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economically viable implementation programs which will enable the residents of Placer County to preserve a sufficient quantity of these resources to maintain a high quality of life and an abundance of diverse natural habitats while supporting the economic viability of the County and enhancing property values. The [Placer Legacy Program] will further the various open space and natural resource goals of the Placer County General Plan and associated General Plans of the six cities in Placer County.

1.1.3.1 Specific objectives The specific objectives of the Placer Legacy Program are to:

- ❖ **Maintain** a viable agricultural segment of the economy;
- ❖ **Conserve** natural features necessary for access to a variety of outdoor recreation opportunities;
- ❖ **Retain** important scenic and historic areas;
- ❖ **Preserve** the diversity of plant and animal communities;
- ❖ **Protect** endangered and other special status plant and animal species;
- ❖ **Separate** urban areas into distinct communities; and
- ❖ **Ensure** public safety.

1.1.3.2 Guiding principles The County has adopted the following principles for implementation of the Placer Legacy Program:

1.1.3.2.1 Placer County General Plan Amendment of the County General Plan Land Use Diagram is not part of the Placer Legacy Program unless requested by a landowner and approved by the Board.

1.1.3.2.2 Zoning Amendment of the County Zoning Maps is not part of the Placer Legacy Program unless requested by a landowner and approved by the Board.

1.1.3.2.3 Existing land use regulations The Placer Legacy Program will be developed within the context of the existing local, State and Federal regulatory environment, relying upon existing statutes and County General Plan policies for implementation. Furthermore, the Program will remain consistent with applicable local, State and Federal regulations as they are amended over time or as new regulations are adopted, independent of the Placer Legacy Program.

1.1.3.2.4 Willing sellers and willing buyers The Placer Legacy Program will identify and work with willing sellers and willing buyers. A core interest of the program is to enable the County to make itself a willing buyer to persons wishing to sell interests in lands having value for conservation purposes. No property owner will be coerced or forced to sell any rights to their property.

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nor will condemnation proceedings be used to implement the program, unless requested by the landowner.

1.1.3.2.5 Land use compatibility For all acquisitions associated with the Placer Legacy Program, any subsequent changes in land use resulting from the acquisition activity will be compatible with adjoining land uses, as determined by the decision-making body.

1.1.3.2.6 Scope of governmental interest In its implementation of the program objectives, the Placer Legacy Program will strive to minimize the level of governmental intervention in private land management decisions.

1.2 Placer Legacy Program development The process used to develop the Placer Legacy Program has incorporated independent scientific input and analysis and included extensive public participation, with many opportunities for comment from the general public, as well as solicited advice from key groups of stakeholders. To assist in the development of the Placer Legacy Program, the County formed three working groups: 1) a Citizens Advisory Committee; 2) an Interagency Working Group; and 3) a Scientific Working Group. The County also collaborated with a non-profit business association, the Sierra Business Council.

1.2.1 Citizens Advisory Committee The Citizens Advisory Committee was composed of stakeholders from environmental, building, business, ranching and farming interests, as well as a number of unaffiliated concerned citizens. The Citizens Advisory Committee served several purposes. It provided a public forum for discussion of the Placer Legacy Program and public outreach through members' contacts with key constituencies, and it advised the Board regarding Placer Legacy Program matters. The full Citizens Advisory Committee met monthly for approximately eighteen months. It also convened various subcommittees to address specific issues that arose during the development of the program.

1.2.2 Interagency Working Group The Interagency Working Group included, among other public agencies, the County, DFC, USFWS, NMFS, the United States Forest Service, the Bureau of Land Management, the Placer County Water Agency, and the incorporated cities in Placer County. The Interagency Working Group met approximately every three to four months during the development of the Placer Legacy Program. The Interagency Working Group's primary role was to advise the County regarding the requirements of State and Federal laws so the County could take those requirements into account in development of the Placer Legacy Program. Agency staff also participated in subcommittee meetings of the Citizens Advisory Committee, helping to explain State and Federal law and to assist in establishing objectives for protecting natural communities in Placer County.

1.2.3 Scientific Working Group The Scientific Working Group was composed of independent scientists representing a range of disciplines, including geography, conservation biology, aquatic resources and terrestrial ecology. Its role was to

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guide the collection and analysis of biological and other data, and to ensure that the Placer Legacy Program is founded on sound conservation biology principles. The Scientific Working Group met five times and consulted informally with the County throughout the development of the program.

1.2.4 Sierra Business Council The Sierra Business Council is a non-profit business association based in Truckee, California, whose goal is to secure the long term economic and environmental health of the twelve-county Sierra Nevada region. It provided, and continues to provide, assistance in Placer Legacy Program development, coordination, fundraising and public participation. During development of the program, the Sierra Business Council arranged public workshops with the Board and the Citizens Advisory Committee, prepared and distributed a Placer Legacy newsletter and, with the County, compiled a distribution list of 8,000 interested Placer County residents for documents pertaining to the Placer Legacy Program. The County and the Sierra Business Council also sponsored public forums to discuss open space protection and land use issues.

1.2.5 Placer Legacy Program natural community conservation plan/habitat conservation plan Guidelines Based on input and analysis from the Scientific Working Group the Citizens Advisory Committee and the public, the County identified the following guidelines for preparation of joint natural community conservation plans/habitat conservation plans. These guidelines have been incorporated into the Placer Legacy Program's implementation documents, the Placer Legacy Program Summary Report, dated June 2000, and the Placer Legacy Program Implementation Report, dated June 2000. And the County has used these documents and the guidelines therein to guide its implementation of the Placer Legacy Program. The Parties recognize that the Guidelines may be modified during the development of the NCCP/HCPs to fulfill the requirements of State and Federal law.

1.2.5.J Best available scientific information The NCCP/HCPs will be based on the best available scientific information. The NCCP/HCPs will:

- ❖ be based on principles of conservation biology, community ecology, landscape ecology, individual species' ecology, and other scientific knowledge and thought;
- ❖ be based on thorough surveys of all species of Federal, State and local concern on lands dedicated to conservation or mitigation and other lands where covered activities will occur;
- ❖ be reviewed by well-qualified, independent scientists;
- ❖ identify and designate biologically sensitive habitat areas for preservation;
- ❖ determine the extent of impacts to species from incidental take caused by development and other covered activities;

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- ❖ require monitoring of target species on developed, mitigation and other preserved lands for the duration of each NCCP/HCP; and
- ❖ seek to contribute to the recovery, not just the maintenance, of Covered Species.

1.2.5.2 Open and transparent process The NCCP/HCPs will be prepared in an open and transparent process, with input from all concerned citizens. The process used to prepare the NCCP/HCPs will:

- ❖ provide for thorough public review and comment;
- ❖ include a citizen working group that will review the plan at every stage of development; and
- ❖ require that negotiations with applicable agencies be conducted in an open manner.

1.2.5.3 Essential elements The NCCP/HCPs will include the following elements:

- ❖ monitoring and review of plan objectives and milestones at defined intervals to assure that they are being met, including the identification of a process to suspend, modify, or revoke permits if there is not sufficient compliance with the agreed upon objectives;
- ❖ adequate funding sources identified up front for habitat preservation and species recovery goals, based on realistic estimates of future land value for the life of the permits;
- ❖ adequate funding for monitoring to determine that plan goals are actually being met;
- ❖ adaptive management and periodic review, with sufficient funding to support changes in take activity and mitigation required to meet the plan's goals;
- ❖ acquisition of required mitigation lands before development proceeds; and
- ❖ performance standards for contributing to species recovery.

1.3 Compliance with the California Endangered Species Act and the Federal Endangered Species Act Placer County contains valuable biological resources, including native species of wildlife and their habitat. Among the species in the County are certain species that are protected, or may be protected in the future, under the California Endangered Species Act ("CESA"), FESA, the California Native Plant Protection Act ("NPPA"), or other State or Federal laws protecting wildlife, such as Fish and Game Code sections 3511, 4700, 5050 and 5515. Future

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development and other activities within Placer County will likely require compliance with one or more of these laws.

1.4 The Framework Agreement The Parties and other public agencies have entered into the "Framework Agreement regarding the Planning, Development and Implementation of the Placer Legacy Program" ("**Framework Agreement**"), which established a framework for cooperation and collaboration among Federal and State agencies and local governments in the development and implementation of the Placer Legacy Program relevant to their respective regulatory authorities and responsibilities. The Framework Agreement did not establish a new process for the Placer Legacy Program. Rather, it describes opportunities for partnership and collaboration among the County, cities in Placer County, the Placer County Water Agency and State and Federal regulatory and land management agencies in the development of the Placer Legacy Program as it relates to each agency's own mandate.

1.5 Conservation planning process and compliance with the Natural Community Conservation Planning Act The Parties now wish to memorialize their commitment to prepare, or assist in the preparation of, one or more conservation plans for Placer County that fulfill the requirements of FESA, CESA, the NPPA, and the NCCPA, and to initiate a process for that purpose. The County intends that the conservation plans and the process used to prepare them will be consistent with the County's 1994 General Plan and the goals, objectives and principles of the Placer Legacy Program, as described above, to the greatest extent consistent with these State and Federal laws.

2 PURPOSE

The purpose of this Agreement, consistent with Section 2810 of the Fish and Game Code, is to define the Parties' goals and obligations with regard to the development of one or more conservation plans for Placer County. The Parties intend that each conservation plan will fulfill jointly the requirements for a natural community conservation plan under the NCCPA and a habitat conservation plan under FESA. The Parties further intend that the joint natural community conservation plans/habitat conservation plans ("**NCCP/HCPs**") will be developed sequentially, in three phases, beginning with the western portion of Placer County. And the Parties intend that each NCCP/HCP:

- ❖ will be independently viable and will not depend on the development or implementation of any other NCCP/HCP;
- ❖ will be developed in a manner that assures scientific integrity with the other NCCP/HCPs;
- ❖ will be developed with full consideration of individual species needs that may extend beyond the NCCP/HCP's geographic scope; and

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- ❖ will be developed to complement the Placer Legacy Program to the greatest extent consistent with FESA, CESA, the NPPA and the NCCPA.

3 DEFINITIONS

The following terms as used in this Agreement will have the meanings set forth below:

- 3.1 **The Board** means the Placer County Board of Supervisors.
- 3.2 **CEQA** means the California Environmental Quality Act, Public Resources Code section 21000, et seq.
- 3.3 **CESA** means the California Endangered Species Act, Fish and Game Code section 2050, et seq.
- 3.4 **The County** means the government of the County of Placer.
- 3.5 **Covered Activities** means the activities that will be identified and addressed in one or more NCCP/HCPs and for which the County or a Participating Agency will seek an NCCPA authorization as contemplated in Fish and Game Code section 2835 and an incidental take permit pursuant to Section 10 of FESA. Covered Activities may include Development Activities, farming, ranching or other agricultural activities, actions undertaken to restore or enhance wildlife habitat, and fire prevention activities.
- 3.6 **Covered Lands** means the lands within each Planning Subarea upon which the FESA incidental take permit or NCCPA take authorization authorizes the incidental take of the Covered Species and the lands to which the NCCP/HCP's conservation and mitigation measures apply.
- 3.7 **Covered Species** means the species that will be addressed in one or more NCCP/HCPs in a manner sufficient to meet all the criteria for issuing an incidental take permit under Section 10 of FESA and an NCCPA take authorization under Fish and Game Code section 2835.
- 3.8 **Critical Habitat** means those areas that USFWS or NMFS designated or will designate as critical habitat for a threatened or endangered species in a final rule adopted pursuant to Section 4 of FESA.
- 3.9 **The DFG** means the California Department of Fish and Game.
- 3.10 **Development Activities** means ground-disturbing activities authorized or carried out by the County or Participating Agencies. Development Activities include all activities associated with the development or improvement of land, but do not include farming, ranching or other agricultural activities, or actions undertaken to restore or enhance wildlife habitat. Development Activities constitute the largest class of activities included within the Covered Activities. The scope and range of Development Activities included within the Covered Activities will be specified in the NCCP/HCPs.

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- 3.11 **FESA** means the Federal Endangered Species Act, title 16, U.S.C.A. section 1530, et seq.
- 3.12 **Habitat Conservation Plan** means a plan prepared pursuant to Section 10 of FESA.
- 3.13 **Interim Projects** means projects, actions, and activities proposed or implemented within a Planning Area during preparation of the corresponding NCCP/HCP.
- 3.14 **NEPA** means the National Environmental Policy Act, title 42 U.S.C.A., section 4321, et seq.
- 3.15 **NMFS** means the National Marine Fisheries Service.
- 3.16 **NCCP/HCP** means a joint natural community conservation plan and habitat conservation plan prepared under this Agreement.
- 3.17 **Natural community conservation plan** means a plan prepared pursuant to the Natural Community Conservation Planning Act.
- 3.18 **Natural Community Conservation Planning Act or NCCPA** means California Fish and Game Code section 2805, et seq.
- 3.19 **Participating Agencies** means the cities, State agencies, and other public agencies, other than the County, that agree to participate in the development and implementation of one or more NCCP/HCPs, as provided in Section 4.2.
- 3.20 **Placer County** means the area within the geographic boundaries of the County of Placer.
- 3.21 **Planning Region** means the area comprised collectively by the three phased NCCP/HCPs.
- 3.22 **Planning Area** means an area comprised by one of the phased NCCP/HCPs.
- 3.23 **Target Species** means species that collectively will serve as indicators of the health of the natural communities that are the focus of each NCCP/HCP. Target Species may include species listed under CESA or FESA.
- 3.24 **The USFWS** means the United States Fish and Wildlife Service.
- 3.25 **Wildlife** means wild animals and plants.
- 3.26 **Wildlife Agencies** means, collectively, the DFG, USFWS and NMFS.

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4 PLANNING REGION, PLANNING AREAS, COVERED LANDS, AND PARTICIPATING AGENCIES

The region to be comprised by the NCCP/HCPs ("Planning Region") is Placer County. Within the Planning Region, the Parties anticipate that three independently viable and ecologically linked NCCP/HCPs will be completed in three phases. The areas comprised by each of the three phased NCCP/HCPs are referred to herein as "Planning Areas." The Planning Areas are depicted in Exhibit 1. Each NCCP/HCP will delineate the lands within its Planning Area that will be covered by the NCCP/HCP ("Covered Lands"). The County may extend the Covered Lands within one or more Planning Areas to include specific incorporated portions of Placer County or lands owned by public agencies, as provided in Section 4.2.

- 4.1 Planning Areas** The Planning Areas are derived from the Placer Legacy Program development process and reflect administrative boundaries, as well as ecological considerations.
- 4.1.1 Western Placer County-Phase 1** An NCCP/HCP for the western Placer County Planning Area, as depicted in Exhibit 1, will be prepared in Phase 1. This NCCP/HCP will focus primarily on vernal pools, grasslands, valley foothill riparian habitat, oak woodland, salmonid habitat in the streams and in the Bear River, and species associated with these habitat types.
- 4.1.2 Sierra Nevada Foothills-East Side Sierra Nevada-Phase 2** An NCCP/HCP for the Sierra Nevada Foothills-East Side Sierra Nevada Planning Area, as depicted in Exhibit 1, will be prepared in Phase 2. This NCCP/HCP will focus primarily on foothill oak woodlands, foothill riparian habitat, montane meadows, coniferous forests, stream habitat, hardwood habitat, and species associated with these habitat types.
- 4.1.3 Sierra Nevada-Phase 3** An NCCP/HCP for the Sierra Nevada Planning Area, as depicted in Exhibit 1, will be prepared in Phase 3. This NCCP/HCP will focus primarily on rivers, wet meadows, montane riparian habitat, coniferous forests, hardwood habitat, and species associated with these habitat types.
- 4.2 Participating Agencies** Some or all of the cities in Placer County, and certain State and local agencies with land in Placer County, may wish to be included in one or more NCCP/HCPs. The Parties agree that the inclusion of cities and other public agencies is desirable and will result in better, more comprehensive NCCP/HCPs. Each Participating Agency may submit its own applications for FESA incidental take permits and an NCCPA take authorization based on the NCCP/HCP, once it is approved.
- 4.2.1 Addition of Participating Agencies** Any incorporated city within Placer County may include some or all of the land within its jurisdiction in an NCCP/HCP by submitting a written request to the County and committing to participate in the interim project review process described in Section 7. Upon reaching agreement

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with the County regarding terms and details of participation (e.g., cost-sharing, data-sharing, coordination with existing planning efforts, staff participation), consistent with this Agreement, the County will include the city within the NCCP/HCP's proposed Covered Lands and the city will thereby become a Participating Agency. Any State or local agency within Placer County may become a Participating Agency in the same manner.

- 4.3 **Subarea Plans** The County, or one or more Participating Agencies in collaboration with the County, may elect to develop discrete NCCP/HCP components for discrete areas within a Planning Area ("Planning Subareas"). A Planning Subarea may be defined by administrative boundaries, such as the incorporated area within a city, or by ownership, such as the land owned by a local agency. A discrete NCCP/HCP component that addresses a Planning Subarea ("Subarea Plan") may contain conservation measures tailored to the individual characteristics of the Planning Subarea and the Covered Activities that may occur there. However, all Subarea Plans must be prepared in accordance with this Agreement and must conform with and complement the NCCP/HCP of which they are a component to be regarded as part of the NCCP/HCP for purposes of meeting applicable State and Federal legal requirements.

5 REGULATORY GOALS

The County intends that the NCCP/HCPs will allow for development and growth compatible with the Placer Legacy Program's fundamental goals and consistent with State and Federal regulatory requirements. By agreeing to assume responsibility for development of the NCCP/HCPs, and committing staff and financial resources for that purpose, the County intends for the NCCP/HCPs to yield numerous benefits in addition to natural resource conservation, including greater regulatory efficiency, streamlining and certainty.

- 5.1 **Consistency with the Placer Legacy Program** The Parties recognize that the County intends the Placer Legacy Program to provide the framework for compliance with FESA, CESA and the NCCPA and agree that the NCCP/HCPs will, as much as possible, be based on the program, consistent with applicable State and Federal laws and regulations. The Parties recognize also that the Placer Legacy Program as developed so far is not itself sufficient to fulfill all State and Federal regulatory requirements that may apply to Covered Activities. The Parties therefore expect the NCCP/HCPs to contain additional measures, standards or requirements that complement and in some cases may vary from existing Placer Legacy Program documents. Specifically, this Agreement does not reflect a determination by the Wildlife Agencies that the Placer Legacy Program goals, principles and objectives described in Section 1 fully define or fulfill State and Federal legal requirements that may apply to Covered Activities.
- 5.2 **Covered activities** The Parties intend that the NCCP/HCPs will meet the requirements of Section 10 of the FESA and Section 2835 of the NCCPA and will result in the USFWS', NMFS' issuance of incidental take permits and DFG's issuance of a take authorization to the County and Participating Agencies, which

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together will allow Covered Activities, including Development Activities, in Placer County to be carried out in compliance with CESA, the NCCPA and FESA.

- 5.3 Covered species** The NCCP/HCPs, at a minimum, will address the impacts of taking endangered species, threatened species and candidate species under FESA or CESA likely to result from Covered Activities in Placer County. All currently listed species that occur in Placer County are intended to be species covered by the NCCP/HCPs, or "Covered Species." The County may also elect to address additional species in the NCCP/HCP and to seek their inclusion as Covered Species. The purpose of addressing any additional species will be to help ensure that such species do not become listed as threatened or endangered species under FESA or CESA and, if listed, to avoid the need to develop new and different measures or restrictions to fulfill the requirements of FESA, CESA and the NCCPA. The Parties agree that the goal of addressing any additional species in the NCCP/HCPs will be to include, at a minimum, conservation measures sufficient, in the event the species is listed, to enable the USFWS and the NMFS to issue incidental take permits, and the DFG to permit the take of the species, as contemplated by the NCCPA, for Covered Activities that are likely to take the species.
- 5.4 Programmatic Streambed Alteration Agreement** The County and the DFG intend that each NCCP/HCP will provide the basis for comprehensive compliance with Sections 1601 and 1603 of the Fish and Game Code. Specifically, each NCCP/HCP will serve as a programmatic streambed alteration agreement for Covered Activities.
- 5.5 Section 7 of FESA** To the extent appropriate and allowed under law, the Parties intend that the mitigation and minimization measures included in the NCCP/HCPs, once approved by the USFWS or NMFS and included as a condition of incidental take permits to the County and Participating Agencies, will be incorporated into future Section 7 consultations between the USFWS or NMFS and the United States Army Corps of Engineers, the United States Bureau of Reclamation, or other applicable Federal agencies regarding Covered Activities that may adversely affect species or habitat covered by the NCCP/HCPs.
- 5.6 Assurances** The Parties intend that the USFWS and NMFS will provide regulatory assurances pursuant to each agency's statutory authority upon issuance of incidental take permits to the County and Participating Agencies. Specifically, the Parties intend that if the NCCP/HCPs meet the criteria for issuance of an incidental take permit under Section 10 of FESA, the County and Participating Agencies will receive the assurances under the "no surprises" regulations of the United States Department of the Interior at 50 C.F.R. 17.22(b)(5) and 17.32(b)(5) and the United States Department of Commerce at 50 C.F.R. 222.102 and 222.307 for all species adequately covered under the NCCP/HCPs, upon approval of each NCCP/HCP and issuance of incidental take permits to the County and Participating Agencies, and for so long as the NCCP/HCP is being properly implemented. Pursuant to such regulation, the USFWS and NMFS will not require the commitment of additional

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land, water or other natural resources beyond the level agreed to in an approved NCCP/HCP and incidental take permit, with respect to Covered Activities under the NCCP/HCP, without the consent of the permittee. In addition, the Parties intend that if the NCCP/HCPs meet criteria sufficient for the DFG to authorize incidental take by the County and Participating Agencies as contemplated by the NCCPA, the DFG will provide regulatory assurances consistent with its statutory authority upon approval of the NCCP/HCPs and authorization of incidental take consistent with the NCCP/HCPs.

- 5.7 **Critical habitat** The Parties intend that each NCCP/HCP will provide adequately for the management and protection of the habitat of the Covered Species. Specifically, the Parties intend that each NCCP/HCP will provide for the "special management considerations or protection," within the meaning of Section 3(5)(A) of FESA, for the essential habitat of the Covered Species within each Planning Subarea.

6 CONSERVATION PLANNING PROCESS AND GUIDELINES

The Parties intend that this Agreement will fulfill NCCPA requirements pertaining to planning agreements and will establish a mutually agreeable process for the County's preparation of the NCCP/HCPs that fulfills the requirements of the NCCPA and FESA. The Parties recognize, however, that the County intends the NCCP/HCPs to be a part of the Placer Legacy Program and that the process to prepare the NCCP/HCPs will be an extension of the process used to develop the program.

- 6.1 **NCCPA planning requirements** The NCCPA includes requirements and recommendations pertaining specifically to planning agreements and the process used to develop natural community conservation plans.

- 6.1.1 **Planning agreements** The NCCPA generally requires that planning agreements for natural community conservation plans establish a process for the collection of data, information and independent scientific input, independent scientific analysis, and the designation of independent scientists to propose conservation criteria or guidelines. (Fish & G. Code, §2811(a).) In addition, the DFG's 1998 *Natural Community Conservation Planning General Process Guidelines* ("NCCP Guidelines") identify certain specific requirements. The NCCP Guidelines state that planning agreements for natural community conservation plans:

- ❖ must identify those natural communities, and the endangered, threatened, proposed, candidate, or other species known, or reasonably expected to be found in those communities, which will be the focus of the plan;
- ❖ should establish a process for the identification of target species, which may include listed species, and which will collectively serve as indicators of the natural communities which are the focus of the plan;

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- ❖ must establish a process for the collection of data, information, and independent input necessary to meet scientifically sound principles for the conservation of species covered in the plan;
- ❖ must establish a process for public participation throughout plan development and review;
- ❖ must establish an interim process (during plan development) for project review, wherein projects which potentially conflict with goals of the plan are discussed with the DFG prior to formal processing by the jurisdiction; and
- ❖ must provide that draft documents associated with a natural community conservation plan will be available for public review and comment for at least 45 days prior to adoption. This review period may run concurrent with the review period provided for the [California Environmental Quality Act] document associated with the natural community conservation plan. This requirement is not intended to limit the discretion of a city or county to revise any draft documents at a public hearing.

6.1.2 Planning process The NCCPA requires the DFG to establish a process for public participation throughout plan development and review to ensure that interested persons have an adequate opportunity to provide input regarding the preparation of natural community conservation plans. The NCCPA's specific requirements regarding the public participation process are described below. The NCCPA public participation objectives may be achieved through public working groups, advisory committees or public workshops. (Fish & G. Code, §2815(a).)

6.1.2.1 Public review prior to adoption Draft natural community conservation planning documents proposed for adoption must be made available for public review and comment for a minimum of 45 days, and must be made available at least ten working days before any public hearing regarding the documents. (Fish & G. Code, §2815(a)(1).)

6.1.2.2 Availability of public review drafts Public review draft plans, memoranda of understanding, maps, conservation guidelines, species coverage lists and other planning documents must be made available for public review in a reasonable and timely manner. (Fish & G. Code, §2815(a)(2).)

6.1.2.3 Public hearings Public hearings regarding natural community conservation plan development must complement or be integrated with other public hearings required by law. (Fish & G. Code, §2815(a)(3).)

6.1.2.4 Outreach The public participation process must include an outreach program to provide access to information for persons interested in the plan, with an emphasis on obtaining input from a balanced variety of public and private interests including State and local governments, landowners, conservation organizations and the general public. (Fish & G. Code, §2815(a)(4).)

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- 6.2 FESA planning requirements** FESA requires a minimum 30-day public comment period for all draft habitat conservation plans. (16 U.S.C.A., §1539(c); 50 C.F.R. Part 17 and Part 222.) However, the USFWS and the NMFS customarily allow for public comment periods of 60 days, 90 days, or even longer, depending on the scale and complexity of individual habitat conservation plans. Further, the issuance of incidental take permits by the USFWS and NMFS are Federal actions subject to the requirements of NEPA, which similarly requires a minimum 45 to 60 day public review period for all major Federal actions significantly affecting the quality of the human environment. For large-scale, regional, or exceptionally complex habitat conservation plans, the USFWS and the NMFS encourage plan preparers to use informational meetings and external review teams. And it is the policy of the USFWS and NMFS to allow a minimum 90-day public comment period for such habitat conservation plans, unless there is significant public participation during their development.
- 6.3 NCCP/HCP preparation** The Parties agree that the process used to develop the Placer Legacy Program has included significant public participation and independent scientific input and analysis, and that the Placer Legacy Program NCCP/HCP Guidelines, as described in Section 1.2.5 provide a strong basis to develop the NCCP/HCPs. To provide further opportunities consistent with the requirements of the NCCPA for public participation and independent scientific input and analysis, to assist in implementing the Placer Legacy Program NCCP/HCP Guidelines, and to fulfill the requirements of the NCCPA and FESA, the Parties agree that the following principles will govern preparation of the NCCP/HCPs.
- 6.3.1 County responsibility** The County will have primary responsibility for preparing the NCCP/HCPs as the plan lead agency and will coordinate participation from each Party. The Parties will confer and collaborate with the County to ensure that the NCCP/HCPs are biologically sound and in compliance with state and Federal law. The Parties agree to an ongoing exchange of information and expertise as necessary to achieve the goals of the NCCP/HCPs and to comply with State and Federal laws and regulations.
- 6.3.2 Public participation** The Parties intend that the final NCCP/HCPs will be informed and shaped by public input, specifically including input from residents and landowners in Placer County. The County agrees to provide for public participation in the process of preparing the NCCP/HCPs in the following ways.
- 6.3.2.1 Stakeholder Working Group** The County will convene a Stakeholder Working Group to represent a broad range of stakeholder interests during the preparation of the NCCP/HCPs. The County, in consultation with the other Parties, will appoint the group, which will include representation from appropriate stakeholder interests, such as environmental organizations, developers, landowners, agriculturalists, timber interests, educators, and representatives from the Scientific Advisory Team, as described below in Section 6.3.3. Members of the Stakeholder Working Group need not be trained

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biologists or experts in conservation planning. The group will serve as a sounding board for the County, providing public outreach through members' contacts with key constituencies, and will provide input to the County regarding preparation of the NCCP/HCPs. The Wildlife Agencies agree, subject to funding and staffing constraints, to provide technical assistance on an on-going basis to the Stakeholder Working Group.

- 6.3.2.1.1 Organization and structure** The Stakeholder Working Group will have a Chair and a Vice Chair, appointed by the County's planning director. The Chair will preside. Upon request from the Chair, such as during the Chair's absence, the Vice Chair may temporarily perform the Chair's duties. County staff, or a designee of the County's staff, will serve as Secretary. As appropriate, the Stakeholder Working Group will convey its thoughts to the County staff, Wildlife Agencies, or the Board on specific aspects of the NCCP/HCPs, as well as on the NCCP/HCPs as a whole.
- 6.3.2.1.2 Subsequent phases** The County may change the composition of the Stakeholder Working Group or convene a separate Stakeholder Working Group for each NCCP/HCP. The County will attempt to ensure the Stakeholder Working Group accurately reflects the range of stakeholders affected by each NCCP/HCP.
- 6.3.2.2 Sierra Business Council** The County will continue to collaborate with the Sierra Business Council regarding preparation of the NCCP/HCPs, coordination of stakeholder involvement, fundraising and general public participation.
- 6.3.2.3 Availability of public review drafts** The County will make draft plans, memoranda of understanding, maps, conservation guidelines, species coverage lists and other planning documents and supporting material available for public review in a reasonable and timely manner. This obligation will not apply to all documents drafted during preparation of the NCCP/HCPs. However, the County will from time to time designate as "public review drafts" various pertinent documents drafted during preparation of the NCCP/HCPs and will make these documents available to the public. In addition, all reports and formal memoranda prepared by the Stakeholder Working Group and the Scientific Advisory Team will be regarded as "public review drafts" for purposes of this section. The Parties agree that the County may use the Placer Legacy Program internet website as one of the principal means of making documents pertaining to the Placer Legacy Program available for public review, as well as more traditional means such as distribution and display of hard copies of such documents.
- 6.3.2.4 Public review prior to adoption** All draft NCCP/HCPs and implementing agreements proposed for adoption will be made available for public review and comment for a minimum of 60 days, and will be made available by the County at least ten working days before any public hearing regarding the documents. The Parties expect to fulfill this obligation by distributing for public review the

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draft NCCP/HCPs and implementing agreements with the draft environmental impact reports prepared for the NCCP/HCPs pursuant to the California Environmental Quality Act ("CEQA") and/or the draft environmental impact statements prepared for the NCCP/HCPs pursuant to the National Environmental Policy Act ("NEPA").

6.3.2.5 Public hearings Public hearings regarding NCCP/HCP development will be planned and conducted to complement or integrate the requirements of CEQA, NEPA, and any other applicable State or Federal laws.

6.3.2.6 Public outreach program The County, in concert with the Stakeholder Working Group and the Sierra Business Council, will provide access to information for persons interested in the plan, with an emphasis on obtaining input from a balanced variety of public and private interests including State and local governments, landowners, conservation organizations and the general public. This public outreach program regarding preparation of the NCCP/HCPs will be conducted largely by and through the Stakeholder Working Group and the Sierra Business Council. In addition, the County will continue to hold public meetings before the Board to present key decisions regarding the preparation of the NCCP/HCPs in order to afford the public the opportunity to comment on and inquire about the decisions.

6.3.3 Independent scientific review The Placer Legacy Program was developed with substantial independent scientific input and analysis. Based on the recommendations of the independent Scientific Working Group, the County approved the Placer Legacy Program NCCP/HCP Guidelines. The Scientific Working Group also provided other input and advice during the preparation of the Placer Legacy Program, helping to define the program's general biological context and the scientific premises for preparation of the NCCP/HCPs. The input and analysis of the Scientific Working Group was based in part upon review and consideration of extensive resource data compiled and presented by the County in a geographic information system format. Preparation of the NCCP/HCPs will continue to be guided by independent scientific input and analysis. For that purpose, the County will convene a Placer Legacy Scientific Advisory Team composed of independent scientists representing a range of disciplines, including geography, conservation biology, aquatic resources and terrestrial ecology, and chaired by a noted conservation biologist. The Scientific Advisory Team will help inform and guide habitat preserve design, species conservation, monitoring and adaptive management provisions of the NCCP/HCPs. The Scientific Advisory Team may review and provide written comments on key draft documents during preparation of the NCCP/HCPs and may also prepare reports regarding specific scientific issues, as deemed necessary by the County, in consultation with the Wildlife Agencies.

6.3.4 Natural communities The dominant vegetation communities in Placer County's three major ecoregions are annual grassland in the Great Valley, oak woodland in the Sierra Nevada Foothills, and conifer forest in the Sierra Nevada proper.

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Within these major vegetation types is a diversity of small-patch ecosystems and hydrologically-connected aquatic communities, including riparian woodlands, vernal pools, freshwater emergent wetlands, freshwater creeks and montane wet meadows. Aquatic communities, which provide habitat for a large number of species (including many with special protection status), have been greatly reduced and degraded, particularly in the valley and foothill portions of Placer County. Other natural communities that are relatively rare in Placer County, though widespread elsewhere, include chamise chaparral, primarily in the American River Canyon, and sagebrush, on the east slope of the Sierra Nevada. Placer County also contains a small amount of alpine shrub and subalpine conifers in its high elevation zones. The Parties intend that the NCCP/HCPs will address natural communities in Placer County, focusing more intently on those that are most degraded or threatened.

- 6.3.5 Species List** The Parties intend to address the species listed in **Exhibit 2** in the NCCP/HCP prepared in Phase 1. The Parties do not intend this list of species to be exclusive or inclusive. The County may include or exclude certain species to reflect new information and analyses. However, **Exhibit 2** reflects the likely list of species that will be addressed in Phase 1 NCCP/HCPs, based on the best information currently available. The Parties acknowledge that inclusion of a particular species as a Covered Species in an NCCP/HCP will require a determination by the Wildlife Agencies that the NCCP/HCP adequately covers the species in accordance with State and Federal permit issuance requirements.
- 6.3.5.1 Target Species** In consultation with the Scientific Advisory Team and the Wildlife Agencies, the County will identify certain "Target Species" from the species in **Exhibit 2** that collectively will serve as indicators of the health of the natural communities that are the focus of the Phase 1 NCCP/HCP.
- 6.3.5.2 Subsequent phases** The County will revise the species list in **Exhibit 2** to identify the species that will be addressed in the NCCP/HCP for each subsequent phase. **Exhibit 2** will include a separate list of species for each NCCP/HCP, though some species may be included on more than one list. For each NCCP/HCP, the County will identify Target Species in accordance with Section 6.3.5.1 early in the development of the NCCP/HCP. Notwithstanding Section 9.7, the County may amend **Exhibit 2** without the written agreement of other Parties; provided, however, that the County must provide each Party with written notice of any such amendments.
- 6.3.6 Data collection** The Parties agree that information regarding the following subjects is important for preparation of the NCCP/HCPs. The Parties therefore agree that data collection for preparation of the NCCP/HCPs should be prioritized to develop more complete information on these subjects. Preference for data collection should be given to those data essential to address habitat conservation requirements of Target Species and proposed Covered Species. Analysis may reveal data gaps currently not known that are necessary for the full and accurate

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development of a conservation plan. Data needed for preparation of the NCCP/HCPs may include subjects not known at this time or not identified herein.

- 6.3.6.1 General watershed statistics** To provide necessary background information, general statistics for the watersheds in each Planning Subarea should be obtained, including:
- ❖ area;
 - ❖ elevational range;
 - ❖ ecological subregion, section, and subsection;
 - ❖ average annual precipitation; and
 - ❖ means and variances of precipitation and temperature over the past fifty years.
- 6.3.6.2 Land cover composition and pattern** To understand land use pressures and the potential for erosion and water quality deterioration, information regarding the native and cultural vegetation types in each Planning Subarea should be obtained. Maps and data analyses that should be developed are:
- ❖ vegetation cover;
 - ❖ acreage and percentages of urban, agricultural and natural vegetation;
 - ❖ acreage and percentages of different types of natural vegetation; and
 - ❖ areas with oak woodlands and coniferous forests.
- 6.3.6.3 Land use in sloped areas.** To understand potential soil loss and runoff, the percentage of residential, commercial, industrial, and agricultural lands on slopes of greater than 5% in each Planning Subarea should be identified.
- 6.3.6.4 Land use and disturbance history** To develop an understanding of ecosystem composition, structure, and functional organization, land use and disturbance history should be reviewed. This should entail a review of the land use history, logging history, agricultural history, mining history and fire history within each Planning Subarea.
- 6.3.6.5 Geomorphological data** To develop a better understanding of abiotic factors influencing natural communities in Placer County, geomorphological data at an appropriate scale and level of detail should be identified.
- 6.3.6.6 Land cover patch sizes** To determine the habitat value of each watershed to particular species or groups of species, the size and location of habitat patches

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should be identified in each Planning Subarea by identifying cover types and obtaining or developing frequency histograms of cover type patch sizes.

6.3.6.7 Small patches The location of small habitat patches should be identified. For this purpose, soils and geology within each Planning Subarea should be identified, and maps of vernal pool areas, areas with serpentine/gabbro substrate, and caves, cliffs and rock outcrops should be prepared.

6.3.6.8 Percentage of land in public ownership or private protected status To assess the feasibility of aggregating large blocks of land into conservation areas, lands in public ownership and protected private lands in each Planning Subarea should be identified. Maps and data that should be developed include:

- ❖ location and extent of public lands and private conservation easements;
- ❖ location and extent of The Nature Conservancy portfolio sites; and
- ❖ parcel sizes of private land not in conservation easements.

6.3.6.9 Roads and transportation corridors Roads can fragment habitat and cause erosion. To help determine conservation priorities, the extent of roads and roadless areas within each Planning Subarea should be identified, including:

- ❖ map of road network;
- ❖ linear miles of roads by road type per square mile of watershed area;
- ❖ linear miles of major transportation corridors;
- ❖ linear miles of utility corridors;
- ❖ areas without roads;
- ❖ erosion potential of major soil types and slopes from roads; and
- ❖ road stream crossings.

6.3.6.10 Aquatic resources To help determine conservation priorities, aquatic habitat types in each Planning Subarea should be classified. Maps and data that should be developed include:

- ❖ miles of permanent and intermittent streams;
- ❖ extent of lakes or other lentic waters;
- ❖ number and location of dams and diversions;
- ❖ miles of free-flowing streams;

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- ❖ miles of impounded streams;
- ❖ location and miles of ditches, canals, reservoirs, and other artificial modifications to the natural flow regime;
- ❖ isolated springs, wet meadows, fens, bogs and seeps.

6.3.6.11 Extent and distribution of riparian habitat To assess habitat quality within each watershed, the extent and distribution of riparian habitat within each Planning Subarea should be identified. This may be done by reviewing existing data, obtaining aerial photographs, or obtaining field measurements of local habitat conditions. Maps depicting riparian habitat and roads in riparian zones should be developed or obtained for each Planning Subarea.

6.3.6.12 Records of occurrence To help determine conservation priorities, occurrence records of sensitive species in each Planning Subarea should be analyzed to assist in assessing known vertebrate species richness by habitat type. For this purpose, the California Natural Diversity Database ("CNDDDB") should be reviewed, as well as other locality data for sensitive species, and total vertebrate species richness by habitat type should be estimated. Occurrence data, including the CNDDDB, is based on areas surveyed and on information provided to DFG. These data do not always reflect species richness or distribution. Data gaps must be identified and filled as needed for preparation and analysis of the plan.

6.3.6.13 Habitat connectivity and degree of fragmentation To help determine the potential spread and magnitude of disturbance factors such as fire, disease, and flooding, the sustainability of plant and animal populations, and the overall diversity of plants and animals, an analysis should be conducted within each Planning Subarea of habitat connectivity and degree of fragmentation. Habitat connectivity and degree of fragmentation are species specific and information developed in species profiles will be incorporated into this analysis.

6.3.6.14 Species data Because the conservation strategy will be based principally on GIS analyses, species profiles should be thoroughly developed to assure that the ecological needs of each species identified in Exhibit 2 are met. Species profiles should include, at a minimum, regulatory status, basic life history information pertinent to conservation needs, habitat requirements, rangewide distribution and distribution within the plan area, threats rangewide and in the plan area, and references to relevant scientific literature.

6.4 GIS analysis To assist in the understanding of GIS analyses used in the development of the conservation strategy, an explicit list and discussion of criteria used and weighting factors employed in the construction of any GIS analysis used will be provided to the Wildlife Agencies. The County will also provide the metadata used for GIS analyses.

6.5 Satisfaction of NCCPA planning requirements The DFG agrees that this Agreement satisfies the NCCPA requirements applicable to planning agreements.

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set forth in Fish and Game Code section 2811. And the DFG agrees that the process described in Section 1.2 for the development of the Placer Legacy Program and Section 6.3 for the development of the Placer Legacy Program NCCP/HCPs, if followed, will satisfy the NCCPA's public participation requirements set forth in Fish and Game Code section 2815. The DFG agrees specifically that the process described in Section 1.2, in which the County established a Scientific Working Group to inform development of the Placer Legacy Program, and in Section 6.3.3, in which the role and responsibility of the Scientific Working Group in the development of the NCCP/HCPs is detailed, satisfies the requirement in Fish and Game Code section 2811, subdivision (a)(3) for a process for the "designation of independent scientists to propose conservation criteria or guidelines early in the planning process for consideration by the department and plan participants to assist in providing a general biological context and the scientific premises for conservation planning and for use and application in the subregional or subarea plan level."

6.6 Satisfaction of FESA planning requirements The USFWS and the NMFS agree that the process described in Section 6.3 for NCCP/HCP preparation, if followed, will satisfy applicable public participation requirements in FESA and FESA regulations, and will adhere to applicable USFWS and NMFS policies concerning public participation.

6.7 Protection of habitat during planning process The County and Participating Agencies may elect to preserve or restore, either by acquisition or other means, lands that contain native species of wildlife or their habitat prior to the completion or approval of the NCCP/HCP encompassing the lands. Upon approval of the NCCP/HCP, the Wildlife Agencies agree to credit such lands toward the land acquisition or habitat preservation requirements of the NCCP/HCP if, and to the extent, the lands contribute to the NCCP/HCP's conservation strategy. The Wildlife Agencies will not refuse to credit toward an NCCP/HCP mitigation obligation any lands determined to be biologically suitable for the NCCP/HCP solely on the basis that the lands were acquired or preserved prior to completion of the NCCP/HCP. This provision will not apply to lands, or portions of lands, acquired or preserved to mitigate the impacts of specific projects or activities approved prior to or during plan preparation.

7 INTERIM PROJECTS

The Parties agree that projects, actions, and activities proposed or implemented within a Planning Subarea during preparation of the corresponding NCCP/HCP ("Interim Projects") should not compromise its successful development or implementation. The Parties agree further that Interim Projects should not be delayed solely due to preparation of the NCCP/HCP. The Parties therefore agree to observe the following interim project review guidelines.

7.1 Permitting by the Wildlife Agencies The Wildlife Agencies will issue or deny permits or approvals for and complete regulatory reviews of Interim Projects in accordance with CESA and FESA and other applicable State or Federal law.

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Consistent with their respective legal authorities, the Wildlife Agencies may request or require project design features or mitigation measures that complement a proposed NCCP/HCP. But the Wildlife Agencies will not delay or suspend issuance of a permit or approval for an interim project due solely to the preparation of the NCCP/HCP.

- 7.2 Identification of areas with high, long-term conservation value** The Wildlife Agencies may provide maps, as data and time allow, that identify areas with high long-term conservation value that are potentially crucial elements of a regional preserve system designed to adequately conserve habitat for Target Species and proposed Covered Species. The purpose of the maps would be to assist the County in making land use decisions that do not compromise the successful development or implementation of the NCCP/HCPs. The County will specifically identify for the Wildlife Agencies the Interim Projects within the areas identified as having high long-term conservation value on the Wildlife Agencies' maps, as provided in Section 7.4.1.
- 7.3 Discretionary approvals by the County** The County will approve or disapprove Interim Projects in accordance with the County's established standards and processes. However, to ensure that Interim Projects will not compromise the successful development or implementation of the NCCP/HCP, and to facilitate CESA and FESA compliance for Interim Projects that require it, the County agrees to confer with the Wildlife Agencies about certain projects that will require a discretionary approval from the County or will be carried out by the County, as provided in Section 7.4.
- 7.4 Informal conference** The Parties agree to meet and confer at the request of any Party to discuss any Interim Project that has been identified by the County in accordance with this Section 7.4. The Parties will meet and confer at least once a month for this purpose, unless otherwise agreed by the Wildlife Agencies and the County. The purpose of the conference will be to evaluate whether an Interim Project identified by the County, together with any proposed mitigation measures, would compromise the successful development or implementation of the NCCP/HCP being prepared for the Planning Subarea in which the project would occur and, if so, what feasible actions would make the project compatible with the successful development and implementation of the NCCP/HCP. This Section 7.4 does not restrict the County's discretionary authority with regard to Interim Projects; nor does it give the Wildlife Agencies the authority to approve or disapprove Interim Projects. The Parties recognize that the Wildlife Agencies will retain their authority and responsibility for implementation and enforcement of CESA, FESA and other State and Federal wildlife protection laws. However, by agreeing to confer about Interim Projects when they are initially proposed, the Parties intend to create an opportunity to address the projects' potential impacts to species listed in Exhibit 2 or natural communities identified in Section 6.3.4 expeditiously and in coordination with the County's project review process.

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7.4.1 Identification of specific projects and activities for evaluation Pending the Wildlife Agencies' approval of an NCCP/HCP, the County will provide the Wildlife Agencies with monthly lists of Interim Projects within the NCCP/HCP's Planning Subarea as described in this Section 7.4.1. On the monthly lists, the County will specifically identify or highlight the Interim Projects that are located within areas identified as having high long-term conservation value on any map provided to the County under Section 7.2. For all listed projects, the County will include a brief project description, general property location, name of property owner and applicant, parcel size, assessor's parcel number, hearing date (if applicable), and project file name. The use of the term "project" herein is not intended to express the view of any Party as to whether any particular activity constitutes a "project" for CEQA purposes.

7.4.1.1 Discretionary projects The following discretionary projects will be included in the County's monthly lists:

- ❖ all projects for which a determination has been made to prepare an initial study pursuant to CEQA and the County's Environmental Review Ordinance (Placer County Code, Chapter 18);
- ❖ all residential, commercial, industrial and professional office parcel maps (excluding condominium subdivision of existing structures) on a parcel or aggregation of parcels five (5) acres in area or larger;
- ❖ variances to structural setbacks from streams and ponds; and
- ❖ all other discretionary projects not listed in Section 7.4.2.

7.4.1.2 County projects The following projects carried out by the County will be included in the County's monthly lists:

- ❖ construction of new roads or the construction of additional travel lanes;
- ❖ construction of new bridges or replacement of existing bridges;
- ❖ construction of new or expanded wastewater treatment plants;
- ❖ construction of new sanitary landfills or expansion of existing sanitary landfills and related facilities;
- ❖ construction of new County administrative facilities outside of current operations areas at Dewitt (North Auburn), Fulweiler Avenue (City of Auburn) Burton Creek/Cabin Creek (Tahoe);
- ❖ installation of sewer lines;
- ❖ construction of new County park facilities;

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- ❖ flood control and storm water detention facilities;
- ❖ floodway maintenance activities; and
- ❖ construction of equipment, material and vehicle storage yards.

7.4.2 Projects excluded The County's monthly lists will not include the projects described in this Section 7.4.2. Exclusion of an interim project from the County's monthly list does not preclude the County and Wildlife Agencies from otherwise agreeing to confer about the project, where appropriate.

7.4.2.1 Variances (Section 17.60.100 Placer County Code)

- ❖ building or fence height variance for structures and fences
- ❖ structural setbacks from property lines
- ❖ sign area, property line setback or height
- ❖ parking space requirements by land use
- ❖ off-street parking design standards
- ❖ landscape standards for commercial and industrial development
- ❖ minimum parcel size
- ❖ lot configuration (e.g., 4:1 length:width ratio, lot width, or flag lot standards)
- ❖ modifications to previously approved variances
- ❖ extensions of time to previously approved variances.

7.4.2.2 Conditional use permits ("CUPs") (Section 17.58.130 Placer County Code)

- ❖ modifications to planned development standards in existing subdivisions
- ❖ CUP revocation hearings
- ❖ extensions of time on previously approved CUP entitlements.

7.4.2.3 Minor use permits ("MUPs") (Section 17.58.120 Placer County Code)

- ❖ secondary dwellings
- ❖ bed and breakfast lodging
- ❖ cellular telephone and paging antennae

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- ❖ caretaker or temporary employee housing
- ❖ temporary dwellings
- ❖ sales from vehicles
- ❖ commercial vehicle storage (residential and agricultural zones – 1 commercial vehicle)
- ❖ reconstruction of non-conforming building damaged by fire or calamity
- ❖ residential care homes, 7 or more clients
- ❖ kennels and animal boarding
- ❖ keeping of zoo animals or carnivorous animals (other than dogs or cats)
- ❖ offices, temporary
- ❖ structural setbacks from canals
- ❖ modifications to previously approved MUP entitlements included on the list above
- ❖ extensions of time on previously approved MUP entitlements included on the list above
- ❖ MUP revocation hearings.

7.4.2.4 Administrative review permits (Section 17.58.100 Placer County Code)

- ❖ private kennel/cattery
- ❖ setback review for residential structures adjacent to sanitary landfills, airports, wastewater treatment plants and mining operations

7.4.2.5 Minor permits for projects with no direct physical impacts

- ❖ easement abandonment
- ❖ phasing of approved projects into separate units
- ❖ residential, commercial or industrial condominium subdivision of existing structures
- ❖ minor lot line adjustments
- ❖ certificates of compliance.

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- 7.4.3 Participating agencies** Each Participating Agency must substantially adhere to Section 7.3 and Section 7.4 for Interim Projects proposed on lands owned by or under the jurisdiction of the Participating Agency. Each Participating Agency must provide monthly lists of Interim Projects and meet and confer with the Wildlife Agencies in accordance with Section 7.4. The County may, at its discretion, remove from an NCCP/HCP's proposed Covered Lands any lands within the jurisdiction of any Participating Agency that does not participate in the interim project review process as described in this Section 7.4.3.
- 7.4.3.1 Cities** Any city that is a Participating Agency may use project classifications derived from the city's own ordinances that are substantially similar to those derived from the Placer County Code in Section 7.4.1 and Section 7.4.2 to prepare their monthly lists of Interim Projects. Cities may also use alternative project classifications with the concurrence of the Wildlife Agencies.
- 7.4.3.2 Other Participating Agencies** Participating Agencies other than cities must include in their monthly lists only projects that the agencies' themselves will carry out.

8 COMMITMENT OF RESOURCES

- 8.1 County funding** The County recognizes that, as a prospective applicant for State and Federal permits, it has the primary responsibility for developing a plan that meets applicable legal requirements and that, as a result, the development and implementation of the NCCP/HCPs must be funded primarily from locally derived sources.
- 8.1.1 NCCP funding** The DFG agrees to cooperate with the County in identifying and securing, where appropriate, Federal and State funds earmarked for natural community conservation planning.
- 8.1.2 USFWS and NMFS assistance with funding** The USFWS and the NMFS agree to cooperate with the County in identifying and securing, where appropriate, Federal and State funds earmarked for habitat conservation planning purposes. Potential Federal funding sources may include: the USFWS' Cooperative Endangered Species Conservation Fund and Land and Water Conservation Fund, and land acquisition grants or loans through other Federal agencies such as the Environmental Protection Agency, the Army Corps of Engineers, or the Departments of Agriculture or Transportation.
- 8.2 Open communication** In addition to the meetings specified in Section 6 and Section 7 of this Agreement, subject to funding and staffing constraints, the Parties agree to periodic meetings among staff level representatives and among policy level representatives of each Party as appropriate during development of the NCCP/HCPs. The Parties intend that informal discussions will occur on a regular and frequent basis to ensure that progress is made toward completion of the NCCP/HCPs.

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8.3 Expertise of regulatory agencies Subject to funding and staffing constraints, the Wildlife Agencies agree to provide technical and scientific information, analyses and advice to assist the County with the timely and efficient development of the NCCP/HCPs.

9 MISCELLANEOUS PROVISIONS

9.1 Public officials not to benefit No member of or delegate to Congress will be entitled to any share or part of this Agreement, or to any benefit that may arise therefrom.

9.2 Availability of appropriated funds

9.2.1 Federal agencies The commitments and obligations of the USFWS and NMFS under this Agreement are subject to the availability of appropriated funds pursuant to the Federal Anti-Deficiency Act (31 U.S.C. Section 1341). The Parties acknowledge that this Agreement does not require any Federal agency to expend its appropriated funds unless and until an authorized officer of that agency affirmatively acts to commit to such expenditures as evidenced in writing.

9.2.2 State agencies The DFG's commitments and obligations under this Agreement are subject to the availability of appropriated funds. The Parties acknowledge that this Agreement does not require the DFG to expend its appropriated funds unless and until an authorized officer of the DFG affirmatively acts to commit to such expenditures as evidenced in writing.

9.3 Statutory authority The Parties will not construe this Agreement to require any Party to act beyond, or inconsistent with, its statutory authority.

9.4 Counterparts This Agreement may be executed by the Parties in several counterparts, each of which will be deemed to be an original copy.

9.5 Effective date The Effective Date of this Agreement will be the date on which it is fully executed.

9.6 Duration This Agreement will be in effect for ten years following the Effective Date, unless extended by amendment or terminated.

9.7 Amendments This Agreement can be amended only by written agreement of all Parties.

9.8 Execution by Participating Agencies Any Participating Agency may become a Party to this Agreement by executing it. However, Participating Agencies are not required to be Parties to this Agreement.

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9.9 Termination and withdrawal Any Party may withdraw from this Agreement upon 30 days' written notice. This Agreement can be terminated only by written agreement of all Parties.

DATE: _____, 2001.

COUNTY OF PLACER

By: _____
Bill Santucci
Title: Chairman, Board of Supervisors

DATE: _____, 2001.

CALIFORNIA DEPARTMENT OF
FISH AND GAME

By: _____
Ron Rempel
Title: Deputy Director,
Habitat Conservation Division

DATE: _____, 2001.

UNITED STATES FISH AND
WILDLIFE SERVICE

By: _____
Wayne S. White
Title: Field Supervisor,
Sacramento Field Office

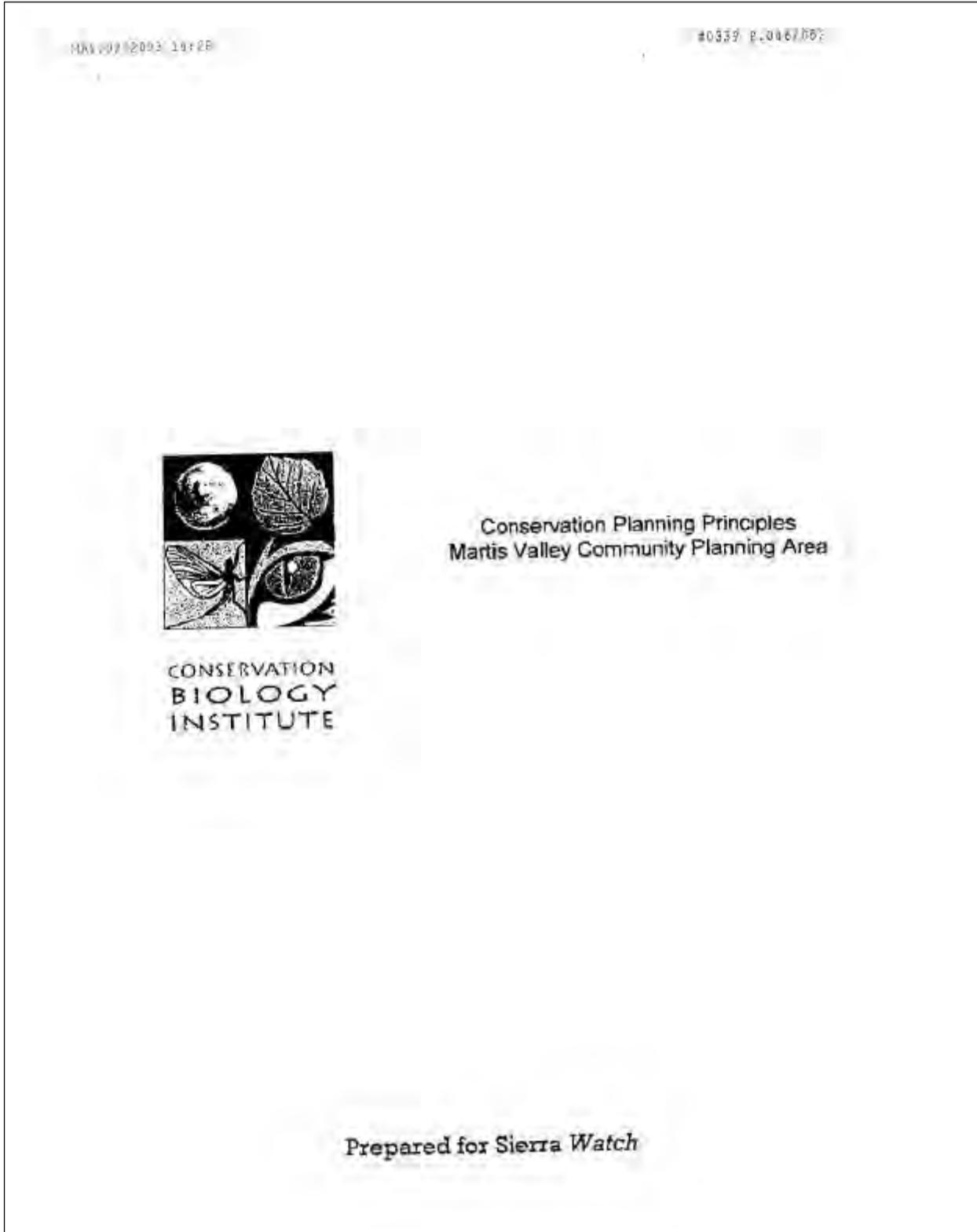
DATE: _____, 2001.

NATIONAL MARINE FISHERIES
SERVICE

By: _____
Rebecca Lent, Ph.D.
Title: Regional Administrator,
Southwest Region

October 5, 2001

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR



3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

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#0338 P.017/05

CONSERVATION PLANNING PRINCIPLES MARTIS VALLEY COMMUNITY PLANNING AREA

INTRODUCTION

The County of Placer is developing an update to the Martis Valley Community Plan (1975), based on policies in the Placer County General Plan (1994), to accommodate economic development while maintaining natural resource values of the region. This area will be part of Phase II of the County's Legacy Program Natural Community Conservation Planning (NCCP) effort, beginning in 2003 after completion of the Martis Valley Community Plan. Therefore, development of a regional conservation strategy as part of the NCCP effort will, as currently scheduled, follow completion of the Martis Valley Community Plan. Finalizing the Community Plan prior to developing a regional conservation strategy potentially precludes some regional conservation options. County staff recognizes the importance of the Martis Valley to regional habitat conservation and are developing a biological constraints map that will address the County's General Plan policies. This map could be used to guide land use planning for Interim Projects proposed prior to completion of the Phase II NCCP. This white paper is intended to support the County in that effort.

Biological Constraints

The Martis Valley is an ecologically significant area that supports a wide diversity of species and vegetation communities within the Sierra Nevada ecosystem. Located on the eastern slope of the Sierra Nevada, the Martis Valley contains a unique assemblage of resources, with elements of both the Sierra Nevada and Great Basin biogeographic regions. This area is a crucial habitat linkage between the Granite Chief Wilderness Area and other portions of the Sierra Nevada, the Mount Rose Wilderness Area within the Carson Range, and the Tahoe Basin. The California Wilderness Coalition has identified the area between the Granite Chief Wilderness Area and the Martis Valley as a target Wildland Conservation Area (Shilling et al. 2002).

Martis Creek is a low-gradient tributary of the Truckee River that supports salmonid populations and may play an important role in the recovery of the Lahontan cutthroat trout. The stream, meadows, and riparian wetlands within the Martis Creek watershed also provide habitat for a variety of wildlife and sensitive plant species. In addition to providing diverse habitat values, the upland habitats in the watershed buffer the creek and its tributaries from hydrologic alterations and changes in water quality produced by land use changes. The habitats in the valley support critical summer foraging and fawning areas for the Loyalton Truckee deer herd, and the Martis Valley itself is used as a corridor by this herd during migrations to its winter range in Nevada.

Threats

The Martis Valley Community Plan must not only identify important biological resource areas for conservation but must also address current and future threats to these resources, including threats to resources outside of the planning area. Threats are more than the direct losses of total habitat area alone. Threats also include indirect impacts to the physical, chemical, and biological processes that maintain natural ecosystem functions, habitat diversity, and the broad suite of species they support. For example, development on the slopes forming the headwaters of Martis Creek will contribute to degradation of water quality and hydrologic functions of the watershed; this is particularly true in steeper sloped areas of the watershed. The Martis Valley's location adjacent to the Lake Tahoe Basin further emphasizes its importance in an area already severely impacted by development and human recreation. Habitat loss, air and water quality degradation, and altered hydrologic and fire regimes are the primary threats to ecosystem integrity in this area as a result of development, roads, recreation, and timber harvesting. Continued development encroaching along the Interstate-80 corridor, around the north shore of Lake Tahoe, and outward from population centers in Reno and Truckee is threatening the integrity of the habitat linkage between the Granite Chief Wilderness Area in the Sierra Nevada and the Mount Rose Wilderness Area in the Carson Range.

PLACER COUNTY ENVIRONMENTAL POLICIES

The Placer County General Plan and Martis Valley Community Plan include policies on Water Resources, Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation, and Open Space for the Preservation of Natural Resources. These policies are intended to protect and enhance the natural environment for the benefit of the citizens of the County by addressing the threats identified above. The policies recognize the values of natural resources to the community, provide broad protections for species and habitats, encourage maintenance and reintroduction of game and at-risk non-game species, require full mitigation of all development-related impacts to natural resources, and encourage cooperation with governmental and non-governmental organizations working to preserve and restore important natural resources.

The County's policies must be used to guide development of the Martis Valley Community Plan. The following excerpts are pertinent to developing a land use design:

- Protect creek corridors and their habitat value by actions such as: (1) providing an adequate creek setback, (2) maintaining creek corridors in their natural state. (Policy 6.A.4c)
- Use design, construction, and maintenance techniques that ensure development near a creek will not cause or worsen natural hazards (such as erosion, sedimentation, flooding, or water pollution) (Policy 6.A.4c)
- The County shall support the "no net loss" policy for wetland areas regulated by the U.S. Army Corps of Engineers (note: the Corps policy refers to losses of wetland functions and values) and the California Department of Fish and Game. (Policy 6.B.1)

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- The County shall discourage direct runoff of pollutants and siltation into wetland areas from outfalls serving nearby urban developments. (Policy 6.B.3)
- The County shall strive to identify and conserve remaining upland habitat areas adjacent to wetlands and riparian areas that are critical to the survival and nesting of wetland and riparian species. (Policy 6.B.4)
- The County shall identify and protect significant ecological resource areas and other unique wildlife habitats critical to protecting and sustaining wildlife populations. Significant ecological resource areas include: (b) stream environment zones, (d) critical deer winter ranges (winter and summer), migratory routes and fawning habitat, (e) large areas of non-fragmented natural habitat, (f) identifiable wildlife movement zones, including non-fragmented stream environment zones, avian and mammalian migratory routes. (Policy 6.C.1)
- The County shall support the maintenance of suitable habitats for all indigenous species of wildlife through maintenance of habitat diversity. (Policy 6.C.7)
- The County shall support the preservation or reestablishment of fisheries in the rivers and streams within the County, whenever possible. (Policy 6.C.8)
- The County shall support and cooperate with efforts of other agencies and private entities engaged in the preservation and protection of significant biological resources from incompatible land uses and development. (Policy 6.C.13)
- The County shall support the management efforts of the California Department of Fish and Game to maintain and enhance the productivity of the important fish and game species (such as the Layton Truckee deer herds) by protecting critical habitat for these species from incompatible suburban, rural residential, or recreational development. (Policy 6.C.14)
- The County shall ensure the conservation of sufficiently large, continuous expanses of native vegetation to provide suitable habitat for maintaining abundant and diverse wildlife. (Policy 6.D.6)
- The County shall support the preservation and enhancement of natural land forms, natural vegetation, and natural resources as open space to the maximum extent feasible. The County shall permanently protect, as open space, areas of natural resource value, including wetlands preserves, riparian corridors, woodlands, and floodplains. (Policy 6.E.1)
- The County shall support the maintenance of open space and natural areas that are interconnected and of sufficient size to protect biodiversity, accommodate wildlife movement, and sustain ecosystems. (Policy 6.E.3)
- Retention of high quality open space and visual resources is of utmost importance to the future quality of life in Martis Valley. (Policy 12 - MVCP)

TRANSLATING CONSERVATION POLICIES INTO LAND USE DESIGN

The challenge of conservation planning in the Martis Valley Community Planning area is using the General Plan policies and the biological constraints map to develop an on-the-ground land use design that conserves biological resources while accommodating reasonable economic development. The science of conservation planning provides useful guidance in this effort. An objective of conservation planning is to conserve biodiversity and ecosystem functions by preserving large, interconnected blocks of land that allow natural ecological processes to continue with minimal impact from humans (Noss et al. 1997). The following widely recognized conservation planning principles have been tailored to the resources and landscapes within the region and prioritized by the Placer County General Plan policies.

Conservation Planning Principles

1. Conserve large, intact, and interconnected areas of natural open space that contribute to the last remaining habitat linkage between the Sierra Nevada and the Mount Rose Wilderness Area in the Carson Range.
2. Minimize habitat fragmentation by development and roads to protect open space from human encroachment.
3. Maintain open space that captures an adequate representation of the biological diversity in the region and that includes a diverse representation of physical and other environmental conditions.
4. Conserve and maintain natural hydrological, water quality, and biological functions of wetlands, headwaters, stream systems, and their watersheds.
5. Encourage opportunities for recovery of rare, threatened, and endangered species and for restoration of the habitats that support them.
6. Provide protected habitat connections between open space patches to allow intergenerational dispersal of animals and plants, both within and adjacent to the planning area.
7. Support "smart growth" by siting new development in areas adjacent to existing development and infrastructure.
8. Consider the human "carrying capacity" of the Martis Valley, in terms of open space, water, air, traffic, etc.
9. Consider the regional implications of development in the Martis Valley on resources outside of the Valley (i.e., Truckee River, Lake Tahoe Basin, Carson Range, and Sierra Nevada).

Recommendations for Land Use Design

The following recommendations for land use design in the Martis Valley planning area are derived from the conservation planning principles and our understanding of the significant biological resources in the region.

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1. Maintain the integrity of the Martis Creek watershed by prohibiting any development in two large blocks of habitat that currently support unfragmented, intact ecosystems and regionally significant biological resources:
 - Habitats east and north of State Road 267
 - Habitats in the watershed south of Martis Creek, west of State Road 267 and west of the existing Northstar development
2. Cluster future development around existing development north of Martis Creek and adjacent to State Road 267 and around existing developed areas at Northstar. Prohibit development outside of these areas.
3. Prohibit development on steep slopes, particularly those forming the headwaters of Martis Creek.
4. Maintain adequate development setbacks (upland buffers) from the north side of the Martis Creek to decrease runoff into the creek and maintain adequate habitat and movement corridors. We understand that Dr. Peter Brassard of the University of Nevada, Reno, is currently conducting a literature review on the topic of buffers and corridor dimensions. Utilize these results and other relevant information to establish adequate setbacks. Site recreational greenspaces, such as parks and golf courses, between development and natural open space to further improve the buffer functions. Do not interdigitate recreational greenspace and open space areas.
5. Prohibit new roads through the conservation areas. Do not increase residential density in the Martis Valley to the point that new infrastructure is required or that greater demands are placed on the adjacent Tahoe Basin and national forests. Retrofit State Road 267 to enhance its permeability to wildlife, particularly migrating deer and other large mammals, by providing wildlife underpasses. When existing roads are to be widened or otherwise improved, provide tunnels, bridges, fencing, and other design elements to enhance their permeability to wildlife movement.
6. Consider removal of the dam at Martis Lake and restoration of Martis Creek and associated wetlands. The existing dam is leaking and prevents passage by Lahontan cutthroat trout into the Martis Creek system from the Truckee River. Work with the wildlife agencies and angling community to restore the Lahontan cutthroat trout in Martis Creek.

IMPLICATIONS OF PROCEEDING WITH THE COMMUNITY PLAN UPDATE BEFORE THE NCCP PROCESS

In summary, finalizing the Martis Valley Community Plan prior to developing a regional conservation strategy as part of the Phase II Placer Legacy HCP/NCCP potentially precludes some regional conservation options. Approved NCCP plans must provide for

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conservation at an ecosystem scale and demonstrate no net loss of habitat value to qualify for California Department of Fish and Game take authorizations. If habitat conservation proposed by the Martis Valley Community Plan does not meet the Endangered Species Act 10(a) permit standards, it would preclude issuance of take permits by the U.S. Fish and Wildlife Service. In addition to these regulatory issues, a regional conservation strategy is critical to maintaining ecosystem integrity and quality of life in the Martis Valley planning area and surrounding region. Regional impact analyses as part of the environmental documentation for the HCP/NCCP will allow evaluation of regional conservation strategies as well as regional development strategies that would not be considered in environmental documentation for individual projects.

We understand that the County is being asked to process development applications in the Martis Valley in the interim period prior to development of the HCP/NCCP conservation strategy. We offer the following range of options for proceeding in this situation, to ensure that land use decisions do not compromise the successful development and implementation of an NCCP.

1. Based on existing information, identify and map areas with high, long-term conservation value that can be used to evaluate Interim Projects, as provided for in the Placer Legacy Program NCCP Agreement, to guide land use decisions in the interim period prior to completion of the Phase II HCP/NCCP.
2. As part of option 1 above, pursue a constraints mapping process that would advance initial data collection and analysis for the HCP/NCCP. This might involve additional field surveys and modeling.
3. Negotiate the terms of an interim agreement with the wildlife agencies, which would specify guidelines for allowing some, or portions of, development projects to proceed prior to development of a HCP/NCCP conservation strategy. This option may follow options 1 or 2.
4. Convene a stakeholders review panel, including the wildlife agencies, property owners, and other stakeholders, that would be advisory to the County's decisions on development in the Martis Valley planning area. This option may follow options 1 or 2.
5. Establish limits on development footprints and numbers of units in the interim period. This option may be included in any of the above options.
5. Do not allow any development to proceed prior to developing a regional conservation strategy that meets the standards of an HCP/NCCP.

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REFERENCES

- Noss, R.F., M.A. O'Connell, and D.D. Murphy. 1997. *The Science of Conservation Planning: Habitat conservation under the Endangered Species Act*. Island Press, Washington, DC.
- Placer County. 1994. *General Plan*.
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- Placer County, California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Marine Fisheries Service. 2001. *Natural Community Conservation Planning Agreement regarding the Placer Legacy Open Space and Agricultural Conservation Program*. October.
- Shilling, F., E. Girvetz, C. Enchsen, B. Johnson, and P.C. Nichols. 2002. *A Guide to Wildlands Conservation in the Sierra Nevada Bioregion*. California Wilderness Coalition. February.

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LETTER 253: **TERRELL WATT, SIERRA WATCH, HOMEOWNERS ENGAGED IN LOCAL PLANNING-NORTHSTAR AND THE MOUNTAIN AREA PRESERVATION FOUNDATION**

Response 253-1 The extent of interest groups represented by this comment letter is noted. Since no comments regarding the adequacy of the Draft EIR or Revised Draft EIR were received, no further response is required.

Response 253-2 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis). Comparison of the alternatives impact to consistency with relevant plans is specifically addressed in Section 6.0 (Project Alternatives) of the Revised Draft EIR.

Response 253-3 All comments received on the Draft EIR and the Revised Draft EIR are responded to in this document. The commentor's statements regarding the reconsideration of the land use map for the Plan area (1975 Martis Valley General Plan) and a new vision for the Plan area are noted. The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis).

Response 253-4 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis).

Response 253-5 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis) as well as Master Response 3.4.3 (Water Quality). As shown in Figure 6.0-1 of the Revised Draft EIR, development (with the exception of residential development under the Forest land use designation) under the Clustered Land Use Alternative would be limited to the specific property areas noted. Commercial and office square footage that could occur under the Clustered Land Use Alternative would be approximately 1,481,000 square feet and approximately 1,124,000 square feet for the Reduced Intensity Alternative.

Response 253-6 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis). While the Revised Draft EIR includes data and information on each alternative that can be used to compare the alternatives to each other, there is no requirement under CEQA to perform a comparison of the environmental benefits and detriments of the alternatives to each other separate of the comparing them to the proposed project.

Response 253-7 While the alternatives (with the exception of the No Project Alternative and the Existing Martis Valley General Plan Land Use Map) would involve reductions in land use development as compared to the existing land use designations set forth in the Placer County General Plan, these alternatives would generally be in compliance with the General Plan. Environmental impacts that are related to applicable Placer County General Plan policies are noted throughout the Draft EIR (e.g., Draft EIR pages 4.9-51 through -54). As noted in Response to Comment 158-8, several Placer County General Plan policies have been incorporated and (in some cases) expanded upon in the proposed Martis Valley Community Plan. The commentor provides no

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evidence or information suggesting where such inconsistencies occur associated with the alternatives.

Response 253-8 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis).

Response 253-9 The commentor's statements regarding their opinion of the adequacy of the Revised Draft EIR are noted. The County considers the Draft EIR and the Revised Draft EIR adequate for consideration of the Martis Valley Community Plan and in compliance with CEQA. The County will notice of future public meetings regarding the Martis Valley Community Plan.

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Letter 254

Gavin Moynahan
726 Conifer, Truckee, California 96161
45 North Tenth Street, San Jose, California 95112
(530) 562-0401 (408) 294-9649

April 22, 2003

Lori Lawrence
Environmental Review Technician
Placer County Planning Department
11414 B Avenue
Auburn, California 95603

Revised Draft Environmental Impact Report
Section 6.0- Project Alternatives SCH No. 2001072050

The revised Project Alternatives section 6.0 lacks a reasonable range of alternatives and subsequent specific studies in order for Placer County to make a decision regarding the future of Martis Valley as mandated by CEQA.

254-1

The 'No Project Alternative' is not an appropriate option considering the need for the County to update the Martis Valley Plan. The poorly developed list of alternatives is not reasonable. Under CEQA a 'reasonable range of alternatives' must be provided and this short list is just not complete or acceptable.

254-2

Specifically the County rejects without appropriate study the 'transfer of development rights'. This is a widely accepted practice that deserves a thorough investigation and study. Instead the revised plan disregards the transfer of rights as being 'inconsistent with the direction given of the Placer County Board of Supervisors regarding the Martis Valley Community Plan Update'. This is in direct opposition to the County's goal of preserving open space, clustering new development where existing development exists and keeping in line with such legal issues as the Timber Production Act. There seems, in my observation, a real conflict between Placer County's stated goals and its General Plan. Does the General Plan call for urban sprawl and High Sierra development or for protection of the Tahoe National Forest and reasonable growth within already established urban centers?

254-3

Furthermore, non-of the revised project alternatives adhere to sensible conservation practices that would ensure an environmentally sound and bio-sustainable Martis Valley. Instead each plan is only a somewhat 'worked-over' version of the alternatives that appeared in the original Martis Valley Community Plan Draft. The Sierra Nevada is a treasure to our State and unique responsibility for Placer County to protect. The resort sprawl development will only further damage Lake Tahoe's famed clear water if sensible planning is not exercised.

The section 'Population, Housing and Employment' is inaccurate in its assumption that less development in the Martis Valley would equal less affordable housing. The resort

254-4

Gavin Moynahan, 726 Conifer, Truckee, California 96161 (530) 562-0401

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proposals for expanded development and increased resort facilities are the very catalysts that are driving out affordable housing. The requirement to provide only 50 percent of newly generated affordable housing needs as a result of resort expansion is the very problem. The lowest Intensity Alternative would thus create the least shortage of affordable housing (in total numbers displaced).

254-4
Cont.

Additional mistakes in the re-circulated section 6.0 also include the assumption that with less development there will more traffic, air quality degradation and emissions. The original Martis Valley Community Plan Draft did not specify where the resort developers would be required to build their affordable housing. Workers at Northstar might live in affordable housing on the lakeside in Kings Beach or elsewhere. This assumption that less building equals less affordable housing and increased traffic, noise and emissions not only is wrong but is inconsistent with common sense. It is entirely probable that much of the newly constructed affordable housing will not be located adjacent to the expanded resorts. Therefore without specifying where affordable housing will be built all project alternatives lack the specific information to make reasonable assumptions or recommendations.

254-5

Even more significant and also overlooked are the types of housing being proposed in each of the individual piecemeal resort expansion plans. East West Partners of Colorado has proposed the largest of all North Tahoe area expansions is offering 'time-share' and 'shared ownership' types of housing at the majority of their new developments and specifically at Northstar. By definition and specific purchase agreements no actual 'locals' will ever be allowed to live in those units...forever. This essentially removes the bulk of actual housing that in many communities could be used by local schoolteachers, firefighters and resort employees. By locking this housing out of the matrix of future potential residential use the 'affordable housing' issue will only worsen. Schoolteachers, firefighters and police officers do not desire housing available to them 1/7th of the time. Instead they require single family residences that can be owned or rented on a permanent basis. Furthermore, the 'villages and communities' that are being proposed are not real and defy any similarity to the small towns and European ski villages they try to emulate. These villages will have no permanent residents, no town council, no local parks to play in and no actual sense of community.

THIS IS A MOCKERY OF WHAT NORTH TAHOE AND TRUCKEE STAND FOR!

It is not clear that new residents will equal new skiers. If the region's economy is tied to the success of the ski industry then it is paramount to protect that industry's future. And I am not convinced new skiers will be generated as the very 'ski hills' are being urbanized into high altitude shopping malls. Numerous long-time and faithful skiers and snowboarders are increasingly being alienated from the mountains they once found enjoyable. Allowing the faithful to leave and the trendy to replace them opens up a fragile consumer spreadsheet that will require constant new amenities, activities and avenues to entertain a decreasing base of actual skiers. The ski industry is now vying against the cruise industry, amusement industry and a host of other 'consumer' choices for an ever-decreasing population of actual skiers. This is a recipe for high altitude disaster.

254-6

Gavin Moynahan, 726 Conifer, Truckee, California 96161 (530) 562-0401

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It is naïve and misleading to assume that building thousands of new second home residences and timeshare style condos will decrease traffic. Northstar at Tahoe's General Manager Tim Silva sent out a letter apologizing for the horrible traffic during the early 2002 December ski season. In his letter he explained that with more housing at Northstar there would be less traffic in Truckee. This is contrary to every urban planning and traffic flow theory. More people and more housing do not equal less traffic. (See: Northstar at Tahoe Letter/Tim Silva) This same resort now operates and promotes off-site remote concessions on both Tahoe's North Shore and across the valley at Tahoe Donner, thus creating additional single vehicle trips throughout the study area.

Recent statistical skier demographics paint an entirely different picture the bulk of new skiers are coming from single day use patterns. Many small resorts are increasing skier visits based on a large population of day skiers and young minority groups not interested in or well heeled enough to purchase high-end condos and million dollar plus homes. (See: Northstar Real Estate Update)

Allocating the total 'build-out' in the Martis Valley region of Placer County to a handful of resorts at this time locks all of us into a course not easily changed in the future.

Who would of thought of Mountain Biking, Snowboarding, Downhill Bike racing and the recent growth of youth golfing in 1970? None of us did. What will the future bring to Martis Valley and the Town of Truckee? Do we want all the housing that is deemed environmentally and socially responsible to be dedicated to a few expensive resorts and even fewer corporate owners? This is a dangerous course for Placer County to travel down. A far more prudent plan would allow far less housing for high-end resorts and second homes and significantly more housing for local residents and new employees. With such a huge need for affordable housing it is only common sense to see that for each new resort job created there is sufficient housing for that position. Without this approach the region is headed for the same pitfalls that have plagued Colorado resorts for more that a decade. (See: Downhill Slide, Hal Clifford, 2002)

Northstar has never provided any public parkland space for existing Placer County residents, locals or employee families. A planed community the size of Northstar should have dedicated public access land as a contingency of any major new subdivision. This is a common and widely accepted practice. As it stands now all Northstar area recreational facilities are either for the exclusive use of homeowners (Northstar Property Owners Association) or 'Pay to Play' type of use facilities (golf course, ATV tours, ropes course, ski hill.) In any new Martis Valley Plan there needs to be additional onsite public use facilities for citizens, visitors, employees and their families to use. Without this requirement the local parks will continue to be crowded and the traffic getting to them will increase.

What is the total plan for the Martis Valley? The applicant's piecemeal projects confuse the future of the Martis Valley and how it will affect Placer County by what emerges in total.

Will it become the regional concert and outdoor party venue? East West is now submitting a proposal to build an amphitheater with a substantial capacity. How will the

Gavin Moynahan, 726 Conifer, Truckee, California 96161 (530) 562-0401

254-6
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254-7

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noise, traffic and urban style entertainment dampen the environmental, family and rural
ambiance that Placer County is trusted to preserve?

254-7
Cont.

Additional project alternatives and subsequent specific studies need to be studied
including conservation based planning and development rights transfers before Placer
County can make a reasonable decision on the future of the Martis Valley.

254-8

Thank you for consideration on this important topic.

Sincerely,

Gavin Moynahan
gmoynahan@aol.com

Grey Davis, Governor
Dianne Feinstein, Senator
Barbara Boxer, Senator
Rex Bloomfield, Board of Supervisors, Placer County
Judy Creek, Planning Commissioner, Placer County
Ski Trails Owners Association
Aspen Grove Owners Association
Northstar Property Owners Association
Audubon Society
U.S. Fish and Wildlife Service
California State Firefighters Association
California State Teachers Association
The League to Save Lake Tahoe
Sierra Club, Loma Prieta Chapter

Gavin Moynahan, 726 Conifer, Truckee, California 96161 (530) 562-0401

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LETTER 254: GAVIN MOYNAHAN, RESIDENT

Response 254-1 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis).

Response 254-2 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis). CEQA Guidelines 15126.6(e) specifically requires that EIRs consider a no project alternative. CEQA Guidelines 15126.6(e)(3)(A) specifically identifies that when the project under evaluation is the revision of an existing land use or regulatory plan, that the “no project” alternative will be the continuation of the existing plan.

Response 254-3 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis) as well as Response to Comment 253-7.

Response 254-4 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis) regarding impacts on availability of affordable and employee housing. In addition, as specifically noted on Revised Draft EIR page 6.0-41, the Lowest Intensity Alternative would also result in worse jobs-housing ratio as compared to the Proposed Land Use Diagram (4.64 versus 2.56).

Response 254-5 Section 6.0 (Project Alternatives) of the Revised Draft EIR identified that the Clustered Land Use Alternative, Reduced Intensity Alternative and the Lowest Intensity Alternative would likely result in increased employee vehicle trips outside of the Plan area associated with a jobs-housing imbalance as well as reductions in land use designations that would provide potential opportunities for affordable housing (e.g., Medium Density Residential). However, as noted in the traffic analysis, these alternatives would result in an overall reduction in traffic volumes as compared to the Proposed Land Use Diagram.

As noted in Master Response 3.4.5 (Adequacy of the Alternatives Analysis), the proposed Martis Valley Community Plan is the primary policy document for regulating land use development for the entire Plan area (approximately 25,570 acres) and is not intended to approve or promote the specific form of development or residential unit type that would occur on property within the Plan area. The alternatives analysis provided in the Revised Draft EIR includes a detailed description of the various land use intensities and development area reduction alternatives for the Plan area for consideration of the adoption of the Martis Valley Community Plan. Thus, consideration of future specific forms of development and ownership characteristics is not appropriate for the alternatives analysis or an EIR for the consideration of a community plan. However, general characteristics regarding housing availability, permanent and season occupancy rates have been considered in the environmental analysis.

Response 254-6 While the commentor makes no specific comments regarding the adequacy of the Draft EIR and the Revised Draft EIR, the commentor is referred to Response to Comment 254-5 and Master Responses 3.4.2 (Assumptions Used

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for Development Conditions in the Plan Area), 3.4.5 (Adequacy of the Alternatives Analysis) and 3.4.8 (Affordable and Housing Effects of the Project) that provides various sources of information associated with this general comment.

Response 254-7 The Revised Draft EIR and Draft EIR address environmental effects associated with the proposed Martis Valley Community Plan, which will regulate land use development in the Plan area. Planned public recreational facilities (trails and park sites) are specifically noted in Figure 3.0-9 of the Draft EIR. The project does not specifically propose or promote the Plan area becoming a regional concert and outdoor party venue. Comments associated with proposed development projects in the Northstar-at-Tahoe resort community are noted.

Response 254-8 The commentor is referred to Master Response 3.4.5 (Adequacy of the Alternatives Analysis).

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Letter 255

#0351 P.001/001

**Timothy and Jennifer Polishook
5059 Gold Bend
Truckee, CA 96161**

April 16, 2003

Attn. Lori Lawrence,
Environmental Review Clerk
Placer County Planning Department
11414 "B" Avenue
Auburn, CA 95603

I am writing to convey my opinion over future projects being approved before the *Martis Valley Community Plan Update* and the general plan itself has been completed. First there should be no approval of any development plans before we have a blue print of the complete build out of Martis Valley. Piece meal approval of these developments now allows the developers to commence on projects that may be too large and not in line with future community plans.

255-1

We need a Martis Valley that focuses on conservation: reduction in urban sprawl, conservative water use and visual appeal. I am concerned over many of the aspects contained in the rough draft. There are too many units of houses being built and large commercial projects. This could dramatically increase traffic, air pollution and noise.

255-2

The most troubling is the proliferation of golf courses. Let us start by saying high alpine terrain is no place for them. Golf courses are extremely damaging to the surrounding areas. There is deforestation of trees and the use of massive amounts of water to keep grass green where it is usual brown. Also harmful is the amount of chemicals and algae causing fertilizers that spreads to groundwater and streams through out the entire area.

255-3

Many locals will tell you how great the fishing used to be in Martis reservoir. One of the few catch and release fisheries in the state where people of all ages can enjoy good fishing. This fishing spot is nothing like is used to be. Run off from North Star and Lahontan golf courses have caused algae blooms in the summer months that have killed most of the fish and made the lake almost unfishable. Is the Truckee River next? It is not even close to the great fishery it was.

255-4

Truckee and the Martis Valley are a fragile ecosystem. They are threatened by continued chemical run off produced by golf courses, lawns and urban sprawl. There is a solution to keeping this area healthy and beautiful. You simply say NO to developers who care about nothing but lining their pockets from the destruction of wild areas. You let some other desert town deplete their water table so that greens will be green because god forbid grass should turn brown with the seasons.

255-5

Sincerely,

Timothy M. Polishook and Jennifer Polishook

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT AND REVISED DRAFT EIR

LETTER 255: TIMOTHY AND JENNIFER POLISHOOK, RESIDENT

Response 255-1 The commentor's statements regarding the Martis Valley Community Plan are noted and will be forwarded to the Placer County Planning Commission and Board of Supervisors as part of project consideration. The commentor is referred to Master Response 3.4.1 (Project Description Adequacy) regarding consideration of development projects in advance of the adoption of the Martis Valley Community Plan.

Response 255-2 The commentor's statements regarding the Martis Valley Community Plan are noted and will be forwarded to the Placer County Planning Commission and Board of Supervisors as part of project consideration. The environmental effects of the Martis Valley Community Plan and the associated Proposed Land Use Diagram and the alternative land use maps considered are fully addressed in the Draft EIR and Revised Draft EIR.

Response 255-3 The commentor's statements regarding the Martis Valley Community Plan are noted and will be forwarded to the Placer County Planning Commission and Board of Supervisors as part of project consideration. The environmental effects of potential new golf courses in the Plan area has been fully addressed in the Draft EIR.

Response 255-4 The commentor is referred to Master Response 3.4.3 (Water Quality) and Response to Comment K-6.

Response 255-5 The commentor's statements regarding the Martis Valley Community Plan are noted and will be forwarded to the Placer County Planning Commission and Board of Supervisors as part of project consideration. The environmental effects of the Martis Valley Community Plan and the associated Proposed Land Use Diagram and the alternative land use maps considered are fully addressed in the Draft EIR and Revised Draft EIR.