with agriculture and mining. Does the County have data to determine whether agriculture contributes sediment, nutrients, or pesticides to surface water or groundwater? If the County has no access to direct monitoring results, what can be determined from similar land uses in the water quality literature? Please explain mitigation measures that are taken by intensive agriculture and the mining industry to minimize adverse impacts to water quality and quantity of surface and groundwater? If impacts
are likely, does the General Plan include any additional mitigation measures? What are the environmental impacts of wastewater generated from Mineral Resource Zones on agriculture or other adjacent land uses? Does mining or intensive agriculture have the potential to lower the groundwater table so as to affect adjacent land uses? Please include this discussion in the final EIR. If impacts are likely, then mitigation measures need to be identified in the final EIR.

What are the current environmental impacts of septic tanks in the County? Does the County estimate the percent of failing systems or enforce clean-up? Does the County have sufficient manpower to monitor septic systems and enforce clean-up? Has the County analyzed the effects of additional onsite septic tanks on groundwater quality?

Martell Regional Service Area

A portion of the Martell Regional Service Area was used for lumber mill operations that required various waste disposal sites such as wood waste landfill, an unlined leachate basin, an ash disposal area, and a former cogeneration fuel stockpile area (Exhibit 4.9.2-1). These operations had significant impacts on the water quality of groundwater and surface waters, however, no mention of these water quality concerns is provided in the DEIR.

The current owner, Sierra Pacific Industries, has been pursuing or completed the clean closure of these sites under Waste Discharge Requirements (WDR) with the Central Valley Regional Water Quality Control Board. The Ash Disposal Area was used to store ash generated from the boiler of Georgia Pacific’s cogeneration plant. In 1999, ash at this location was monitored and found to contain levels of dioxin and furans exceeding (by about an order of magnitude) the EPA Regional Screening Levels (RSL) criteria for industrial soils (ibid, p.3). The soils also contained Polycyclic Aromatic Hydrocarbons (PAHs). More extensive sampling in 2008 again found dioxins exceeding the RSL in all samples, and PAHs were also present. In addition, “groundwater down gradient of the Ash Disposal Area has been impacted by elevated concentrations of calcium, magnesium, bicarbonate, and total dissolved solids with sporadic detection of dioxins” (Ibid, p.4). Cleanup of the site in 2001 began without a workplan approved by the CVRWQCB. Ash was removed from the area, stockpiled outside the designated area, and then moved back in, causing the potential for sediment contamination outside the designated ash disposal area. The Ash Disposal Area was closed in 2012. Closure measures included capping the site, diverting surface drainage, and inserting interceptor drainage systems to maintain separation between groundwater and the disposal site. This former Ash Disposal Area requires maintenance and monitoring. It should be clearly labeled on the Land Use maps as industrial use or a use indicating that it is a closed waste disposal site. Does this site need to be maintained and monitored as a permanent waste disposal site? It should also provide an accurate assessment of the effects of past groundwater contamination on future land uses adjacent to the ash disposal site.
The lumber mill also included a wood waste landfill that held wood waste too dirty to be burned in the cogeneration plant. Rainwater and the exposed wood waste formed a leachate that drained to an adjacent leachate basin. This leachate has been tested in the past and found to contain slightly elevated levels of manganese. This leachate could affect groundwater quality. Over 500,000 cubic yards of wood waste have been removed from the landfill and almost 10 acres of the 27 acre landfill has been clean closed (Ibid, p.5). Closure of this site is required by January 31, 2022. Monitoring of leachate is required. This area should also be clearly marked as industrial use or use indicating that it is a waste disposal site. Does this site need to be maintained and monitored as a permanent waste disposal site? The Final EIR should also evaluate whether adjacent land uses would be affected by disposal site clean-up and maintenance. An EIR shall "analyze any significant environmental effects the project might cause by bringing development and people into the area affected." (CEQA Guidelines, sec. 15126.4, subd (a).)

Unfortunately, erosional sediment from both the Ash Disposal Area and the wood waste landfill were deposited in a drainage basin adjacent to these facilities. Since these sediments contained dioxin/furans, Sierra Pacific Industries was required to evaluate the risk to birds and mammals that might use this site. A risk assessment was provided in October 2013, yet this information is not summarized in the DEIR. This assessment should be used to determine if there is any conflict with proposed land uses. Where is this drainage basin? What is the proposed land use designation? Have appropriate mitigation measures been taken to ensure that there are no impacts to wildlife or humans? An EIR shall “analyze any significant environmental effects the project might cause by bringing development and people into the area affected.” (CEQA Guidelines, sec. 15126.4, subd (a).)

4.9.3 Impacts and Mitigation Measures

CEQA requires agencies to adopt feasible mitigation measures in order to substantially lessen or avoid otherwise significant environmental effects. (Pub. Resources Code, secs. 21002, 21081, subd. (a); CEQA Guidelines, secs. 15002, subd. (a)(3), 15021, subd. (a)(2), 15091, subd. (a)(1)). As noted in our scoping comments, “When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures until a specific project is proposed. (Citizens for Quality Growth v. City of Mount Shasta (3 Dist. 1988) 198 Cal.App.3d 433, 442 [243 Cal.Rptr. 727]).” (Foothill Conservancy Scoping Comment, Chapter 1, p. 9.) “A program EIR is supposed to, ‘Allow a 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.’ (CEQA Guidelines, sec. 15168.)” (Foothill Conservancy Scoping Comment, Chapter 1, p. 16.) Certification of EIR without adoption of a feasible mitigation measure is an abuse of discretion under CEQA. Adopting a statement of
overriding considerations does not justify certification of the EIR absent adoption of the mitigation measure. (City of Marina v. Board of Trustees (2006) 39 Cal.4th 341.)

Generally, an agency cannot rely on mitigating a significant impact by developing a mitigation plan after project approval. "The CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena." (Oro Fino Gold Mining Corporation v. County of El Dorado (3d Dist. 1990) 225 Cal.App.3d 872, 884-885 [274 Cal.Rptr. 720].) However, this may be permissible if the agency displays a commitment to mitigating the impacts, lists a menu of feasible mitigation measures, and identifies performance criteria that the measures must satisfy. (Sacramento Old City Association v. City Council of Sacramento (3d Dist. 1991) 229 Cal.App.3d 1011, 1028-1029 [280 Cal.Rptr. 478].) An agency may not defer adopting specific mitigation measures by adopting merely a "mitigation goal" without specific performance criteria and a menu of feasible mitigation measures. (See Gray v. County of Madera (2008) 167 Cal.App.4th 1099, 1118-1119.)

"Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental [Slip Opn. Page 23] assessment. (See, e.g., Gentry v. Murrieta (1995) 36 Cal.App.4th 1359, 1396 (Gentry) [conditioning a permit on "recommendations of a report that had yet to be performed" constituted improper deferral of mitigation]; Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1275 [deferral is impermissible when the agency "simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report"]; Endangered Habitats League, Inc. v. County of Orange (2005) 131 Cal.App.4th 777, 794 ["mitigation measure [that] does no more than require a report be prepared and followed, . . . without setting any standards" found improper deferral]; Sundstrom, supra, 202 Cal.App.3d at p. 306 [future study of hydrology and sewer disposal problems held impermissible]; Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1605, fn. 4 [city is prohibited from relying on "postapproval mitigation measures adopted during the subsequent design review process"];)" (Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 92-93.)

The DEIR lacks meaningful mitigation measures to address the County's precious water resources. After reviewing the DEIR, it is clear that comprehensive planning and mitigation are needed. We recommend that Amador County follow recommendations made in a report provided to the Upper Mokelumne Watershed Authority, a joint powers authority of which Amador County is a member. This 2007 report, Upper Mokelumne River Watershed Assessment and Planning Project (Exhibit 4.9.3-1), evaluated water quality concerns in the Mokelumne River Watershed. However their findings may be representative of the larger county.
since land uses are very similar. The recommendations for protecting water quality included in this report should be evaluated for feasibility as mitigation measures in the Final EIR.

A specific recommendation of the report was to include a separate water element in the General Plan update. The report notes that (p. 8-14), “Water resources-related information is typically fragmented throughout the various elements. It is recommended that the general plans identify and analyze the quality of water resources and establish policies and programs to preserve its quality. It is recommended that a separate water element be developed for the Amador and Calaveras general plans to compile and address water resources issues into one location instead of throughout the various elements. The water element is an optional element of the general plan as permitted by Section 65303 of the California Government Code. It is recommended that the general principles described in Appendix N – TM No. 10, be incorporated into a separate water element or the various other elements of the updated general plans.”

An additional recommendation aims at protecting areas within the Mokelumne River Watershed that are deemed vulnerable to water quality. Quoting the report (p.8-15), “It is also recommended that the general plan updates include policies and programs to require an assessment of water quality impacts associated with any new development greater than one acre located within the high and very high water quality vulnerability zones. This assessment, using the WARMF model as a tool, is to be required for new development. Chapter 9 (Section 9.2) provides additional information on this recommendation.” Has the County evaluated high and very high water quality vulnerability zones? It seems possible that a WARMF model extended to the Cosumnes River and Jackson Creek would show the Pine Grove town center and the River Pines town center within areas particularly vulnerable to water quality. Please explain if such an analysis was performed, is reasonable, and whether proposed town centers are in vulnerable areas. How would wastewater treatment facilities mitigate these potential impacts?

To offset impacts from additional septic systems, the Upper Mokelumne River Watershed Authority Report made several recommendations. While pathogen concerns were greatest in communities in Calaveras County, these recommendations were made irrespective of county, and are feasible mitigation measures. Pertinent portions of the recommendations (Exhibit 4.9.3-1, p.8-4) are cited here and recommended as feasible mitigation measures that should be included in the final EIR:

“3. A Septic System Management Program is recommended for each county to implement, to characterize the extent of the contamination problem, to manage septic systems as infrastructure assets, and to reach out to the community to inform them on managing septic systems and solicit input on the recommended actions. A draft Septic System Management Program was developed for this project, located in Appendix Q. Key recommendations, which should be pursued simultaneously, are summarized below.
"4. Conduct a septic survey to substantiate the problems and needs. The survey should include the identification of geotechnical and groundwater watershed characteristics relevant to siting of septic systems. The survey should also include water quality monitoring to identify the sources of microbial contamination from leaking septic systems, in terms of areas of greatest contribution, and analyses of the monitoring data to identity microbial species of origin. This will allow confirmation that microbial contamination is human in origin, rather than being contributed by non-human sources. These water quality monitoring recommendations are also presented in management measure R1. In addition, the septic survey should inventory septic system infrastructure and its condition. Locations of documented and undocumented systems should be mapped, and a sampling of the condition of septic systems conducted.

"5. Although the counties in the watershed have regulations governing septic systems, these are for permitted systems. Funding constraints prevent the counties from conducting regularly scheduled inspections or requiring mandatory maintenance practices for permitted systems. The following management practices are recommended.
• Identify septic system suitability zones
• Establish rigorous design and maintenance standards
• Require mandatory inspections
• Mandate pumping of tanks
• Collect a water quality protection fee

To avoid permitting septic systems in unsuitable locations, the suitability of the watershed to support septic systems should be identified and No Septic Zones be established. New systems within these zones should be subject to a performance design process to accommodate site specific needs, and new and existing systems be required to either connect to an existing sewage collection system, convey sewage to a community leachfield in a nearby septic zone, or replace the existing septic system with a holding tank to be pumped on a biannual basis.

"More rigorous siting and maintenance standards should be mandated, patterned after the State of California AB885 draft regulations. These regulations should apply to new and replaced septic systems and have provisions for higher standards of design and maintenance than that currently required. It is also recommended that owners verify separation to groundwater as part of the permitting process."
“Mandatory inspections of permitted and known unpermitted septic systems should be required. There are several methods to implement inspections: 1) prevent a real estate transaction without a recently inspected, fully functioning, and permitted system including verification of separation from groundwater; 2) visual inspections for malfunctions required when the tank is pumped or on a regular five-year schedule, whichever is more frequent which the pumpers required to submit the reports as a condition of doing business in the county; and 3) inspections required for all remodels or expansions costing over $20,000 and requiring any county construction permits.

“Owners of new septic systems must have the tanks pumped by a licensed septage hauler on a two year bases. For existing systems, pumping is required if an inspection determines that the tank is greater than one-quarter full of sludge and scum, if the property has a history of violations, or if the septic system is located in a No Septic Zone.

“A management program whereby annual fees are collected from all property owners using septic systems or alternative on-site systems is recommended. These Water Quality Management Fees could fund several of the recommended actions in the Septic System Management Program, as determined by the counties.

“6. Educational outreach is critical to raise awareness in the watershed of basic septic system design and maintenance, what to look for with regard to septic system failures, the importance of converting to a sewage collection system, the reasons behind the actions recommended here, as well as the value of improving microbial water quality conditions. Outreach is also recommended to solicit input on the implementation of the actions recommended here and in the Septic System Management Program. Communication tools are critical to successfully overcoming the technical, financial, and privacy issues associated with substantiating the septic system conditions and extent of problems and asking for support to implement these recommended actions. An outreach program is recommended for both residents and owners of second homes in the watershed.

“The outreach program should expand on the Authority’s current partnerships with schools and other organizations to not only invest in the future by educating young people about water quality issues, but also to provide educational materials that will be brought home and read by the adults. Good examples of septic system outreach can be found for the Tomales Bay watershed in Marin County at www.septicmatters.org.
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“7. It is recommended that Amador and Calaveras counties include policies in the general plan updates to mandate the above recommendations, including implementation of the Septic System Management Program. The general plan updates should also contain location constraints to limit new septic system development in areas susceptible to water quality contamination. Until No Septic Zones can be established per the Septic System Management Program, the Water Quality Vulnerability Zone designations of high and very high vulnerability zones are recommended to be restricted from allowing new septic systems without performance based design requirements and separation of groundwater verified.”

The DEIR concludes that impacts from mining, agriculture, municipal and industrial discharges would be less than significant because required NPDES permits or WDRs would set appropriate limits on pollutants (p.4.9-22). Violations of NPDES permits and WDRs have required the CVWQCB to administer civil liabilities and/or cease and desist orders for City of Jackson, City of Ione, Lake Camanche Village, and Mule Creek State Prison. Sierra Pacific Industries waste facilities have violated water quality standards for decades. Past mining operations still cause water quality problems (e.g. Newton Copper Mine along Highway 88). Sediment from agricultural lands has entered waters of the State, when erosion measures were not in place. Landowners may not meet their regulatory requirements until water quality impacts have occurred. Permitting does not ensure less than significant impacts and should not be considered sufficient mitigation. In addition, policy and implementation measures in the Draft General Plan that address pollutants from mining and agriculture are too weak or lacking to provide adequate water quality protection.

The mitigation measures related to the protection of water quality are related only to stormwater impacts will help to strengthen the County’s stormwater management program. However, the current implementation language is too vague as to ensure adequate protection, “The County will review its design and improvement standards (in Chapter 17 of the Amador County Code), and modify codes and specifications as needed to provide for the use of low impact development techniques” (Implementation Plan,P-1.3). Stronger and more specific implementation requirements need to be developed and specified in the final General Plan.

Water quality impacts from town centers, regional service area, and special planning areas are not addressed on a case-by-case basis making it difficult to accurately determine additional wastewater demand and its effects on surface or groundwater. On example of this issue is the additional wastewater demands from the Martell Regional Service Area. The DEIR does not indicate whether wastewater treatment will be handled by the Amador Water Agency (AWA) or
the City of Sutter Creek and the Amador Regional Sanitation Agency (ARSA). The DEIR does not indicate where the AWA WWTP would be located and whether its disposal would be to surface water or land disposal. This makes it difficult to determine impacts and design appropriate mitigation. If ARSA and the City of Sutter Creek dispose of wastewater, the lowest cost treatment would be to discharge surface water to Sutter Creek under a new NPDES permit (Exhibit 4.9.3-2). The impacts of surface water discharge to Sutter Creek are not identified at all in the DEIR. As noted above, permitting alone does not ensure insignificant impacts since a history of wastewater violations at facilities within the County have occurred. Costs to current and future ratepayers likely depend on the responsible agencies associated with wastewater expansion. These concerns are not noted in the DEIR. These analyses need to be provided in the final EIR. "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 712 [270 Cal.Rptr. 650].)

The DEIR does not consider appropriate reclamation, conservation or small-scale wastewater reduction technologies (e.g. State-approved graywater systems) as possible mitigation measures. These options reduce wastewater disposal demand and could reduce impacts. Please evaluate the feasibility of these measures in the Final EIR. The County should actively pursue recycled water where appropriate to meet water supply needs and implementation language should require this, especially in areas where costly treatment facilities are needed. Please include a discussion of possible recycled water systems in proposed growth areas and discuss the feasibility of recycled water as a mitigation measure. Discuss the necessity of modifying implementation policies and ordinances to require reclamation, conservation and State-approved graywater systems.

The General Plan needs to ensure better communication and planning between cities and counties with respect to water supply, water quality and wastewater disposal. The current communication strategy is insufficient as is apparent from the wastewater disposal issues in the Martell area. Program C-4 (Implementation Plan, P-37) should be modified to designate a coordinating body that would address wastewater issues. Operation agreements between the agencies could ensure that the capacity of shared treatment facilities is allocated appropriately.

The DEIR should assess an alternative that avoids growth in 'highly vulnerable and vulnerable water quality' areas, reduces the need for expensive wastewater facility expansions and reduces impacts to less than significant levels. Areas of the county that lack sufficient wastewater infrastructure should be clearly identified and designated for the lowest population density. "No Septic Zones" should be included in an alternative. (See also in these comments, Terrell Watt, *Matrix of Recommended Mitigation Measures, Public Facilities and Services.*)
4.12 Population and Housing

4.12.3 Impacts and Mitigation Measures

As noted in our scoping comment, “An agency must produce rigorous analysis and concrete substantial evidence to support a determination that the project's impacts are insignificant. (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650].) The appropriate impact analysis process is as follows. The potential impact of the project is compared to a threshold of significance. If the impact is below the threshold, the conclusion is that the impact will be less than significant. If the impact exceeds the threshold, then mitigation measures are identified, and their contribution to reducing the impact is estimated. If there are feasible mitigation measures that can reduce the impact below the threshold of significance, the lead agency is required to adopt them, and the conclusion is that the impact is less than significant. If, even after adoption of all the feasible mitigation measures the impact still exceeds the threshold, then the conclusion is that the impact is significant and unavoidable. “

“The common mistake is to skip logical steps in the above analytical process. Often an impact is deemed significant, an agency adopts a short list of mitigation measures, and then jumps to the conclusion that the impact is mitigated. There needs to be an evaluation of the degree to which the mitigation measures will reduce the impacts, and a determination of whether the residual impact remains significant.” (Foothill Conservancy Scoping Comment, Chapter I, p. 8.)

The DEIR identifies two impacts on population and housing from implementing the General Plan:

- Impact 4.12-1: A permanent increase in Population Growth. This impact is considered significant.
- Impact 4.12-2: Displacement of existing housing or people. This impact is considered less than significant.

The DEIR's analysis in determining Impact 4.12-1 is significant is too general. The DEIR fails to provide a standard or definition of “significant” population increase. The DEIR notes the population in the unincorporated areas of the county is projected to increase by 15%, or 3,297 individuals. No explanation is given as to why this increase is significant other than the fact that there will be more people in the unincorporated areas of the county in 2030 than lived here in 2011:

Based on DOF projections, a population increase over the baseline (2011) population is projected, and Draft General Plan implementation could indirectly induce a permanent increase in population over the existing levels. Therefore, this impact would be significant. (DEIR, page 4.12-6)

The DEIR mentions several times that the Draft General Plan is “required to serve as a comprehensive, long-term plan for physical development and conservation in the Unincorporated County.” (DEIR, page 4.12-6). If the intent of the Draft General Plan is to establish orderly growth within the county, in the FEIR please: 1) provide specific, meaningful criteria for determining when an increase in population becomes a significant impact; and 2) explain in detail how the Draft General Plan creates conditions that would cause the 15% projected population growth to be considered in and of itself a significant impact.
In addition, the DEIR concludes no feasible mitigation measures are available to lessen the significant impact of permanent population growth, but does not provide a reasonable explanation or analysis for this conclusion. As with the impact itself, the DEIR concludes because the Draft General Plan includes policies for economic development that will require individuals to move into the County, that increase in County population itself proves no mitigation measures are available. (DEIR, page 4.12-6). In the FEIR, please discuss which specific Draft General Plan policies contribute to increased population through economic development.

Contrary to what the DEIR concludes, there are feasible mitigation measures available for the significant impact of permanent population growth. The DEIR states “The Draft General Plan is intended to accommodate long-range population and employment growth and conservation.” (DEIR, page 4.12-5) Achieving this objective means developing goals, policies and programs for land use, economic development, traffic circulation, public services, etc. These same goals, policies and programs should be considered as potential mitigation measures for the impact of population growth.

In analyzing impacts from population growth, other counties have applied general plan policies specifically to mitigate what they also concluded was a significant impact. (Exhibits 4.12.3-1). Should the County continue to take the position that there are no feasible mitigation measures for the impact of population growth, in the FEIR, please explain specifically why the Draft General Plan, in planning for orderly increased economic development, prevents the development or consideration of feasible mitigation measures to address population increase?

The DEIR identifies displacement of existing housing or people as a second impact related to population and housing. (DEIR, page 4.12-6). The DEIR’s analysis of Impact 4.12-2 is too general and does not provide meaningful information for the public. In the FEIR, please reference Table 3-1 (DEIR, page 3-9), and pages 3-11 through 3-13 in the analysis of Impact 4.12-2. Table 3-1 provides a breakdown of expected development under the Draft General Plan for the planned additional 1,685 housing units, categorized under each designated use (i.e. Regional Service Center, Residential Low Density). Pages 3-11 through 3-13 provides information on the existing units, additional units under the Draft General Plan and maximum desired number of units in the Martell Regional Service Center, the Pine Grove, Buckhorn and River Pines Town Centers and the Comanche Village and Comanche North Shore Special Planning Areas. This additional information is needed for more complete public review of Impact 4.12-2.
SECTION 4.13 PUBLIC SERVICES

4.13.1 Regulatory Setting

As noted in our scoping comments, “The setting section of the DEIR must discuss any inconsistencies between the proposed project and existing general plans and regional plans. (CEQA Guidelines, sec. 15125.) This requirement is especially critical in a General Plan EIR. The General Plan Guidelines encourage cities and counties to review the plans of other neighboring areas, and of other agencies with jurisdiction; and to tailor general plans to conform, so that all the government agencies are pulling in the same direction, toward the same goals, as citizens and taxpayers prefer.” (Foothill Conservancy Scoping Comment, Chapter I, p. 7.) To do this properly, it is essential that the DEIR refer to the current plans in place.

On pages 4.13-4 and 4.13-5, the DEIR misstates the members of the Mokelumne-Amador-Calaveras IRWMP as well as the projects by relying on an old version of the IRWMP. The 2011-2013 MAC IRWMP is the current document. Please use the current document as a basis for the Final EIR. In addition, the state’s new groundwater management law should be included in the laws that apply to water supply, as should the Federal Power Act and related licenses since AWA relies on PG&E for its water storage and diversions.

On pages 4.13-2 and 4.13-5, the DEIR relies on Amador Water Agency’s 2011 Urban Water Management Plan (“AWA Plan”). The plan was updated in 2014. The DEIR should be reviewed to ensure its content is consistent with the revised plan, especially since demand in the CAWP system has declined in recent years.

There are many problems identified in Section 4.13 in terms of existing services (lack of enforceable or even recommended service standards, water supply deficiencies and contamination issues, wastewater treatment deficits, underfunded fire fighting services, inadequate and outdated law enforcement facilities (communication centers and prison). Are there no applicable laws/regulations aimed at ensuring provision of basic services and public safety in a manner that protects public health and the environment? Much of the service infrastructure in Amador County was built piecemeal, and a lot of it is aged and needing upgrade or replacement, yet there do not seem to be any regulations named with “teeth” to make sure this happens. On p. 4.13-11, the Draft EIR mentions that the State Department of Public Health directed a Groundwater Sustainability Study for the Lake Camanche Village service area. The ability of the State DPH to do this should be mentioned under regulatory setting, as well as any powers the Regional Water Quality Control Board might have to fine or require corrections for contaminating drinking water sources caused by uncontrolled runoff or defective wastewater treatment systems or conveyances.
4.13.2 Environmental Setting

In our scoping comments we explained the importance of the environmental setting sections of an EIR. “An EIR must contain an accurate description of the project’s environmental setting. An EIR ‘must include a description of the physical environmental conditions in the vicinity of the project ... from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.’ (Guidelines, § 15125, subd. (a).) There is good reason for this requirement: ‘Knowledge of the regional setting is critical to the assessment of environmental impacts.... The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.’ (Guidelines, § 15125, subd. (c).) We interpret this Guideline broadly in order to ‘afford the fullest possible protection to the environment.’ (Kings County Farm Bureau, supra, 221 Cal.App.3d 692, 720.) In so doing, we ensure that the EIR’s analysis of significant effects, which is generated from this description of the environmental context, is as accurate as possible.” (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874; quoted in Foothill Conservancy Scoping Comments, Chapter I, p. 5.)

On pages 4.13-8 and 4.13-9, the DEIR goes on to assess future water demand on the AWA systems. Note that the population growth estimates in the AWA Plan are higher than the estimates in the general plan DEIR. The AWA Plan shows anticipated growth in the unincorporated area at 1.7 percent while the Dept. of Finance projection in the DEIR is 1.5 percent. Updated DOF projections for the county are that the population will increase by only 1.1 percent through 2030 (DOF Report P-1, December 2014). If projections in the AWA plan are adjusted to take this into account, the county’s future water supply surplus is even better than shown.

Assuming that the DEIR is correct and the county grows by about 3,300 residents in the planning period – and all of those residents are AWA customers – the total water used per year for new development would be 660 acre feet a year or less, depending on where the growth occurs (average use in the AWS system is one-half an acre foot per family per year; the CAWP users consume about 1/3 of an acre foot per year, per AWA). The current general plan contemplates growth in many parts of the county not served by AWA, so the increased water use during the planning period is likely to be considerably less than 660 acre feet. In comparison, the AWA’s AWS system is using 8,400 acre feet a year now, so the water use increase due to new
development in the general plan would be less than 10 percent of current use in that one system alone, assuming everyone continues to consume water at relatively high current rates and all new county development is served by AWA, which is highly unlikely.

On page 4.13-10, the DEIR describes the water service to Lake Comanche Village. Several Projects are planned or underway in the Camanche area that will improve local water availability. Please check with the Amador Water Agency and East Bay Municipal Utility District for current information, and include it in the Final EIR.

On page 4.13-11, the DEIR assumes that raising Lower Bear River Dam would provide greater water reliability without providing evidence in the record to substantiate that claim. There is no assurance that the AWA could secure the new water rights necessary for the expansion or that those water rights, which would be junior to Camanche’s 1950s right in priority, would be a reliable source of future water supply. Please correct the Final EIR.

The DEIR also assumes there would be additional hydropower from raising Lower Bear Dam and equates the AWA-proposed raise to PG&E’s proposal to increase hydropower from the dam, when they are not the same. The PG&E project would be a closed-loop, pumped-storage project with a very-large-capacity underground powerhouse, and it would raise the current dam to a much smaller degree than AWA’s plan. Please correct the Final EIR.

The Final EIR should note that alternative methods of increasing local water supply are under discussion in the Mokelumne Watershed Interregional Sustainability Evaluation, including higher conservation levels than in the AWA Plan (target of 75 gallons per capita per day vs. 154 in the AWA Plan, a reduction of nearly 50 percent), wastewater recycling and reuse, and reoperation of PG&E’s Mokelumne River Hydroelectric Project. Any one of those could increase water supply reliability to a greater degree than raising Lower Bear. In addition, the AWA Plan does not include any wastewater recycling.

On page 4.13-11, the DEIR incorrectly states that AWA “diverts 15,000 afy of surface water from the Mokelumne River.” AWA does not currently divert its full 15,000 AWS pre-1914 water right, as stated in the DEIR. On an average year, it diverts 8,400 acre feet of that water, as noted on page 4.13-8.

On page 4.13-11, the DEIR states that AWA has no capacity left in its CAWP system for new customers. That is no longer true as consumption in that system has declined in recent years. Please obtain accurate, current numbers from AWA. In addition, AWA is unlikely to complete its new water right application for the CAWP system “by 2015” as it has yet to even produce an environmental review document for that water right application as required by the state.
On page 4.13-12, The DEIR correctly states that AWA will have ample surplus water in the planning period for all water year types. In fact, the UWMP demand numbers should be reduced once AWA completes the small-diameter pipeline now funded for the Amador Canal. Those water savings should be accounted for in the Final EIR and the additional surplus noted.

Please provide documentation that groundwater resources are adequate to guarantee the “safe yields” projected for the three wells at Lake Camanche Village through 2030 (p. 4.13-12).

On pages 4.13-13 and 4.13-14, the DEIR discusses the Tanner Water Treatment Plant. The DEIR is again outdated in its discussion of distribution facilities. The AWA has established a Community Facilities District to help fund the expansion of the Tanner Water Treatment Plant. Please note this in the Final EIR.

On page 4.13-14, the DEIR discusses JVID. The Jackson Valley Irrigation District information is out of date and does not discuss the construction of that district’s treated water pipeline or current work to build a pump station in Pardee Reservoir. Please contact JVID for updated information and revise this section accordingly in the Final EIR.

Table 4.13-5 (p. 4.13-15) indicates there would be no difference in water availability to AWA in a normal year, dry year or multiple-dry year scenario. Please explain further. Are AWA’s water rights assured and take precedence over other all agencies that rely on the Mokelumne River as a water source? Are these legal rights guaranteed in perpetuity?

On page 4.13-15 there is a statement that the JVID “requests and usually receives 3,850 af annually from EBMUD, although it is subject to availability.” Does the DEIR assume this water will remain available through the planning period? If so, please provide justification. The discussion of AWA reversion is not clear to a lay reader. Does this mean that AWA is proposing to take 1,050 af of water that currently goes to JVID and replace it with tertiary treated effluent? What are the implications for water quality? Please clarify.

On page 4.13-17, the DEIR indicates that EBMUD operates Camanche Reservoir to provide water supply to the East Bay. The East Bay Municipal Utility District does not operate Camanche Reservoir for East Bay water supply. Please check with EBMUD and correct that section in the Final EIR.

In general, this section reports on existing services available throughout Amador County. Some services are adequate, but others have serious deficiencies and constraints that are identified—e.g. Well 6-R in River Pines is contaminated (p. 4.13-16); Well 14 at Camanche Lake Village needs rehabilitation to address quantity and quality problems (p. 4.13-10); The Drytown County Water District loses 20 percent of its water due to leaks in its distribution system (p. 4.13-16); River Pines PUD’s storage facilities have a capacity of less than a day’s water demand, the distribution system is in need of maintenance and improvement, and infrastructure is undersized to serve...
existing customers (p. 4.13-16); Volcano CSD has a moratorium on new water hookups pending studies (p. 4.13-16); several of AWA’s wastewater treatment systems are at or over capacity, there is a moratorium on new wastewater service hookups at Lake Camanche Village, and Gayla Manor’s treatment capacity is exceeded during peak rain events (p. 4.13-18); the Sutter Creek WWTP is operating at capacity due to elevated pollutant loads (p. 4.13-19); the ACSO’s main station, communications center and prison in Jackson are outdated, overcrowded and functioning at capacity (p. 4.13-27). The DEIR mentions plans or discussions or intentions to correct some of these deficiencies, but for the most part no timetables or funding sources are identified.

The focus of the water supply discussion is on surface water resources, since “97% of water in the incorporated areas is supplied from surface water” (p. 4.13-8). However, many rural residences and agricultural businesses rely on groundwater. How many wells exist in Amador County to serve this population? How many of those wells ran dry in 2014 due to drought conditions? How many new wells were drilled (and how did the rate of finding water in those wells compare with past year trends)? How does the current rate of well drilling compare with past decades (adjusted for population growth rate)? Does this data indicate any trend in groundwater resource adequacy? Are there any other data sources or more comprehensive studies that can be cited for information about our groundwater resources and their ability to continue to meet future demand?

The Draft EIR reports that there are 9,700 septic systems in the County (p. 4.13-17), so it seems likely there would be a comparable number of wells, and more will be needed to meet future population demand in unincorporated areas. Will our aquifers support the projected new growth that will not have water supplied by urban systems that rely primarily on surface water sources? Please provide more quantitative data and analysis on groundwater use and rates in the Final EIR, and articulate any concerns or uncertainties about reliability of this important source to continue meeting current and to meet future demand.

### Wastewater Collection, Conveyance and Treatment Facilities

The DEIR (p. 4.13-17 to 4.13-22) provides an overview of nine agencies’ efforts at conveying, treating and disposing of wastewater within the planning area. The current and projected demands on wastewater systems given projected growth within the County are a critical issue. Unfortunately the agency-by-agency discussion does not provide sufficient clarity to assess infrastructure needs generated by the General Plan land use designations. We recommend that additional discussion of wastewater systems be organized around the proposed planning areas:

1) Martell Regional Service Area
2) Town Centers
a. Pine Grove
b. Buckhorn
c. River Pines
3) Special Planning Areas
   a. Lake Camanche
   b. North Camanche Village
4) Unincorporated Areas.

For each area it is important to know the current and projected demands and capacities at existing wastewater facilities, the extent and nature of treatment facility expansion, additional infrastructure needs and deficiencies, and the ability of responsible agencies to provide services. This analysis would allow County residents to identify where wastewater impacts are most acute and where impacts might be mitigated to less-than-significant levels. We would also like the wastewater impacts of the environmentally superior alternative or a town-centered alternative with less growth to be analyzed and feasible mitigation proposed. The comments below summarize some information for the different planning areas, but is not meant to be a thorough review. Rather, we hope it provides some foundation for an area-by-area analysis that would be included in the final EIR. "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 712 [270 Cal.Rptr. 650].)

Martell Regional Service Area

The General Plan indicates that the Martell Regional Service Area will accommodate 2,500,000 square feet of commercial and 1,000,000 square feet of industrial uses (LU-14) and 1,200 to 3,000 housing units (LU-15). Growth in the Martell area will affect wastewater infrastructure for several systems, including the Amador Water Agency (AWA), the City of Sutter Creek and the Amador Regional Sanitation Agency (ARSA). ARSA, a joint powers authority comprised of Amador County, Amador City and Sutter Creek, is responsible for disposal of wastewater from Martell and the two cities. Some of this wastewater is also treated in Ione at a tertiary wastewater treatment facility that also treats a portion of effluent from Mule Creek State Prison (Exhibit 4.13.2-1). The treated effluent from the tertiary wastewater treatment facility is discharged either to the Castle Oaks Golf Course or sent to the City of Ione's secondary
wastewater facility. The complexity of this wastewater treatment and disposal system has resulted in different agencies proposing different capital improvements. The DEIR (p.4.13-17 and p.4.13-19) indicates that both AWA and the City of Sutter Creek/ARSA are planning to accommodate wastewater flows from Martell by constructing a new WWTP or expansion of an existing WWTP. Proposed alternatives developed by ARSA and the City of Sutter Creek depend on whether the City of Ione will continue to accept wastewater flow from ARSA. The City of Ione is evaluating an alternative that would cancel their agreement to accept wastewater flow from ARSA. The City of Sutter Creek and ARSA have evaluated several wastewater treatment options including land disposal and reclamation, or surface water discharge to Sutter Creek under a new NPDES permit.

The current governance situation for Martell wastewater services is identified in LAFCO’s Municipal Service Review as a ‘planning quagmire’ (Exhibit 4.13.2-2, p.252). LAFCO recommends a special service district for wastewater services in the ARSA area, “AWA provides wastewater collection services to the Martell community, where ARSA provides wastewater treatment and disposal services. The County continues to represent Martell through ARSA membership, and AWA has not formally joined ARSA in spite of its present reliance on ARSA facilities. A governance option to address this instability and planning quagmire is to form an independent special district for wastewater services covering the ARSA service area.”

These impacts exceed the threshold of significance (require expansion of wastewater treatment). The governance issue makes it difficult to assess costs associated with expansion. Please clarify in the final EIR the wastewater infrastructure needs, capital improvement plans, ability to pay for improvements, total costs, and potential increases to current and future ratepayers for build-out proposed in the Martell Regional Service Area.

The requested economic analysis is required, because an inability to fund the necessary wastewater treatment would result in either of two physical changes that may have significant environmental impacts. (See Gray v. County of Madera (2008) 167 Cal.App.4th 1099.) If the wastewater treatment capacity is exceeded by future growth, the resulting sewage spills could damage local waters and riparian habitat. If the lack of capacity restricted growth in the Martell Service Area, a key source of local jobs, more people would have to commute to work, resulting in additional traffic congestions and air pollution. In addition, economic analysis is typically used to evaluate the feasibility such mitigation. (CEQA Guidelines, sec. 15131, subd. (c).)

Please identify an alternative that reduces the growth in the Martell Service Area so that wastewater impacts are less than significant.

**Town Centers**
The town centers in the County are planned in Pine Grove, River Pines, and Buckhorn. The proposed Pine Grove Town Center would more than triple the housing units in Pine Grove, from 250 units to 900 units (LU-16). Phase One of the Pine Grove Community Leachfield System (CLS) has a capacity of 144 equivalent dwelling units (EDUs) and Phase Two will accommodate an additional 75 EDUs (Exhibit 4.13.2-3). The Pine Grove CLS is adjacent to Jackson Creek on relatively steep slopes. This has raised concerns regarding soil stability, stormwater capture, and connectivity to surface waters. The proposed growth in Pine Grove suggests that significant expansion or new wastewater treatment would be need. Policy C-3.1 of the General Plan notes that future development will be guided to areas of the County with the ability to obtain adequate wastewater service and treatment capacity. However, the General Plan appears to have already guided the growth to Pine Grove. Please explain how Pine Grove has adequate wastewater treatment service and treatment capacity for the proposed 900 units and accompanying commercial growth. Where would new leachfields be built? What would be the environmental impacts of wastewater treatment on Jackson Creek and groundwater in the Pine Grove area? What mitigation measures would be provided? Please evaluate an alternative that reduces the significant wastewater impacts in the Pine Grove area.

The Buckhorn Town Center would nearly triple the number of housing units, from about 90 in 2010 to 250 with additional non-residential development. The DEIR fails to discuss current and future wastewater disposal in these areas. Will they be on septic systems and will future wastewater disposal be septic tanks or a community leachfield? The DEIR states that on-site septic tanks (OWTS) and leachfield systems could contaminate groundwater and surface water if certain factors exist. These include (DEIR, p. 4.9-21), “increased density of OWTS, placement near domestic wells, improperly designed or constructed systems, seasonal or year round high water tables, or placement in areas with insufficient soil depths or improper soil types”. If the General Plan designates these town centers, then one would assume that analyses have shown no concerns for OWTS placements near domestic wells, seasonal or year round high water tables, or insufficient soil depths or improper soil types. However, the DEIR does not include these analyses. Are soil depths sufficient? Is the water table a concern? Please provide these analyses in the Final EIR. The EIR should provide a sufficient degree of analysis to allow decisionmakers to make an intelligent judgment. (CEQA Guidelines, sec. 15151.) If OWTS placement is a concern, then the County should ‘guide’ its development to areas with better wastewater disposal and capacity (Policy C-3.1) and that should be reflected in the General Plan, not after land use designations are adopted.

The DEIR does not provide adequate information to evaluate wastewater treatment for the proposed River Pines Town Center which would increase the housing units from about 65 to 100, with additional commercial development. This proposed town center appears to be within the area served by the River Pines Public Utilities District which supplies water and treats
wastewater. In the LAFCO Municipal Services Review (Exhibit 4.13.2-4 p.435), the district expects future growth to be limited and is reluctant to encourage growth in its service area:

"Future growth is expected to be limited, because there are only a few undeveloped properties within the District’s bounds with no current planned or proposed development projects.

The District discourages expansion of its service area since its facilities are undersized for serving the existing customer base, the cost to connect is prohibitively expensive, and financial reserves are minimal."

The LAFCO Municipal Service Review goes on to comment on the District’s infrastructure challenges, both water and wastewater:

"RPPUD has considerable infrastructure needs and deficiencies, most of which have not been addressed since 2007.

- The existing water supply is inadequate. The District is not able to meet its peak day demand.
- The District faces challenges in delivering adequate water services based on its distribution break rate. Past and present regulatory violations and evaluations reveal poorly operated water services, and failure to keep storage facilities filled with potable water reserves.
- District planning efforts are inadequate, and do not meet state standards for technical, managerial, and financial ability.
- The District has adequate wastewater treatment capacity to meet average dry weather demand, and although the facility’s design capacity equals to current peak wet weather flow, reportedly the plant can accommodate peak flows of 0.088 mgd.
- The wastewater collection system is not regularly inspected due to lack of qualified personnel, lack of equipment and financing constraints.
- While reductions in district staffing may reduce cost to ratepayers, the deficiencies in adequate staffing compromise the district’s ability to safely provide essential services to its citizens."

The River Pine Public Utilities District’s comments and infrastructure issues seem to disagree with the General Plan’s policy (Policy C-3.1) to guide development to areas with better wastewater disposal and capacity. What level of growth in the River Pines town center would reduce these impacts? "The CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions

**Special Planning Areas**

The General Plan (LU-18) notes that the Lake Camanche Special Planning Area could accommodate 1000 residential units and up to 75,000 square feet of commercial space. However, the wastewater treatment facility has a history of violations with only a fifth of that number of units (Exhibit 4.13.2-5), suggesting that significant investment in facility capacity would be required. In 2000, it was noted that the storage pond did not have sufficient capacity to handle the current flow (ibid, p. 1). In March 2003, 9,000 gallons of wastewater entered a surface drainage course that flows to Lake Camanche. The spill did not enter the lake. In 2005, "... approximately 900,000 gallons of wastewater was released in a controlled manner from the WWTP effluent storage pond when it was determined that gopher holes were present in the pond berm. The Discharger decided to release wastewater to prevent a catastrophic failure of the pond berm. The wastewater was discharged to a flowing surface water course leading to Lake Camanche. It is expected that the spill entered Lake Camanche because the surface watercourse was flowing at the time of the release and there are no downstream diversions" (ibid, p. 3). Later that same year, 800 to 1000 gallons of treated wastewater spilled into water courses leading to Lake Camanche. There is a moratorium on additional wastewater service in this area, and landowners are on a waiting list for additional capacity (Exhibit 4.13.2-2, p. 242). Once again, it is unclear that the County is guiding development to areas with better wastewater disposal and capacity (Policy C-3.1). "Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." *(Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 420 [253 Cal.Rptr. 426].)

Please provide an alternative that reduces these impacts to less than significant levels.

The DEIR notes that the wastewater system for the Camanche North Shore Special Planning Area requires upgrades to meet regulatory requirements (p. 4.13-21). How will additional growth and wastewater demand impact the treatment facility? Please provide an alternative that reduces these impacts to less than significant levels.

A thorough discussion of the costs of expanding wastewater treatment facilities to meet the projected full build-out of each Alternative is necessary. This discussion should include all wastewater treatment facilities where additional growth is planned or where wastewater will be treated. How will these costs be apportioned between current and future ratepayers? Are the
projected costs reasonable given that some of the communities are designated as disadvantaged communities?

The requested economic analysis is required, because an inability to fund the necessary wastewater treatment would result in either of two physical changes that may have significant environmental impacts. (See Gray v. County of Madera (2008) 167 Cal.App.4th 1099.) If the wastewater treatment capacity is exceeded by future growth, the resulting sewage spills could damage local waters and riparian habitat. If the lack of capacity restricted growth in the Town Center, a key future source of local jobs, retail, and service, more people would have to commute to work and drive farther to meet their retail and service needs. The result would be additional traffic congestions and air pollution. In addition, economic analysis is typically used to evaluate the feasibility such mitigation. (CEQA Guidelines, sec. 15131, subd. (c).)

The LAFCO Municipal Service Report comments on these concerns in its Chapter on the Amador Water Agency (ibid, p.249, referred to in the quote as the Agency):

- "There are six disadvantaged unincorporated communities within the Agency’s bounds and SOI based upon mapping information provided by the State of California Department of Water Resources. The identified communities are Camanche North Shore, River Pines, Buena Vista, Drytown, Martell, and Kirkwood.
- Infrastructure and financing to remediate deficiencies and increase the quality of services in this area, including water and wastewater services, is limited and presents a significant challenge to the County, the district and the communities."

**Septic Systems**

The DEIR does not discuss failing septic systems within the County, despite the prevalence of this problem. (Potential mitigation for septic systems is discussed in our comments on the Hydrology and Water Quality section.) Please provide an assessment of the current problem and how the County has worked to address failing systems. Does the County have the manpower to inspect failing systems? What is the track record for compliance once failing systems are identified? What is the geographical extent of surface or groundwater contamination from leaking septic systems? Have pathogens been detected in surface waters in the County, and are they linked to leaking septic tanks? As noted in our scoping comment, “Among the most relevant aspects of the environmental setting that must be disclosed in an EIR, is that the agency must divulge harm to the environment caused by current and past mismanagement, and any
efforts being made to remedy that harm that might affect the proposed project. (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 874.)” (Foothill Conservancy Scoping Comment, Chapter I, p. 6.)

The DEIR (p. 4.13-19) notes that the City of Sutter Creek “intends” to replace its existing water treatment plant with a new plant. Is this project funded? If so, how, and what is the timetable for construction of the new facility?

How does ACRA’s policy of providing 5 acres of parkland per 1,000 residents (p. 4.13-29) compare with other similar rural areas of California?

The public’s ability to walk or bicycle within the new development areas is not appropriately considered. We see no reason to not include better bike and pedestrian access within the Martell area. We recommend that the implementation language deleting this proposal be added back into the Implementation Plan D-1.15: “Pedestrian and bicycle friendliness improvements. The County seeks to improve pedestrian, bicycle, and NEV access in activity centers, including Martell, the Town Centers, and other areas with a mix of uses or higher intensity of uses. In support of this objective, the County will require new development proposals in these areas, including commercial projects and residential projects of 10 or more residential units, as appropriate, to provide bicycle/Neighborhood Electric Vehicle and pedestrian facilities or set aside right-of-way for future facility connections, to increase the safety and feasibility of nonautomobile travel. Bicycle and pedestrian facilities should be consistent and recognizable to permit them to be safely used.”

The DEIR states that Amador County lacks a comprehensive storm drainage system (p. 4.13-30). Is this typical for rural counties in California?

4.13.3 Impacts and Mitigation Measures

The Impact Analysis identifies significant impacts in the following areas:

- Increased Demand for Water Supplies due to supply uncertainties (p.4.13-32), Significant and Unavoidable after Mitigation

- Increased Demand for Water Conveyance and Treatment Facilities (p. 4.13-35), Significant and Unavoidable after Mitigation

- Increased Demand for Wastewater Collection, Conveyance and Treatment Facilities (p. 4.13-37), Significant and Unavoidable after Mitigation
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- Increased Demand for Fire Protection Facilities, Systems, Equipment and Services (p. 4.13-39), Less Than Significant after Mitigation

As noted in Existing Conditions, County services have been developed piecemeal and have suffered from underfunding. As a result, there are many deficiencies in existing services, as noted above. The impact analysis suggests that future development should be relied upon, not only to pay its ‘fair share’ going forward but also to somehow remedy the current problems and deficiencies. How will incremental population growth result in replacing the main police station, communications center and overcrowded jail in Jackson? Are specific development projects expected on such a scale that they will be able to provide funding for the needed wastewater treatment plants, or improvements to water supply and wastewater treatment in small communities like Volcano or Camanche Village? Will the twelve households expected to move to River Pines by 2030 be expected to pay to upgrade or replace that community’s dilapidated water supply, distribution, collection and treatment systems?

Suggested mitigation for significant impacts consists of very weak language such as the County “will consider” measures, or “will coordinate” with service agencies to “try to improve” service adequacy in the future. For example, Mitigation Measure 4.13-1b “a” is that “The County will provide input to water suppliers in their effort to plan for coordinated response to future water demand, and future water supply emergencies and drought.” What form will this input take, how many staff hours will be dedicated to it, and which committees will be supported and how? The text goes on to provide more vague words about the planning efforts to be supported (planning, developing standards etc). Similarly, MM 4.13-1b “b” is terribly vague: “The County will consult with water suppliers as they pursue water and wastewater plans to develop adequate water supplies...” What kind of a staff commitment is being made to carry out this consultation? What exactly are the aims of this consulting, the resources being committed to it, and the specific methods for implementing it? How will the County participate in meeting funding requirements where service inadequacies are identified?

MM 4.13-1c (p. 4.13-35) is similarly vague: “In order to assure that adequate infrastructure is in place to support existing and planned development, the County will consult with water and wastewater providers to support development of facilities or conveyance systems...” How will “consulting with” these service providers “assure that adequate infrastructure is in place” to meet the demands of existing and future development? Is the staff being directed to express their fervent hope and desire that these agencies will find a way to correct current deficiencies and fund the required work—or something more? Please elaborate on how such staff “consulting with” service agencies will reduce significant impacts. Cite relevant examples where this has occurred in other areas with similar issues.

4.13-13
The County cannot claim future mitigation based upon these vague provisions. An agency may not defer adopting specific mitigation measures by adopting merely a "mitigation goal" without a commitment to attain specific performance criteria and a menu of feasible mitigation measures. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099, 1118-1119.) CEQA requires agencies to adopt feasible mitigation measures in order to substantially lessen or avoid otherwise significant environmental effects. (Pub. Resources Code, secs. 21002, 21081, subd. (a); CEQA Guidelines, secs. 15002, subd. (a)(3), 15021, subd. (a)(2), 15091, subd. (a)(1)). As noted in our scoping comments, "When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures until a specific project is proposed. (Citizens for Quality Growth v. City of Mount Shasta (3 Dist. 1988) 198 Cal.App.3d 433, 442 [243 Cal.Rptr. 727])." (Foothill Conservancy Scoping Comment, Chapter 1, p. 9.) "A program EIR is supposed to, 'Allow a 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.' (CEQA Guidelines, sec. 15168.)" (Foothill Conservancy Scoping Comment, Chapter 1, p. 16.) Certification of EIR without adoption of a feasible mitigation measure is an abuse of discretion under CEQA. Adopting a statement of overriding considerations does not justify certification of the EIR absent adoption of the mitigation measure. (City of Marina v. Board of Trustees (2006) 39 Cal.4th 341.) Failure to evaluate proposed feasible mitigation measures in a program EIR is prejudicial error. (Cleveland National Forest Foundation v. San Diego Council of Governments (2014, App. 4th Dist.) D063288, pp. 26-27; certified for publication.)

"Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental (Slip Opn. Page 23) assessment. (See, e.g., Gentry v. Murrieta (1995) 36 Cal.App.4th 1359, 1396 (Gentry) [conditioning a permit on "recommendations of a report that had yet to be performed" constituted improper deferral of mitigation]; Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1275 [deferral is impermissible when the agency "simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report"]; Endangered Habitats League, Inc. v. County of Orange (2005) 131 Cal.App.4th 777, 794 ["mitigation measure [that] does no more than require a report be prepared and followed, ... without setting any standards" found improper deferral]; Sundstrom, supra, 202 Cal.App.3d at p. 306 [future study of hydrology and sewer disposal problems held impermissible]; Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1605, fn. 4 [city is prohibited from relying on "postapproval mitigation measures adopted during the subsequent design review..."]

4.13-14
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process”).” (Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 92-93.)

MM 4.13-1b item 4 (DEIR, p. 4.13-34) states that the County will “Communicate to all appropriate federal elected officials, federal agencies and departments, that Federal Wild and Scenic, National Recreation Area, or similar designations of surface waters in or adjacent to the County would be incompatible with the long term water needs of Amador County.” This is not a valid mitigation measure as defined by the California Environmental Quality Act (see definition in CEQA Guidelines, sec. 15370), but simply a political statement with no place in a DEIR. There is nothing in the text of the Existing Conditions section that identifies such scenic or recreational designations as having any influence whatsoever over water supplies, now or in the future. The alleged mitigation measure directly conflicts with one of the stated objectives of the general plan, which is to “Protect Amador County’s unique character, including historic and cultural heritage, scenic vistas, agriculture, rivers, streams, natural areas and historic buildings and towns.” Emphasis added. (See, Draft General Plan, p. 2-2). There are no onstream water projects planned or even under discussion for Amador County that would be stopped by Wild and Scenic designation. Furthermore, the California State Water Resources Control Board will evaluate all offstream projects near the Wild and Scenic-eligible Mokelumne River for their impacts on the same resources Wild and Scenic River designation would protect (see State Board Regulations sec. 734 (b) and letter from attorney Anne Schneider, attached). Please delete this inappropriate suggestion from the Final EIR.

Mitigation Measure 4.13-1d, on DEIR page 4.13-35, regarding future water supplies and funding seems to be a mitigation in search of an impact to reduce. The county has ample water resources in most of the AWA service area, as shown in the AWA Plan. If this mitigation is targeted at the two areas identified as problematic, Camanche and CAWP, it should focus on those areas rather than describe a broad-brush, scattershot approach to water supply development, especially since new surface water supplies will be necessity depend on junior water rights.

The DEIR (Impact 4.13-2, p. 4.13-36) states that water supply impacts for the Camanche Village and CAWP service area are substantial due to the uncertainty of future water supply. In fact, additional mitigations could be put in place to reduce the severity of the impacts of allowing future development in those areas. They include:

1) Requiring all new homes in the CAWP and Camanche area to be built, equipped and landscaped so they use no more than 75 gallons of water per person per day. That is the amount AWA has agreed is reasonable in the MokeWISE program. It would increase the efficiency of water use from 3 families per acre foot per year in the CAWP area to nearly 5 families per acre foot per year. That’s a substantial reduction in use.
2) Adopting and implementing a vintage home retrofit program in the CAWP service area to provide high efficiency washers and toilets to homes without them. AWA is doing that in the Camanche area now and the same could be done in the CAWP service area, where many homes were built prior to the implementation of higher water efficiency standards.

3) Implementing a water neutral development policy for new commercial and industrial development to help fund retrofits of existing homes.

4) Prohibiting the use of pre-consumer surface water for golf courses, sports fields and other high-volume outdoor uses in the CAWP and Camanche areas.

5) Limiting new building permits and development in the CAWP and Camanche AWA service areas to that which could be supplied by existing water supply until those areas' water supply uncertainties are resolved.

Please include these measures in the Final EIR.

On page 4.13-38, the DEIR concludes that the increased demand for wastewater treatment results in significant impacts even after the proposed mitigation measures are implemented. We question whether all feasible mitigation measures have been evaluated. Is it possible to reduce the square footage of commercial and industrial property or residential units to reduce wastewater demand? Has the County evaluated partnering with municipalities so that growth is increased in existing municipalities that may be able to expand wastewater facilities at less cost? Have conservation measures been evaluated and proposed that would reduce effluent? Can new units incorporate State-approved graywater systems? How will conservation measures and reuse reduce the need for expansion? What measures will be taken to ensure the minimization of wastewater per capita? To reduce potential impacts to surface waters, what portion of wastewater can be reclaimed and where will reclamation take place? How will the County provide, plan, and develop incentives for the use of recycled water by the public and private sector? Can recycled water be used for wildlife or wetland habitat improvement? (For additional mitigation measures, see in these comment: Terrell Watt, Matrix of Recommended Mitigation Measures, Public Facilities and Services.)

Both quality of life and environmental protection will be enhanced by developing and implementing the service standards, disaster response plans, and comprehensive stormwater management program recommended as mitigation measures in this section of the Draft EIR.
4.14 TRANSPORTATION

4.14.1 REGULATORY SETTING

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

Following the paragraph on Level of Service Standards on page 4.14-2, I recommend that a paragraph be added as follows:

Vehicle Miles Traveled (VMT)

Senate Bill SB 743 provides that significant traffic impacts be based on Vehicle Miles Traveled (VMT) criteria rather than level of service (LOS) beginning January 1, 2015, (or sometime thereafter) for the entire state. California will no longer consider inadequate LOS a problem that needs fixing under CEQA. The ability of counties and cities to use LOS as the basis for determining mitigation fees in accordance with their general plan and implementing ordinances does not change. The loss of vehicle LOS in CEQA law reinforces the importance of general plans and supporting implementation methods as the primary means for defining a jurisdiction’s policy approach to mitigating the effects of development on the road network. The cities and county will need to develop criteria for determining when VMT of a project is significant. Some suggestions have already been developed in the publication “Updating Transportation Impacts Analysis in the CEQA Guidelines.”

County Regulations and Policies

It is not clear why the Regional Transportation Plan was not incorporated in the Draft General Plan as the Circulation Element as was done in the past. This seems like a duplication since both documents will be adopted by the County. If there is conflict between the two, which one will govern?

Municipal Regulations and Policies

Each incorporated city in the County has its own LOS criteria. The City of Ione is currently included in the paragraph with Amador City. Ione should be in a separate paragraph.

Each City will now have to establish its own criteria for VMT and determine when a project is significant since LOS is no longer a criteria for project significance under CEQA beginning January 1, 2015 (currently the target date).

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1 Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013)
Vehicle Circulation

The description of Arterials, Major Collectors Minor Collectors, and Local Roads in this section should conform to the Federal Classification Maps in order to avoid confusion and conflict between the General Plan Classifications and the Federal Classifications. The Federal Classification Maps have been adopted by the County so there is no reason for generating another Map that may not agree with the one already in effect.

4.14.3 IMPACTS AND MITIGATION MEASURES

Analysis Methods

No comment

Thresholds of Significance

Appendix G includes an additional potentially significant impact to be considered:

Will the project result in inadequate emergency access?

Although emergency access may be discussed in Chapter 4.8 under “Hazards and Hazardous Materials”, access may also be affected by traffic congestion and could also be included here as a separate item, rather than by reference.

Projected Levels of Service on Key Roadways

Although “levels of service” will not be considered significant under CEQA after “vehicles miles traveled” is applicable statewide in year 2016, the County and Cities will still be able to consider congestion mitigation as a factor in determining mitigating measures under their “Congestion Management Plan”. I do not believe that anything should be changed in the tables or text included with the tables. These tables include Arterials, Collectors and Local Roads under Baseline, No Project and Proposed Project scenarios. On every table there are LOS results that are below the standards set in the General Plan.

Impact Analysis

IMPACT 4.14-1, 1b, 1c
IMPACT 4.14-2

No additional comment
Mitigation Measures

The sections starting on page 4.14.13 to 4.14.17 all cover traffic LOS impacts that are worse than the goals set for these segments of LOS C or D. One of the major factors that prevent the County and Cities from reaching these goals is lack of funding. The mitigation fees have not been set at a high enough level to mitigate the effects on the road network from individual projects. These fees need to be reviewed and set at a level that will actually result in projects being constructed. You may recall form our scoping comments that courts have noted, ""[E]ven where a developer's contribution to roadway improvements is reasonable, a fee program is insufficient mitigation where, even with that contribution, a county will not have sufficient funds to mitigate effects on traffic." (Endangered Habitats League v. County of Orange (2005) 131 Cal.App.4th 777.)"" (Foothill Conservancy Scoping Comment, Chapter I, p. 10.)

Since a number of roadway segments are below the desired LOS under the Baseline condition and more will be below LOS under the No Project scenario, some additions funding method should be explored so that the existing residents and visitors contribute their share of the cost of correcting the deficiencies that are unrelated to future development. A parcel fee, parcel tax or local sales tax should be considered to raise funds to correct these existing deficiencies. The ACTC has developed cost estimates for a number of projects along with the estimated revenue expected to be generated by fees on future development. The balance remains to be raised by another method. (See also in these comments, Terrell Watt, Matrix of Recommended Mitigation Measures, GHG.)
5 ALTERNATIVES

Our 2009 scoping comment spent four pages on the need for a thorough analysis of alternatives.

An EIR must evaluate a range of reasonable alternatives to the project capable of eliminating any significant adverse environmental effects of the project, or reducing them to a level of insignificance, even though the alternatives may somewhat impede attainment of project objectives, or may be more costly. (Pub. Resources Code, sec. 21002; CEQA Guidelines, sec. 15126, subd. (d); Citizens for Quality Growth v. City of Mount Shasta (3d Dist. 1988) 198 Cal.App.3d 433, 443-445 [243 Cal.Rptr. 727].)

"An EIR is required to "ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." (Wildlife Alive v. Chickering (1976) 18 Cal.3d 190, 197 [132 Cal.Rptr. 377, 553 P.2d 537].) Therefore, "[a]n EIR must describe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives. (Guidelines, § 15126, subd. (d).) The discussion must focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (Guidelines, § 15126, subd. (d)(3).) This discussion of alternatives must be "meaningful" and must "contain analysis sufficient to allow informed decision making." (Laurel Heights, supra, 47 Cal.3d 376, 403-404.)" (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 872-873.)

The lead agency, not the project opponents, has the burden of formulating alternatives for inclusion in an EIR. (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California, (1988) 47 Cal.3d 376, 406 [253 Cal.Rptr. 426].) "The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decisionmaking." (CEQA Guidelines, sec. 15126.6 subd. (f).)

The number of alternatives considered is limited by what is reasonably feasible. Throughout the development or the range of alternatives, keep asking yourself, "Are we fostering meaningful public participation and informed decisionmaking?" "Are we being unreasonable in eliminating an alternative from consideration?"

The law gives the County the right to define alternatives to the project description general plan. However, since the Board of Supervisors already supports the general plan project description, this can lead to problems.

One problem that crops up are alternatives insufficiently defined to allow for detailed comparison with the project description. We hope that the County will provide maps and
text for the general plan alternatives, so that they can be fairly compared with the project description.

Another problem that comes up is the insertion of a poison pill into the alternatives that is not present in the project description. For example, the DEIR might come out with a project description that includes no proposed tax or fee increases, but the alternatives do. We hope that the County’s EIR will be part of a General Plan Update process characterized by a fair competition of ideas so that the public can have faith in the result.

b. ALTERNATIVES DEEMED INFEASIBLE

An EIR must explain in detail why various alternatives are deemed infeasible. “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. We do not impugn the integrity of the Regents, but neither can we countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials.” (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 404 [253 Cal.Rptr. 426].)

When an alternative is found financially infeasible, some analysis of revenue and cost figures will be needed to support the finding. A finding of financial infeasibility will not survive scrutiny if, “There is no estimate of income or expenditures, and thus no evidence that reduction of the motel from 80 to 64 units, or relocation of some units, would make the project unprofitable.” (Burger v. County of Mendocino (1975) 45 Cal.App.3d 322, 327.)

c. QUANTITATIVE AND COMPARATIVE ANALYSES

CEQA requires a “quantitative, comparative analysis” of the relative environmental impacts and feasibility of project alternatives. (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 730-737 [270 Cal.Rptr. 650].) As we stated during the scoping meeting on August 13 and at earlier public meetings, we encourage the County to prepare an EIR that will include quantitative and comparative analyses of the general plan project description and alternatives. That includes running the traffic models, the air quality model, measuring agricultural land loss, estimating greenhouse gas impacts, calculating water supply impacts, running the Uplan model, and measuring noise impacts for the general plan project description and all alternatives.

While a matrix of quantified impacts may be a useful way to provide a comparison, the mere ranking of alternatives by presumed but unsubstantiated impacts is not acceptable. This is especially critical when doing a program EIR. A program EIR is supposed to, "Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action," and to “Allow a 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.” (CEQA Guidelines, sec. 15168.)

d. THE IMPORTANCE OF ARTICULATING PROPER PROJECT OBJECTIVES
IN FORMULATING A RANGE OF REASONABLE ALTERNATIVES

In the past, lead agencies have attempted to narrow the range of reasonable alternatives
by defining the objectives so narrowly that there are no feasible alternatives to the project
that meet its objectives. The courts have not allowed this. (Rural Land Owners
Association v. Lodi City Council (3d Dist. 1983) 143 Cal.App.3d 1013, 1025-1026 [192
Cal.Rptr. 325].)

At the scoping meeting on August 13, the County’s consultants suggested that the current
project description narrowly limited consideration of general plan alternatives. We
disagree.

The general plan project description claims to focus growth in the existing cities and rural
centers, to reduce rural sprawl and protect working landscapes. However, the map allows
for plenty of sprawling ranchette development through the “Ag. Transition” designation
and the conversion of agricultural land by not establishing lower minimum densities for
grazing land. Also, the very un-directive and noncommittal policy framework does not
preclude such sprawl. If we were to characterize the project description, we might call it
laissez faire smart growth: it gives lip service to town-centered development, but it does
not make much of a commitment to delivering that result. Thus, the alternative retains
the prospect of causing the impacts of sprawl. Also, while we endorse many smart
growth concepts, we do not turn a blind eye to their potentially significant impacts when
carelessly applied. Such careless application may pose additional traffic congestion
impacts on some existing cities and rural centers. It may affect housing affordability by
limiting development opportunities and constraining supply. It also may locate
commuters to Sacramento and Stockton many miles up Highway 88. Thus, even if the
project description delivers on some smart growth concepts, it may still result in
potentially significant impacts. The program EIR must evaluate alternatives to mitigate
the impacts of the project description.

The development of a “new town” at RAS could provide a more efficient bedroom
community for Sacramento and Stockton, reducing miles traveled, air pollution, and
traffic congestion in other rural centers. An RAS alternative also may provide more
opportunities for locating new affordable housing near new services than would trying to
use infill development to shoehorn affordable housing into existing communities. Thus,
we feel that including a RAS alternative in the general plan program EIR is justified. Of
course, RAS development could result in the great loss of acres of working landscape and
valuable plant and wildlife habitat, and as county staff and consultants have stated, there
is no water supply for it (unless other areas are not developed). Thus, the EIR needs to take a hard look at the real impact trade-offs associated with such an alternative.

Finally, we feel the EIR should include a Success Through Accountability alternative. This alternative would balance the noncommittal goal and policy language with quantified objectives the County would strive to achieve, specific standards the County would enforce, identified programs the County would try to implement, designated funding sources the County would seek, and mitigation implementation and effectiveness monitoring the County would employ to track its progress, all grounded in the consensus general plan vision statement developed by the GPAC. This alternative would include a map that better ensures the focusing of growth in existing communities. This alternative would include an Agricultural Element. The land use map would more closely reflect the amount of growth that can be accommodated with transportation, water supply, wastewater disposal, and other infrastructure within the time frame of the plan.

That alternative could, for example:

• Set public safety goals and thresholds for rural development by creating a public safety overlay that would not allow the creation of new parcels of less than 40 acres in areas classified as high or very high fire risk until those areas have adequate fire evacuation routes and 24/7 paid fire and EMS response year-round (not counting CalFire).

• Set real, measurable standards to ensure continued preservation of agricultural lands, forest lands, open space, wildlife habitat, scenic beauty, and historic and cultural resources.

• Set circulation standards that address not only Level of Service, but also noise, protection of habitat, cultural and historical resources, and scenic beauty.

• Establish standards for protecting natural, cultural and historical resources critical for local tourism and recreation income, including mines, prehistoric sites, rivers, lakes, and scenic beauty.

• Establish standards that ensure the construction of workforce housing and child care facilities.

• Establish standards for green residential, commercial, and industrial construction as supported by the entire GPAC.

• Establish standards for greenhouse gas reduction that would apply to all projects requiring a tentative map.

• Include performance measures and benchmarks to be met at years 5, 10, and 15 of the general plan, along with options to be implemented if the standards are not being met.
A program EIR is supposed to, "Allow a 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." (CEQA Guidelines, sec. 15168.) We feel that the above described alternatives would provide the opportunity for the County and its citizens to consider a broad range of policy alternatives.

As we explained during the August 13 scoping meeting, it seems obvious from public comment during and since the GPAC meetings that some local residents want a more conservation-oriented general plan while others want a general plan with a much less restrictive approach to land development. Since each of these approaches can include provisions that mitigate impacts of the project description, they can both be the bases for valid alternatives. We hope that County staff will again gather local groups and individuals together to help develop these alternatives, before time and money is spent on EIR technical analyses of straw-man alternatives having nobody's support. Such a set of straw-man alternatives would fail to "foster meaningful public participation and informed decisionmaking." (CEQA Guidelines, sec. 15126.6 subd. (f).)

Below we assess the degree to which the County conformed to this guidance

5.2 ALTERNATIVES CONSIDERED AND REJECTED

An EIR must explain in detail why various alternatives are deemed infeasible. "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. We do not impugn the integrity of the Regents, but neither can we countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 404 [253 Cal.Rptr. 426].)

We are disappointed by the County’s cursory refusal to analyze feasible alternatives that would reduce project impacts, were consistent with many objectives of the general plan, and that would have informed decisionmakers and public participation. (DEIR, p. 5-2 to 5-3.)

The DEIR notes that many members of the public wanted a plan that would accommodate more growth, or growth in a different areas. Such an alternative is not per-se infeasible merely because it would increase some impacts while decreasing other impacts. The great loss of not including this alternative in the EIR, is that the intense public debate over it will continue in the absence of any real data assessing its impacts and feasibility. Furthermore, there will be no data to defend the County when it chooses a different alternative that was analyzed in the DEIR.

While we at the Foothill Conservancy are unlikely to support such an alternative, we nonetheless
are harmed by it not being quantitatively compared to the other alternatives in the DEIR. We hope that the Final EIR will evaluate such an alternative.

Specifically, the DEIR rejects including an RAS New Town in an alternative. (DEIR, p. 5-3.) The “New Town” alternative, as proposed by the Foothill Conservancy, is not a feasible alternative to the Draft General Plan. With a decline in economic conditions and a downward revision to the Department of Finance’s projected population increase in Amador County to fewer than 7,300 new residents between 2010 and 2060 (DOF, 2014), the amount of population growth would be insufficient to support a full-service new town. Furthermore, because the Rancho Arroyo Seco area has a concentration of biological resources (including lone chaparral) and mineral resources, residential and commercial land uses at the scale suggested by the Foothill Conservancy may be infeasible to develop in this area.

The DEIR not only rejected our proposed RAS New Town alternative on economic grounds as too large, it refused to consider any alternative with an RAS New Town of any size. While the County justified doing so to avoid resource harm, it ignored the possibility that providing a sufficiently profitable new town could allow the developer to set aside in perpetuity the most environmentally sensitive surrounding lands. By not evaluating this alternative, the County has again refused to inform the public debate on this issue. A proper analysis of the RAS New Town might reflect that it would be in competition with other developments for precious natural resources and scarce public services. As a result, we at the Foothill Conservancy and the County will continue to wrestle with these ghost alternatives, in the absence of hard data upon which to make an informed decision. We hope that the Final EIR will evaluate such an alternative.

5.3 ALTERNATIVES CONSIDERED IN DETAIL

Alternative 2

We are grateful to the County for including many provisions of our Success Through Accountability Alternative into Alternative 2. (DEIR, pp. 5-4 & 5-5.) It’s important to note that Alternative 2 reduces many of the significant unavoidable impacts noted for the General Plan while meeting all of the plan objectives. The Safety Element policy is good, but could be clarified and strengthened by specifying that no new lot splits will be allowed in areas of elevated wildlife fire risk unless the parcels are within five miles of a fully staffed, equipped and funded fire station. The Circulation Element policy using VMTs is good. The Conservation Element policy regarding water conservation is good but could be strengthened and clarified (see comments on water supply). The Economic Development policy is good and should be retained.

We hope that by combining the best provisions of the Draft General Plan and this Alternative, with the additional measures proposed by Terrell Watt, we can come to agreement on a superior general plan. (See in these comment, Terrell Watt, Matrix of Recommended Mitigation Measures.)
Alternative 3

Alternative 3 is the “environmentally preferred” alternative in the plan. However, because there is no goals or policies suggested to guide the allocation of building permits, the DEIR asserts that it fails to meet one of the plan objectives: focusing growth in existing towns and cities. However, if the county adopted a resource allocation policy similar to that employed by the City of Jackson, which ranks proposals based on measurable objectives, Alternative 3 could in fact meet that objective. If Alternative 3 were combined with the good policies in Alternative 2, all plan objectives would be met while reducing significant unavoidable impacts.

5.4 RELATIVE IMPACTS OF THE ALTERNATIVES

The alternatives analysis is rather cursory and almost entirely qualitative, when a full, quantitative analysis is required by law. Only the number of units developed and the traffic impacts are quantitatively compared. Earlier in the General Plan Update process, the County employed the U-Plan model to compare where development was likely to go based upon the constraints posed by various general plan alternatives. Such a model could quantitatively estimate the relative impacts of each alternative on agriculture and forest lands, sensitive habitat lands, and high wildfire risk lands.

In addition, there are air quality and traffic models that can be employed to quantitatively evaluate the relative merits of the alternatives with regard to mobile source air pollution and GHG emissions.

As the DEIR stands now, it is difficult for a reviewer to determine how the conclusions regarding environmental impacts were reached, and impossible to determine to what degree Alternatives 2 and 3 reduce significant unavoidable impacts. Vague labels like “similar” impacts and “lesser” impacts do not provide decision-makers with enough information. It matters how much the impact is reduced. That information is needed to provide decision-makers with the information they need for full disclosure of environmental impacts and consideration of alternatives. It is unclear how the County will make the necessary informed choice among alternatives when it comes time to make the required findings of fact based upon substantial evidence in the record.

"The courts have favored specificity and use of detail in EIRs." (Whitman v. Board of Supervisors (2d Dist. 1979) 88 Cal.App.3d 397, 411 [151 Cal.Rptr. 866].) In Whitman, the Court found that the discussion of cumulative impacts lacked "even a minimal degree of specificity or detail" and was "utterly devoid of any reasoned analysis." The document relied on unquantified and undefined terms such as "increased traffic" and "minor increase in air emissions". "A conclusory statement unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind not only fails to crystallize issues [citation] but affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives." (People v. County of Kern (5th Dist 1974) 39 Cal.App.3d 830, 841-842 [115 Cal.Rptr. 67], quoting Silva v. Lynn (1st Cir. 1973) 482 F.2d 1282, 1285.) A clearly inadequate or unsupported study will be entitled to no judicial deference.
(State Water Resources Control Board Cases (App. 3 Dist. 2006) 136 Cal.App.4th 674.) "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 712 [270 Cal.Rptr. 650].)

We hope that the Final EIR will include the necessary quantitative analyses to allow decisionmakers and the public to meaningfully compare the relative merits of the alternatives.
6 OTHER CEQA CONSIDERATIONS

6.1 CUMULATIVE EFFECTS

In 2009, our scoping comment provided over three pages of guidance on cumulative impact analysis:

"Cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, sec. 15355.) In some cases, a cumulative impact "results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." (CEQA Guidelines, sec. 15355.) An EIR must discuss significant cumulative impacts, and/or explain why the cumulative impacts are not significant. (CEQA Guidelines, sec. 15130; Citizens to Preserve Ojai v. County of Ventura (2d Dist. 1985) 176 Cal.App.3d 421, 432 [222 Cal.Rptr. 247].)

a. THRESHOLDS OF SIGNIFICANCE

Problems often arise in evaluating the significance of cumulative impacts.

In many cases, the existing environmental conditions (e.g. air quality, traffic congestion, etc.) may already be cumulatively significantly impacted, even without the additional development in a general plan. At times, consultants have argued that in such situations, additional cumulative impacts should not be considered significant. The courts have disagreed. In fact, the courts have concluded the opposite. Namely, the more severe the existing environmental problems are, the lower the threshold for treating the project's cumulative impacts as significant. (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 718-721 [270 Cal.Rptr. 650].)

Another suspect approach is choosing thresholds that are so ridiculously large that the project's cumulative impacts are incorrectly judged insignificant. For example, too often EIRs of late have identified tons of project related greenhouse gas emission, and then said that the impact is insignificant because the threshold is the entire state's production of GHGs. For the reasons noted above, this logic is flawed and the analysis is not compliant with CEQA. The County should avoid trying to minimize significant impacts by using ridiculously large thresholds.

b. SCOPE

The lead agency must justify its choice of scope for each cumulative impact analysis. (CEQA Guidelines, sec. 15130(b)(3).) The scope will be different for different impacts, because different cumulative impacts affect different geographic areas. For example, the cumulative air quality impact analyses of major projects should consider the cumulative impacts over the entire air basin. (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 721-724 [270 Cal.Rptr. 650].) Similarly,
cumulative traffic congestion impacts on inter-county highways will be felt across the county line, and the analysis should not stop at the county border. Cumulative impacts on localized wildlife populations may only come from local projects, while cumulative impacts on migratory wildlife may accrue from throughout their migratory range. Water removed from the Mokelumne River may not only impact local fish populations in Amador County, but also salmon and steelhead populations in the Delta and as noted in the recent National Marine Fisheries Service biological opinion, even killer whale populations in the Pacific Ocean.

c. DETAILED ANALYSIS

Quantitative data is often needed in cumulative impact analyses. "Absent some data indicating the volume of ground water used by all such projects, it is impossible to evaluate whether the impacts associated with their use of ground water are significant and whether such impacts will indeed be mitigated by the water conservation efforts upon which the EIR relies." (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 728-729 [270 Cal.Rptr. 650].) Where a "sophisticated technical analysis" is "not feasible" the lead agency is still bound to conduct "some reasonable, albeit less exacting, analysis." Citizens to Preserve Ojai v. County of Ventura (2d Dist. 1985) 176 Cal.App.3d 421, 432 [222 Cal.Rptr. 247]

d. TREATMENT OF RAS

One of our current concerns comes from the indication in the scoping notice that the impacts of RAS development will be limited to the "four existing parcels and land use designations." (NOP, p. 12.) The cumulative impacts of development from both the General Plan Update and the RAS general plan amendment must be evaluated in the General Plan Update EIR.

""An agency may not ... [treat] a project as an isolated 'single shot' venture in the face of persuasive evidence that it is but one of several substantially similar operations .... To ignore the prospective cumulative harm under such circumstances could be to risk ecological disaster."' (Whitman v. Board of Supervisors (2d Dist 1979) 88 Cal.App.3d 397, 408 [151 Cal.Rptr. 866, quoting Natural Resources Defense Council v. Callaway (2d. Cir. 1975) 524 F.3d 79, 88.) "Consideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously over burden the man-made infrastructure and vital community services. This would effectively defeat CEQA's mandate to review the actual effect of the projects upon the environment." (Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles (2d Dist. 1986) 177 Cal.App.3d 300, 306 [223 Cal.Rptr. 18].)

""It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them.' [Citation.] A cumulative impact
analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval. [Citation.] An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decisionmaker has in fact fully analyzed and considered the environmental consequences of its action." Citizens to Preserve Ojai v. County of Ventura (2d Dist. 1985) 176 Cal.App.3d 421, 431 [222 Cal.Rptr. 247], quoting San Franciscans for Reasonable Growth v. City and County of San Francisco (1st Dist. 1984) 151 Cal.App.3d 61, 79 [198 Cal.Rptr. 634].) "Without a mechanism for addressing the cumulative effects of individual projects, there could never be any awareness of or control over the speed and manner of downtown development. Without such control, piecemeal development would inevitably cause havoc in virtually every aspect of the urban environment." San Franciscans for Reasonable Growth v. City and County of San Francisco (1st Dist. 1984) 151 Cal.App.3d 61, 76-77 [198 Cal.Rptr. 634].) “In Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 723 [270 Cal.Rptr. 650] (Kings County Farm Bureau), the court held that, in considering whether an EIR must include related projects, "[t]he primary determination is whether it was reasonable and practical to include the projects and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately." Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App. 4th 859, 868-869.)

There is no real question about the foreseeability of the RAS development. On July 3, 2008, the developer made a property owner request for an SPA designation that would allow for “One or more Specific Plans” to guide development of the 16,100 acre area. The staff’s October 2008 analysis of the proposal states, “As part of the “alternatives” process planning staff has acknowledged the existence of the new owners, and their desire to eventually develop the property in some capacity.” (See, General Plan Workshop, 10-14-08, Agenda Packet, Landowner Request 36.) Finally, when the revised definition of the SPA was approved by the BOS in April of 2009, in reference to RAS, Supervisor Forster stated, “… there will be some development. There’s no lying to people there. Everybody knows it. You don’t spend $95 million on a piece of property and not want to develop some of it.” Something that “everybody knows” is reasonably foreseeable.

There is also no real question that about whether it is reasonable or practical to include RAS development in the impact analysis. During staff’s “alternatives” process, they constructed Tables 3c and 3d that demonstrated the effect of including 11,300 acres of RAS development in General Plan Alternative C. In addition, on page 39 of the June 2008, “Updated Classification System and Alternatives Workbook,” Table 3b indicated that development of RAS would double the expected number of residences in the County at buildout (38,929) relative to general plan conceptual alternative A. Thus there is no real question that a cumulative impact analysis that left out RAS development would not adequately reflect the severity of the cumulative impacts.
Failure to evaluate the cumulative impacts of the General Plan Update and the RAS general plan amendment would violate the principles at the very heart of CEQA’s cumulative impact analysis requirement.

e. MITIGATING THE IMPACTS OF INCREMENTAL DEVELOPMENT

"Assessment of a project's cumulative impact on the environment is a critical aspect of the EIR. [3] " One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming threatening dimensions only when considered in light of the other sources with which they interact." (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 720 [270 Cal.Rptr. 650], quoting Selmi, The Judicial Development of the California Environmental Quality Act (1984) 18 U.C. Davis L.Rev. 197, 244, fn. omitted.)" (Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1025 - 1026.) This statement refers to the phenomenon sometimes referred to as "death by 1,000 cuts."

When evaluating cumulative impacts and their mitigation, it is important to ensure that the mitigation applies to the projects causing the impacts, even if they are smaller projects of 10 to 50 units. Also, large development projects (250 units or more) are often preferred by public officials over smaller projects (10 - 50 units), because the large projects offer more impact mitigation and other community benefits, while smaller projects are often exempted from impact mitigation. This inequity need not be the case. As the County develops impact mitigation programs, it would be better to include smaller projects as well, so that they are not put at a competitive disadvantage in the competition for project approvals. In addition, mitigation programs with broader application will have a better chance at achieving mitigation objectives.

Below we shall assess the degree to which the County has followed this guidance.

On page 6-2, the DEIR indicates that Rancho Arroyo Seco has been excluded from the cumulative impact analysis as not foreseeable. For reasons noted above, that is incorrect. In addition, we note that at one time there was a proposal to provide conditions for the general plan amendment of the RAS property in the future. This only further demonstrates the foreseeability of that development. When it was pointed out that such a maneuver was impermissibly piecemeal the General Plan Update, the proposal was withdrawn. For the reasons stated above, it is foreseeable that RAS will seek entitlements and/or develop within the 2030 plan horizon. We hope that the Final EIR includes RAS in the cumulative impact analysis. However, if the County really wants to avoid that analysis, all it needs to do include in the General Plan a provision indicating that no general plan amendments will be accepted for the RAS property through 2030. This would rule out any cumulative impacts associated with a change in the land use designation of the property during the time horizon of the plan. The County cannot have it both ways. It cannot both preserve the opportunity for developing an RAS New Town in the plan horizon, and avoid addressing the potentially enormous cumulative impacts of the RAS New Town
As with the analysis of alternatives, the consideration of cumulative impacts is mostly a qualitative review, despite the fact that many of these impacts are subject to quantification. For example, page 6-4 of the DEIR evaluates the cumulative impacts on agricultural land. This section does not report the number of acres of farmland in Amador County converted to non-agricultural uses from 1984 to 2004, despite the fact that we provided that data in our scoping comments in 2009. (Foothill Conservancy Scoping Comments, Chapter 2, p. 3 [total loss 5707 acres; average loss of 285 acres per year].) On page 6-4 and 6-5, there is no indication of the projections for concentrations of criteria pollutants in the ambient air quality in the region. The two paragraph analysis of biological resource cumulative impacts provides no quantification of regional acres of habitat lost for TES species. Similarly, on page 6-6 there is no quantification of the number of additional homes likely in high fire hazard zones. These omissions are curious given the fact that earlier in the General Plan Update process, the County was using the U-Plan program to generate maps and quantify these sorts of impacts. On page 6-9, there is no attempt to quantify the cumulative impacts on water supply and wastewater capacity, despite the fact that Amador Water Agency regularly prepares reports to do just that.

Instead the cumulative impact analysis just jumps to the conclusion that impacts are significant or not, without comparing any measure of the impacts to a threshold of significance. "The courts have favored specificity and use of detail in EIRs." (Whitman v. Board of Supervisors (2d Dist. 1979) 88 Cal.App.3d 397, 411 [151 Cal.Rptr. 866].) In Whitman, the Court found that the discussion of cumulative impacts lacked "even a minimal degree of specificity or detail" and was "utterly devoid of any reasoned analysis." The document relied on unquantified and undefined terms such as "increased traffic" and "minor increase in air emissions". "A conclusory statement 'unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind' not only fails to crystallize issues [citation] but 'affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives.'" (People v. County of Kern (5th Dist 1974) 39 Cal.App.3d 830, 841-842 [115 Cal.Rptr. 67], quoting Silva v. Lynn (1st Cir. 1973) 482 F.2d 1282, 1285.) A clearly inadequate or unsupported study will be entitled to no judicial deference. (State Water Resources Control Board Cases (App. 3 Dist 2006) 136 Cal.App.4th 674.)

The reason these omissions are so prejudicial is that much of the General Plan has not been updated since 1974. If it is not within the scope of this rare EIR on the countywide general plan to quantitatively evaluate the cumulative impacts of new development, it will not be within the scope of any EIR in the foreseeable future. No decisionmaker and no member of the public will ever know the true ramifications of the development they are approving, until it is too late. That is exactly the problem that CEQA's cumulative impact analysis requirement is in place to prevent.
6.2 GROWTH-INDUCING EFFECTS

Our scoping comment included one page of guidance on growth-inducing effects analysis:

The EIR must "Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." (CEQA Guidelines, sec. 15126.2, subd. (d).)

Growth inducing impacts can result from a General Plan that sets out land use designations and public works projects that will remove barriers to growth.

For example, "Construction of the road way and utilities cannot be considered in isolation from the development it presages." (City of Antioch v. City Council of Pittsburgh (1st Dist. 1986) 187 Cal.App.3d 1325 [232 Cal.Rptr. 507]). "It is obvious that constructing a large interchange on a major interstate highway in an agricultural area where no connecting road currently exists will have substantial impact on a number of environmental factors." (City of Davis v. Coleman (9th Cir. 1975) 521 F.2d 661, 674-675.)

"It also is settled that the EIR must discuss growth-inducing impacts even though those impacts are not themselves a part of the project under consideration, and even though the extent of the growth is difficult to calculate. The case law supports this distinction. The court in City of Antioch v. City Council (1986) 187 Cal.App.3d 1325 [232 Cal.Rptr. 507] found that a project required an EIR notwithstanding that the project itself involved only the construction of a road and sewer project which did not in and of themselves have a significant effect on the environment. The court recognized that the sole reason for the construction was to provide a catalyst for further development in the immediate area. It held that because construction of the project could not easily be undone, and because achievement of its purpose would almost certainly have significant environmental impacts, the project should not go forward until such impacts were evaluated in the manner prescribed by CEQA. (Id. at pp. 1337-1338.)" (Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 368.)

Growth inducing impacts can result from a General Plan that does not provide for a jobs-housing balance. For example, if the land use designations facilitate the creation of many low-paying jobs, but insufficient affordable housing for the workers, that affordable housing will need to be produced elsewhere. Thus the jobs-housing imbalance is growth inducing. Sometimes EIR preparers try to avoid the requirement to evaluate such growth inducing impacts using the excuse that such future growth is too speculative to evaluate. This excuse has not and will not work. "In Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144 [39 Cal.Rptr.2d 54], the court considered a proposed construction of a country club and golf course and attendant facilities. It was contended there that an EIR was not required because the growth-inducing impacts of the proposed project were too remote or speculative, and EIRs would be prepared in connection with any application for a housing development. The court responded, "The fact that the exact extent and location of such growth cannot now be determined does not
Excuse the County from preparation of an EIR.... [R]eview of the likely environmental effects of the proposed country club cannot be postponed until such effects have already manifested themselves through requests for amendment of the general plan and applications for approval of housing developments. (Id. at pp. 158-159, fn. omitted.)”  


Below we will consider the degree to which the County followed this guidance.

The three-paragraph analysis in this section of the DEIR is not supported by the evidence in the record. (DEIR, pp. 6-10 & 6-11.) The conclusory analysis uses circular logic to determine that the growth inducing effects of the General Plan result in orderly growth. If that were the case, there would not be 36 significant and unavoidable project and cumulative impacts associated with the growth. (See DEIR, pp. 6-11 & 6.12.) That is not orderly growth. It is chaos. Why would anybody spend so much time and money producing a plan that expects to fail on such a broad scale? How can that be considered orderly growth? This brief conclusory analysis, unsupported by evidence in the record, is not “a good faith effort at full disclosure.” (CEQA Guidelines, section 15151.)

Furthermore, the growth inducing effects analysis glosses over the significant growth challenges in many parts of the County. For example, the EIR should explain that the upcountry areas have yet to make decisions on a lot of infrastructure and service issues. The decisions will stimulate or constrain growth. How far do we extend or expand water and sewer services? AWA has about $150 million in infrastructure projects county-wide over the next 20 years, but it is unclear who will pay for these and how much. (See 2011-2013 MAC IRWMP, Appendix B – Project Type and Financing Summary.) It would help to mitigate the adverse impacts of growth inducement if there were clearer policies in the general plan regarding future infrastructure requirements and future funding.

Finally, the EIR also glosses over the growth inducing effect problem here in Amador County that the approval of new development is not connected to the ability of the county and service providers to produce infrastructure and services. Development projects are approved once the developer agrees to pay his “fair share” of infrastructure costs. However, since there is no matching share, the development goes in but the infrastructure to serve it does not. As a result, levels of service decline. For an example of this consult the Regional Transportation Plan. By disclosing this problem, the DEIR could suggest ways to better connect the approval of new growth to actual availability to provide infrastructure and services. The DEIR’s failure to disclose this problem is highly prejudicial, in that it hides from the public the need to address this critical environmental impact issue.
6.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

In our 2009 scoping comment we provided guidance on the discussion of irreversible environmental changes:

CEQA requires that an EIR identify the significant irreversible environmental changes caused by the project. (CEQA Guidelines, sec. 15126.2 (c).) For a General Plan EIR, the primary impacts are likely to include the conversion of agriculture, forest, and mineral lands to other developed uses like residential development. The secondary impacts are likely to include the extension of road and utility infrastructure to previously inaccessible areas. The evaluation in the EIR is used to determine if such current consumption of the resources is justified, or if the resources should be conserved for future use. Please evaluate these impacts in the General Plan Update EIR.

The entire analysis in the DEIR is just one paragraphs. There is no attempt to evaluate the magnitude of the resource commitment. There is no explanation of why current resource consumption is justified, instead of conservation. In other words, the analysis is entirely inadequate. It is not a good faith effort at full disclosure. (CEQA Guidelines, sec. 15151.) This inadequate analysis is highly prejudicial. An EIR that identifies 36 significant and unavoidable impacts cries out for an explanation as to why in the world would anybody chose to invest so much time, effort, money and resources to make their community a worse place to live in so many ways. That analysis is supposed to be in this section of the EIR. It is not.

6.4 SIGNIFICANT AND UNAVOIDABLE EFFECT

Our scoping comment provided guidance on evaluating significant and unavoidable impacts:

An EIR must describe any significant impacts that cannot be reduced to a level of insignificance. (CEQA Guidelines, sec. 15126.2, subd. (b).) It is critically important for the EIR to try to express these impacts in quantitative and monetary terms whenever possible. This is because, at the end of the EIR process, the County is going to have to make a finding, based upon substantial evidence in the record, that the benefits of the proposed General Plan outweigh its environmental harm. It is essential that the magnitude of residual impacts be well defined for the County to make a supportable finding. In addition, an easy way to compare otherwise unlike impacts and benefits is to estimate their economic costs and benefits whenever possible.

For example, if one alternative will result in getting a $5 million sewage treatment plant for free, that is a $5 million benefit. On the other hand, if the alternative results in roadway impacts costing $10 million to fix, that is a $10 million cost. Thus, rather than struggling to try to balance sewage treatment benefits with traffic congestion impacts, it becomes a simple math exercise to compare the sewage treatment value to the roadway costs. (See, CEQA Guidelines 15131.)
Pages 6-11 and 6-12 simply list the significant and unavoidable impacts of the General Plan, and make no attempt to provide any quantification or valuation of these impacts. It is unclear how the County will make the necessary informed balancing of the General Plan’s benefits and environmental costs when it comes time to make the required findings of fact.

THERE ARE 36 SIGNIFICANT AND UNAVOIDABLE PROJECT AND CUMULATIVE IMPACTS OF THE GENERAL PLAN! That is just too many. The County needs to do a better job of adopting real measures to mitigate these impacts. (See in these comments Terrell Watt, *Matrix of Recommended Mitigation Measures.*) Failure to evaluate proposed feasible mitigation measures in a program EIR is prejudicial error. (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2014, App. 4th Dist.) [Slip Opinion] D063288, pp. 26-27; certified for publication.)
8 REFERENCES

In our scoping comment we explained:

"The EIR shall cite all documents used in its preparation including, where possible, the page and section number." (CEQA Guidelines, sec. 15148.) "A conclusory statement 'unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind' not only fails to crystallize issues [citation] but 'affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives.'" (People v. County of Kern (5th Dist 1974) 39 Cal.App.3d 830, 841-842 [115 Cal.Rptr. 67], quoting Silva v. Lynn (1st Cir. 1973) 482 F.2d 1282, 1285.) "Argument, speculation, unsubstantiated opinion, or narrative evidence which is clearly erroneous or inaccurate ... does not constitute substantial evidence." (CEQA Guidelines, sec. 15384.)

Proper citation is an often and needlessly neglected requirement that is of critical importance in an EIR. Without proper citation, an EIR is legally vulnerable and it will be nearly impossible for the County to formulate findings of fact.

Ultimately, the board will be required adopt findings of fact supported by substantial evidence in the record. The EIR is the summary of the record. The findings of facts rationally explain the board's findings based upon information in the EIR. When citations to the record back up factual statements in the EIR, which in turn back up the County's well-reasoned ultimate findings of fact, then the record forms tidy chains of facts and reason that support the County's findings. When that chain is broken by unsupported or uncited statements in the EIR, the chains of facts and reason fall apart, and the findings of fact fail to conform to the law. (Foothill Conservancy Scoping Comment, Chapter 1, pp. 2-3.)

Chapter 8 lists references, but does not provide citation to the page in the documents where the relevant information is found. Also, there is no text note or footnote to connect the factual assertion in the EIR to the facts in the reference materials. This makes verifying the information in the EIR nearly impossible. This makes it hard for the County to properly make findings based upon substantial evidence as it is required to at the end of the CEQA process. We hope that the Final EIR will properly employ citation techniques to rectify this problem. If the County and its consultants are having difficulty employing such citation techniques, I am sure you can find experienced clerical help that is locally available.
Foothill2-1
The commenter encourages a review of an attached “Matrix of Recommended Mitigation Measures” (see responses to Watt-1 through Watt-179). This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-2
The comment explains the format of attached comments and asks that submitted comments be included in the administrative record. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-3
The commenter expresses disappointment with the DEIR, noting that the commenter encouraged the County to make a list of common mistakes that should be avoided when preparing the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-4
The commenter identifies a set of expectations for responses. The responses to comments will meet all CEQA requirements. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-5
This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-6
The commenter provides a table of contents and list of contributors to the comment letter. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-7 and -8
The commenter provides a summary of Native American Consultation activities from the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-9
The commenter requests a description of ongoing tribal consultation on the General Plan Update between July 2008 and October 2014. As detailed under DEIR Section 1.4 “Notice of Preparation,” (pages 1-8 through 1-9) the County consulted with California Native American tribes, consistent with the requirements of Senate Bill 18.

- 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.

- 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, a SB 18 Consultation Protocol was developed.
• 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.

• On July 01, 2008, the County sent letters, signed by the Chairman of the Board of Supervisors, offering consultation for a 3rd time.

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.

Foothill2-10 The commenter summarizes text from the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-11 through -16 The commenter asserts that the areas of controversy list should be larger than that provided in the DEIR, and asserts that the County avoids accountability for overlooking unspecified issues. The commenter encourages the County to expand this discussion to encompass various sources of publicly-available information generated during the development of the Draft General Plan.

An EIR’s Executive Summary is required to be “brief.” CEQA Guidelines Section 15123. The County developed a brief summary of controversial topics discussed during the approximately 8-year period between initiation an update to the General Plan and the public release of the Draft General Plan and DEIR. This “summary” is intended to be brief and focus on areas of controversy relevant to environmental impacts, alternatives, and mitigation measures; it would not be a service to the reader to identify every topic raised during the County’s extensive public outreach process over the development of the Draft General Plan. For the interested reader, a large volume of more detailed information is already available on the County’s website, including in the Draft General Plan, the Implementation Plan, the various working papers, and the notes and summaries from public meetings held on the project, including General Plan Advisory Committee (GPAC) meetings, public open house meetings, and hearings before the joint panel of the Board of Supervisors and Planning Commission.

Foothill2-17 through -41 The commenter identifies numerous specific questions or issues that he asserts should be considered for inclusion in DEIR related to areas of controversy. Many of these specific questions or issues fall under the general topics already identified as areas of controversy and issues to be resolved in the DEIR text (including comments 19, 20, 21, 24, 25, 26, 27, 28, 29, 35, 36, and 37). Other topics, although they may be areas of controversy with respect to the Draft General Plan, are either vague and general, related to matters outside the County’s control, or are not environmental effects relevant to the DEIR analysis (including 18, 39, and 41).

The remaining topics pertain to transportation and transit, historic preservation, aesthetics, public service and infrastructure provision, and fire hazard. As shown below, these topics have been added to DEIR page 2-6 under the heading, “Areas of Controversy and Issues to be Resolved”:

Based on public input received on the Draft General Plan and EIR, areas of controversy related to the Draft General Plan EIR include consist of loss of agricultural land, loss of wildlife habitat, residential growth rates, and locations of land use change, (including Special Planning Areas), transportation and
transit, historic preservation, aesthetics, provision of public services and infrastructure, and fire hazards. This EIR addresses a full range of impact topics related to agricultural land, biological resources, land use, and growth inducement.

Foothill2-42 The comment restates various air district rules and regulations contained in the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-43 The comment asks why the rules and regulations cited in comment Foothill2-42 are most relevant to the Draft General Plan. The Amador County Air Pollution Control District (Amador Air District) Rules and Regulations listed in the DEIR are typical rules and regulations applicable to land use development projects (e.g., construction and operational activities).

Foothill2-44 The comment asks where the Amador Air District Rules and Regulations can be found. Please see: http://www.arb.ca.gov/drdb/ama/cur.htm.

Foothill2-45 The comment asks if 2008 is the most recent emission inventory. The 2008 emissions inventory was the most current emissions inventory at the time of the analysis (i.e., issuance of the Notice of Preparation [NOP]). At the moment, the California Air Resources Board (ARB) has released an updated emission inventory for 2012 (ARB 2013). However, these countywide emission inventories are provided for informational purposes and are not directly used to determine significance of impacts. Modeled 2013 emissions associated with the proposed project were used as the baseline for impact analysis. See Impacts 4.3-1 and 4.3-2.

Foothill2-46 The comment asks if the 2008 inventory was included in the DEIR because it was the most recent inventory at the time of the NOP. This comment does not pertain to adequacy or analysis of DEIR; no further response is required.

Foothill2-47 The comment asks how often an emissions inventory is taken. See response to comment Foothill2-45. This comment does not pertain to adequacy or analysis of DEIR; no further response is required.

Foothill2-48 The comment asks for the quantities shown in the bar graph (DEIR Exhibit 4.3-1) for each of the emissions. The 2008 emission levels are shown for informational purposes in the environmental setting and are not used to evaluate the impacts of the proposed project.

Foothill2-49 The comment asks if these levels are significant. See response to comment Foothill2-48.

Foothill2-50 The comment asks why ozone is not in the table (i.e., Exhibit 4.3-1 Amador County – 2008 Emissions Inventory). Ozone is primarily formed through photochemical reactions in the atmosphere rather than being directly emitted from emission sources. Therefore, ARB cannot and does not directly associate ozone emissions with each emission source in the emissions inventory.

Foothill2-51 The comment requests clarification of the term “precursors.” Precursors refer to ozone precursors, which are compounds that can form ozone when reacted with other precursors. When precursors are emitted at a regional level, under certain conditions (i.e., presence of sunlight) they can react with other precursors to form ozone, which is one of
the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). Amador County is currently designated as nonattainment with respect to the 8-hour CAAQS and therefore limiting precursor emissions that lead to the generation of ozone is essential for improving regional air quality.

Foothill2-52 The comment initially repeats the commenter’s scoping comments and opinions on CEQA environmental setting requirements. Because this is general comment unrelated to specific DEIR environmental issues, no response is required.

Foothill2-53 The comment provides information about Amador County and the monitoring station location. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-54 The comment provides verbatim text from the DEIR related to air quality. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-55 The comment asks why there is only one monitoring station for the County. The comment does not pertain to the adequacy of the DEIR. ARB and Amador Air District are responsible for maintaining air monitoring stations in Amador County, which includes selecting the location of monitoring stations. Monitoring stations are selected as locations that would provide representative air quality data for the area. For purposes of an EIR analyses, the closest air quality monitoring station in the air basin and its associated data are typically used to represent ambient air quality data in the project region. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-56 The comment asks for the criteria used to select the site in Jackson to monitor air quality data for the county. See response to comment Foothill2-55.

Foothill2-57 The comment asks why the air quality measurements from this one monitoring station are accepted as providing “representative” ambient air quality measurements in Amador County and are sufficient for determining level of significance and impacts and mitigation measures. Air quality measurements from this monitoring station are accepted as being “representative” of ambient air quality conditions in Amador County because the monitoring station is in the same county and air basin as the project. Air basin boundaries are established to group areas together that have similar factors (e.g., topography, meteorology, climate) that affect air quality. However, quantified impacts on ambient air quality are not used in the EIR analysis to determine significance of air quality impacts or develop mitigation measures. Rather, that data (i.e., concentration levels) are used to determine if an area achieves attainment of ambient air quality standards. On an EIR analysis level, a mass emissions significance threshold of any net increase was used to determine significance of the proposed project’s emissions. See the “Thresholds of Significance” section (DEIR page 4.3-11) for a description of how the significance of air quality impacts was determined.

Foothill2-58 The comment asks for an explanation as to why the test results from the one air quality monitoring station are acceptable and sufficient to determine levels of significance for the entire county and to establish air quality standards, rules and regulations, impacts and mitigation measures for the entire county. The comment incorrectly assumes the monitoring station ambient air quality data was used to determine significance of air quality impacts. See response to comment Foothill2-57.
The comment repeats the commenter’s scoping comments and opinions on CEQA environmental setting requirements. Because this is a general comment unrelated to specific DEIR environmental issues, no response is required.

The comment requests the number of days that the standards of criteria pollutants were exceeded in 2010, 2011, 2012, and 2013. DEIR Table 4.3-2 shows the number of days that ambient air quality standards were exceeded for the pollutants monitored at the Amador County monitoring station in 2011, 2012, and 2013. The DEIR shows the most current 3 years of ambient air quality monitoring data at the time the NOP was issued, which are 2011, 2012, and 2013 and are representative of current air quality conditions.

The comment requests the years in which the county met the attainment requirements. In each year of representative data, there could be numerous days where the ambient air quality standard is exceeded. Data is provided and recorded in terms of number of days when the standard is exceeded, which means during the other days of the year, the standard was not exceeded. See DEIR Table 4.3-2 for the number of days in each year that the standard is exceeded. Subtracting the exceeded days from 365 would result in the number of days in that particular year that the standard was not exceeded. Please see DEIR Table 4.3-1 (notes a and b) for additional information on how attainment designations are determined.

The comment requests that “Amador County” be added to the title of Table 4.3-2. “Amador County” has been added to the title of Table 4.3-2 as shown below:

<table>
<thead>
<tr>
<th>Table 4.3-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amador County Ambient Air Quality Summary</td>
</tr>
</tbody>
</table>

The comment asks why some of the data in DEIR Table 4.3-2 is unavailable. When incomplete data is gathered at the monitoring station, data is shown as “unavailable.”

The comment requests an explanation of “unclassified status.” An “unclassified” attainment status typically signifies that incomplete data exists to classify the area as attainment or nonattainment.

The comment asks if an emissions inventory can be created from the “Ambient Air Quality” data in DEIR Table 4.3-2. Data from Table 4.3-2 represent pollutant concentrations in the ambient air and not mass emissions, which are used to develop emission inventories.

The comment requests data and analysis sufficient to plan and implement air quality programs for the next 20–30 years. Air quality management plans typically are updated on a triennial basis, but can differ depending on changes to ambient air quality standards. The DEIR is not required to provide data or plan for the next 20 to 30 years of air quality programs, which is the responsibility of ARB and Amador Air District. Amador Air District

The comment requests that the extra period be removed from the third sentence of the fourth paragraph on page 4.3-9. The requested grammatical edit has been made as shown below:
ARB estimated that an average statewide concentration of 1.8 μg/m³ and an associated health risk of 540 excess cancer cases per million people (ARB 2009).

Foothill2-68 The comment restates text contained on page 4.3-9 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-69 and -70 The comment requests a list of Amador County’s high priority facilities, their locations, and a list of the threshold violations that have occurred in each of the past 5 years, how these violations were resolved, and what steps were implemented to avoid future violations. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” This information is not needed to assess the impacts of the Draft General Plan.

Foothill2-71 The comment asks how, and by whom, toxic air contaminant (TAC) emissions are monitored. Although not as standard as criteria air pollutants, ambient TAC emissions are monitored by air districts and ARB. Because of the complexity and large number of TACs (i.e., over 188 compounds), ARB and air districts cannot monitor for every TAC throughout the state. Rather, ARB works with major air districts to monitor 10 primary TAC pollutants (i.e., acetaldehyde, benzene, 1,3-butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter), as can be found in ARB’s 2009 Air Quality Almanac (see link http://www.arb.ca.gov/aqd/almanac/almanac09/chap509.htm). Emissions are monitored statewide by ARB, and reported as part of the ARB’s Air Quality Almanac and used to determine areas where health risks are at unacceptable levels. Neither ARB nor Amador County Air Pollution District operates an ambient TAC concentrations monitoring station in the County. This information is not needed to assess the impacts of the Draft General Plan.

Foothill2-72 The comment repeats the commenter’s scoping comments and opinions on environmental effects. Because this is general comment unrelated to specific DEIR environmental issues, no response is required.

Foothill2-73 The comment quotes text from the ARB website related to ozone. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-74 The comment summarizes Amador County ozone conditions. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-75 The comment quotes text from the National Aeronautics and Space Administration (NASA) website regarding ozone effects on plants and economic losses. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-76 The comment quotes a U.S. Department of Agriculture (USDA) study regarding ozone-caused yield losses. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
Foothill2-77 The comment summarizes findings from research on impacts to pine trees in the Western Sierras from ozone. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-78 The commenter contends that the DEIR does not properly address impacts of ozone and asks that these deficiencies be addressed. The DEIR does properly analyze the impacts of ozone, which is a secondary pollutant whose emissions are not directly regulated; see DEIR page 4.3-3 for further explanation. Instead, reactive organic gases (ROG) and oxides of nitrogen (NOX) are the pollutants that air districts and ARB directly regulate to reduce generation of ozone. It should be noted that ozone is not directly emitted by project emission sources. Rather, the photochemical reactions of ozone precursor emissions in the atmosphere lead to ozone generation. Therefore, in order for an impact analysis to properly address impacts of ozone, it must evaluate a project’s emissions of ozone precursors, which are the compounds that lead to ozone generation. Emissions of ROG and NOX are evaluated in DEIR Tables 4.3-3 and 4.3-4 for the proposed project’s construction and operational emissions, respectively. Air districts use significance thresholds for ROG and NOX as methods to evaluate and control precursor and subsequent ozone formation in the region. Therefore, a project that quantifies and evaluates precursor emissions against the applicable threshold of significance would fulfill the requirements needed to address ozone in an environmental document. Implementation of the Draft General Plan would result in a net decrease of ROG and NOX emissions compared to existing conditions primarily as a result of decreases in mobile source emissions associated with fleet turnover and increases in emission reduction technology. Nevertheless, these net decreases in ROG and NOX would result in reduced regional ambient ozone precursor emissions, which would likely reduce regional ozone concentrations.

Foothill2-79 The comment repeats the commenter’s scoping comments and opinions on the preparation of the DEIR. Because this is general comment unrelated to specific DEIR environmental issues, no response is required.

Foothill2-80 through -86 The comments state that DEIR Appendix B is difficult to understand. Appendix B includes standard EIR air quality appendix material, which is the output of CalEEMod, the land use development model approved for use by multiple air districts as well as the California Air Pollution Control Officer Association (CAPCOA). CalEEMod has a user’s guide to help better understand all of the outputs and default assumptions made. Please see http://www.caleemod.com/ for more information regarding CalEEMod and its outputs. Appendix B was developed to provide backup information for technical reviewers of the EIR such as air district staff. It is not necessary for the general reader to understand all the technical details regarding air quality modeling input and assumptions in order to understand the results of the modeling that are presented and interpreted in the DEIR text.

Foothill2-87 The comment quotes text from page 4.3-11 of the DEIR pertaining to modeling. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-88 The comment asks what “plan-specific” data was used and what default assumptions were used for project-related air quality modeling. For construction activities, the horizon year of the Draft General Plan was used to estimate total construction period; however, all other construction-related assumptions were CalEEMod defaults. For operation, land use types and amounts (e.g., dwelling units, square footage) were obtained from the Draft General Plan. Trip generation rates for the proposed land uses were obtained from the
traffic study (DEIR Appendix F), as described in the DEIR. All other operational parameters used CalEEMod defaults. Please see DEIR Appendix B for further detail.

Foothill2-89 The comment states that the air quality section does not disclose the data on population for existing conditions and 2030 conditions that was used in the analyses. For population information, please see DEIR Impact 4.3-2 and/or Section 4.13, “Population and Housing.” Population and jobs are provided for both existing conditions and 2030 conditions assuming full buildout of the Draft General Plan.

Foothill2-90 The comment asks that assumptions that are project-specific and “default” be disclosed, and requests an explanation as to why “default” assumptions are reasonable. See response to comment Foothill2-88 for project-specific assumptions used in the analysis. All other assumptions and parameters pertaining to the proposed project’s construction and operational emissions are CalEEMod defaults. CalEEMod default assumptions and parameters are designed to be conservative, to avoid underestimating project emissions when project-specific information is unknown. Please see www.caleemod.com for more information on CalEEMod default assumptions and parameters. The comment does not raise any specific concerns regarding the accuracy of the impact analysis.

Foothill2-91 The comment quotes text from the Amador County Long Range Transit Development Plan (LRTDP). This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-92 The comment infers that assumptions used in modeling are not consistent with “baby boomer” projections. Although it can affect air quality conditions (i.e., vehicle miles traveled [VMT] and consumption rates), the increase in “baby boomer” population would not affect the construction-related emissions associated with the proposed project. For operational emissions, elderly residents and “baby boomers” potentially could drive less than typical citizens, and therefore standard VMT per capita assumptions potentially could overestimate operational emissions. However, trip distances and trip generation for various trip types contained in CalEEMod are the result of data that reflect demographic projections and driving patterns of various individuals, including elderly residents and “baby boomers.”

Foothill2-93 The comment questions if assumptions regarding workforce are accurate. The job projections in the DEIR are based on substantial evidence. The estimated number of jobs is based on the amount of non-residential square footage in the General Plan at build-out. Using approximately 6.1 million square feet of non-residential square feet and 350 square feet on average for each employee, it equates to an estimated 17,586 employees by 2030.

Foothill2-94 The comment asks if non-residential traffic (i.e., commuters and tourism) was considered in the analysis. All non-residential land uses were modeled for their traffic contribution in addition to the proposed residential land uses. Non-residential (i.e., commercial) trip generation is based on the type of commercial land use (i.e., amount of land use and trip generation rate of land use).

Foothill2-95 The comment questions whether advances in technology, retrofits, and turnover will result in a decrease in emissions. Advances in technology, retrofits, and turnover in vehicle fleet are modeled in ARB’s EMFAC on-road emissions inventory model, and are shown to decrease average vehicle emission rates over time.

Foothill2-96 and -97 The comments state that some vehicles in Amador County are not “retired,” but rather resold and continued to be used by Amador County residents. ARB’s EMFAC model
uses Department of Motor Vehicle data to understand current vehicle registrations, populations, ages, and activity data. This data is used to project forward vehicle turnover and activity for each county. Counties with historically less fleet turnover would not be projected to turn over the vehicle fleet at the same rate of another county that has shown higher historical vehicle turnover. Please see ARB’s EMFAC website (www.arb.ca.gov/emfac/) and model for more information on how many Amador County vehicles are retired per year.

Foothill2-98 The comment provides information from Appendix G of the CEQA Guidelines pertaining to air quality impacts. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-99 The comment requests that the fifth point in Appendix G, III be added to the FEIR. This point was not used as a DEIR threshold of significance because the Amador Air District has not adopted “an applicable air quality plan.” The Appendix G questions are suggestions for significance that lead agencies have the discretion not to use when they are not relevant for a particular project. See Save Cuyama Valley v. County of Santa Barbara (2013) 213 Cal.App. 4th 1059.

Foothill2-100 The comment restates text verbatim from page 4.3-11 of the DEIR pertaining to air pollutant emissions. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-101 The comment asks about the legal justification for developing thresholds of significance for CEQA. The DEIR’s air quality thresholds of significance are generally based on CEQA Guidelines Appendix G; this is a professionally-accepted general practice for air quality sections of EIRs. Lead agencies have the discretion under CEQA to tailor thresholds of significance for each project, and there is no requirement that the same thresholds be used for all EIRs prepared by a lead agency. See, e.g., Clover Valley Foundation v. City of Rocklin (2011) 197 Cal.App. 4th 200. Also, see Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-102 The comment questions the efficacy of deferring general plan impact mitigation until project-level environmental review. The DEIR’s mitigation measures are at an appropriate level of detail for a General Plan Program EIR, and are not improperly deferred. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-103 The comment states that changing thresholds of significance would not be consistent with the goal to interpret CEQA, “to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” See responses to comments Foothill2-102 and -103.

Foothill2-104 and -105 The comments question the usefulness of the net increase threshold used for the analysis. In the absence of any Amador Air District thresholds of significance based on an “Air Quality Plan,” using the net increase threshold allows the DEIR to conservatively judge the significance of the Draft General Plan’s air emissions. Comments about a hypothetical Amador Air District Air Quality Plan and significance thresholds are speculative, and present no information indicating that the DEIR’s significance thresholds fail to capture significant air quality impacts.
The comments state that the concept of “any net increase in emissions would be considered a significant impact” is misleading. The comment further states that with an Air Quality Plan, the air district would implement polices to mitigate emissions and that if conditions were approaching a significant level, the air district could address issues before high levels or an exceedance occurs. The comment also states that adopting an Air Quality Plan with thresholds of significance will allow for planning and management to reduce air quality impacts to less-than-significant levels. See responses to comments Foothill2-101 through -105.

The comments suggest that all new development should pay for its full long-term air quality impacts. Mitigation Measure 4.3-2a requires that all project applicants implement mitigation measures to reduce air quality impacts. The implementation of on-site and local operational mitigation, as called for by the DEIR, is preferred by all air districts (i.e., direct and long-term emission reductions) rather than paying a mitigation fee, which has indirect emission reductions and losses in effectiveness. On-site and local operational mitigation would result in air quality reductions from the actual emission sources, at the same time periods as operations occur, and within the same air basin, all of which are essential for direct air quality reductions. Mitigation fees, although they could be effective, defer emission reductions to a later stage, can lose effectiveness because of the administrative requirements, and would not address the project’s actual emissions (i.e., make a definitive change in project operations). In addition, the applicable air district must develop in advance a mitigation fee program to allow projects to pay into a fund to mitigate their emissions, which the Amador Air District has not yet done. Therefore, an air quality fee program is not a feasible mitigation measure at this time.

The comment quotes text from Impact 4.3-1, “Construction-Related Emissions” from page 4.3-12 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment states it is not clear about what is meant by the use of “earliest” year and “later” years when discussing construction emissions. At the time of the analysis, the “earliest” year of construction would occur in 2013, and therefore emission factors based on emissions technology and the current fleet in 2013 were used to evaluate the proposed project’s construction-related emissions. Although construction activities would occur after 2013 as well, emission factors in 2013 would represent the maximum construction-related emission factors because they are the earliest possible year of construction. The discussion of “later” years that would have lower emission factors would represent all years after 2013. Each consecutive year includes assumptions about equipment retrofits, turnover, and increases in emission technology, which would result in slightly lower emission rates than the previous year. Data for these assumptions are included in ARB’s EMFAC and OFFROAD models (see http://www.arb.ca.gov/msei/msei.htm). Data include vehicle and equipment fleet in Amador County for the particular year (e.g., 2013) and applicable emissions technology that would affect emission factors. EMFAC and OFFROAD provide emission factors (i.e., amount of pollutants per unit of activity) for vehicles and equipment for the year and geographical area selected.

The comment asks when laws and standards regarding retrofits, turnover, and increased emission technology were implemented, and that if there were goals set for the desired outcomes, they should be provided. Assumptions about retrofits, turnover, and increased emissions technology contained in EMFAC and OFFROAD are included in ARB model documentation (see response and reference in response to comment Foothill2-112). ARB’s EMFAC team has extensive data on the retrofits, turnover, and increased emissions technology embedded into the EMFAC model. Emissions standards for off-
road equipment have been developed by ARB as part of their In-Use Off-Road Diesel Vehicle Regulation to reduce diesel exhaust emissions (see http://www.arb.ca.gov/msprog/offroad/orcomp/documents.htm). EMFAC and OFFROAD are the approved models (by ARB and all air districts) for evaluating on-road and off-road air quality emissions in California.

Foothill2-114 The comment restates text verbatim from page 4.3-12 of the DEIR pertaining to construction activities. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-115 The comment states that using an average is not a good method to establish substantial results for determining quantities and concentrations of emissions and their adverse health impacts. The comment also asks why construction emissions were not quantified for all years from 2013 to 2030 if construction activities were assumed to occur evenly throughout this period. In addition, the comment asks whether “better examples” exist to determine significance and mitigation for construction. As stated in the DEIR and in response to comment Foothill2-112, 2013 represents the earliest year of construction and also the highest emission factors throughout the construction period. Therefore, because construction activities were assumed to occur evenly over the construction period, quantifying 2013 construction emissions would represent the maximum possible annual and daily construction emissions.

Because of the uncertain nature of construction activities over the approximately 18-year period of Draft General Plan implementation, many different methods exist to model construction emissions. However, because of the uncertainty surrounding how the proposed land uses would be developed, all methods would have their unique benefits and drawbacks. Nevertheless, because of the net increase threshold used to evaluate construction emissions, the simplified average method was selected, without speculating about how much of the Draft General Plan and what part of the Draft General Plan would be constructed in any given year. See Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-116 The comment refers to Mitigation Measures 4.3-1a and 4.3-1b and Impact 4.3-1. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-117 The comment asks what actions will be taken if Mitigation Measures 4.3-1a and 4.3-1b (conditions of the permit) are not met. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR: no further response is required. As a matter of information, the actions the county could take varies depending on the type of project approval (e.g., Use Permit, subdivision map, grading permit, etc.). Regardless, upon discovery of a violation the County would enforce permit conditions consistent with County Code procedures.

Foothill2-118 The comment states that mitigation measures should be developed to address all pollutants. DEIR Mitigation Measures 4.3-1a and 4.3-1b address construction-related fugitive dust and exhaust emissions, respectively. Fugitive dust emissions include both PM\textsubscript{10} and PM\textsubscript{2.5} emissions, while exhaust-related emissions include ROG and NO\textsubscript{X} emissions as well as PM\textsubscript{10} and PM\textsubscript{2.5}. Therefore, the DEIR includes mitigation measures that address all pollutants as well as both exhaust- and fugitive dust-related emissions.

Foothill2-119 Comment suggests that additional mitigation measures provided in the comment letter can reduce impacts to a less-than-significant level and result in fewer “unavoidable”
outcomes. See responses Foothill2-120 through Foothill2-126 for responses to each of suggested mitigation measures.

Foothill2-120 Comment suggests that the Amador Air District (AAD) review new development projects for potential adverse air quality impacts. The commenter’s suggestion is already in action. All discretionary projects are sent to AAD for their review and comments.

Foothill2-121 Comment suggests that AAD create an air quality handbook that includes monitoring and mitigation programs to ensure compliance with permits. Comment suggests that the potential programs could reduce emissions to a less-than-significant level. The AAD currently manages a website and has staff members that are responsible for disseminating and implementing the requirements of their permitting programs. An “air quality handbook” has not yet been developed by AAD and is not anticipated to be created based on the lack of funding for the comprehensive type of program described in the comment. The County is not able to require AAD to develop an “air quality handbook.”

Foothill2-122 Comment suggests that new development pay for its full impacts to air quality. An air quality impact fee is in the jurisdiction of the AAD; however, the AAD is separate governmental entity from the County. Therefore, the County cannot implement this fee or require AAD to implement the fee program, and AAD has no available budget to develop and implement a comprehensive fee program. It should be noted that strategies and measures in the Climate Action Plan would also help reduce long-term operational emissions associated with new development. See also response to comments Foothill2-109 and Foothill2-110.

Foothill2-123 Comment suggests that permit conditions for discretionary projects include incorporation of all economically feasible best management practices and control technology from construction activities. Best management practices and feasible control technology are currently used in permitting requirements for AAD to reduce emissions. The following text was added to Mitigation Measure 4.3-1b of Chapter 4.3, “Air Quality”:

- Implement construction best management practices to minimize fugitive dust emissions. Best management practices should be approved by AAD and could include, but are not limited to Sacramento Metropolitan Air Quality Management District’s Basic Construction Emission Control Practices. To the extent feasible, use best available control technology at the time of construction activities to minimize exhaust emissions from construction equipment and vehicles. Provide construction management plan for minimizing fugitive dust and exhaust emissions to Amador Air District prior to commencing construction activities.

Foothill2-124 Comment suggests that permit conditions for discretionary projects include the need to demonstrate how construction plans will implement best management practices for construction. Best management practices and feasible control technology are currently used in permitting requirements for AAD to reduce emissions. This mitigation measure was added to Mitigation Measure 4.3-1b of Chapter 4.3, “Air Quality” of the DEIR. See response to comment Foothill2-123.

Foothill2-125 Comment suggests that permit conditions for discretionary projects require roadways constructed as part of the project to use materials that minimize particulate matter emissions. The following text was added to Mitigation Measure 4.3-2a on page 4.3-17 of DEIR Section 4.3, “Air Quality”: 
- To the extent feasible and practical, construct new roadways for residential, commercial, or industrial projects in the County using materials that minimize particulate matter emissions (e.g., paved roads rather than unpaved, dirt roads). Roads should also be permeable when feasible and appropriate for the scale and intensity of planned use.

Foothill2-126 Comment suggests that AAD review new development projects for potential adverse air quality impacts. Comment suggests that the review be coordinated with other interested parties and incorporate assessment of air quality impacts from proposed and existing projects to avoid cumulative impacts. See Response Foothill2-120. The County does not have the authority to require AAD to commence its review in any specific fashion.

Foothill2-127 The comment quotes text from page 4.3-14 of the DEIR pertaining to Impact 4.3-2, “Generation of Long-Term Operational (Regional) Emissions of ROG, NOX, PM10, and PM2.5.” This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-128 The comment asks for a definition of “regional” emissions. “Regional” emissions include emissions in the air basin, which would affect the attainment designation of the project area.

Foothill2-129 The comment states that the DEIR is responsible for evaluating and mitigating local air quality, not regional air quality. The evaluation of a project’s air quality impacts would include its localized air quality impacts as well as its air quality impacts on regional air quality (e.g., attainment status of air basin or county). Maintaining and attaining ambient air quality standards, which are based on regional emissions, are key goals of the air quality analyses. Localized air quality impacts are evaluated in Impacts 4.3-3 and 4.3-4.

Foothill2-130 The comment references page 4.3-15 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-131 The comment asks that a page number for Table 3-1 be provided in DEIR Section 4.3, “Air Quality.” The second sentence in the second paragraph of impact discussion 4.3-2 has been modified as shown:

This modeling assumes that the new residential, commercial, and industrial uses specified on Table 3-1 (page 3-9) in Chapter 3 “Project Description,” would be constructed by 2030.

Foothill2-132 The comment restates text from page 4.3-15 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-133 The comment asks for the page numbers for models and summaries of operational modeling. The last page of DEIR Appendix B includes the summary of the proposed project’s air quality emissions, while the preceding pages of Appendix B are model (CalEEMod) outputs.

Foothill2-134 The comment asks for a definition of “energy” in the context it is used in Table 4.3-4. Energy includes electricity and natural gas consumption.
The comments ask how DEIR Tables 4.3-2 and 4.3-4 should be compared. The units of Table 4.3-2 are in concentrations of pollutants in ambient air, while emissions shown in Table 4.3-4 are mass emissions emitted. Therefore, these numbers cannot be compared to each other. Mass emissions generated in a region collectively contribute to ambient air quality concentrations; however, many other factors (including temperature, sunlight, meteorology, and other sources of emissions) affect the ultimate ambient air concentrations, and therefore a direct comparison without modeling regional air quality is not possible.

The comment asks if the air quality models and summaries are only from Amador County. Modeling was conducted for land uses in Amador County at the Draft General Plan Horizon Year (2030).

The comment provides a summary of text from the DEIR related to the reduction of ROG and NOx. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment asks how the mobile source emissions were determined for the existing and Draft General Plan operational emissions. Please see DEIR Appendix B for assumptions for land uses in the existing conditions and the 2030 conditions. Data used to estimate these emissions are included in CalEEMod outputs, CalEEMod, and EMFAC. ROG and NOx emissions substantially decrease notwithstanding population growth due to improvements in vehicle technology and fuels.

The comment summarizes text from DEIR pertaining to motor vehicle emissions. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment asks for a definition of “regional” emissions. The description of “regional,” as discussed in response to comment Foothill2-128, would include activities occurring in the air basin and county.

The comment states that the air quality analysis should evaluate localized air quality impacts rather than regional impacts. See response to comment Foothill2-129.

The comment states that an inconsistency of current population exists between the DEIR Section 4.12, “Population and Housing” and DEIR Section 4.3, “Air Quality.” The 37,911 residents noted in DEIR Table 4.12-1 on page 4.12-2 and cited in the comment reflect the population of the entire County; i.e., the cities and unincorporated portion of the County. The number of residents in the formula (21,944) provided in paragraph 2 on page 4.3-16 of the DEIR Air Quality section has been corrected so that the population for the unincorporated County is the same as in the Population and Housing section (i.e., 21,944). Both population figures are now from the Department of Finance (DOF) and are referenced in Section 4.12, “Population and Housing” as (DOF 2011b). The previous air quality population figure was incorrectly entered. The population growth discussion under Impact 4.3-2 has been amended to be consistent with Chapter 4.12, “Population and Housing” as shown below:

The existing VMT per service population, where service population is the number of residents plus the number of jobs, is 41.7096 (1,192,077 VMT/22,123 people + 6,465 jobs). The Draft General Plan would result in a VMT per service population of 35.51 (1,520,801 VMT/25,241 people + 17,586 jobs) in 2030.
Foothill2-144 The comment states that an inconsistency in the 2030 population exists between DEIR Section 4.12, “Population and Housing” and Section 4.3, “Air Quality” and asks for the source of the population data. The population for 2030 conditions on page 4.3-16 is consistent with the 2030 population on page 4.12-5 of Section 4.13, “Population and Housing.” Both the Air Quality and Population and Housing sections cite 25,241 as the projected 2030 population, which was calculated as part of the General Plan Update by projecting the DOF 2011 population. See response to comment Foothill2-143.

Foothill2-145 The comment states that the source for the 2030 job projections should be provided on DEIR page 4.3-16 as part of the formula for Draft General Plan VMT per service population. The estimated number of jobs is based on the amount of non-residential square footage in the General Plan at build-out. Using approximately 6.1 million square feet of non-residential square feet and 350 square feet on average for each employee, an estimated 17,586 employees by 2030 would be generated. The text has been amended to include a footnote with this information, as shown below:

The Draft General Plan would result in a VMT per service population of 35.51 (1,520,801 VMT/25,241 people + 17,586 jobs) in 2030.¹

¹ Using approximately 6.1 million square feet of non-residential square feet and 350 square feet on average for each employee, it equates to an estimated 17,586 employees by 2030.

Foothill2-146 The comment states that the jobs data and associated projections used in the DEIR seem unrealistic. The population data for existing conditions is based on DOF statistics. For 2030 conditions, population data also was obtained from DOF projections for the entire Amador County. DOF demographic information represents the most realistic and appropriate current and projected statistics. For jobs, the number of existing and projected jobs was estimated based on commercial square footage and an assumption that there would be approximately one employee/job for every 350 square feet. Therefore, the growth in projected jobs is a direct result of the projected increase in commercial square footage in the County. Therefore, population estimates were obtained from DOF; however, job estimates are based on the proposed project’s commercial land uses.

Foothill2-147 The comment states that inconsistencies with population data exist in DEIR Section 4.3, “Air Quality,” Section 4.12, “Population and Housing” section and the Amador County LRTDP. The population figures for existing and 2030 conditions have been corrected to be consistent with Chapter 4.13, “Population and Housing.” See response to comment Foothill2-143. With respect to the discrepancy with the Amador County LRTDP, the years in which the population estimates were developed are different (2011 for DOF and 2013 for LRTDP) and therefore circumstances and projections would have changed based on those different conditions. Furthermore, population data used in the LRTDP is from the U.S. Census, which uses different data gathering techniques than DOF.

Foothill2-148 The comment states the analysis about regional air quality is incorrect and it should focus on local air quality. See responses to comments Foothill2-128 and -129.

Foothill2-149 and -150 The comments reference DEIR Appendix B and Table 4.3-4. These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
The comment indicates a lack of understanding as to how the significance conclusion was made in Impact 4.3-2 from the data contained in Table 4.3-4. As stated in the “Thresholds of Significance” section (DEIR page 4.3-11) and in the last paragraph of the impact analysis (pages 4.3-16 and -17), any net change in emissions would be considered a significant impact. Therefore, because long-term operational PM10 and PM2.5 emissions would increase with the proposed project, operational emissions are considered significant.

The comment asks that a mitigation measure be included to require fee payment to Amador County Transit for operating costs and increased capacity to meet the needs of new projects. The measures suggested by the comment would be appropriate in a highly developed and densely populated urbanized area, such as San Francisco. However, for the sparsely populated and largely rural/agricultural Amador County, such measures would be excessive, would not be “roughly proportional” to the impacts from development projects, and would not be feasible. Further, the comment presents no evidence that fees paid for transit would substantially lessen the Draft General Plan’s significant air quality impacts.

The comment requests that a reference for the location of Program D-7 be provided. Program D-7 is included in the Implementation Plan chapter of the Amador County General Plan.

The comment requests that point 2 from Program D-7 on page P-23 of the Implementation Program be added to Mitigation Measure 4.3-2b, “Implement Program D-7, Air Emissions and Sensitive Receptors.” The text has been amended to include the following:

In the review of development proposals, the County will reference the guidelines presented in the California Air Resources Board’s Air Quality and Land Use Handbook: A Community Health Perspective, or the Amador Air District guidelines and recommendations available at the time, when establishing buffers around existing or proposed sources of toxic air contaminants or odorous emissions. During future environmental CEQA review for individual projects, projects that would result in substantial TAC emissions directly or indirectly (e.g., industrial sources), or for land use projects that would expose sensitive receptors to substantial TAC concentrations (e.g., residential land uses located near existing TAC sources), the County will require an HRA to be performed by project applicants to determine whether existing or proposed on-site sensitive receptors will be exposed to significant levels of TAC emissions. An HRA would only be required for those projects that would be anticipated to expose sensitive receptors to substantial TAC concentrations based on the project description or other relevant characteristics as determined by County Planning staff during the environmental review process. If the results of the HRA indicate a significant impact, the individual project applicant shall employ measures (e.g., air filters, project redesign) to reduce exposures to levels below the acceptable limits (e.g., 10 in a million excess cancer risk, 1.0 health hazard index).

The comment repeats the commenter’s scoping comments and opinions on CEQA mitigation measure requirements. Because this is a general comment unrelated to specific DEIR environmental issues, no response is required.
Comment suggests that additional mitigation measures suggested could change the significant and unavoidable conclusions in the DEIR. See responses Foothill2-157 through Foothill2-172 for responses to each of suggested mitigation measures.

Comment suggests implementation of an Amador Air Quality Plan and establishment of thresholds of significance. Developing an air quality plan would be in the purview of the AAD and not the County. The AAD is a separate governmental entity from the County. Furthermore, AAD has no available funding to develop a comprehensive air quality plan.

Comment suggests that the County use best efforts to minimize motor vehicle emissions through promotion of alternative fuels. The County will develop a streamlined approach for permitting alternative fuel vehicle service stations. Strategies and measures pertaining to the transportation sector in the Climate Action Plan would also help reduce long-term mobile-source air quality emissions. Additionally, Mitigation Measure 4.3-2a on page 4.3-17 of the DEIR has been modified as shown below:

Mitigation Measure 4.3-2a: Implement Reduction Measures for Discretionary Projects

a. The County will require each project applicant, as a condition of development project discretionary approval, to implement measures to reduce operational emissions of criteria air pollutants. Measures to reduce operational emissions will only be required for projects that exceed the applicable thresholds of significance for ROG, NOx, PM10, or PM2.5 emissions, as demonstrated by project-level CEQA analysis. It should be noted that measures and programs implemented as a result of the climate action plan would also reduce air quality emissions from new and existing projects. Example measures include:…

Comment suggests that the local government should initiate energy efficiency and emission reduction programs to set an example for projects. The County is currently setting an example for energy efficiency by utilizing controlled lighting for interior and exterior lighting of County buildings, timed irrigation systems, energy-efficient bulbs, and installation of photovoltaic cells on County facilities. Strategies and measures pertaining to energy consumption/efficient and municipal operations in the Climate Action Plan would also strengthen the County’s energy efficiency and emission reduction programs.

Comment suggests that state, federal, and local governments have lists of energy efficiency programs. Comment is noted. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Comment suggests that the County could set purchasing requirements for low- or zero-emissions vehicles and alternative fuels for its fleet. At the moment, it would be logistically and cost prohibitive for the County to establish a rigid purchasing requirement for low- or zero-emission vehicles and alternatively-fueled vehicle for its fleet. However, the County currently and will continue to pursue and consider best available technology with respect to emissions and alternative fuel types when purchasing new vehicles. These decisions, for financial management and budget reasons, must still be made on a case-by-case basis to avoid over committing resources. As part of the Climate Action Plan, this type of measure would be further evaluated for its economic and emission reduction feasibility.
Foothill2-162 Comment states that purchasing requirements for low- or zero-emissions vehicles and alternatively-fueled vehicles could apply to transit vehicles and vehicles used by the County-contracted businesses (e.g., waste collection, recycling, and green waste). The County does not have jurisdiction or authority over what vehicles are purchased for transit and waste collection services. Although it is possible that new contracts could include a requirement for low- or zero-emission vehicles and alternatively-fueled vehicles, similar to Response Foothill2-161, a rigid requirement such as that could be logistically and cost prohibitive for the County. This type of requirement will be considered on a case-by-case basis. As part of the Climate Action Plan, this type of measure would be further evaluated for its economic and emission reduction feasibility.

Foothill2-163 Comment states that the County could require access roads, driveways, and parking areas for commercial sites, industrial sites, and new projects to be constructed with materials minimizing particulate emissions, permeable, and appropriate for scale and intensity of use. The mitigation measure was added on page 4.3-17 of DEIR Section 4.3, “Air Quality.” See response to comment Foothill2-125.

Foothill2-164 Comment suggests that industrial projects should be required through the Amador Air Quality Plan to implement best management practices and control technology to reduce PM emissions. See response to comment Foothill2-157.

Foothill2-165 Comment suggests that the County could reduce air quality emissions from energy consumption. See response to comment Foothill2-159. In addition, the County currently implements the suggested mitigation measure through its current Building Code. Please see the following link for more information and contact information: http://www.co.amador.ca.us/departments/building. It should be noted that energy-related strategies and measures in the Climate Action Plan would also help reduce air quality emissions from energy consumption.

Foothill2-166 Comment suggests that the County provide rebates, discounts, and other incentives for residential and commercial uses to use energy efficiency and low-emissions products. At the moment, the County is not able to provide these subsidy programs for energy efficiency and low-emissions products because it not economically feasible. Although the County does not have the resources available to supply these incentives for residents and business owners, there are other incentive programs for County residents and business owners. Furthermore, current rules and regulations require new and replacement equipment to meet the most current energy efficiency standards. As part of the Climate Action Plan, this type of measure would be further evaluated for its economic and emission reduction feasibility.

Foothill2-167 Comment suggests that the County require all curbside collection and drop-off programs for green waste to be sent to composting or biomass facilities. Due to the rural nature of the County, requiring that all curbside collection and drop-off programs send green waste to composting or biomass facilities is not feasible. The air quality and greenhouse gas impacts associated with vehicle miles traveled for heavy-duty collection trucks could outweigh the reductions associated with composting or biomass processes, which themselves also generate emissions. In addition, in order to send green waste to these types of facilities, additional sorting would be required by individual users or the County, which could add an additional costs and processes to the measure. Furthermore, the amount of “acceptable” waste would be further reduced, which could make the program infeasible based on emissions produced compared to those reduced. As part of the Climate Action Plan, this type of measure could be further evaluated for its economic and emission reduction feasibility.
Foothill2-168 Comment suggests that the County could promote implementation of best management practices for agricultural and industrial operations. Best management practices for agricultural and industrial operations are in the purview of the AAD and not the County. The AAD currently requires both agricultural and industrial operations to follow best management practices to minimize pollutant emissions.

Foothill2-169 Comment suggests the County could pave and maintain roads to minimize PM emissions. At the moment, due to limited funding sources, maintenance of existing paved County road is a priority over paving County roads that are currently unpaved.

Foothill2-170 Comment suggests that the County could institute smog checking. The State of California currently implements a smog check program that covers all vehicles registered in the state and County. It would be financially infeasible for the County to develop a smog check program independent of the State.

Foothill2-171 Comment suggests that the County could partner with neighboring jurisdictions to address air quality issues and develop programs to reduce emissions. Working with neighboring jurisdictions to address air quality issues and develop programs to reduce emissions would be in the purview of the AAD and not the County, and air quality benefits of such activities are speculative. During and following the Climate Action Plan process, it is possible that creating partnerships with neighboring entities would increase the economic feasibility and implementation of certain measures, which would in turn reduce air quality and greenhouse gas emissions.

Foothill2-172 Comment suggests that the County should implement ways to connect people and goods to their destinations. This suggestion is vague, and its air quality benefits are speculative. There are currently ride share programs available within the County (e.g., Foothill Rideshare); however, additional programs sponsored by the County would need to be approved and budgeted on a case-by-case basis. The Climate Action Plan would evaluate transportation systems within the County and consider methods to more efficiently connect people and goods.

Foothill2-173 The comment restates the text of DEIR Impact 4.3-3 verbatim. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-174 The comment asks which intersections are operating at Level of Service (LOS) E and F. As stated in the DEIR, the specific intersections operating at LOS E and F can be found in Section 4.14, “Transportation.” The analysis in the air quality section is intended to be a screening analysis, to determine whether any intersections operate at LOS E or F. Please see DERI Section 4.14, “Transportation” for additional detailed LOS data.

Foothill2-175 The comment provides text from page 4.3-19 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-176 The comment asks why heavy-duty truck percentages would not increase with population and jobs growth. The screening analysis is intended to evaluate the percent of heavy-duty trucks out of the total County vehicles. Although increases in population and jobs would be likely to result in an increase in heavy-duty trucks to serve additional commercial and/or industrial growth, this growth also would result in an increase in passenger vehicle activity. Therefore, the relative percent of heavy-duty trucks of the total County vehicles would likely remain similar to current conditions because the projected growth would not
overly skew development to commercial and industrial land uses. For example, any increase in garbage trucks would be a result of increased residents and commercial land uses, which also would increase passenger vehicle activity that would be anticipated to maintain heavy-duty truck percentages similar to current conditions.

Foothill2-177 The comment provides text from page 4.3-18 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-178 The comment asks whether Sacramento Metropolitan Air Quality Management District (SMAQMD) guidelines are appropriate to use for the DEIR analysis. Although Sacramento County and Amador County have different topographical settings, the carbon monoxide (CO) hotspot screening analysis was developed using conservative assumptions, such as lowest meteorological conditions (i.e., low wind speeds and dispersion). Therefore, if projects in other air basins or counties would not exceed the screening threshold, it would be highly unlikely that, even considering the different topographical locations, a CO hotspot would occur. Furthermore, part of the screening analysis considers the topography of the area.

Foothill2-179 and 180 The comment states that the CO hotspot analysis only analyzes mobile source emissions and that should also include long-term operational emissions. Mobile source emissions make up a majority of land use development projects’ long-term operational emissions. On a statewide level, CO emissions from mobile sources account for 83 percent of total statewide CO emissions (ARB 2013). The reason CO hotspots from mobile sources are evaluated is because sensitive receptors often are exposed to these potential emission sources (e.g., sidewalks). Other sources of CO from long-term operational emissions would not be as concentrated and would not have the potential to exceed ambient air quality standards as congested intersections.

Foothill2-181 through 184 The comment summarizes other sources of CO in Amador County. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-185 The comment asks for the analysis to address indoor and outdoor air quality from long-term operational emissions. The emissions that are estimated and presented in DEIR Table 4.3-4 are long-term operational emissions that would occur outdoors. The EIR air quality impact analyses include outdoor air emissions from fireplaces and wood stoves, emissions which affect the public at large. Indoor air quality impacts on individuals are regulated by the Occupational Safety and Health Administration (OSHA) for commercial and industrial land uses, and by the California Department of Public Health (DPH) for residential land uses.

Foothill2-186 The comment restates Impact 4.3-4 verbatim. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-187 The comment asks for a definition of the term “short period of time.” As explained in the second paragraph in the impact analysis for Impact 4.3-4 regarding exposure periods and health risk assessments, short-term emissions are generally related to construction activities which are anticipated to last approximately 6 months to 1 year. Please see DEIR page 4.3-19 for a more detailed explanation.
The comment quotes text from page 4.3-19 of the DEIR related to construction activities. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment states that the TAC significance conclusion is unclear because diesel particulate matter (PM) is a carcinogen that has no safe exposure threshold. Although ARB and the air districts understand that diesel PM is a carcinogen and any exposure could result in some health risk impacts, it is necessary to establish a health risk threshold(s) to evaluate diesel PM and TAC emissions, without concluding that any exposure would result in cancer to the exposed individual. Therefore, based on Office of Environmental Health Hazard Assessment’s (OEHHA) health risk assessment guidelines, the analysis anticipates potential exposure periods for typical land use development projects (i.e., 6 months to a year) would not be a substantial proportion of required exposure periods for health risk assessments (i.e., 70 years) and discusses the intermittent and temporary nature of construction emissions.

The comment asks what quantity of TACs is harmful to receptors. The comment does not pertain to the adequacy of the analysis. Please see OEHHA’s health risk assessment (HRA) Guidance Manual for Preparation of Risk Assessments for how TAC emissions should be modeled and health risks should be calculated (OEHHA 2015). Many air districts consider 10-in-one million cancer risks and health hazard indices over 1.0 as significant exposures (SMAQMD 2014).

The comment asks at what point does a TAC impact become cumulatively significant if there are on-going projects in the area of sensitive receptors. Air quality is inherently a cumulative impact. Therefore, the same significance thresholds are typically used for project-specific and cumulative impacts. (See the DEIR air quality cumulative impact analysis starting on pages 6-4 and 6-5.) Cumulative impacts are presented in DEIR Chapter 6, “Other CEQA Considerations.”

The comment requests that DEIR page 4.3-20 provide the location of Mitigation Measure 4.3-2b and Program D-7 (2). A reference for Mitigation Measure 4.3-2b in Impact 4.3-2, where the mitigation measure first appears in the analysis, has been added. Mitigation Measure 4.3-4a has been removed because that measure is now included in Mitigation Measure 4.3-2a. The text has been amended as follows:

Mitigation Measure: Implement Mitigation Measure 4.3-2b - Implement Program D-7, Air Emissions and Sensitive Receptors

See Mitigation Measure 4.3-2b (above) in Impact 4.3-2 and Amador County Implementation Plan page 23 for full description of Program D-7.

Mitigation Measure 4.3-4a: Implement Program D-7 (2) Air Emissions and Sensitive Receptors

a. In the review of development proposals, the County will reference the guidelines presented in the ARB’s Air Quality and Land Use Handbook: A Community Health Perspective, or the Amador Air District guidelines and recommendations available at the time, when establishing buffers around existing or proposed sources of toxic air contaminants or odorous emissions. During future environmental CEQA review for individual projects, projects that would result in substantial TAC emissions directly or indirectly (e.g., industrial sources), or for land use projects that would expose sensitive receptors to substantial TAC concentrations (e.g., residential land uses located near existing TAC sources), the County will require an HRA to be performed.
by project applicants to determine whether existing or proposed on-site sensitive receptors will be exposed to significant levels of TAC emissions. An HRA would only be required for those projects that would be anticipated to expose sensitive receptors to substantial TAC concentrations based on the project description or other relevant characteristics as determined by County Planning staff during the environmental review process. If the results of the HRA indicate a significant impact, the individual project applicant shall employ measures (e.g., air filters, project redesign) to reduce exposures to levels below the acceptable limits.

Foothill2-193
The comment restates Impact 4.3-4 verbatim. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-194
The comment summarizes the odor discussion on page 4.3-10 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-195
The comment states that odors are indicators of potential air quality problems. DEIR Section 4.3, “Air Quality,” has addressed the sources of odors that could affect sensitive receptors. In addition, the DEIR has separately addressed regional air quality emissions that contribute to ambient air quality, which are standards used to gauge healthful air. Furthermore, the DEIR has evaluated localized air quality impacts from criteria air pollutants and TACs.

Foothill2-196
The comment quotes text from page 4.3-22 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-197
The comment asks for a definition of the term “broadly similar” air conditions as used on page 4.3-22 of the DEIR. The statement has been removed from the DEIR because it was not necessary to describe how the SMAQMD screening distances are used. The screening distances are based on the odor source and its general ability to affect receptors at certain distances. The third sentence of the second paragraph of impact discussion 4.3-6 has been amended as follows:

In the absence of local thresholds, SMAQMD screening distances have been used based on the broadly similar air conditions in the SMAQMD region and Amador County to evaluate the proposed project’s odors.

Foothill2-198
The comment states that Amador Air District should establish its own odor thresholds. The DEIR is not able to establish thresholds of significance for Amador Air District.

Foothill2-199
The comment states that the analysis only evaluates construction and commercial/industrial odor sources. The DEIR evaluates these odor sources because they are the primary sources of odors that could affect receptors.

Foothill2-200
The comment states that the FEIR should further address odors and healthy air quality. See response to comment Foothill2-195. The comment does not explain a correlation between odors and healthy air quality. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”
The comment refers to a scoping comment that the regulatory setting section must discuss any inconsistencies between the proposed project and existing general and regional plans. The purpose of the regulatory setting section is to present the plans, policies, regulations, and laws that are relevant to the protection of biological resources that occur in, or have the potential to occur in Amador County. Analysis of consistencies between the General Plan and existing plan policies or ordinances should go in the impact analysis section of the DEIR; however, as noted on page 4.4-34 of the DEIR, implementing the Draft General Plan would not conflict with local policies or ordinances protecting biological resources in the County because no specific policies (other than General Plan policies that will be superseded by this General Plan Update) or ordinances exist.

The comment states that the DEIR omitted an important statewide program, the California Essential Habitat Connectivity Project, from the list of state plans, programs, and policies that would inform decisions on biological resources. The California Essential Habitat Connectivity Project provides a broad-scale overview of potential connectivity areas between large, intact blocks of natural habitat and is not a regulatory document and does not represent a legal designation of essential habitat connectivity areas or critical linkage areas. It is not intended to be a California Department of Fish and Wildlife (CDFW) response to biological impacts in project-specific CEQA documents.¹

The Essential Habitat Connectivity Project produced GIS layers, identifying large essential connectivity layers. For Amador County, the essential habitat connectivity areas that were identified cover approximately one-third of the County’s land mass, primarily in one large, concentrated block, connecting north–south near the middle of the County. It is unclear what portion of this large area must be retained, or how it should be managed, to continue to function as a habitat connection. As described on page 4.4-34 of the DEIR, implementing the Draft General Plan would not interfere substantially with the movement of any native resident or migratory wildlife species because it would not eliminate important connections between any areas of natural habitat that otherwise would be isolated. Most of the developed land uses under the Draft General Plan are located around existing population centers and industrial areas, and would occur on a relatively small fraction of the existing land in the County. Most of the County would continue to be designated for agricultural uses, providing ample open space for wildlife movement. The Draft General Plan also includes the following policy for the protection of wildlife movement corridors:

Policy OS-3.2: Encourage the conservation of corridors for wildlife movement, particularly in oak woodland areas and along rivers and streams.

See also response to comment Foothill2-257.

The comment states that in addition to the California Essential Habitat Connectivity Project, the Sierra Nevada Foothills Wildlife Connectivity Modeling Project provided more detailed habitat connectivity modeling and maps, accessible from CDFW’s BIOS viewer, and should be included in the FEIR and used to determine critical habitat corridors for biological resources. The Sierra Nevada Foothills Wildlife Connectivity Modeling Project connectivity map is not a regulatory document and does not represent a legal designation of essential habitat connectivity areas or critical linkage areas. The fact that CDFW has attempted to model essential habitat connectivity corridors does not mean that Amador County, when acting as lead agency, is required to identify these areas as

critical habitat corridors or treat them as sensitive habitats in CEQA documents because CDFW has not officially designated these as sensitive habitats nor issued guidelines regarding the use or management of these areas or how to determine significant effects on these areas. These areas are not the same as established movement corridors because they are modeled least-cost corridors between modeled suitable habitat areas and are not based on observed/documentated wildlife use. The connectivity corridors identified through the modeling project are large areas, and implementing the Draft General Plan would not eliminate any of these areas or make them unusable for wildlife movement. See responses to comments Foothill2-202 and Foothill2-257.

**Foothill2-204**

The comment states that maps of natural landscape blocks and critical linkage areas are accessible from CDFW’s BIOS viewer and should be included in the FEIR. The County has reviewed the natural landscape blocks, essential connectivity, and critical linkage areas layers on BIOS, and implementing the Draft General Plan would not eliminate any of these areas or make them unusable for wildlife movement because growth would be concentrated around existing population centers and industrial areas and would occur on a relatively small fraction of the existing open land within the County. Most of the County would continue to be designated for agricultural or open space uses, providing ample open space for wildlife movement. See response to comment Foothill2-202 and Foothill2-257.

**Foothill2-205**

The comment states the DEIR eliminates an informative section on regional habitat conservation planning that was included in the Biological Resources General Plan Update Working Paper (Exhibit 4.4.1-3). As stated on page 4.4-34 of the DEIR, no regional habitat conservation plans or natural community conservation plans have been adopted for Amador County or any areas within Amador County. Therefore, the information about regional habitat conservation planning is not relevant to this CEQA document.

**Foothill2-206**

The comment states that conservation planning in neighboring counties could increase the value of conservation acquisitions and easements in Amador County. No regional habitat conservation plans or natural community conservation plans have been adopted for neighboring counties, with the exception of San Joaquin County. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

**Foothill2-207**

The comment suggests that the FEIR should include an updated description of regional habitat conservation planning efforts, as provided in Biological Resources General Plan Update Working Paper, including a lengthy description of what habitat conservations plans and natural community conservation plans are, how they were established, their purpose, and giving descriptions of specific comprehensive conservation planning efforts that are “underway” in surrounding areas. The San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) is the only adopted habitat conservation plan in neighboring counties. Because the SJMSCP does not identify specific conservation areas, it is not possible for Amador County to plan habitat conservation areas specifically to connect with SJMSCP conservation areas and the level of regional planning the comment suggests is not required under CEQA. Because none of the other HCPs noted in the comment have been completed or adopted, they do not provide a reliable framework for regional conservation planning, and they are not relevant to this CEQA document.

**Foothill2-208**

The comment expresses the importance of the environmental setting to the analysis of significant effects and states that one of the most relevant aspects of the environmental setting is the divulgence of harm to the environment caused by current and past
mismanagement and any efforts being made to remedy that harm that might affect the proposed project. The DEIR includes a description of the existing biological resources conditions at the time the NOP was prepared, as required under CEQA. CEQA does not require an analysis of past environmental harm caused by mismanagement to be carried out as part of the environmental setting of an EIR and does not require an EIR to identify remedies for past environmental harm. (See, e.g. Fat v. County of Sacramento (2002) 97 Cal.App. 4th 1270.) The purpose of an EIR is to disclose potential environmental effects of the project being proposed compared to existing environmental conditions.

Foothill2-209
The comment references Table 4.4-1 of the DEIR, noting it indicates that 16,000 acres in Amador County have not yet been mapped for habitat type. The comment is correct. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” regarding the level of detail and degree of specificity appropriate for this Program EIR.

Foothill2-210
The comment notes that Table 4.4-1 of the DEIR uses data from the California Department of Forestry and Fire Protection (CAL FIRE) and the U.S. Forest Service (USFS) from nearly a decade ago and asks whether more recent data is available to determine habitat types in the unmapped areas. As described on page 4.4-4 of the DEIR, the Fire Resource and Assessment Program (FRAP) data (CAL FIRE and USFS 2005) provide the most accurate and comprehensive source of habitat information currently available for Amador County. Although small acreages of habitat may have been converted to other types between 2005 and the baseline year of 2009, these changes were very small and the FRAP data provide the best available baseline for vegetation and habitat in the County. The DEIR baseline is required to disclose existing conditions at the time of the NOP. No more current comprehensive habitat data are available for the County. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” regarding the level of detail and degree of specificity appropriate for this Program EIR.

Foothill2-211
The comment states that unmapped areas seem to include areas identified in Exhibit 4.4-1 as critical habitat for vernal pool ecosystems and California tiger salamander habitat. The vernal pool ecosystem and California tiger salamander habitat in Amador County is shown in Exhibit 4.4-1 of the DEIR. Therefore, although these areas are shown as “Not Yet Mapped” on Exhibit 4.4-2, “Vegetation Map,” they are shown as vernal pool critical habitats in Exhibit 4.4-1.

Foothill2-212
The comment asks whether vernal pool ecosystem acreage should be included in Table 4.4-1 and identified as sensitive habitat. Northern hardpan vernal pools are described as sensitive natural communities occurring within Amador County on pages 4.4-29 and 4.4-30 of the DEIR. No acreage total is given for vernal pools, and they are not included in the figures because their seasonal nature makes them difficult to quantify and map at the programmatic scale used for the DEIR. The extent of some of the wetland and riparian features can be derived from the data in the National Wetlands Inventory (NWI) (Exhibit 4.4-5). On this map, some of the features identified as freshwater emergent wetland are northern hardpan vernal pools; however, the accuracy of NWI mapping makes it unreliable as a tool for providing a reasonable estimate of the acreage of vernal pools in the County. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” regarding the level of detail and degree of specificity appropriate for this Program EIR.

Foothill2-213
The comment asks why Table 4.4-1 of the DEIR does not include acreage for freshwater marsh wetlands, which are mapped on Exhibit 4.4-5. The freshwater emergent wetland shown in Exhibit 4.4-5 of the DEIR is from the NWI. The NWI is not a reliable reference
for providing a good estimate of the acreage of this habitat type in the County. It is probable that a great deal more wetland habitat exists in the County than is captured in the NWI. As explained on page 4.4-30 of the DEIR, many of the features identified in Exhibit 4.4-5 as freshwater emergent wetland actually are northern hardpan vernal pools, but many of them may be cattail, bulrush marsh, or other freshwater emergent wetland community types. When considering discretionary development proposals implementing the Draft General Plan, the County, through project-specific CEQA reviews, will require inventory and assessment of all wetland habitats within the proposed project boundary.

The comment states that the DEIR does not provide descriptions for wet meadows and freshwater emergent wetlands and they need to be added. The discussion on page 4.4-29 of the DEIR includes wet meadows and freshwater emergent wetlands in reference to sensitive natural communities occurring in the County. As stated therein, wet meadow habitats are found primarily on National Forest lands in higher elevations of the County that are not subject to County planning, and some of the features identified as freshwater emergent wetland are northern hardpan vernal pools, which already are described in detail on page 4.4-30 of the DEIR. Other freshwater emergent wetland types present in the County include cattail and bulrush marsh types, characterized by species such as broad-leaved cattail (*Typha latifolia*), hard-stemmed bulrush (*Schoenoplectus acutus* var. *occidentalis*), Pacific rush (*Juncus effusus* var. *pacificus*), and umbrella sedge (*Cyperus eragrostis*). However many different species associations may be included in the features mapped as freshwater emergent wetland, and a specific description of each would differ for each specific project (project level analysis). When considering discretionary development proposals implementing the Draft General Plan, the County, through project-specific CEQA reviews, will require inventory and assessment of all wetland habitats within the proposed project boundary. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” regarding the level of detail and degree of specificity appropriate for this Program EIR.

The comments state that the descriptions of habitats in the County fall short of informing the reader of important planning decisions, and that existing conditions must be determined in the EIR so that impacts can be measured against real conditions on the ground. The DEIR includes a description of the existing biological resources conditions at the time of the NOP as required under CEQA. Also, it is unclear how environmental setting descriptions could provide information on “important planning decisions.” These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” regarding the level of detail and degree of specificity appropriate for this Program EIR.

The comments list several “data gaps” in the existing conditions that would aid planning efforts (the listed data gaps are: extent and type of habitat protected under conservation easements; conversions of habitat that have occurred since the last General Plan; and whether past efforts by the County to protect natural habitats were successful). Since this information is not related to impacts of the Draft General Plan, there is no need for it to be included in the Environmental Setting section of the Program EIR. However, the Environmental Setting section for sensitive biological resources (see page 4.4-15 of the DEIR), does discuss existing environmental conditions for resources such as lone chaparral, vernal pools, and oak woodlands. Some information about historic habitat losses is provided in the individual impact discussions for each sensitive habitat type.
Foothill2-220

The comment states that the existing conditions should include information on whether habitats not deemed sensitive are in jeopardy of significant reductions in size or quality. The Environmental Setting section describes existing conditions, or baseline data, not impacts, such as loss of habitat resulting from a proposed project. In Section 4.4.3 “Impacts and Mitigation Measures,” potential effects of growth and associated land use conversion anticipated with implementation of the Draft General Plan were determined by comparing the Land Use Diagram (Exhibit 3-2 in Chapter 3, “Project Description”) with the countywide vegetation map (Exhibit 4.4-2), and by identifying habitats that could be converted because of construction of new residential dwellings, nonresidential facilities, and other improvements that would occur under the Draft General Plan. An impact on a biological resource is considered significant if it would meet any of the thresholds listed on page 4.4-33 of the DEIR. As discussed under Impact 4.4-1, the greatest amount of habitat conversion resulting from implementation of the Draft General Plan would occur in the western portion of the County, characterized primarily by oak woodland, montane hardwood, annual grassland, and chaparral communities. This potential for substantial reduction in habitat in the County could result in loss of occurrences of species that are already vulnerable or imperiled statewide and would be a significant impact on special-status species.

Foothill2-221 and -222

The comments state that the setting section should include data on what critical changes are likely to occur in habitats in the County because of climate change, with descriptions identifying critical changes that could occur in these habitats in the foreseeable future. In general, climate change would likely exacerbate the Draft General Plan’s impacts on many biological resources. Specific changes to habitats and shifts in distribution of plants and animals in Amador County that may occur as a result of climate change within the year 2030 time frame of the Draft General Plan are too speculative for meaningful evaluation. Global climate change is addressed in Section 4.7 “Greenhouse Gas Emissions” of the DEIR, as required under CEQA (CEQA Guidelines Section 15064.4). On page 4.7-6 of the DEIR, impacts of climate change are discussed, including rising sea levels, changes in precipitation levels, rising snowlines, and changes in snowpack, runoff, water storage, and increased risk of wildfire. These climate change effects have the potential to indirectly affect biological resources. Mitigation Measures 4.7-1a and 4.7-1b would reduce impacts from GHG emissions, but this impact would remain significant and unavoidable, as described on page 4.7-13 of the DEIR.

Foothill2-223

The comment states that some natural systems are more vulnerable to climate change than others and cites a vulnerability assessment of seven Sierra Nevada ecosystems and 12 Sierra Nevada species (Exhibit 4.4.2-2 attached to comment). The comment also cites a document enumerating adaptation strategies for vulnerable resources (Exhibit 4.4.2-3 attached to comment). Vulnerability assessments of species and habitats to climate change are not directly related to impacts of the Draft General Plan. See also response to comments Foothill2-221 and -222.

Foothill2-224

The comment states that some of the adaptation strategies presented in Exhibit 4.4.2-3 (attached to comment) are suited for public forest lands; however, many also are applicable to private forest lands and could be used as mitigation for impacts associated with the General Plan. The adaptation strategies, which extend to the year 2099, were developed for a purpose different than mitigating impacts of growth under a General Plan. The comment does not indicate which specific adaptation strategies are potentially feasible mitigation measures that would serve to mitigate specific impacts of the Draft General Plan within a year 2030 timeframe. Also, see response to comment Foothill2-223.
The comments state that many approaches to climate change vulnerability assessment are available and have been used for protection natural resources (the comment provides an attachment document, Exhibit 4.4.2-4, which provides case studies of various vulnerability assessments), and add that the DEIR falls short of a reasonable analysis of the environmental setting without assessing vulnerability of dominant habitat types, sensitive communities, and focal species to climate change, and the FEIR should include those vulnerability assessments. See response to comment Foothill2-223. The purpose of the environmental setting section of the biological resources chapter of the DEIR is to describe existing conditions of biological resources at the time of the NOP, and use existing environmental conditions as the baseline for impact analysis. CEQA Guidelines Section 15125(a). The Environmental Setting section is not required to describe alternative biological baselines under varying climate scenarios.

The comments state that models of current versus projected vegetation under different climate change models are available online, and that the FEIR should include a discussion of what impacts the General Plan will have on habitats because of changes in habitats in response to climate change. In general, climate change would likely exacerbate the Draft General Plan’s impacts on many biological resources. What specific changes to habitats and shifts in distribution of plants and animals in Amador County may occur because of climate change within the year 2030 time frame of the Draft General Plan is too speculative for meaningful evaluation. Global climate change is addressed in Section 4.7 “Greenhouse Gas Emissions” of the DEIR. See also response to comment Foothill2-223.

The comment states that it is critical to evaluate the cumulative impacts of climate change and development. In general, climate change would likely exacerbate the Draft General Plan’s impacts on many biological resources. Section 6.1, “Cumulative Effects” of the DEIR already finds that the Draft General Plan would have cumulatively considerable contributions to significant cumulative biological resources impacts. The DEIR (page 6-5) already concludes that the Draft General Plan’s biological impacts are cumulatively considerable, and the comment does not identify any specific significant cumulative impacts related to climate change that are omitted from the DEIR.

The comments cite a study included as an exhibit to the comment letter that concluded several species of oak, including blue oak, may not be naturally regenerating at rates that would maintain oak woodlands, suggesting the extent of blue oak woodlands may decline in the future over large portions of its existing range. These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comments state that factors negatively affecting blue oak regeneration have been studied and cite a study (Exhibit 4.4.2-6 attached to the comment letter) that also lists management decisions supporting regeneration of blue oaks. The comments also state that the DEIR fails to describe whether blue oaks are regenerating in Amador County and does not address factors that may inhibit recruitment of blue oaks. The comments further state that the FEIR should address blue oak regeneration, identify impacts on natural regeneration, and recommend mitigation that would improve natural regeneration. The discussion on page 4.4-3 and under Impact 4.4-4 of the DEIR acknowledges that incremental loss of oak woodlands from lack of natural regeneration is a potential concern; however, disagreement exists among experts as to whether or not oak regeneration is declining from historic rates and if it is truly a problem for the long-term sustainability of oak woodlands (Barrett and Waddell 2008). The oak regeneration problem mostly has been inferred from current stand structure rather than by long-term
demographic analyses (Tyler et al. 2006). A study by Tyler et al. (2006) found that blue oak woodlands showed limited recruitment during short-term (less than 3 years) studies, but that longer term studies did not indicate a decline in tree density, presumably because low recruitment still is sufficient to offset the low mortality rate of mature individuals. Therefore, oak regeneration possibly occurs on a naturally slow time scale, and therefore it may be natural that only a very small percentage of seedlings or saplings are recruited to mature trees. The EIR is not required to resolve these disagreements among experts.

Furthermore, declining blue oak woodlands regeneration is not a result of implementing the Draft General Plan. As described on page 4.4-3 of the DEIR, the County is required under California Public Resources Code (PRC) Section 21083.4, to determine whether projects “may result in a conversion of oak woodlands that will have a significant effect on the environment.” When it is determined that a project may have a significant effect on oak woodlands, mitigation is required. Therefore, when considering discretionary development proposals implementing the Draft General Plan, the County, through CEQA reviews, will require that project applicants map oak woodlands resources on the project site and, where feasible, establish buffers around existing oak woodland stands to prevent adverse effects. For those effects on oak woodlands that cannot be avoided, the County will require the project applicant to minimize adverse effects and will require compensatory mitigation measures for conversion of oak woodlands, as listed on page 4.4-41 of the DEIR. In other words, the DEIR identifies mitigation for impacts that result from implementing the General Plan, not for potential trends resulting from natural phenomena.

Foothill2-238

The comment states that the effectiveness of past mitigation measures in Amador County are not discussed in the DEIR and, therefore, it is uncertain whether Mitigation Measures 4.4-4a and 4.4-4b on page 4.4-41 of the DEIR will avoid significant impacts. The comment does not include any evidence that past oak woodland mitigation has been ineffective, or that any alleged ineffectiveness of past oak wood and mitigation is relevant to the effectiveness of the DEIR’s proposed mitigation measures.

Most of the developed land use designations in the Draft General Plan are located away from oak woodlands. Per Program D-4 of the Draft General Plan, the County’s primary objective is to avoid adverse effects on oak woodlands when considering discretionary development proposals implementing the Draft General Plan. Draft General Plan policies OS-3.1 and OS-3.3 encourage preservation of oak woodlands and support voluntary conservation easements. Compensatory mitigation will be required for any unavoidable loss of oak woodlands and will consist of preserving existing oak woodlands under a conservation easement and/or planting acorns; however, planting cannot account for more than 50 percent of the compensatory mitigation. With the requirement to follow the guidelines in the General Plan and commitment to the mitigation measures presented in the FEIR, impacts on oak woodlands would be reduced to a less than significant level.

Foothill2-239 and -240

The comments state that the FEIR should address the effectiveness of past actions and should answer how many oak woodland conservation easements have been enacted and what the acreage is of those easements. See response to comment Foothill2-238. The number of conservation easements enacted in the past and their acreage is not necessary for evaluating the potential impacts of implementing the Draft General Plan. As noted on page 4.4-40 of the DEIR, potential losses of oak woodlands because of developed land uses under the Draft General Plan would be a tiny fraction of the existing oak woodland in the County. Therefore, the overwhelming majority of the oak woodlands in the County would not be subject to conversion as a result of implementing the Draft General Plan, regardless of whether they are protected under conservation easements.
The comments ask about the success of oak trees planted as part of mitigation for past projects, whether trees that have died have been replaced, and if Amador County ensures mitigation success by requiring appropriate maintenance. This information is not necessary for evaluating the potential impacts of implementing the Draft General Plan. See response to comment Foothill2-238. Mitigation Measure 4.4-4b requires that planted oak trees be maintained for 7 years after planting.

The comment asks what the success has been for oaks planted as part of the California Department of Transportation (Caltrans) Highway 49 bypass project and whether Caltrans has maintained its mitigation effectively. This information is not necessary for evaluating the potential impacts of implementing the Draft General Plan. See response to comment Foothill2-238. With the requirement to follow the guidelines in the General Plan, commitment to the mitigation measures presented in the EIR, and any required conditions of environmental permits for any specific project, impacts on oak woodlands would be reduced to a less-than-significant level regardless of whether Caltrans has been successful in maintaining planted oak trees as part of mitigation under the purview of another lead agency.

The comments ask whether any projects have attempted restoration of oak woodlands, if they were successful, and if Amador County ensured restoration met appropriate goals. This information is not necessary for evaluating the potential impacts of implementing the Draft General Plan. See response to comment Foothill2-238.

The comments ask how much money has been contributed to the Oak Woodland Preservation Fund as part of mitigation for oak woodland impacts in Amador County and whether that money has been used to purchase oak woodland easements in the County. This information is not necessary for evaluating the potential impacts of implementing the Draft General Plan. See response to comment Foothill2-238.

The comments ask whether Amador County approved any Natural Community Conservation Plans that include oaks as covered species and, if so, to locate these on a map and evaluate their success. The County has not approved any Natural Community Conservation Plans that include oaks as covered species.

The comment asks whether Amador County has implemented any other mitigation measures to address conservation of oak woodlands. Impacts on oak woodlands would be reduced to a less-than-significant level with implementation of the goals and policies in the General Plan and commitment to the mitigation measures presented in the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment asks whether Amador County has engaged with the University of Cooperative Extension in educational outreach to promote actions by private landowners that will protect oak woodlands and encourage regeneration. This information is not necessary for evaluating the potential impacts of implementing the Draft General Plan. See response to comment Foothill2-252.

The comment states that oaks are not only a species-rich ecosystem, they also provide visual appeal and shade that can increase property value and reduce home energy costs, and are one of our most significant aesthetic and biological resources. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
The comments reference the DEIR’s acknowledgement of a complex array of habitats in Amador County supporting diverse and abundant fauna, with examples of species occurring in different habitat types, but state that important information on the status and trends of wildlife species and value of habitat and connectivity for wildlife is lacking. The comments further state that the FEIR needs to evaluate current data, determine data gaps, and provide best available information on wildlife status and trends and habitat connectivity. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” regarding the level of detail in the DEIR. See responses to comments Foothill2-202 and 204 regarding wildlife connectivity. The DEIR already provides information about the status and rarity of the sensitive biological resources in the Environmental Setting section and in the individual impact discussions (in particular, see Impact 4.4-1).

The comment states that the CEQA guidelines require an evaluation of impacts on biological resources that would substantially reduce habitat for fish or wildlife species or interfere with movement of native resident or migratory fish or wildlife species. Interference with wildlife movement was included as an issue not discussed further on page 4.4-34 of the DEIR because implementing the Draft General Plan would not interfere substantially with the movement of any native resident or migratory wildlife species because it would not eliminate important connections between any areas of natural habitat that would otherwise be isolated. To clarify the reasons that impacts on wildlife movement would be less than significant, Impact 4.4-6, “Potential interference with wildlife movement” has been added to the impact analysis as follows:

**IMPACT 4.4-6**

**Potential interference with wildlife movement.** Implementation of the Draft General Plan would include new development in the planning area, including buildings, structures, paved areas, roadways, utilities, and other improvements. Proposed new uses could interfere with the movement of native resident or migratory wildlife species or with native resident or migratory wildlife corridors. However, proposed new uses would not interfere substantially with the movement of any native resident or migratory wildlife species because it would not eliminate important connections between any areas of natural habitat that would otherwise be isolated. This impact would be less than significant.

Wildlife corridors are features that provide connections between two or more areas of habitat that would otherwise be isolated and unusable. Often drainages, creeks, or riparian areas are used by wildlife as movement corridors as these features can provide cover and access across a landscape. Implementation of the Draft General Plan would not interfere substantially with the movement of any native resident or migratory wildlife species because it would not eliminate important connections between any areas of natural habitat that would otherwise be isolated. The Mokelumne River corridor provides a link between the Salt Springs deer herd summer and winter range in Amador County and would continue to link these critical ranges following General Plan implementation. Overall, riparian habitat losses resulting from implementation of the Draft General Plan would be relatively small because major land use changes and development are not proposed in river and stream corridors and regionally common wildlife species such as coyote, fox, raccoon, skunk, and deer, would continue to use these corridors after project implementation. There are no established migratory routes through the County that are vital for the movement of any resident or migratory fish or wildlife species or population and no migratory routes would be eliminated by Draft General Plan implementation. In addition, deer may move through any suitable open space habitat areas between their summer and winter ranges. Most of the developed land uses under the Draft General Plan are located around existing population centers and industrial areas and would occur on a
relative small fraction of the existing land within the County. Most of the County would continue to be designated for agricultural uses, providing ample open space for wildlife movement. Therefore, the impact on wildlife movement would be less than significant.

**Mitigation Measure: No mitigation measures are required.**

The following text was deleted from page 4.4-34 of the DEIR:

**Wildlife nursery sites or migratory routes:** No native wildlife nursery sites or established migratory routes have been identified in Amador County. Implementation of the Draft General Plan would not interfere substantially with the movement of any native resident or migratory wildlife species because it would not eliminate important connections between any areas of natural habitat that would otherwise be isolated. Most of the developed land uses under the Draft General Plan are located around existing population centers and industrial areas and would occur on a relative small fraction of the existing land within the County. Most of the County would continue to be designated for agricultural uses, providing ample open space for wildlife movement. Therefore, implementation of the Draft General Plan would not have a significant impact on wildlife movement or nursery sites.

The comment references the description on page 4.4-13 of the DEIR, regarding annual grasslands as supporting lower wildlife diversity than woodland and shrub-dominated habitats. The comment further states that grassland bird species have been in decline across America for years and that loss of grassland habitat is significant. The discussion on page 4.4-13 of the DEIR states that annual grasslands generally support lower wildlife diversity than woodland and shrub-dominated communities, but are invaluable to the grassland-dependent species found in the County. Under CEQA, the lead agency has the discretion to determine the appropriate thresholds of significance. Whether or not an impact on biological resources is significant is based on Amador County’s thresholds of significance listed on page 4.4-33 of the DEIR. Although the loss of grasslands per se is not considered a significant biological impact, as discussed under Impact 4.4-1 in the DEIR, the loss of annual grassland habitat has the potential to result in significant impacts on special-status species associated with this habitat, such as California tiger salamander, western spadefoot, burrowing owl, and Swainson’s hawk.

The comment states that Amador County supports large expanses of grasslands, once common in the Central Valley, but now replaced by urban environments and intense agriculture. The comment further mentions that rangeland can provide critical habitat to wildlife while supporting cattle production. The comment is noted. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment asks whether Amador County has promoted conservation easements in grasslands as beneficial to wildlife and to ranchers. This information is not necessary for evaluating the potential impacts of implementing the Draft General Plan. Nevertheless, it should be noted that Mitigation Measure 4.2-1c calls for agricultural conservation easements to mitigate for the loss of Farmland exceeding 5 acres.

The comment asks whether Amador County has engaged with the University of Cooperative Extension in educational outreach to promote ranching and wildlife protection. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
The comment asks whether Amador County participates in the California Rangeland Conservation Coalition’s efforts to provide payment for environmental services to ranchers. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment states that the DEIR neglects to discuss the National Marine Fisheries Service’s (NMFS) recovery plan for salmonids in the Central Valley, which identifies the Mokelumne River above Pardee Reservoir as a candidate for possible reintroduction of spring-run Chinook salmon and steelhead, and that specific actions for the recovery of these fisheries should be included in the FEIR. Recovery plans are advisory and have no legal effect. Restoration actions in the Central Valley salmonids recovery plan focus on federal and state actions, not local government or private actions. Nevertheless, implementation of the Draft General Plan would not impair the recovery plan for salmonids in the Central Valley because it would not prohibit reintroduction of salmonids to the Mokelumne River or interfere with implementation of any other specific actions proposed under the plan. However, as described under Mitigation Measure 4.4-1b, the County would require assessments of potential habitat for special-status species on proposed specific project sites, and avoidance or substantial reduction of impacts on that habitat through feasible alternatives or mitigation measures would be developed consistent with applicable State and federal requirements. Mitigation would be developed in consultation with NMFS for any significant impacts on listed anadromous fish species.

The comments state that participation in landowner education, outreach, and restoration actions could be used as mitigation measures for significant impacts and requests these measures be added to the FEIR. These measures could be included as project specific mitigation for project-specific significant impacts on listed anadromous fish species. See response to comment Foothill2-263.

The comments state that the DEIR identifies several fish assemblages that are likely most abundant in Amador County, but lacks any information on the condition, status, or trends in those fish assemblages. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” regarding the level of detail in the DEIR. The adequacy of an EIR is determined in terms of what is reasonably feasible. Assessing the status and trends of fish assemblages that occur in Amador County is not necessary to understand the impacts of the Draft General Plan, and is not reasonably feasible. For purposes of the DEIR, the status of fish species, and all species in the county, is assessed based on whether they are identified as a candidate, sensitive, or special-status species by CDFW or U.S. Fish and Wildlife Service (USFWS). It generally is the responsibility of the scientific community and these resource agencies charged with the protection of these resources to monitor status and trends, and to identify species, habitats, or communities that may be vulnerable or imperiled so that lead agencies may use their guidance to identify species that may be subject to significant impacts under CEQA.

The comment asks whether streams and lakes in the County meet water quality standards for fisheries per the Porter-Cologne Water Quality Control Act and Clean Water Act (CWA), and also asks what land uses are affecting water quality. Existing water quality conditions are described in Section 4.9, “Hydrology and Water Quality,” on page 4.9-19 of the DEIR, and Impact 4.9-1 describes potential impacts on water quality from implementation of the Draft General Plan land uses.

The comment asks whether the fisheries are sufficient to provide recreational opportunities to the County. Section 4.4, “Biological Resources,” of the DEIR evaluates impacts on fish species as a biological resource. The waterbodies in Amador County do
not provide opportunities for commercial fishing operations. Recreational fishing opportunities are available on waterbodies throughout the County, and those opportunities would not be affected by implementation of the Draft General Plan. Furthermore, the commenter does not provide any evidence that an adverse effect related to recreational fishing would occur. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-270 and -271 The comments state that most foothill creeks dry up during summer months and ask whether fish populations have been eliminated or substantially reduced because of reduced flows and/or water diversions. Amador County contains numerous intermittent streams that naturally dry up seasonally. Fish that occur naturally in intermittent streams are adapted to survive in small pools that remain when the majority of the channel is dry. However, many streams have altered hydrological regimes as a result of dams, diversions, and water regulation, and this has affected fisheries in Amador County and throughout California. These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-272 and -273 The comments state that the Mokelumne River has numerous diversions, dams, and hydroelectric facilities, and asks what impacts these have had on fish populations. See response to comments Foothill2-270 and -271.

Foothill2-274 The comment asks what the status is of fish assemblages in the Cosumnes River. See response to comments Foothill2-266 and -267.

Foothill2-275 The comment states that the DEIR identifies 1,196 acres of Ione chaparral in Amador County, but that Appendix C of the DEIR states that consultant Tiffany Meyer identified 4,700 acres of Ione chaparral using aerial photographs, and requests an explanation for the discrepancy. The DEIR estimate of 1,196 acres is accurate and supported by substantial evidence. The GIS layer used to create Exhibit 4.4-3 is the same layer used to calculate the acreage of Ione chaparral reported in the DEIR, and that is 1,196 acres. As noted on page 4.4-17 of the DEIR, the GIS layer used in the DEIR was provided by CDFW, based on work carried out on its behalf by researchers at San Francisco State University. In addition, CDFW’s Final Report on the Conservation and Recovery of Ione Endemic Plants (CDFW 2004), which cites the same work by Tiffany Meyer, also reports that 1,196 acres of Ione manzanita were mapped. The location and extent of Ione chaparral in Exhibit 4.4-3 of the DEIR appears to be the same or at least very similar to that shown in the Nature Conservancy’s report in Appendix C of the DEIR, and thus it is unclear where the calculation of 4,700 acres originated. It would appear that the discrepancy is between the acreage of the actual area on which Ione chaparral was identified and the area of the entire properties identified as Target Acquisition Tier One and Two parcels.

Program D-4 directs the County to avoid or substantially reduce impacts on Ione chaparral when considering discretionary development proposals through project design and modification, to the extent feasible. As described under Mitigation Measure 4.4-1b, the County would require habitat assessments that would identify and more precisely quantify all habitats on a proposed project site, including Ione chaparral. The analysis presented in the DEIR appropriate for a Program EIR for a General Plan covering approximately 605 square miles (i.e., 387,200 acres). See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”
The comments state that the DEIR does not indicate how much Ione chaparral potentially would be threatened by incompatible land uses and requests the current and proposed acreage of Ione chaparral that is designated as Mineral Resource Zone, Residential, Agricultural, Industrial, and Commercial. The discussion on page 4.4-39 of the DEIR states that land uses allowed under the Draft General Plan could result in loss of Ione chaparral through mining and development of new uses and associated infrastructure improvements, and that this impact would be significant. The location and extent of the effects on Ione chaparral cannot be analyzed in detail until specific projects with specific development footprints are proposed. On page 4.4-40, the discussion concludes that this impact would remain significant and unavoidable after mitigation because distribution of this sensitive natural community is extremely limited and mining activities directly depend on the same substrates where this plant community grows; thus avoidance, minimization and mitigation options would be very limited. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comment suggests that within the analysis, acreage designated as Tier One and Tier Two Ione Chaparral (as defined in Appendix C of the DEIR) should be noted. The Ione Chaparral Focus Plan provided in Appendix C of the DEIR is not a regulatory document and does not represent a legal designation of priority areas. Loss of Ione chaparral in the Nature Conservancy’s Tier One and Tier Two priority areas each would be considered a significant impact on this sensitive community and would require equal mitigation, including avoidance to the extent feasible, as a top priority in design and planning. The report was provided as an appendix to the DEIR for informational purposes and was reviewed for relevant information about Ione chaparral to be considered during development of the Draft General Plan. The fact that the Nature Conservancy has attempted to prioritize areas for Ione chaparral conservation does not mean that the County, in its role as lead agency, is required to adopt the Nature Conservancy prioritization.

The comment states that an EIR must describe the physical conditions and environmental resources within the project site and in the project vicinity, and evaluate all potential effects on those physical conditions and resources. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment references the six federally listed threatened or endangered animals that are listed on page 4.4-18 of the DEIR and requests addition of discussion regarding the status and distribution of valley elderberry longhorn beetle, California red-legged frog, and Central Valley steelhead. The status and distribution of these species is provided in Table 4.4-3. Locations of documented occurrences of special-status wildlife species in Amador County are shown in Exhibit 4.4-4.

The comments ask what is being done to protect the six federally listed threatened or endangered species listed in the DEIR on page 4.4-18 and about the success of current mitigation measures in avoiding the incidental take of the listed species and protecting their habitat. This information is not necessary for evaluating the impacts of the Draft General Plan. The County acts in accordance with State and federal laws protecting these species when exercising its discretionary authority, operates in compliance with the terms of any incidental take permits issued under the federal Endangered Species Act (ESA), and implements all associated mitigation in good faith. In its discretionary capacity, the County assures that project applicants comply with ESA requirements. To ensure that the mitigation measures identified in the FEIR are implemented, including mitigation measures for impacts to special-status species, the County will adopt a Mitigation
Monitoring and Reporting Program (MMRP) to clearly identify responsible parties for implementation and monitoring of each EIR mitigation measure.

Foothill2-283

The comment states that without accurate and complete information pertaining to the setting of the project and surrounding uses, the EIR cannot be determined to adequately have investigated and discussed the environmental impacts of the project. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” regarding the level of detail provided in the DEIR. The DEIR’s environmental setting information for special-status species is sufficient to allow meaningful impact analysis.

Foothill2-284

The comment references the discussion on page 4.4-18 of the DEIR regarding California tiger salamander inhabiting vernal pools and adjacent upland areas in western Amador County. The comment further suggests that the County could benefit from the planning efforts of the South Sacramento Habitat Conservation Plan (SSHCP), which includes significant efforts in mapping special-status species, including California tiger salamander, and asks whether the County has contacted the municipalities involved in the SSHCP to coordinate and enhance conservation measures across the county line. See responses to comments Foothill2-205 through -207. Because the SSHCP has not been adopted and conservation commitments for the SSHCP have not been secured, it would be speculative to attempt to design mitigation orchestrated with other proposed acquisitions, and the level of regional planning that the comment suggests is not required under CEQA.

Foothill2-285

The comment asks what measures currently are being undertaken to avoid the take of this federally listed species (California tiger salamander). Information on current efforts to protect California tiger salamander is not necessary for evaluating impacts of the Draft General Plan. The DEIR identifies Mitigation Measures 4.4-1a and 4.4-1b to reduce impacts on special-status species, including California tiger salamander, resulting from implementation of the Draft General Plan by requiring the consideration of special-status species habitat in site selection, and by implementing mitigation in accordance with regulatory guidance and the best available science.

Foothill2-286

The comment asks whether the County has worked with landowners, resource agencies, or environmental organizations to acquire and preserve critical habitat for the California tiger salamander. The County currently does not hold critical habitat for California tiger salamander in public ownership as preserve lands and does not hold conservation easements within designated critical habitat. Designated critical habitat lands for California tiger salamander within Amador County currently are under private ownership.

Foothill2-287

The comment asks whether increased traffic on Highway 88 will affect migration of juvenile California tiger salamander. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” Impacts on special-status species, including California tiger salamander, have been found to be significant and unavoidable in the DEIR. The discussion on page 4.4-35 of the DEIR states that special-status species could be affected through take or loss, or modification of their habitat. The DEIR acknowledges that special-status wildlife species, including California tiger salamander, could be adversely affected by land-use changes and land conversion adjacent to occupied habitat, and that increased human presence and disturbance from roads and other infrastructure would decrease habitat suitability. The text on page 4.4-36 of the DEIR has been revised as follows:
Impacts could result from land use changes, agricultural activities, mineral mining, development activities, infrastructure improvements, increased traffic, and similar activities.

Foothill2-288 through 289 The comments ask whether Caltrans has been consulted on possible mitigation for effect of Highway 88 on California tiger salamander because it transects critical habitat for the species, and the comments recommend addressing this in the FEIR. Effects of existing Highway 88 traffic on California tiger salamander are part of the environmental baseline. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” At the time a future specific Highway 88 improvement project is proposed, the specific impacts of such project would be analyzed and specific mitigation measures required to reduce impacts of the project to a less-than-significant level would be identified.

Foothill2-290 The comment asks to what extent activities in the General Plan Update will impact California tiger salamander and vernal pools. See response to comment Foothill2-287. Impacts on vernal pools and California tiger salamander are described under Impact 4.4-1, beginning on page 4.4-34 of the DEIR.

Foothill2-291 The comment references the discussion on page 4.4-34 of the DEIR, regarding tiger salamanders having been documented in vernal pool grasslands in areas of the community slated for mixed use development in the Camanche Village Specific Plan Area (SPA), along the western county line, and in areas immediately north of Highway 104 proposed for industrial and mining land uses. The DEIR identifies locations where impacts could occur (see Table 4.4-3, the discussion in the Environmental Setting under “Special-Status Wildlife,” and Impact 4.4-1). This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-292 The comment references discussion in the DEIR regarding the significance of the General Plan Update impact on special-status species from industrial development and mining in their special habitats. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-293 The comment asks how many acres of vernal pool grassland would be affected from mining, industrial activities, or mixed-used development in the Camanche Village SPA. Until a specific project is proposed implementing the Draft General Plan, specific impacts, such as acreage of particular habitat types that would be affected, cannot be quantified. When considering discretionary development proposals implementing the Draft General Plan, the County, through project-specific CEQA reviews, would require inventory, quantification, and assessment of all habitats within the proposed project boundary. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-294 and -295 The comment asks to what extent the conversion of rangeland to intensive agriculture such as orchards or vineyards would affect vernal pool habitat and how such impacts would be mitigated. When considering discretionary development proposals implementing the Draft General Plan, the County, through CEQA reviews, would require project applicants to map and assess all habitats on the project site and to quantify impacts on sensitive habitats. The County would require avoidance or substantial reduction of impacts on special-status species habitat and waters of the United States, including vernal pools, through feasible alternatives or mitigation measures, including
compensatory mitigation where unavoidable losses of habitat would occur. These measures are outlined in the DEIR, under Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-5.

The comment notes that the County has not evaluated an alternative that would acquire vernal pool acres and provide permanent protection in a vernal pool preserve, and it references the USFWS providing grant funds annually, under the Cooperative Endangered Species Conservation Fund, for the acquisition of lands that would protect federally listed species. The comment further requests that more detailed information on impacts and an alternative be included in the FEIR that creates vernal pool preserves or provides a mechanism for creation of vernal pool preserves. The DEIR analyzes a reasonable range of alternatives, as required under CEQA (CEQA Guidelines Section 15152.6[a]). An EIR need not consider every conceivable alternative to a proposed project (CEQA Guidelines Section 15126.6[a]). The DEIR includes Alternative 2, which would focus future residential, commercial, and industrial growth within the Martell Regional Service Area (RSC), the Town Centers, and city spheres of influence and would eliminate the Camanche Village SPA, which is located mainly within designated habitat for California tiger salamander. This alternative would reduce the potential development impacts within vernal pool habitat areas. Alternative 3, Restricted Growth, also is evaluated in the DEIR. This alternative would restrict new building permits to 50 per year, resulting in a total of 750 new units in the County through 2030 rather than the 1,685 new units under the Draft General Plan. This alternative also would reduce impacts from the loss of vernal pool habitat. Because the DEIR already includes alternatives that would reduce impacts on vernal pool habitats as compared to the Draft General Plan, and already proposes mitigation for vernal pool impacts (Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-5), it is not necessary to analyze another alternative that would reduce these impacts through the acquisition and permanent protection of vernal pool acreage. With implementation of Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-5, conversion of vernal pools would be avoided through project design and modification to the extent feasible, and unavoidable losses of this habitat would be compensated on a no-net loss basis.

The comment refers to a list of special-status wildlife species known to occur or potentially occur in Amador County, in Table 4.4-3 in the DEIR, and states that the list needs to include additional species from CDFW’s list of state and federally listed threatened and endangered animals of California and California Bird Species of Special Concern. The list of known or potentially occurring special-status wildlife species is based on previously prepared biological resource reports for the County and occurrence records documented in the California Natural Diversity Database (CNDDB) and California Native Plant Society Inventory for Amador County. In addition, a list of endangered and threatened species that occur in, or may be affected by projects within Amador County was obtained from USFWS. The results of these database searches are provided in Appendix C of the DEIR. The lists of species generated by these sources were compared against the species’ current known range and distribution, and the habitat and elevation ranges found in the County, to compile the species listed in Table 4.4-3 of the DEIR. These are standard, professionally-accepted methods for creating a list of special-status species that potentially could be affected by a project. As noted on page 4.4-15 of the DEIR, additional special-status species are likely present in Amador County that had not been discovered or reported at the time of the database searches. The comment does not specify which special-status wildlife species from CDFW’s lists of threatened and endangered species and species of special concern could be significantly affected by implementation of the Draft General Plan, but are not included in the DEIR. The lists the comment references are lists of species for the entire state and include numerous species that are restricted to habitats that are not found in Amador County or whose range of distribution does not include Amador County.
Foothill2-298  The comment references observations of bird species in Amador County that have been added to Cornell’s public access, online database, eBird. See response to comment Foothill2-297. The potentially occurring special-status species list is focused on species that could be significantly affected by the project and does not include every bird species that might forage, roost, or fly through Amador County at some point in time. Many bird species are considered species of concern only during breeding or nesting. Therefore, if the species is unlikely to nest in Amador County because no suitable nesting habitat exists or the County is outside the species’ nesting range, then the species was not included in the list of species with potential to occur in the County because it would not be present during its season of concern and would not be a part of the impact analysis. For example, Barrow’s goldeneye, common loon, and American white pelican are California species of special concern when breeding; however, these species do not breed in Amador County, and therefore they are not considered in the DEIR.

Foothill2-299  The comment requests that USFS and Sierra Pacific Industries be consulted to determine the status and distribution of listed species in the montane sections of Amador County. See responses to comments Foothill2-297 and -298. National Forest lands in the County are not subject to County planning and would not be affected by General Plan implementation. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-300  The comment asks whether current land use practices, best management practices (BMPs), and mitigation measures protect special-status species on private forest lands. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-301 through -303  The comments state that Barrow’s goldeneye, common loon, and American white pelican should be addressed in the DEIR. See response to comment Foothill2-298. Mitigation Measure 4.4-1b requires assessments of potential habitat for any special-status species on proposed project sites, not just special-status species identified in Tables 4.4-2 and 4.4-3, because it is acknowledged in the DEIR on page 4.4-15 that additional special-status species are likely to be present in Amador County. Barrow’s goldeneye, common loon, and American white pelican are California species of special concern when breeding; however, these species do not breed in Amador County, and therefore they are not considered in the DEIR.

Foothill2-304  The comment states that California spotted owl is present in conifer forests and Protected Activity Centers (PACs) have been identified by USFS in Amador County. PACs for spotted owl are identified on National Forest lands in the County that are not subject to County planning. As noted on page 4.4-15 of the DEIR, additional special-status species are likely to be present in Amador County that had not been discovered or reported as of the baseline date for the DEIR. California spotted owl, which was not reported in the CNDDB database search or other baseline information sources, has been added to Table 4.4-3 of the DEIR and the first sentence of Impact 4.4-1 (DEIR page 4.4-35) has been revised as shown below:

<table>
<thead>
<tr>
<th>California spotted owl</th>
<th>_</th>
<th>CSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strix occidentalis occidentalis</td>
<td>Occurs in several forest vegetation types including mixed conifer, ponderosa pine, red fir, and montane hardwood. Nesting habitat is generally characterized by dense canopy closure (i.e., greater than 70 percent) with medium to large trees and multistoried stands (i.e., at least two canopy layers). Foraging habitat can include intermediate to late-successional forest with greater than 40 percent canopy cover.</td>
<td></td>
</tr>
</tbody>
</table>
Twelve special-status plant species and 40 special-status wildlife species are known to occur or potentially occur in Amador County.

(Note that the additional information on special-status species being added to the FEIR does not represent “significant new information” requiring DEIR recirculation; it amplifies special-status species information but does not represent a new or substantially more severe special-status species impact. See CEQA Guidelines Section 15088.5.)

Foothill2-305

The comment states that Vaux’s swift should be added to the DEIR. Vaux’s swift is a California species of special concern when breeding. Amador County is within the published breeding range of this species, but breeding has not been documented in the County; therefore, it was not included in the DEIR. Mitigation Measure 4.4-1b requires assessments of potential habitat for any special-status species on proposed projects sites, not just special-status species identified in Tables 4.4-2 and 4.4-3, because it is acknowledged in the DEIR on page 4.4-15 that additional special-status species are likely to be present in Amador County. Vaux’s swift has been added to Table 4.4-3 of the DEIR, as shown below, because the County is within its breeding range; however, this species has not been previously documented breeding in the County.

| Vaux’s swift  |  | CSC |
| Chaetura vauxi | | Nests in cavities in a variety of trees and less frequently in artificial structures in coniferous forests. |

Foothill2-306

The comment states that olive-sided flycatcher should be added to the DEIR. Olive-sided flycatcher is a California species of special concern when breeding. Amador County is within the published breeding range of this species, but breeding has not been documented in the County; therefore, it was not included in the DEIR. Mitigation Measure 4.4-1b requires assessments of potential habitat for any special-status species on proposed projects sites, not just special-status species identified in Tables 4.4-2 and 4.4-3, because it is acknowledged in the DEIR on page 4.4-15 that additional special-status species are likely to be present in Amador County. Olive-sided flycatcher has been added to Table 4.4-3 of the DEIR, as shown below, because the County is within its breeding range; it was not included in the DEIR because breeding by this species has not been previously documented in the County.

| Olive-sided flycatcher  |  | CSC |
| Contopus cooperi | | Nests primarily in late-succession conifer forest with open canopy. Prefers to forage near forest openings or edges. |

Foothill2-307

The comment states that yellow warbler should be added to the DEIR. Yellow warbler is a California species of special concern when breeding. Amador County is within the published breeding range of this species, but breeding has not been documented in the County; therefore, it was not included in the DEIR. Mitigation Measure 4.4-1b requires assessments of potential habitat for any special-status species on proposed projects sites, not just special-status species identified in Tables 4.4-2 and 4.4-3, because it is acknowledged in the DEIR on page 4.4-15 that additional special-status species are likely to be present in Amador County. Yellow warbler has been added to Table 4.4-3 of the DEIR, as shown below, because the County is within its breeding range; it was not included in the DEIR because breeding by this species has not been previously documented in the County.
Yellow warbler (Dendroica petechial brewsteri) nests in dense riparian vegetation such as willows and alders.

Foothill2-308 The comment states that northern goshawk is present in conifer forests and PACs have been identified by the USFS in Amador County. PACs for northern goshawk are identified on National Forest lands in the County that are not subject to County planning. As noted on page 4.4-15 of the DEIR, additional special-status species are likely to be present in Amador County that had not been discovered or reported as of the baseline date for the DEIR. Northern goshawk, which was not reported in the CNDDB database search or other baseline information sources, has been added to Table 4.4-3 of the DEIR as shown below:

| Northern goshawk (Accipiter gentilis) | – | CSC | Generally requires mature conifer forests with large trees, snags, downed logs, dense canopy cover, and open understories for nesting; aspen stands also are used for nesting. Foraging habitat includes forests with dense to moderately open overstories and open understories interspersed with meadows, brush patches, riparian areas, or other natural or artificial openings. |

Foothill2-309 The comment states that yellow-breasted chat is a neotropical migrant nesting along major drainages like the Mokelumne River and should be added to the DEIR. Yellow-breasted chat had not been documented nesting in Amador County at the time the baseline information was prepared for the DEIR. It has subsequently been documented in the CNDDB and has been added to Table 4.4-3 as shown below:

| Yellow-breasted chat (Icteria virens) | – | CSC | Forages and nests in riparian thickets of willow, blackberry, and wild grape within 10 feet of the ground. |

Foothill2-310 The comment states that yellow-headed blackbird individuals have been uncommonly observed in flocks of other blackbirds and it should be added to the DEIR. Yellow-headed blackbird is a California species of special concern when breeding. This species has never been documented breeding in Amador County and only the very western edge of the county is within this species’ breeding range. However, it has been added to Table 4.4-3 as shown below because limited potential exists for it to breed in the western portion of the county.

| Yellow-headed blackbird (Xanthocephalus xanthocephalus) | – | CSC | Breeds in marshes with tall emergent vegetation, such as cattails or tules, generally in open areas over relatively deep water. |

Foothill2-311 The comment states that willow flycatcher migrates through Amador County and should be added to the DEIR. Willow flycatcher is State-listed as endangered where breeding and migrating individuals would not be affected by implementation of Draft General Plan. This species has not been documented breeding in Amador County, but the central portion of the County is within its breeding area. Therefore, this species has been added to Table 4.4-3 of the DEIR, as shown below, as a species that could potentially occur in the County even though there are no known breeding record in the County.
Willow flycatcher
_Epidonax traillii_

In the Sierra Nevada, suitable habitat typically consists of montane meadows that support riparian deciduous shrubs (particularly willows) and remain wet through the nesting season (i.e., midsummer). Important characteristics of suitable meadows include a high water table that results in standing or slow-moving water, or saturated soils (e.g., “swampy” conditions) during the breeding season; abundant riparian deciduous shrub cover (particularly willow); and riparian shrub structure with moderate to high foliar density that is uniform from the ground to the shrub canopy. Most breeding occurrences are in meadows larger than 19 acres, but the average size of occupied meadows is approximately 80 acres. Although less common in the Sierra Nevada, riparian habitat along streams also can function as suitable habitat for willow flycatcher. However, those areas must support the hydrologic and vegetation characteristics described for suitable meadows (e.g., standing or slow-moving water, and abundant and dense riparian vegetation).

Foothill2-312

The comment states that grasshopper sparrow is a secretive species that has never been documented in Amador County, but should be added to the DEIR because it has been documented in rangeland in Sacramento and Calaveras counties. Grasshopper sparrow is a California species of special concern when breeding. As noted in the comment, this species currently is not known to breed in Amador County; however, western Amador County is within the published breeding range of this species, and it has been added to Table 4.4-3 as shown below:

| Grasshopper sparrow
<table>
<thead>
<tr>
<th>Ammodramus savannarum</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
</tr>
<tr>
<td>CSC</td>
</tr>
</tbody>
</table>

Nests and forages in dense grasslands; favors a mix of native grasses, forbs, and scattered shrubs. Nests are built on the ground at the base of grass clumps.

Foothill2-313 and -314

The comments reiterate information contained in the DEIR identifying critical mule deer winter and summer range in Amador County and noting that no established migration corridors have been identified in Amador County. These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-315

The comment states that CDFW modeled habitat connectivity using mule deer as one of its focal species and reports the foothills ecoregion is an important movement corridor between the Central Valley and the Sierra Nevada mountains. See responses to comments Foothill1-202 through -204. The Draft General Plan does not propose to eliminate connectivity through the foothills ecoregion from the Central Valley to higher mountain elevations. As noted on page 4.4-30 of the DEIR, deer may move through any suitable open space habitat areas between their summer and winter ranges.

Foothill2-316 through -318

The comments note riparian habitat could benefit mule deer that appear to follow stream drainages throughout the County, and suggest that the FEIR should evaluate impacts on these corridors as well as develop mitigation measures that avoid significant impacts on riparian habitat and mule deer corridors. As noted on page 4.4-30 of the DEIR, the biological importance of riparian vegetation and the dependence of many declining animal species on riparian habitat have made this habitat type a focus of many conservation efforts. As described on page 4.4-37, the most extensive riparian habitat occurs along the County’s largest rivers, the South Fork of the Cosumnes River and the North Fork of the Mokelumne River. Because changes in land use and new development
along these rivers is not proposed under the Draft General Plan, except within the River Pines Town Center, substantial impacts on riparian habitat along these rivers would not occur as a result of implementing the Draft General Plan, and these riparian corridors still would function as movement corridors for mule deer. The Draft General Plan and DEIR identify policies and mitigation measures to protect riparian habitat and movement corridors, including Program D-4; Policies OS-3.2, OS-3.3, OS-3.4; and Mitigation Measure 4.4-2. Implementation of these programs, policies, and mitigation measures would reduce potential significant impacts on riparian habitat to a less-than-significant level.

Foothill2-319 through -322 The comments state that the DEIR fails to assess the status and distribution of mule deer on private forest land and suggests that the FEIR should include a determination as to whether private forest landowners have programs to protect these critical areas as well as add appropriate mitigation measures for protection of these areas on privately owned lands. The DEIR acknowledges, on page 4.4-29, the existence of critical summer range and fawning areas at elevations of 4,000 to 9,000 feet in the County and critical winter range between 2,000 and 4,000 feet, and the DEIR correctly states that the majority of critical mule deer habitat is on National Forest lands in the county that are not subject to County planning. As noted in the DEIR, mule deer is not a special-status species. As described on page 4.4-34 of the DEIR, implementing the Draft General Plan would not interfere substantially with the movement of any native resident or migratory wildlife species (including mule deer) because it would not eliminate important connections between any areas of natural habitat that would otherwise be isolated. Therefore, General Plan Implementation would not result in significant impacts on mule deer, and no requirement exists for the DEIR to identify mitigation measures where no significant impacts would occur. The DEIR is required to identify and focus on the significant environmental effects of the proposed project, which is implementation of the Draft General Plan; it is not required to evaluate impacts that are not a result of implementing the Draft General Plan or to identify mitigation measures for any such impacts. Private actions on private lands are not subject to CEQA unless the actions involve government participation, financing, or approval. The County evaluates the effects of actions on privately owned forest land and requires mitigation for such impacts when a private landowner applies for a permit or other approval from the County for discretionary development. See also responses to comments Foothill2-315 and Foothill2-316 through -318 regarding programs, policies, and mitigation measures from the Draft General Plan and DEIR that would protect habitat in the County that may be important to mule deer.

See also response to Foothill2-257.

Foothill2-323 through -328 The comments suggest that the DEIR’s thresholds of significance are so broad that they provide no meaningful measure for determining what impacts would be significant, does not provide quantitative thresholds, does not describe performance-based thresholds, does not protect the County’s rich biological resources, and provides insufficient guidance. These comments do not recommend any additional thresholds of significance that should have been considered. The lead agency retains the discretion to determine what the appropriate thresholds of significance should be for any particular EIR. Per the CEQA guidelines, a threshold of significance can be an identifiable quantitative, qualitative, or performance level of a particular environmental effect. For purposes of the CEQA impact analysis, Amador County has determined that the Appendix G checklist questions are appropriate for evaluating the significance of environmental effects on biological resources.
This is consistent with current professional standards in California for many other lead agencies and CEQA projects. See, for example, El Dorado County General Plan and EIR (El Dorado County Department of Planning Services 2004), Sacramento County General Plan and EIR (Sacramento County Department of Planning and Environmental Assessment 2011), 2025 L Street/2101 Capitol Avenue Mixed-Use Project EIR (City of Sacramento Community Development Department 2015), Joint Operations Center Relocation Project EIS/EIR [Sacramento] (U.S. Bureau of Reclamation and California Department of Water Resources 2011a), City of Rancho Cordova General Plan and EIR (City of Rancho Cordova Planning Services 2006), Prairie City State Vehicular Recreation Area General Plan DEIR [Rancho Cordova] (California Department of Parks and Recreation 2015b), Folsom South of U.S. 50 Specific Plan EIR/EIS (City of Folsom and U.S. Army Corps of Engineers 2010), Rio del Oro Specific Plan EIR/EIS (City of Rancho Cordova and U.S. Army Corps of Engineers 2006), SunCreek Specific Plan EIR/EIS (City of Rancho Cordova and U.S. Army Corps of Engineers 2012), Cordova Hills Master Plan EIS [Rancho Cordova] (U.S. Army Corps of Engineers 2014), Rancho Murrieta Recycled Water System Expansion Project IS/MND (Rancho Murrieta Community Services District 2014), Cosumnes River Elementary School EIR (Elk Grove Unified School District 2008), City of Elk Grove General Plan EIR (City of Elk Grove Development Services Department 2003), Carnegie State Vehicular Recreation Area General Plan and EIR (California Department of Parks and Recreation 2015a), North Sacramento Streams, Sacramento River East Levee, Lower American River, and Related Flood Improvements Project EIR (Sacramento Area Flood Control Agency 2015), Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area EIR (Sacramento Area Flood Control Agency 2006), Feather-Bear Rivers Levee Setback EIR [Yuba County] (Three Rivers Levee Improvement Authority 2004), Phase 3 of the Reclamation District 17 100-Year Levee Seepage Area Project EIR/EIS [Stockton/Manteca] (U.S. Army Corps of Engineers and Reclamation District 17 2011), Yuba Goldfields 200-Year Flood Protection Project EIR [Marysville] (Three Rivers Levee Improvement Authority 2015), Sutter Point Specific Plan EIR (Sutter County Community Services Department 2008), Mariposa Lakes Specific Plan EIR (City of Stockton 2007), Central Lathrop Specific Plan EIR (City of Lathrop 2004), Modesto Redevelopment Master Plan EIR (Modesto Redevelopment Agency 2007), Hollister Urban Area Water and Wastewater Master Plan EIR (San Benito County Water District 2010), San Joaquin River Restoration Project EIR/EIS (U.S. Bureau of Reclamation and California Department of Water Resources 2011b), Ceres Water and Sewer Master Plan EIR (City of Ceres 2012), Solano County General Plan and EIR (Solano County Resource Management Department 2008), Woodcreek 66 Development Project EIR (Solano County Resource Management Department 2014), and Northeast Fairfield Specific Plan Train Station EIR (City of Fairfield Community Development Department 2010). See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

The comments state that the FEIR needs to provide identifiable quantitative, qualitative, or performance-level measures of substantial adverse effects for sensitive species, and pose a series of related questions and references the Tahoe Regional Planning Agency’s (TRPA) environmental threshold carrying capacities (Exhibit 4.4.3-1 attached to the comment) as an example to follow. The discussion on page 4.4-34 of the DEIR identifies a qualitative measure of the significance of environmental effects on sensitive species as follows:

An impact on biological resources is considered significant if it would “have a substantial adverse effect, either directly or through habitat modifications, on any
species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.”

Amador County has the discretion to determine that this threshold is appropriate to determine special-status species impacts of the Draft General Plan EIR. The TRPA carrying capacity examples referenced by the comments are for particular rare and special-interest species within the Tahoe Basin (five plant species and eight wildlife species), a considerably smaller and more intensively surveyed area than Amador County, whose number of remaining occurrences are roughly known and for which TRPA has identified a minimum number of population sites it believes must be retained to maintain significant scientific or natural value within its planning region (Lake Tahoe) (TRPA 2012). The TRPA already had identified existing problems with resource management and environmental planning in the region and an existing threat on the ecological values of the region from increasing urbanization. Amador County is not subject to an equal intensity of development pressures as the Lake Tahoe region, and what the TRPA has determined is appropriate for its planning region is not relevant to the goals and values of the citizens of Amador County. The comments provide no evidence that the environmental threshold carrying capacities adopted by the TRPA, or any other more quantitative thresholds for special-status species, would be more protective of special-status species in Amador County, and the comments do not provide substantial evidence to indicate the thresholds used in the DEIR are inadequate to identify a significant environmental effect on biological resources. The Amador County thresholds are actually more protective than the TRPA thresholds because any loss of a special-status species or occupied habitat could be considered a significant effect, depending on the overall rarity or existing level of threat to the particular species statewide and within the county, whereas under the TRPA thresholds, loss of a population or occurrence of a special-status species may not be considered significant as long as the minimum number of population sites still is present. The comments do not offer specific quantitative thresholds supported by substantial evidence that the commenter believes would be more appropriate for determining significant effects that may result from implementing the Draft General Plan. The comments do not specify any significant impacts on sensitive species believed to have been overlooked in the DEIR because of inadequacy of the significance thresholds. Furthermore, the number of populations or occurrences of each special-status species known or expected to occur in Amador County has not been precisely quantified, and no scientific data exists to reliably determine the particular number of occurrences/populations/individuals of each special-status species that must be maintained in the county to sustain a viable regional population over the long term See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-332 and -333 The comments state that the threshold of significance for sensitive plant communities, riparian habitat, wetlands, and meadows should be a nondegradation standard, and that this would ensure compliance with the CWA and CDFW and/or USFWS policies and regulations. Consistent with Appendix G of the CEQA Guidelines, Amador County has appropriately defined the significance thresholds for riparian and other sensitive natural communities and federally protected wetlands on page 4.4-33 of the DEIR as follows:

- a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS; and

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- a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means.

These thresholds are consistent with Sections 404 and 401 of the CWA and Section 1602 of the California Fish and Game Code, as well as the State’s Porter-Cologne Water Quality Control Act. As described under Mitigation Measure 4.4-5, the County will require project applicants to commit to replace, restore, or enhance on a “no-net-loss” basis (in accordance with U.S. Army Corps of Engineers [USACE] Section 404 no-net-loss requirements) the acreage of all wetlands and other waters of the United States that would be removed, lost, and/or degraded by discretionary projects. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-334 The comment gives an example of a nondegradation standard. The nondegradation standard suggested by the comment and cited from the TRPA Regional Plan is no more quantitative or specific than the Appendix G thresholds adopted by Amador County. The comment provides no evidence to support the presumption that the TRPA standard is more protective than the County’s thresholds for identifying significant effects to riparian habitat or other sensitive habitats or that the County threshold is inadequate for identifying potentially significant effects on sensitive habitats. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-335 and -336 The comments state that the DEIR does not include quantitative thresholds of significance for oak woodlands, although conservation organizations and resource agencies have developed qualitative and quantitative standards for protection of oak woodlands. The comments further cite the California Oak Foundation’s Oak Woodland Conservation Ordinance. As discussed under Impact 4.4-4 of the DEIR, the County generally considers that any loss or fragmentation of oak woodlands, including loss of individual oak trees, stands of oak trees, and associated species, would be a potentially significant effect and prioritizes preservation of oak woodlands through Policies OS-3.1, 3.2, and 3.3. Any conversion of oak woodland would require compensatory mitigation, as described under Mitigation Measure 4.4-4b. The fact that the California Oak Foundation has developed guidelines for determining significant impacts on oak woodlands does not mean that any lead agency in California is required to follow or adopt those guidelines, and the County has the discretion to adopt a more conservative and less complicated threshold for identifying significant effects to oak woodlands. Furthermore, until a specific project is proposed implementing the Draft General Plan, the specific variables suggested in the comment, such as percent of existing tree canopy that would be removed and the quality or quantity of nesting areas that would be affected, cannot be meaningfully analyzed. The metrics suggested by the California Oak Foundation document (referenced by the comments) are not feasible for identifying impacts at the program level. For example, one of the suggested criteria for a significant impact on oak woodlands is that the project would remove 50 percent or more of the existing tree canopy from a project site. By this measure, implementing the Draft General Plan would have a less-than-significant impact on oak woodlands because the project site is the whole county and implementing the Draft General Plan would certainly not remove 50 percent or more of the tree canopy from Amador County. See also response to comments Foothill2-323 through -328. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”
The comments state that available guidance for determining thresholds of significance and appropriate mitigation measures was not used in development of the DEIR, and adding a decision matrix to the FEIR is recommended. The fact that the University of California (UC) Integrated Hardwood Range Management Program (referenced by the comments) has developed guidelines for determining significant impacts on oak woodlands does not mean that any lead agency in California is required to follow or adopt those guidelines, and the County has the discretion to adopt a more conservative and less complicated threshold for identifying significant effects to oak woodlands. Furthermore, until a specific project is proposed implementing the Draft General Plan, the specific variables suggested in the comment, such as the current condition of the site, the proportion of the woodland that would be removed, and the temporal extent of effects, cannot be analyzed and the metrics suggested by the UC guidelines cannot be feasibly measured at the program level. See also responses to comments Foothill2-323 through -328. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

The comment refers to its previous remark that the environmental effects that must be considered in an EIR should include specific elements. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment states that the DEIR does not indicate an environmentally superior alternative that would protect a greater portion of special-status species in Amador County from incompatible land uses. The comment does not propose a specific potentially feasible environmentally superior alternative that would accomplish this. The DEIR analyzes a reasonable range of alternatives, as required under CEQA. The DEIR analyzes two alternatives in Chapter 5 “Alternatives,” Alternative 2 – City- and Community-Centered Growth and Alternative 3 – Restricted Growth, which would each reduce the potential development impacts on special-status species either by focusing growth around existing communities or by reducing overall population growth through the duration of Draft General Plan implementation. Because the DEIR already includes alternatives that would reduce potential impacts on special-status species as compared to the Draft General Plan, it is not necessary to analyze another alternative that would reduce these impacts. See also response to comment Foothill2-296.

The comments state that the DEIR fails to address impacts to numerous special-status species. As noted, all of the species listed in the comment already are included in the DEIR table of special-status species known or potentially occurring in Amador County (Table 4.4-3), which constitutes the list of special-status species that could be adversely affected by implementation of the Draft General Plan. The proposed project for this Program EIR is the adoption of a Countywide General Plan. Development projects implementing the Draft General Plan could physically alter the environment in ways that would adversely affect special-status species. As discussed under Impact 4.4-1 on page 4.4-35 of the DEIR, new uses envisioned under the Draft General Plan would result in direct impacts on special-status species inhabiting future growth areas or in indirect impacts resulting from loss or modification of suitable habitat, and this impact would be significant.

The discussion on page 4.4-36 of the DEIR notes that any special-status wildlife species using affected habitats could be directly affected by changes in land use. This would include all species listed in the comment and in Table 4.4-3. Additional potential impacts on all special-status species are noted under Impact 4.4-1 as follows: “Special-status
species could also be affected indirectly through modification of suitable habitat caused by pollutants transported by urban runoff and other means; changes in vegetation as a result of changes in land use and management practices; altered hydrology from the construction of adjacent residential development and roadways; and, habitat fragmentation. In addition, special-status wildlife species could be adversely affected by land-use changes and land conversion adjacent to occupied habitat. Special-status fish species could be affected by water diversions and activities affecting water quality and rearing habitat.”

The location and extent of potential effects on individual species cannot be analyzed in greater detail until specific projects are proposed implementing the General Plan. When considering discretionary development proposals implementing the Draft General Plan, the County, through project-specific CEQA reviews, would require assessments of potential habitat for special-status species on proposed projects sites, and avoidance or substantial reduction of impacts on that habitat through feasible alternatives or mitigation measures, including compensatory mitigation where unavoidable losses of occupied habitat would occur. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-370 The comment states that the DEIR does not address impacts on tricolored blackbird, an emergency listed species by the California Fish and Game Commission in December 2014. The DEIR addresses impacts to all special-status species known or potentially occurring in Amador County, including tricolored blackbird, under Impact 4.4-1. The location and extent of potential effects on tricolored blackbird cannot be analyzed in greater detail until specific projects are proposed implementing the General Plan. On December 10, 2015, the California Fish and Game Commission voted 3-1 to advance the tricolored blackbird to candidate for listing as threatened or endangered under the California Endangered Species Act (CESA). Therefore, the species current status is candidate. Table 4.4-3 of the DEIR has been revised to reflect this change in status as shown below:

<table>
<thead>
<tr>
<th>Tricolored blackbird</th>
<th>-</th>
<th>CSC</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Agelaius tricolor</em></td>
<td></td>
<td></td>
</tr>
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<td>Nests in dense cattails and tules, riparian scrub, and other low dense vegetation; forages in grasslands and agricultural fields.</td>
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See also responses to comments Foothill2-342 through -369.

Foothill2-371 through -374 The comments reference Amador County as hosting several locations of tricolored blackbird and state that the species location should be included in the FEIR. Exhibit 4.4-4 is provided to show the locations of known occurrences of special-status species that have been reported to the CNDDDB, but it is not meant to represent a comprehensive inventory of special-status species occurrences or use in the County. The tricolored blackbird colony referenced in the comments is located on private property and has not been made available to the public. The County respects the landowner’s wishes not to publish nesting locations on his private property. A General Plan EIR is not required to disclose exact locations of special-status species occurrences. In some instances, CDFW may even suppress sensitive species locations because of concerns that species may be at risk if these locations become widely known. It is sufficient for the DEIR to disclose that this species is present in the County and has the potential to be present in suitable habitat anywhere in the County within its elevational range. See also responses to comments Foothill2-342 through -369 and -370. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”
Foothill2-375 and -376 The comments state that impacts regarding land use designations where tricolored blackbird colonies exist are not adequately addressed in the DEIR and need to be consistent with the species protection as required by the CESA. Potential impacts on all special-status species known or with potential to occur in Amador County, including tricolored blackbird, have been addressed at a program level under Impact 4.4-1. See also response to comment Foothill2-370. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-377 The comment references the discussion in the DEIR regarding the tricolored blackbird colony near Dave Brubeck Road that may be adjacent to or within a Mineral Resource Zone. As discussed under Impact 4.4-1 of the DEIR, new uses envisioned under the Draft General Plan would result in direct impacts on special-status species inhabiting future growth areas or indirect impacts resulting from loss or modification of suitable habitat, and this impact would be significant. Until a specific project is proposed within a Mineral Resource Zone near Dave Brubeck Road, the specific impacts of such a project on the tricolored blackbird cannot be analyzed in detail. See responses to comments Foothill2-342 through -369. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-378 through -380 The comments state that every effort should be made to avoid the taking of tricolored blackbird and suggests how possible mitigation measures should be developed. When considering discretionary development proposals implementing the Draft General Plan, the County, through project-specific CEQA reviews, would require assessments of potential habitat for special-status species on proposed project sites, and avoidance or substantial reduction of impacts on that habitat through feasible alternatives or mitigation measures, including compensatory mitigation where unavoidable losses of occupied habitat would occur. As required under Mitigation Measure 4.4-1b, mitigation measures would be developed consistent with applicable state and federal requirements and would be developed in consultation with the appropriate agencies responsible for protecting that particular species. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-381 and -382 The comments refer to the significant impacts on biological resources and sensitive species that are expected after implementation of Mitigation Measures 4.4-1a and 4.4-1b in the DEIR, and that this approach is likely to promote cumulative degradation to habitat protection. It is not possible to identify project-specific impacts on special-status species and mitigate accordingly until specific projects implementing the Draft General Plan are proposed. Although the DEIR mitigation measures may still allow substantial habitat degradation, they achieve net benefits for habitat and clearly do not promote cumulative degradation to habitat protection. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-383 The comment quotes the significance after mitigation statement provided on page 4.4-37 of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-384 The comment states surprise in the significant and unavoidable impact conclusion because the Biological Resources General Plan Update Working Paper suggested that regional habitat conservation planning may be particularly efficient at conserving sensitive species, and agrees with its recommendations for the protection of wetlands, riparian habitat, and other sensitive communities. Amador County is rural, having primarily agricultural land use, with projected growth occurring in or near existing urban centers that primarily are located in the western portion of the County, as discussed in the
Draft General Plan and Chapter 3, “Project Description,” of the DEIR. Because of the limited nature of projected future growth and development in this primarily rural county, the County has determined that a habitat conservation plan would not provide substantial reductions in the level of project impacts below the reductions that already would be obtained from the mitigation measures presented in the DEIR. The comment does not describe any specific measures to include in an HCP that would reduce particular impacts beyond those included in the DEIR. Further, because of the high costs of Countywide HCPs and the lack of discretionary County funds or developer fees to cover these costs, an HCP is considered economically infeasible at this time. Countywide HCPs, e.g., those prepared for Santa Clara and Contra Costa Counties, typically cost millions of dollars to prepare and many millions more to implement.

Foothill2-385 through -388 The comment states that the failure to propose an HCP as a mitigation measure is surprising since the Biological Resources Working Paper suggests that a regional HCP might be particularly efficient at conserving species. The County further considered the pros and cons of an HCP after publication of the Working Paper, and declined to propose an HCP as a mitigation measure; see response to comment Foothill2-384. Also, the Draft General Plan already includes goals and policies related to the bulleted points listed in the comment, as follows:

Goal OS-3: Protect wildlife habitats, including sensitive environments and aquatic habitats, consistent with State and federal law;

Policy OS-3.1: Encourage preservation of oak woodlands in accordance with Public Resources Code Section 21083.4;

Policy OS-3.2: Encourage the conservation of corridors for wildlife movement, particularly in oak woodland areas and along rivers and streams;

Policy OS-3.3: Support voluntary conservation easements to protect wildlife habitat, including oak woodlands; and

Policy OS-3.4: Use site planning techniques, including, but not limited to, buffers, setbacks, and clustering of development to protect sensitive environments, including wetlands, riparian corridors, vernal pools, and sensitive species.

Foothill2-389 The comment references a previous remark regarding how agencies must develop and approve whatever general mitigation measures are feasible, and cannot defer the obligation to develop mitigation measures until a specific project is proposed. The DEIR mitigation measures meet CEQA requirements for a Program EIR and are not improperly deferred. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-390 The comment states that to avoid significant impacts on biological resources, Amador County should develop a countywide Biological Resources Plan. The County has considered the pros and cons of an HCP and similar regional plans such as a “Biological Resources Plan,” and declined to propose an HCP or similar regional plan as a mitigation measure; see response to comment Foothill2-384. The comment does not describe any specific measures to include in a Biological Resources Plan that would reduce particular impacts beyond those included in the DEIR.
The comments state that the Biological Resources Plan should integrate the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), to address federal and state-listed biological resources. See responses to comments Foothill2-384 and -390.

The comment states that the Biological Resources Plan should center on providing habitat in quantity and quality sufficient to ensure long-term viability of key biological resources by several, listed means. See responses to comments Foothill2-384 and -390. See also response to comments Foothill2-391 and -392.

The comment states that because sensitive species and other wildlife move between different habitats to meet their needs for food and reproduction, connecting important habitat is critical to their survival, and thus critical biological corridors need to be identified, mapped, and prioritized. See responses to comments Foothill2-202 through -204 regarding wildlife movement and habitat connectivity.

The comments suggest another planning effort could be used as a model for prioritizing key habitats and connectivity between those habitats; the comments recommend a methodology that uses available GIS data which is readily transferrable to other planning efforts and recommend this type of effort as feasible mitigation when combined with conservation easements. The comments further state that habitat connectivity modeling should be required as part of the Biological Resources Plan. See responses to comments Foothill2-390 through -398.

The comment describes funding availability for developing HCPs and land acquisition of habitat. This comment does not identify any specific issue related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comment describes various aspects of the draft South Sacramento Habitat Conservation Plan (SSHCP), which has been in development since 1992 and still has not been completed, stating it could provide a valuable jump-start to Amador County in reducing impacts to less than significant for many special-status species. See responses to comments Foothill2-390 through -398 regarding development of an HCP as a form of mitigation for implementing the Draft General Plan.
Foothill2-412 The comment quotes text from the DEIR. The comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-413 The comment states that if new town centers are developed, they should completely avoid riparian areas, and a sufficient buffer should be developed to protect the riparian corridor and its vegetation. The Draft General Plan does not propose any new town centers in the currently undeveloped areas of the County; comment noted. The town centers of River Pines and Pine Grove referenced in the comment would be developed within and around the existing communities. Drytown is not proposed to be a town center. Per Program D-4, it is the County’s objective to avoid or substantially reduce impacts on riparian habitat. Per Draft General Plan Policy OS-3.4, the County would require applicants to use site planning techniques, including buffers, setbacks, and clustering of development to protect riparian corridors.

Foothill2-414 The comment restates text from the DEIR. The comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-415 The comment asks that the FEIR indicate what and where new roads and water diversions would take place, and define the impact they may have on riparian habitat. The location and extent of effects on riparian habitat from road improvements, road development, water diversions, and other projects cannot be analyzed in detail until specific projects are proposed. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-416 through -418 The comments suggest that the locational details regarding roads and water diversions infrastructure should be included in the Circulation Element of the Draft General Plan, and if these cumulative impacts are not addressed in the FEIR, they may never be addressed; thus, the severity and significance of the cumulative impacts on wildlife would be inadequate. Potential road improvements and areas where improvements are needed are identified in the Circulation and Mobility element of the Draft General Plan; however, these are not specific development proposals. When considering discretionary development proposals implementing the Draft General Plan, the County, through project-specific CEQA reviews, would require inventory and assessment of all riparian habitats within the proposed project boundary and analysis of all impacts on riparian habitats, including cumulative impacts. Until specific roadway improvements or new roads are proposed, the specific impacts such projects would have on riparian habitats cannot be analyzed in detail.

The comment that cumulative impacts may never be addressed if they are not addressed in the Draft General Plan FEIR is speculative. CEQA will require cumulative impacts on riparian habitat to be analyzed each time a project-specific CEQA document is prepared for land use or infrastructure projects implementing the Draft General Plan.

The potential for loss or degradation of riparian habitat from these types of projects is acknowledged in the DEIR under Impact 4.4-2; however, as noted, riparian habitat losses resulting from implementation of the Draft General Plan would be relatively small because major land use changes and development are not proposed in river and stream corridors. Impact 4.4-2 of the DEIR also notes that even relatively small losses of this habitat type can have a significant effect on local wildlife populations, but with implementation of the programs, goals, and policies of the Draft General Plan and
Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-2, impacts on riparian habitat would be reduced to a less-than-significant level.

The comment states that irrigated agriculture and ranching also may affect riparian habitat if riparian vegetation is removed by grazing or mechanical means. The comment is correct; however, the County has no authority to regulate agricultural uses on lands designated for agricultural uses and these uses are not subject to CEQA review. The Draft General Plan does not increase agricultural use in the County; agriculture is the existing primary land use in the County and will continue to be the primary land use with implementation of the Draft General Plan.

The comment states that new homes on rural lots could affect riparian corridors. The comment is correct. This potential land use is identified as a threat to riparian habitat on page 4.4-37 under Impact 4.4-2 of the DEIR: “primary threats to riparian habitat along these creeks would result from commercial and rural residential development in the Drytown Area along Dry Creek and development of a Town Center in the Pine Grove Area in the upper reaches of Jackson Creek or its tributaries.” When considering discretionary development proposals implementing the Draft General Plan, including proposals to develop new homes on rural lots, the County, through project-specific CEQA reviews, would require inventory and assessment of all riparian habitats within the proposed project boundary.

The comments state that because riparian habitat can be affected by numerous activities, providing countywide guidance on its protection seems appropriate and feasible. The comments further state that setbacks and buffers for wetlands and riparian habitat, developed with the assistance of CDFW, could be incorporated into County ordinance and this mitigation would be feasible and would provide clear and consistent guidance to developers and landowners. The Draft General Plan and DEIR include Policy OS-3.4: “Use site planning techniques, including, but not limited to, buffers, setbacks, and clustering of development to protect sensitive environments, including wetlands, riparian corridors, vernal pools, and sensitive species.” It is not necessary to incorporate this measure into County ordinance for it to be implemented. If a proposed project requires work on the bed or bank of a stream, or other water body, the project applicant would be required to obtain a streambed alteration agreement under Section 1602 of the Fish and Game Code from CDFW before project implementation, and to implement all requirements of the agreement in the time frames required therein, per Mitigation Measure 4.4-2. Implementation of the programs, goals, and policies of the Draft General Plan and Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-2 would reduce impacts on riparian habitat to a less-than-significant level. Therefore, the additional measures suggested in the comment are not necessary and need not be proposed.

The comment refers to county policies or ordinances with clear language on riparian setbacks that have been adopted by several counties in California. The examples of riparian setbacks adopted by other counties are noted; however, implementation of the programs, goals, and policies of the Draft General Plan and Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-2 would reduce impacts on riparian habitat to a less-than-significant level and the adoption of an ordinance identifying a specific setback distance is not necessary to further reduce impacts. Furthermore, disagreement exists among experts regarding what constitutes an appropriate setback for riparian protection (Fischer and Fischenich 2000, Riparian Habitat Joint Venture [RHJV] 2000, Placer County 2005), and this may vary depending on site-specific factors, the proposed adjacent use, and the objective for the setback (e.g., a certain sensitive species using the riparian habitat, general wildlife movement, water quality protection, protection of common nesting birds, protection of
fisheries within the stream, streambank stabilization, flood attenuation); thus, a fixed setback distance is not the appropriate mitigation for every situation. If the riparian habitat is within a previously developed setting, a minimum setback of a certain distance may not make sense.

The comment states that avoiding riparian habitat loss is preferable to compensation because the DEIR provides no assessment of the success of riparian habitat compensation in Amador County. The Draft General Plan includes Program D-4, Policy OS-3.2, and Policy OS-3.4, which do prioritize avoidance and preservation of riparian habitat. However, DEIR Mitigation Measure 4.4-2 also recognizes that it will not always be possible to completely avoid impacts on riparian habitat. For example, roads that intersect waterways would require construction of waterway crossings that may necessitate removal of riparian vegetation, and this would be unavoidable. Therefore, compensatory mitigation would be required for such unavoidable encroachment into riparian habitat. The DEIR is not required to assess the success of past riparian habitat compensation efforts in order to develop effective mitigation.

The comments state that riparian habitat lost in Amador County should not be mitigated by mitigation banking outside the County. The comments ask whether the County recommends that a mitigation bank to be established in Amador County. The County agrees that compensatory mitigation within Amador County is generally preferable to mitigation banking in adjacent Sacramento County; however, CDFW may require some compensatory mitigation to be within an agency-approved mitigation bank and none exist in Amador County at this time. Mitigation at an approved mitigation bank may be required to replace some other riparian function than habitat for wildlife that resides exclusively in Amador County, and nesting birds and other wildlife still could benefit from riparian habitat in adjacent counties, especially because mitigation banks tend to provide larger blocks of higher quality habitat than small, isolated patches of permittee-responsible mitigation. Agencies often look at mitigation from the perspective of a natural landscape-level connection, such as the watershed level, rather than from legal boundaries. This is why the Cosumnes Floodplain Mitigation Bank is authorized to service portions of Amador County. The following text has been added to Mitigation Measure 4.4-2 in the DEIR, to emphasize that compensatory mitigation should be provided in Amador County to the extent feasible:

Compensatory mitigation will be provided within Amador County to the extent feasible and available; however, certain impacts may be compensated at an agency-approved mitigation bank in an adjacent county if required by CDFW and an agency-approved mitigation bank is not available in Amador County.

The comments recommend evaluating the potential riparian habitat loss from the land use designations of Mineral Resource Zones because mining may lower the water table, riparian habitat could be lost, and streambeds could be down cut when the groundwater table is lowered; thus, this impact may not be mitigated by riparian setbacks or buffer zones. This comment is speculative, and does not present evidence that these impacts would occur. Until a specific project is proposed within a Mineral Resource Zone, the specific impacts of such a project on riparian habitat cannot be analyzed in detail. Mining requires a Use Permit, which, in turn, requires CEQA review. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” Impact 4.4-2 has been revised to specify that mining activities allowed under the Draft General Plan could result in impacts to riparian habitat:
A variety of other projects and activities allowed under the Draft General Plan could also result in impacts to riparian habitat, including infrastructure and road improvements, development of roads, water diversions, mining activities, and other projects.

The comments note that the DEIR does not assess riparian habitat loss from agricultural lands, and although land use designations may not have changed since the last General Plan, the nature of agriculture and the increase in vineyards clearly has. The comments ask how agriculture has affected riparian corridors and how the County has encouraged agribusiness to protect riparian habitat. See response to comment Foothill2-419. Agricultural use and the occasional conversion of natural vegetation to agriculture is an existing condition in the County and does not constitute a change in the physical environment resulting from implementation of the Draft General Plan. Landowners have the right to farm designated agricultural lands in Amador County by county ordinance (Ordinance Code 1504, Title 19, Chapter 19.80). The County has no authority to regulate agricultural uses on lands designated for agricultural uses and these uses are not subject to CEQA review. CEQA does not require an analysis of past environmental harm caused by ongoing agricultural uses to be carried out as part of an EIR, other than as it relates to cumulative impacts, and does not require an EIR to identify remedies for past environmental harm. The purpose of an EIR is to disclose potential environmental effects of the project being proposed.

The comments state that measures that provide financial incentives for riparian habitat protection should be evaluated, and references a Solano County General Plan policy. The comments suggest pursuing various funding mechanisms and ways to develop strategies to pay farmers and ranchers for habitat protection, and they request addressing this mitigation option in the FEIR. The Draft General Plan includes Program D-4, Policy OS-3.2, Policy OS-3.3, and Policy OS-3.4 prioritizing and encouraging avoidance and preservation of riparian and other sensitive habitats. Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-2 would reduce potentially significant impacts resulting from implementing the Draft General Plan on riparian habitat to a less-than-significant level. Therefore, the additional measures suggested by the comments, such as providing financial incentives to preserve or create riparian habitat, are not necessary and need not be proposed. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comments reference the DEIR discussion of impacts on Ione chaparral and ask that an evaluation of the feasibility of modifying land uses in Ione chaparral be included in the DEIR. The comment does not propose a specific potentially feasible environmentally superior alternative that would protect a greater portion of Ione chaparral. The DEIR analyzes a reasonable range of alternatives, as required under CEQA (CEQA Guidelines section 15126.6[a]). An EIR need not consider every conceivable alternative to a proposed project (State CEQA Guidelines Section 15126.6[a]). Implementation of Mitigation Measure 4.4-1a would require the County to implement Program D-4, which stipulates the County must avoid or substantially reduce impacts on Ione chaparral through project design and modification, to the extent feasible. Mitigation Measure 4.4-1b would require the County, through CEQA review of specific projects implemented under the General Plan, to assess habitat for special-status species and avoid or substantially reduce impacts through feasible alternatives or mitigation. Both of these measures emphasize avoiding and minimizing impacts on Ione chaparral through project alternatives or design modifications. Therefore, when considering discretionary development proposals implementing the Draft General Plan, the County would require evaluation of alternatives and project modifications to avoid or
substantially reduce impacts on Ione chaparral, and it is not necessary to analyze such duplicative alternatives in the FEIR. As noted on page 4.4-39 of the DEIR, it is not feasible to avoid all impacts on Ione chaparral because mining in Amador County relies directly on the same substrates where this plant community grows, and these mineral resources cannot be mined at alternative locations. As stated on DEIR page 4.6-24, the Ione Formation is the only large source of super-duty refractory clay in the western United States (BLM undated). Furthermore, an alternative that prohibits mining of the Ione formation would not be consistent with General Plan economic goals, specifically to encourage mineral and aggregate resource production in the County and the State Surface Mining and Reclamation Act (SMARA).

The comments discuss interest in and possibility of the County, other government agencies, and nonprofit organizations acquiring land for protection of Ione chaparral. If asked, the County would consider participating in future efforts to acquire land to protect Ione chaparral. These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The comments stress the importance of evaluating whether past project-specific mitigation measures have been successful regarding Ione chaparral protection. The purpose of the DEIR is to evaluate the project’s impact on the environment rather than to evaluate success of past mitigation resulting from other projects. The fact that The Nature Conservancy has prepared a focus plan for Ione chaparral conservation does not mean that the County, in its role as lead agency, is required to adopt that plan as a mitigation measure. Furthermore, The Nature Conservancy focus plan does not provide any specific mitigation guidelines other than to identify high priority Ione chaparral areas for conservation. Relative to projects implemented consistent with the previous General Plan, the County enforced requirements, including mitigation, consistent with its environmental commitments under CEQA and consistent with State and federal law. The comment essentially asks the County to prove it can be trusted to successfully implement mitigation commitments made in the DEIR, but provides no evidence that the County cannot be trusted to do so.

The comments suggest a preference for impact avoidance to protect Ione chaparral because so little habitat currently exists, and cite the Ione Chaparral Focus Plan (Appendix C of the DEIR). The County agrees that impact avoidance should be the top priority. This is the reason that the Draft General Plan includes Program D-4 and Policy OS-3.4, prioritizing and encouraging avoidance of Ione chaparral through project design and modification to the extent feasible. In addition, Mitigation Measure 4.4-1a and Mitigation Measure 4.4-1b emphasize avoiding and minimizing impacts on Ione chaparral through project alternatives or design modifications. However, as noted on page 4.4-41 of the DEIR, avoiding all impacts on Ione chaparral is not feasible because mining in Amador County relies directly on the same substrates where this plant community grows. These mineral resources cannot be mined at alternative locations. Complete avoidance of the Ione formation would not be consistent with General Plan economic goals, specifically to encourage mineral and aggregate resource production in the County. In addition, the majority of Ione chaparral occurs on private lands, a great deal of which is owned by active mining companies with vested rights to mine. It is infeasible for the County to force preservation on these privately owned lands and prevent mining companies from mining lands they purchased specifically for mining. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comments state that the DEIR does not analyze the feasibility of avoiding mining on Ione chaparral and recommend that such a feasibility study be included in the
FEIR, along with an evaluation of an environmentally superior alternative that would modify the land uses in Ione chaparral to ensure its protection. See responses to comments Foothill2-439 through -442 and Foothill2-453 through -456.

The comments request provision of research in the FEIR that indicates replanting and enhancement of degraded stands of Ione chaparral would be a viable alternative, and if planting and enhancement are not known to be effective, then preservation would be the only feasible mitigation. The comments further state that the administrative record must contain substantial evidence supporting the agency’s view that the measures will mitigate the impacts. The comments suggest that because the DEIR notes it is difficult to rehabilitate land to support Ione chaparral after it has been mined, preservation is the only feasible mitigation for impacts on Ione chaparral. The DEIR does not say planting and enhancement cannot be effective; it simply acknowledges that preservation should be combined with restoration. In addition, restoration or enhancement can occur on lands that have not been mined. In fact, restoration is a key strategy for conservation in the Ione Chaparral Focus Plan prepared by The Nature Conservancy (Appendix C of the DEIR). CDFW recommends rehabilitation of areas that have been infested with soil-borne pathogens and also identifies partnering with mining landowners to increase reclamation and restoration of Ione chaparral as a priority (CDFW 2004). BLM has successfully restored some areas of Ione chaparral in its Ione Manzanita Area of Critical Environmental Concern located in Amador County northeast of Comanche Reservoir (Appendix C of the DEIR). As stated on page 4.4-39 under Mitigation Measure 4.4-3 in the DEIR, the preferred conservation method would be the purchase of conservation easements by project applicants, but preservation alone ultimately would result in a net loss of this habitat, and thus rehabilitation and enhancement of degraded stands, and restoration and replanting of previously occupied sites also must be a part of the mitigation tool kit. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comments reiterate that the impact on Ione chaparral even after implementation of the mitigation measures would be significant and unavoidable. The comments point out that Ione chaparral includes several federally listed threatened and endangered species, that Section 10 of the ESA requires submission of an HCP before the taking of listed species, and that the DEIR does not contain an HCP or recommendations for developing a countywide HCP for Ione chaparral. The comments state that development of this plan seems feasible and may ensure avoidance of cumulative adverse impacts to Ione chaparral, and that consultation with CDFW and USFWS would ensure standardized best management practices are available to project applicants. The proposed project for this Program DEIR is the adoption of a General Plan, which itself would not result in incidental take of listed species that would require a USFWS incidental take permit. However, development projects implementing the Draft General Plan could physically alter the environment in ways that would adversely affect special-status species and result in incidental take. As discussed under Impact 4.4-1 on page 4.4-35 of the DEIR, new uses envisioned under the Draft General Plan could result in direct take or loss of special-status species, and this impact would be significant. As described under Mitigation Measure 4.4-1b, the County would require assessments of potential habitat for special-status species, including Ione chaparral. Until a specific project is proposed that could result in the incidental take of listed species, USFWS would not be able to determine specific impacts or recommend appropriate mitigation. When considering discretionary development proposals implementing the Draft General Plan, the County, through project-specific CEQA reviews, would require project applicants to obtain take permits consistent with ESA and CESA before project implementation, and mitigation, including BMPs, would be developed in consultation with USFWS and CDFW, as
appropriate depending on species status. These requirements are outlined under Mitigation Measures 4.4-1 and 4.4-3 of the DEIR. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comments discuss fragmentation and loss of species diversity connected with fragmented oak woodlands and state that the mitigation measures identified in the DEIR are project specific, would result in fragmentation, and would not reduce the impacts to less-than-significant levels. The comments suggest that the County should develop an Oak Woodland Conservation Plan. The comments seem to overestimate the potential magnitude and extent of oak woodland fragmentation that could result from implementing the Draft General Plan. Amador County is rural with agricultural land use and would remain so with implementation of the Draft General Plan. Projected growth envisioned under the Draft General Plan would occur primarily in or near existing urban centers. Most of the land use designations in the Draft General Plan resulting in land use conversions to accommodate projected growth are located away from oak woodlands. (DEIR page 4.4-40.) Implementation of the programs, goals, and policies of the Draft General Plan and Mitigation Measures 4.4-1a, 4.4-1b 4.4-4a, and 4.4-4b would reduce impacts on oak woodlands to a less-than-significant level, and the additional measures suggested in the comments are not necessary and need not be proposed. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comment quotes the conclusion in the Biological Resources General Plan Update Working Paper regarding provision of planning for long-term conservation of oak woodlands. Because of the limited nature of projected future growth and development in this primarily rural county, an HCP would not necessarily provide any additional reduction in the level of project impacts below the reductions that already would be obtained from the existing mitigation measures in the DEIR. The DEIR mitigation measures already reduce oak woodlands impacts to less-than-significant levels and additional mitigation measures need not be considered or proposed. The comment does not describe any specific measures to include in an HCP that would reduce particular impacts beyond those included in the DEIR. Further, because of the high costs of Countywide HCPs and the lack of discretionary County funds or developer fees to cover these costs, an HCP is considered economically infeasible at this time. Developing an HCP/NCCP also is not proportional to project impacts. See also responses to comments Foothill2-384 and Foothill2-385 through -388.

The comments present the goals of the El Dorado oak woodland conservation plan as a framework for developing feasible and effective mitigation measures in the FEIR. The DEIR mitigation measures already reduce oak woodlands impacts to less-than-significant levels and additional mitigation measures need not be considered or proposed. The El Dorado County measures are not transferable to Amador County because of the relatively limited amount of Draft General Plan projected future growth, which is projected to occur primarily in existing urban centers. See also responses to comments Foothill2-472 through -474.

The comments reference CEQA’s requirements for agencies to adopt feasible mitigation measures to substantially lessen or avoid otherwise significant environmental effects. The comments further suggest that because El Dorado County is mapping oak woodland priority conservation areas, coordinating oak woodland conservation in Amador County with El Dorado County would ensure greater habitat value for contiguous oak woodland on the norther border of Amador County. Amador County, as the CEQA lead agency, has proposed feasible mitigation measures in the DEIR to reduce impacts on oak woodlands to a less-than-significant level. Additional mitigation measures need not be considered or
proposed. Also, very little loss of oak woodland habitat would occur on the northern border as a result of implementing the Draft General Plan; therefore, little need exists to coordinate oak woodland conservation with El Dorado County. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-482 The comments consist of restated text from the DEIR. The comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-483 The comment states that the administrative record must contain substantial evidence supporting the agency’s view that the measures will mitigate the impacts and provides a quote from a court case (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* [1988] 47 Cal.3d 376, 422 & 409 fn. 12 [253 Cal.Rptr. 426]). The comment does not identify any specific issue related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-484 and -485 The comments state that for vernal pool habitat, the DEIR provides no scientific justification that such habitat has been or could be replaced, restored, or enhanced in Amador County. The comment provides no evidence indicating that the measures proposed for mitigating potential impacts on vernal pools are ineffective. Mitigation Measure 4.4-5 in the DEIR requires project applicants to commit to replace, restore, or enhance on a “no-net-loss” basis (in accordance with USACE Section 404 no-net-loss requirements) the acreage of all wetlands and other waters of the United States that would be removed, lost, and/or degraded by discretionary projects. Vernal pools have been successfully restored in numerous places throughout California, including the Central Valley and Sierra foothills (e.g., Clay Station Mitigation Bank, Deadman Creek Conservation Bank, North Suisun Mitigation Bank, Meridian Ranch Mitigation Bank, Van Vleck Ranch Mitigation Bank, Stillwater Plains Mitigation Bank). The measures proposed for mitigating impacts on wetlands (Mitigation Measure 4.4-5) are consistent with USACE, EPA, and USFWS guidelines and rules, and current professional standards in California for other CEQA projects (e.g., Folsom South of U.S. 50 Specific Plan EIR/EIS [City of Folsom and U.S. Army Corps of Engineers 2010], SunCreek Specific Plan EIR/EIS [City of Rancho Cordova and U.S. Army Corps of Engineers 2012], Cordova Hills Master Plan EIS [U.S. Army Corps of Engineers 2014], Northeast Fairfield Specific Plan Train Station EIR [City of Fairfield Community Development Department 2010]). The DEIR is not required to assess the success of past mitigation efforts in order to prove mitigation measure effectiveness. The following text has been added to the text of the DEIR under Mitigation Measure 4.4-5 on pages 4.4-43 and 44:

The wetland mitigation plan will include ecological performance standards, based on the best available science that can be assessed in a practicable manner. Performance standards must be based on attributes that are objective and verifiable.

The addition of this language addresses the concerns that mitigation may not be successful in reducing significant impacts because it specifies that ecological performance standards must be met.

Foothill2-486 and -487 The comments ask whether a vernal pool mitigation bank exists in Amador County, and if so, where it is located. Currently, no vernal pool mitigation bank exists in Amador County. However, agency-approved mitigation banks are located in Sacramento County, and they are authorized by USFWS and USACE to sell mitigation credits to offset impacts on vernal pool habitat in Amador County.
The comment asks whether the County would require replacement of adjacent upland grassland habitat that is important to California tiger salamander. As outlined in Mitigation Measure 4.4-1b, the County would require compensatory mitigation for all unavoidable loss of occupied habitat for California tiger salamander and other State or federally listed species, consistent with applicable State and federal requirements, and in consultation with the appropriate agencies (USFWS for federally listed plant, wildlife and fish species; NMFS for listed anadromous fish species).

The comments ask whether the USACE 404 permitting process is successful in addressing cumulative impacts or meeting the CWA requirement of “no-net-loss.” The comments further ask how the County would follow up on mitigation requirements to ensure success. USACE is mandated to achieve a no-net-loss standard as a condition of issuing permits to fill waters of the United States under Section 404 of the CWA, and USACE is responsible to enforce the no-net-loss policy. Compliance with environmental regulations and permit requirements can provide a basis for determining that mitigation measures will be effective in reducing impacts to less-than-significant levels. (See, e.g., Oakland Heritage Alliance v. City of Oakland [2011] 195 Cal.App. 4th 884.) Also, to ensure the mitigation measures that are identified in the FEIR are implemented, the County must adopt a program for monitoring and reporting on the measures it has identified to avoid or mitigate significant environmental effects. It is the County’s responsibility to clearly identify responsible parties for implementation and monitoring of each mitigation measure in the final MMRP.

The comment states that cumulative impacts from vernal pool mitigation and lack of monitoring success hamper the effectiveness of mitigation banking. As described under Mitigation Measure 4.4-5 on pages 4.4-43 and 44 of the DEIR, USACE and EPA Final Rule (33 Code of Federal Regulations [CFR] Parts 325 and 332 and 40 CFR Part 230) establish preference for use of approved mitigation banks for compensatory mitigation because much of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before credits can be sold. This also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study, planning, and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources [33 CFR Parts 325 and 332 and 40 CFR Part 230]). Generally, mitigation banks are more successful than permittee responsible mitigation. However, the DEIR-proposed mitigation notes that a combination of mitigation bank credits and permittee-responsible on and off-site mitigation may be used as needed to fully offset project impacts on wetlands. Implementation of the programs, goals, and policies of the Draft General Plan and Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-5 would reduce impacts on federally protected wetlands to a less-than-significant level. The courts have determined that the burden is on the commenter to prove that proposed mitigation would be insufficient.

The comments state that the uncertainty associated with losses from replacement of vernal pools indicates that avoiding vernal pool loss is preferred, and if vernal pools are present in rangeland, then conversion of that rangeland to intensive agriculture should trigger mitigation requirements under the ESA, the CESA, and the CWA. The County agrees with the comment that avoiding vernal pool loss is preferable to compensation, and thus the Draft General Plan includes Program D-4, Goal OS-3, Policy OS-3.3, and Policy OS-3.4, prioritizing avoidance and preservation of vernal pools and other sensitive habitats. However, the County recognizes that it may not always be possible to
completely avoid impacts on vernal pools. With implementation of Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-5, conversion of vernal pools would be avoided through project design and modification to the extent feasible, and unavoidable losses of this habitat would be compensated on a no-net loss basis.

To the extent that rangeland would be converted to intensive agriculture through implementation of the Draft General Plan, project applicants would be responsible for compliance with any applicable ESA, CESA, and CWA requirements, including applicable mitigation requirements.

Foothill2-494 The comment states that the FEIR should provide an alternative that avoids conversions of vernal pools. The DEIR analyzes a reasonable range of alternatives, as required under CEQA. The DEIR analyzes two alternatives in Chapter 5, “Alternatives,” Alternative 2 – City- and Community-Centered Growth and Alternative 3 – Restricted Growth, which would reduce the potential development impacts on vernal pools, either by focusing growth around existing communities or by reducing overall population growth through the duration of Draft General Plan implementation. Because the DEIR already includes alternatives that would reduce potential impacts on vernal pools as compared to the Draft General Plan, as well as mitigation measures that reduce vernal pool and other wetlands impacts to less-than-significant levels, it is not necessary to analyze another duplicative alternative to reduce these impacts.

Foothill2-495 through -499 The comments pertain to the DEIR notation that mitigation banking for wetlands should occur first at locations which have demonstrated functionality. The comments suggest that the County should pursue wetland preserves within its boundaries. The comments ask whether the County has identified any landowners, land managers, or land trusts that provide mitigation for wetlands. The County agrees that compensatory mitigation within Amador County is preferable to mitigation banking in adjacent Sacramento County. However, USACE and/or USFWS may require some compensatory mitigation to be within an agency-approved mitigation bank, and none currently exist in Amador County. Species that depend on vernal pool habitat still could benefit from preservation of high-quality vernal pool habitat in adjacent counties, especially because mitigation banks tend to provide larger blocks of higher quality habitat than small, isolated patches of permittee-responsible mitigation. USACE and EPA’s April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230) establishes a preference for compensating losses of aquatic resources within the same watershed as the impact site. Therefore, impacts and mitigation are assessed at a watershed scale and not from a jurisdictional boundary perspective. Under the USACE and EPA regulations, a combination of mitigation bank credits and permittee-responsible on and off-site mitigation may be used as needed to fully offset project impacts on wetlands and other waters of the United States and waters of the State.

Foothill2-500 The comment suggests that the citation to PRC Section 15064.5 on DEIR page 4.5-1 should be corrected to show the full citation. The text on DEIR page 4.5-1 has been revised as shown below:

Per the California Code of Regulations, Title 14, Division 6, Chapter 3, Article 5, Section Public Resources Code, section 15064.5, “historical resources”…

Foothill2-501 and -502 The comments suggest a text formatting change to the PRC referenced in comment Foothill2-500 and citing the entirety of PRC Section 15064.5 paragraph (a). The text on DEIR pages 4.5-1 and 4.5-2 has been revised as shown below:
(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources. A resource that meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

The comment suggests correcting the text of PRC Section 21083.2 cited on DEIR page 4.5-2 to indicate that it applies to people as well as events. The text on DEIR page 4.5-2 has been revised as shown below:

3. It is directly associated with a scientifically recognized important prehistoric or historic event or person.

The comment cites case law regarding the environmental setting section of the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
The comments state that the North Central Information Center (NCIC) records search was limited to exclude federally owned land and land within the incorporated cities, and therefore it may not capture cultural resources that extend onto land over which the General Plan applies. The DEIR cultural resources setting is at an appropriate level of detail for a General Plan Program EIR. Information on cultural resources located on the excluded lands is not needed to understand the cultural resources impacts of the Draft General Plan. The records search provides a background for the types of resources that may be encountered. Subsequent cultural resources investigations would be conducted on a project-by-project basis, and would include a review of recent studies and investigations. Where necessary, the search would extend beyond the project site onto federal and incorporated lands as required. These project-specific cultural resources investigations would also include updated information from county archives, historians, and input from the Native American Heritage Commission (NAHC) and interested Native American groups and individuals. These procedures are incorporated into Mitigation Measure 4.5-1b. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comment states that knowing the density of recorded resources on excluded lands could help develop Cultural Resource Sensitivity map. See response to comments Foothill2-505 and -506.

The comment contends that the cultural resources record search is inadequate because of restrictions noted in comments Foothill2-505 through -507. The DEIR cultural resources setting is at an appropriate level of detail for a General Plan Program EIR. See response to comments Foothill2-505 and -506 and Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comment contends there are possible adequacy issues related to a lack of sufficient background information on existing conditions because the cultural resources records search did not include federal land and land in the incorporated cities. The DEIR cultural resources setting is at an appropriate level of detail for a General Plan Program EIR. Furthermore, the County does not have jurisdiction over federal land. See response to comments Foothill2-505 and -506 and Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comment requests that the record search be expanded to include cultural resources located on land adjacent to the boundaries of the excluded lands noted in comments Foothill2-505 and -506 (i.e., federal land and land in the incorporated cities), because cultural resources may extend across boundaries from one land owner to another. The County does not have jurisdiction over federal land. The commenter’s concerns are noted. However, the level of detail contained in DEIR Section 4.5, “Cultural Resources” is appropriate for a countywide General Plan. Site-specific records searches and site visits would take place as part of future site-specific documents. See response to comments Foothill2-505 and -506, and Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The comments contend that background research for cultural resources should be extended to information from other sources such as local historical societies, preservation societies, libraries, history museums, and the NAHC, because these sources may have information related to other cultural resources. For example, the commenter states that the Amador County Historical Society is aware of the Volcano Ditch, information about which could have been included in the DEIR. The Volcano Ditch is only one of over 1,000 cultural resources known to be present in Amador County. The information sources
and level of detail contained in DEIR Section 4.5, “Cultural Resources” are appropriate for a countywide General Plan. Site-specific records searches, site visits, and discussions of known cultural resources within the footprints of site-specific development projects would take place as part of future site-specific CEQA documents. See responses to comments Foothill2-505 and -506 and Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-515 through -517  The comments request inclusion of information from NAHC Sacred Land files regarding traditional tribal cultural places, while complying with confidentiality of these records. Consultation was conducted between the County, NAHC, and local Native American groups. See page G-12 Governance Element of the Draft General Plan, and the SB 18 discussion from DEIR Section 4.5, “Cultural Resources.”

Foothill2-518 through -520  The comments contend that the DEIR’s description of prehistoric site categories on page 4.5-7 lack clarity and should be expanded to include lithic scatters, temporary camps, and other commonly used categories for prehistoric site types. As suggested by the commenter, the text on DEIR page 4.5-7 has been revised and expanded as shown below:

**Flaked Stone Scatters:** Flaked stone scatters include the lost, broken, and discarded objectives of formed tool manufacture (e.g. projectile points, bifaces, unifaces), used and discarded byproducts of manufacture (modified and/or used flakes), and the debris (debitage) resulting from manufacture, use, repair and resharpening. As an archaeological constituent, flaked stone scatters can occur as the only element of an archaeological deposit, or they can occur in combination with other classes of archaeological material such as ground stone, bone, shell, cultural midden, rock art, and structural depressions. Throughout California, flake stone scatters are the most ubiquitous indicator of prehistoric land use.

**Bedrock Mortars:** Bedrock Mortars (BRMs) are shallow (approximately 1.0 centimeter or less in depth) to very deep (over 20 centimeters in depth) saucer to conical shaped depressions located on boulders or deliberately produced holes made by pecking into granitic bedrock exposures outcrops. They were primarily used for the processing acorns and seeds, and also plants with medicinal properties, initial stages of grinding acorns into flour. After acorns are ground sufficiently in a mortar, the acorn meal is typically placed in a sand basin or a basket and water is leached repeatedly through the meal to remove tannins that render it inedible. The resulting flour can then be used or stored for future use. These milling features BRMs are often tend to be found in isolation near targeted resources, such as oak trees, and near perennial and seasonal drainages. More extensive features are associated with occupation/village sites, in locations that include acorn-bearing oak trees, a water source, and bedrock all in close proximity. BRMs are ubiquitous to the California foothills and yet still render information regarding prehistoric lifeways.

**Occupation Sites:** Occupation sites display present some evidence of temporary or longer repeated use over time. They are characterized by the presence of dark, richly organic deposits soil from the accumulation of refuse, that develop when refuse accumulates. These sites can sometimes be seen as an artificial mound on the landscape. Artifacts from daily habitation at these sites typically include stone and bone tools or tool fragments of tools; faunal (food) remains; and occasionally, house pits, petroglyphs or pictographs. House pits are small depressions which have been capped by some sort of structure (now gone) and inhabited by family groups. Occupation sites may also include larger depression
that are the remains of ceremonial structures such as round houses, and may include Native American burials as it was a common cultural practice to inter the dead near the community.

**Traditional Tribal Cultural Places Cultural Properties**: These locales may be more difficult to identify as there may be no physical marker such as a BRM or occupation site. Traditional Tribal Cultural Places (TCPs) may consist of gathering areas, religious sites, or mythic locations that represent California Native Americans’ use, and continued use, of natural settings in the conduct of religious observances, ceremonies, and cultural practices and beliefs. As such, these resources reflect the tribes’ continuing cultural ties to the land and their traditional heritages. Traditional, in this context, refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. Therefore, the traditional cultural significance of a property is derived from the role the property plays in a community’s historically rooted beliefs, customs, and practices (National Register Bulletin 38).

A Traditional Tribal Cultural Place TCP is generally eligible for inclusion in the California Register National Register of Historic Places because of its association with cultural practices or beliefs of a living community that are rooted in that community’s history and are important in maintaining the maintenance of the continuing cultural identity of the community.

Foothill2-521 and -522 The comments request that the description of bedrock mortars on DEIR page 4.5-7 be revised to include other mortar sites more specific to the County. As requested by the commenter, the description of bedrock mortars on DEIR page 4.5-7 has been revised, as shown in responses to comments Foothill2-518 through -520.

Foothill2-523 and -524 The comments state that the term “Traditional Cultural Properties” on DEIR page 4.5-7 should be changed to “traditional tribal cultural place.” The requested text has been modified, as shown in responses to comments Foothill2-518 through -520.

Foothill2-525 and -526 The comments request that a description of traditional tribal cultural places that would be considered under states codes be added to DEIR page 4.5-7. The requested DEIR text has been modified, as shown in responses to comments Foothill2-518 through -520.

Foothill2-527 and -528 The comments request that the definition of “substantial adverse change” on DEIR page 4.5-11 be changed to include the entire citation as defined under Section 15064.5 of the State CEQA Guidelines. As requested by the commenter, the text on DEIR page 4.5-11 has been modified as shown below:

Section 15064.5 of the State CEQA Guidelines defines “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

Foothill2-529 through -531 The comments contend that the DEIR does not explain what is required in the impact analysis section when there are impacts to historical resources and requests that the requirements of PRC [sic] 15126.4(b) be inserted on page 4.5-11 of the DEIR. These provisions do not pertain to cultural resources impact analyses, but instead are guidelines for development of cultural resources mitigation measures. The text of DEIR Mitigation
Measures 4.5-1a and 4.5-1b (pages 4.5-11 and 4.5-12) have been revised to more precisely incorporate the provisions of PRC Section 15126.4(b) as shown below:

**Mitigation Measure 4.5-1a: Implement Program D-6 Historic Preservation, Cultural Resources**

a. The objective of Amador County’s Implementation Plan Section D-6 this program is to substantially reduce or avoid impacts to cultural resources through preservation in place. Data recovery as a mitigation measure would only be implemented when preservation or mitigation is not feasible. Through the discretionary review process, the County will work with applicants to assure their projects comply with state and federal laws that preserve and protect cultural resources, including historic resources and archeological sites. These mitigation measures would be developed by an archaeologist that specializes in prehistoric or historic archaeology, and/or an architectural historian (as appropriate) that meet the Secretary of Interior’s Standards. With regard to traditional tribal cultural places, preservation of values would be the preferred method of protecting a sacred area from adverse impacts. If preservation is not feasible, then one or more of the alternative methods outlined in CEQA Guidelines Section 15126.4(b)(3) may be implemented. The County will work with applicants to comply with state and federal laws that preserve and protect cultural resources, including historic resources and archeological sites.

b. When evaluating discretionary projects, the County will use its review process to guide the applicant toward the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or use of the Secretary of the Interior’s Standards for Rehabilitation; and the Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995). The Secretary of the Interior's Standards for the Treatment of Historic Properties presume each historical resource is unique. Thus, each significant resource presents its own identity and its own distinctive character. Character in this instance refers to those visual aspects and physical features that comprise the appearance of an historical resource. As commonly referred, character-defining features include the overall shape of the resource, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment (Nelson ND). Following the Secretary’s Standards will result in the retention of as many key character-giving defining features as possible in the protection, preservation, restoration, or renovation of cultural resources such as historic buildings, structures, objects, landscapes, or sites, where feasible. When possible, project applicants shall also strive to maintain or restore original proportions, dimensions, and elements of historic buildings or structures and preserve or restore features of historic objects, landscapes, or sites. Applicants may be required to use historic preservation techniques and standards to maintain the historical integrity of historic buildings or structures (including the Historic Building Code [Title 24, Part 8]) where mandated. Where restoration or renovation is undertaken to meet the proposed use of the owner, upgrades to plumbing, electrical, HVAC, and interior arrangements will be allowed. An expansion that meets building code guidelines will be permitted so long as the style of the expansion matches the original structure. Individuals that meet the Secretary of Interior’s Standards for architectural preservation will be used to determine that the impact on the historical resource resulting from the expansion is mitigated to a less-than-significant level.
c. Where restoration or preservation of a cultural resource is not feasible, applicants shall document the resource and retain the information in a secure location—but publicly accessible location. Access to confidential information will be conducted pursuant to federal and state laws, including but not limited to the California Public Records Act, Government Code § 6250 et seq., and the Information Practices Act of 1977, Civil Code § 1798 et seq. Archaeological collections will be curated according to the Guidelines for the curation of Archeological Collections (State Historical Resources Commission (1993), and will be funded by the project applicant.

Foothill2-532 through -535 The comments contend that the records search related to DEIR Exhibit 4.5-1 did not include federally owned lands, which are mostly in the eastern portion of the County. It requests explanation of the conclusion that cultural resources are concentrated in the western portion of the County. Text modifying this conclusion and referencing cultural resources located on lands managed by the Eldorado National Forest has been added to DEIR page 4.5-11 under Impact 4.5-1 as shown below:

As illustrated in Exhibit 4.5-1 and described in Section 4.5.2, “Environmental Setting,” known cultural resources on lands administered by the County are located throughout the County, but are concentrated in the western portion of the County along stream drainages and near mineral deposits. However, over 300 cultural sites are located within property managed by the Eldorado National Forest in the eastern portion of the County.

Foothill2-536 The comment states that lot splits are a discretionary process and that grading and building permits are ministerial. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-537 through -541 The comments contend that the impacts related to lot development are reasonably foreseeable and therefore should be analyzed as a part of the County’s discretionary process in order to avoid significant impacts to cultural resources. DEIR Impacts 4.5-1 and 4.5-2 (Section 4.5, “Cultural Resources” pages 4.5-11 through 4.5-14) analyze the potential impacts of project development in the County on cultural resources, including reasonably foreseeable earthmoving activities that would occur from development following lot splits. These impacts would be mitigated through implementation of Mitigation Measures 4.5-1a, 4.5-1b, and 4.5-2. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-542 and -543 The comments cite CEQA Guideline text verbatim and contend that the term “work with” in DEIR Mitigation Measure 4.5-1a does not require project applicants to comply with any laws, regulations, or standards related to cultural resource preservation and protection. The term “work with” does not represent an independent mitigation measure, but rather a commitment by the County to assist applicants in mitigating cultural resources impacts through the more specific measures listed in paragraphs b and c of Mitigation Measure 4.5-1a. For clarification, text changes have been made to paragraph a of Mitigation Measure 4.5-1a as shown in responses to comments Foothill2-529 through -531.

Foothill2-544 The comment requests that DEIR Mitigation Measure 4.5-1a be revised to specify the measures that will be required to ensure cultural resource preservation and protection. See responses to comments Foothill2-529 through -531.
Foothill2-545  The comment requests that individuals that meet the Secretary of Interior’s Standards for the appropriate profession be used to determine the impacts on historical resources. See responses to comments Foothill2-529 through -531.

Foothill2-546 and -547  The comments restate text that is contained in Appendix D of the DEIR (from the Cultural Resources Background Working Paper) and request that the FEIR include descriptive actions the County will take to minimize impacts to cultural resources while implementing the goals discussed in the working paper. Mitigation Measure 4.5-1a emphasizes preservation of the County’s built historical resources. Identification, interpretation, and protection of cultural resources would be achieved through implementation of DEIR Mitigation Measures 4.5-1a, 4.5-1b, and 4.5-2 (pages 4.5-11 through 4.5-14). See also responses to comments Foothill2-529 through -531.

Foothill2-548  The comment states that the administrative record must contain substantial evidence that the mitigation measures will mitigate the impacts and cites CEQA case law. Effectiveness of the DEIR cultural resources mitigation measures is demonstrated by their consistency with the recommendations contained in CEQA Guidelines Section 15126.4 (b), which in turn are based on input from State cultural resources experts.

Foothill2-549 and -550  The comments restate and summarize the text of DEIR Mitigation Measure 4.5-1b. These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-551  The comment states that successful mitigation of impacts to historic properties requires that the character-defining elements of a historic property be retained. The County agrees with this comment. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-552  The comment requests the FEIR indicate what measures will be used to ensure the retention of character-defining elements of historic properties. Typically, this mitigation measure would be implemented through project-specific CEQA reviews, in which project-specific mitigation measures would become conditions of project approval. DEIR Mitigation Measure 4.5-1b (page 4.5-12) requires the County to implement CEQA review of discretionary projects, and to assess impacts and provide mitigation as part of that process.

Foothill2-553 through -555  The comments requests that the FEIR indicate that individuals that meet the Secretary of Interior’s Standards for the appropriate profession will be used to determine impacts to historical resources, and restate a portion of DEIR Mitigation Measure 4.5-1b text verbatim. See responses to comments Foothill2-529 through -531.

Foothill2-556 and -557  These comments restate a portion of DEIR Mitigation Measure 4.5-1b text verbatim and note that in some cases, interior alterations to certain buildings and structures may affect their historical resource eligibility. See responses to comments Foothill2-529 through -531. In addition, text has been added under the heading “Significance after Mitigation” on DEIR page 4.5-12 as shown below:

**Significance after Mitigation**

Mitigation Measures 4.5-1a and 4.5-1b would substantially reduce or avoid impacts to CEQA-defined “historical resources,” consistent with recommendations in CEQA Guidelines Section 15126.4(b). Preservation in place would be preferred, and data
Development projects that implement the Draft General Plan would be required to identify resources, avoid resources where feasible, and when avoidance is not feasible, substantially reduce impacts to resources under the direction of a qualified archaeologist, or architectural historian, where avoidance would not be feasible. With regard to historic structures, Secretary of Interior Standards for architectural preservation would be used to guide mitigation, and individuals meeting these standards would determine that the impact on the historical resource is mitigated to a less than significant level. Because these mitigation measures would avoid substantial adverse changes in the significance of known cultural resources, Therefore, the impact would be reduced to less than significant.

The commenter requests the same change as requested in comment Foothill2-553 (i.e., that professionals meeting the Secretary of Interior’s Standards should be used to develop and implement mitigation for impacts to cultural resources). See responses to comments Foothill2-529 through -531.

The comments quote CEQA Guideline text verbatim and contend that either the Mitigation Measures 4.5-1a and 4.5-1b should be changed to reflect the conditions specified in the CEQA Guidelines, or the impact should be considered significant. The text of Mitigation Measure 4.5-1a and the significance conclusion for Impact 4.5-1 have been revised as shown in responses to comments Foothill2-529 through -531. In addition, the text of Mitigation Measure 4.5-1b (page 4.5-12) has been revised as shown below:

**Mitigation Measure 4.5-1b: Implement CEQA Review of Discretionary Projects**

The County will require applicants for discretionary projects that could have significant adverse impacts to prehistoric or historic-era archaeological resources to assess impacts and provide mitigation as part of the CEQA process, and consistent with the requirements of CEQA Guidelines Section 15126.4(b)(3) and Public Resources Code Section 21083.2, or equivalent County regulation. These regulations generally require consultation with appropriate agencies, the Native American Heritage Commission, knowledgeable and Native American groups and individuals, new and updated record searches conducted by the North Central Information Center and federal and incorporated local agencies within and in the vicinity of the project site, repositories of historic archives including local historical societies, and individuals, significance determinations by qualified professionals, and avoidance of resources if feasible. If avoidance is not feasible, recovery, documentation and recordation of resources is required prior to project implementation, and copies of the documentation will be forwarded to the NCIC. In the event human remains are discovered, the project proponent applicant and landowner will comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 70505097. When the County is the applicant the same mitigation applies.

The comments restate DEIR Mitigation Measure 4.5-1a text verbatim and state that in some cases a building or structure’s proposed expansion may materially impair its historical resource eligibility. The commenter therefore requests that professionals meeting the Secretary of Interior’s Standards be used to develop and implement mitigation for impacts to cultural resources. The text of DEIR Mitigation Measure 4.5-1a has been revised to indicate that mitigation would be developed and implemented by
individuals that meet the Secretary of Interior’s Standards for architectural preservation. In addition, the significance conclusion of Impact 4.5-1 has been revised. See responses to comments Foothill2-529 through -531, -556, and -557.

Foothill2-565 The comment states that rather than identifying individuals that meet the Secretary of Interior’s Standards for the appropriate profession, the County could become a Certified Local Government and have qualified members as part of a commission review the environmental documents. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-566 through -572 The comments cite the text of DEIR Mitigation Measure 4.5-1a and note that this mitigation measure does not reflect the specific methodologies whereby data for affected cultural resources would be obtained, and request that the FEIR indicate how the data collection will be managed, how the management will be funded, and how the ownership of the collection will be handled. The comments also note that some cultural resources information is confidential, and therefore DEIR Mitigation Measure 4.5-1a, paragraph c, should be modified so that records are not placed in a publicly accessible location. Finally, the comments request that the significance conclusion of DEIR Impact 4.5-1 be changed because significant impacts may occur even after recordation of historical resource has been accomplished (e.g., demolition of the resource). The text of DEIR Mitigation Measure 4.5-1a and the significance conclusion for Impact 4.5-1 have been revised as shown in responses to comments Foothill2-529 through -531, -556, and -557.

Foothill2-573 through -576 The comments restate the text of Mitigation Measure 4.5-1b (DEIR page 4.5-12) regarding review of discretionary projects, and state that the specific codes noted in this section [sic] only apply to resources of an archeological nature. The comments also request that recordation of resources be completed prior to preparation of an environmental document, and that the data recovery reports be kept at the NCIC. The text of Mitigation Measure 4.5-1b has been revised as shown in responses to comments Foothill2-559 through -561.

Foothill2-577 The comment requests that reports/documents regarding the results of cultural resource investigations for discretionary projects be made available for the public at the County library and archives. The comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR or the effectiveness of cultural resources mitigation measures; no further response is required.

Foothill2-578 The comment states that Mitigation Measure 4.5-1b indicates the County may have an equivalent regulation to the requirements of the CEQA Guidelines and the PRC, which would require meeting both County and state codes for ensuring less-than-significant impacts on cultural resources. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-579 The comment cites the statement in Mitigation Measure 4.5-1b on page 4.5-12 of the DEIR regarding compliance with what it notes is an incorrect reference to PRC 7050.5, and requests correction. The text of Mitigation Measure 4.5-1b has been corrected to refer to PRC 5097, as shown in responses to comments Foothill2-559 through -561.

Foothill2-580 The comment notes that on pages 4.5-11 and -12, the DEIR Mitigation Measures refer to “the Applicant,” and notes that in some cases the County would be the project proponent. The comment therefore requests that the DEIR provide the procedures that will be used when the County is the “Applicant.” The text of Mitigation Measure 4.5-1b has been
revised to state that when the County is the project applicant, the same mitigation measures would apply, as shown in responses to comments Foothill2-559 through -561.

Foothill2-581 through -584 The comments refer to the significance conclusion for Impact 4.5-1 (DEIR page 4.5-12) and indicate that although an archaeologist may be one of the appropriate specialists to ensure that the impacts on cultural resources are reduced to less-than-significant levels, other professionals who meet the Secretary of the Interior’s Standards (e.g., a historic archaeologist or prehistoric archaeologist) may also be necessary depending on the type of resource. The commenter therefore requests that the DEIR be revised accordingly. The text of DEIR Mitigation Measure 4.5-1a has been revised to specify that the appropriate type of archaeological professional who meets the Secretary of the Interior’s Standards should be employed, as shown in responses to comments Foothill2-529 through -531.

Foothill2-585 through -587 These comments express the same concern stated previously in comments Foothill2-571 and -572, regarding the fact that in some cases (e.g., demolition of a historic building), implementation of Mitigation Measure 4.5-1a may not reduce the impact to the less-than-significant level. Therefore, the commenter suggests that either additional mitigation measures should be added, or the significance conclusion for Impact 4.5-1 should be revised. The text of Mitigation Measure 4.5-1a and the significance conclusion for Impact 4.5-1 have been revised as shown in responses to comments Foothill2-529 through -531, -556, and -557.

Foothill2-588 through -591 The comments state that DEIR Impact 4.5-1 should be expanded to include impacts and mitigation measures related to traditional tribal cultural places rather than just Traditional Cultural Properties, as well as a determination as to whether or not these impacts would be reduced to a less-than-significant level. As requested by the commenter, the text of Mitigation Measure 4.5-1a has been revised to address traditional tribal cultural places rather than just Traditional Cultural Properties, and the significance conclusion of Impact 4.5-1 has been revised, as shown in responses to comments Foothill2-529 through -531, -556, and -557. In addition, the text of the second paragraph of Impact 4.5-1 (DEIR page 4.5-11) has been revised as shown below:

> Known cultural resources could be damaged or destroyed as a result of development activities and infrastructure improvements associated with implementation of the Draft General Plan, and the physical or spiritual integrity of traditional tribal cultural places could also be compromised.

Foothill2-592 through -600 The comments cite text from Mitigation Measure 4.5-2 and from DEIR Appendix D (page CR-17), and state that because cultural resources are not as noticeable to an untrained person, it would be more appropriate to have an archeologist monitor ground-disturbing activities to assure that a resource is not adversely affected by project development. The comments also request that language in Mitigation Measure 4.5-2 be corrected/added to clearly indicate the responsibilities of the County coroner when human remains are encountered, and to correctly incorporate the provisions of California Health and Safety Code 7050.5. As requested by the commenter, the text of Mitigation Measure 4.5-2 has been revised as shown below:

**Mitigation Measure 4.5-2: Impose Standard Conditions on Development**

The County will continue to impose the following conditions on projects which include ground disturbing activity. Applicants, including the County, will be required to do the following:
During ground-disturbing activity, if paleontological, historic or pre-historic resources such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone are inadvertently discovered, the operator/permittee shall immediately cease all such activities within 100 feet of the find and notify the Amador County Technical Advisory Committee. A qualified archaeologist shall be contracted by the operator/permittee to assess the significance of the find and prepare an evaluation, avoidance or mitigation plan, as appropriate, which shall be implemented before resuming ground disturbing activities.

When a discretionary project will involve subsurface impacts in highly sensitive areas, a qualified archaeologist will monitor ground-disturbing activities, and will have the authority to halt construction until the resource can be evaluated and mitigated if necessary. Native American monitors will be invited to attend. In addition, future CEQA projects will require AB-52 consultation with tribes including the development of mitigation measures.

In the event of discovery or recognition of any human remains anywhere within the work area, the operator/permittee shall comply with the following protocol:

1. Immediately cease any disturbance of the area where such suspected remains are discovered and any nearby areas reasonably suspected to overlie adjacent remains until the Amador County Coroner is contacted, per Section 7050.5 of the California Health and Safety Code. The coroner who shall, within two working days:
   - Determine if an investigation of cause of death is required;
   - Determine if the remains are most likely that of Native American origin, and if so suspected, the coroner shall notify the NAHC within 24 hours of making his or her determination.
   - The operator/permittee shall comply with state laws relating to the disposition of Native American burials under the jurisdiction of the Native American Heritage Commission (NAHC) (PRC Section 5097).

2. The descendants of the deceased Native Americans shall make a recommendation to the operator/permittee for the means of handling the remains and any associated grave goods as provided in Public Resources Code (PRC) Section 5097.98.

3. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.

4. The descendants may, with the permission of the landowner or their representative, inspect the site of the discovered Native American remains and may recommend possible treatment or disposition within 24 hours of their notification. If the NAHC is unable to identify a descendant, or the descendant fails to make a recommendation within 24 hours after being contacted by the NAHC, operations may continue.
5. Whenever the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Foothill2-601 and -602 The comments state that construction could be delayed by 6 days, depending on when the first notification of a discovery of human remains is made, and requests that language to that effect be added to the DEIR. The commenter’s suggested addition to the DEIR would not increase the effectiveness of the mitigation measures and would not further reduce the level of significance of any of the cultural resources impacts. The comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-603 and -604 The comments suggest that cultural resource mitigation measures from the City of San Diego General Plan EIR should be used for the Amador County Draft General Plan EIR, because the commenter believes that those mitigation measures are more thorough. Although several pages of text from the San Diego General Plan EIR are presented, the comment does not identify any specific measures not currently included in the DEIR mitigation measures that should be included, or why any of the specific San Diego measures would be more effective than the ones presented in the DEIR. Further, many of the San Diego General Plan EIR measures overlap those in the DEIR. For these reasons, the Amador County General Plan DEIR cultural resources mitigation measures have not been modified to include the San Diego General Plan EIR mitigation measures.

Foothill2-605 and -606 The commenter requests that a paleontological resources sensitivity assessment be performed for all of the rock formations in Amador County. It should be noted that the analysis presented in the DEIR is intended to be consistent with a program EIR for a general plan covering approximately 605 square miles (i.e., 387,200 acres). See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” Nevertheless, the following text and Table 4.6-2 are hereby added to the text of DEIR Section 4.6 on page 4.6-12.

Paleontological remains may be found in numerous types of rock formations. However, vertebrate fossils are most commonly recovered from sedimentary formations, as well as a few volcanic rock formations where sedimentary deposits are interbedded (such as the Mehrten Formation). The geology of Amador County is complex, with documented formations ranging from the Paleozoic era (dating to as early as 350 million years Before Present [B.P.]), to stream and gravel deposits still being deposited in recent times (i.e., Holocene age, 11,700 years B.P. and younger).

The Holocene deposits in Amador County contain only the remains of extant, modern taxa (if any resources are present); in order to be considered a unique paleontological resource, a fossil must be more than 11,700 years old. Therefore, Holocene-age formations are not considered to be paleontologically sensitive.

There are several sedimentary formations in Amador County ranging in age from Pleistocene to Eocene (Tertiary Period). The Modesto, Riverbank, Mehrten, and
Ione Formations are known to have produced vertebrate fossils and therefore are considered to be of high paleontological sensitivity (see DEIR pages 4.6-12 and 4.6-19). A search of the University of California Museum of Paleontology (UCMP) database indicates that none of the other Tertiary Period deposits in Amador County are known to contain vertebrate fossils (UCMP 2015).

The remaining geologic formations in Amador County are of Mesozoic and Paleozoic age and have either been highly folded, faulted, and metamorphosed from high temperature and pressure; formed at depth beneath the earth’s surface; or formed from eruption of lava on the earth’s surface. These types of formations do not contain vertebrate fossils, and therefore are not considered to be paleontologically sensitive.

<table>
<thead>
<tr>
<th>Age</th>
<th>Description of Rock Formation</th>
<th>Paleontological Sensitivity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holocene</td>
<td>Alluvium – poorly sorted stream and basin deposits, clay to boulder sized</td>
<td>Low</td>
</tr>
<tr>
<td>Holocene</td>
<td>Dredge and mine tailings</td>
<td>Low</td>
</tr>
<tr>
<td>Holocene-Pleistocene</td>
<td>Glacial deposits – unsorted cobble to bouldery till with large granitic boulders in moraines</td>
<td>Low</td>
</tr>
<tr>
<td>Pleistocene</td>
<td>Riverbank Formation – alluvium</td>
<td>High</td>
</tr>
<tr>
<td>Pleistocene</td>
<td>Modesto-Riverbank Formations – mixed alluvium from both the Riverbank and Modesto Formations</td>
<td>High</td>
</tr>
<tr>
<td>Pleistocene</td>
<td>North Merced Gravel – thin pediment veneer of gravel and cobble over an erosional surface, less than 6 feet thick</td>
<td>Low</td>
</tr>
<tr>
<td>Pliocene</td>
<td>Laguna Formation – alluvial gravel, sand, and silt</td>
<td>Low</td>
</tr>
<tr>
<td>Pliocene</td>
<td>Mehrten Formation – volcanic conglomerate, tuffaceous sandstone and siltstone, mudflow breccia, interbedded in some locations with sedimentary deposits</td>
<td>High</td>
</tr>
<tr>
<td>Pliocene to Miocene</td>
<td>Valley Springs Formation – rhyolitic tuff, sandstone, siltstone, claystone, and conglomerate</td>
<td>Low</td>
</tr>
<tr>
<td>Eocene</td>
<td>Ione Formation – quartzose sandstone interbedded with kaolinitic clay</td>
<td>High</td>
</tr>
<tr>
<td>Eocene</td>
<td>Auriferous gravel – river channel and bench gravel; pebbles, cobbles, and boulders of basement (pre-Tertiary) rocks</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic to Cretaceous</td>
<td>Mesozoic (plutonic) granitic rocks – granite to granodiorite</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic to Cretaceous</td>
<td>Mesozoic (plutonic) dioritic rocks – quartz diorite and diorite</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic to Cretaceous</td>
<td>Mesozoic (plutonic) gabbroic rocks - dark, coarse-grained rocks of crystalline texture, consisting mainly of pyroxene, plagioclase feldspar, and often olivine</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic to Cretaceous</td>
<td>Mesozoic (plutonic) ultramafic rocks – peridotite, pyroxenite, hornblende, grades into gabbroic rock, locally serpentinized</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic to Cretaceous</td>
<td>Copper Hill Volcanics – metamorphosed mafic pyroclastic rocks, pillow lava</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic</td>
<td>Salt Springs Slate</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic</td>
<td>Brower Creek Volcanic Member, Mariposa Formation – mafic flows, pyroclastics</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic</td>
<td>Gopher Ridge Volcanics – metamorphosed mafic pyroclastic rocks, massive flows with some pillow lava</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic</td>
<td>Metavolcanic rocks – mafic pyroclastic and flow rocks</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic to Paleozoic</td>
<td>Gabbroic and hypabyssal intrusive rocks</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic to Paleozoic</td>
<td>Metasedimentary rocks – slate, graywacke, conglomerate, pebbly mudstone, pyroclastics, quartzite, chert</td>
<td>Low</td>
</tr>
<tr>
<td>Jurassic</td>
<td>Logtown Ridge Formation – metamorphosed mafic breccias, flows, pyroclastics, and volcanics</td>
<td>Low</td>
</tr>
</tbody>
</table>
Table 4.6-2
Rock Formations and Paleontological Sensitivity

<table>
<thead>
<tr>
<th>Age</th>
<th>Description of Rock Formation</th>
<th>Paleontological Sensitivity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paleozoic</td>
<td>Metamorphic rocks – mainly greenschist</td>
<td>Low</td>
</tr>
<tr>
<td>Paleozoic</td>
<td>Calaveras Complex – chert, argillite, slate</td>
<td>Low</td>
</tr>
</tbody>
</table>

Sources: Wagner et al. 1987 and AECOM 2015

Foothill2-607 and -608 The statement in the DEIR referred to by the commenter refers to the use of geologic maps to aid in determining the potential paleontological sensitivity of a project site. As stated on DEIR page 4.6-12, geologic maps and reports covering the geology of the project site and surrounding area, including the Geologic Map of the Sacramento Quadrangle (Wagner et al. 1987), were reviewed to determine the exposed rock units and to delineate their respective aerial distributions in the project area. The geologic units that are present in Amador County are shown in Exhibit 4.6-3, on pages 4.6-15 through 4.6-18 of the DEIR; the paleontological sensitivity of these units is shown in Table 4.6-2.

Foothill2-609 and -610 The commenter indicates that the location of the Modesto and Riverbank Formations should be shown on the DEIR exhibits. Wagner et al. (1987) indicate that a mixture of the Modesto and Riverbank Formations is present in the Jackson Valley and in a few smaller areas to the north. These areas are shown in Exhibit 4.6-3 on pages 4.6-15 and 4.6-16 of the DEIR. The legend for Exhibit 4.6-3 (on pages 4.6-17 and 4.6-18) has been modified to include the designation for the “Modesto-Riverbank Formations,” which was inadvertently omitted. The legend has also been modified so that only those geologic units shown on the map are displayed in the legend.

Foothill2-611 and -612 The comment initially repeats the commenter’s scoping comments and opinions on CEQA environmental setting requirements. Because this is general comment unrelated to specific DEIR environmental issues, no response is required.

Foothill2-613 through -615 The commenter states that “Since CEQA requires an impact analysis to paleontological resources…” the analysis contained in the DEIR should consider all types of fossils rather than just those remains from vertebrate species. However, as noted by the commenter, the discussion of the paleontologically sensitive rock formations contained on DEIR pages 4.6-12 and 4.6-19 already includes information related to plant and invertebrate fossil remains. Consistent with CEQA Guidelines Appendix G, Amador County has appropriately defined the paleontological resources significance threshold on pages 4.6-20 and 4.6-21 of the DEIR as follows:

“…an impact to paleontological resources is considered significant if implementation of the Draft General Plan could lead to the destruction of a unique paleontological resource or site.

A paleontologically important rock unit is one that has a high potential paleontological productivity rating and is known to have produced unique, scientifically important fossils. The potential paleontological productivity rating of a rock unit exposed at the
project site refers to the abundance/densities of fossil specimens and/or previously recorded fossil sites in exposures of the unit in and near the project site. Exposures of a specific rock unit at the project site are most likely to yield fossil remains representing particular species in quantities or densities similar to those previously recorded from the unit in and near the project site.

An individual vertebrate fossil specimen may be considered “unique” if it is identifiable and well preserved, and it meets one of the following criteria:

- a type specimen (i.e., the individual from which a species or subspecies has been described);
- a member of a rare species;
- a species that is part of a diverse assemblage (i.e., a site where more than one fossil has been discovered) wherein other species are also identifiable, and important information regarding life history of individuals can be drawn;
- a skeletal element different from, or a specimen more complete than, those now available for its species; or
- a complete specimen (i.e., all or substantially all of the entire skeleton is present).”

As further stated on DEIR page 4.6-21, identifiable vertebrate marine and terrestrial fossils are generally considered scientifically important, in part, because they are relatively rare. The value or importance of different fossil groups varies, depending on the age and depositional environment of the rock unit that contains the fossils, their rarity, the extent to which they have already been identified and documented, and the ability to recover similar materials under more controlled conditions, such as part of a research project. Marine invertebrate fossil specimens are generally common, well developed, and well documented. Thus, for purposes of the CEQA impact analysis, Amador County has determined that marine invertebrates such as clams and mollusks, along with miscellaneous individual plant specimens that are not part of an assemblage, are not considered to be “unique” palaeontological resources. This is consistent with current professional standards in California for other CEQA projects; see, for example, El Dorado County General Plan and EIR (El Dorado County Department of Planning Services 2004), Sacramento County General Plan and EIR (Sacramento County Department of Planning and Environmental Assessment 2011), 2025 L Street/2101 Capitol Avenue Mixed-Use Project EIR (City of Sacramento Community Development Department 2015), Joint Operations Center Relocation Project EIS/EIR [Sacramento] (U.S. Bureau of Reclamation and California Department of Water Resources 2011a), City of Rancho Cordova General Plan and EIR (City of Rancho Cordova Planning Services 2006), Prairie City State Vehicular Recreation Area General Plan DEIR [Rancho Cordova] (California Department of Parks and Recreation 2015b), Folsom South of U.S. 50 Specific Plan EIR/EIS (City of Folsom and U.S. Army Corps of Engineers 2010), Rio del Oro Specific Plan EIR/EIS (City of Rancho Cordova and U.S. Army Corps of Engineers 2006), SunCreek Specific Plan EIR/EIS (City of Rancho Cordova and U.S. Army Corps of Engineers 2012), Cordova Hills Master Plan EIS [Rancho Cordova] (U.S. Army Corps of Engineers 2014), Rancho Murrieta Recycled Water System Expansion Project IS/MND (Rancho Murrieta Community Services District 2014), Cosumnes River Elementary School EIR (Elk Grove Unified School District 2008), City of Elk Grove General Plan EIR (City of Elk Grove Development Services Department 2003), Carnegie State Vehicular Recreation Area General Plan and EIR (California Department of Parks
and Recreation 2015a), North Sacramento Streams, Sacramento River East Levee, Lower American River, and Related Flood Improvements Project EIR (Sacramento Area Flood Control Agency 2015), Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area EIR (Sacramento Area Flood Control Agency 2006), Feather-Bear Rivers Levee Setback EIR [Yuba County] (Three Rivers Levee Improvement Authority 2004), Phase 3 of the Reclamation District 17 100-Year Levee Seepage Area Project EIR/EIS [Stockton/Manteca] (U.S. Army Corps of Engineers and Reclamation District 17 2011), Yuba Goldfields 200-Year Flood Protection Project EIR [Marysville] (Three Rivers Levee Improvement Authority 2015), Sutter Point Specific Plan EIR (Sutter County Community Services Department 2008), Mariposa Lakes Specific Plan EIR (City of Stockton 2007), Central Lathrop Specific Plan EIR (City of Lathrop 2004), Modesto Redevelopment Master Plan EIR (Modesto Redevelopment Agency 2007), Hollister Urban Area Water and Wastewater Master Plan EIR (San Benito County Water District 2010), San Joaquin River Restoration Project EIR/EIS (U.S. Bureau of Reclamation and California Department of Water Resources 2011b), Ceres Water and Sewer Master Plan EIR (City of Ceres 2012), Solano County General Plan and EIR (Solano County Resource Management Department 2008), Woodcreek 66 Development Project EIR (Solano County Resource Management Department 2014), Northeast Fairfield Specific Plan Train Station EIR (City of Fairfield Community Development Department 2010), Pinole-Hercules Wastewater Treatment Plant EIR (City of Pinole 2009), and 1500 N. California Boulevard Mixed-Use Development Project EIR (City of Walnut Creek 2012) among others.

For the above reasons, the DEIR paleontological resources significance threshold is appropriate, and no changes are required. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-616 through -622 Regarding the adequacy of the DEIR paleontological resources threshold of significance, please see responses to comments Foothill2-613 through -615.

The commenter refers to a scientific journal article entitled “Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources: Standard Guidelines” originally published in the Society of Vertebrate Paleontology News Bulletin in 1995 (which is also available on the Society of Vertebrate Paleontology [SVP] website as cited by the commenter). The commenter cites to this journal article as substantiation for their request that the DEIR consider impacts to all types of fossils rather than just to vertebrate species. However, the fact that the SVP has attempted to formulate and suggest guidelines related to paleontological resources does not mean that any lead agency in California is required to either follow or adopt such suggestions. The lead agency retains the discretion to determine what the appropriate thresholds of significance should be for any particular project, the County’s paleontological resources significance threshold—which is properly limited to unique paleontological resources—is supported by substantial evidence, is consistent with professional CEQA paleontological practice, and is also consistent with the CEQA Guidelines Appendix G. See also responses to comments Foothill2-613 through -615.

Foothill2-623 and -624 See response to comments Foothill2-605 and -606. There are no rock formations in Amador County, other than the Modesto, Riverbank, Mehrten, and Ione Formations already discussed on DEIR pages 4.6-12 and 4.6-19, that are considered sensitive for unique paleontological resources, nor are there any rock formations that are considered to be of undetermined potential. Thus, no revisions to DEIR Mitigation Measure 4.6-9 are necessary.
The text of Mitigation Measure 4.6-9 (DEIR pages 4.6-26 and -27) has been revised as shown below in order to clarify the types of activities to which the mitigation would apply.

Mitigation Measure 4.6-9: Paleontological Resource Assessment

When reviewing discretionary development proposals where a CEQA document is required, the County will require project applicants to conduct a paleontological resources impact assessment for projects proposed within the Modesto, Riverbank, Mehrten, and Ione Formations, where a CEQA document is required and where substantial excavation is anticipated. These formations are sensitive for paleontological resources and underlie many certain areas of the County (please refer to as shown in Exhibit 4.6-3 for a geologic map of Amador County). Impacts to paleontological resources will be evaluated on a site-specific basis, pursuant to the State CEQA Guidelines. Where such impacts are found to be potentially significant, the County will require project applicants to implement feasible mitigation measures to reduce impacts, such as construction worker personnel education, consultation with a qualified paleontologist should resources be encountered, avoidance of resources if feasible, and recovery and curation of specimens, as appropriate. Projects on already disturbed sites and projects that do not involve substantial excavation would be exempt from this requirement.

Actions that do not meet the CEQA definition of a “project” and therefore do not require an environmental analysis under the CEQA process shall not be required to perform a paleontological resources analysis.

The commenter indicates that Mitigation Measure 4.9-6 should be revised because “…in some cases monitoring of the excavations by a qualified paleontologist may be necessary to mitigate potential impacts.” However, the commenter provides no support for this claim nor does the commenter provide an explanation as to why monitoring during construction would provide any greater level of protection to unique paleontological resources as compared to the requirements already contained in Mitigation Measure 4.6-9. This mitigation measure provides for consultation with a qualified paleontologist should resources be encountered; this consultation could lead to monitoring recommendations where appropriate in the judgement of the qualified paleontologist.

Vertebrate fossils are extremely rare, are generally buried deep underground, and the way that a project’s potential for encountering them can be determined is by examining the type and number of similar fossil specimens found elsewhere within the same rock formation. However, rock formations encompass extremely large land areas—they frequently encompass hundreds of square miles. Thus, to require construction monitoring in every single paleontologically sensitive rock formation would not be cost-effective, and would result in mitigation that is greatly disproportionate to the potential impact given the rarity of vertebrate fossil remains. Furthermore, it would not be consistent with standard paleontological practice in other EIRs prepared for projects throughout the Central Valley and the Coast Ranges (see responses to comments Foothill2-613 through -615). The existing DEIR mitigation measure provides sufficient mitigation to reduce impacts on unique paleontological resources to a less-than-significant level. Therefore, no changes to the DEIR are required. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

See response to comment Foothill2-625 and -626.
The commenter suggests that Mitigation Measure 4.5-2, which is intended to reduce impacts on cultural resources, should also be listed in DEIR Section 4.6. Mitigation Measure 4.5-2 already states that if paleontological resources are inadvertently discovered, work shall cease within 100 feet of the discovery and the Amador County Technical Advisory Committee shall be notified. Nevertheless, to avoid potential confusion, the following text is hereby added to DEIR Section 4.6, immediately preceding Mitigation Measure 4.6-9:

Mitigation Measure: Implement Mitigation Measure 4.5-2, Impose Standard Conditions on Development (related to paleontological resources).

The addition of this text does not affect the analysis or the impact conclusions already contained in the DEIR.

The commenter suggests that the EIR should be revised to provide a summary of the Sustainable Groundwater Management Act (Senate Bill [SB] 1168, Assembly Bill 1739, and SB 1319) (SGMA). A description of the Sustainable Groundwater Management Act has been added to the regulatory setting in DEIR Section 4.9, “Hydrology and Water Quality” (pages 4.9-9 through 4.9-10), as shown below:

**Sustainable Groundwater Management Act (Senate Bill 1168)**

The California Legislature enacted a three-bill law (AB-1739, SB-1168, and SB-1319), known as the Sustainable Groundwater Management Act (SGMA) on September 16, 2014. The SGMA was created to provide a framework for the sustainable management of groundwater supplies, and to strengthen local control and management of groundwater basins throughout the state with little state intervention. The SGMA is intended to empower local agencies to adopt groundwater management plans that are tailored to the resources and needs of their communities, such that sustainable management would provide a buffer against drought and climate change, and ensure reliable water supplies regardless of weather patterns. The SGMA is considered part of the statewide, comprehensive California Water Action Plan that includes water conservation, water recycling, expanded water storage, safe drinking water, and wetlands and watershed restoration. The SMGA protects existing surface water and groundwater rights and does not affect current drought response measures (Association of California Water Agencies [ACWA] 2014a).

The SGMA requires that local agencies form a local groundwater sustainability agency (GSA) within 2 years (i.e., by 2017). Agencies located within high- or medium-priority basins must adopt groundwater sustainability plans (GSP) within 5 to 7 years. The time frame for basins determined by DWR to be in a condition of “critical overdraft” is 5 years (i.e., by 2020). Local agencies will have 20 years to fully implement GSPs after the plans have been adopted. Intervention by the SWRCB would occur if a GSA is not formed by the local agencies, and/or if a GSP is not adopted or implemented (DWR 2014a). DWR is targeted to identify basins subject to critical conditions of overdraft by June 1, 2016 (ACWA 2014b).

DWR has designated the Cosumnes groundwater subbasin, which extends to the extreme eastern portion of Amador County, as medium priority (DWR 2014b), and this subbasin is not included on DWR’s August 6, 2015 draft list of critically overdrafted basins (DWR 2015). Amador County is not required to take action to
The SGMA requires local agencies to develop and implement groundwater sustainability plans in high and medium priority groundwater basins throughout the State of California. DWR has designated the Cosumnes groundwater subbasin, which extends to the extreme eastern portion of Amador County as medium priority (DWR 2014b), and this subbasin is not included on DWR’s August 6, 2015 draft list of critically overdrafted basins (DWR 2015). Local agencies must form groundwater sustainability agencies by 2017, then agencies in critically overdrafted basins must develop plans by 2020, while agencies in all other high and medium priority basins must prepare plans by 2022. Amador County is not required to take action to designate a groundwater sustainability agency until 2017, and groundwater sustainability plans are not required until 2020 at the earliest. Therefore, at the time of FEIR preparation, the identity of the groundwater sustainability agency and requirements of groundwater sustainability plans were unknown.

The commenter discusses the “tributary rule” associated with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan), and also states that additional beneficial uses for Jackson Creek, as well as beneficial uses for Dry Creek, should be included in DEIR Table 4.9-1. The tributary rule applies where the SWRCB has not listed beneficial uses for a particular waterbody. Jackson Creek is tributary to Dry Creek, which is tributary to the Mokelumne River. The beneficial uses of Jackson Creek, based on the tributary rule, are provided in Table 4.9-1 on page 4.9-7 of the DEIR. Table 4.9-1 has been revised as shown below:

<table>
<thead>
<tr>
<th>Waterbody</th>
<th>Municipal and Domestic Supply</th>
<th>Agricultural Supply</th>
<th>Industrial Supply/ Power</th>
<th>Recreation</th>
<th>Freshwater Habitat</th>
<th>Migration</th>
<th>Spawning</th>
<th>Wildlife Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sutter Creek</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Jackson and Dry Creek</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mokelumne River</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Pardee Reservoir</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lake Amador</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camanche Reservoir</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cosumnes River</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Groundwater</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:
1. As stated in the Basin Plan (CVRQCB 2011; II-2.00) the beneficial uses of any specifically identified water body generally apply to its tributary streams.
2. All ground waters in the Sacramento and San Joaquin River drainage basins are considered as suitable or potentially suitable, at a minimum, for the beneficial uses represented in this table.

Source: CVRWQCB 2011; CVRWQCB 2013

Please note, the listing of additional beneficial uses and/or additional waterbodies in Table 4.9-1 would not change the analysis or impact conclusions contained in the DEIR, because the information in this table is intended to provide the reader with the main beneficial uses that apply to major waterbodies in Amador County; it is not intended to...
be an exhaustive list of every water body and every beneficial use attributed thereto. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-645 and -646 The commenter requests that additional detailed information be provided in the DEIR related to the violations of wastewater treatment plant discharge permits listed on DEIR page 4.9-10, on the grounds that such violations could indicate a lack of capacity to treat wastewater generated by future growth. This comment is speculative. At any rate, a thorough discussion related to wastewater treatment facilities in Amador County is provided in DEIR Section 4.13, “Public Services and Utilities,” on pages 4.13-17 through 4.13-22. Impact 4.13-3 (pages 4.13-37 and -38) discloses that some existing wastewater systems have inadequate capacity to accommodate future growth and that new or expanded wastewater facilities would be needed. Mitigation Measures 4.13-1a, 4.13-1b, and 4.13-1c would require any development that would occur under the General Plan to demonstrate available wastewater conveyance and treatment capacity and would require the county to continue working to fund and efficiently provide future capacity. However, because of uncertainties associated with the potential future wastewater conveyance and treatment capacity, and because project-specific mitigation of new or expanded wastewater facilities cannot be guaranteed, this impact would remain significant and unavoidable.

Foothill2-647 and -648 The commenter requests that the discussion related to the irrigated lands regulatory program (ILRP) in the “Regulatory Setting” portion of Section 4.9, “Hydrology and Water Quality” be expanded to provide details related to the Sacramento Amador Water Quality Alliance, its water quality monitoring, BMPs, and governing infrastructure, as well as a list of which growers opted for individual permits or coverage under a general waste discharge requirement. A summary of the Sacramento-Amador Water Quality Coalition (SAWQA) has been added to the regulatory setting in DEIR Section 4.9, “Hydrology and Water Quality” (page 4.9-9) as shown below:

**Sacramento-Amador Water Quality Coalition (SAWQA)**

The Amador County Resource Conservation District (RCD) works in cooperation with the Lower Cosumnes RCD to coordinate the Sacramento-Amador Water Quality Coalition (SAWQA). SAWQA is one of 10 sub-watershed groups of the larger Sacramento Valley Water Quality Coalition (SVWQC). The SAWQA and other sub-watershed groups operate under a Memorandum of Understanding (MOA) to meet the requirements of the Central Valley Regional Water Quality Control Board’s Irrigated Lands Regulatory Program (ILRP) (Amador RCD 2015).

Furthermore, page 4.9-11 of the DEIR provides a 3-paragraph summary of the irrigated lands regulatory program.

Foothill2-649 through -651 The commenter states that because EPA requires that lists of impaired waterbodies be updated every 2 years, the 2010 source for the DEIR Table 4.9-3 list of impaired waterbodies is outdated, and the table should be replaced with updated information. The most recent Section 303(d) list of impaired waterbodies in California (i.e., the 2012 Integrated Report) was issued in 2012 and adopted in 2015. However, the DEIR includes the appropriate setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines.

Foothill2-652 through -659 The analysis requested by the commenter related to water quality effects from agriculture and mining is contained in DEIR Impact 4.9-1 (pages 4.9-20 through 4.9-24).
The DEIR states that mining discharges are regulated under Central Valley RWQCB’s Mining Program (described in the “Regulatory Setting” subsection), which issues permits and WDRs to each individual mine operator depending on the proximity to streams and the type and amount of waste discharge. The DEIR recognizes that mining activities could adversely affect water quality, but concludes that mining program regulations would assure impacts from mining discharges would be less than significant because they include both prescriptive and performance standards for waste containment, monitoring, and eventual closure. In addition, the Draft General Plan includes Policy C-4.2 to limit effects of mining activities on surface and groundwater. The DEIR further states that agricultural activities could adversely affect water quality, but are regulated under Central Valley RWQCB’s ILRP (described in the “Regulatory Setting” subsection). Central Valley RWQCB issues WDRs or conditional waivers of WDRs (Orders) to growers. All commercial irrigated lands, including nurseries and managed wetlands, are required to obtain regulatory coverage from Central Valley RWQCB. The DEIR concludes that compliance with the ILRP would assure impacts from agricultural discharges would be less than significant because associated WDRs contain requirements for implementation of water quality management practices including maintenance of such systems; specific prohibitions for discharges; receiving water limits for both surface and groundwater; conditions requiring water quality monitoring of receiving waters; and corrective actions when impairments are found. In addition, the Draft General Plan includes Policy C-4.3 to promote agricultural and development practices which limit soil erosion and runoff. (See DEIR page 4.9-22.)

Potential environmental impacts related to groundwater recharge from all types of land uses contemplated in the General Plan (including agriculture and mining) are evaluated in DEIR Impact 4.9-4 (pages 4.9-26 through -28). As discussed therein, although the southwestern portion of Amador County is within the Cosumnes Subbasin, the majority of the planning area is not in a defined groundwater basin. In the undefined region, where water is drawn from fractured bedrock, groundwater quantity and quality varies greatly from well site to well site due to the small and unpredictable yields of the fractured rock system that typifies the foothill geology. Although public water supply in Amador County is primarily from surface sources, the majority of housing units in the County outside of the AWA service area, as well as agricultural and mining uses, rely on individual groundwater wells not subject to groundwater management oversight. There is currently no county- or basin-wide coordinated groundwater management plan to safeguard against groundwater overdraft. The DEIR concludes that implementation of Mitigation Measures 4.9-4a, 4.9-4b, 4.9-4c, and 4.9-1c would reduce the severity of groundwater recharge impacts—for example, Mitigation Measure 4.9-4b would require that the County consult with water suppliers to insure adequate water supplies without depleting groundwater, would implement conjunctive use and other approaches to insure sustainable perennial yield and avoidance of overdraft to help ensure reliable groundwater levels, and would involve County support of groundwater studies and management plans by local and state agencies. However, since most groundwater use in the County would continue to come from individual private wells, and data concerning groundwater yield is not consistently available, the DEIR concludes that this impact would remain significant and unavoidable.

Information on the SGMA has been added to the regulatory setting. See responses to comments Foothill2-636 through -640. Amador County’s compliance with the SGMA would also help to reduce adverse effects on groundwater recharge.
Chapter 14.12.090 (“General Criteria for Sewage Permit Issuance”) of the Amador Municipal Code sets performance standards that must be met by On-site Wastewater Treatment Systems (OWTS) and supplemental systems, including types of systems permitted, distance between point of OWTS discharge and groundwater and minimum depth of earthen material, and surface application and percolation rates. The County’s Environmental Health Department conducts or oversees evaluations of the site and soil to determine the best design for a septic system to assure proper disposal of sewage. Pursuant to the County Code, the County health officer “shall not issue a sewage permit if the means or proposed means for the discharge will permit:

- The escape of any noxious odors, vapors or gases;
- Ingress or egress of flies, rodents, or other insects or animals;
- The sewage to empty, flow, seep, drain, or otherwise enter and pollute any stream, river, lake, groundwater, or other waters that may be used or suitable for use for domestic or agricultural purposes; or
- Discharge of the sewage on the surface of the ground (Ord. 1073 §2(part), 1985).”

Chapter 14.12.100 establishes criteria for conventional OWTS. Sites not complying with criteria for conventional systems are subject to design guidelines established by the County’s Environmental Health Department.

The environmental impacts related to septic systems are evaluated in Impact 4.9-1 (DEIR page 4.9-21), which recognizes that OWTS have the potential to contaminate groundwater and surface water resources due to several factors: increased density of OWTS, placement near domestic wells, improperly designed or constructed systems, seasonal or year-round high water tables, or placement in areas with insufficient soil depths or improper soil types. Impact 4.9-1 states that existing and new OWTS must conform to standards that protect the underlying groundwater and surface water. Chapter 14.12.090 “General Criteria for Sewage Permit Issuance” of the Amador County Code requires that OWTS and supplemental systems be designed to function effectively based on soil conditions at individual sites. These existing regulations set design guidelines and performance standards for OWTS and oversight by the County’s Environmental Health Department of site and soil conditions prior to issuance of a sewage permit. Therefore, the DEIR concludes that the water quality impacts of OWTS would be less than significant. In addition, the Draft General Plan includes Policy C-3.1 to guide future development to areas of the County with the ability to obtain adequate wastewater service and treatment capacity, and Policy C-3.4 to work with landowners and wastewater providers to provide alternative systems for inadequate or failing septic and sewer systems.

The commenter states that a portion of the proposed Martell Regional Service Area was used for lumber mill operations that required various waste disposal sites. The commenter provides details regarding this area, summarizes known issues associated with this area (including contaminated soils and groundwater and cleanup activities by Sierra Pacific Industries), and suggests that the DEIR should contain a site-specific analysis of future development in this area related to human health, terrestrial and aquatic life, water quality, and the ecosystem as a whole.

The County assumes the commenter is referring to the “American Forest Products of Martell” contamination site. The DEIR analyzes the commenter’s concerns under the
hazards and hazardous materials impact category evaluated in Section 4.8, rather under the hydrology and water quality category evaluated in Section 4.9.

The American Forest Products of Martell site is a known hazardous materials site that is on the Cortese List. Information regarding this site is provided in Table 4.8-1 (DEIR page 4.8-11) and Table 4.8-2 (DEIR page 4.8-12). The California Department of Toxic Substances Control (DTSC) and SWRCB are both involved in remediation of this state response site. The environmental impacts associated with placement of future development in proximity to known hazardous materials sites are evaluated in Impact 4.8-4 (DEIR page 4.8-20). As stated therein, depending on site-specific factors such as constituents of concern, affected media, and clean-up status, certain land uses may be restricted or may require coordination with responsible agencies (e.g., DTSC, SWRCB). The DEIR concludes that implementation of Mitigation Measures 4.8-3a and 4.8-4 would avoid or substantially reduce potential hazards from development on sites on the Cortese List (including the American Forest Products of Martell site) to a less-than-significant level because the County would require that applications and activities on Cortese-listed sites comply with requirements of regulatory agencies, including cleanup requirements, designed to protect public health and the environment. The detailed level of analysis suggested by the commenter is not appropriate for a General Plan EIR. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-686 through -689 The comment initially expresses opinions on various CEQA requirements, including mitigation measures. Because this is general comment unrelated to specific DEIR environmental issues, no response is required.

The commenter then asserts that the mitigation measures in Section 4.9 of the DEIR are inadequate, and recommends that the County follow recommendations made in a report entitled “Upper Mokelumne River Watershed Assessment and Planning Project.” In these comments, the commenter does not identify any specific feasible mitigation measures that it believes should be adopted, or offer any connection between the recommendations of the report and the significant impacts analyzed in the DEIR. In the following comments, the commenter identifies specific measures from the report as suggested mitigation measures, and specific responses to these specific suggestions are provided. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-690 The commenter recommends that the County include a Water Element in the General Plan. Water resources policies are included in existing General Plan Elements, including the Conservation and Safety Elements. The commenter does not identify any significant impact which it believes would be reduced or avoided by inclusion of a Water Element, nor does it identify any mechanism by which the inclusion of a Water Element would reduce or avoid any impacts. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-691 through -695 The commenter recommends that the County conduct an assessment of water quality impacts associated with new development in particular zones using the WARMF model. The commenter also speculates that if high or very high water quality vulnerability zones were evaluated, the Pine Grove and River Pines Town Centers would lie within these zones. The EIR analysis of water quality impacts in Section 4.9 is based on substantial evidence and uses generally accepted methodologies appropriate for a General Plan Program EIR; the comment does not identify any specific deficiencies in these methodologies that would be remedied by using different methodologies. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” and Master

Foothill2-696 through -706 The commenter suggests that a suite of mitigation measures related to protection of water quality from OWTS be added to the DEIR (which would include more rigorous citing and management standards, mandatory inspections, mandatory 2-year pumping, a fee collection program, and educational outreach) based on recommendations from a report prepared by the Upper Mokelumne River Watershed Authority. As discussed in detail in response to comments Foothill2-660 through -664, the County already has a rigorous OWTS program in place under Chapter 14.12.090 (“General Criteria for Sewage Permit Issuance”) of the Amador Municipal Code. OWTS and supplemental systems must be designed to function effectively based on soil conditions at individual sites. The County’s existing OWTS regulations set design guidelines and performance standards for OWTS and oversight by the County’s Environmental Health Department of site and soil conditions prior to issuance of a sewage permit. Because existing and new OWTS must conform to County standards that protect the underlying groundwater and surface water, the DEIR in Impact 4.9-1 concludes that the water quality impact related to OWTS would be less than significant; this conclusion is based on substantial evidence. Therefore, no mitigation measures are required.

Foothill2-707 through -714 The commenter suggests that because water quality permit violations occasionally occur, compliance with laws, regulations, policies, and ordinances cannot be relied upon for less-than-significant impact determinations under CEQA, and therefore the draft General Plan policies related to pollutants from mining and agriculture are too weak to provide adequate water quality protection. As explained in the DEIR (pages 4.9-20 thru 4.9-24), mining discharges are regulated under Central Valley RWQCB’s Mining Program (described in the “Regulatory Setting” subsection, pages 4.9-11 and 4.9-12), which issues permits and WDRs to each individual mine operator depending on the proximity to streams and the type and amount of waste discharge. The DEIR concludes that mining program regulations would assure impacts from mining discharges would be less than significant because they include both prescriptive and performance standards for waste containment, monitoring, and eventual closure. In addition, the General Plan includes Policy C-4.2 to limit effects of mining activities on surface and groundwater. The DEIR further states (pages 4.9-20 thru 4.9-24) that agricultural activities are regulated under Central Valley RWQCB’s ILRP (described in the “Regulatory Setting” subsection, page 4.9-11). Central Valley RWQCB issues WDRs or conditional waivers of WDRs (Orders) to growers. All commercial irrigated lands, including nurseries and managed wetlands, are required to obtain regulatory coverage from Central Valley RWQCB. The DEIR concludes that compliance with the ILRP would assure impacts from agricultural discharges would be less than significant because associated WDRs contain requirements for implementation of water quality management practices including maintenance of such systems; specific prohibitions for discharges; receiving water limits for both surface and groundwaters; conditions requiring water quality monitoring of receiving waters; and corrective actions when impairments are found. In addition, the General Plan includes Policy C-4.3 to promote agricultural and development practices which limit soil erosion and runoff. (See DEIR page 4.9-22.) The DEIR is intended to address the impacts of future development under the Draft General Plan at a program level. Although certain specific facilities and sites within Amador County may have violated water quality permits or regulations in the past, this does not mean that water quality impacts of future development under the General Plan, which would be consistent with Policy C-4.3 and other General Plan policies protecting water quality (including C-3.1, C-4.1, C-4.2, C-4.4 C-5.1, and C-5.2), would be significant. Further, it is reasonable to assume that any RWQCB cease and desist orders for current water
quality standards violations would be effective in remedying these violations within the
time frame of General Plan implementation.

The comment states that the implementation measures in the General Plan, to modify
codes and specifications as needed to provide for the use of low impact development
techniques, is too vague to ensure adequate implementation. The commenter refers to
DEIR Mitigation Measure 4.9-1c: Implement Program P-1e, Zoning Code and
Development Regulations (in Section 4.9, “Hydrology and Water Quality”, DEIR page
4.9-23), which states, “The County will review its design and improvement standards (in
Chapter 17 of the Amador County Code), and modify codes and specifications as needed
to provide for the use of low impact development [LID] techniques. The objective of
these changes is to maintain the County’s surface- and groundwater quality.” The County
would also implement Mitigation Measure 4.9-1a, which would entail development of a
recommended menu of BMPs to limit soil erosion and runoff from residential,
commercial, mining, industrial and hazardous materials sites, which may include (but are
not limited to) reduced pavement cover, permeable pavement, and drainage features
which increase infiltration and groundwater recharge. The County would require use of
some or all of these measures as permit conditions to reduce or avoid adverse erosion,
water quality, and hydrology effects, including potential effects on the lifespan of
existing water storage facilities. Implementation of Mitigation Measure 4.9-1b would
entail County development and implementation of a comprehensive stormwater
management program to reduce adverse hydrology and water quality impacts by limiting
the quantity and increasing the water quality of runoff flowing to the County’s streams
and rivers. Mitigation Measure 4.9-1c calls for the County to modify its code to require
the use of low impact development techniques.

Mitigation Measure 4.9-1c is clear as written and, when implemented in concert with
measures 4.9-1a and 4.9-1b, would reduce water quality effects from nonpoint sources to
a less-than-significant level because appropriate BMPs and LID features would prevent
violations of water quality standards or WDRs, or substantial degradation of water
quality. Furthermore, the commenter does not suggest any additional specific mitigation
measure modifications that should be implemented.

The commenter suggests that the DEIR is deficient because water quality and
wastewater treatment effects are not addressed on a case-by-case basis. However, the
proposed project is a General Plan covering all of Amador County. The project-specific
level of detail requested by the commenter was not available at the time of EIR
preparation, nor is it required by CEQA for a Program EIR prepared for a General Plan.
See Master Response Master Response 1, “Adequacy of Impact Analysis and Mitigation
Measures.”

The DEIR discusses wastewater management planning for the Martell Service Area on
page 4.13-37. It notes that a specific wastewater treatment plant (WWTP) project serving
future development in this area has not been selected, and that the City of Sutter Creek
would undertake project-specific CEQA analysis to document specific impacts and
mitigation measures prior to project approval. Thus water quality impacts of possible
future wastewater discharges to Sutter Creek from an unknown WWTP project are
speculative at this time. Further, any such discharges would be required to comply with
WDR and NPDES permit requirements to assure compliance with water quality
standards.

The commenter suggests that the DEIR is deficient because it does not consider
the use of recycled water as a mitigation measure. However, the potential future use of
recycled water is addressed throughout Section 4.9, “Hydrology and Water Quality” and Section 4.13, “Public Services and Utilities.” General Plan Program P-3, Future Water Supply (DEIR Mitigation Measures 4.9-4b [page 4.9-27] and 4.13-1b [page 4.13-33]) requires development and implementation of reasonable best management practices for water conservation, which may include (but are not limited to) use of graywater, reclaimed, or recycled water for irrigation, water-conserving plumbing fixtures, and low-water landscapes.

Furthermore, as discussed on DEIR page 4.13-15 (Section 4.13, “Public Services and Utilities”), the Amador Water Agency Urban Water Management Plan (UWMP) (AWA 2011) addresses water supply and demand issues, water supply reliability, water conservation, water shortage contingencies, and recycled-water usage within the AWA service area and incorporates the requirement under SBx7-7 to reduce per capita water demands. A detailed discussion of existing recycled water supplies within the AWA service area is provided on DEIR page 4.13-11. As further discussed on DEIR page 4.13-19, the AWA is evaluating a plan for regional water reuse, seeking to maximize water recycling by developing a regional recycled water supply in the Amador City, Jackson, Martell, and Sutter Creek area in lieu of raw and potable water. The development of this project is seen as the first step in implementing a regional approach to water recycling. This plan and subsequent detailed studies are intended to optimize the use of recycled water. This project is being funded by a Proposition 84 grant through the Sierra Nevada Conservancy and will be coordinated with local wastewater and planning agencies that have been identified as potential partners in the region. AWA anticipates development of a regional reclaimed water supply to offset raw and potable water demands (AWA 2011). Uses may include, but are not limited to, agricultural irrigation, commercial landscape irrigation, residential or multi-family dual plumbed landscape irrigation, construction water, industrial process water, and recreational impoundments (see also DEIR page 4.13-37).

The County understands that the commenter is concerned about wastewater treatment in the Martell area. However, appropriate coordination processes are in place between the appropriate agencies that provide water supply and wastewater treatment. The formation of a separate “coordinating body” to address wastewater issues as suggested by the commenter would require additional taxpayer dollars to fund and implement, and the commenter provides no evidence that any substantial environmental benefit would be gained by the formation of a new coordinating committee.

The commenter suggests that the DEIR should assess an alternative that avoids growth in “highly vulnerable and vulnerable water quality” areas, reduces the need for wastewater facility expansions, and reduces all impacts to less-than-significant levels. The commenter also suggests that areas of the county that lack sufficient wastewater infrastructure should be designated for the lowest population density, and that the DEIR should contain an alternative where no septic systems would be allowed. Regarding identification of “highly vulnerable and vulnerable water quality” areas, see responses to comments Foothill2-691 through -695. The commenter’s request for an alternative that reduces the needs for wastewater facility expansions is infeasible is inconsistent with General Plan Policy C-3.1 (guide development to areas of the County with the ability to obtain adequate wastewater service and treatment capacity.)

It is also and is inconsistent with the commenter’s request for an alternative that disallows septic systems. Continued future growth in Amador County requires the provision of wastewater treatment services; some of those services would be provided through wastewater treatment plants (in areas that would result in higher densities of
development), and some of those services would be provided through septic systems or package treatment systems (in areas that would result in a lower density of development). Therefore, the commenter’s statements conflict with one another.

Finally, the DEIR included an analysis of an alternative that would allow a substantially smaller amount of future population growth (see Alternative 3 evaluated in Chapter 5, “Alternatives”) and therefore would reduce the demand for wastewater treatment. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives, including, for example, multiple alternatives that are each designed to reduce wastewater treatment in a separate area of the county. (See Village Laguna of Laguna Beach, Inc. v. Board of Supervisors [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].)

Foothill2-739 through -750 The comment initially repeats the commenter’s scoping comments and opinions on CEQA mitigation requirements. Because this is general comment unrelated to specific DEIR environmental issues, no response is required. Please note that if a lead agency adopts mitigation measures avoid or substantially lessen a significant impact, it is not required to adopt additional feasible mitigation measures to further reduce that impact that may be suggested by commenters. San Franciscans for Reasonable Growth v. City and County of San Francisco (1989) 209 Cal.App. 3d 1502.

The comment then states that the population growth analysis contained in DEIR Impact 4.12-1 is too general, and asks that the County provide specific criteria for a significant increase in population and explain why the project creates conditions that would cause the projected population growth to be considered a significant impact.

The DEIR identifies the projected growth (approximately 15 percent) as a significant impact based on the physical effect that the forecast development would have on the environment, as described by the DEIR’s impact analysis found throughout Chapter 4. For example, the EIR has identified significant secondary impacts related to the conversion of land to developed uses and the capacity of water, wastewater, and utility systems to accommodate growth, which could lead to construction of new or expanded facilities. An increase in population growth that did not such significant physical changes to the environment would be considered less than significant.

Contrary to the Commenter’s assertion, the General Plan does not create conditions that would cause the projected population growth to be considered in and of itself a significant impact. However, the EIR identifies significant secondary impacts directly related to population growth (e.g., land conversion for new homes or the need to construct or expand facilities to serve the additional demand). As discussed throughout Chapter 4 of the DEIR, the Draft General Plan and Implementation Plan include goals, policies, and programs that would reduce the physical effects of the forecast population growth on the environment, and mitigation measures.

The commenter suggests that feasible mitigation measures are available to reduce the significant impact of permanent population growth. However, as the DEIR states (page 4.12-6), because the purpose of General Plan is to accommodate projected population growth, no feasible mitigation measures are available to reduce the potential for population growth to a less-than-significant level. The comment offers no feasible mitigation measures that would directly reduce the amount of population growth.
The commenter refers to its “Exhibit 4.12.3-1,” which contains an excerpt from the analysis in the Butte County General Plan EIR (2010). Butte County’s analysis refers to Butte County General Plan goals and policies that generally promote development to occur in proximity to existing services, infrastructure, and communities as a justification for a less-than-significant conclusion related to the impact of population increase. Amador County’s Draft General Plan already includes many similar goals and policies, including Goals LU-2 LU-10, and LU-11, and Policies LU-2.1, LU-2.2, LU-2.3, and LU-4.2. Although Butte County’s conclusion as to the significance of an increase in population as forecast by the Department of Finance differs from the County’s, Butte County’s approach to addressing the secondary impacts of population growth is similar to that outlined in Amador County’s General Plan. Further, there is no CEQA requirement that significance judgements for similar impacts by different lead agencies in different EIRs must be consistent.

Foothill2-751 and -752 The comment states that the population and housing analysis contained in DEIR Impact 4.12-2 is too general, and that the information contained in DEIR Table 3-1 and on DEIR pages 3-11 through 3-13 (in Chapter 3, “Project Description”) should be provided in Impact 4.12-2. As discussed in detail on page 4.12-6 (Impact 4.12-2) of the DEIR, based on the locations of existing Amador County populations, and based on the projected locations where new development would occur, implementation of the General Plan would not cause the removal of existing housing or people, and would not displace substantial numbers of housing or people necessitating the construction of replacement housing elsewhere. Also, see Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” However, in response to the comment additional text has been added to impact discussion 4.12-2 on page 4.12-6 of the DEIR as shown below:

While implementation of the Draft General Plan could create opportunities for increasing the housing stock of the County, no policies or programs would directly cause adverse effects on existing housing or cause people to be displaced. The Draft Land Use Element encourages infill residential development and new mixed used development through the designation of a Regional Service Center (RSC) in Martell and Town Center areas. Table 3-1, “Expected Development under the Draft General Plan” and Table 3-2, “Town Centers, Regional Service Center, and Special Planning Area Development through 2030” in Chapter 3, “Project Description,” show the areas where future development will occur. Areas with more future growth are more at-risk of causing displacement. The Draft General Plan’s land use map seeks to accommodate additional housing units and non-residential square footage in ways that enhance existing communities. Residential development in Town Centers and other residential land use designations would occur on vacant land or on developed land adjacent to existing housing. No land use changes are proposed that would require the removal of existing housing or people.

Foothill2-753 through -755 The comment initially repeats the commenter’s scoping comments and opinions on CEQA environmental setting requirements. Because this is general comment unrelated to specific DEIR environmental issues, no response is required.

The comment then requests that the EIR use the 2013 IRWMP. Since the time that DEIR Section 4.13, “Public Services and Utilities” was prepared, an updated version of the Mokelumne/Amador/Calaveras Integrated Regional Water Management Plan has been prepared (RMC 2013). The DEIR includes the appropriate setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the
CEQA Guidelines. However, the first paragraph at the top of DEIR page 4.13-5 has been revised as follows:

The IRWMP was updated again in January 2013 (Upper Mokelumne River Watershed Authority 2013).

Nothing in the updated IRWMP would change the DEIR’s water quality impact conclusions.

Foothill2-756 The commenter requests that the EIR include the SGMA and a discussion of the Federal Power Act. A description of the Sustainable Groundwater Management Act has been added to the regulatory setting in DEIR Section 4.9, “Hydrology and Water Quality (pages 4.9-9 through 4.9-10). See responses to comments Foothill2-636 through -640 for the text edits. There is no reason to include a discussion of the Federal Power Act and power plant licenses in the DEIR since such information is not directly related to the EIR impact analysis. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-757 and -758 The commenter requests that the DEIR be revised to include the AWA’s 2014 Urban Water Management Plan. As noted by the commenter, since the time that DEIR Section 4.13, “Public Services and Utilities” was prepared, the AWA’s UWMP has been updated (AWA 2011, updated 2014). The NOP was published on July 28, 2009 and pursuant to the provision of Section 15125 of the CEQA Guidelines, an EIR must include a description of the physical environmental conditions as they exist at the time the NOP is published. The DEIR analysis relied upon the most current information available at the time the NOP was prepared. Furthermore, the information contained in the updated UWMP does not change the impact conclusions. See also responses to comments AWA-1 through -34 for comments from AWA and related DEIR text edits. See also response to comments Hearing2-12 and -13.

Foothill2-759 through -761 The commenter expresses an opinion that DEIR Section 4.13 “Public Services and Utilities” identifies water supply deficiencies and water contamination issues, wastewater treatment deficits, underfunded firefighting services, and inadequate and outdated law enforcement facilities for which no enforceable standards have been identified to protect public health and the environment. The DEIR regulatory setting section discloses known laws, regulations and polices related to public services and utilities that are important for the impact analysis. It not meant to be an exhaustive treatment of this subject.

As required by CEQA, DEIR Section 4.13 appropriately identifies the fact that future development in the County as a result of implementing the General Plan would result in a need for additional public services and utilities, and proposes feasible enforceable mitigation measures “with teeth” for significant impacts. As explained on DEIR page 4.13-25, implementation of mitigation measures 4.13-1a, 4.13-1b, 4.13-1c, and 4.13-1d would reduce impacts related to provision of water supply by requiring any development that would occur under the Draft General Plan to demonstrate available water supply, from a public system if available or from a private water well meeting the County’s existing requirements, along with efforts to fund and efficiently provide future capacity, as required by SB 610 and 221. As explained on DEIR page 4.13-26, these same mitigation measures would also reduce impacts related to water conveyance and treatment by requiring any development that would occur under the Draft General Plan to demonstrate available water supply facilities, along with efforts to fund and efficiently provide future supply and treatment facility capacities. As explained on DEIR page 4.13-
implementation of mitigation measures 4.13-1a, 4.13-1b, and 4.13-1c would reduce impacts related to wastewater collection and treatment by requiring any development that would occur under the Draft General Plan to demonstrate available wastewater conveyance and treatment capacity, and working to fund and efficiently provide future capacity. As explained on DEIR page 4.13-41, implementation of mitigation measures 4.13-5a, 4.13-5b, 4.13-5c, and 4.13-5d would reduce impacts related to fire protection services because the County would establish service standards for fire protection, permit development only in areas that meet those standards, and establish and collect fees necessary to support fire services. As explained on DEIR page 4.13-42, implementation of mitigation measures 4.13-5a, 4.13-5b, and 4.13-5c would reduce impacts related to police protection services because the County would establish service standards for public safety services, and establish and collect fees necessary to support these services. The mitigation measures employ standard methodologies to reduce the environmental impacts of future growth and development at the County General Plan level (see Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”)

The commenter requests that the DEIR discuss how the State DPH can direct a groundwater sustainability study for the Lake Camanche Village Service Area in the regulatory setting of Section 4.13, “Public Services and Utilities.” The referenced document was issued pursuant to DWR’s Local Groundwater Assistance Fund, Grant Agreement No. 4600008731, under Assembly Bill 303 (AB 303) (AWA 2012).

The commenter also suggests that the DEIR should discuss how the RWQCB can regulate sources of runoff and “defective” wastewater runoff leading to contaminated drinking water. The ability of the RWQCB to regulate water quality, as well as various federal, state, and local laws, regulations, policies, and ordinances related to water quality, are discussed in DEIR Section 4.9, “Hydrology and Water Quality” on pages 4.9-1 through 4.9-16.

The comment initially repeats the commenter’s scoping comments and opinions on CEQA environmental setting requirements. Because this is a general comment unrelated to specific DEIR environmental issues, no response is required.

The commenter contends that the population growth estimates in the AWA Plan are higher than those contained in the DEIR, and therefore the County’s future water surplus could be greater than those shown in the AWA Plan. See Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.” The water supply analysis presented in the DEIR reflects the greatest amount of potential demand based on projected development, and is conservative in terms of availability of the projected supplies; thus, a revision to the DEIR indicating that additional future water supplies may be available would not be appropriate. Furthermore, the commenter does not express disagreement with regards to the DEIR’s impact conclusion related to water supplies. The DEIR includes the appropriate regulatory setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines.

The commenter suggests that the DEIR should include more recent information on available water supply for the Camanche area. The DEIR includes the appropriate environmental setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines.

The commenter contends that there may not be an adequate water supply to support the raising of the Lower Bear River Dam. The text on DEIR page 4.13-11
states, “AWA, CCWD, EBMUD, and San Joaquin County are investigating the feasibility of increasing storage at Lower Bear River Reservoir by raising Lower Bear River Dam to provide an additional firm water supply and improve dry year yield, thereby helping meet future water supply needs. Raising Lower Bear River Dam is being considered as part of the larger Mokelumne Inter-Regional Conjunctive Use Project (IRCUP).” [Emphasis added] Therefore, the EIR does not assume that raising Lower Bear River Dam will improve water reliability, and no clarifications to the DEIR text are required.

Foothill2-776 through -778 The commenter suggests revising the DEIR to state that the raising of the Lower Bear Dam under PG&E’s proposal would involve a closed-loop, pumped-storage project different from AWA’s plan. The text on DEIR page 4.13-11 has been corrected as follows:

PG&E is considering a separate project, independent of the IRCUP, that would also entail raising the Lower Bear River Dam to increase power generation at existing downstream hydroelectric power plants and is currently being considered by PG&E independently of IRCUP.

Foothill2-779 and -780 The commenter requests the DEIR be revised to state that the Mokelumne Watershed Interregional Sustainability Evaluation includes different alternative methods of increasing the local water supply. See responses to comments Foothill2-757 and -758. See also response AWA-12 for text edits to Section 4.13, “Public Services and Utilities” pertaining to the Mokelumne Watershed Interregional Sustainability Evaluation Program, and responses AWA-1 through -34 for comments from AWA and related DEIR text edits. The point raised by the commenter is noted. There are a number of projects under evaluation by various agencies that could increase the available water supply for Amador County residents and businesses. The DEIR includes the appropriate setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-781 The commenter contends that the DEIR incorrectly states the amount of water diverted by the Amador Water System (AWS) from the Mokelumne River. The text on DEIR page 4.13-11 is hereby revised as follows:

Table 4.13-3 summarizes the current and projected surface water and groundwater supplies from 2010 to 2030. As described above, AWS has the ability to divert 15,000 afy of surface water from the Mokelumne River that is stored at Lake Tabeaud and CAWP has the ability to divert 1,150 afy of surface water from the Mokelumne River at the Tiger Creek Afterbay.

Foothill2-782 through -784 The commenter disagrees with text in the DEIR stating that AWA has no capacity left in its Central Amador Water Project (CAWP) system for new customers, citing to a reduction in the amount of water consumption in recent years. The commenter also states that AWA is unlikely to complete its permit application for new water rights for the CAWP system by 2015. The information provided by the commenter does not change the water supply analysis provided in the DEIR; the points raised by the commenter are noted. The DEIR includes the appropriate setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines.
The commenter requests that the FEIR include water savings associated with a small-diameter pipeline from the Amador Canal being funded by the AWA. The water supply analysis presented in the DEIR is conservative and reflects the greatest amount of potential demand; thus, there is no need to revise the analysis to reflect an additional potential water surplus.

The commenter requests that the DEIR include documentation that groundwater resources are adequate to guarantee the “safe yields” projected for the three wells at Lake Camanche Village through 2030. The DEIR relies on the safe yield projections provided by AWA. As indicated on DEIR page 4.13-12, the source for the safe yield information presented in Table 4.13-3 is the AWA’s Urban Water Management Plan (AWA 2011, updated 2014).

The commenter contends that the DEIR does not include the most recent information regarding the Tanner Water Treatment Plant. The DEIR includes the appropriate setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines.

The commenter contends that the DEIR does not provide updated information relating to the Jackson Valley Irrigation District’s treated water pipeline or pump station project at the Pardee Reservoir. The DEIR includes the appropriate environmental setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines.

The commenter requests a further explanation of water availability to the AWA in normal, dry, and multiple-dry year scenarios. As explained on DEIR page 4.13-14, even during the recent extreme drought of 1976/1977 and prolonged drought of 1988 to 1994, spring runoff each year filled PG&E’s reservoirs to near capacity. These reservoirs form the head of both the AWS and CAWP surface water diversions. By July, runoff is typically near zero and system water demands are met by storage facilities. The timing of the runoff is about the same for wet or dry years with the only difference being the magnitude of the runoff and the amount of reservoir spill. PG&E is able to provide the full annual water contract entitlements to AWA due to the priority of the water rights involved and the amount of water stored on behalf of AWA. Therefore, the surface water supply available for normal, dry, or multiple dry year scenarios (shown in Table 4.13-5) remains the same for surface water diversions. As indicated in Table 4.13-5, the source for this information is AWA’s Urban Water Management Plan (Amador Water Agency 2011, updated 2014). The DEIR reasonably relies on AWA’s water rights being available during the period of General Plan implementation, and need not speculate about whether they are “guaranteed in perpetuity.”

The commenter asks if water will remain available to the Jackson Valley Irrigation District (JVID) through the planning period. The DEIR includes the appropriate environmental setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines.

The commenter further asks if the AWA is proposing to take 1,050 acre-feet (af) of water that currently goes to JVID and replace it with tertiary treated effluent. The commenter is correct. As stated on DEIR page 4.13-15, “AWA applied for reversion of 1,050 af, and is considering substitution of recycled water for a portion of JVID’s Mokelumne River water right.” No further response is required.
The commenter further asks if there is any water quality implication related to the previously discussed comment. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-801 and -802 The commenter contends that the East Bay Municipal Utility District does not operate Camanche Reservoir for East Bay water supply. DEIR page 4.13-17 states, “EBMUD operates the Pardee and Camanche Reservoirs as water sources for its service area in Alameda and Contra Costa counties.” Page 4.13-17 of the DEIR has been revised to state “EBMUD operates the Pardee and Camanche Reservoirs as a water source...”

Foothill2-803 The commenter states that the DEIR mentions plans, discussions, or intentions to correct existing public services and utilities deficiencies, but for the most part does not identify timetables or funding sources. The DEIR’s environmental setting section properly focuses on the existing environmental setting. Future policies and programs to correct these deficiencies are addressed in General Plan policies and EIR mitigation measures.

Foothill2-804 through -810 The commenter asks several questions regarding the number and use of groundwater wells in Amador County. As stated on DEIR page 4.13-5, in Amador County only 3 percent of the public domestic or treated water supply is from groundwater; 97 percent of the total supply is from the Mokelumne River. Two small service areas, Lake Camanche Area and La Mel Heights, use groundwater. Due to the small volume of groundwater used by the AWA and the substantial decrease in groundwater use as Lake Camanche Village changes to surface water use, the AWA has not written a groundwater management plan (see responses to comments Foothill2-636 through -640). Many residences and businesses also rely on private groundwater wells for water supply. Additional details regarding groundwater supplies for private and agricultural users are provided on DEIR pages 4.13-14 through 4.13-17 and on pages 4.9-18 through 4.9-19.

Furthermore, the DEIR’s discussion of existing groundwater supplies meets CEQA requirements. Because groundwater will be a minor water supply to serve future growth under the General Plan, the detailed, often site-specific environmental setting requested by the commenter is not necessary to understand the impact analysis. An environmental setting shall be no longer than is necessary to understand the significant impacts of a proposed project and its alternatives. Furthermore, the DEIR includes the appropriate environmental setting at the time of the publication of the NOP, consistent with Section 15125(a) “Environmental Setting” of the CEQA Guidelines. See also Master Response 1 “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-811 through -814 Impacts of General Plan growth on groundwater supplies are addressed in DEIR Impact 4.13-1 (pages 4.13-32 and 4.13-33). Also, see responses to comments Foothill2-804 through -810; and Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-815 through -822 The comment requests that site-specific wastewater information be added to the DEIR. The DEIR’s wastewater environmental setting and impact analysis (Impact 4.13-3) are presented at an appropriate level of detail for a Program EIR on a general plan. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-823 The comment requests that the environmentally superior alternative or a town-centered alternative with less growth be analyzed and feasible mitigation proposed related to wastewater treatment. The DEIR included an analysis of a city-and-community-centered alternative similar to that suggested by commenter, as well as an alternative that would
allow a substantially smaller amount of future population growth (see Alternative 3 evaluated in Chapter 5, “Alternatives”) and therefore would reduce wastewater impacts. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, multiple alternatives that are each designed to reduce the demand for wastewater treatment. (See Village Laguna of Laguna Beach, Inc. v. Board of Supervisors [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].)

Foothill2-824 The commenter provides recitation of a court opinion relating to the EIR process. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-825 through -830 The commenter summarizes the General Plan and DEIR discussion of the wastewater treatment and disposal systems within the county. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-831 The commenter notes that the Amador Local Agency Formation Commission (LAFCO) has recommended a special service district for wastewater services in the Amador Regional Sanitation Agency (ARSA) area. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-832 through -834 The commenter requests that the DEIR include a detailed analysis of future wastewater systems, their costs, and their financing for proposed build-out in the Martell Regional Service Area. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-835 through -838 The commenter requests an economic analysis relating to the buildout of the Martell Regional Service Area. Economic impacts do not need to be evaluated under CEQA. Section 15131(a) of the CEQA Guidelines states that economic or social effects of a project shall not be treated as significant effects on the environment. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-839 The commenter requests a different alternative than the proposed project in the Martell Regional Service Area because of potential wastewater impacts. The DEIR discusses wastewater management planning for Amador County and the Martell Service Area on page 4.13-37. It notes that a specific wastewater treatment plant (WWTP) project serving future development in this area has not been selected, and that the City of Sutter Creek would undertake project-specific CEQA analysis to document specific impacts and mitigation measures prior to project approval. The DEIR included an analysis of an alternative that would allow a substantially smaller amount of future population growth (see Alternative 3 evaluated in Chapter 5, “Alternatives”) and therefore would reduce the demand for wastewater treatment. A reduction in the square footage of commercial and industrial property or residential units to reduce the demand for wastewater treatment would be inconsistent with Draft General Plan Objectives 2 (Focus development of new residential, commercial, and industrial uses in and near existing communities), 3 (Accommodate the most recent population growth, housing, and employment projections in an orderly manner), 4 (Encourage development of higher-wage jobs and support
business, especially locally-owned and unique businesses), and 5 (Support provision of housing affordable to those who live or work in Amador County, including accommodating HCD’s housing unit allocations for the County). An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6(a).) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, multiple alternatives that are each designed to reduce wastewater treatment in a separate area of the county. (See Village Laguna of Laguna Beach, Inc. v. Board of Supervisors [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].)

Foothill2-840 and -841 The commenter summarizes the town centers planned by the county and contends that the Pine Grove Community Leachfield System (CLS) has potential soil stability, stormwater capture, and connectivity to surface water concerns with nearby Jackson Creek.

A thorough discussion related to wastewater treatment facilities in Amador County is provided in DEIR Section 4.13, “Public Services and Utilities,” on pages 4.13-17 through 4.13-22. Impact 4.13-3 (pages 4.13-37 and -38) discloses that some existing wastewater systems have inadequate capacity to accommodate future growth and that new or expanded wastewater facilities would be needed. Mitigation Measures 4.13-1a, 4.13-1b, and 4.13-1c would require any development that would occur under the General Plan to demonstrate available wastewater conveyance and treatment capacity and would require the county to continue working to fund and efficiently provide future capacity. However, because of uncertainties associated with the future wastewater conveyance and treatment capacity, and because project-specific mitigation of new or expanded wastewater facilities cannot be guaranteed, this impact would remain significant and unavoidable. See also response to comment Foothill2-660 through -664 pertaining to septic systems.

Continued future growth in Amador County requires the provision of wastewater treatment services; some of those services would be provided through wastewater treatment plants (in areas that would result in higher densities of development), and some of those services would be provided through septic systems or package treatment systems (in areas that would result in a lower density of development). See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-842 through -848 The commenter requests that the DEIR detail how Pine Grove has adequate wastewater treatment service capacity to accommodate the growth planned for the Pine Grove CLS. See responses to comments Foothill2-839 through -841. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-849 The commenter requests an alternative other than the proposed project in the Pine Grove Town Center because of potential wastewater impacts. See responses to comments Foothill2-839 through -841.

Foothill2-850 through -852 The commenter contends that the DEIR fails to disclose current and future wastewater disposal in the Buckhorn Town Center. See responses to comments Foothill2-839 through 841. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-853 through -860 The commenter contends that the DEIR does not analyze the impacts from the placement of on-site septic tanks and leachfield systems to ground and surface water. See
responses to comments Foothill2-660 through -664 and -839 through -841. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-861 The commenter contends that the DEIR does not adequately evaluate wastewater treatment for the proposed River Pines Town Center. See responses to comments Foothill2-839 through -841. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-862 and -863 The commenter summarizes LAFCO municipal service review for the River Pines Public Utilities District. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-864 The commenter suggests that the River Pine Public Utilities District disagrees with the county’s General Plan policy to guide development to areas with adequate wastewater disposal and capacity. See responses to comments Foothill2-839 through -841. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-865 The commenter questions the proposed growth for the River Pines Town Center on the River Pine Public Utilities District. See responses to comments Foothill2-839 through 841. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-866 The commenter provides recitation of a court opinion relating to the CEQA mitigation process. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-867 and -868 The commenter summarizes previous wastewater treatment facility issues within the Lake Camanche Special Planning Area. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-869 The commenter notes that there is a moratorium on additional wastewater services in the Lake Camanche Special Planning Area. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-870 The commenter provides recitation of a court opinion relating to the CEQA process and states that it is unclear that the County is guiding development to areas with better wastewater service. On page C-26 of Draft General Plan, Policy C-3.1 states: “Guide future development to areas of the county with the ability to obtain adequate wastewater service and treatment capacity.” See responses to comments Foothill2-839 through -841. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-871 through -874 The commenter requests an alternative to the proposed project in the Lake Camanche Special Planning Area because of potential wastewater impacts. See responses to comments Foothill2-839 through 841.

Foothill2-875 through -883 The commenter requests a detailed economic analysis of expanding wastewater treatment facilities for each alternative. Economic impacts do not need to be evaluated under CEQA. Section 15131(a) of the CEQA Guidelines states that economic or social
effects of a project shall not be treated as significant effects on the environment. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-884 The commenter summarizes a LAFCO Municipal Service Report regarding wastewater impacts. See responses to comments Foothill2-839 through -841. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-885 through -892 These comments pertain to the potential failure of septic systems within the county. See responses to comments Foothill2-660 through -664 and Foothill2-696 through -706.

Foothill2-893 through -895 The text referred to by the commenter was obtained from the Sutter Creek Wastewater Master Plan, prepared by the City of Sutter Creek in 2009, which has since been updated. The updated wastewater master plan contains various alternatives that were evaluated for potential implementation, including regional facility upgrades, irrigation sprayfields, surface discharge to Sutter Creek, and development of a new facility in Ione. Funding and timing of capital improvements to implement the plan were to be identified through a separate Capital Improvement Plan to be prepared once the preferred alternative is selected. The commenter is referred to the Sutter Creek Wastewater Master Plan (City of Sutter Creek and Amador Regional Sanitation Authority 2012, available at http://cityofsuttercreek.org/agendas/121312-SC-ARSA_WWMP_Update-Workshop_DRAFT_Report.pdf) for additional details. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-896 This comment asks how the parkland standards identified in the Draft General Plan compare to that of other rural counties, and does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-897 through -899 This comment recommends Implementation Plan language be added addressing better bicycle and pedestrian access within the Martell area, and does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-900 through -901 It is typical that rural counties in California lack a comprehensive storm drain system. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-902 through -907 The commenter notes that the DEIR concludes that Impacts 4.13-1, 4.13-2, 4.13-3, and 4.13-5 would be significant, and speculates that the EIR suggests that future development should be relied upon to remedy existing public services and utilities deficiencies. The comment also requests details related to fees to be imposed on future site-specific development projects. As discussed on DEIR pages 4.13-32 through 4.13-41, the Draft General Plan contains programs and policies designed to ensure that adequate public services and utilities are provided to all county residents and businesses. However, the General Plan is not a project specific capital improvement program intended to detail how individual public facilities would be replaced in particular locations, and how all public facilities improvements would be funded. Rather, the General Plan contains policies and implementation measures to assure that future public facilities needs to serve growth under the General Plan are identified and addressed. For example, Program D-1a(4-5), Development Proposal Evaluation (future project applicants must demonstrate that sufficient capacity is available to serve the project before development can proceed); Program P-3, Future Water Supply (coordination, planning, development, and
implementation for water supply); and Program F-1, Infrastructure Improvements (coordination and consultation to plan for provision of water, wastewater, storm drainage, vector control, and other utilities). See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Regarding use of development fees to remedy existing problems, it should also be noted that the EIR’s public services and facilities mitigation measures are required to comply with the constitutional requirements of “nexus” and “rough proportionately.” Development impact fees must be related and roughly proportional to the impacts caused by development. CEQA Guidelines Section 15126.4(a)(4). The California Mitigation Fee Act imposes similar requirements.

Foothill2-908 through -920 The comment suggests that mitigation measures related to public services and utilities, contained in DEIR Section 4.13 are weak, and the commenter requests additional specifics related to the names and member of committees, funding mechanisms, timing etc. for the mitigation measures identified in DEIR Section 4.13. The level of existing detail in these mitigation measures is appropriate for a General Plan Program EIR. The General Plan Implementation Plan provides further information on the responsible agencies/departments and time frames for implementing Program P-3 (Water Supply), which includes these mitigation measures. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” Also, regarding, the ability of Mitigation Measure 4.13-1c to reduce impacts to less-than-significant levels, please note that all EIR mitigation measures are intended to work together rather than independently, and that the EIR concludes that notwithstanding implementation of all applicable mitigation Measures, Impact 4.13-1 would be significant and unavoidable.

Foothill2-921 through -928 Much of this comment recites the commenter’s opinions on CEQA mitigation requirements. These recitations are unrelated to specific DEIR environmental issues, and no response is required.

The comment states that the mitigation measures for Impact 4.13-1 are vague and constitute improper deferral of mitigation because they do not contain sufficient details. Mitigation Measure 4.13-1a requires that projects approved by the County under the Draft General Plan demonstrate availability of adequate water supply. As discussed in the “Environmental Setting” and in Impact 4.13-1, the County does not directly provide water and wastewater services; instead, water and wastewater conveyance and treatment are provided by various other agencies and districts – and many users in the County rely on private wells and septic systems. Because the County has no direct authority over actions that these agencies and districts would take to provide water and wastewater service, the County cannot implement the type of mitigation measures that the commenter implies are required. The DEIR includes Mitigation Measures 4.13-1b, -1c, and -1d, to document the County’s future actions related to water and wastewater service from the Implementation Plan.

Performance criteria requested by commenter are embedded in the text of the existing DEIR mitigation measures. For example:

- Mitigation Measure 4.13-1a: “project applicants must demonstrate the availability of water supply;” “the applicant must demonstrate the availability of sufficient water” (private wells).

- Mitigation Measure 4.13(b): “assure sufficient reliable water supplies are available to serve new projects”
Also, the commenter does not propose any specific mitigation measures to address Impact 4.13-1 in place of Mitigation Measures 4.13-1b, -1c, and -1d.

Foothill2-929 through -935 The comment provides several reasons as to why Item 4 in Mitigation Measure 4.13-1b (i.e., “communicate to all appropriate federal elected officials, federal agencies and departments, that Federal Wild and Scenic, National Recreation Area, or similar designations of surface waters in or adjacent to the County would be incompatible with the long term water needs of Amador County”) should be removed as mitigation from the DEIR. Mitigation Measures 4.9-4b and 4.13-1b have been modified to Implement Program P-3 a1-3 and b, and do not include implementation of Program P-3 a4. In response, the text of Item 4 in Mitigation Measure 4.13-1b (DEIR page 4.13-34) has been removed from the DEIR as shown below:

4. Communicate to all appropriate federal elected officials, federal agencies and departments, that Federal Wild and Scenic, National Recreation Area, or similar designations of surface waters in or adjacent to the County would be incompatible with the long term water needs of Amador County.

A text edit has also been made to Program P-3 a4: Future Water Supply on page P-7 of the Implementation Plan as show below:

4. Communicate to all appropriate federal elected officials, federal agencies and departments, that Federal Wild and Scenic, National Recreation Area, or similar designations of surface waters in or adjacent to the County is not supportive of projects or designations that would be incompatible with the long term water needs of Amador County.

A text edit has also been made to Mitigation Measure 4.9-4b: Implement Program P-3, Future Water Supply on page 4.9-27 of the DEIR as shown below:

- Communicate to all appropriate federal elected officials, federal agencies and departments, that Federal Wild and Scenic, National Recreation Area, or similar designations of surface waters in or adjacent to the County would be incompatible with the long term water needs of Amador County.

Foothill2-936 through -938 The comment suggests that because AWA has ample water supplies available, DEIR Mitigation Measure 4.13-1d is unnecessary. The County has incorporated this mitigation measure into the EIR to address uncertainty regarding water supply. The County’s surface water supply derives from rights with varying dates, and the State of California reserves the power to curtail water rights, even senior water rights, if water resources are not put to beneficial use, or during severe drought conditions. F-2a-c & e, Future Water Supplies and Funding, would appropriately result in County consultation with and support for water purveyors and state and federal agencies to develop alternative funding source, alternative water supplies, and additional water rights.

Foothill2-939 through -945 Details are provided related to additional mitigation measures that are requested for inclusion in the DEIR which the commenter believes would reduce water supply impacts for Camanche Village and the CAWP service area. A lead agency is required to implement feasible mitigation measures that would reduce or avoid significant or potentially significant impacts (CEQA Guidelines Section 15126.4[a][1]). “Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, social, and technological factors” (CEQA Section 21061.1). Furthermore, “CEQA does not require analysis of every imaginable alternative or measure; its concern is with feasible means of reducing environmental effects”; and,
the discussion of mitigation measures in an EIR “must be assessed in accordance with the ‘rule of reason’”, Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District (2d District 1994) 24 Cal.App.4th 841 [29 Cal.Rptr. 2d 492]. The mitigation measures suggested by the commenter are infeasible because they are so cost prohibitive that they would strongly discourage any additional development in Camanche Village and the CAWP service area. Such a result would be contrary to Draft General Plan Objectives 2, 3, 4, and 5. The DEIR contains a comprehensive list of feasible mitigation measures that could be implemented to reduce water supply impacts. This list includes Mitigation Measure 4.13-1a (DEIR page 4.13-33), which prohibits new development unless water and wastewater supply and treatment have been identified and funding has been assured. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The DEIR includes an analysis of an alternative that would substantially reduce the amount of future population growth (see Alternative 3 evaluated in Chapter 5, “Alternatives”) and therefore would reduce the demand for wastewater treatment. The suggested reduction in the square footage of commercial and industrial property or residential units to reduce the demand for wastewater treatment would be inconsistent with Draft General Plan Objectives 2, 3, 4, and 5. The DEIR contains a comprehensive list of feasible mitigation measures that could be implemented to reduce wastewater impacts. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

The new wastewater mitigation measure suggested by the commenter (related to potential partnering with other municipalities) is already contained in the DEIR as part of actions the County would consider under Mitigation Measures 4.13-1a, 4.13-1b, and 4.13-1c (DEIR pages 4.13-33 and 4.13-34). Also, the DEIR includes an analysis of a city- and community-centered growth alternative similar to the suggested mitigation measure (see Alternative 3 evaluated in Chapter 5, “Alternatives”).

Water conservation measures are being implemented consistent with the Amador Water Agency Urban Water Management Plan (UWMP). As discussed throughout Section 4.13 of the DEIR, the UWMP addresses water supply and demand issues, water supply reliability, water conservation, water shortage contingencies, and recycled-water usage within the AWA service area and incorporates the requirement under SBx7-7 to reduce per capita water demands. Water conservation efforts would, in turn, reduce the need for treatment of wastewater effluent.

These comments ask general questions about water and wastewater impact mitigation measures, but do not propose any specific feasible mitigation measures. Existing and planned future use of recycled water in Amador County is discussed throughout DEIR Section 4.13. As discussed in Impact 4.13-3 (DEIR page 4.13-37), AWA is preparing a regional approach for water reuse to maximize water recycling by developing a regional recycled water supply in lieu of raw and potable water. This project is being funded by a Proposition 84 grant through the Sierra Nevada Conservancy and will be coordinated with local wastewater and planning agencies that have been identified as potential partners in the region. AWA anticipates development of a regional reclaimed water supply to offset raw and potable water demands. Uses may include, but are not limited to, agricultural irrigation, commercial landscape irrigation, residential or multi-family dual plumbed landscape irrigation, construction water, industrial process water, and recreational impoundments. Furthermore, Mitigation Measure 4.13-1b (Implement Program P-3, Future Water Supply) includes development and implementation of reasonable best management practices for water conservation. These may include (but are
This comment does not raise a specific issue related to the adequacy of the EIR’s mitigation measures, and no response is required.

The commenter suggests that the County add a paragraph discussing SB 743 and VMT criteria. Because the Governor’s Office of Planning and Research (OPR) has not released final updates to the CEQA Guidelines at the time of EIR preparation, it is not necessary to describe SB 743 in the regulatory setting section of the EIR.

The commenter asks why the Regional Transportation Plan (RTP) was not used as the Circulation Element, and asks whether this will result in duplication or confusion if the documents conflict. The RTP is adopted by the Amador County Transportation Commission (not the County of Amador) and meets federal transportation planning requirements for the County and its incorporated cities. A primary purpose of the RTP is to identify priorities for funding and improvements to the transportation system of the County and its cities. The Circulation Element of the General Plan focuses on the unincorporated County, and provides the County’s policies with respect to transportation, including (but not limited to) transit, roadways, desired level of service, future improvement needs, and the circulation diagram illustrating roadways throughout the County. The Circulation Element and the RTP are adopted by different bodies to serve different purposes, and one does not supersede the other.

The commenter discusses the format for presenting city regulations and policies pertaining to transportation. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The commenter suggests that the descriptions of roadways should conform to federal classification maps, which is not required under the state’s General Plan Guidelines. This is a comment on the Draft General Plan rather than the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The commenter asks whether the project would result in inadequate emergency access and suggests that traffic-related emergency issues should be discussed in DEIR Section 4.14, “Transportation” in addition to Section 4.8, “Hazards and Hazardous Materials.” Emergency access issues are addressed in DEIR Impact 4.8-2 (pages 4.8-17 and 4.8-18). This comment relates to EIR format, and does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The commenter notes that LOS tables in the DEIR identify levels that are below the standards in the Draft General Plan, and identifies no additional comment on impact analyses. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The commenter refers to the DEIR’s analysis of significant LOS effects, and states that mitigation fees have not been set at a high enough level to mitigate the effects of individual projects on the roadway network. The commenter also cites to Endangered Habitats League v. County of Orange (2005) 131 Cal.App.4th 777, where the court found “[E]ven where a developer’s contribution to roadway improvements is reasonable, a fee program is insufficient mitigation where, even with that contribution, a county will not have sufficient funds to mitigate effects on traffic.” The DEIR (pages 4.14-16 and
4.14-17) acknowledges that funding has not been identified to demonstrate with certainty that roadway improvements will be built before significant traffic impacts occur, and that specific funding mechanisms and contributions for the remainder of the improvements identified in Mitigation Measures 4.14-1c (DEIR page 4.14-15) and improvements identified in Mitigation Measure 4.14-2 (DEIR page 4.14-2), have not been identified. The County cannot assure the timely funding and implementation of roadway improvements, and Mitigation Measures 4.14-1c and 4.14-2 would still not achieve acceptable LOS at several locations. Therefore, the impacts would be significant and unavoidable.

Foothill2-980 through -984 The commenter suggests that an additional funding mechanism should be explored to reduce traffic congestion. The commenter specifically suggests that a parcel fee, parcel tax, or local sales tax should be considered to raise funds to correct existing roadway deficiencies based on the Amador County Transportation Commission’s (ACTC) cost estimates.

The DEIR addresses the impacts of the project (the Draft General Plan) compared to baseline conditions as required under CEQA. Although the County may consider funding and other mechanisms to address existing roadway capacity conditions as a matter of policy, the impact analysis in the DEIR, and the associated DEIR mitigation measures, are intended to address impacts beyond the existing conditions. In addition to mitigation fees (which are part of Mitigation Measure 4.14-1b), Mitigation Measure 4.14-1a requires the use of “fair share” fees to ensure that projects fund necessary improvements that fall beyond the limits of mitigation fee programs.

The DEIR (pages 4.14-16 and 4.14-17) acknowledges the lack of funding for improvements that are already needed under baseline conditions, as well as the uncertainty regarding the timing and availability of funding for improvements needed to mitigate traffic impacts of growth under the General Plan. For these reasons, Impacts 4.14.-1 and 4.1.4-2 are significant and unavoidable.

Foothill2-985 through -987 The commenter provides a general recitation of law and opinions on the legal requirements related to alternatives. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-988 and -989 The commenter notes that the County has the right to define alternatives. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-990 and -991 The commenter contends that the alternatives to the project description are not provided in sufficient detail. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

Foothill2-992 and -993 The commenter contends that the alternatives unfairly include proposed tax and fee increases that are not included as part of the project description. Draft General Plan Safety Element Policy S-3.1 on page S-17 states: Support efforts by fire districts to obtain adequate funding to provide fire protection at desired levels. Implement impact fees if needed to provide adequate fire service. This comment is speculative and does not provide any evidence of how the project would result in additional significant impacts. See Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”
Foothill2-994 and -995 The commenter provides a general recitation of law and opinions on legal requirements related to alternatives. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-996 through -998 The commenter provides a general recitation of law, scoping comments, and opinions on legal requirements related to alternatives. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-999 through -1001 The commenter contends that the ranking of alternatives is inadequate. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures,” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1002 The commenter provides a general recitation of court opinions on the legal requirements related to alternatives. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-1003 The commenter refers to a scoping meeting discussion, disagreeing that the project description limits the purview of general plan alternatives. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, multiple alternatives that are each designed to reduce wastewater treatment in a separate area of the county. (See Village Laguna of Laguna Beach, Inc. v. Board of Supervisors [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].)

Foothill2-1004 through -1013 The commenter disagrees with the project description. The comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-1014 The commenter contends that the DEIR must evaluate alternatives that mitigate the impacts of the project description. Section 5.2, “Alternative Considered and Rejected” on page 5-2 of the DEIR provides a detailed discussion of alternatives that were considered for detailed analysis in the EIR, but were rejected for one or more reasons. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, multiple alternatives that are each designed to reduce wastewater treatment in a separate area of the county. (See Village Laguna of Laguna Beach, Inc. v. Board of Supervisors [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].)

Foothill2-1015 through -1019 The commenter provides support for a “new town” alternative. Section 5.2, “Alternative Considered and Rejected” on page 5-2 of the DEIR provides a detailed discussion of alternatives that were considered for detailed analysis in the EIR, but were rejected for one or more reasons. See also response Foothill 2-1047 through 1053. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does
consider, including, for example, multiple alternatives that are each designed to reduce wastewater treatment in a separate area of the county. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].)

Foothill2-1020 through -1033 The commenter provides support for a “Success Through Accountability” alternative. Section 5.2, “Alternative Considered and Rejected” on page 5-2 of the DEIR provides a detailed discussion of alternatives that were considered for detailed analysis in the EIR, but were rejected for one or more reasons. See also response Foothill 2-1047 through 1053. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, multiple alternatives that are each designed to reduce wastewater treatment in a separate area of the county. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].)

Foothill2-1034 through -1038 The commenter contends that the alternatives analysis is inadequate. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, multiple alternatives that are each designed to reduce wastewater treatment in a separate area of the county. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].) The commenter’s contention that the DEIR alternatives are “straw-man alternatives having nobody’s support” is a personal opinion not supported by substantial evidence.

Foothill2-1039 and -1040 The commenter addresses the DEIR’s discussion of alternatives considered and rejected, and asserts that the County refused to address feasible alternatives that would reduce project impacts. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, multiple alternatives that are each designed to reduce wastewater treatment in a separate area of the county. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].)

Foothill2-1041 through -1046 The commenter contends that the DEIR should include an alternative that accommodates more growth, or growth in different areas. See DEIR Section 5.2 “Alternatives Considered and Rejected” for a detailed explanation why several alternatives were considered for detailed analysis in the EIR, but were rejected for one or more reasons. These reasons include:

- failure to meet fundamental project objectives;
- failure to avoid or substantially reduce the Draft General Plan’s significant environmental impacts;
- infeasibility based on economic, environmental, legal, social, technological, or other factors;
• similarity to alternatives that were selected for detailed analysis; and
• represented alternative to one project component only, not the General Plan as a whole.

An alternative that would accommodate more growth would not reduce the Draft General Plan’s significant environmental impacts, and an alternative that accommodated growth in different areas would shift the location of the Draft General Plan’s significant impacts, but not necessarily reduce them to less-than-significant levels. The comment implies that the County will choose a different alternative than those analyzed in the DEIR; there is no evidence supporting this speculation.

DEIR Section 5.2 also provides an explanation of the consideration of two alternatives (“New Town” and “Success Through Accountability”) that were suggested by the commenter during the scoping process. Also, see response to comment Foothill 2-1040, immediately above.

Foothill2-1047 through -1053 The commenter notes that the DEIR does not include a “New Town” alternative. As the commenter correctly references from the DEIR, the County explained therein (DEIR page 5-3) that the commenter’s suggested alternative is not feasible. Exercising its discretion under CEQA, under the “rule of reason” (State CEQA Guidelines Section 15126.6[f]), the County determined that the “New Town” alternative was not feasible because: “With a decline in economic conditions and a downward revision to the Department of Finance’s projected population increase in Amador County to fewer than 7,300 new residents between 2010 and 2060 (DOF 2014), the amount of population growth would be insufficient to support a full-service new town” (DEIR page 5-3). Also, the comment that a sufficiently profitable new town could allow setting aside the most environmentally sensitive surrounding lands is speculative. No further response is required.

Foothill2-1054 and -1055 The commenter provides support for provisions incorporated into Alternative 2 of the DEIR (Chapter 5, Page 5-4 through 5-5), and the ability of Alternative 2 to reduce many of the Draft General Plan’s significant impacts. These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-1056 The commenter provides suggested policy language for the “New Safety Element Policy” under Alternative 2 (Chapter 5; Page 5-5). Sufficient information about the alternative was provided in accordance with State CEQA Guidelines Section 15126.6[d]); no further response is required. EIRs are not required to separately evaluate minor permutations of the alternatives.

Foothill2-1057 The commenter supports the “New Circulation Element Policy” under Alternative 2 (Chapter 5; Page 5-5) using VMTs. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-1058 The commenter states that the “New Conservation Element Policy” under Alternative 2 (Chapter 5; Page 5-5) could be strengthened and clarified. As the County provided sufficient information about the alternative in accordance with State CEQA Guidelines Section 15126.6[d]), no further response is required. EIRs are not required to separately evaluate minor permutations of the alternatives.
The commenter provides general approval of the “New Economic Development Element Policy” under Alternative 2 (Chapter 5; Page 5-5) language in the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The commenter proposes an alternative that would combine “the best provisions of the Draft General Plan” and Alternative 2 with the additional measures proposed by another commenter (i.e., comments Watt 8 through 179, “Matrix of Recommended Mitigation Measures to Address Significant and Significant Unavoidable Impacts Associated with the Proposed Draft Amador County General Plan”). This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The commenter provides a proposal as to how Alternative 3 could meet the objective of focusing growth in existing towns and cities. The commenter further states that if Alternative 3 were combined with “the good policies” in Alternative 2, all plan objectives would be met while reducing significant unavoidable impacts. Exercising its discretion under CEQA, under the “rule of reason” (CEQA Guidelines Section 15126.6[f]), DEIR Section 5.7, “Comparison of Alternatives and Project Objectives,” and specifically Table 5-5 (Chapter 5 page 5-21) demonstrate how Alternative 3 would not meet the project objectives. EIRs are not required to consider multiple variations of the alternatives. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

The commenter contends that the alternative analysis does not provide a quantitative analysis, as required by law. CEQA Guidelines Section 15126.6(d) requires an EIR to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. The CEQA Guidelines authorize use of a matrix displaying each alternative’s significant environmental effects to summarize the comparison. The DEIR meets these requirements. For certain impacts such as traffic, impact conclusions are supported by quantitative estimates because it was feasible to provide such estimates based on modeling. For the remaining impacts, conclusions are supported using qualitative analysis. A qualitative analysis comparing the proposed project’s impacts to those of the alternatives is especially appropriate for a Program EIR on a General Plan. The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated. (CEQA Guidelines Section 15146.)

See response to comment Foothill2-1040 relating to the adherence of the DEIR alternatives analysis with the pertinent CEQA requirements. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures,” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

The commenter notes that development units and traffic impacts were quantitatively evaluated in the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

The commenter states that the alternatives analysis should employ quantitative models to analyze impacts. The alternatives analysis in the DEIR was conducted based on the requirements of the CEQA guidelines for preparing an adequate analysis of project alternatives. See responses to comments Foothill2-1040 and Foothill2-1065 showing how the DEIR alternatives analysis meets CEQA requirements. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures,” and Master Response 2,
“Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1070 through -1074 The commenter contends that the DEIR is difficult for a reviewer to determine how the conclusions regarding environmental impacts were reached. See Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.” See also response to comment Foothill2-1040. The comment regarding ability to make CEQA findings does not relate to EIR adequacy and is speculative.

Foothill2-1075 The commenter states opinion pertaining to the specificity and use of detail in EIRs. Because this is a general comment unrelated to specific DEIR environmental issues, no response is required.

Foothill2-1076 The commenter contends the FEIR should include quantitative analyses of the project alternatives. The alternatives analysis in the DEIR was conducted based on the requirements of the CEQA guidelines for preparing an adequate analysis of project- alternatives. See responses to comments Foothill2-1040 and -1065 showing how the DEIR alternatives analysis meets CEQA requirements. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures,” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1077 through -1080 These comments initially repeat the commenter’s scoping comments and interpretation of CEQA requirements, including cumulative impacts analysis. Because these are general comments unrelated to specific DEIR environmental issues, no response is required.

Foothill2-1081 through -1084 The commenter provides general CEQA comments about applying appropriate thresholds of significance in a cumulative effects analysis. These comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-1085 through -1090 The commenter states that the lead agency must justify its choice of geographic scope for each cumulative impact, such as traffic impacts that may be felt across county lines or cumulative impacts of migratory wildlife that may accrue throughout their migratory range. The cumulative effect analysis analytical boundaries for each issue area, and the rationales for selecting these boundaries, can be found in DEIR Table 6-2 “Geographic Scope of Cumulative Impacts” in Chapter 6, Section 6.1.3 “Geographic Scope.” The cumulative effects analyses have been conducted to create a broad context in which to assess the DEIR’s incremental contribution to significant cumulative impacts, viewed on a geographic scale beyond the planning area, and then to determine whether the DEIR’s incremental contribution to any significant cumulative impact is cumulatively considerable (i.e., significant) in accordance with State CEQA Guidelines Sections 15130[a]-[b], Section 15355[b], Section 15064[h], Section 15065[c]. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1091 The commenter cites case law on CEQA requirements, including that cumulative impact analyses are required to include quantitative data. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” Because these are general comments unrelated to specific DEIR environmental issues, no further response is required.
The commenter contends that the DEIR does not disclose the cumulative impacts from the development of both the Rancho Arroyo Seco general plan amendment and Draft General Plan. Cumulative effects analyses are included in Chapter 6, “Other CEQA Considerations” of the DEIR. The cumulative effects analyses were conducted consistent with State CEQA Guidelines Section 15130; which requires an EIR to analyze whether impacts resulting from a proposed project are cumulatively considerable. The cumulative effects analyses were also conducted consistent with State CEQA Guidelines Section 15355(b), which require an analysis of cumulative impacts that can result from individually minor but collectively significant projects taking place over a period of time.

The commenter also asserts that there is no real question about the foreseeability of the Rancho Arroyo Seco (RAS) development. On July 3, 2008, the developer made a property owner request for an SPA designation that would allow for "One or more Specific Plans" to guide development of the 16, 100 acre area. However, no such application to amend the General Plan land use designation for RAS was received by the County. The General Plan EIR Notice of Preparation (page 12) states that: “No proposed plan or land use proposal is anticipated within the Rancho Arroyo Seco RPA area.” Therefore, no specific development is foreseeable for purposes of the cumulative analysis. As stated in Chapter 6, Section 6.1.2 “Regional Growth Projections” “…development proposals that have yet to be entitle by the County as of the preparation of this EIR, and therefore not included in the Project Description, are also not included in this cumulative analysis, as such proposals are not reasonably foreseeable…Because no project proposal for the Rancho Arroyo Seco area has been received by the County, there is no reasonably foreseeable probable future project for consideration as part of this cumulative analysis”.

Further, there is no substantial evidence that a development proposal for Rancho Arroyo Seco is likely to be received in the future. Observations by staff about landowner desires or by individual elected officials about what might happen in the future are not substantial evidence that a probable future project is reasonably foreseeable. Because Rancho Arroyo Seco is not a reasonably foreseeable probable future project, it is irrelevant whether it would be “reasonable and practical” to evaluate the impacts of a hypothetical Rancho Arroyo Seco project.

See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

The comment contains case law interpretations of various CEQA requirements for cumulative effect analyses. Because this is a general comment unrelated to specific DEIR environmental issues, no response is required.

The commenter suggests that cumulative effect mitigation should apply to both small and large projects. Feasible mitigation measures to reduce the Draft General Plan’s incremental contributions to significant cumulative impacts are discussed in Chapter 4 “Environmental Impact Analysis.” These are the same mitigation measures that apply to the Draft General Plan’s direct significant impacts, and they typically apply to both small and large projects. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.”

See responses to comments Foothill2-1092 through -1096. Based on current information, development of Rancho Arroyo Seco is not a reasonably foreseeable probable future project; a prohibition of Rancho Arroyo Seco General Plan amendments through 2030 is therefore unwarranted and would likely encounter substantial
constitutional constraints. See also response to comments Foothill2-1092 through -1096 and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1112 The commenter contends that the DEIR cumulative analysis does not provide a quantitative analysis of the cumulative impacts. CEQA does not require uniform quantification of cumulative impacts, regardless of whether they are “capable of quantification.” Consistent with the CEQA Guidelines, the DEIR cumulative impact analysis reflects the severity of the impacts and their likelihood of occurrence, but not in as great detail as in the Draft General Plan direct impact analysis. The analysis was guided by the standards of “practicality and reasonableness.” See CEQA Guidelines Section 15130(b). See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1113 The commenter states that the cumulative impact of agricultural land conversion (DEIR page 6-4) should have reported the number of acres of farmland in Amador County converted to nonagricultural uses from 1984 to 2004. Information related to conversion of the various types of farmland is contained in DEIR Section 4.2, “Agricultural Resources” on pages 4.2-4 through 4.2-6, 4.2-15, and 4.2-16. The cumulative impact analysis for agricultural resources already concludes that the Draft General Plan’s impact from conversion of farmland to urban uses would be cumulatively considerable (i.e., cumulatively significant) and would remain cumulatively significant and unavoidable after implementation of all feasible mitigation measures (see DEIR page 6-4, Impact 6-2). Therefore, inclusion of the information suggested by the commenter regarding the acreage of farmland converted from 1984 to 2004 would not further inform the cumulative impact analysis and would have no effect on the existing cumulative impact conclusion. See also response to comment Foothill2-1112.

Foothill2-1114 The commenter states that the cumulative analysis of air quality impacts (pages 6-4 and 6-5) should contain an indication of the projections for concentrations of criteria pollutants in the ambient air quality of the region. The analysis suggested by the commenter is not contained in the DEIR because it would be speculative. As discussed on DEIR pages 6-4 and 6-5, as regional growth occurs, the increased population, VMT, and construction of new land uses throughout the basin would result in increased emissions of criteria air pollutants and precursors. Cumulative air quality impacts (both construction and operation impacts), exposure of sensitive receptors to TACs, and exposure of sensitive receptors to odor would be significant. However, construction-related air emissions from implementation of the Draft General Plan would be temporary, and given the projected low amount of growth in Amador County, the extent of simultaneous construction activities are not anticipated to result in a significant cumulative construction emissions impact. As further stated on DEIR page 6-5, the Draft General Plan would result in cumulatively considerable significant and unavoidable operational air quality impacts and TAC impacts. Therefore, even if the data requested by the commenter were available, it would not change the cumulative air quality impact conclusions stated on DEIR pages 6-4 and 6-5. Furthermore, the commenter has not suggested any disagreement with the existing cumulative impact conclusions. See also response to comment Foothill2-1112.

Foothill2-1115 The commenter suggests that the DEIR’s cumulative biological impact analysis should have provided a quantification of regional acres of habitat lost for threatened and endangered species. As stated on DEIR page 6-5 (Impact 6-4):
Regional growth would add to the Draft General Plan’s impacts to produce significant cumulative impacts on special status species, Ione chaparral, riparian habitat, oak woodlands, and wetlands, and the Draft General Plan’s contribution to these impacts would be cumulatively considerable. Mitigation measures that would be applied to the Draft General Plan (Mitigation Measures 4.4-1a, 4.4-1b, 4.4-2, 4.4-3, 4.4-4a, 4.4-4b, and 4.4-5) would reduce these impacts, but the Draft General Plan’s contribution would remain cumulatively considerable.

Because the cumulative biological resource impact conclusions are already identified as significant and unavoidable, inclusion of the information suggested by the commenter would have no effect on the impact conclusions. Furthermore, the commenter has not suggested any disagreement with the existing cumulative impact conclusions. See also response to comment Foothill2-1112.

Foothill2-1116

The commenter suggests that the DEIR’s cumulative analysis related to fire hazards should quantify the number of additional homes likely to be constructed in high fire hazard zones. As stated on DEIR page 6-7 (Impact 6-8):

Regional growth in Amador County would place an increasing number of residents and structures in wildfire hazard zones (Impact 4.8-7). This cumulative impact would be significant, and the Draft General Plan’s incremental contribution would be cumulatively considerable. Implementation of Mitigation Measures 4.8-7a and 4.8-7b would reduce the Draft General Plan’s contribution to this impact, but the incremental contribution would remain cumulatively considerable.

Because the cumulative wildfire impact conclusion is already identified as significant and unavoidable, inclusion of the information suggested by the commenter would have no effect on the impact conclusion. Furthermore, the commenter has not suggested any disagreement with the existing cumulative impact conclusion. See also response to comment Foothill2-1112.

Foothill2-1117

The commenter contends that the information requested in comments Foothill2-1113 through Foothill2-1116 should have been included in the DEIR’s cumulative impact analysis because earlier in the General Plan Update process, the County used “the U-Plan analysis” to generate maps and quantify these sorts of impacts. UPlan is a scenario planning exercise, and is not intended to be predictive of where development will actually occur, and therefore UPlan was not used in the cumulative impact analysis. See responses to comments Foothill2-1113 through -1116.

Foothill2-1118

The commenter suggests that the DEIR’s cumulative analysis regarding water supply and wastewater capacity should be quantified because AWA prepares reports with quantitative data. The information requested by the commenter is contained in DEIR Section 4.13, “Public Services and Utilities,” on pages 4.13-9 through 4.13-22. As stated on DEIR page 6-9 (Impact 6-13):

The Amador Water Agency (AWA) provides either raw or treated water to the County’s cities, and the Sutter Creek wastewater treatment facility serves both incorporated and unincorporated areas. Although some water providers (the Central Amador Water Project [CAWP] and the Jackson Valley Irrigation District [JVID]) and some wastewater systems (Pine Grove, Buckhorn, and several smaller systems) serve only the unincorporated area, cumulative impacts related to water supply, water conveyance, and wastewater service would be
similar to project specific impacts described in the analysis in Chapter 4.13, “Public Services and Utilities” (Impacts 4.13-1 through 4.13-3). These cumulative impacts would be significant, and the Draft General Plan’s contribution to these impacts would be cumulatively considerable. Mitigation Measures 4.13-1a, 4.13-1b, and 4.13-1c would reduce the Draft General Plan’s contribution to cumulative water and wastewater impacts, but the impacts would remain cumulatively considerable.

Because the cumulative water supply and wastewater impact conclusions are already identified as significant and unavoidable, a restatement of the information suggested by the commenter in the cumulative analysis (which is already contained in DEIR Section 4.13, “Public Services and Utilities”) would have no effect on the impact conclusions. Furthermore, the commenter has not suggested any disagreement with the existing cumulative impact conclusions. See also response to comment Foothill2-1112.

Foothill2-1119 through -1122 The commenter contends the cumulative impact analyses do not provide analytical support for impact determinations, do not provide thresholds of significance, and that because much of the General Plan has not been updated since 1974, a quantitative analysis of the cumulative impacts of new development should be prepared. The General Plan Housing Element was updated in 2010 and the Circulation Element was updated in 2006. As described in the introduction to the cumulative analysis on DEIR page 6-1:

This Chapter provides an analysis of cumulative impacts of the Draft General Plan taken together with other past, present, and probable future projects producing related impacts. The goal of the County’s analysis is twofold: first, to determine whether the impacts of all such projects would be cumulatively significant; and if so, to determine whether the implementation of the Draft General Plan itself would cause a “cumulatively considerable” (and thus significant) incremental contribution to any such cumulatively significant impacts. (See State CEQA Guidelines Sections 15130[a]-[b], Section 15355[b], Section 15064[h], Section 15065[c]; Communities for a Better Environment v. California Resources Agency [2002] 103 Cal.App.4th 98, 120.) In other words, the analysis intends to first create a broad context in which to assess the Draft General Plan’s incremental contribution to significant cumulative impacts, viewed on a geographic scale beyond the planning area, and then to determine whether the Draft General Plan’s incremental contribution to any significant cumulative impact is cumulatively considerable (i.e., significant). If they are, mitigation measures are then considered for their ability to make the Draft General Plan’s contribution less than cumulative considerable; information on the effectiveness of mitigation measures is presented in the Section 4 resource topic analyses.

For purposes of clarification, the following text has been added under the heading “Methods of Analysis” at the top of DEIR page 6-2:

The significance thresholds for cumulative impacts are the same as those utilized for the Draft General Plan’s direct impacts within each topic area, which are described in DEIR Sections 4.1–4.14 under the headings “Thresholds of Significance.”

The cumulative impact analyses in DEIR Chapter 6 contain the necessary specificity and detail, as well as reasoned analyses, in order to reach the appropriate cumulative impact
conclusions. CEQA does not require uniform quantification of cumulative impacts, regardless of whether they are “capable of quantification.” Consistent with the CEQA Guidelines, the DEIR’s cumulative impact analysis reflects the severity of the impacts and their likelihood of occurrence, but not in as great detail as in the Draft General Plan direct impact analysis. The analysis was guided by the standards of “practicality and reasonableness.” See CEQA Guidelines Section 15130(b). See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1123 through -1130 The comment repeats the commenter’s scoping comments and opinions on CEQA requirements related to growth-inducing effects analysis. Growth-inducing effects are discussed in Chapter 6, Section 6.2 “Growth-Inducing Effects” of the DEIR.

Foothill2-1131 through -1137 The commenter states that the growth inducing effects analysis provided in the DEIR is not supported by evidence. Per CEQA Guidelines Section 15384(a), a project is required to provide “substantial evidence” as defined as “…enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” Evidence supporting the growth-inducing impacts finding includes Department of Finance projections. As noted in Section 6.2 on page 6-10, “the Draft General Plan is premised on a certain amount of growth taking place, as forecast by the Department of Finance.” Department of Finance population forecasts are presented in DEIR Impact 4.12-2. The key point in the growth-inducing effects funding is that the Draft General Plan facilitates growth, not that the induced growth is orderly. Please see Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1138 through -1142 The commenter states that the growth-inducing effects analysis does not describe in enough detail the anticipated infrastructure requirements and the sources of funding for these requirements. The key cause of growth-inducing effects identified in the EIR is implementation of the proposed project, which is the Draft General Plan as a whole. Future infrastructure decisions in specific areas of the County may have additional or different growth-inducing effects in specific locations. See Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1143 The commenter suggests that the effects of growth inducement would be reduced if the Draft General Plan contained “clearer policies” regarding future infrastructure requirements and future funding. Infrastructure requirements and funding are organized in the Draft General Plan by topic area, as indicated in the Table of Contents (pages TOC-1 through TOC-7). For example, infrastructure and funding related to traffic are contained in the Circulation/Mobility Element of the Draft General Plan. Furthermore, the Draft General Plan contains an Implementation Plan with a summary of the programs that would be implemented related to funding, physical improvements, and capital projects (pages P-1 through P-38). The commenter does not specify how he believes the Draft General Plan policies should be clarified. Furthermore, this comment does not pertain to the analysis of growth-inducing effects contained in the DEIR.

Foothill2-1144 through -1150 The commenter contends that development projects must pay a "fair share" infrastructure costs, yet there is no matching share to provide the necessary infrastructure, and therefore levels of service decline. The Regional Transportation Plan is cited as an
example, although the commenter does specify what part(s) of this plan illustrate the problem described in its comments. The commenter also suggests that the DEIR could better connect the approval of new growth to actual availability to provide infrastructure and services. Please note that these comments are not directly related to the growth-inducing impacts of the Draft General Plan as described in DEIR Section 3.2. The General Plan Land Use Element and Implementation Plan commit the County to a number of actions to provide for adequate community facilities and services, both actions the County implement directly, and coordinating actions the County can take with other agencies that provide infrastructure (the County does not provide water and water infrastructure, for example). These policies and implementing actions are intended to “better connect” approval of new development with availability and adequacy of infrastructure, as requested by the commenter. Relevant policies from the Draft General Plan Update and implementation measures pertaining to these policies include but are not limited to:

**Goal CM-1: Maintain adequate regional and local transportation facilities.**

**Policy CM-1.1:** The County’s Level of Service (LOS) standard is LOS C for rural roadways, and LOS D for roadways in urban and developing areas. For Caltrans facilities, the LOS standard shall be that established by Caltrans.

**Policy CM-1.2:** Work with Caltrans and regional and local transportation agencies to address regional issues and opportunities related to growth, transportation financing and infrastructure, and other planning issues.

**Policy CM-1.3:** Plan for future maintenance and expansion of roadway, trail, and other circulation infrastructure on an annual basis, factoring for changes in funding and project priority or feasibility.

**Policy CM-1.4:** Encourage greater connectivity on local roads and improve the connections between unincorporated the County’s communities. Ensure multiple routes are available between communities wherever possible.

**Policy CM-1.5:** Regional traffic should be directed around the historic centers of established communities where feasible.

**Goal CM-2: Maintain a safe, efficient, and comprehensive traffic circulation system.**

**Policy CM-2.1:** Plan, build, and maintain a multi-modal and hierarchical transportation system.

**Policy CM-2.2:** Identify key roads and intersections with historical or projected traffic congestion and/or safety problems and apply creative management measures to improve circulation.

**Policy CM-2.3:** Work with Caltrans, Amador County Transportation Commission (ACTC), cities and surrounding jurisdictions to improve regional roadways.

**Policy CM-2.4:** Maintain a Traffic Impact Fee program to encourage that new transportation needs generated by new development are paid for by the development on a fair-share basis. Increased roadway capacity should be funded through developer fees to the extent legally possible.
Goal LU-4: Ensure adequate wastewater treatment, storage, and disposal capacity exists to serve the county’s current and future demand.

Policy LU-4.1: Work with the cities and water and wastewater providers to ensure that existing and potential locations for wastewater treatment are protected from nearby incompatible uses.

Policy LU-4.2: Consider infrastructure availability and expansion opportunities in the evaluation of individual projects.

Policy LU-4.3: Support efforts by water purveyors to educate the public on how to reduce water use, and utilize reclaimed water.

Policy LU-4.4: Encourage countywide regional coordination and organizational structures to fully implement maximum recycled water reuse opportunities throughout the county.

Policy LU-4.5: Encourage and promote water conservation and reuse to reduce new effluent disposal needs.

Goal LU-5: Maintain efficient solid waste service.

Policy LU-5.1: Increase public awareness of waste disposal options, recycling, composting, and other waste reduction options.

Policy LU-5.2: Ensure the continued availability of waste disposal sites for solid waste.

Policy LU-5.3: Continue to make solid waste transfer stations available and accessible.

Goal LU-6: Ensure that adequate water supply, wastewater disposal, and public services are available prior to development.

Policy LU-6.1: Ensure that new development is able to meet water supply, wastewater disposal, and public service standards.

The County has committed to specific implementation measures and actions, through the Implementation Plan, including but not limited to:

Program P-3, coordinate with water suppliers to adequately plan for future water supply.

Program P-5, develop a recommended a menu of best management practices (BMPs), such as reduced pavement cover, permeable pavement, drainage features that increase infiltration and groundwater recharge. The County will require some, or all, of these measures as permit conditions to reduce or avoid adverse erosion, water quality, and hydrology effects, including potential effects on the lifespan of existing water storage facilities.

Program P-6: Effective County Services, committing the County to develop, assess performance, and recommend actions to the Board of Supervisors related to service standards for library, public safety, fire response, emergency response, human, and social services.

Program D-1, review proposed projects for consistency with goals, policies, and implementation programs of the general plan and use the defined evaluation criteria for discretionary development proposals.

Foothill2-1151 through -1161 The comment repeats the commenter’s scoping comments and interpretation of CEQA requirements related to irreversible environmental changes and further contends that the analysis is inadequate because it is insufficiently detailed. DEIR Section 6.3
“Significant Irreversible Environmental Changes” (page 6-11) lists resources that would be irreversibly committed. Please note that these irreversible environmental changes are defined differently than the significant and unavoidable impacts identified in the DEIR.

The DEIR’s analysis of significant irreversible environmental changes is consistent with the requirements of the CEQA Guidelines 15126.2(c). Please see also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures,” and Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1162 through -1168 The comment repeats the commenter’s scoping comments and interpretation of CEQA requirements related to evaluating significant and unavoidable impacts and contends that the DEIR does not quantify/valuate the impact determinations in Chapter 6, Table 6-3 (pages 6-11 and 6-12). The purpose of Table 6-3 is to reiterate the impact analysis conclusions that are described in detail in DEIR Chapter 4, and cross-reference the numbered impacts where additional information can be found, consistent with CEQA Guideline Section 15126. For a detailed summary of each impact determination, see DEIR Sections 4.1 through 4.14.

Foothill2-1169 The commenter contends that it’s not clear how the County will make an informed finding of fact related to the benefits and impacts of the General Plan. Because this is general comment unrelated to specific DEIR environmental issues, no response is required.

Foothill2-1170 The commenter contends that the DEIR has too many significant and unavoidable impacts. It is true that the DEIR concludes there are a relatively large number of significant unavoidable impacts. This is attributable to the selection of conservative thresholds of significance, and to conservative judgments that some programmatic mitigation measures cannot be guaranteed to always mitigate significant impacts to less-than-significant levels for each project implemented in the future. Many of the DEIR’s mitigation measures do substantially reduce the Draft General Plan’s significant impacts, but not always to less-than-significant levels. Analyses documenting the effectiveness of mitigation measures in avoiding or substantially reducing the impacts can be found in the “Significance after Mitigation” sections for each resource topic in DEIR Chapter 4. See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”

Foothill2-1171 through -1172 The commenter contends that the DEIR needs to do a better job adopting real measures to mitigate significant and unavoidable impacts, and references Terrell Watt’s matrix of recommended mitigation measures. See responses to comments Foothill2-1170 and Watt-1 through Watt-178.

Foothill2-1173 through -1178 These comments provide opinions on EIR citation requirements, and state that that without proper citation it will be difficult for the lead agency to formulate findings of fact. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Foothill2-1179 through -1184 The comments note that Section 8, “References” does not provide page numbers of where the information can be found in the referenced documents. The comments request that the reference section include page numbers in the Final EIR. Providing page numbers for the references used in the preparation of the DEIR is not required by CEQA or standard practice, and this request would require tremendous time and expense on behalf of the lead agency. If the commenter has a question about a specific reference, or
is unable to find the information included in the DEIR, the County will assist the commenter in locating this information.