

# NEW PLACERVILLE COURTHOUSE

## Final Environmental Impact Report

Prepared for  
Judicial Council of California

**May 2015**





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**ERRATA  
FOR THE  
NEW PLACERVILLE COURTHOUSE  
FINAL ENVIRONMENTAL IMPACT REPORT  
SCH# 2012042051**

In Caltrans' comment letter on the Draft EIR, which is included as Letter 7 in Section 3: Comments and Responses of the Final EIR, Caltrans expressed concerns regarding the methodology used to analyze intersections in the vicinity of the Placerville Drive, Fair Lane, and Westbound US 50 ramp. Revisions were made to Appendix F of the Draft EIR and included in the Final EIR. As a result of additional discussion with Caltrans, more specific information was provided regarding Caltrans' concerns with the modeling of these intersections and the corresponding results. Caltrans' statement on these results is included in Appendix F.F "US 50 Westbound Ramp Technical Supplement."

The change to the traffic modeling shown in the revised Appendix F included in the Final EIR does not alter the impact conclusions presented in the Draft EIR or require new mitigation beyond that required in the Draft EIR.

# CHAPTER 1

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## Introduction and List of Commenters

### 1.1 Purpose of this Document

This document includes all agency and public comments received on the Draft Environmental Impact Report (Draft EIR, SCH # 2012042051) for the New Placerville Courthouse project (proposed project). Written comments were received by the Judicial Council of California (Judicial Council) during the public comment period from October 16, 2014 through December 1, 2014, and a public meeting was held to receive comments on November 6, 2014. This document includes written responses to each comment received on the Draft EIR. The responses correct, clarify, and amplify text in the Draft EIR, as appropriate. These changes do not alter the conclusions of the Draft EIR.

This Final EIR document has been prepared in accordance with the California Environmental Quality Act (CEQA) and together with the Draft EIR (and Appendices) constitutes the EIR for the proposed project that will be used by the decision-makers.

### 1.2 Summary of Proposed Project

The proposed project includes the acquisition of property and the construction of a new courthouse. The proposed new courthouse would consolidate the courthouse functions currently in the existing Main Street Courthouse and the court functions currently located in the county administrative complex Building C (Building C). These activities are referred to collectively as the proposed project.

The proposed project site is undeveloped land adjacent to the El Dorado County Jail located off Forni Road in the City of Placerville (see Figure 2-1 and Figure 2-2 of the Draft EIR).

### Project Actions

The proposed project is anticipated to include, but may not be limited to, the following actions:

- The County of El Dorado would exchange approximately 5 acres of property on APN 325-300-032 for approximately 5 acres of property on APN 325-300-002 by exercising an option to purchase a portion of APN 325-300-002;
- The Judicial Council would acquire approximately 8 acres of undeveloped land adjacent to the El Dorado County Jail from the County of El Dorado. The property is currently made up of two parcels, APNs 325-300-002 and 325-300-100;

- The Judicial Council would construct an 88,000 square foot courthouse with six courtrooms, three stories, and a basement;
- The construction of on-site improvements; and
- Off-site improvements would include an extension of Ray Lawyer Drive from the new off-ramp interchange (scheduled to be completed in 2016/2017) to the courthouse driveway, and an extension of the on-site sewer and water lines.

In addition, the proposed project would disturb an area greater than one acre. Therefore, a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board and preparation of a Storm Water Pollution Prevention Plan (SWPPP) will be required.

## 1.3 Organization of the Final EIR

The Final EIR is organized as follows:

**Chapter 1 – Introduction and List of Commenters:** This chapter summarizes the project under consideration and describes the contents of the Final EIR. This chapter also contains a list of all of the agencies or persons who submitted comments on the Draft EIR during the public review period, presented in order by agency, organization, individual and date received.

**Chapter 2 – Revisions to the Draft EIR:** This chapter summarizes text changes made to the Draft EIR in response to comments made on the Draft EIR and/or staff-initiated text changes. Changes to the text of the Draft EIR are shown by either a line through the text that has been deleted or double underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft EIR in October 2014. The text revisions do not change the analysis and conclusions presented in the Draft EIR.

**Chapter 3 – Comments and Responses:** This chapter contains the comment letters received on the Draft EIR followed by responses to individual comments. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

If the subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references to other comments are provided.

Some comments that were submitted to the Judicial Council do not pertain to the CEQA process or specific environmental issues nor do they address the adequacy of the analysis contained in the Draft EIR. Responses to such comments, though not required, are included only as a means to provide additional information to the reader. When a comment: 1) does not directly pertain to environmental issues analyzed in the Draft EIR; 2) does not raise a question about the adequacy

of the analysis contained in the Draft EIR; 3) expresses an opinion related to the merits of the project; and/or 4) does not question an element of or conclusion of the Draft EIR, the response will note the comment and *may* provide additional information. The intent is to recognize the comment. Many comments express opinions about the merits or specific aspects of the proposed project and while not *CEQA-specific*, they are included in the Final EIR, simply as a means of providing additional information if available.

**Chapter 4 – Mitigation Monitoring Plan:** This chapter contains the Mitigation Monitoring Plan (MMP) to aid the Judicial Council in its implementation and monitoring of measures adopted in the EIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

## 1.4 Public Participation and Review

The Judicial Council has complied with all noticing and public review requirements of CEQA. This compliance included notification of all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Preparation (NOP) for the EIR was filed with the State Clearinghouse on April 23, 2012. The 30-day public review comment period for the NOP ended on May 22, 2012. The NOP was distributed in particular to governmental agencies, organizations, and persons interested in the proposed project. The NOP was circulated to the public, interested parties, and local, state, and federal agencies. Its purpose was to inform interested parties that the proposed project could have significant effects on the environment and to solicit their comments as to the scope of the EIR. An abbreviated NOP, that included information regarding the public scoping meeting, was also published in the local paper.
- A public scoping meeting for the EIR was held on May 15, 2012.
- A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on October 16, 2014. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, ending on December 1, 2014. A Notice of Availability (NOA) for the Draft EIR was published in the Mountain Democrat on October 15, 2014 and sent to appropriate public agencies, and property owners in the vicinity of the property area. The Draft EIR was also published on the Judicial Council's website.
- Copies of the Draft EIR were also available for public review at the following locations:

El Dorado County Library  
345 Fairlane Court  
Placerville, CA 95667

City of Placerville  
Planning Division - public counter  
3101 Center Street  
Placerville, CA 95667

- A public meeting to receive comments on the Draft EIR was held on November 6, 2014. Comments received during this meeting are summarized in Chapter 3.

## 1.5 List of Commenters

The Judicial Council received 10 comment letters during the comment period on the Draft EIR for the proposed project, and took oral comments during one public meeting. Table 1-1 below indicates the numerical designation for each comment letter, the author of the comment letter, and the date of the comment letter.

**TABLE 1-1  
COMMENT LETTERS REGARDING THE DRAFT EIR**

| <b>Letter #</b> | <b>Entity</b>                                       | <b>Author(s) of Comment Letter/e-mail</b>             | <b>Date Received</b> |
|-----------------|---|---|----------------------|
| 1               | Central Valley Regional Water Quality Control Board | Trevor Cleak, Environmental Scientist                 | November 12, 2014    |
| 2               | California Department of Fish and Wildlife          | Angela Calderaro, Senior Environmental Scientist      | November 13, 2014    |
| 3               | California Department of Fish and Wildlife          | Tina Bartlett, Regional Manager                       | November 13, 2014    |
| 4               | El Dorado County Community Development Agency       | Steven M. Pedretti, Director                          | November 24, 2014    |
| 5               |   | John Quidachay  | November 26, 2014    |
| 6               | Save Our County                                     | Sue Taylor  | December 1, 2014     |
| 7               | California Department of Transportation (Caltrans)  | Eric Fredericks, Chief                                | December 1, 2014     |
| 8               | El Dorado County Transportation Commission          | Sharon Scherzinger, Executive Director                | December 1, 2014     |
| 9               |   | Kirk Callan Smith                                     | December 1, 2014     |
| 10              | El Dorado Transit                                   | Robin Van Valkenburgh, Planning and Marketing Manager | December 1, 2014     |

# CHAPTER 2

## Revisions to the Draft EIR

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### 2.1 Introduction

This chapter describes changes made since the publication of the Draft EIR either in response to a comment letter or initiated by Judicial Council staff.

Under CEQA, an EIR can require recirculation if significant new information is added after public review and prior to certification. According to State CEQA Guidelines section 15088.5(a), new information is not considered significant “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” More specifically, the Guidelines define significant new information as including:

- A new significant environmental impact resulting from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact that would not be reduced to insignificance by adopted mitigation measures;
- A feasible project alternative or mitigation measure considerably different from those analyzed in the Draft EIR that would clearly lessen the environmental impacts of the project and which the project proponents decline to adopt; and
- A Draft EIR that is so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

The changes described below update, refine and amplify the design information and analyses presented in the Draft EIR. No new significant impacts are identified, and no information is provided that would reflect a substantial increase in severity of a significant impact that would not be mitigated by measures agreed to by the project applicant. In addition, no new or considerably different project alternatives or mitigation measures have been identified. Finally, there are no changes or set of changes that would reflect fundamental inadequacies in the Draft EIR. Recirculation of any part of the EIR therefore is not required.

## 2.2 Text Changes to the Draft EIR

This section summarizes text changes made to the Draft EIR either in response to a comment letter or initiated by Judicial Council staff or in response to a modification to the proposed project. New text is indicated in double underline and text to be deleted is reflected by a ~~strike through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

The text revisions provide clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The text changes do not result in a change in the analysis or conclusions of the Draft EIR.

### Section 3.1, Aesthetics

The Aesthetics section of the Draft EIR (Section 3.1) is revised to acknowledge the construction of the Western Placerville Interchange Project as follows:

The fourth full paragraph on page 3.1-14 of the Draft EIR is revised as follows:

On October 26, 2010, the Placerville City Council approved an application for the Ray Lawyer Drive Commercial Subdivision, located south, southeast, and east of the proposed project site with access from Gold Nugget Way and an extension of Ray Lawyer Drive. The Ray Lawyer Drive Commercial Subdivision project would divide the approximately 27 acre lot into seven individual parcels. Construction of structures was not included in the Ray Lawyer Drive Commercial Subdivision project, and future development of the parcels would be subject to City design and site review. The parcels are still vacant, but are zoned for commercial use. There are no pending applications for development of the commercial sites, or any other sites. Additionally, the Western Placerville Interchange Project would change the aesthetics of the area with the addition of vehicular access points to U.S. 50 at Ray Lawyer Drive.

The last paragraph on page 3.1-14 of the Draft EIR is revised as follows:

While the proposed project site and surrounding parcels are designated for public facilities and commercial uses, respectively, construction of structures in the area would result in a change from the current visual character of the area. The combined effect of the visual changes resulting from the proposed project, buildout of the Western Placerville Interchange Project, and the Ray Lawyer Drive Commercial Subdivision would be a significant impact. Because of the scale of the proposed project, its contribution to the cumulative impact would be considerable. Therefore, development of the proposed project site would result in a *potentially significant cumulative impact*.

### Section 3.4, Biological Resources

The entry for northern goshawk in Table 3.4-2 on page 3.4-6 is revised to indicate that the species has a low potential to occur in the study area. In addition, the text is unbolded to indicate that the

species does not have medium or high potential to occur in the study area. The text is revised as follows:

| Birds   |           |   |   |
|---|-----------|---|---|
| <i>Accipiter gentilis</i><br>northern goshawk | --/CSC/-- | Inhabits coniferous forests, but will also inhabit deciduous and mixed forests from sea level to subalpine areas. This species may also be found in urban forested parks. | <del>Medium</del> <b>Low</b> . Potential nesting and foraging habitat is present within the proposed project area. <i>[bold text removed]</i> |

The first bullet on page 3.4-19 is revised as follows:

- Surveys for nesting raptors (which could potentially include northern goshawk) shall include at least two preconstruction surveys (separated by at least two weeks).

Mitigation Measure 3.4-2a beginning on page 3.4-20 is revised as follows:

**Mitigation Measure 3.4-2a: Protect Sensitive Tree Resources.** As part of the final design of the proposed project, the Judicial Council shall prepare a tree protection plan that identifies all trees to be removed on the project site and establishes buffer areas around protected trees. Where feasible, buffer zones shall include a minimum one-foot-wide buffer zone outside the dripline for oaks and heritage oak landmark trees. Heritage oak trees are defined as native oaks with a diameter at breast height<sup>1</sup> of 24 inches or more. The locations of these resources shall be clearly identified on the construction drawings and marked in the field by a Certified Arborist. Fencing or other barriers shall remain in place until all construction and restoration work that involves heavy equipment is complete. Construction vehicles, equipment, or materials would not be parked or stored within the fenced area. No signs, ropes, cables, or other items shall be attached to the protected trees. Grading, filling, trenching, paving, irrigation, and landscaping within the driplines of oak trees shall be limited. Grading within the driplines of oak trees shall not be permitted unless specifically authorized by a Certified Arborist. Hand-digging shall be done in the vicinity of major trees and as recommended by a Certified Arborist to prevent root cutting and mangling by heavy equipment.

Mitigation Measure 3.4-2b on page 3.4-21 is revised as follows:

**Mitigation Measure 3.4-2b: Implement Oak Woodland Compensation Measures.** Where avoidance is not feasible or practicable, the Judicial Council shall provide onsite, in-kind replacement of the full function and value of the natural community at a ratio no less than 1:1. All trees and shrubs planted shall be purchased from a locally adapted genetic stock obtained within 50 miles and 1,000 feet in elevation of the project site. Replacement of removed tree canopy shall be at a 200 trees (saplings or one gallon trees) per acre density or as recommended by a qualified professional. ~~Planting densities shall not exceed 450 trees, shrubs, and vines for each acre planted.~~ The maintenance and monitoring plan shall

<sup>1</sup> Diameter at breast height is 4.5 feet above ground level on the high side of a tree (Placer County Code, Section 12.16.020).

include cages for each seedling, identify a weed control schedule, and outline a watering regime for the plantings. Maintenance and monitoring shall be required for a minimum of 10 years after planting. Any trees that do not survive during this period of time shall be replaced by the property owner.

As an alternative to onsite mitigation, the Judicial Council may contribute funds to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund. The Judicial Council may obtain a Conservation Easement on property off-site with healthy oak woodland canopy area equivalent to 100 percent of the oak canopy area proposed to be removed. The conservation easement site should either be in close proximity and/or in connection with any oak woodland contiguous to the project site or within or adjacent to an Important Biological Corridor or Ecological Preserve as designated in the General Plan. The Conservation Easement shall provide for the preservation of the designated area in perpetuity and shall include such terms, conditions, and financial endowments for monitoring and management deemed necessary by the County to ensure the long term preservation of the oak woodland within the easement area. The Judicial Council shall work with El Dorado County to identify an approved conservation organization, ~~as established under subdivision Fish and Game Code §1363(a), for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. This measure may be implemented at such time as the Wildlife Conservation Board and/or Department of Fish and Wildlife establish guidelines, criteria, and a payment schedule for contribution to the Oak Woodlands Conservation Fund.~~

## Section 3.8, Transportation and Circulation

The Transportation and Circulation section has been edited to correct erroneous labeling, update the analysis and clarify traffic related improvements as follows:

The first sentence of the first full paragraph on page 3.8-3 is revised as follows:

Forni Road is an east-west, two-lane roadway that extends from Pleasant Valley Road (SR 49) to the south and west (in the City community of El Dorado) to downtown Placerville to the north and east (where the road merges with Main Street).

The second paragraph on page 3.8-3 is revised as follows:

Ray Lawyer Drive is a north-south, two-lane roadway that extends from Placerville Drive to the north to Forni Road to the south. The roadway provides access to the El Dorado County Government Center and includes an overpass at U.S. 50 ~~and does not provide access and a recently-completed (October 2013) on-ramp to the highway westbound~~ U.S. 50. The roadway is designated as an "Other Principal Arterial (Functional Class 3)" within the City of Placerville, according to Caltrans' roadway classification system (Caltrans, 2012).

Table 3.8-3 on page 3.8-9 is revised as follows:

**TABLE 3.8-3  
INTERSECTION LEVEL OF SERVICE SUMMARY – EXISTING CONDITIONS**

| ID               | Intersection                                 | Control Type <sup>a</sup> | A.M. Peak Hour                      |          | P.M. Peak Hour                      |          |
|------------------|--|---------------------------|-------------------------------------|----------|-------------------------------------|----------|
|                  |  |                           | Delay <sup>b,c</sup>                | LOS      | Delay <sup>b,c</sup>                | LOS      |
| <u>1 &amp; 2</u> | Placerville Dr / Fair Ln / US 50 WB Ramps    | Signal                    | 20.7                                | C        | 36.6                                | D        |
| <u>3</u>         | Placerville Dr / Forni Rd                    | SSSC                      | <del>45.9</del> <u>15.8</u><br>(EB) | C        | <del>38.8</del> <u>39.6</u><br>(EB) | E        |
| <u>4</u>         | Forni Rd / Lo-Hi Way / US 50 EB Ramps        | AWSC                      | 9.9                                 | A        | 11.4                                | B        |
| <u>5</u>         | Ray Lawyer Dr / Forni Rd                     | AWSC                      | <del>7.4</del> <u>7.0</u>           | A        | <del>8.4</del> <u>7.8</u>           | A        |
| <u>6</u>         | Ray Lawyer Dr / Fair Ln                      | AWSC                      | <del>6.7</del> <u>7.2</u>           | A        | <del>7.5</del> <u>8.4</u>           | A        |
| <u>7</u>         | Forni Rd / County Jail Driveway              | SSSC                      | <del>9.4</del> <u>9.0</u><br>(NB)   | A        | 9.4 (NB)                            | A        |
| <u>8</u>         | <u>Ray Lawyer Drive / U.S. 50 WB On-Ramp</u> | <u>No Control</u>         | <u>0.8 (NB)</u>                     | <u>A</u> | <u>2.4 (NB)</u>                     | <u>A</u> |

a Signal = signalized intersection; AWSC = All-Way Stop-Controlled intersection; SSSC = Side-Street Stop-Controlled intersection.

b Delay = Control Delay in Seconds per Vehicle.

c Average Intersection Delay in seconds per vehicle for signalized and AWSC intersections. Average Delay in seconds per vehicle for the worst minor approach for SSSC intersections. Northbound = NB; Eastbound = EB.

**Bold** text indicates unacceptable level of service.

SOURCE: Data Compiled by CHS Consulting, 2014.

Table 3.8-5 on page 3.8-11 is revised as follows:

**TABLE 3.8-5  
FREEWAY MAINLINE LEVEL OF SERVICE SUMMARY – EXISTING CONDITIONS**

| U.S. 50 Mainline  | Volume           | Density <sup>a</sup>        | LOS |
|---|------------------|-----------------------------|-----|
| <b>West of Placerville Drive</b>                        |                  |                             |     |
| AM Peak Hour – Eastbound                                | 2,000            | 15.9                        | B   |
|   | <del>2,079</del> |                             |     |
| AM Peak Hour – Westbound                                | <u>2,091</u>     | <del>46.9</del> <u>17.0</u> | B   |
| PM Peak Hour – Eastbound                                | 2,378            | 18.6                        | C   |
|   | <del>2,546</del> |                             |     |
| PM Peak Hour – Westbound                                | <u>2,584</u>     | <del>20.8</del> <u>21.1</u> | C   |
| <b>Between Placerville Drive &amp; Ray Lawyer Drive</b> |                  |                             |     |
| AM Peak Hour – Eastbound                                | 1,424            | 11.3                        | B   |
|   | <del>1,823</del> |                             |     |
| AM Peak Hour – Westbound                                | <u>1,835</u>     | <del>44.8</del> <u>14.9</u> | B   |
| PM Peak Hour – Eastbound                                | 1,792            | 14.2                        | B   |
|   | <del>1,606</del> |                             |     |
| PM Peak Hour – Westbound                                | <u>1,734</u>     | <del>43.8</del> <u>14.1</u> | B   |

NOTE:

a Density calculated by passenger car per mile per lane.

SOURCE: Fehr & Peers, 2009; CHS Consulting, 2014.

The bullets at the bottom of page 3.8-18 and at the top of page 3.8-19, and Table 3.8-6 are revised as follows:

- Approximately ~~18~~ 12 percent of proposed project-related traffic would travel to and from areas north of the proposed project site and travel along various regional routes (Route 49, Route 193) and local roadways (e.g., Placerville Drive, Ray Lawyer Drive, Main Street and Forni Road).
- Approximately ~~24~~ 21 percent of proposed project-related traffic would travel to and from areas south of the proposed project site and travel along Route 49 and various local roadways (e.g., Missouri Flat Road, Cedar Ravine Road, Forni Road).
- Approximately ~~12~~ 18 percent of project-related traffic would travel to and from areas east of the proposed project site and would travel along U.S. 50, the Placerville Drive and Forni Road) or local roadways (Main Street and Forni Road).
- Approximately ~~46~~ 49 percent of project-related traffic could travel to and from areas west of the proposed project site and travel along U.S. 50, Placerville Drive and Forni Road.

**TABLE 3.8-6  
PROPOSED PROJECT TRIP DISTRIBUTION AND ASSIGNMENT**

| Origin Location          | Percent (%) of Project Traffic | AM Peak Hour <sup>a</sup> |             | PM Peak Hour <sup>b</sup> |              |
|--------------------------|--------------------------------|---------------------------|-------------|---------------------------|--------------|
|                          |                                | In                        | Out         | In                        | Out          |
| To/From Northern Regions | 48% <u>12%</u>                 | 46 <u>30</u>              | 6 <u>4</u>  | -                         | 20 <u>13</u> |
| To/From Southern Regions | 24% <u>21%</u>                 | 64 <u>44</u>              | 9 <u>17</u> | -                         | 26 <u>22</u> |
| To/From Eastern Regions  | 12% <u>18%</u>                 | 30 <u>42</u>              | 4 <u>9</u>  | -                         | 13 <u>17</u> |
| To/From Western Regions  | 46% <u>49%</u>                 | 116 <u>137</u>            | 17 <u>6</u> | -                         | 50 <u>57</u> |
| <b>Total Trips</b>       | 100%                           | <b>253</b>                | <b>36</b>   | -                         | <b>109</b>   |

a AM Peak assumes all employees inbound, and 100% inbound trips / 25% outbound trips for non-employees.

b PM Peak assumes all employees outbound and no non-employee vehicle trips.

SOURCES: ESA, 2013; CHS Consulting Group, 2014.

The following table of project trip generation, broken down by employees and non-employees (Table 3.8-6A) is added to page 3.4-19 of the EIR, immediately after Table 3.8-6:

**TABLE 3.8-6A  
PROPOSED PROJECT VEHICLE TRIP GENERATION**

| User Type                 | AM Peak Hour |                       | PM Peak Hour |            |
|---------------------------|--------------|-----------------------|--------------|------------|
|                           | In           | Out                   | In           | Out        |
| Employee <sup>a</sup>     | <u>109</u>   | <u>0</u>              | <u>0</u>     | <u>109</u> |
| Non-Employee <sup>b</sup> | <u>144</u>   | <u>36<sup>c</sup></u> | <u>0</u>     | <u>0</u>   |
| <b>Total Trips</b>        | <b>253</b>   | <b>36</b>             | <b>0</b>     | <b>109</b> |

a Employee trips based on assuming all employees "drive alone" to and from project site. Number of employees based on Superior Court of California County of El Dorado New Placerville Courthouse Budget Package, September 3, 2009.

b Number of non-employees based on the total traveling to the Main Street Courthouse and Building C during the AM peak hour.

c Survey data indicated 25% of total non-employees exit the project site during the AM peak hour.

SOURCES: AOC, 2009; ESA, 2013; CHS Consulting Group, 2014.

The first paragraph under the Freeway Conditions heading on page 3.8-24 is revised as follows:

As described above, the ~~The~~ proposed project would assign up to ~~168 a.m.~~ 204 AM peak-hour vehicle trips and up to ~~64 p.m.~~ 123 PM peak-hour vehicle trips to U.S. 50, as shown in Figure 3.8-1A. Although current roadway conditions along U.S. 50 are acceptable during the weekday peak hour, the proposed project would generate more than 100 peak-hour vehicle trips to a state highway facility, and to be consistent with Caltrans' guidelines, an evaluation of freeway conditions along the U.S. 50 mainline was included in this Draft EIR.

Table 3.8-7 on page 3.8-26 is revised as follows:

**TABLE 3.8-7  
INTERSECTION LEVEL OF SERVICE (LOS) –  
EXISTING AND EXISTING PLUS PROJECT CONDITIONS**

| Intersection   | Traffic Control <sup>b</sup> | Peak Hour | Existing         |                                     | Existing + Project |                                     |                            |
|--|------------------------------|-----------|------------------|-------------------------------------|--------------------|-------------------------------------|----------------------------|
|  |                              |           | LOS <sup>a</sup> | Delay <sup>c</sup>                  | LOS <sup>a</sup>   | Delay <sup>c</sup>                  | Change <sup>d</sup>        |
| <u>1 &amp; 2</u> Placerville Dr / Fair Ln / US 50 WB Ramps | Signal                       | AM        | C                | 20.7                                | C                  | <del>22.6</del> <u>22.5</u>         | <del>4.9</del> <u>1.8</u>  |
|  |                              | PM        | D                | 36.6                                | D                  | 36.8                                | 0.2                        |
| <u>3</u> Placerville Dr / Forni Rd                         | SSSC                         | AM        | C                | <del>45.9</del> <u>15.8</u><br>(EB) | C                  | <del>46.5</del> <u>16.1</u><br>(EB) | <del>0.6</del> <u>0.3</u>  |
|  |                              | PM        | E                | <del>38.8</del> <u>39.6</u><br>(EB) | E                  | <del>39.6</del> <u>41.6</u><br>(EB) | <del>0.8</del> <u>2.0</u>  |
| <u>4</u> Forni Rd / Lo-Hi Way / US 50 EB Ramps             | AWSC                         | AM        | A                | 9.9                                 | B                  | <del>42.2</del> <u>12.4</u>         | <del>2.3</del> <u>2.5</u>  |
|  |                              | PM        | B                | 11.4                                | B                  | <del>41.2</del> <u>11.5</u>         | <del>-0.2</del> <u>0.1</u> |
| <u>5</u> Ray Lawyer Dr / Forni Rd                          | AWSC                         | AM        | A                | <del>7.4</del> <u>7.0</u>           | A                  | <del>7.6</del> <u>7.2</u>           | 0.2                        |
|  |                              | PM        | A                | <del>7.5</del> <u>7.8</u>           | A                  | <del>7.6</del> <u>8.3</u>           | <del>0.1</del> <u>0.5</u>  |
| <u>6</u> Ray Lawyer Dr / Fair Ln                           | AWSC                         | AM        | A                | <del>6.7</del> <u>7.2</u>           | A                  | <del>6.8</del> <u>7.2</u>           | <del>0.1</del> <u>0.0</u>  |
|  |                              | PM        | A                | <del>7.5</del> <u>8.4</u>           | A                  | <del>7.6</del> <u>8.4</u>           | <del>0.1</del> <u>0.0</u>  |
| <u>7</u> Forni Rd / County Jail-Ray Lawyer Dr extension    | SSSC                         | AM        | A                | <del>9.1</del> <u>9.0</u><br>(NB)   | A                  | <del>40.8</del> <u>9.3</u><br>(NB)  | <del>1.7</del> <u>0.3</u>  |
|  |                              | PM        | A                | 9.4 (NB)                            | A                  | <del>9.8</del> <u>9.5</u><br>(NB)   | <del>0.4</del> <u>0.1</u>  |
| <u>8</u> <u>Ray Lawyer Drive / U.S. 50 WB On-Ramp</u>      | <u>No Control</u>            | <u>AM</u> | <u>A</u>         | <u>0.8</u> (NB)                     | <u>A</u>           | <u>1.5</u> (NB)                     | <u>0.7</u>                 |
|  |                              | <u>PM</u> | <u>A</u>         | <u>2.4</u> (NB)                     | <u>A</u>           | <u>4.0</u> (NB)                     | <u>1.6</u>                 |

a LOS calculations performed using Synchro and the 2000 Highway Capacity Manual operations analysis methodology.

b Signal = signalized intersection; AWSC = All-Way Stop-Controlled intersection; SSSC = Side-Street Stop-Controlled intersection.

c Average vehicle delay (in seconds per vehicle) is reported for unsignalized intersections (i.e., AWSC). Approach delay reported for stop-controlled approach at unsignalized Side-Street Stop-Controlled intersections (EB = eastbound).

d Represents the change in delay relative to existing (no project) conditions.

**Bold** indicates unacceptable LOS conditions (LOS E or lower).

SOURCE: CHS Consulting, 2014.

Table 3.8-8 on page 3.8-26 is revised as follows:

**TABLE 3.8-8  
FREEWAY MAINLINE LEVEL OF SERVICE SUMMARY –  
EXISTING AND EXISTING PLUS PROJECT CONDITIONS**

| U.S. 50 Mainline  | Existing Conditions           |                             |     | Existing+Project Conditions   |                             |     |
|---|-------------------------------|-----------------------------|-----|-------------------------------|-----------------------------|-----|
|   | Volume                        | Density <sup>a</sup>        | LOS | Volume                        | Density <sup>a</sup>        | LOS |
| <b>West of Placerville Drive</b>                        |                               |                             |     |                               |                             |     |
| AM Peak Hour – Eastbound                                | 2,000                         | 15.9                        | B   | <del>2,424</del> <u>2,137</u> | <del>46.9</del> <u>17.0</u> | B   |
| AM Peak Hour – Westbound                                | <del>2,079</del> <u>2,091</u> | <del>46.9</del> <u>17.0</u> | B   | <del>2,083</del> <u>2,107</u> | <del>46.9</del> <u>17.1</u> | B   |
| PM Peak Hour – Eastbound                                | 2,378                         | 18.6                        | C   | 2,378                         | 18.6                        | C   |
| PM Peak Hour – Westbound                                | <del>2,546</del> <u>2,584</u> | <del>20.8</del> <u>21.1</u> | C   | <del>2,549</del> <u>2,643</u> | <del>20.8</del> <u>21.6</u> | C   |
| <b>Between Placerville Drive &amp; Ray Lawyer Drive</b> |                               |                             |     |                               |                             |     |
| AM Peak Hour – Eastbound                                | 1,424                         | 11.3                        | B   | <del>4,445</del> <u>1,427</u> | <del>41.5</del> <u>11.4</u> | B   |
| AM Peak Hour – Westbound                                | <del>4,823</del> <u>1,835</u> | <del>44.8</del> <u>14.9</u> | B   | <del>4,869</del> <u>1,883</u> | <del>45.2</del> <u>15.3</u> | B   |
| PM Peak Hour – Eastbound                                | 1,792                         | 14.2                        | B   | <del>4,862</del> <u>1,804</u> | <del>44.7</del> <u>14.3</u> | B   |
| PM Peak Hour – Westbound                                | <del>4,696</del> <u>1,734</u> | <del>43.8</del> <u>14.1</u> | B   | <del>4,696</del> <u>1,786</u> | <del>43.8</del> <u>14.5</u> | B   |

a Density calculated by passenger car per mile per lane.  
SOURCE: Fehr & Peers, 2009; CHS Consulting, 2014.

Table 3.8-9 on page 3.8-2 is revised as follows:

**TABLE 3.8-9  
INTERSECTION LEVEL OF SERVICE (LOS) – EXISTING PLUS APPROVED PROJECTS AND  
EXISTING PLUS APPROVED PROJECTS PLUS PROJECT CONDITIONS (YEAR 2018)**

| Intersection   | Traffic Control <sup>b</sup> | Peak Hour | Existing + Approved Projects |                                  | Existing + Approved Projects + Project |                                  |                             |
|--|------------------------------|-----------|------------------------------|----------------------------------|--|----------------------------------|-----------------------------|
|  |                              |           | LOS <sup>a</sup>             | Delay <sup>c</sup>               | LOS <sub>a</sub>                       | Delay <sup>c</sup>               | Change <sub>d</sub>         |
| <u>1 &amp; 2</u> Placerville Dr / Fair Ln / US 50 WB Ramps | Signal                       | AM        | C                            | 29.1                             | C                                      | <del>32.9</del> <u>32.7</u>      | <del>3.8</del> <u>3.6</u>   |
|  |                              | PM        | D                            | 54.5                             | D                                      | 54.9                             | 0.4                         |
| <u>3</u> Placerville Dr / Forni Rd                         | SSSC                         | AM        | E                            | <b>38.0 (EB)</b>                 | E                                      | <del>42.3</del> <u>39.7 (EB)</u> | <del>4.3</del> <u>1.7</u>   |
|  |                              | PM        | F                            | <b>&gt;50 (EB)</b>               | F                                      | <b>&gt;50 (EB)</b>               | <del>44.0</del> <u>34.3</u> |
| <u>4</u> Forni Rd / Lo-Hi Way / US 50 EB Ramps             | AWSC                         | AM        | C                            | 18.1                             | D                                      | <del>31.4</del> <u>30.3</u>      | <del>13.3</del> <u>12.2</u> |
|  |                              | PM        | B                            | 13.8                             | B                                      | <del>43.8</del> <u>13.9</u>      | <del>0.0</del> <u>0.1</u>   |
| <u>5</u> Ray Lawyer Dr / Forni Rd / US 50 EB Off-Ramp      | SSSC                         | AM        | B                            | <del>44.7</del> <u>14.9 (EB)</u> | C                                      | <del>48.2</del> <u>20.9 (WB)</u> | <del>3.5</del> <u>6.2</u>   |
|  |                              | PM        | D                            | <del>28.3</del> <u>26.9 (EB)</u> | D                                      | <del>29.6</del> <u>32.5 (EB)</u> | <del>4.3</del> <u>5.6</u>   |
| <u>6</u> Ray Lawyer Dr / Fair Ln                           | AWSC                         | AM        | A                            | 8.5                              | A                                      | <del>9.4</del> <u>8.6</u>        | <del>0.6</del> <u>0.1</u>   |
|  |                              | PM        | B                            | 12.4                             | B                                      | 12.4                             | 0.0                         |
| <u>7</u> Forni Rd / County Jail-Ray Lawyer Dr extension    | SSSC                         | AM        | C                            | 24.1 (NB)                        | F                                      | <b>&gt;50 (NB)</b>               | <del>108.9</del>            |
|  |                              | PM        | F                            | <b>≥50 (NB)</b>                  | F                                      | <b>≥50 (NB)</b>                  | <del>69.7</del> <u>90.4</u> |

| Intersection                            | Traffic Control <sup>b</sup> | Peak Hour | Existing + Approved Projects |                    | Existing + Approved Projects + Project |                                |                            |
|---|------------------------------|-----------|------------------------------|--------------------|--|--------------------------------|----------------------------|
|   |                              |           | LOS <sup>a</sup>             | Delay <sup>c</sup> | LOS <sub>a</sub>                       | Delay <sup>c</sup>             | Change <sub>d</sub>        |
| g Ray Lawyer Drive / U.S. 50 WB On-Ramp | No Control                   | AM        | A                            | 0.9 (NB)           | A                                      | <del>0.7</del> <u>1.1 (NB)</u> | <del>-0.2</del> <u>0.2</u> |
|   |                              | PM        | A                            | 2.9 (NB)           | A                                      | <del>2.9</del> <u>3.7 (NB)</u> | <del>0.0</del> <u>0.8</u>  |

a LOS calculations performed using Synchro and the 2000 Highway Capacity Manual Planning Method operations analysis methodology.

b Signal = signalized intersection; AWSC = All-Way Stop-Controlled intersection; SSSC = Side-Street Stop-Controlled intersection; TWSC = Two-Way Stop-Controlled Intersection.

c Average vehicle delay (in seconds per vehicle) is reported for unsignalized intersections (i.e., AWSC). Approach delay reported for stop-controlled approach at unsignalized Side-Street Stop-Controlled intersections (EB = eastbound).

d Represents the change in delay relative to no project (baseline) conditions.

**Bold** indicates unacceptable LOS conditions (LOS E or lower). **Shaded** cells indicate a significant project impact.

SOURCE: CHS Consulting, 2014.

Table 3.8-10 on page 3.8-31 is revised as follows:

**TABLE 3.8-10  
FREEWAY MAINLINE LEVEL OF SERVICE SUMMARY –  
EXISTING PLUS APPROVED PROJECTS AND EXISTING PLUS  
APPROVED PROJECTS PLUS PROJECT CONDITIONS (YEAR 2018)**

| U.S. 50 Mainline  | Existing + Approved Projects |                      |     | Existing+ Approved Projects +Project |                             |     |
|---|------------------------------|----------------------|-----|--------------------------------------|-----------------------------|-----|
|   | Volume                       | Density <sup>a</sup> | LOS | Volume                               | Density <sup>a</sup>        | LOS |
| <b>West of Placerville Drive</b>                        |                              |                      |     |                                      |                             |     |
| AM Peak Hour – Eastbound                                | 2,528                        | 13.4                 | B   | <del>2,558</del><br><u>2,665</u>     | <del>13.6</del> <u>14.1</u> | B   |
| AM Peak Hour – Westbound                                | 2,417                        | 13.1                 | B   | <del>2,424</del><br><u>2,433</u>     | <del>13.4</del> <u>13.2</u> | B   |
| PM Peak Hour – Eastbound                                | 2,791                        | 14.6                 | B   | 2,791                                | 14.6                        | B   |
| PM Peak Hour – Westbound                                | 3,206                        | 17.4                 | B   | <del>3,209</del><br><u>3,265</u>     | <del>17.4</del> <u>17.7</u> | B   |
| <b>Between Placerville Drive &amp; Ray Lawyer Drive</b> |                              |                      |     |                                      |                             |     |
| AM Peak Hour – Eastbound                                | 2,152                        | 17.1                 | B   | <del>2,244</del><br><u>2,247</u>     | 17.9                        | B   |
| AM Peak Hour – Westbound                                | 2,482                        | 20.2                 | C   | <del>2,528</del><br><u>2,530</u>     | <del>24.4</del> <u>20.6</u> | C   |
| PM Peak Hour – Eastbound                                | 2,586                        | 20.5                 | C   | <del>2,656</del><br><u>2,598</u>     | <del>20.5</del> <u>21.1</u> | C   |
| PM Peak Hour – Westbound                                | 2,683                        | 21.9                 | C   | <del>2,694</del><br><u>2,735</u>     | <del>22.0</del> <u>22.4</u> | C   |

a Density calculated by passenger car per mile per lane.

SOURCE: CHS Consulting Group, 2014.

Table 3.8-11 on page 3.8-40 is revised as follows:

**TABLE 3.8-11  
INTERSECTION LEVEL OF SERVICE (LOS) –  
CUMULATIVE (2045) AND CUMULATIVE PLUS PROJECT CONDITIONS**

| Intersection   | Traffic Control <sup>b</sup> | Peak Hour | Cumulative       |                    | Cumulative + Project |                                  | Change <sup>d</sup>           |
|--|------------------------------|-----------|------------------|--------------------|----------------------|----------------------------------|-------------------------------|
|  |                              |           | LOS <sup>a</sup> | Delay <sup>c</sup> | LOS <sup>a</sup>     | Delay <sup>c</sup>               |                               |
| <u>1 &amp; 2</u> Placerville Dr / Fair Ln / US 50 WB Ramps | Roundabout <sup>e</sup>      | AM        | A                | 3.5                | A                    | 3.9                              | 0.4                           |
|  |                              | PM        | A                | 9.0                | B                    | <del>9.8</del> <u>10.7</u>       | <del>0.8</del> <u>1.7</u>     |
| <u>3</u> Placerville Dr / Forni Road                       | SSSC                         | AM        | B                | 14.1 (EB)          | B                    | <del>14.8</del> <u>15.0</u> (EB) | <del>0.7</del> <u>0.9</u>     |
|  |                              | PM        | C                | 22.6 (EB)          | C                    | 22.6 (EB)                        | 0.0                           |
| <u>4</u> Forni Rd / Lo-Hi Way / US 50 EB Ramps             | Roundabout <sup>e</sup>      | AM        | A                | 3.3                | A                    | <del>3.7</del> <u>3.6</u>        | <del>0.4</del> <u>0.3</u>     |
|  |                              | PM        | B                | 12.2               | B                    | <del>11.2</del> <u>11.5</u>      | <del>1.0</del> <u>0.7</u>     |
| <u>5</u> Ray Lawyer Dr / Forni Rd / US EB Ramps            | Signal <sup>f</sup>          | AM        | C                | 20.4               | C                    | <del>33.2</del> <u>30.9</u>      | <del>12.8</del> <u>10.5</u>   |
|  |                              | PM        | C                | 31.3               | C                    | <del>35.6</del> <u>32.4</u>      | <del>4.3</del> <u>1.1</u>     |
| <u>6</u> Ray Lawyer Dr / Fair Ln                           | Signal <sup>g</sup>          | AM        | A                | 5.3                | A                    | 5.3                              | 0.0                           |
|  |                              | PM        | A                | 8.8                | A                    | 8.8                              | 0.0                           |
| <u>7</u> Forni Rd / County Jail-Ray Lawyer Dr extension    | SSSC                         | AM        | C                | 24.7 (NB)          | <b>F</b>             | <b>&gt;50 (NB)</b>               | <del>290.5</del> <u>117.5</u> |
|  |                              | PM        | <b>F</b>         | <b>&gt;50 (NB)</b> | <b>F</b>             | <b>&gt;50 (NB)</b>               | <del>99.9</del> <u>88.8</u>   |
| <u>8</u> Ray Lawyer Drive / U.S. 50 WB Ramps               | Signal <sup>h</sup>          | AM        | B                | 11.4               | B                    | <del>11.7</del> <u>11.5</u>      | <del>0.3</del> <u>0.1</u>     |
|  |                              | PM        | B                | 14.4               | B                    | <del>14.4</del> <u>14.7</u>      | <del>0.0</del> <u>0.3</u>     |

a LOS calculations performed using Synchro and the 2000 Highway Capacity Manual Planning Method operations analysis methodology.

b Signal = signalized intersection; SSSC = Side-Street Stop-Controlled intersection.

c Approach delay reported for stop-controlled approach at unsignalized Side-Street Stop-Controlled intersections (EB = eastbound). Average roundabout delay based on peak-hour simulation results from five (5) VISSIM micro-simulation model runs.

d Represents the change in delay relative to future (baseline) conditions.

e Due to proposed improvements, intersection would be modified and reconfigured to a roundabout.

f Due to proposed improvements, intersection would be modified from Two-Way Stop-Controlled (TWSC) to Signalized intersection.

g Due to proposed improvements, intersection would be modified from AWSC to Signalized intersection.

h Due to proposed improvements, intersection would be modified from uncontrolled to Signalized intersection.

**Bold** indicates unacceptable LOS conditions (LOS E or lower). **Shaded** cells indicate a significant project impact.

SOURCE: CHS Consulting, 2014.

Table 3.8-12 on page 3.8-41 is revised as follows:

**TABLE 3.8-12  
FREEWAY MAINLINE LEVEL OF SERVICE SUMMARY –  
CUMULATIVE AND CUMULATIVE PLUS PROJECT CONDITIONS (YEAR 2045)**

| U.S. 50 Mainline  | Cumulative (2045)                |                      |     | Cumulative + Project             |                                |     |
|---|----------------------------------|----------------------|-----|----------------------------------|--------------------------------|-----|
|   | Volume                           | Density <sup>a</sup> | LOS | Volume                           | Density <sup>a</sup>           | LOS |
| <b>West of Placerville Drive</b>                        |                                  |                      |     |                                  |                                |     |
| AM Peak Hour – Eastbound                                | 3,721                            | 19.7                 | C   | <del>3,751</del><br><u>3,858</u> | <del>19.9</del><br><u>20.5</u> | C   |
| AM Peak Hour – Westbound                                | <del>3,330</del><br><u>3,300</u> | 18.0                 | C   | <del>3,334</del><br><u>3,316</u> | <del>18.0</del><br><u>17.9</u> | C   |
| PM Peak Hour – Eastbound                                | 3,824                            | 20.0                 | C   | 3,824                            | 20.0                           | C   |
| PM Peak Hour – Westbound                                | 4,714                            | 26.4                 | D   | <del>4,747</del><br><u>4,773</u> | <del>26.4</del><br><u>26.8</u> | D   |
| <b>Between Placerville Drive &amp; Ray Lawyer Drive</b> |                                  |                      |     |                                  |                                |     |
| AM Peak Hour – Eastbound                                | 2,984                            | 24.1                 | C   | <del>3,097</del><br><u>3,079</u> | <del>25.1</del><br><u>25.0</u> | C   |
| AM Peak Hour – Westbound                                | 3,033                            | 25.1                 | C   | <del>3,048</del><br><u>3,081</u> | <del>25.3</del><br><u>25.6</u> | C   |
| PM Peak Hour – Eastbound                                | 3,292                            | 27.0                 | D   | <del>3,322</del><br><u>3,304</u> | <del>27.3</del><br><u>27.1</u> | D   |
| PM Peak Hour – Westbound                                | 3,644                            | 32.8                 | D   | <del>3,652</del><br><u>3,696</u> | <del>32.9</del><br><u>33.7</u> | D   |

a Density calculated by passenger car per mile per lane.  
SOURCE: CHS Consulting Group, 2014.

## Changes to Figures

All revised Draft EIR figures are included at the end of this chapter.

Figure 2-3, Conceptual Site Plan, is revised to correctly reflect the proposed New Placerville Courthouse access drive location. The access drive would connect to the existing El Dorado County Jail access drive, not directly to Forni Road.

Figures 3.8-1 through 3.8-6 are revised to reflect corrected roadway traffic volumes and corrected existing network conditions.

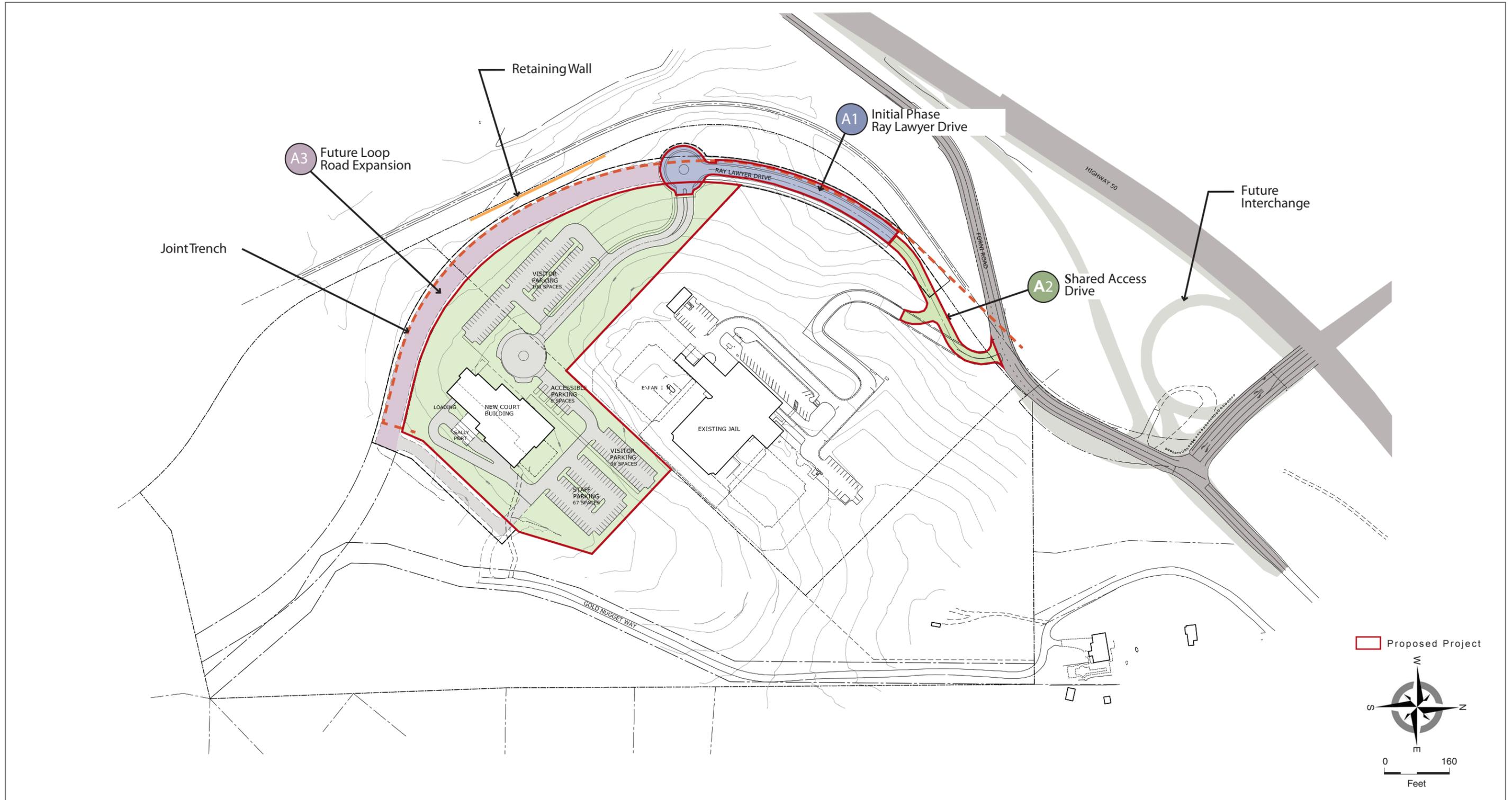
Figure 3.8-1A is added to show project-only trips under existing conditions.

Figure 3.8-3A is added to show project-only trips under Year 2018 conditions.

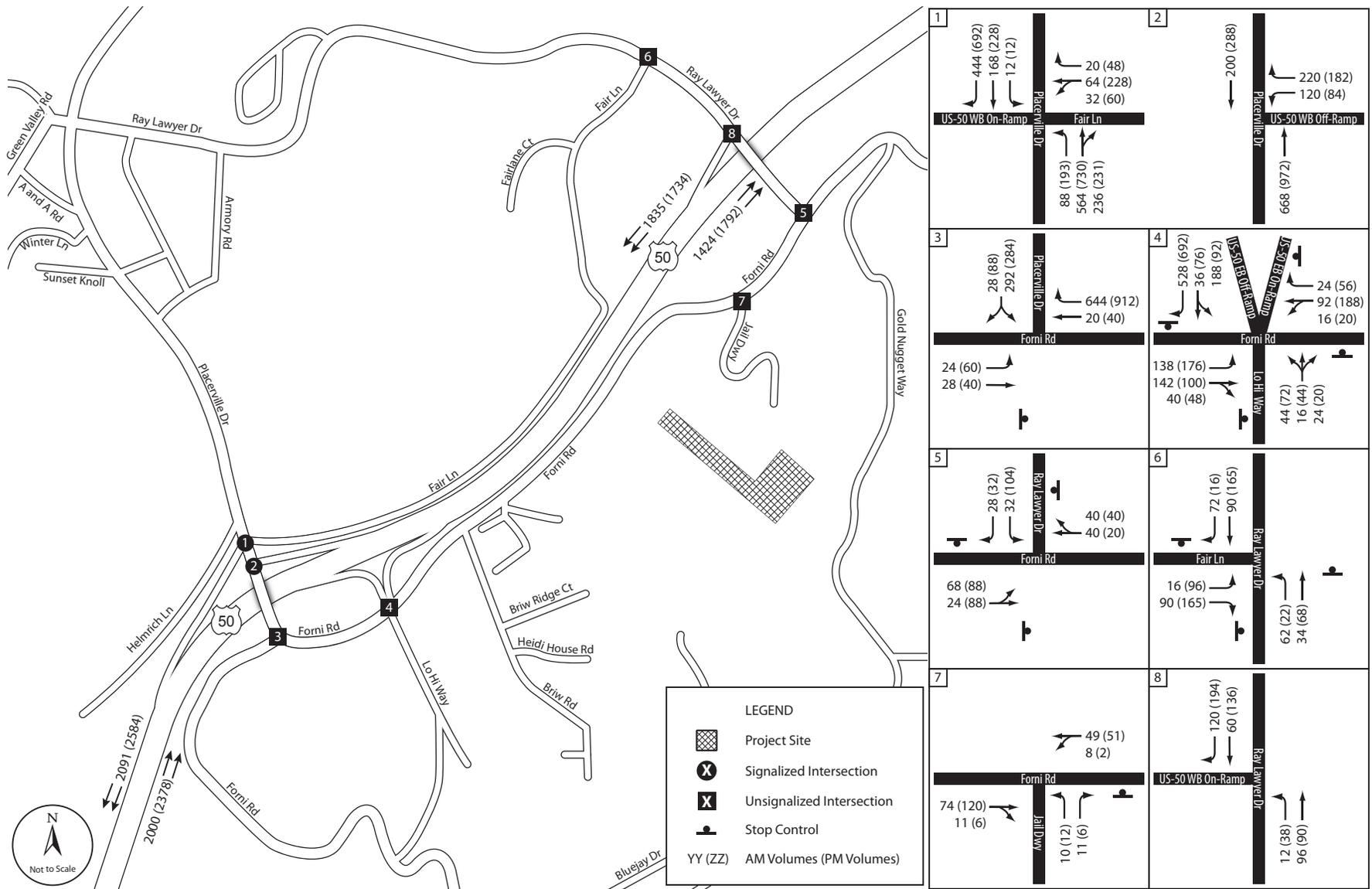
Figure 3.8-5A is added to show project-only trips under Year 2045 conditions.

## Changes to the Appendices

Appendix F, Traffic Analysis Appendices, is revised to reflect corrected existing network conditions, revised trip distribution, and clarify project-only traffic volumes.



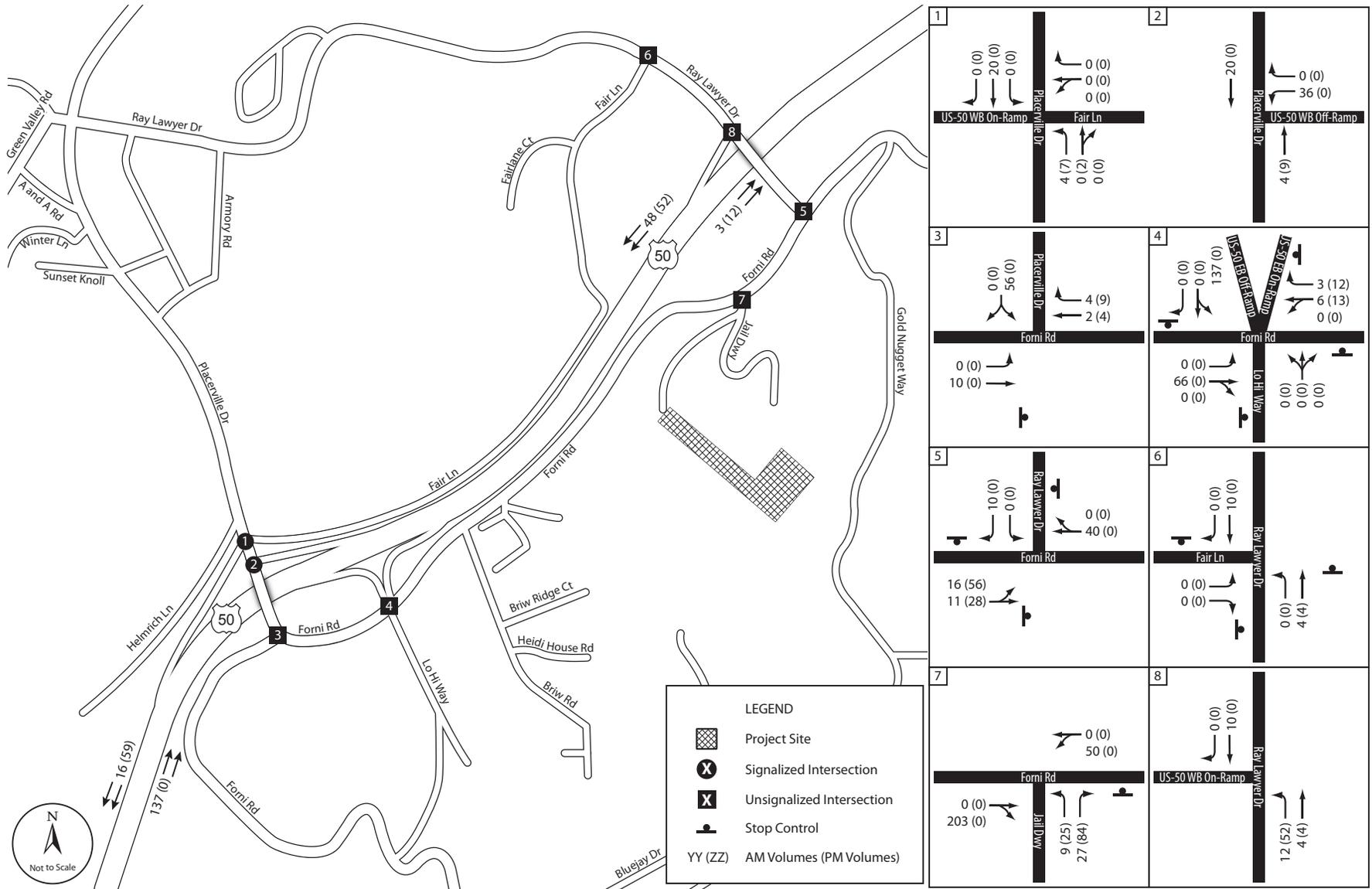
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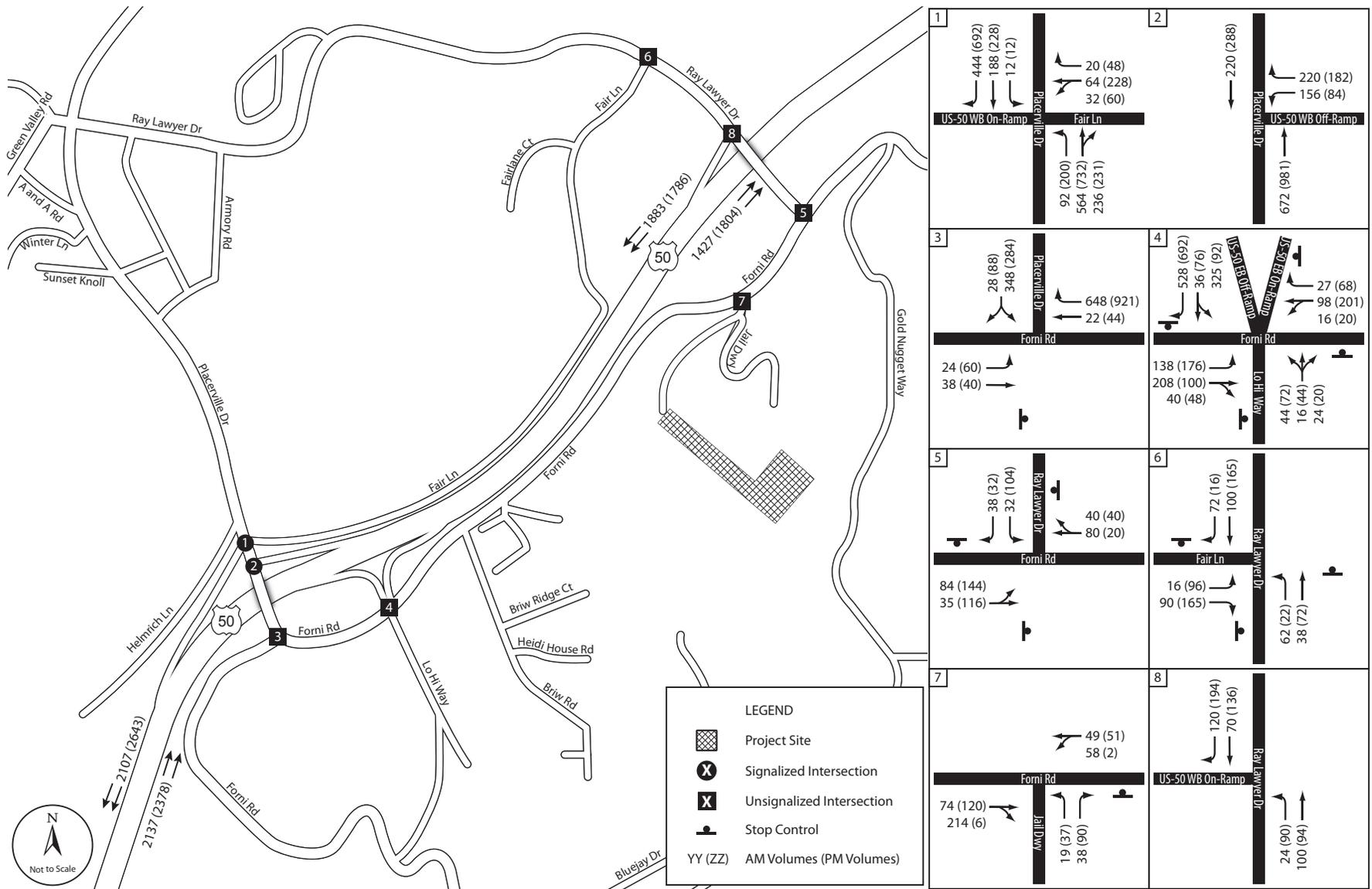
SOURCE: CHS Consulting Group, 2015

Judicial Council – New Placerville Courthouse . 208091

**Figure 3.8-1**  
Existing Study Intersection AM and PM Peak Hour Traffic Volumes



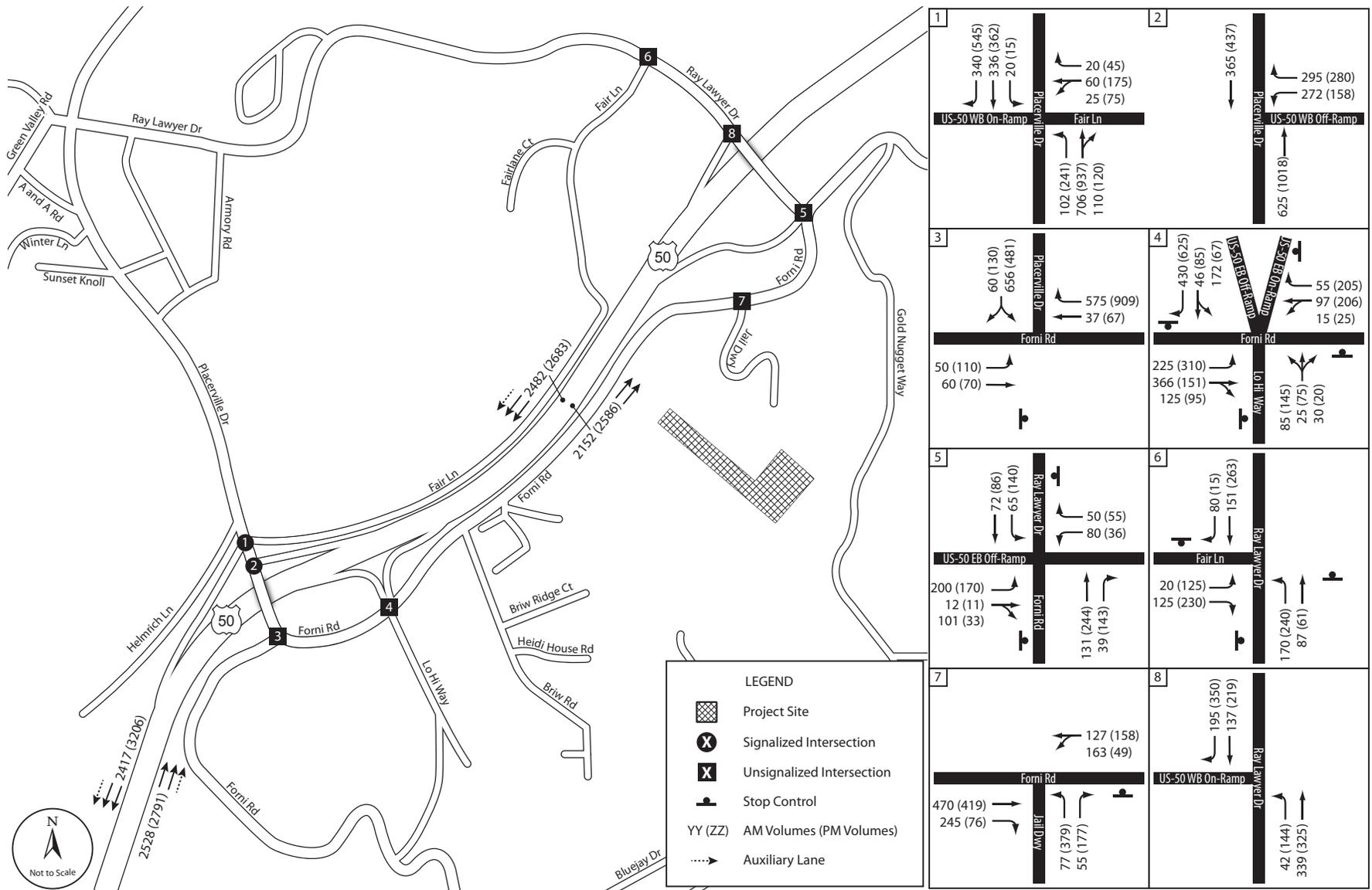
**Figure 3.8-1A**  
Existing Project Trips AM and PM Peak Hour Traffic Volume



SOURCE: CHS Consulting Group, 2015

Judicial Council – New Placerville Courthouse . 208091

**Figure 3.8-2**  
Existing Plus Project Intersection AM and PM Peak Hour Traffic Volumes

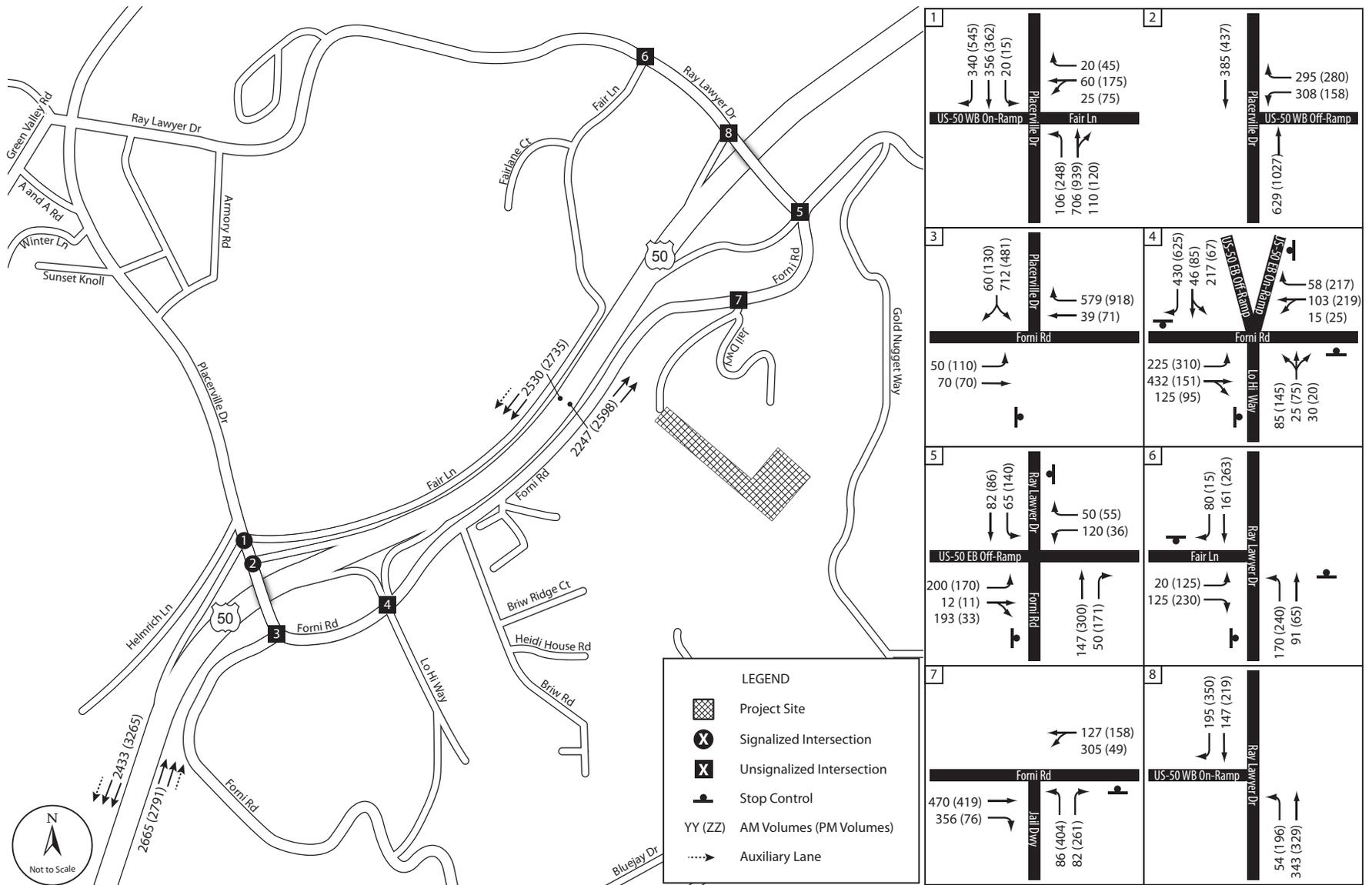


SOURCE: CHS Consulting Group, 2015

Judicial Council – New Placerville Courthouse . 208091

**Figure 3.8-3**  
Existing Plus Approved Projects (2018) Study Intersection AM and PM Peak Hour Traffic Volumes

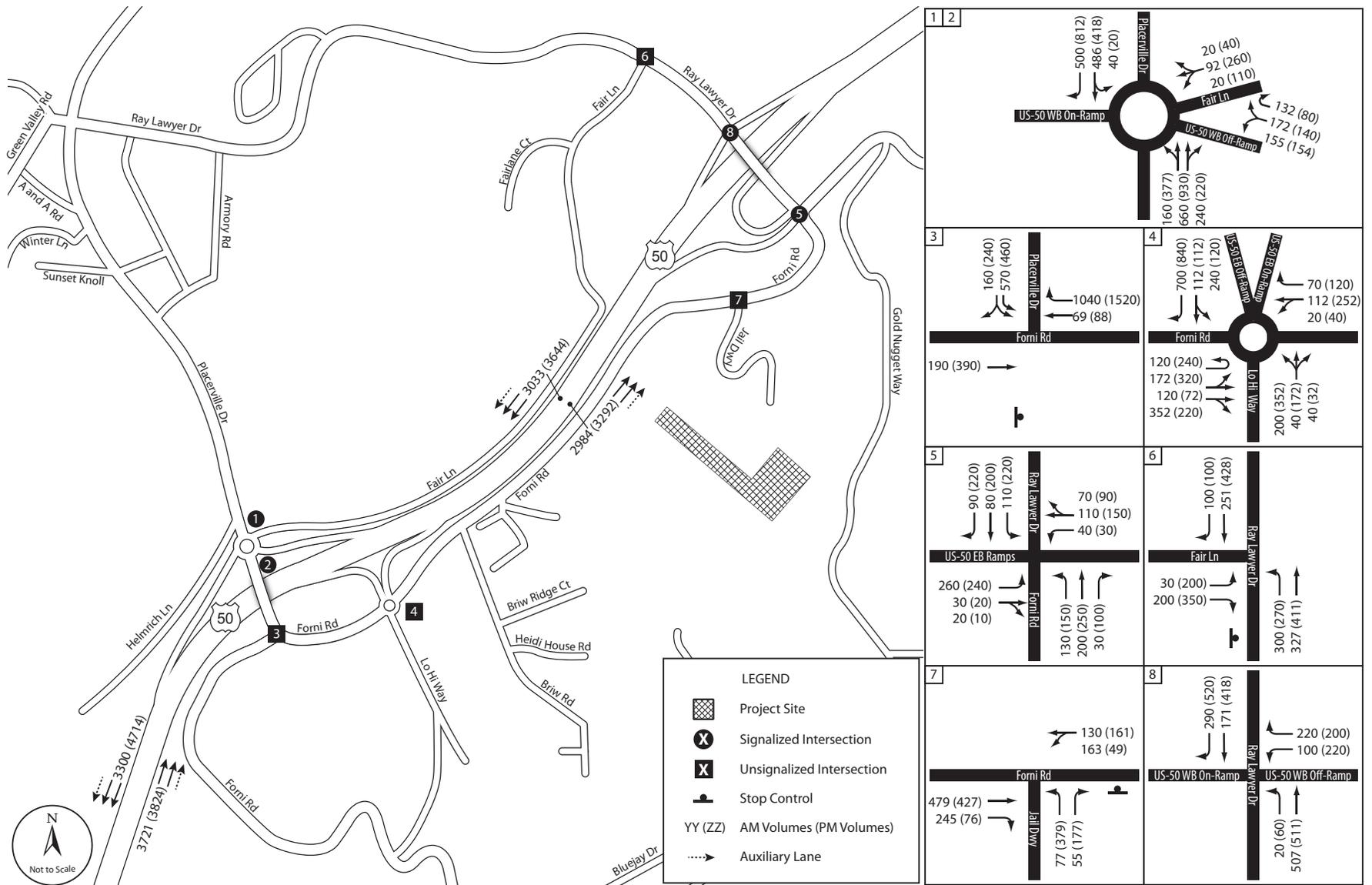




SOURCE: CHS Consulting Group, 2015

Judicial Council – New Placerville Courthouse . 208091

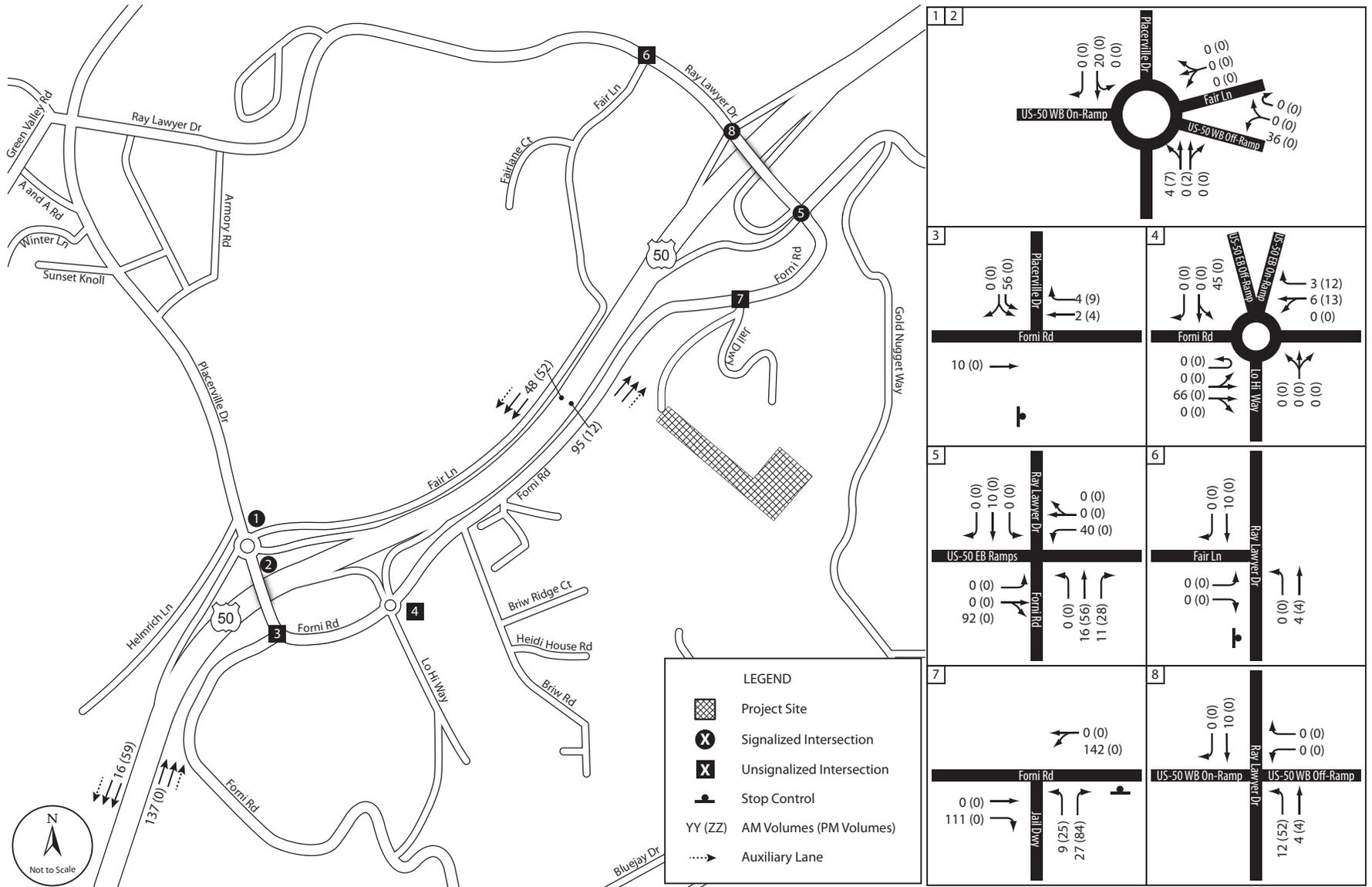
**Figure 3.8-4**  
Existing Plus Approved Projects Plus Project (2018) Study Intersection AM and PM Peak Hour Traffic Volumes



SOURCE: CHS Consulting Group, 2015

Judicial Council – New Placerville Courthouse . 208091

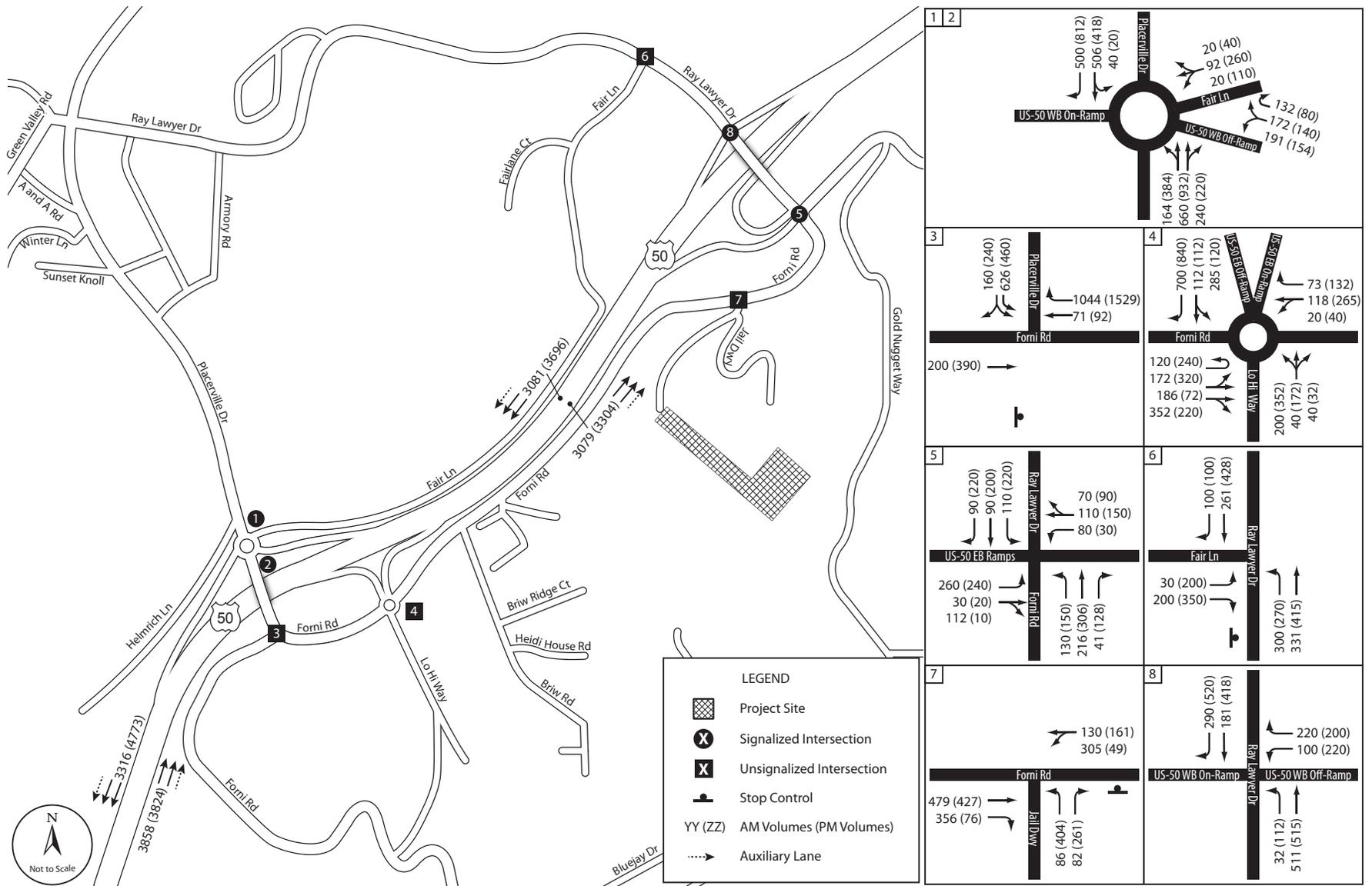
**Figure 3.8-5**  
Cumulative (2045) Study Intersection AM and PM Peak Hour Traffic Volumes



SOURCE: CHS Consulting Group, 2015

Judicial Council – New Placerville Courthouse . 208091

**Figure 3.8-5A**  
Cumulative (2045) Project Trips AM and PM Peak Hour Traffic Volume



SOURCE: CHS Consulting Group, 2015

Judicial Council – New Placerville Courthouse . 208091

**Figure 3.8-6**  
Cumulative Plus Project (2045) Study Intersection AM and PM Peak Hour Traffic Volumes

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# CHAPTER 3

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## Comments and Responses

### 3.1 Introduction

This section contains the comment letters that were received on the Draft EIR. Following each comment letter is a response by the Judicial Council intended to supplement, clarify, or amend information provided in the Draft EIR or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues may be discussed in the document, as a means to provide additional information to the reader. These comments are not intended to supplement the environmental analysis. Where text changes in the Draft EIR are warranted based upon comments on the Draft EIR, those changes are generally included following the response to comment. However, in some cases when the text change is extensive, the reader is instead referred to Chapter 2, Text Changes to the Draft EIR, where all the text changes can be found.

Occasionally, the response to a comment provides a cross-reference to another response to comment. This occurs when the same, or very similar, comment was made or question asked, and an appropriate response was already written and included elsewhere.

### 3.2 Public Meeting

On November 5, 2014, the Judicial Council hosted a public informational meeting to solicit comments and answer questions regarding the Draft EIR. A court reporter was not present, and verbatim oral comments were not recorded. However, the comments received and questions asked revolved around a few main topics: 1) construction noise levels; 2) construction road closures; and 3) reuse of the existing Main Street Courthouse.

#### Construction Noise Levels

Construction noise levels, duration of construction activities, and types of construction equipment expected to be used for the proposed project are discussed in section 3.7, Noise and Vibration, in the Draft EIR. The question received during the public meeting centered on estimating the construction noise levels at the residential neighborhood to the southeast of the project site. As described in Draft EIR Impact 3.7-1, the nearest residential land use receptor to the proposed project site are located approximately 450 feet southeast of the proposed project across Gold Nugget Way. Table 3.7-8 in the Draft EIR shows the interior and exterior construction-related noise levels projected to occur at the nearest residence. Despite implementation of Mitigation Measures 3.7-1a, b, and c, the impact would remain significant and unavoidable.

## Construction Road Closures

Another question inquired whether vehicular access on public roadways would be blocked as a result of use by construction vehicles and equipment. Impact 3.8-6 in section 3.8, Transportation and Circulation in the Draft EIR addresses circulation impacts as a result of construction activity. As described in Impact 3.8-6, adverse construction-related transportation impacts would primarily relate to temporary increases in traffic volumes (including heavy trucks) on area roadways. Temporary closures of public roadways are not planned. Out of an abundance of caution, implementation of Mitigation Measure 3.8-6 would ensure adequate roadway access near the project site during project construction activities by requiring the Judicial Council to develop a traffic control plan to maintain safe and efficient traffic flow on public streets near the project site.

## Re-Use of the Main Street Courthouse

Development of the New Placerville Courthouse would result in courthouse functions ceasing at the existing Main Street Courthouse in downtown Placerville. Impact 3.5-1 in section 3.5, Cultural Resources in the Draft EIR describes the proposed project's impact on the Main Street Courthouse. Although the proposed project would not demolish, destroy, relocate, or alter the Main Street Courthouse as to impair the significance of the historic resource, alteration to the historic architectural attributes of the Main Street Courthouse resulting from future adaptive reuse would be considered a "substantial adverse change" and result in a significant impact. Implementation of Mitigation Measure 3.5-1 would ensure that adaptive reuse of the Main Street Courthouse would adhere to the Secretary of the Interior (SOI) Standards for Rehabilitation, which would result in the retention of significant, character-defining features of the building while finding a new use for the structure that is compatible with its historic character.

In September 2014, both the Placerville City Council and the El Dorado County Board of Supervisors directed their staff to work together to explore potential re-use options for the courthouse. In an effort to facilitate as much community input as possible, the city and the county established a committee to explore the potential for the re-use and repurposing of the historic Main Street Courthouse. Adherence with the SOI Standards for Rehabilitation may require funds that are beyond the existing means of the City of Placerville and/or El Dorado County. The planning or development of re-use of the Main Street Courthouse is beyond the scope of the New Placerville Courthouse EIR, and analysis of any re-use of the building would be undertaken during subsequent environmental review. As discussed in the State CEQA Guidelines section 15131, *economic* effects of a project shall not be treated as significant effects on the environment. Therefore, the focus of the New Placerville Courthouse analysis is on the physical changes of the proposed project, not economic considerations.



**Central Valley Regional Water Quality Control Board**

12 November 2014

Laura Sainz  
Judicial Council of California  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833

CERTIFIED MAIL  
7014 1200 0000 7154 3397

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, NEW PLACERVILLE COURTHOUSE PROJECT, SCH# 2012042051, EL DORADO COUNTY**

Pursuant to the State Clearinghouse's 16 October 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the New Placerville Courthouse Project, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

1-1



**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.



1-1  
cont.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

1-1  
cont.

New Placerville Courthouse Project  
El Dorado County

- 4 -

12 November 2014

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

↑  
1-1  
cont.

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**Letter 1**      **Trevor Cleak, Central Valley Regional Water Quality Control**  
**Response**    **Board**  
November 12, 2014

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1-1            The commenter identifies potential permits that could be required from the Central Valley Regional Water Quality Control Board. Such permits could include a Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, an Industrial Storm Water General Permit, a Clean Water Act Section 404 Permit, a Clean Water Act Section 401 Permit, Waste Discharge Requirements, Regulatory Compliance for Commercially Irrigated Agriculture, or a Low or Limited Threat General National Pollutant Discharge Elimination System (NPDES) Permit.

The Judicial Council will comply with all applicable water quality permit requirements. In addition, as detailed in section 3.6, Hydrology and Water Quality in the Draft EIR, the proposed project would implement applicable requirements from the NPDES General Construction Permit for stormwater municipal discharges to surface waters, including implementation of a Stormwater Quality Improvement Plan and/or best management practices. The proposed project would also be subject to the City of Placerville MS4 permit, resulting in the reduced potential for the discharge of polluted stormwater. Implementation of Mitigation Measure 3.6-3 would require the preparation of a Comprehensive Drainage Plan to address operational runoff, stormwater discharge, and water quality. Impact 3.4-3 on pages 3.4-21 and 3.4-22 in the Draft EIR discusses Section 401 Water Quality Certification from the CVRWQCB prior to discharging into wetlands.

The proposed project would not include industrial uses. Therefore, the regulations of the Industrial Storm Water General Permit would not apply to the proposed project. The project site would not be used for commercially irrigated agriculture. Therefore, the Irrigated Lands Regulatory Program would not apply to the proposed project.

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Email

**From:** Sainz, Laura <Laura.Sainz@jud.ca.gov>  
**Sent:** Thursday, November 13, 2014 4:10 PM  
**To:** Christina Erwin  
**Subject:** FW: Comments on the Environmental Impact Report for the New Placerville Courthouse Project (SCH No.2012042051)  
**Attachments:** AttachmentB-BIOS.pdf; AttachmentA-RAREFIND.pdf

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**From:** Calderaro, Angela@Wildlife [mailto:Angela.Calderaro@wildlife.ca.gov]  
**Sent:** Thursday, November 13, 2014 10:04 AM  
**To:** Sainz, Laura  
**Cc:** Wildlife R2 CEQA; Nguyen, Jennifer@Wildlife  
**Subject:** Comments on the Environmental Impact Report for the New Placerville Courthouse Project (SCH No.2012042051)

Dear Ms. Sainz:

The California Department of Fish and Wildlife (Department) is providing comments on the Environmental Impact Report (EIR) for the New Placerville Courthouse Project (project) as both a trustee agency and responsible agency under the California Environmental Quality Act (CEQA). As trustee for the State’s fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species (Guidelines § 15386). The Department may also be a responsible agency for a project affecting biological resources where we will exercise our discretion after the lead agency to approve or carry out a proposed project or some facet thereof (CEQA Guidelines § 15096).

The Judicial Council (lead agency) proposes to construct a new, approximately 88,000-square-foot courthouse in the city of Placerville for the Superior Court of California, County of El Dorado. The project site, located adjacent to the existing El Dorado County Jail, would be acquired from El Dorado County. The proposed project includes the acquisition of property and the construction of a new courthouse. The proposed new courthouse would consolidate the courthouse functions currently in the existing Main Street Courthouse (currently the Main Street Courthouse has four courtrooms) and the courtroom located in the county administrative complex Building C (Building C). Building C currently has two courtrooms. The proposed project site is undeveloped land adjacent to the El Dorado County Jail located off Forni Road in the City of Placerville.

The Department has concerns that the EIR does not adequately analyze impacts to biological resources and for some impacts to biological resources does not provide mitigation measures that would reduce these impacts to a less-than-significant level. The analysis in the EIR of the project’s potential impacts on biological resources has been prepared without the benefit of species-specific, protocol-level or wetland surveys of the impact area. The EIR lacks any maps of the riparian corridor, edge of stream-bank, or outer edge of riparian vegetation, or location of ephemeral drainages. The EIR relies on future surveys to identify resources on the project site and consultation with regulatory agencies for mitigation (see mitigation measures 3.4-1b, 3.4-1c, 3.4-1d, 3.4-2a and 3.4-3a).

CEQA Guidelines §15126.4 (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. The EIR lists a number of mitigation measures for biological resources, that rely on future approvals or agreements with regulatory agencies and entities entrusted with carrying out the project as a means to bring identified significant environmental effects to a less-than-significant level. Because there is no guarantee that these approvals or cooperation with all of the above entities will ultimately occur, the mitigation measures are unenforceable and may not bring the impacts to biological resources to below a less-than-significant level.

2-1

**Nesting Birds and Raptors**

The project has the potential to disturb bird species or nests protected under the Migratory Bird Treaty Act (MBTA), FGC §3503 and 3503.5. Construction is planned for the summer of 2016. Since project activities will occur during the nesting season (determined by region, species, and climate), construction activities could result in disturbance to nesting raptors and other migratory birds. Raptors and other migratory birds are protected under the MBTA and FGC §3503.5; therefore, potential impacts may be considered potentially significant unless adequate avoidance, minimization and/or mitigation is incorporated. If nests are identified on or adjacent to the project site, implementation of the project may adversely impact the success of the nest site and/or take a bird, their eggs and/or nest.

Mitigation measure 3.4-1b identifies no-work buffers between 250 and 500 feet. For particularly sensitive birds, 250 feet may not be the appropriate distance depending on the project activity and level of disturbance. All measures to protect birds should be performance-based. While some birds may tolerate disturbance within 250 feet of construction activities, other birds may have a different disturbance threshold and “take” (FGC §86) could occur if the no-work buffers are not designed to reduce stress to that individual pair. The Department recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and FGC §3503.5. A 250-foot no-work buffer may be sufficient; however, that buffer may need to be increased based on the birds’ tolerance level to the disturbance. Below is an example of a performance-based protection measure:

Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer will be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

2-2

**Rare Plants**

Rare plant surveys were not conducted for the project. Several rare plants were identified in the California Natural Diversity Database (CNDDDB) nine United States Geologic Survey (USGS) 7.5-minute quadrangle search around the project site (**Attachment A**; CDFW 2014). Mitigation measure 3.4-1d relies on future surveys and consultation to determine impacts and mitigation measures. This mitigation measure also does not state the mitigation for rare plants if impacts to these rare plant species are unavoidable. The Department recommends using established rare plant survey protocol, such as the *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)), to identify rare plants that may occur on the project site or otherwise be impacted by project activities. In addition, drought and other adverse conditions may mean that some plant taxa will not be evident or identifiable this year. This may be particularly true for annual and short-lived perennial plant taxa and plants with persistent long-lived seed banks that are known not to germinate every year. Because of these conditions, the failure to locate a plant during the floristic surveys of one field season does not constitute evidence that the plant is absent from the surveyed location. The timing and number of visits necessary to conduct a floristic survey should be determined by geographic location, the natural communities present and the weather patterns of the year, with the understanding that more than one field visit or field season may be necessary to accurately survey the floristic diversity of a site and detect the presence of special status plant taxa.

2-3

To make the most out of this field season the Department recommends that:

- Botanical surveys be floristic in nature (every plant taxon that occurs on a site is identified to the taxonomic level necessary to determine rarity and listing status);
- Surveys be conducted in the field at the time of year when target plant taxa are both evident and identifiable (usually during flowering or fruiting), and multiple visits to a site be made (e.g. in early, mid, and late-season) to accurately survey the floristic diversity of the site and detect the presence of all special status plant taxa that are evident and identifiable;
- Nearby reference populations be visited whenever possible to determine if known special status plant populations are evident and identifiable this year, and to obtain a visual image of the target species, associated habitat, and associated natural community. Reference populations may be particularly important this year to

ensure that the timing of surveys is appropriate and to help substantiate negative findings in adverse conditions caused by drought.

Again, additional field seasons of surveys may be necessary to accurately survey the floristic diversity of a site and substantiate negative findings. This may be particularly true when surveying for annual or short-lived perennial plant taxa during drought conditions, and in years where an evident and identifiable reference population could not be referenced.

Reports for surveys that are conducted this year should include a discussion of how the drought affects the comprehensiveness of the surveys, and the potential for false negative surveys. The size, condition, and phenological development of any special-status plant reference populations that were visited should also be described.

If suitable habitat is present, the Department recommends that surveys are conducted in accordance with the protocol identified above to determine whether any rare plants which are either State or federally listed, or meet the criteria pursuant to Guidelines Section 15380(b) are present. A full discussion of the determination and timing of species-specific mitigation to avoid impacts to sensitive plant species present within the vicinity of project site should be included in the CEQA analysis. CEQA guidelines Section 15021 establishes a duty for public agencies to avoid or minimize environmental damage where feasible. CEQA also requires that lead agencies give major consideration to preventing environmental damage, and should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment. The Department recommends that the lead agency evaluate and demonstrate the project’s ability to avoid and minimize both direct and indirect impacts to rare plants and their habitat, and require project modifications as necessary to accomplish these tasks. For those locations of the project site where impacts to sensitive plants are unavoidable, mitigation for this project should be established off-site in accordance with the off-site mitigation program elements. The mitigation plan should be developed that demonstrates specific details designed to accomplish these off-site mitigation program elements. The Department recommends that the lead agency condition the project to require Department’s review and approval of a mitigation plan, as necessary.

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cont.

**Oak Woodlands**

Oak woodlands are a diverse, ecologically important and widely distributed habitat type. Oak woodlands provide habitat for numerous game and non-game species such as mule deer, black bear, squirrels, quail, turkey, band-tailed pigeons and a diversity of other migratory bird species. However, the distribution, acreage, and quality of the County’s oak woodlands, like much for the rest of California, have declined considerably over the past 150 years. The reasons for this decline include fire suppression and encroachment by conifers, wood-cutting, and conversion to industrial timberlands, other agricultural uses and residential and commercial development. Statewide more than a third of all oak woodlands have been lost since the settlement of California by Europeans; of an estimated 10-12 million original acres, seven million remain. Of the remaining oak woodlands, most have been modified or degraded, and only about four percent are formally protected.

The Department recommends that the project be designed so that the loss of oak trees is avoided. Every effort should be made to retain “heritage” oaks in excess of 24 inches diameter at breast height (dbh). Retained oaks should be protected. If the loss of oak trees is unavoidable, then a mitigation plan should be developed which results in the retention of the maximum number of mature oak trees within contiguous areas of no less than five acres. The mitigation should include the following:

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- a. Establishment and maintenance procedures to restore the canopy cover, spatial arrangement, age class distribution and species composition of the oak woodland lost.
- b. Individual trees or groups of trees that are retained as a function of project design should be fully protected both during and after construction. During the construction of the project, a temporary protective fence should be established a minimum of 10 feet beyond the drip line of the retained oaks. Within this protective buffer, no grading, trenching, fill, or vegetation alteration should be allowed.

- c. After project construction, a fact sheet describing the value and care of native oaks should be prepared and distributed. At a minimum, this fact sheet should encourage avoidance of unnecessary pruning and encourage, except where a safety hazard occurs, the retention of snags. This fact sheet should be prepared by a qualified arborist.
- d. Individual trees that are unavoidably lost due to project implementation should be fully mitigated through the planting of oak seedlings that are obtained from local genetic stock. The Department recommends a replacement rate of 6:1 for trees that are two inches or greater in diameter measured at breast height (dbh). The Department recommends a replacement rate of 2:1 for all trees less than two inches dbh.
- e. A five-year monitoring plan should be completed for all oak mitigation plantings. The monitoring plan should include appropriate irrigation schedules, as well as criteria for success and reestablishment during the five year period. A success rate of no less than 80 percent at the end of the five-year monitoring period is recommended.
- f. A restoration site should be located within contiguous areas of no less than five acres and adjacent to undisturbed or preserved oak woodlands.

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**Riparian Habitat**

The EIR mentions a detention basin and several ephemeral drainages. The California streams layer in BIOS shows a tributary to Hangtown Creek at the southern tip of the project site flowing from east to west associated wetlands and riparian habitat are under the jurisdiction of the Department (see **Attachment B**). Department has determined that a wetlands analysis and delineation should be conducted. Department further recommends that the riparian zone be fully mapped and the non-disturbance/non-building zones defined for each parcel as described above. All of this information should be compiled in appropriate tables and maps, and the revised EIR should then be recirculated for comment through the State Clearinghouse in conformance with CEQA. Department requests that copies of the biological survey and wetland analysis/delineation be forwarded to Department.

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An entity (any person, State, local government agency, or public utility) should consider and analyze whether implementation of the proposed project will result in reasonably foreseeable potentially significant impacts subject to regulation by the Department under Section 1600 et seq. of the FGC. In general, such impacts result whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams and watercourses. The Department recommends that a Notification of Lake or Streambed Alteration Agreement (LSAA) be submitted by the project applicant to the Department (pursuant to FGC §1602). This agreement would include measures to minimize and restore riparian habitat. As a responsible agency under CEQA, the Department must rely on the CEQA analysis for the project when exercising our discretion after the lead agency to approve or carry out some facet of a proposed project, such as the issuance of a LSAA. Therefore, the EIR should include specific, enforceable measures to be carried out onsite or within the same stream system that will avoid, minimize and/or mitigate for project impacts to the natural resources.

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In summary, the Department finds that the EIR may not adequately analyze the impacts to biological resources from the proposed project. An adequate impact analysis and formulation of any necessary mitigation measures should be provided prior to project approval.

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Thank you for considering our comments. Department personnel are available for consultation regarding biological resources and strategies to minimize impacts. If you have questions, please do not hesitate to contact me.

Regards,

**Angela Calderaro**

Senior Environmental Scientist (Specialist)  
Regional Mitigation Bank Coordinator  
Habitat Conservation Branch  
California Department of Fish and Wildlife, North Central Region

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*To report a violation please call 1-888-DFG-Caltip.*

**References:**

California Department of Fish and Wildlife (CDFW). 2014. Nine-quad search of the California Natural Diversity Database (CNDDDB) Centered on *Placerville, California* USGS 7.5-minute quadrangle. Wildlife and Habitat Data Analysis Branch, Rarefind Version 3.1.1. Government version dated August 1, 2014. Data expires February 1, 2015.

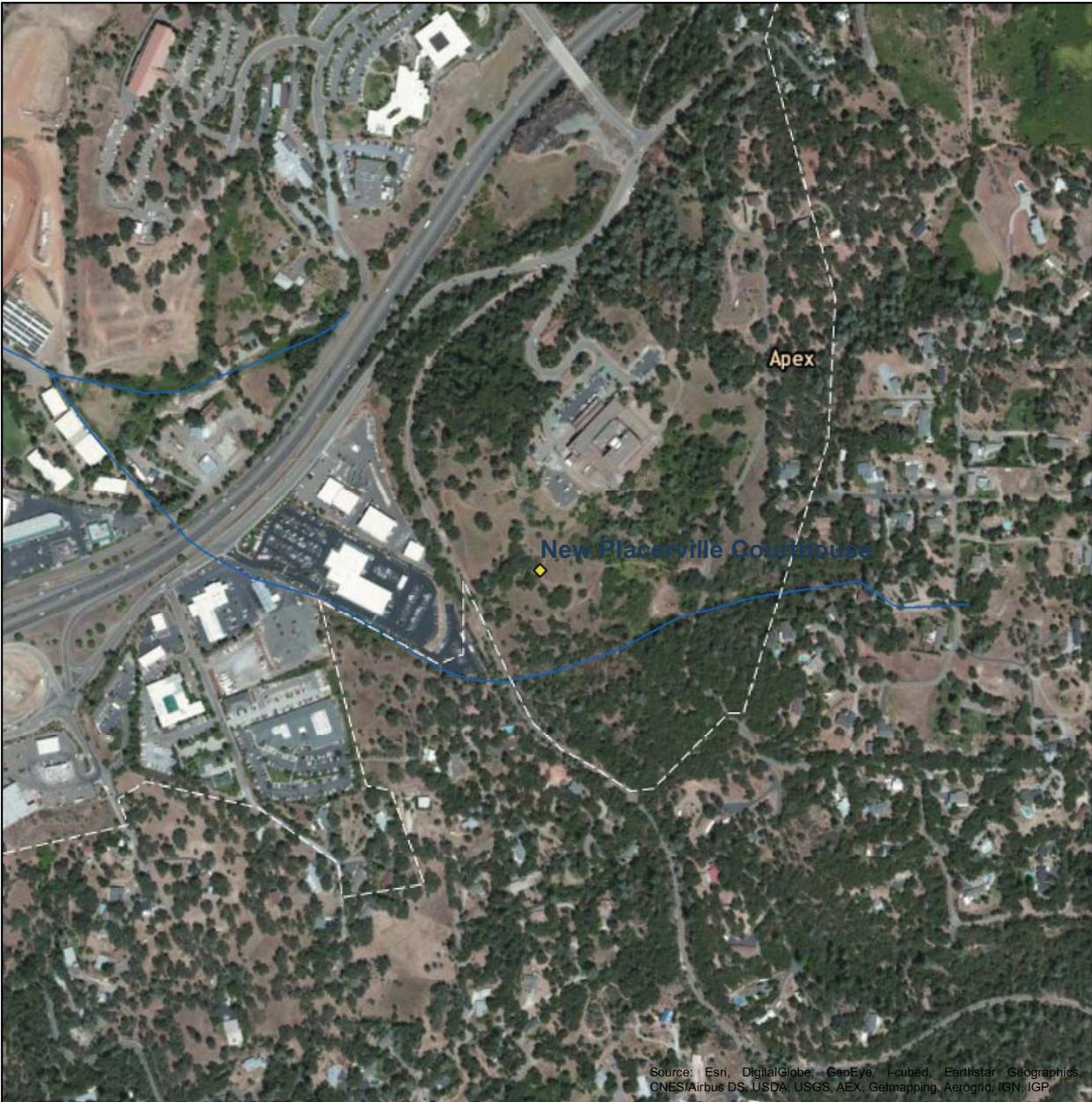
California Department of Fish and Game  
 Natural Diversity Database  
 Selected Elements by Scientific Name - Landscape  
 New Placerville Courthouse - 9-quad search centered on Placerville Quad

| Scientific Name   | Common Name   | Element Code | Federal Status | State Status         | Global Rank | State Rank | CNPS | CDFG |
|---|---|--------------|----------------|----------------------|-------------|------------|------|------|
| 1 <i>Accipiter gentilis</i>                                       | northern goshawk  | ABNKC12060   |                |                      | G5          | S3         |      | SC   |
| 2 <i>Agelaius tricolor</i>  | tricolored blackbird                                    | ABPBXB0020   |                |                      | G2G3        | S1S2       |      | SC   |
| 3 <i>Allium jepsonii</i>  | Jepson's onion  | PMLIL022V0   |                |                      | G1          | S1         | 1B.2 |      |
| 4 <i>Arctostaphylos nissenana</i>                                 | Nissenan manzanita                                      | PDERI040V0   |                |                      | G1          | S1         | 1B.2 |      |
| 5 <i>Ardea alba</i>   | great egret   | ABNGA04040   |                |                      | G5          | S4         |      |      |
| 6 <i>Calochortus clavatus var. avius</i>                          | Pleasant Valley mariposa-lily                           | PMLIL0D095   |                |                      | G4T2        | S2         | 1B.2 |      |
| 7 <i>Calystegia stebbinsii</i>                                    | Stebbins' morning-glory                                 | PDCON040H0   | Endangered     | Endangered           | G1          | S1         | 1B.1 |      |
| 8 <i>Ceanothus roderickii</i>                                     | Pine Hill ceanothus                                     | PDRHA04190   | Endangered     | Rare                 | G1          | S1         | 1B.2 |      |
| 9 <i>Central Valley Drainage Hardhead/Squawfish Stream</i>        | Central Valley Drainage Hardhead/Squawfish Stream       | CARA2443CA   |                |                      | GNR         | SNR        |      |      |
| 10 <i>Central Valley Drainage Resident Rainbow Trout Stream</i>   | Central Valley Drainage Resident Rainbow Trout Stream   | CARA2421CA   |                |                      | GNR         | SNR        |      |      |
| 11 <i>Chlorogalum grandiflorum</i>                                | Red Hills soaproot                                      | PMLIL0G020   |                |                      | G3          | S3         | 1B.2 |      |
| 12 <i>Clarkia biloba ssp. brandegeeeae</i>                        | Brandegee's clarkia                                     | PDONA05053   |                |                      | G4G5T4      | S4         | 4.2  |      |
| 13 <i>Cosumnoperla hypocrena</i>                                  | Cosumnes stripetail                                     | IIPLE23020   |                |                      | G2          | S2         |      |      |
| 14 <i>Crocantemum suffrutescens</i>                               | Bisbee Peak rush-rose                                   | PDCIS020F0   |                |                      | G2Q         | S2         | 3.2  |      |
| 15 <i>Emys marmorata</i>  | western pond turtle                                     | ARAAD02030   |                |                      | G3G4        | S3         |      | SC   |
| 16 <i>Fremontodendron decumbens</i>                               | Pine Hill flannelbush                                   | PDSTE03030   | Endangered     | Rare                 | G1          | S1         | 1B.2 |      |
| 17 <i>Galium californicum ssp. sierrae</i>                        | El Dorado bedstraw                                      | PDRUB0N0E7   | Endangered     | Rare                 | G5T1        | S1         | 1B.2 |      |
| 18 <i>Horkelia parryi</i>   | Parry's horkelia  | PDROS0W0C0   |                |                      | G2          | S2         | 1B.2 |      |
| 19 <i>Lasionycteris noctivagans</i>                               | silver-haired bat                                       | AMACC02010   |                |                      | G5          | S3S4       |      |      |
| 20 <i>Myotis yumanensis</i>                                       | Yuma myotis   | AMACC01020   |                |                      | G5          | S4?        |      |      |
| 21 <i>Packera layneae</i>   | Layne's ragwort   | PDAST8H1V0   | Threatened     | Rare                 | G2          | S2         | 1B.2 |      |
| 22 <i>Pekania pennanti</i>  | fisher - West Coast DPS                                 | AMAJF01021   | Candidate      | Candidate Threatened | G5T2T3Q     | S2S3       |      | SC   |
| 23 <i>Phrynosoma blainvillii</i>                                  | coast horned lizard                                     | ARACF12100   |                |                      | G3G4        | S3S4       |      | SC   |
| 24 <i>Rana boylei</i>   | foothill yellow-legged frog                             | AAABH01050   |                |                      | G3          | S2S3       |      | SC   |
| 25 <i>Riparia riparia</i>   | bank swallow  | ABPAU08010   |                | Threatened           | G5          | S2S3       |      |      |
| 26 <i>Sacramento-San Joaquin Foothill/Valley Ephemeral Stream</i> | Sacramento-San Joaquin Foothill/Valley Ephemeral Stream | CARA2130CA   |                |                      | GNR         | SNR        |      |      |
| 27 <i>Strix nebulosa</i>  | great gray owl  | ABNSB12040   |                | Endangered           | G5          | S1         |      |      |
| 28 <i>Viburnum ellipticum</i>                                     | oval-leaved viburnum                                    | PDCPR07080   |                |                      | G5          | S3         | 2B.3 |      |
| 29 <i>Wyethia reticulata</i>                                      | El Dorado County mule ears                              | PDAST9X0D0   |                |                      | G2          | S2         | 1B.2 |      |

3-14

Letter 2

# New Placerville Courthouse Project



3-15

Letter 2

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**Letter 2      Angela Calderaro, California Department of Fish and Wildlife**  
**Response      November 13, 2014**

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2-1                      CDFW is a trustee agency and may be involved in the implementation of mitigation for the program as a responsible agency.

Existing habitat conditions and vegetation communities at the proposed project area were described based on a reconnaissance survey of the site. Literature searches, database searches, and aerial photograph interpretation were used to determine which special-status species have the potential to occur at the site. Potential impacts on all biological resources, including natural communities, habitats, jurisdictional waters, and common and special-status species were assessed. With the addition of more detail on mitigation for potential impacts on heritage oaks and foothill pine – oak woodland, the document fully describes potentially mitigation requirements for potentially significant effects on biological resources.

Mitigation Measures 3.4-1b, 3.4-1c, 3.4-1d, and 3.4-2a require the Judicial Council of California to conduct pre-construction surveys for nesting and migratory birds, valley elderberry longhorn beetle and its elderberry host plant, special-status plant species, and trees, prior to beginning construction activities. At this time, it is unknown what the exact footprint of the building will be or when construction will specifically begin. Therefore, surveying for these resources now would not accurately inform the process and would be premature. Implementation of these mitigation measures should be delayed until the exact project footprint is known and construction schedules are determined.

Mitigation Measure 3.4-3a requires the Judicial Council of California to conduct a wetland delineation report and follow the recommendations therein. The mitigation measure also sets forth a performance standard of no net loss of jurisdictional wetland features and compensation for impacted wetlands at a ratio no less than 1:1, as described in Mitigation Measure 3.4-3b.

As described in *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884:

"[I]t is improper to defer the formulation of mitigation measures until after project approval; instead, the determination of whether a project will have significant environmental impacts, and the formulation of measures to mitigate those impacts, must occur *before* the project is approved."  
*(California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621 [91 Cal. Rptr. 3d 571] (CNPS), citing *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296 [248 Cal. Rptr. 352] (*Sundstrom*) and *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359

[43 Cal. Rptr. 2d 170] (*Gentry*.) However, "when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, the agency does not have to commit to any particular mitigation measure in the EIR, as long as it commits to mitigating the significant impacts of the project. Moreover, ... the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study." (*CNPS, supra, 172 Cal.App.4th at p. 621*, citing *Sacramento Old City Assn. v. City Council (1991) 229 Cal.App.3d 1011 [280 Cal. Rptr. 478]* (*SOCA*.) As explained in *SOCA*, "for [the] kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process ... , the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated. [Citations.]" (*SOCA, supra, 229 Cal.App.3d at pp. 1028-1029.*)

“Furthermore, a condition requiring compliance with regulations is a common and reasonable mitigation measure, and may be proper where it is reasonable to expect compliance. (*Sundstrom, supra, 202 Cal.App.3d 296, 308-309*; see also *Gentry, supra, 36 Cal.App.4th at pp. 1395-1396* [no improper deferral of mitigation where condition required applicant to submit improvement plans, grading plans, and a final map for approval, plans that would be "subject to a host of specific performance criteria imposed by various ordinances, codes, and standards, as well as other mitigation conditions"].)”

The Judicial Council of California is committed to implementing identified mitigation measures, consulting with applicable regulatory agencies, and meeting the performance standards identified in the mitigation measures.

2-2

As described on page 3.4-18 of the Draft EIR, impacts to nesting migratory bird species and raptors are considered potentially significant, and would be mitigated by Mitigation Measure 3.4-1a: Avoid Active Nesting Season, if feasible, or by Mitigation Measure 3.4-1b: Conduct Pre-Construction Nesting Bird Surveys and Associated Avoidance Measures, if avoidance would not be feasible. A no-work buffer is described on page 3.4-19 of the Draft EIR: “A no-work buffer shall be established around active nests of protected birds. The size of the no-work buffer zone shall be determined in consultation with the CDFW although a 500-foot buffer should be used when possible.” It is noted that CDFW states that “[w]hile some birds may tolerate disturbance within 250 feet of construction activities, other birds may have a different disturbance threshold...” For this reason the Judicial

Council commits to consultation with CDFW to establish appropriate buffers on a case-by-case basis.

The additional “performance-based” protection measures suggested by CDFW that would be based on the breeding birds’ behavior, such as vocalizations, defensive flights, getting up from a brooding position, or flying off the nest, are not expected to be effective, because these behaviors could be triggered by any number of disturbances that are not related to the project, such as the presence of natural predators or non-project related human disturbances of the site. Project effects and non-project effects on breeding bird behavior could therefore not readily be distinguished.

2-3

As described on pages 3.4-18 through 3.4-20 of the Draft EIR, no special-status plant species are known to occur on the site, and no species listed as threatened or endangered have potential to occur at the site based on location and the habitats present at the site. The special-status plants that have potential to occur at the site fall within the category of “California Rare Plant Rank 4: Plants of Limited Distribution - A Watch List.” According to the California Native Plant Society, “Some of the plants constituting California Rare Plant Rank 4 meet the definitions of the California Endangered Species Act of the California Department of Fish and Game Code [sic], and few, if any, are eligible for state listing.”<sup>1</sup> Although absence of any rare species is always difficult to prove, substantiating negative findings by conducting surveys during additional field seasons is not warranted for these species of “watch list” status.

However, out of an abundance of caution, the Mitigation Measure 3.4-1d requires the Judicial Council of California to conduct a pre-construction special-status plant survey and implement avoidance/compensation measures. The mitigation requires the survey to follow the procedures outlined in the California Department of Fish and Game’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2009). The protocol includes the use of reference populations and doing field surveys at the appropriate time of year, and during multiple visits if necessary.

Mitigation Measure 3.4-1d further describes measures that the Judicial Council of California would implement if special-status plants would be affected, including providing preservation and avoidance measures commensurate with the standards provided in applicable USFWS and/or CDFW protocols for the affected species, and at a minimum implementing appropriate buffer areas, monitoring by a qualified plant biologist, and developing and implementing a replanting plan for any individuals of the species that cannot be avoided.

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<sup>1</sup> California Native Plant Society. 2015. The California Rare Plant Ranking System: California Rare Plant Ranks (formerly known as CNPS Lists). Available: <http://www.cnps.org/cnps/rareplants/ranking.php>. Accessed: January 5, 2015.

2-4

Impact 3.4-2 on page 3.4-20 of the Draft EIR describes the project site as containing annual grasslands and blue oak-foothill pine woodland habitats. As discussed in Impact 3.4-2, implementation of the proposed project would result in the loss of oak woodland habitat, resulting in a potentially significant impact. Mitigation Measure 3.4-2a requires the Judicial Council, as part of the final project design, to prepare a tree protection plan that identifies all trees to be removed on the project site and establish buffer areas around protected trees. Where feasible, buffer zones shall include a minimum one-foot-wide buffer zone outside the dripline for oaks and landmark trees. The one-foot-wide buffer is consistent with Section 12.16.020 of the Placer County Tree Ordinance (Placer County Code, Article 12.16).

A landmark tree is defined as “a tree or grove of trees designated by resolution of the board of supervisors to be of historical or cultural value, an outstanding specimen, an unusual species and/or of significant community benefit. Notwithstanding any other provision of this section, a tree that is not native to California may be designated as a landmark tree” (Placer County Code, Section 12.16.020). No size limit is specified. Because this definition is not ecologically based, the text of the EIR was revised to replace “landmark tree” with heritage oak, with the definition of “a native oak tree with a minimum diameter at breast height of 24 inches.” Please see Chapter 2, Revisions to the Draft EIR, for the revised text for Mitigation Measure 3.4-2a.

Mitigation Measure 3.4-2b states that where avoidance of oak woodland trees is not feasible or practicable, the Judicial Council shall provide onsite, in-kind replacement of the full function and value of the natural community at a ratio no less than 1:1.

The following text will be added to Draft EIR Mitigation Measure 3.4-2b to further define replacement of “full function and value” of the natural community, and to provide for monitoring of oak plantings:

Individual trees that are unavoidably lost due to project implementation shall be fully mitigated through the planting of oak seedlings at a replacement rate of 6:1 for trees that are two inches or greater dbh. Trees less than two inches dbh, but larger than 1 inch dbh, will be replaced at a ratio of 2:1. A five-year monitoring plan shall be completed for all oak mitigation plantings. The monitoring plan shall include appropriate irrigation schedules, as well as criteria for success and reestablishment during the five year period. The five-year survival rate shall be sufficient for a reasonable expectation of full function and value of the natural community. The restoration site shall be located within contiguous areas of no less than five acres and adjacent to undisturbed or preserved oak woodlands.

- 2-5            The reconnaissance site survey identified only two vegetation communities within the proposed project area: 1) blue oak – foothill pine and 2) annual grassland. The survey also identified ephemeral channels that may meet the jurisdictional criteria of the U.S. Army Corps of Engineers for Waters of the United States that occur in these vegetation communities, and a detention basin and offsite potential seasonal wetland. No riparian habitat characterized by species typically adapted to occurrence along stream courses such as willows or cottonwoods was identified during the field survey. Although ephemeral channels were identified that could be affected by the project no riparian habitat would be affected, and no wetlands were identified on the site.
- 2-6            Although ephemeral channels and a detention basin were identified, no wetland or riparian habitat were identified on site. The project has no significant on-site or downstream water quality effects (see Section 3.6 of the Draft EIR). No significant biological impacts would likely occur as a result of any effects on the channels or detention basin in the proposed project area, and no mitigation for effects on biological resources would be required under Section 1600 *et seq.* of the California Fish and Game Code.
- 2-7            Please see Response to Comment 2-1.



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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



November 13, 2014

Laura Sainz  
Judicial Council of California  
2860 Gateway Oaks Drive Suite 400  
Sacramento, CA 95833

Subject: Comments on the Environmental Impact Report for the New Placerville Courthouse Project (SCH No.2012042051).

Dear Ms. Sainz:

The California Department of Fish and Wildlife (Department) is providing comments on the Environmental Impact Report (EIR) for the New Placerville Courthouse Project (project) as both a trustee agency and responsible agency under the California Environmental Quality Act (CEQA). As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species (Guidelines § 15386). The Department may also be a responsible agency for a project affecting biological resources where we will exercise our discretion after the lead agency to approve or carry out a proposed project or some facet thereof (CEQA Guidelines § 15096).

The Judicial Council (lead agency) proposes to construct a new, approximately 88,000-square-foot courthouse in the city of Placerville for the Superior Court of California, County of El Dorado. The project site, located adjacent to the existing El Dorado County Jail, would be acquired from El Dorado County. The proposed project includes the acquisition of property and the construction of a new courthouse. The proposed new courthouse would consolidate the courthouse functions currently in the existing Main Street Courthouse (currently the Main Street Courthouse has four courtrooms) and the courtroom located in the county administrative complex Building C (Building C). Building C currently has two courtrooms. The proposed project site is undeveloped land adjacent to the El Dorado County Jail located off Forni Road in the City of Placerville.

The Department has concerns that the EIR does not adequately analyze impacts to biological resources and for some impacts to biological resources does not provide mitigation measures that would reduce these impacts to a less-than-significant level. The analysis in the EIR of the project's potential impacts on biological resources has been prepared without the benefit of species-specific, protocol-level or wetland surveys of the impact area. The EIR lacks any maps of the riparian corridor, edge of stream-bank, or outer edge of riparian vegetation, or location of ephemeral drainages. The EIR relies on future surveys to identify resources on the project site and consultation with

3-1

*Conserving California's Wildlife Since 1870*

Ms. Sainz  
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regulatory agencies for mitigation (see mitigation measures 3.4-1b, 3.4-1c, 3.4-1d, 3.4-2a and 3.4-3a).

CEQA Guidelines §15126.4 (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. The EIR lists a number of mitigation measures for biological resources, that rely on future approvals or agreements with regulatory agencies and entities entrusted with carrying out the project as a means to bring identified significant environmental effects to a less-than-significant level. Because there is no guarantee that these approvals or cooperation with all of the above entities will ultimately occur, the mitigation measures are unenforceable and may not bring the impacts to biological resources to below a less-than-significant level.

**Nesting Birds and Raptors**

The project has the potential to disturb bird species or nests protected under the Migratory Bird Treaty Act (MBTA), FGC §3503 and 3503.5. Construction is planned for the summer of 2016. Since project activities will occur during the nesting season (determined by region, species, and climate), construction activities could result in disturbance to nesting raptors and other migratory birds. Raptors and other migratory birds are protected under the MBTA and FGC §3503.5; therefore, potential impacts may be considered potentially significant unless adequate avoidance, minimization and/or mitigation is incorporated. If nests are identified on or adjacent to the project site, implementation of the project may adversely impact the success of the nest site and/or take a bird, their eggs and/or nest.

Mitigation measure 3.4-1b identifies no-work buffers between 250 and 500 feet. For particularly sensitive birds, 250 feet may not be the appropriate distance depending on the project activity and level of disturbance. All measures to protect birds should be performance-based. While some birds may tolerate disturbance within 250 feet of construction activities, other birds may have a different disturbance threshold and “take” (FGC §86) could occur if the no-work buffers are not designed to reduce stress to that individual pair. The Department recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and FGC §3503.5. A 250-foot no-work buffer may be sufficient; however, that buffer may need to be increased based on the birds’ tolerance level to the disturbance. Below is an example of a performance-based protection measure:

Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer will be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

**Rare Plants**

Rare plant surveys were not conducted for the project. Several rare plants were identified in the California Natural Diversity Database (CNDDDB) nine United States Geologic Survey (USGS) 7.5-minute quadrangle search around the project site (**Attachment A**; CDFW 2014). Mitigation measure 3.4-1d relies on future surveys and consultation to determine impacts and mitigation measures. This mitigation measure



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 cont.

Ms. Sainz  
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also does not state the mitigation for rare plants if impacts to these rare plant species are unavoidable. The Department recommends using established rare plant survey protocol, such as the *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)), to identify rare plants that may occur on the project site or otherwise be impacted by project activities. In addition, drought and other adverse conditions may mean that some plant taxa will not be evident or identifiable this year. This may be particularly true for annual and short-lived perennial plant taxa and plants with persistent long-lived seed banks that are known not to germinate every year. Because of these conditions, the failure to locate a plant during the floristic surveys of one field season does not constitute evidence that the plant is absent from the surveyed location. The timing and number of visits necessary to conduct a floristic survey should be determined by geographic location, the natural communities present and the weather patterns of the year, with the understanding that more than one field visit or field season may be necessary to accurately survey the floristic diversity of a site and detect the presence of special status plant taxa.

To make the most out of this field season the Department recommends that:

- Botanical surveys be floristic in nature (every plant taxon that occurs on a site is identified to the taxonomic level necessary to determine rarity and listing status);
- Surveys be conducted in the field at the time of year when target plant taxa are both evident and identifiable (usually during flowering or fruiting), and multiple visits to a site be made (e.g. in early, mid, and late-season) to accurately survey the floristic diversity of the site and detect the presence of all special status plant taxa that are evident and identifiable;
- Nearby reference populations be visited whenever possible to determine if known special status plant populations are evident and identifiable this year, and to obtain a visual image of the target species, associated habitat, and associated natural community. Reference populations may be particularly important this year to ensure that the timing of surveys is appropriate and to help substantiate negative findings in adverse conditions caused by drought.

Again, additional field seasons of surveys may be necessary to accurately survey the floristic diversity of a site and substantiate negative findings. This may be particularly true when surveying for annual or short-lived perennial plant taxa during drought conditions, and in years where an evident and identifiable reference population could not be referenced.

Reports for surveys that are conducted this year should include a discussion of how the drought affects the comprehensiveness of the surveys, and the potential for false negative surveys. The size, condition, and phenological development of any special-status plant reference populations that were visited should also be described.

If suitable habitat is present, the Department recommends that surveys are conducted in accordance with the protocol identified above to determine whether any rare plants which are either State or federally listed, or meet the criteria pursuant to Guidelines Section 15380(b) are present. A full discussion of the determination and timing of

3-1  
cont.

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species-specific mitigation to avoid impacts to sensitive plant species present within the vicinity of project site should be included in the CEQA analysis. CEQA guidelines Section 15021 establishes a duty for public agencies to avoid or minimize environmental damage where feasible. CEQA also requires that lead agencies give major consideration to preventing environmental damage, and should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment. The Department recommends that the lead agency evaluate and demonstrate the project's ability to avoid and minimize both direct and indirect impacts to rare plants and their habitat, and require project modifications as necessary to accomplish these tasks. For those locations of the project site where impacts to sensitive plants are unavoidable, mitigation for this project should be established off-site in accordance with the off-site mitigation program elements. The mitigation plan should be developed that demonstrates specific details designed to accomplish these off-site mitigation program elements. The Department recommends that the lead agency condition the project to require Department's review and approval of a mitigation plan, as necessary.

#### **Oak Woodlands**

Oak woodlands are a diverse, ecologically important and widely distributed habitat type. Oak woodlands provide habitat for numerous game and non-game species such as mule deer, black bear, squirrels, quail, turkey, band-tailed pigeons and a diversity of other migratory bird species. However, the distribution, acreage, and quality of the County's oak woodlands, like much for the rest of California, have declined considerably over the past 150 years. The reasons for this decline include fire suppression and encroachment by conifers, wood-cutting, and conversion to industrial timberlands, other agricultural uses and residential and commercial development. Statewide more than a third of all oak woodlands have been lost since the settlement of California by Europeans; of an estimated 10-12 million original acres, seven million remain. Of the remaining oak woodlands, most have been modified or degraded, and only about four percent are formally protected.

The Department recommends that the project be designed so that the loss of oak trees is avoided. Every effort should be made to retain "heritage" oaks in excess of 24 inches diameter at breast height (dbh). Retained oaks should be protected. If the loss of oak trees is unavoidable, then a mitigation plan should be developed which results in the retention of the maximum number of mature oak trees within contiguous areas of no less than five acres. The mitigation should include the following:

- a. Establishment and maintenance procedures to restore the canopy cover, spatial arrangement, age class distribution and species composition of the oak woodland lost.
- b. Individual trees or groups of trees that are retained as a function of project design should be fully protected both during and after construction. During the construction of the project, a temporary protective fence should be established a minimum of 10 feet beyond the drip line of the retained oaks. Within this

3-1  
cont.

- protective buffer, no grading, trenching, fill, or vegetation alteration should be allowed.
- c. After project construction, a fact sheet describing the value and care of native oaks should be prepared and distributed. At a minimum, this fact sheet should encourage avoidance of unnecessary pruning and encourage, except where a safety hazard occurs, the retention of snags. This fact sheet should be prepared by a qualified arborist.
- d. Individual trees that are unavoidably lost due to project implementation should be fully mitigated through the planting of oak seedlings that are obtained from local genetic stock. The Department recommends a replacement rate of 6:1 for trees that are two inches or greater in diameter measured at breast height (dbh). The Department recommends a replacement rate of 2:1 for all trees less than two inches dbh.
- e. A five-year monitoring plan should be completed for all oak mitigation plantings. The monitoring plan should include appropriate irrigation schedules, as well as criteria for success and reestablishment during the five year period. A success rate of no less than 80 percent at the end of the five-year monitoring period is recommended.
- f. A restoration site should be located within contiguous areas of no less than five acres and adjacent to undisturbed or preserved oak woodlands.

**Riparian Habitat**

The EIR mentions a detention basin and several ephemeral drainages. The California streams layer in BIOS shows a tributary to Hangtown Creek at the southern tip of the project site flowing from east to west associated wetlands and riparian habitat are under the jurisdiction of the Department (see **Attachment B**). Department has determined that a wetlands analysis and delineation should be conducted. Department further recommends that the riparian zone be fully mapped and the non-disturbance/non-building zones defined for each parcel as described above. All of this information should be compiled in appropriate tables and maps, and the revised EIR should then be recirculated for comment through the State Clearinghouse in conformance with CEQA. Department requests that copies of the biological survey and wetland analysis/delineation be forwarded to Department.

An entity (any person, State, local government agency, or public utility) should consider and analyze whether implementation of the proposed project will result in reasonably foreseeable potentially significant impacts subject to regulation by the Department under Section 1600 et seq. of the FGC. In general, such impacts result whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams and watercourses. The Department recommends that a Notification of Lake or Streambed Alteration Agreement (LSAA) be submitted by the project applicant to the Department (pursuant to FGC §1602). This agreement would include measures to minimize and restore riparian habitat. As a responsible agency under CEQA, the Department must rely on the CEQA analysis for the project when exercising our discretion after the lead agency to approve or carry out some facet of a proposed project, such as the issuance of a LSAA. Therefore, the EIR should include specific, enforceable measures to be



3-1  
 cont.

Ms. Sainz  
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carried out onsite or within the same stream system that will avoid, minimize and/or mitigate for project impacts to the natural resources.

**Summary**

In summary, the Department finds that the EIR may not adequately analyze the impacts to biological resources from the proposed project. An adequate impact analysis and formulation of any necessary mitigation measures should be provided prior to project approval.

Thank you for considering our comments. Department personnel are available for consultation regarding biological resources and strategies to minimize impacts. If you have questions please contact Angela Calderaro, Senior Environmental Scientist (Specialist), by e-mail at [Angela.Calderaro@wildlife.ca.gov](mailto:Angela.Calderaro@wildlife.ca.gov) or by phone at (916) 358-2920.

Sincerely,



Tina Bartlett  
Regional Manager

**Attachments**

- ec: Jeff Drongesen, [Jeff.Drongesen@wildlife.ca.gov](mailto:Jeff.Drongesen@wildlife.ca.gov)
- Jennifer Nguyen, [Jennifer.Nguyen@wildlife.ca.gov](mailto:Jennifer.Nguyen@wildlife.ca.gov)
- Angela Calderaro, [Angela.Calderaro@wildlife.ca.gov](mailto:Angela.Calderaro@wildlife.ca.gov)
- Shelly Blair, [Shelly.Blair@wildlife.ca.gov](mailto:Shelly.Blair@wildlife.ca.gov)

State Clearinghouse

**Attachments:**

Attachment A - Nine-quad search of the California Natural Diversity Database (CNDDDB) Centered on *Placerville, California* USGS 7.5-minute quadrangle.

Attachment B – BIOS map.

**References:**

California Department of Fish and Wildlife (CDFW). 2014. Nine-quad search of the California Natural Diversity Database (CNDDDB) Centered on *Placerville, California* USGS 7.5-minute quadrangle. Wildlife and Habitat Data Analysis Branch, Rarefind Version 3.1.1. Government version dated August 1, 2014. Data expires February 1, 2015.

↑  
3-1  
cont.

**Letter 3**      **Tina Bartlett, California Department of Fish and Wildlife**  
**Response**    **November 13, 2014**

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- 3-1                      This comment letter is a duplication of Letter 2. However, Letter 3 lacks the referenced attachments that were included with Letter 2. Attachments included with Letter 2, but not with Letter 3, include a California Department of Fish and Game Natural Diversity Database search report and a map that shows a nearby ephemeral channel. Please see Responses to Comments 2-1 through 2-7.

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# COMMUNITY DEVELOPMENT AGENCY

2850 Fairlane Court, Placerville, CA 95667  
Phone (530) 621-5900, Fax (530) 626-0387

November 24, 2014

Laura Sainz  
Environmental Program Manager  
Office of Court Construction & Management  
Judicial Council of California – Administrative Office of the Courts  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95883-3509  
[Laura.sainz@jud.ca.gov](mailto:Laura.sainz@jud.ca.gov)

Subject: El Dorado County Comments for the New Placerville Courthouse Draft EIR

Ms. Sainz,

Thank you for providing the opportunity in commenting on the Draft Environmental Impact Report (EIR) for the New Placerville Courthouse dated October 2014. Below is a list of our comments:

- 1. Page 3.8-3, first paragraph – El Dorado is not a city, please change the reference to the Community or Town or El Dorado. 4-1
- 2. Page 3.8-3, second paragraph – please revise second sentence to acknowledge that you can access U.S. Highway 50 from Ray Lawyer Drive. The new interchange opened to the public on October 2013. 4-2
- 3. Page 3.8-4, last paragraph – there is a reference to Figure 2-3 and a description of the shared access driveway. However, Figure 2-3 does not show a shared access driveway, there are two distinct driveways reflected on the figure. Please either change the figure to match the verbiage or change the verbiage to match the figure. 4-3
- 4. Page 3.8-5, why was HCM 2000 used instead of HCM 2010? El Dorado County’s General Plan takes precedence over the traffic study protocols which states that the latest version of the HCM shall be used. On Page 3.8-12 the El Dorado County’s General Plan policy TC-Xd, that requires the use of the latest edition of the Highway Capacity Manual to determine level of service, is included in your document. 4-4
- 5. Page 3.8-8, Figure 3.8-1 – intersections 5 and 6 are mislabeled on the graphic. 4-5
- 6. Page 3.8-9, Table 3.8-3, the intersections ID’s are incorrect. The numbers do not match the graphics in Figure 3.8-1. The first intersection should be identified as intersection 1 & 2 with the following intersections ID’s corrected to match the graphic. 4-6

- 7. Page 3.8-16, final paragraph, may want to change the reference to the TIS protocols and procedures to reference the General Plan Policy TC-Xd instead.

4-7
- 8. Page 3.8-17 and 18, as previously requested, please include a trip generation table with the calculations; the logic of the trip generation is difficult to follow in the text.

4-8
- 9. Page 3.8-23, for the Placerville Drive/Forni Road (Phase 3) indicates there will be a reconfiguration of the southbound Placerville Drive approach to include an additional through travel lane. The current Western Placerville Interchange project does not include a second southbound lane on the overcrossing. Does the project propose to pay for the addition of a second southbound lane to the overcrossing?

4-9
- 10. Page 3.8-25, Figure 3.8-2 – intersections 5 and 6 are mislabeled on the graphic.

4-10
- 11. Page 3.8-26, Table 3.8-7, the intersections ID's are incorrect. The numbers do not match the graphics in Figure 3.8-2. The first intersection should be identified as intersection 1 & 2 with the following intersections ID's corrected to match the graphic.

4-11
- 12. Page 3.8-27, Table 3.8-9, the intersections ID's are incorrect. The numbers do not match the graphics in Figure 3.8-3. The first intersection should be identified as intersection 1 & 2 with the following intersections ID's corrected to match the graphic. Also, all the delay for LOS F should be greater than 50 instead of less than as shown in 4 locations.

4-12
- 13. Page 3.8-30, for the discussion of the intersection of Forni Road and the County Jail Driveway, language should be added that any mitigation measure for the project must not preclude the construction of the Ray Lawyer Drive extension.

4-13
- 14. Page 3.8-31, Mitigation Measure 3.8-1a, for the Placerville Drive/Forni Road intersection, the language indicates there will be a reconfiguration of the southbound Placerville Drive approach to include an additional through travel lane. The current Western Placerville Interchange project does not include a second southbound lane on the overcrossing. Does the project propose to pay for the addition of a second southbound lane to the overcrossing?

4-14
- 15. Page 3.8-33, Impact 3.8-2, the description in the first paragraph is not reflected in Figure 2-3. It is unclear if installation of the STOP sign will mitigate the impacts. The mitigation sheets indicate the intersection will be signalized to have the acceptable LOS. Wouldn't the impact still be significant until the traffic signal is installed, and the signal should not be installed until the appropriate warrants are satisfied?

4-15
- 16. Page 3.8-37, last paragraph, it should be noted that any mitigation measure for the project must not preclude the construction of the Ray Lawyer Drive extension.

4-16
- 17. Page 3.8-40, Table 3.8-11, the first intersection should be identified as intersection 1 & 2 with the following intersections ID's corrected to match the graphic.

4-17

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El Dorado County Comments for the New Placerville Courthouse Draft EIR  
Page 3 of 3

18. Page 3.8-40, last paragraph, states that the proposed project would result in a substantial increase in traffic during the a.m. and p.m. peak hours along U.S. 50 mainline segments. Do you mean it "would not result.."?

4-18

19. Page 3.8-41, Mitigation Measure 3.8-5, as a note, the intersection of Forni Road/County Jail-Ray Lawyer Drive extension is not in the City of Placerville's Traffic Impact Mitigation Fee program, the project proponent could be required to install the signal. The impact would be significant unavoidable until the signal is installed.

4-19

If you need any clarification to El Dorado County's comments, please feel free to call me at (530) 621-5914 or via e-mail at [steve.pedretti@edcgov.us](mailto:steve.pedretti@edcgov.us).

Sincerely,



Steven M. Pedretti, Director  
Community Development Agency

- c: Kelly Webb, Chief Administrative Office
- Kim Kerr, Assistant Chief Administrative Officer
- Roger Trout, CDA Development Services Director
- David Defanti, CDA Assistant Director
- Jerry Barton, EDCTC
- Rebecca Neves, City of Placerville

**Letter 4 Response**      **Steven M. Pedretti, El Dorado County Community Development Agency**  
November 24, 2014

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4-1                    The first sentence of the first full paragraph on page 3.8-3 of the Draft EIR is revised as follows:

Forni Road is an east-west, two-lane roadway that extends from Pleasant Valley Road (SR 49) to the south and west (in the ~~City~~ community of El Dorado) to downtown Placerville to the north and east (where the road merges with Main Street).

4-2                    The second paragraph on page 3.8-3 of the Draft EIR is revised as follows:

Ray Lawyer Drive is a north-south, two-lane roadway that extends from Placerville Drive to the north to Forni Road to the south. The roadway provides access to the El Dorado County Government Center and includes an overpass at U.S. 50 ~~and does not provide access and a recently-~~ completed (October 2013) on-ramp to the highway westbound U.S. 50. The roadway is designated as an “Other Principal Arterial (Functional Class 3)” within the City of Placerville, according to Caltrans’ roadway classification system (Caltrans, 2012).

4-3                    Figure 2-3 is revised to present a shared access driveway. Please Chapter 2, Revisions to the Draft EIR.

4-4                    At the time of project initiation, Highway Capacity Manual 2010 (HCM 2010) was not published, and employment of HCM 2000 standards and methodologies to evaluate traffic intersection level of service was used to maintain consistency with other previous and/or ongoing transportation studies in the county (which was an overriding concern expressed by agency stakeholders).

4-5                    Figure 3.8-1 is revised, and intersections 5 and 6 are correctly labeled. Please see Chapter 2, Revisions to the Draft EIR.

4-6                    Table 3.8-3 is revised, and intersection IDs match the intersections presented in Figure 3.8-1, as shown in Chapter 2, Revisions to the Draft EIR. Other corrections were also made to Table 3.8-3. Comprehensive revisions to Table 3.8-3 are shown in Chapter 2, Revisions to the Draft EIR.

4-7                    The third paragraph on page 3.8-16 of the Draft EIR is revised as follows:

~~In accordance with the County of El Dorado Department of Transportation Traffic Impact Study Protocols and Procedures (2008), if a proposed project will worsen traffic conditions on area roads, then a traffic impact~~

~~study shall be required to determine whether or not the project would cause a significant traffic impact. Per General Plan Policy TC-Xd, Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.~~

Furthermore, per General Plan Policy TC-Xe, a significant traffic impact would be identified as follows:

- 4-8 The total project-generated peak-hour vehicle trips are presented in Table 3.8-6 on page 3.8-19 of the Draft EIR. However, to assist readers, the following table of project trip generation, broken down by employees and non-employees (Table 3.8-6A) is added to page 3.4-19 of the EIR:

**TABLE 3.8-6A**  
**PROPOSED PROJECT VEHICLE TRIP GENERATION**

| <u>User Type</u>                | <u>AM Peak Hour</u> |                       | <u>PM Peak Hour</u> |                   |
|---------------------------------|---------------------|-----------------------|---------------------|-------------------|
|                                 | <u>In</u>           | <u>Out</u>            | <u>In</u>           | <u>Out</u>        |
| <u>Employee<sup>a</sup></u>     | <u>109</u>          | <u>0</u>              | <u>0</u>            | <u>109</u>        |
| <u>Non-Employee<sup>b</sup></u> | <u>144</u>          | <u>36<sup>c</sup></u> | <u>0</u>            | <u>0</u>          |
| <b><u>Total Trips</u></b>       | <b><u>253</u></b>   | <b><u>36</u></b>      | <b><u>0</u></b>     | <b><u>109</u></b> |

a Employee trips based on assuming all employees "drive alone" to and from project site. Number of employees based on Superior Court of California County of El Dorado New Placerville Courthouse Budget Package, September 3, 2009.

b Number of non-employees based on the total traveling to the Main Street Courthouse and Building C during the AM peak hour.

c Survey data indicated 25% of total non-employees exit the project site during the AM peak hour.

SOURCES: AOC, 2009; ESA, 2013; CHS Consulting Group, 2014.

- 4-9 The reconfiguration of the southbound approach at the Placerville Drive/Forni Road intersection and additional southbound through lane is consistent with the analyses and illustrations presented in the *Western Placerville Interchanges – 2045 Analysis* technical memorandum prepared by Fehr & Peers in January 2014. The traffic analysis presented in the EIR is consistent with the technical memorandum. The addition of the southbound through lane is not a part of the proposed project.

- 4-10 Figure 3.8-2 of the Draft EIR is revised, and intersections 5 and 6 are correctly labeled. Please see Chapter 2, Revisions to the Draft EIR.
- 4-11 Table 3.8-7 of the Draft EIR is revised, and intersection IDs match the intersections presented in Figure 3.8-2, as shown in Chapter 2, Revisions to the Draft EIR. Other corrections were also made to Table 3.8-7. Comprehensive revisions to Table 3.8-7 are shown in Chapter 2, Revisions to the Draft EIR.
- 4-12 Table 3.8-9 of the Draft EIR is revised as shown below.

**TABLE 3.8-9  
INTERSECTION LEVEL OF SERVICE (LOS) – EXISTING PLUS APPROVED PROJECTS AND  
EXISTING PLUS APPROVED PROJECTS PLUS PROJECT CONDITIONS (YEAR 2018)**

| Intersection   | Traffic Control <sup>b</sup> | Peak Hour | Existing + Approved Projects |                                  | Existing + Approved Projects + Project |                                  |                             |
|--|------------------------------|-----------|------------------------------|----------------------------------|--|----------------------------------|-----------------------------|
|  |                              |           | LOS <sup>a</sup>             | Delay <sup>c</sup>               | LOS <sup>a</sup>                       | Delay <sup>c</sup>               | Change <sup>d</sup>         |
| <u>1 &amp; 2</u> Placerville Dr / Fair Ln / US 50 WB Ramps | Signal                       | AM        | C                            | 29.1                             | C                                      | <del>32.9</del> <u>32.7</u>      | <del>3.8</del> <u>3.6</u>   |
|  |                              | PM        | D                            | 54.5                             | D                                      | 54.9                             | 0.4                         |
| <u>3</u> Placerville Dr / Forni Rd                         | SSSC                         | AM        | <b>E</b>                     | <b>38.0 (EB)</b>                 | <b>E</b>                               | <del>42.3</del> <u>39.7 (EB)</u> | <del>4.3</del> <u>1.7</u>   |
|  |                              | PM        | <b>F</b>                     | <b>&gt;50 (EB)</b>               | <b>F</b>                               | <b>&gt;50 (EB)</b>               | <del>14.0</del> <u>34.3</u> |
| <u>4</u> Forni Rd / Lo-Hi Way / US 50 EB Ramps             | AWSC                         | AM        | C                            | 18.1                             | D                                      | <del>31.4</del> <u>30.3</u>      | <del>13.3</del> <u>12.2</u> |
|  |                              | PM        | B                            | 13.8                             | B                                      | <del>13.8</del> <u>13.9</u>      | <del>0.0</del> <u>0.1</u>   |
| <u>5</u> Ray Lawyer Dr / Forni Rd / US 50 EB Off-Ramp      | SSSC                         | AM        | B                            | <del>14.7</del> <u>14.9 (EB)</u> | C                                      | <del>18.2</del> <u>20.9 (WB)</u> | <del>3.5</del> <u>6.2</u>   |
|  |                              | PM        | D                            | <del>28.3</del> <u>26.9 (EB)</u> | D                                      | <del>29.6</del> <u>32.5 (EB)</u> | <del>1.3</del> <u>5.6</u>   |
| <u>6</u> Ray Lawyer Dr / Fair Ln                           | AWSC                         | AM        | A                            | 8.5                              | A                                      | <del>9.1</del> <u>8.6</u>        | <del>0.6</del> <u>0.1</u>   |
|  |                              | PM        | B                            | 12.4                             | B                                      | 12.4                             | 0.0                         |
| <u>7</u> Forni Rd / County Jail-Ray Lawyer Dr extension    | SSSC                         | AM        | C                            | 24.1 (NB)                        | <b>F</b>                               | <b>&gt;50 (NB)</b>               | <u>108.9</u>                |
|  |                              | PM        | <b>F</b>                     | <b>≥50 (NB)</b>                  | <b>F</b>                               | <b>≥50 (NB)</b>                  | <del>69.7</del> <u>90.4</u> |
| <u>8</u> Ray Lawyer Drive / U.S. 50 WB On-Ramp             | No Control                   | AM        | A                            | 0.9 (NB)                         | A                                      | <del>0.7</del> <u>1.1 (NB)</u>   | <del>-0.2</del> <u>0.2</u>  |
|  |                              | PM        | A                            | 2.9 (NB)                         | A                                      | <del>2.9</del> <u>3.7 (NB)</u>   | <del>0.0</del> <u>0.8</u>   |

a LOS calculations performed using Synchro and the 2000 Highway Capacity Manual Planning Method operations analysis methodology.  
 b Signal = signalized intersection; AWSC = All-Way Stop-Controlled intersection; SSSC = Side-Street Stop-Controlled intersection; TWSC = Two-Way Stop-Controlled Intersection.  
 c Average vehicle delay (in seconds per vehicle) is reported for unsignalized intersections (i.e., AWSC). Approach delay reported for stop-controlled approach at unsignalized Side-Street Stop-Controlled intersections (EB = eastbound).  
 d Represents the change in delay relative to no project (baseline) conditions.  
**Bold** indicates unacceptable LOS conditions (LOS E or lower). **Shaded** cells indicate a significant project impact.  
 SOURCE: CHS Consulting, 2014.

- 4-13 The third full paragraph on page 3.8-33 of the Draft EIR is revised as follows:

**Significance after Mitigation:** The Judicial Council would contribute to the modification and enhancements to the intersection of Forni Road and County Jail/Ray Lawyer Drive extension. Contribution to these

improvements would ensure that the Judicial Council contributes its fair share of the costs associated with installing a traffic signal at the intersection in order to restore the LOS to an acceptable level and provide roadway treatments to enhance the overall safety to users of the roadway. It is noted that implementation of Mitigation Measure 3.8-1b shall not preclude the construction of the Ray Lawyer Drive extension. Based on these findings, modification to this intersection would improve overall transportation conditions and the impact would be *less than significant*.

4-14 See Response to Comment 4-9, above.

4-15 Figure 2-3 of the Draft EIR is revised to present a shared access driveway. Please see Chapter 2, Revisions to the Draft EIR. Impact 3.8-2, to which the comment refers, pertains to potential impacts due to substantially increased hazards due to a design feature or incompatible use. As indicated in the Draft EIR, the proposed project would not substantially increase hazards, and the project impact would be less than significant; no mitigation measure would be required.

4-16 The last paragraph on page 3.8-41 of the EIR is revised as follows:

**Significance after Mitigation:** The Judicial Council would contribute to the modification and enhancements to the intersection of Forni Road and County Jail-Ray Lawyer Drive extension. Contribution to these improvements would ensure that the Judicial Council contributes its fair share of the costs associated in installing a traffic signal at this intersection in order to restore the LOS to an acceptable level and provide roadway treatments to enhance the overall safety to users of the roadway. It is noted that implementation of Mitigation Measure 3.8-5 shall not preclude the construction of the Ray Lawyer Drive extension. Based on these findings, modification to this intersection would improve overall transportation conditions and the cumulative traffic impact would be *less than significant*.

4-17 Table 3.8-11 of the Draft EIR is revised, as shown in Chapter 2, Revisions to the Draft EIR. Other corrections were also made to Table 3.8-11. Comprehensive revisions to Table 3.8-11 are shown in Chapter 2, Revisions to the Draft EIR.

4-18 The proposed project would not result in a substantial increase in traffic volumes along the U.S. 50 mainline. The first sentence of the last paragraph on page 3.8-40 of the Draft EIR is revised as follows:

Per the County of El Dorado Department of Transportation *Traffic Impact Study Protocols and Procedures* and standard significance criteria provided therein, the proposed project would not result in a substantial increase in traffic during the a.m. and p.m. peak hours along U.S. 50 mainline segments.

- 4-19            The City of Placerville Municipal Code, Chapter 8-15-5: Traffic Impact Mitigation Fee presents the applicable traffic impact mitigation fees based on development types within the City jurisdiction. As stated in the EIR, the Judicial Council would pay a Traffic Impact Mitigation Fee as their fair share contribution. The County of El Dorado Department of Transportation *Traffic Impact Study Protocols and Procedures* states that the “applicant team shall consult with DOT staff to determine if proposed mitigation is acceptable” and if deemed acceptable, the “mitigation shall be incorporated as an element of the proposed project...”

Ms. Laura Sainz,

November 26, 2014

On behalf of the resident homeowners on Gold Nugget Way, my name is John Quidachay and I am pleased to offer comments and concerns regarding the proposed New Placerville Court House.

**DEIR Executive Summary:**

Cumulative effects:

- The Judicial Council fails to identify cumulative effects to increased traffic impacts on Forni Road and Gold Nugget Way Residents. 5-1
- The Judicial Council failed to include Gold Nugget Way and Forni Road intersection in their traffic study. 5-2
- The Judicial Council fails to adequately analyze ground water impacts. 5-3
- The Judicial Council fails to adequately account for foreseeable cumulative impacts of the high potential of the development of the Ray Layer Extension Commercial Development (Briggs Parcel that surrounds the proposed New Placerville Courthouse) and the Western Placerville Interchange Project (WPIP). 5-4

**Summary table of impacts/mitigation, table ES-1 and Chapter 3.14** : The Judicial Council fails to identify impacts to Gold Nugget Way Residents with respect to increased traffic on Forni Road, specifically the existing dangerous and life threatening condition at the intersection egress of Gold Nugget Way (GNW). The New Placerville Courthouse will at the very least double the traffic on Forni Road, thereby by increasing an already dangerous situation. As mitigation, homeowners recommend the following measures:

- redesign this intersection eliminating blind visibility both ways and installing stop signs or other traffic control warning devices. 5-5
- Allow an alternative optional exit through the New Placerville Court House via Ray Layer Extension.
- Construct Ray Layer Extension to parcel #325-360-311, Brown property. This is already approved with the City of Placerville, under the Briggs Commercial Development and negotiated as GNW homeowners and residents future access to Forni Road and the Western Placerville Interchange Project.

**Chapter 2, figure 2.3:** This conceptual map displays in a solid blue line attribute, Gold Nugget Way Access. Throughout this draft EIR, there no mention of whether GNW residents will be able to use this access as an alternative to the existing dangerous apex at GNW and Forni Road. In addition, employees to the new Placerville Court House will undoubtedly be compelled to use GNW. The Judicial Council's transportation section will need to discuss a proposal to bring GNW up to road and highway standards per the Eldorado County Design & Standard Improvements Manual. This is a critical infrastructure improvement that is needed outside the footprint of the New Placerville Courthouse proposal, because it will prevent both conflicts and serious safety issues. Furthermore, the Judicial Council does not analyze the potential increase in misguided traffic to the actual GNW residential area and it's tributary roads and more important the security risk to our neighborhood. This is significant and therefore should be add to the impacts section as significant and describe a mitigation measure to reduce it to less than significant. 5-6  
5-7  
5-8

**Cumulative Impacts: 3.1-14:** The Ray Layer Drive Extension Commercial development was approved October 10, 2009, otherwise known as the Briggs 27 acre commercial office development and the Western Placerville Interchange Placerville are foreseeable, the DIER fails to evaluate the potentially significant cumulative effects of these foreseeable future projects.

5-9

CEQA requires the Judicial Council to evaluate significant changes in the physical environment. This requirement was made explicit to the Eldorado County in the Court of Appeal's ruling in *Environmental Planning and Information Council v. County of Eldorado* (1982) 131 CL. APP 350. The construction of road improvements to and along the project site will change the environment and will have a cumulatively considerable effect on the adjacent rural residential neighborhood as these roads will encourage future development.

5-10

The Ray Layer Drive Extension Development and future commercial development are both foreseeable future projects and a **likely consequence of the Western Placerville Interchange Project.** (see CEQA section 15130

5-11

**Impact 3.6.4, groundwater:** The Judicial Council needs a mitigation measure to account for the potential loss of well water and degradation to residents on Gold Nugget Court. The massive excavation and grading for this 88,000 square foot facility and associated supporting infrastructure (parking lots) are extremely concerning. The analysis in this area is inadequate and conclusions are merely arbitrary and capricious.

5-12

As stated in DEIR page ES-5, If an impact is determined to be significant or potentially significant, mitigation measures are identified, where appropriate. More than one mitigation measure may be required to reduce the impact to a less-than-significant level. The question whether substantial evidence in the record supports a fair argument of significant environmental impact is also colored by the degree to which the lead agency has evaluated the project:

If an agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of the fair argument by lending a logical plausibility to wider range of inferences.

5-13

(*Sundtrum v. County of Mendicino* (1998) 202 Cal.App.3d 296, 311.) Because "CEQA places the burden of environmental investigation on government rather than the public, "an agency" should not be allowed to hide behind its own failure to gather relevant data' to make an informed decision about a project's potential for significant, adverse effects, (*Ibid*; see also *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1382.) Here, the ISMND's failure to meaning fully evaluate many of the proposed project's reasonably foreseeable direct, indirect and cumulative impacts leaves open a broad range of fair arguments that the proposed project could have one or more significant environmental impacts requiring further analysis.

We the GNW homeowners urge the Judicial to address the above issues and concerns of the residents of GNW and believe the above comments are 'additional direct and reasonably foreseeable indirect and cumulative changes in the environment' resulting from the proposed project. Our goal is simply to provide, maintain, or improve the quality of life we have enjoyed over the past nearly forty years. Please feel free contact me at the address, cell number or email provided below.

5-14

John Quidachay, 3344 Dusty Gold Lane, Placerville, 95667  
530-748-8958, email:qfactor@innercite.com

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**Letter 5      John Quidachay**  
**Response     November 26, 2014**

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- 5-1            Cumulative impacts to study intersections and freeways are discussed in Impact 3.8-6 on pages 3.8-37 through 3.8-41 of the Draft EIR. Intersections along Forni Road are included in that analysis. Impacts specific to Gold Nugget Way were not included in the traffic study because there would be no reason for traffic associated with the proposed project to use Gold Nugget Way, except trips by residents of Gold Nugget Way to and from the new courthouse (e.g., as perspective jurors), and those people already drive to the existing courthouse, and thus, would not be new trips on the area roads. See Response to Comment 5-6, below, about potential access to Gold Nugget Way that could be constructed by others at a future date, but not as part of the proposed New Placerville Courthouse project.
- 5-2            See Response to Comment 5-1.
- 5-3            Groundwater impacts were discussed in Impact 3.6-4 on page 3.6-13 of the Draft EIR. Cumulative groundwater impacts were discussed in Impact 3.6-8 on page 3.6-16 of the Draft EIR.
- 5-4            Cumulative impacts are analyzed in each environmental technical section of the Draft EIR. The Ray Lawyer Business Park and the Western Placerville Interchange Project were included, as appropriate, in the cumulative context.
- 5-5            It is acknowledged that the proposed project would increase the amount of traffic on Forni Road east of Ray Lawyer Drive, reflective of the expectation that some people would travel to and from downtown Placerville on local roads instead of using U.S. 50 (although potentially fewer people would do so after the new westbound U.S. 50 off-ramp is constructed at Ray Lawyer Drive). However, the existing traffic volume on Forni Road at Gold Nugget Way is relatively low, and the number of project-generated trips would not represent a substantial increase to that volume (approximately 40 vehicles in the AM peak hour). Existing conditions at the Forni Road / Gold Nugget Way intersection that the comment describes as dangerous are not in the purview of the Draft EIR to change; that would be the responsibility of the City of Placerville to address. As stated, the project would not cause a substantial change to traffic volumes on Forni Road at Gold Nugget Way.
- 5-6            The Gold Nugget Way access shown in Figure 2-3 is not part of the proposed project. The figure shows a conceptual plan for the area, and should access to Gold Nugget Way be constructed, it would be by others at a future date. The traffic analysis of the proposed project did not include analysis of a possible future Gold Nugget Way access point because it is not proposed as part of the proposed project.

- 5-7 See Response to Comment 5-1 about the absence of new traffic on Gold Nugget Way to and from the new courthouse. As such, improvements of Gold Nugget Way by the Judicial Council are not warranted.
- 5-8 Misguided traffic on Gold Nugget Way and its tributary roads would be extremely rare as Gold Nugget Way is more than one-quarter mile away from the proposed project access along Forni Road. Therefore, impacts to the residences on Gold Nugget Way and connecting roads would not be significant.
- 5-9 The Draft EIR transportation analysis of cumulative impacts are described on pages 3.8-37 to 3.8-41 of the Draft EIR, and the cumulative scenario included both the Ray Lawyer Business Park and the Western Placerville Interchange Project. As described on pages 3.8-19 to 3.8-23 of the Draft EIR, traffic-related effects of the Ray Lawyer Business Park were accounted for under various scenarios in the transportation section of the EIR, including Existing Plus Approved Projects, Existing Plus Approved Projects Plus Project, Cumulative, and Cumulative Plus Project conditions. In addition, assumed future transportation network changes (e.g., the U.S. 50 Western Placerville Interchange Project) are described on those pages of the Draft EIR.

The comment indicates the cumulative analysis on page 3.1-14 of the Draft EIR, which is within the Aesthetics section. Impacts 3.1-4 and 3.1-5 on pages 3.1-14 through 3.1-15 of the Draft EIR include analysis of the cumulative impacts related to aesthetics. These impact discussions include consideration of the potential future development of the Ray Lawyer Drive Business Park.

Buildout of the Western Placerville Interchange Project would further urbanize the project vicinity by providing additional vehicular access points to U.S. 50. The fourth full paragraph on page 3.1-14 of the Draft EIR is revised as follows:

On October 26, 2010, the Placerville City Council approved an application for the Ray Lawyer Drive Commercial Subdivision, located south, southeast, and east of the proposed project site with access from Gold Nugget Way and an extension of Ray Lawyer Drive. The Ray Lawyer Drive Commercial Subdivision project would divide the approximately 27 acre lot into seven individual parcels. Construction of structures was not included in the Ray Lawyer Drive Commercial Subdivision project, and future development of the parcels would be subject to City design and site review. The parcels are still vacant, but are zoned for commercial use. There are no pending applications for development of the commercial sites, or any other sites. Additionally, the Western Placerville Interchange Project would add vehicular access points to U.S. 50 at Ray Lawyer Drive.

The last paragraph on page 3.1-14 of the Draft EIR is revised as follows:

While the proposed project site and surrounding parcels are designated for public facilities and commercial uses, respectively, construction of structures in the area would result in a change from the current visual character of the area. The combined effect of the visual changes resulting from the proposed project, buildout of the Western Placerville Interchange Project, and the Ray Lawyer Drive Commercial Subdivision would be a significant impact. Because of the scale of the proposed project, its contribution to the cumulative impact would be considerable. Therefore, development of the proposed project site would result in a ***potentially significant cumulative impact***.

- 5-10 Potential impacts that would result from road improvements necessary to provide access to the project site are included in the analysis of the Draft EIR. Cumulative impacts of the proposed project, including roadway improvements necessary for project site access, are included in each environmental topic section of the Draft EIR. The potential for growth inducing impacts is discussed in Section 5.2 on pages 5-1 through 5-3 of the Draft EIR.
- 5-11 See Response to Comment 5-9.
- 5-12 Impact 3.6-4 on page 3.6-13 and Impact 3.6-8 on page 3.6-16 of the Draft EIR discuss the proposed project's potential impacts on groundwater, including cumulative impact analysis. As reviewed in both of these impact discussions, the project site is not in a groundwater basin as identified by the California Department of Water Resources (DWR).
- 5-13 The Judicial Council believes that the Draft EIR has adequately analyzed direct, reasonably foreseeable indirect, and cumulative impacts of the proposed project.
- 5-14 The comment expresses the goal of the Gold Nugget Way residents. The comment is noted and will be forwarded to the decision makers for consideration.

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P.O. Box 961  
Camino, CA 95709

December 1, 2014

Ms. Laura Sainz  
Administrative Office of the Courts  
[Laura.Sainz@jud.ca.gov](mailto:Laura.Sainz@jud.ca.gov)

Re: New Placerville Courthouse, Draft Environmental Impact Report

Dear Ms. Sainz,

We would have appreciated more public participation of the local citizens who will be affected by the decisions being made in regards to our courthouse. By chance, we came across the DEIR buried at the El Dorado County Library. Otherwise we would not have been aware that this document was being circulated, since the county and city did not make any effort to bring it to the public’s attention. The majority of those impacted by this project, such as Main Street merchants and property owners, still have no idea that comments are due today and that this project is moving forward without their input.

6-1

We recommend that you adopt Alternative 2 as the environmentally superior alternative for this project.

6-2

Under the California Trial Court Facilities Standards, 2006, a courthouse must comply with the following principles:

- Dignity of the law, importance of the activities within the courthouse, and stability of the judicial system;
- Individual expression that is responsive to local context, geography, climate, culture, and history and shall improve and enrich the sites and communities in which they are located;
- Best in architectural planning, design, and contemporary thought, have adequate spaces, adaptable to changes in judicial practice;
- Economical to build, operate and maintain;
- Provide a healthy, safe, and accessible environment for all occupants.

6-3

The existing 1913 Placerville courthouse meets the above criteria, and has a dignity that is impossible to duplicate in a modern building. It is an impressive structure and a well-known landmark as seen from Scenic Highway 50. The historic Placerville courthouse has well and faithfully performed the above duties for 100 years. In the early days Placerville was known as Hangtown in recognition that justice would be served even if the absence of a formal judicial system.

6-4

The historic courthouse is an integral and central part of the economic, social and cultural life of the city, and its abandonment would cause irreparable damage to the city. If the courthouse moved to a new location, the public defender’s office, the district attorney’s office, the CASA

6-5

office and numerous attorneys and other services adjunct to the judicial system would soon follow, leaving downtown Placerville a blighted ghost town. The city would be hard pressed to maintain its historical gold rush mining town ambience without its courthouse. The significant negative economic impacts and the introduction of blight created by more empty building on Main Street and its effect on the community would be an unmitigatable impact.

6-5  
cont.

We did not see anywhere in the documentation any indication that the existing historic courthouse has been adequately inspected and evaluated for preservation and adaption for ADA compliance.

The courthouse must be properly evaluated by a preservationist professional and include the cost to preserve/retrofit the existing historic courthouse for adequate cost comparison.

6-6

There are a number of complex issues related to the multiple locations of the courts in El Dorado County, including the needed preservation of our historic downtown courthouse. In light of the state’s budget cuts we feel the right thing to do is to step back, take another look at this courthouse and reconsider preservation as a viable alternative.

A one-size-fits-all courthouse, the same as every other courthouse in the state, is not appropriate for our historic rural county. We believe that keeping our courthouse downtown and building a smaller new courthouse to add the necessary courtrooms and facilities instead of abandoning our historic courthouse is one option, such as the DEIR’s Alternative 2: Reduced Size option. This may be in the best interest of the people of El Dorado County and should be adequately evaluated.

6-7

After looking at the site for the proposed new courthouse we had to wonder about the selected location. The terrain is not flat; the 40 foot slope differences are much greater than what it looks like on paper and will clearly increase the construction costs. The aesthetics will be impacted due to the massive grading required for this project. This is an oversized building when compared to neighboring buildings. The proposed mitigation of blocking the project from the Scenic Corridor with trees and shrubs is unacceptable. This project conflicts with the City of Placerville’s General Plan’s Natural, Cultural, Scenic Resources, and Community Design Elements. It does not enhance and protect Placerville’s community character and scenic resources. Without providing landscape and building design plans, stating that the impacts have been reduced through mitigation cannot be substantiated. Considering Alternative 2, of having a smaller footprint and retaining the downtown courthouse, would prevent the blight and economic destruction of historic downtown Main Street. This will also save the city and county the cost of new infrastructure, and will reduce the environmental and visual impact on the proposed site.

6-8  
6-9

Further discussion needs to take place regarding the utilities and service system for this new courthouse. Simply stating that moving the justice system from one end of town to the other will not result in significant impacts is misleading. Not knowing what will happen with the existing courthouse, there is a potential for an increased water and sewer usage. Presently, there are issues with the City of Placerville’s water and sewer lines going through downtown Placerville. This has been an issue for development projects west of Main Street. Given the fact that this courthouse is located on the western border of Placerville can only exacerbate Placerville’s existing and future unfunded infrastructure problems. Placerville has been looking for ways to upgrade their water and sewer system west of Main Street. Further study of the utilities and

6-10

service system must be completed to know what is needed to facilitate the courthouse in this location. The impact of this has not been mitigated.

↑ 6-10  
|  
cont.

There appears to be a conflict of interest in regards to the ownership of the property. John Briggs is the father of a sitting El Dorado County Supervisor and grandfather to a past City of Placerville Planning Commissioner who advocated for this specific location. John Briggs is presently marketing the property as the future site for potential leased county facilities. Is this not an element of RICO?

| 6-11

Approving this proposed project conflicts with the City of Placerville’s General Plan policy Goal G: To preserve and enhance Placerville’s historic heritage, particularly numbers 1 and 2 that state preservation of these buildings is necessary for economic benefit.

| 6-12

There is a lot of speculation regarding the transportation mitigation for this proposed project. According to the El Dorado County Transportation Commission website, Phase 3 of the needed interchange improvements is mostly unfunded. Two roundabouts were incorporated into the Western Placerville Interchange project. Measure K passed during the November 2014 election and it requires voter approval for any project that includes roundabouts. Measure I failed and the city was relying on those funds for road improvements. Moving forward without a clear source of funding for the road improvements necessary for the increased capacity generated by this proposed project is irresponsible. Reading through the documents, it appears that the funding for the necessary road improvements for the proposed project is coming out of local transportation funds. This is an additional negative impact to the economic and social health and welfare to those that utilize the road system in the City of Placerville. With the Western Interchange becoming a priority for transportation funds it is reducing the ability for the City to provide essential services and transportation needs of their existing population. This is another example of the project impacting the economic and social needs of the public. Before declaring that the Transportation and Circulation has been reduced to an insignificant impact, the State needs to show a clearer source of funding. The City of Placerville simply cannot bear the burden of this proposed project.

| 6-13

There will be environmental impacts that are significant and unavoidable due to this proposed project. In order to approve the proposed project, the lead agency must demonstrate that social, economic, and other benefits outweigh those unavoidable environmental impacts. In this case, the proposed project will induce blight by negatively impacting the City of Placerville’s social and economic welfare. Therefore, there are no economic and social benefits to outweigh the environmental impacts and the proposed project cannot be approved.

| 6-14

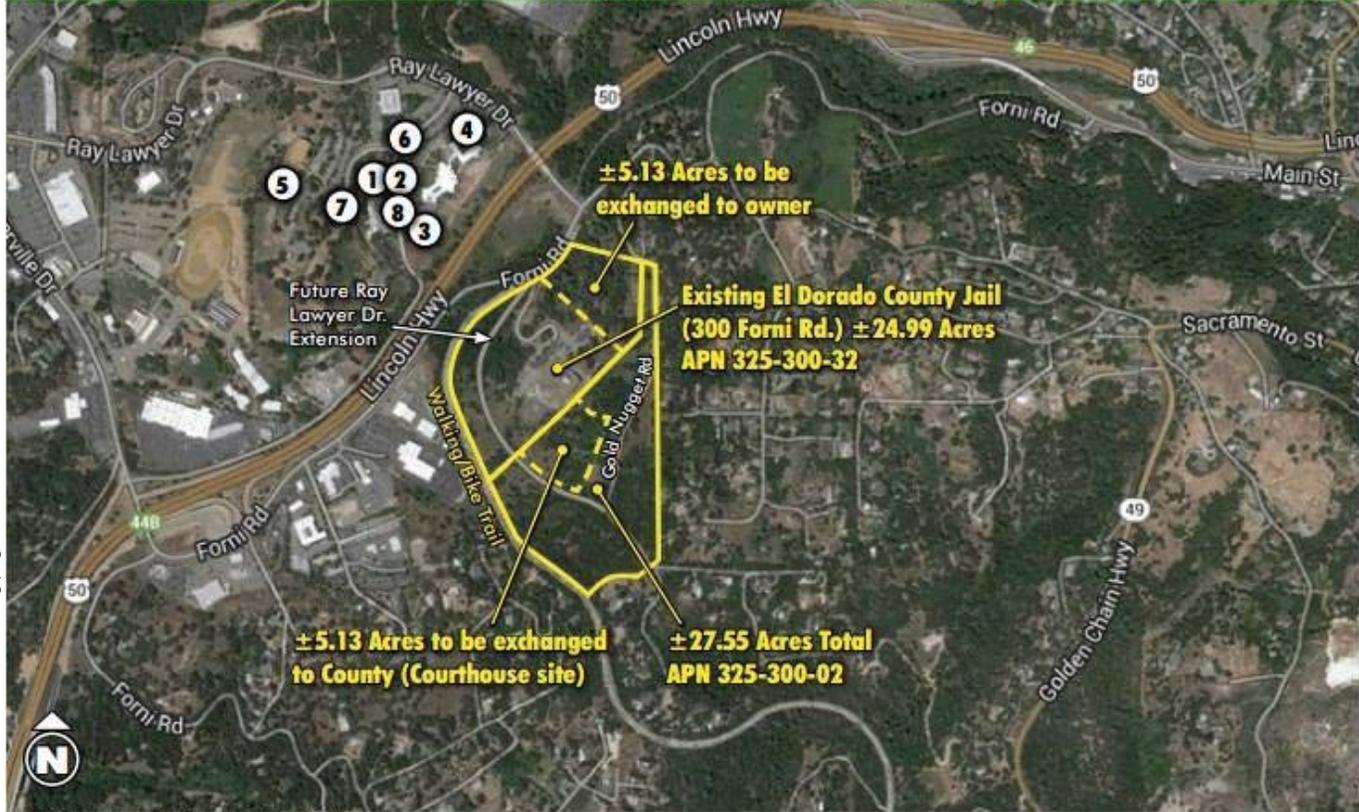
Alternative 2: Reduced Size project, an environmentally superior alternative, can still accomplish most of the design principals and objectives while maintaining the economic and social benefits of the City of Placerville. Therefore, the State must not accept the proposed project and instead should choose Alternative 2: Reduced Size.

| 6-15

Sincerely,

Sue Taylor  
Save Our County  
edsoc@live.com

INCLUDES ±5.13 ACRES ADJACENT TO EL DORADO COUNTY JAIL (PORTION OF APN: 325-300-32) AND ±22.42 ACRES SURROUNDING FUTURE SITE OF NEW PLACERVILLE COURTHOUSE (APN: 325-300-02)



**ADJACENT EL DORADO COUNTY FACILITIES**

1. 311 Fair Lane: Agriculture Dept. UCCE
2. 330 Fair Lane: County Board of Supervisors, Air Quality Mgmt. Dist., Chief Admin. Office, County Counsel, Economic Dev., Human Resources, Parks Operation & River Recreation, Risk Mgmt., Sheriff's Dispatch Ctr./ Office of Emergency Svcs.
3. 300 Fair Lane: Sheriff's Office
4. 360 Fair Lane: Assessor's Office, Auditor-Controller, Board of Supervisors, Grand Jury, Information Tech., Recorder-Clerk, Surveyor, Treasurer/Tax Collector
5. 2850 Fairlane Court: Building Svcs., Dept. of Trans., Elections, Emergency Medical Svcs., Environmental Mngmt. Health & Vector Control, Planning Dept, Solid Waste & Hazardous Materials,
6. 345 Fair Lane: Document Ctr., Library
7. 2900 Fairlane Court: Facilities & Grounds Maint.
8. 299 Fair Lane: Juvenile Detention Ctr.

FOR A LIST OF ADDITIONAL COUNTY FACILITIES SEE PAGE 10. THESE OFFICES ARE POTENTIAL FUTURE OCCUPANTS OF RLD BUSINESS PARK.

NOT TO SCALE—ALL DIMENSIONS ARE APPROXIMATE.

**FOR MORE INFORMATION PLEASE CONTACT:**

|   |   |
|---|---|
| <b>Ryan DeAngelis</b><br>Lic. 01280330<br>+1 916 492 6975<br>ryan.deangelis@cbre.com<br>www.cbre.com/ryan.deangelis | CBRE, Inc.<br>500 Capitol Mall<br>Suite 2400<br>Sacramento, CA 95814<br>www.cbre.com/sacramentodt |
|---|---|

**New Placerville Courthouse  
Land Development Site  
Placerville, CA**

**LAND FOR SALE**

[www.cbre.com/sacramentodt](http://www.cbre.com/sacramentodt) **CBRE**

3-46

Letter 6

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**Letter 6      Sue Taylor, Save Our County**  
**Response      December 1, 2014**

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6-1            The Judicial Council has followed all required public noticing requirements applicable for the proposed project. In accordance with CEQA Guidelines section 15082, the Judicial Council circulated a Notice of Preparation (NOP) for the EIR on April 23, 2012, for a 30-day public review period that concluded on May 22, 2012. The NOP included an Initial Study (IS) which discussed the potential environmental impacts of the proposed project. The NOP was circulated to the public, interested parties, and local, state, and federal agencies. Its purpose was to inform interested parties that the proposed project could have significant effects on the environment and to solicit their comments as to the scope of the EIR. A public scoping meeting was held on May 15, 2012 in order to receive input on the scope and content of the EIR from interested members of the public. The NOP and Initial Study are included as Appendix A of the Draft EIR.

In accordance with CEQA Guidelines section 15087, the Judicial Council provided a Notice of Availability (NOA) of the Draft EIR for a 45-day public review period that ran from October 16, 2014 through December 1, 2014. CEQA Guidelines section 15087(a) requires that the lead agency for a project provide notice of the public review period by at least one of three possible methods. For the proposed project, the Judicial Council provided notice by two of the three methods: publication in a newspaper and direct mailing to nearby property owners. The NOA was published in the Mountain Democrat newspaper on Wednesday, October 15, 2014. Additionally, the NOA was mailed to property owners along nearby streets, including, but not limited to Gold Nugget Way, Excalibar Road, Nordic Way, and Magic Place.

In accordance with CEQA Guidelines section 15087(d), the NOA was filed with the El Dorado County Recorder Clerk on October 16, 2014.

As stated in the NOA, copies of the Draft EIR were made available at the El Dorado County Library (345 Fairlane Court) and City of Placerville Planning Department (3101 Center Street) for the 45-day public review period. The Draft EIR was also available on the Judicial Council's website, under the 'Background' tab on the page devoted to the New Placerville Courthouse project. The website link to the document was provided in the NOA.

On November 6, 2014, the Judicial Council held a public meeting to discuss the Draft EIR and receive public comments. The meeting was held at the El Dorado County Government Center, Building C Hearing Room. The date, time, location, and purpose of the public meeting was included in the NOA.

- 6-2 The comment expresses the recommended alternative. The comment is noted and will be forwarded to the Judicial Council for consideration.
- 6-3 The comment summarizes some of the general principles identified by the Judicial Council in their California Trial Court Facilities Standards (2006).
- 6-4 The comment states the opinion that the Historic Courthouse meets the select principles identified in the prior comment. The comment is noted and will be forwarded to the Judicial Council for consideration.
- 6-5 The comment states the opinion that moving all courthouse functions to the proposed New Placerville Courthouse would have negative economic impacts and introduce blight on Main Street. The comment is noted and will be forwarded to the Judicial Council for consideration.
- 6-6 The Draft EIR analyzed the potential impacts to the Historic Courthouse as a historic resource in Impact 3.5-1 on pages 3.5-14 and 3.5-15 of the Draft EIR. Mitigation Measure 3.5-1 was incorporated to reduce potential impacts to a less-than-significant level. As stated on page 3.5-14 of the Draft EIR, the Judicial Council has been supporting the efforts of El Dorado County and the City of Placerville to identify re-use and re-purposing options for the structure.
- 6-7 In accordance with CEQA Guidelines section 15126.6, Alternative 2 was evaluated on pages 4-5 through 4-7 of the Draft EIR.
- 6-8 As stated on page 2-2 and page 3.1-9 of the Draft EIR, the Judicial Council is the lead agency for the proposed project, and is acting for the State of California. As such, local government land use planning and zoning regulations do not apply to the proposed courthouse project. However, goals and policies from the City of Placerville General Plan that relate to the proposed project are included in the Draft EIR for informational purposes. As described in Impact 3.1-1 on page 3.1-12 of the Draft EIR, the proposed project site is not readily visible by adjacent residential land uses to the south and east due to the site's topography and existing vegetation (trees). However, recreational users of the El Dorado Trail would be expected to have limited views of the proposed project and would experience the greatest change in the visual quality of the proposed project site including slope/topography changes and the removal of existing native vegetation on site. Implementation of Mitigation Measure 3.1-1 would minimize topography changes, replace existing vegetation to be removed and provide a visual buffer of project facilities from public view points, specifically from the El Dorado Trail.
- 6-9 As part of the project review and approval process, the Judicial Council will consider the proposed project and all alternatives analyzed in the Draft EIR. The comment states the opinion that Alternative 2 would prevent blight and economic

destruction of historic downtown Main Street. The comment is noted and will be forwarded to the Judicial Council for consideration.

- 6-10 Potential impacts related to utilities and service systems were analyzed on pages 3-30 and 3-31 in the Initial Study (IS). The IS was released concurrent with the Notice of Preparation (NOP) on April 23, 2012. The public comment period on the NOP and IS concluded on May 22, 2012. The IS determined that impacts related to utilities and service systems would be less than significant. As discussed on page 3.0-3 of the Draft EIR, utilities and service systems are not discussed further in the EIR because the IS determined that the proposed project would not result in significant impacts.
- 6-11 The comment does not allege an environmental impact and is therefore beyond the scope of CEQA. The Judicial Council is aware of the issue raised in the comment and will continue to evaluate the situation prior to the acquisition of any property for the proposed project.
- 6-12 As discussed in Impact 3.5-1 on pages 3.5-14 and 3.5-15 of the Draft EIR, the Judicial Council acknowledges the Main Street Courthouse as a historic resource. The Judicial Council has been working with El Dorado County and the City of Placerville in their formation of a committee to explore the potential reuse of the existing courthouse. As discussed in Mitigation Measure 3.5-1 on page 3.5-15 of the Draft EIR, plans for the reuse of the historic courthouse shall be submitted to and reviewed by the City of Placerville Historical Advisory Committee for consistency with the Secretary of the Interior's Standards for Rehabilitation. Such standards call for the retention of significant, character-defining features of the building while finding a new use for the structure that is compatible with its historic character. As part of the City's review, the City shall also require that restoration and reuse of the courthouse comply with the National Park Service's Preservation Brief #17, *Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Architectural Character*, and Preservation Brief #18, *Rehabilitating Interiors in Historic Buildings - Identifying and Preserving Character – Defining Elements*.
- 6-13 The Western Placerville Interchange Project does include two roundabouts. These two roundabouts are not restricted by the recent Measure K vote (November 2014) for the following reasons: First, both were approved prior to the Measure K vote. Second, the roundabouts are part of the freeway off-ramps which are part of the California Department of Transportation jurisdiction and therefore not subject to local measure.
- Measure I did fail in November 2014. Although the measure was for a general tax, the City Council of Placerville adopted a resolution of intent stating that no less than 75% of the proceeds would go toward **street maintenance**. At no time was it anticipated or even discussed that these funds would be used for

improvements to the Western Placerville Interchange Project or any other capital project. In addition, the local road funds referred to can generally only be used for capital projects, not for maintenance. So the authors reference to the failure of Measure I impacting road improvements for the courthouse is not accurate, as they are two separate funding sources restricted to separate and specific purposes.

As discussed on pages 3.8-22 and 3.8-23 of the Draft EIR, the cumulative scenario (2045) for traffic impacts analyzed a roadway network that includes all the projects previously described for Year 2018 conditions and any project that would be programmed, funded, and constructed by Year 2045. Phase 3 of the Western Placerville Interchange Project is included in the cumulative analysis because it is a reasonable foreseeable project and as stated on page 3.8-22, future build out of the Western Placerville Interchange Project was included for purposes of the EIR analysis. The Western Placerville Interchange Project is funded through a combination of federal, state, and local funds. Mitigation Measures 3.8-1a, 3.8-1b, and 3.8-5 require the Judicial Council to contribute their fair share contribution toward improvements to the local roadway improvements. In addition, the proposed project includes roadway improvements that are solely attributable to the courthouse project, specifically the provision of a new driveway from the shared access drive leading to the El Dorado County Jail as shown in Figure 2-3 in Chapter 2, Revisions to the Draft EIR.

- 6-14 As required by CEQA Guidelines section 15091, the Judicial Council shall make findings supported by substantial evidence in the record for each significant effect if the Judicial Council chooses to approve the project with significant effects. As required by CEQA Guidelines section 15093, the Judicial Council shall also adopt a statement of overriding considerations that explains the specific economic, legal, social, technological, or other benefits that support their decision to approve a project with significant effects.
- 6-15 The comment states the opinion that Alternative 2 should be selected. The comment is noted and will be forwarded to the Judicial Council for consideration.

DEPARTMENT OF TRANSPORTATION  
DISTRICT 3 – SACRAMENTO AREA OFFICE  
2379 GATEWAY OAKS DRIVE, STE 150 - MS 19  
SACRAMENTO, CA 95833  
PHONE (916) 274-0635  
FAX (916) 263-1796  
TTY 711



Serious drought.  
Help save water!

December 1, 2014

032014-ELD-0029  
03-ED-50 / PM 16.50

Ms. Laura Sainz  
Judicial Council of California  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833

**New Placerville Courthouse – Draft Environmental Impact Report (DEIR)**

Dear Ms. Sainz:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the New Placerville Courthouse. The New Placerville Courthouse project proposes the construction of a new, approximately 88,000 square foot courthouse in the City of Placerville for the Superior Court of California, County of El Dorado consolidating the existing courthouse functions located at the Main Street Courthouse and the County administrative complex Building C. The proposed project site would be acquired from the County. The property is currently owned by both the County and a private property owner. The County of El Dorado would purchase the private parcel and then transfer the entire site to the Judicial Council in exchange for other properties. The proposed project site is located south of United States (US) 50 between Placerville Drive and Ray Lawyer Drive, adjacent to the existing El Dorado County Jail, in the City of Placerville. The following comments are based on the project DEIR:

7-1

***Requested Revisions to the EIR***

- **Figure 3.8-1 and 3.8-2**  
The labels for Intersection #5 and #6 do not match the intersection number in the volume diagrams. In general, the volumes used for the analysis should be consistent with the figures.
- **Figures 3.8-1-6: AM and PM Peak Hour Traffic Volumes**  
There are significant volume imbalances between intersections, particularly between the project's access and the Ray Lawyer Drive Interchange. For example, Figure 3.8-3, in the eastbound direction, there are 373 trips in the am peak, and 295 trips in the pm peak that disappear between Intersection #7 (Jail Driveway) and Intersection #8 (Ray Lawyer Drive/US 50 eastbound off ramp). Also, Figure 3.8.5, in the eastbound direction, 59 am trips and 312 pm trips disappear before and after the Forni Road/Lo Hi Way ramps. There is no apparent justification for such a large imbalance (existing driveways and/or future

7-2

7-3

*“Provide a safe, sustainable, integrated, and efficient transportation system to enhance California’s economy and livability”*

development). Imbalances are found in the 2018 and 2045 scenarios.

The traffic network should have balanced volumes. Where applicable, provide a sound justification for the imbalance. A "project only" intersection am/pm peak hour volume diagram should be included in the analysis. After all imbalances have been reconciled, the analysis should be revised (including simulation files) and any impacts as a result of these changes should be adequately mitigated.

7-3  
cont.

- **Table 3.8-3: Intersection LOS - Existing Conditions**

Caltrans disagrees with LOS results for Intersection #1 (LOS D) and #2 (LOS E) in the pm peak. The F&P 2009 Technical Memorandum which is referenced in Table 3.8-3 showed that the LOS at these two intersections is LOS F. The distance from stop bar to stop bar is only 87 feet. Synchro results are based on Highway Capacity Manual methodology which is limited when analyzing close spaced intersections. A simulation analysis is a more appropriate tool to analyze closed spaced intersections. Please resubmit the analysis, including simulation files, and ensure that all impacts are properly identified and mitigated.

7-4

- **Table 3.8-6**

The trip distribution pattern discussed in Table 3.8-6 does not match the “plus project” peak hour traffic volumes figures, specifically for the to/from western regions trips which would primarily use eastbound US 50 in the am and westbound US 50 in the pm. For example, Table 3.8-6 states that 116 trips are coming into the project from western regions in the am peak hour but the traffic volume on eastbound US 50 only increases by 30 trips between Figures 3.8-3 and 3.8-4 (with and without the project). The discrepancy is also present in the PM volumes for westbound 50. Caltrans disagrees with this discrepancy between the table and project trips in the plus project volumes diagram. “Project Only” volumes diagrams need to be developed for each scenario based on the trip distribution described in Table 3.8-6 to ensure the peak hour trips generated by this project are accurately distributed throughout the project area and the State Highway System. The project trips developed for the “Project Only” volumes diagrams should be added to the without project volumes diagrams to create the plus project volumes diagrams.

7-5

- **Table 3.8-11: Intersection LOS - 2045 and 2045+Project Conditions**

The 2045 Analysis for the Western Placerville Interchanges prepared by Fehr & Peers (April 4, 2014) and the VISSIM files were reviewed extensively by Caltrans. F&P analysis states that Intersection #1/2, and Intersection #4 would operate at LOS D (34 sec/veh) and LOS C (17 sec/veh) respectively in the pm peak. Caltrans believes it is highly unlikely that with the addition of trips generated by this project, these intersections would operate at LOS A and B as stated on Table 3.8-11 (page 3.8-40). Please resubmit the analysis, including simulation files, and ensure that all impacts are properly identified and mitigated.

7-6

- **Page 3.8-4, first paragraph**

The last sentence should clarify that Class II bike lanes exist on Placerville Drive only east of Ray Lawyer Drive to US 50 near Hangtown Creek. There are no bike facilities on Placerville Drive west of Ray Lawyer Drive to US 50/Placerville Drive/Fair Lane.

7-7

*“Provide a safe, sustainable, integrated, and efficient transportation system to enhance California’s economy and livability”*

Ms. Sainz / Judicial Council of California  
December 1, 2014  
Page 3

- **Page 3.8-7**  
The study intersections listed on page 3.8-7 do not numerically match the study intersections in figures 3.8-1 thru 3.8-6. 7-8
- **Page 3.8-21: Park and Ride Lot**  
Access to the Park and Ride should be shown on the diagrams and the number of trips attributed to it. 7-9

Please provide our office with copies of any further actions regarding this project. We appreciate the opportunity to review and comment on any changes related to this development. 7-10

If you have any questions regarding these comments or require additional information, please contact Eileen Cunningham, Intergovernmental Review Coordinator for El Dorado County at (916) 274-0639 or by email at: [eileen.cunningham@dot.ca.gov](mailto:eileen.cunningham@dot.ca.gov).

Sincerely,



ERIC FREDERICKS, Chief  
Office of Transportation Planning – South

**Letter 7      Eric Fredericks, California Department of Transportation**  
**Response     December 1, 2014**

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- 7-1            Comment 7-1 is a summary of the proposed project and not a comment on the Draft EIR or analysis therein; thus, no response is required.
- 7-2            Figures 3.8-1 and 3.8-2 are revised to include the correct study intersection IDs and to be consistent with the accompanying LOS tables (Tables 3.8-3 and 3.8-7) in the Draft EIR section. Please see Chapter 2, Revisions to the Draft EIR for revised figures and tables.
- 7-3            The intersection volumes for future year scenarios (Year 2018, Year 2045) were largely derived from the forecasted volumes used in the U.S. 50 Western Placerville Interchanges Project Supplemental EIR document and subsequent technical memoranda prepared by Fehr & Peers (January, 2014; April 2014). For development Year 2018 traffic volumes, as presented in the memorandum prepared by Fehr & Peers (January 30, 2014), linear interpolation was used to estimate preliminary 2018 traffic forecasts using the existing 2008 traffic counts and the modified 2045 forecasts. The 2045 traffic volumes were developed by Fehr & Peers and were documented in the *2045 Alternative B Traffic Volume Forecasts* memorandum (March 30, 2012).

As stated on pages 3.8-22 and 3.8-23 of the Draft EIR, the 2018 future year scenario in the Draft EIR analysis also included other reasonably foreseeable projects in the project area, which include the proposed commercial development adjacent to the project site (Ray Lawyer Business Park) as well as roadway network changes to U.S. 50, Forni Road, and Ray Lawyer Drive based on roadway projects that are to be constructed and operational by Year 2018. Traffic volumes from the transportation study prepared for the Ray Lawyer Business Park by Y&C Transportation Consultants in 2005 were incorporated into the Draft EIR analysis and project-generated trips from the commercial development were added to the Year 2018 baseline volumes. Upon review of the transportation study for the Ray Lawyer Business Park project and traffic analyses for the U.S. 50 Western Placerville Interchanges Project, there were notable volume imbalances throughout the roadway network and specifically at intersections along Forni Road. However, in order to maintain consistency between the Draft EIR analysis and the previous traffic analyses, and because these previous reports were reviewed and approved by the appropriate public agencies, no substantial adjustments or re-balancing of volumes were conducted for purposes of the Draft EIR analysis.

It should be noted that a traffic impact analysis approach and methodology memorandum was prepared by ESA and submitted to the Judicial Council for review and approval on February 9, 2012. A subsequent meeting between ESA

team members, the Judicial Council, and County/City staff members was held on the week of February 13<sup>th</sup>, 2012 to discuss the approach and methodology memorandum. The contents of the memorandum included a detailed discussion of the selection of study intersections for the New Placerville Courthouse EIR and the methodology/approach to develop analysis scenarios for purposes of the EIR. It was disclosed in the memorandum that intersection vehicle turning movements would be derived from various technical studies. Such documents included the Western Placerville Interchanges Project Draft EIR/EA (City of Placerville, September 2005), Western Placerville Interchanges Project Final EIR (City of Placerville, November 2005), Western Placerville Interchanges – Analysis Methodology and Traffic Forecasts Memorandum (Fehr & Peers, 2008), Western Placerville Interchanges – Phase 1A Analysis Revised Technical Memorandum (Fehr & Peers, March 2009), Ray Lawyer Business Park Project Traffic Impact Study Final Report (Y&C Consultants, April 2005), and the El Dorado County Justice Facility Draft EIR (City of Placerville, September 2000). The memorandum and the contents therein were ultimately reviewed and approved by City and County staff, and the Judicial Council in February 2012.

It should be further noted that project-generated related trips for Years 2018 and 2045 remain constant because expansion of the proposed courthouse is not anticipated to occur during this timeframe. The number of employees, courtrooms, and summoned jurors and other visitors is expected to remain constant.

7-4

The LOS analysis for intersections #1 and #2 under existing conditions used the Highway Capacity Manual (HCM) methodology and Synchro software, as was the case for all other study intersections in the project area. As stated in the El Dorado County Department of Transportation *Traffic Impact Study Protocols and Procedures* (June, 2008), “the level of service shall be computed using the latest edition of the Highway Capacity Manual (Transportation Research Board, 2000).” As discussed in Response to Comment 7-3, the traffic impact analysis approach and methodology memorandum prepared by ESA, which was reviewed and approved by the Judicial Council and County/City staff, disclosed that the traffic impact analysis for the Courthouse EIR would apply the Highway Capacity Manual methodology and employ the Synchro software to determine intersection LOS. The Synchro software applies the Highway Capacity Manual methodology and performs micro-simulation of vehicular traffic and to account for intersection capacity, signal optimization, etc. The intersection LOS analysis included current signal timing patterns at intersections #1 and #2 and the total peak-hour volumes, average delay per approach, and total delay per approach were calculated to identify LOS conditions at intersections #1 and #2.

The previous LOS analyses from the Fehr & Peers 2009 memorandum applied the VISSIM software to evaluate traffic conditions at these intersections. The VISSIM software and related analyses evaluated the worst LOS conditions under various

simulation runs of the entire network and extracted the delay aggregation differently than what was applied in the Draft EIR analysis, which applied an aggregate average of the entire peak hour. Therefore, it is not unreasonable that the intersection LOS results can differ between the respective traffic analyses.

7-5 The discrepancies in trip distribution and trip assignments to and from U.S. 50 (east and west of the project site) pointed out by the commenter were inadvertent errors, and the following response and references to text, table, and figure revisions in Chapter 2, Revisions to the Draft EIR reflect the correction to those inadvertent errors, as well as the now-existing westbound U.S. 50 on-ramp from Ray Lawyer Drive (see Response to Comment 8-2).

As presented in the Draft EIR, the trip distribution and assignment for the proposed project were developed based on the existing roadway network in proximity to the proposed project, employee zip code data collected, and a review of population densities (i.e., distribution of population and housing within the City of Placerville and nearby communities throughout El Dorado County) to determine the non-employee trip distribution patterns. Based on this information, the majority of vehicle trips generated by the proposed project would originate from points west of the project site and would utilize U.S. 50 as their main route to and from the project site on a daily basis.

Trip distribution patterns and vehicle trip assignment vary among analysis scenarios, as the roadway network would be modified (i.e., new U.S. 50 ramps at Ray Lawyer Drive) under each respective analysis year (Existing, Year 2018 and Year 2045). Figures illustrating “Project-Only” vehicle trips during the AM and PM peak hours are provided in Chapter 2 of this document.

Under all “plus Project” scenarios, about 137 inbound project-generated vehicle trips would be added to the U.S. 50 eastbound mainline west of Placerville Drive during the AM peak hour. Under Existing conditions, all of these inbound trips would use the U.S. 50 eastbound off-ramp at Forni Road / Lo-Hi Way. However, under Year 2018 and Year 2045 conditions, these inbound trips would be distributed between the U.S. 50 eastbound off-ramp at Forni Road / Lo-Hi Way (about 45 trips), and the planned U.S. 50 eastbound off-ramp at Ray Lawyer Drive (about 92 trips). It is reasonable to assume that due to the proximity to the project site, the eastbound off-ramp at Ray Lawyer Drive may be more convenient to patrons, and therefore the majority of inbound vehicle trips from eastbound U.S. 50 would utilize this new off-ramp.

Under all “plus Project” scenarios, about 59 outbound project-generated vehicle trips would be added to the U.S. 50 westbound mainline west of Placerville Drive during the PM peak hour. In addition, under all “plus Project” scenarios, about 52 outbound project-generated vehicle trips would be added to the U.S. 50

westbound mainline between Placerville Drive and Ray Lawyer Drive during the PM peak hour.

The U.S. 50 mainline LOS tables in the Draft EIR are revised to reflect the above-described vehicle trip distribution and trip assignment patterns. Please see Chapter 2, Revisions to the Draft EIR.

7-6

The intersection LOS analyses presented in the *Western Placerville Interchanges – 2045 Analysis* technical memorandum prepared by Fehr & Peers in January 2014 indicated that the roundabout at Placerville Drive / Fair Lane / U.S. 50 Westbound Ramps would operate at LOS A in the AM peak hour and LOS C in the PM peak hour. Further, the January 2014 memorandum indicated that the roundabout at Forni Road / Lo-Hi Way / U.S. Eastbound ramps would operate at LOS C under AM and PM peak hours, respectively. The *Western Placerville Interchanges – 2045 Analysis* technical memorandum updated by Fehr & Peers in April 2014 amended the LOS results presented in the January 2014 memorandum and indicated that the roundabout at Placerville Drive / Fair Lane / U.S. 50 Westbound Ramps would operate at LOS A in the AM peak hour and LOS D in the PM peak hour. Further, the April 2014 memorandum indicated that the roundabout at Forni Road / Lo-Hi Way / U.S. Eastbound Ramps would operate at LOS A during the AM peak hour and at LOS C during the PM peak hour, respectively.

The Draft EIR analysis presented LOS results (that these roundabouts would operate at acceptable LOS D or better conditions) are consistent with the findings in the Fehr & Peers memorandum. Further, the Draft EIR's focus is to assess whether or not the proposed project would have a significant impact on traffic operating conditions, defined as changing an intersection's level of service from acceptable (LOS D or better) to unacceptable (LOS E or F). While the Draft EIR reflects slightly different LOS operations than the Fehr & Peers April 2014 memorandum, it is our professional opinion that the slight difference in volumes at the Placerville Drive / Fair Lane / U.S. 50 Westbound Ramps roundabout and the Forni Road / Lo-Hi Way / U.S. Eastbound Ramps roundabout still would not alter the Draft EIR's less-than-significant impact determination for those intersections since LOS D is considered acceptable under City of Placerville significance criteria.

For the Placerville Drive / Fair Lane / U.S. Westbound Ramps Roundabout intersection (#1), the proposed project would generate about 253 AM peak hour vehicle trips, and of that total, approximately 60 vehicles (24 percent) would traverse the roundabout; such an increase in volumes would represent approximately 2 percent of future 2045 baseline volumes, and the project would not substantially contribute to the critical westbound U.S. 50 off-ramp approach at this roundabout during the AM peak hour. The proposed project would generate approximately 109 PM peak hour vehicle trips, of which about 9 vehicles (8 percent) would traverse the roundabout; such an increase in volumes would

represent less than 1 percent of future 2045 baseline volumes, and the project would not substantially contribute to the critical westbound U.S. 50 off-ramp approach at this roundabout during the PM peak hour.

For the Forni Road / Lo-Hi Way / U.S. Eastbound Ramps Roundabout intersection (#4), approximately 120 project-generated vehicles (47 percent of the total 253 trips) would traverse the roundabout during the AM peak hour. Such an increase in volumes would represent approximately 5 percent of future 2045 baseline volumes, and all approaches under Cumulative and Cumulative plus Project conditions would operate at LOS A. Approximately 25 project-generated vehicles (14 percent of the total 109 trips) would traverse the roundabout during the PM peak hour. Such an increase in volumes would represent less than 1 percent of future 2045 baseline volumes, and the project would not substantially contribute to the critical westbound U.S. 50 off-ramp approach at this roundabout.

- 7-7 The last sentence of the first paragraph on page 3.8-4 of the Draft EIR is revised as follows:

Class II Bike Lanes exist on Ray Lawyer Drive from Forni Road to Placerville Drive, and Class II bike lanes also are present along Placerville Drive from the eastern connection at Main Street to Ray Lawyer Drive. There are no existing Class II Bike Lanes on Placerville Drive west of, from U.S. 50 to Ray Lawyer Drive to U.S. 50 / Placerville Drive / Fair Lane.

- 7-8 Figures 3.8-1 through 3.8-6 are revised to include the correct study intersection IDs and to be consistent with the subsequent LOS tables in the EIR section. Please see Chapter 2, Revisions to the Draft EIR for revised figures and tables.

- 7-9 For purposes of the Draft EIR analysis of potential project impacts, and the findings therein, inclusion of park-and-ride vehicle trips in the figures is not warranted, and under Year 2045 conditions, the baseline traffic volumes at intersections adjacent to the park-and-ride lot include vehicle trips associated with the park-and-ride lot. It is not anticipated that employees or patrons of the proposed project would use the park-and-ride lot. No additional changes to the figures or traffic analyses for Year 2045 conditions is required. Patrons of the proposed project would have the option to drive their own personal vehicle and park at the project site or utilize other modes of transportation. As stated in the EIR, the Judicial Council shall consult with EDCTA and El Dorado County staff to implement transit services and perhaps use an existing bus transit route and/or develop a new bus transit route to serve the project site and neighboring development.

- 7-10 Comment 7-10 is not a comment on the Draft EIR or the adequacy of the analysis therein; thus, no response is required.



2828 Easy Street Suite 1, Placerville, CA 95667 | 530.642.5260 | www.edctc.org

December 1, 2014

Laura Sainz  
Environmental Program Manager  
Office of Court Construction and Management  
Judicial Council of California – Administrative Office of the Courts  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95883-3509  
[Laura.sainz@jud.ca.gov](mailto:Laura.sainz@jud.ca.gov)

Subject: Comments on New Placerville Courthouse Draft Environmental Impact Report

Ms. Sainz,

Below, please find a list of comments from the El Dorado County Transportation Commission regarding the Draft Environmental Impact Report (EIR) for the New Placerville Courthouse released in October 2014.

- 1. Page 3.8-2, "Regional Roadways" Section – U.S. 50 is part of the Congestion Management Program (not process) as referenced. 8-1
- 2. Page 3.8-2 – "Local Roadways" – Please consider adding the westbound US 50 onramp from Ray Lawyer Drive, as this ramp was completed and opened to the public in October of 2013. 8-2
- 3. Page 3.8-4 – "Bicycle and Pedestrian Facilities," Last sentence of the first paragraph, Class II bike lanes are also present along Placerville Drive from the *eastern connection to Main Street* to Ray Lawyer Drive. *There are no existing Class II bike lanes on Placerville Drive between US 50 at the southwest end of Placerville Drive at US 50 to Ray Lawyer Drive.* 8-3
- 4. Page 3.8-13 – "El Dorado County Transportation Commission" – The second paragraph in this section indicates that the RTP is "periodically updated to identify existing and future transportation facilities that would operate below the acceptable level of service and to identify improvements and strategies for intersection and segments where future growth would degrade that service level." This is not an accurate description of the purpose of the RTP or its updates. Please refer to Chapter 1, page 1 of the EDCTC RTP adopted in November of 2010 for an accurate description of the RTP which is designed to be a blueprint for the systematic development of a balanced, comprehensive, multi-modal transportation system. The EDCTC RTP is available online here: <http://www.edctc.org/3/RTP2010-30.html> 8-4

This section also refers to the El Dorado County Peak hour LOS Thresholds. These peak hour thresholds are set by the City of Placerville and El Dorado County, not by EDCTC or the RTP. We recommend removing the reference from to LOS standards from this section describing the

8-1  
8-2  
8-3  
8-4  
8-5

EDCTC. The last sentence of the paragraph is correct, the RTP does include arterial roadways, collectors and minor streets as identified in the City of Placerville’s General Plan Circulation Plan Diagram.

8-5  
cont.  
8-6  
8-7  
8-8  
8-9  
8-10  
8-11  
8-12

- 5. Page 3.8-15 - The City of Placerville Non-Motorized Transportation Plan was updated in October of 2010, please ensure the appropriate document is utilized and referenced throughout.
- 6. Page 3.8-31 – Mitigation Measure 3.8-1a – Please ensure the proposed travel lane modifications are consistent with the proposed improvements included in the ongoing Western Placerville Interchanges project. How will the appropriate Judicial Council fair share contribution be determined? We recommend the EIR document the appropriate metric for determining the traffic impacts of the courthouse project within the context of the larger Western Placerville Interchanges project.
- 7. Page 3.8-32 – Mitigation Measure 3.8-1b - How will the appropriate Judicial Council fair share contribution be determined?
- 8. Page 3.8-35 – Transit Access – EDCTC recommends the installation of a bus stop at the project site. The site can easily be served by El Dorado Transit’s existing system. If the only nearby transit stop is located at the park and ride lot down a hill and some distance away, potential transit users may be dissuaded from using transit altogether. Furthermore, in the event that transit use to the courthouse increases over time, it will be more challenging and costly to add a transit stop to the courthouse project area than it would be to construct it as part of the initial project.
- 9. Page 3.8-36 – Bicycle Access – EDCTC recommends including Class II Bike Lanes from Forni Road to the project site to provide connectivity to the existing bicycle network and allow for multi-modal access to the new courthouse. Additionally, the Judicial Council should consider the inclusion of bicycle racks, lockers, or both, at the project site.
- 10. Page 3.8-36 – Pedestrian Access – While the document indicates that the “proposed project would not increase walk trips to and from external locations,” the project is not proposed to include on-site provisions for transit service (i.e. a transit stop). In the event that an individual needed or wanted to take transit to the courthouse via local transit service, they would have to utilize the bus stop located on Forni Road or at the future park-and-ride lot, then walk to the courthouse site. Additionally, the proximity of the project with the El Dorado County Government Center will provide an opportunity for people to walk between the two destinations for business or other activities. EDCTC staff recommends the provision of sidewalks between Forni Road and the project site.
- 11. Page 3.8-41: Mitigation Measure 3.8-1b - How will the appropriate Judicial Council fair share contribution be determined?

Thank you for considering the EDCTC’s comments to the New Placerville Courthouse Draft EIR. Should you have any questions, feel free to contact me at 530-642-5260.

Sincerely,



Sharon Scherzinger  
Executive Director

**Letter 8**      **Sharon Scherzinger, El Dorado County Transportation**  
**Response**    **Commission**  
 December 1, 2014

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8-1            The fourth sentence of the third paragraph on page 3.8-2 of the Draft EIR is revised as follows:

The roadway is part of the Congestion Management ~~Process~~ Program (CMP) in the Sacramento Area Council of Governments' (SACOG) Metropolitan Transportation Plan (MTP) Roadway Network (SACOG, 2012),

8-2            The following text is added to the end of the second full paragraph on page 3.8-3 of the Draft EIR:

Near the proposed project site, the roadway provides access to commercial areas north of the highway and also provides an on-ramp to westbound U.S. 50.

8-3            See Response to Comment 7-7.

8-4            The first sentence of the second paragraph on page 3.8-13 of the Draft is revised as follows:

The EDCTC has established a Regional Transportation Plan (RTP) that outlines strategies for managing the regional transportation network and to provide a framework to establish regional transportation goals, objectives, and policies through short- and long-term implementation strategies.

8-5            The second, third, and fourth sentences of the second paragraph on page 3.8-13 are deleted as follows:

~~The EDCTC has established a Regional Transportation Plan (RTP) that outlines strategies for managing the regional transportation network. **One requirement of the RTP is to set traffic level of service standards for state highways and principal arterials. The RTP is periodically updated to identify existing and future transportation facilities that would operate below the acceptable service level and to identify improvements and strategies for intersection and segments where future growth would degrade that service level. The El Dorado County standard for peak hour level of service (LOS) thresholds is of LOS E within a "Community Region"**<sup>2</sup> and a standard of LOS D for all other areas during peak travel~~

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<sup>2</sup> El Dorado County General Plan – Land Use Element Policy 2.1.1.1 defines "Community Regions" in the County include Camino/Pollock Pines, El Dorado Hills, Cameron Park, El Dorado, Diamond Springs, Shingle Springs, and the City of Placerville and immediate surroundings (El Dorado County, 2009).

~~times~~. As presented in the RTP, all major and minor arterial roadways, collectors and local streets identified in the City of Placerville *General Plan Circulation Plan Diagram* are included in the RTP roadway network (EDCTC, 2010).

8-6 The first sentence under City of Placerville Non-Motorized Transportation Plan, on page 3.8-15 of the Draft EIR is revised as follows:

The City of Placerville adopted the *Non-Motorized Transportation Plan* in April 2005, and updated it in October 2010.

8-7 As stated on page 3.8-31 of the Draft EIR (Mitigation Measure 3.8-1a), the Judicial Council shall pay a fair share contribution towards travel lane modifications at the Placerville Drive and Forni Road intersection (as designed and constructed as part of the *Western Placerville Interchanges Project*). The specific metrics to determine fair share contribution and fee-based calculations are established by the City of Placerville, which would be used to determine the appropriate fair share contribution for the proposed project.

8-8 See Response to Comment 8-7.

8-9 The comment pertains to project design and not to the adequacy of the Draft EIR analysis. However, the Judicial Council would work with the transit agencies during further project design to implement transit facilities and services to the new courthouse. Such actions would include further consultation with EDCTC staff regarding a potential bus stop at the project site.

8-10 The provision for Class II bikes lanes on Forni Road is not in the purview of the proposed project, and the comment does not pertain to the adequacy of the Draft EIR analysis. The provision of on-site bicycle amenities and related facilities will be discussed with Judicial Council and appropriate public agencies.

8-11 See Response to Comment 8-9. The provision of pedestrian facilities would be discussed with Judicial Council and appropriate public agencies.

8-12 See Response to Comment 8-7.

Email

**From:** Sainz, Laura <Laura.Sainz@jud.ca.gov>  
**Sent:** Monday, December 01, 2014 5:06 PM  
**To:** Christina Erwin  
**Cc:** Cori Resha  
**Subject:** FW: A Devastating Impact on Placerville by Proposed El Dorado County Court House

**Importance:** High

Laura Sainz  
 Manager, Environmental Compliance and Sustainability  
 916-263-7992, [laura.sainz@jud.ca.gov](mailto:laura.sainz@jud.ca.gov)

“Serving the courts for the benefit of all Californians”

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**From:** Kirk [<mailto:kirkcallansmith@mindspring.com>]  
**Sent:** Monday, December 01, 2014 5:00 PM  
**To:** Sainz, Laura  
**Cc:** JBCP  
**Subject:** RE: A Devastating Impact on Placerville by Proposed El Dorado County Court House  
**Importance:** High

Re: Comments on EIR for Proposed El Dorado County Court House

Dear Ms. Sainz:

Our family, with ancestral roots dating back here to the 1840’s, owns a number of properties on Main Street in Placerville spanning more than fifty years. I, like most property owners and merchants who know about the proposed court house development on Forni Road and the closure of the historic Main Street court house to court functions oppose this move because it would have a a Understanding that blight on a compunity caused by a public construction is one of the factors to be considered in an EIR report. In this case, the blight on Main Street that would be created by closing the court house to its intended uses would create an absolutely horrendous blight to Placerville’s Main Street, all but turning this historic community into a ghost town given the economic dependency of local merchants on the court house for their livelihoods. I have informally polled downtown merchants about how much of their business do they believe is from employees and visitors to our court house and been told figures ranging from 5% to 20% of their businesses. And it is not just restaurants and bars that report this kind of dependency on our county court house. .

9-1

Operators of the Placerville News Stand and the Placerville Hardware Store, businesses that have been on Main Street collectively for more than three hundred years, both say that a significant portion of their weekday business comes from court house traffic, not just employees but also those here for jury duty who stop in and browse while on breaks, making purchases at that time or coming back later for that purpose. John Snider, owner of Main Street’s Old Town Grille, says that closing the court house would put him out of business. The merchants here are all what politicians say we value in our economy so much, small businesses, and they are not capitalized like chain stores to sustain losses of 5% or more for periods of six months to a year, particularly after a major economic downturn, the greatest since the great depression.

9-2

No one in local government, the city or county, has yet to do a formal study on the economic impact of the needless closing of the court house. Two city council members said at the last council meeting that they were told by state officials that there would not be any state money available for upkeep on this one hundred and two year old historic treasure once the state were to pass it on to local government following the construction of a proposed new court house. The county and certainly the city does not have the money to do it. After all, the city council made the extraordinarily unpopular decision several years ago to sell the old city hall buildings on Main Street because they lacked money to keep it up. Fortunately they were forced to take it off the market but the city still professes to have great financial shortfalls as evidenced by their recent efforts to raise the city sales tax to gain money for repairing badly neglected infrastructure like roads as well as water and sewer pipes. How do you possibly think the county, also facing a tremendous deficit, could ever be able to take care of the county court house if it were removed from state hands? The answer is tragically obvious.

9-3

The court house is part of our historical heritage, one of the many features that draws visitors from around the world. The photograph below is of my grandmother driving up the court house steps in a new Ford Model T at the time construction was completed more than a century ago, a photo used for a postcard to promote the sale of this new fangled thing to suspicious buyers who wanted to know that the car could go anywhere a horse could go. Her father, William Kirk, is on the right, the owner of the first automobile dealership in the county. Why would anyone want to needlessly destroy something that is so much a crucial part of our history and our economy, something that if closed would turn this town into an economic wasteland. Thank you. Kirk

9-4



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**Letter 9**      **Kirk Callan Smith**  
**Response**     December 1, 2014

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- 9-1                The comment states the opinion that the existing Main Street Courthouse should not be closed as the closure would create blight on historic Main Street. The comment is noted and will be forwarded to the Judicial Council for consideration.
- 9-2                The comment provides information from an informal poll of Main Street merchants. The comment is noted and will be forwarded to the Judicial Council for consideration.
- 9-3                The comment discusses the City of Placerville’s attempt to sell the old city hall buildings on Main Street and financial difficulties. The comment is noted and will be forwarded to the Judicial Council for consideration.
- 9-4                The comment states that the existing courthouse is part of Placerville’s history and economy. The comment is noted and will be forwarded to the Judicial Council for consideration.

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CAPITAL PROGRAM  
SAN FRANCISCO

2014 DEC -4 P 3 11

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December 1, 2014

Judicial Council of California  
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455 Golden Gate Avenue, 8<sup>th</sup> Floor  
San Francisco, CA 94102-3688

Response to Draft Environmental Impact Report (DEIR) for the Judicial Council-New Placerville Courthouse (ESA 208091.04 October 2014)

To Whom It May Concern;

El Dorado Transit appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Judicial Council-New Placerville Courthouse released on October 4, 2014.

After review of the Draft Environmental Impact Report (EIR) for the Judicial Council-New Placerville Courthouse it should be noted that, on page 3.8-35 under *Impact 3.8-4*, it is stated that project impacts are considered less than significant on transit access. Per the DEIR comprehensive parking analysis it is "...indicated that no employees or visitors (jurors and non-jurors) utilize existing bus transit in order to access the existing Main Street courthouse and about 7 percent of jurors use the shuttle bus provided by EDCTA [ed.El Dorado Transit]". Based on these statements, the current proposed project indicates that no mitigation is necessary as there is less than significant impact.

10-1

Impact statement 3.8-4 fails to acknowledge the results of the Comprehensive Parking Analysis which indicates that seven (7) percent of jurors currently utilize public transit to access the courthouse. Per the DEIR there are no mitigation efforts included to accommodate these transit users at or on the proposed project site. According to the DEIR the nearest available bus stops are approximately 0.35 miles from the proposed site, which is well beyond the noted "willing-to-walk" (3.8-35 footnote 8) distance of 0.22 miles.

10-2

Additionally, Impact statement 3.8-4 specifically states "...because the proposed project would provide on-site parking, patrons of the park-and-ride lot may forego public transit and drive to the proposed project site." This sentiment, the dissuasion of the general public to use public transportation, is in direct conflict with the City of Placerville General Plan, Goal G; to maintain coordinated, efficient bus service that provides an effective alternative to private automobile use (3.8-14 pg. 199).

10-3

In addition to the lack of transit amenities included in the DEIR for the proposed courthouse facilities, there is a distinct lack of pedestrian amenities available from the nearest arterial road (Forni Rd.). In order to provide safe pedestrian access to the proposed project site, the project must include Americans with Disabilities Act (ADA) compliant sidewalk and curb access from Forni Rd to the proposed project site.

10-4

Failure to address and mitigate for the above noted deficiencies in the project plan could lead to potential limitations of access for disadvantaged persons, specifically low-income transit dependent and senior/disabled person populations.

The Judicial Council must provide transit accommodations in the form of developed sidewalks leading from Forni Road to the proposed project, with appropriate space provided to install Americans with Disabilities Act (ADA) compliant bus shelter amenities. Failure to provide such amenities upon initial build out would negatively affect those potential current and future jurors or patrons who rely upon public transit in order to meet obligations at the courthouse.

↑  
10-4  
cont.

El Dorado Transit will participate and assist in the design and development of the requested accommodations.

El Dorado Transit thanks you for your attention in this matter. Should you have any questions regarding this response, please feel free to contact me at 530-642-5383 x 201 or via email at [rvanvalkenburgh@eldoradotransit.com](mailto:rvanvalkenburgh@eldoradotransit.com).

Sincerely,



Robin Van Valkenburgh  
Planning and Marketing Manager  
El Dorado County Transit Authority

Cc: Mindy Jackson

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**Letter 10      Robin Van Valkenburgh, El Dorado Transit**  
**Response      December 1, 2014**

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- 10-1            For clarity, Impact 3.8-4 pertains to whether or not the proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The proposed project would not interfere with, or eliminate, alternative transportation facilities (e.g., bus routes/stops, pedestrian pathways, bicycle lanes, etc.). In addition, the proposed project would not include changes in policies or programs that support modes of alternative transportation. Also, as stated on page 3.8-35 of the Draft EIR, in the event that there is a substantiated need for installing a bus stop at the proposed project site and/or rerouting of existing bus routes to provide access to and from the proposed project site, the Judicial Council shall consult with El Dorado County Transit Authority (EDCTA) and El Dorado County staff to implement such services.
- 10-2            See Response to Comment 10-1.
- 10-3            The text cited by the commenter does not reflect a desire on the part of the Judicial Council to dissuade people from using public transit and drive to the proposed project site, but rather is a simple statement of what could happen. See Response to Comment 10-1 regarding the commitment by the Judicial Council to consult with EDCTA and El Dorado County staff to implement transit services in the event that there is a substantiated need for such services.
- 10-4            See Responses to Comments 8-9 and 10-1. The provision of pedestrian facilities and transit services would be discussed with Judicial Council and appropriate public agencies.

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# CHAPTER 4

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## Mitigation Monitoring and Reporting Plan

### 4.1 Introduction

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Plan (MMRP) for the New Placerville Courthouse project. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Draft EIR for this project.

### 4.2 Mitigation Measures

The mitigation measures are taken from the New Placerville Courthouse Draft EIR and are assigned the same number as in the Draft EIR. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

### 4.3 MMRP Components

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

**Impact:** This column summarizes the impact stated in the Draft EIR.

**Mitigation Measure:** All mitigation measures that were identified in the New Placerville Courthouse Draft EIR are presented, as revised in the Final EIR, and numbered accordingly.

**Action(s):** For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

**Implementing Party:** This item identifies the entity that will undertake the required action.

**Timing:** Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

**Monitoring Party:** The Judicial Council is primarily responsible for ensuring that mitigation measures are successfully implemented. Other agencies, such as the El Dorado County Air Quality Management District (EDCAQMD), may also be responsible for monitoring the implementation of mitigation measures. As a result, more than one monitoring party may be identified.

**TABLE 4-1  
NEW PLACERVILLE COURTHOUSE MITIGATION MONITORING AND REPORTING PLAN**

| Impact  | Mitigation Measure   | Action(s)  | Implementing Party             | Timing   | Monitoring Party  |
|---|--|--|--------------------------------|--|---|
| <b>3.1 Aesthetics</b>   |  |  |                                |  |   |
| 3.1-1: Implementation of the proposed project would change the existing visual character or quality of the site and its surroundings.   | 3.1-1<br><b>Implement Outdoor Landscaping Plan.</b> <i>The Judicial Council shall ensure that the final design and construction phases of the proposed project include an outdoor landscaping plan. The objectives of the landscaping plan will be to replace existing vegetation to be removed and provide a visual buffer of project facilities from public view points, specifically from the El Dorado Trail. Such visual buffers may include trees or hedges. Site preparation shall minimize topography changes and replacement vegetation shall consist of native plant species.</i>  | Submit a landscaping plan that will replace existing vegetation and provide a visual buffer that may include trees or hedges.  | Judicial Council of California | Prior to approval of design review permit; during construction | Judicial Council of California  |
| 3.1-3: Implementation of the proposed project could create a new source of substantial light or glare which could adversely affect daytime or nighttime views in the proposed project area.                                   | 3.1-3<br><b>Outdoor Lighting Standards.</b> <i>The project shall be designed to ensure that all outdoor light fixtures are located, aimed or shielded so as to minimize stray light trespassing across property boundaries. Fixtures shall be full cut-off and nighttime friendly, consistent with LEED goals and Green Globes criteria for light pollution reduction. The Judicial Council shall also prepare a photometric plan demonstrating that lighting will not spillover onto adjacent properties. Furthermore, the proposed project will adhere to all City of Placerville regulations relating to signage and the shielding of light in order to reduce any potential negative effects from new light sources. These standards shall be included in the mitigation monitoring and reporting program.</i> | Install full cut-off and nighttime friendly light fixtures.  | Judicial Council of California | Prior to approval of design review permit                      | Judicial Council of California  |
| 3.1-4: Implementation of the proposed project could contribute to cumulative impacts related to changes in the visual character of the project vicinity.  | 3.1-4<br><i>The Judicial Council shall implement Mitigation Measure 3.1-1 as fully described in Impact 3.1-1.</i>  | See Mitigation Measure 3.1-1.  | Judicial Council of California | Prior to approval of design review permit; during construction | Judicial Council of California  |
| 3.1-5: Implementation of the proposed project could contribute to cumulative impacts to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.      | 3.1-5<br><i>The Judicial Council shall implement Mitigation Measure 3.1-1 as fully described in Impact 3.1-1.</i>  | See Mitigation Measure 3.1-1.  | Judicial Council of California | Prior to approval of design review permit; during construction | Judicial Council of California  |
| 3.1-6: Implementation of the proposed project, in conjunction with other cumulative development in the City, could create a new source of substantial light or glare which could adversely affect daytime or nighttime views. | 3.1-6<br><i>The Judicial Council shall implement Mitigation Measure 3.1-3 as fully described in Impact 3.1-3.</i>  | See Mitigation Measure 3.1-3.  | Judicial Council of California | Prior to approval of design review permit                      | Judicial Council of California  |
| <b>3.2 Air Quality</b>  |  |  |                                |  |   |
| 3.2-2: Construction and operation of the proposed project could generate emissions of criteria air pollutants that could contribute to existing nonattainment conditions.   | 3.2-2<br><b>Reduce Construction-Related Emissions of Fugitive Dust.</b> <i>The Judicial Council shall comply with all applicable EDCAQMD rules and regulations and shall require the contractor to submit a Fugitive Dust Plan that includes the following key elements:</i><br><ul style="list-style-type: none"> <li>• Apply water to dry areas during grading and earthmoving activities</li> <li>• Install temporary covers over open storage piles</li> <li>• Apply water to unpaved haul and access roads</li> <li>• Apply water on disturbed surfaces to form a visible crust, and restrict vehicle access to maintain the crust during inactive operations.</li> </ul>   | Submit a Fugitive Dust Plan that will: apply water to dry areas during grading and earthmoving activities and along unpaved haul and access roads; install temporary covers over open storage piles; and apply water on disturbed surfaces to form a visible crust while restricting vehicle access to maintain the crust. | Construction contractor        | During construction  | Judicial Council of California and El Dorado County Air Quality Management District (EDCAQMD) |

**TABLE 4-1 (Continued)  
NEW PLACERVILLE COURTHOUSE MITIGATION MONITORING AND REPORTING PLAN**

| Impact   | Mitigation Measure   | Action(s)   | Implementing Party  | Timing   | Monitoring Party   |
|--|--|---|---|--|--|
| <b>3.4 Biological Resources</b>  |  |   |   |  |  |
| <p>3.4-1: The proposed project would have a substantial adverse effect, either directly or through habitat modifications on special-status raptors (including northern goshawk), other migratory birds, the valley elderberry longhorn beetle, and special-status plant species.</p> | <p>3.4-1a</p> <p><b>Avoid Active Nesting Season.</b> <i>The Judicial Council shall avoid and minimize impacts to tree and shrub nesting species by implementing the following measures according to the timeframes identified below:</i></p> <ul style="list-style-type: none"> <li><i>If feasible, conduct all tree and shrub removal and grading activities during the non-breeding season (generally September 1 through January 31).</i></li> <li><i>If grading and tree removal activities are scheduled to occur during the breeding and nesting season (February 1 through August 31), pre-construction surveys shall be performed prior to the start of project activities, as described under Mitigation Measure 3.4-1b.</i></li> </ul>   | <p>Conduct all tree and shrub removal and grading during the non-breeding season.</p> <p>Perform pre-construction surveys prior to the start of project activities, if necessary.</p>   | <p>Judicial Council of California and construction contractor</p> <p>Judicial Council of California</p> | <p>Between September 1 and January 31 prior to construction</p> <p>If necessary, between February 1 and August 31, prior to construction</p>   | <p>Judicial Council of California</p> <p>Judicial Council of California</p>                            |
|  | <p>3.4-1b</p> <p><b>Conduct Pre-Construction Nesting Bird Surveys and Associated Avoidance Measures.</b> <i>Should grading or other project-related activities occur during the nesting season (February 1 to August 31), the Judicial Council shall ensure that pre-construction surveys be conducted prior to the initiation of construction by a qualified wildlife biologist to identify active goshawk nests within ½-mile of proposed construction activities and nests of other migratory bird species within 250 feet of proposed construction activities. The surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of each phase of construction. The results of the survey would be emailed to CDFW at least three days prior to construction. Surveys would be conducted by a qualified biologist in accordance with the following protocols:</i></p> <ul style="list-style-type: none"> <li><i>Surveys for northern goshawk shall include at least two preconstruction surveys (separated by at least two weeks).</i></li> <li><i>Surveys for other migratory bird species shall take place no less than 14 days and no more than 30 days prior to the beginning of each phase of construction that would be located within 250 feet of suitable nesting habitat.</i></li> </ul> <p><i>If the pre-construction surveys do not identify any nesting raptors or other nesting migratory bird species within areas potentially affected by construction activities, no further mitigation would be required. If the pre-construction surveys do identify nesting raptors or other nesting bird species within areas that may be affected by site construction, the following measures shall be implemented.</i></p> <ul style="list-style-type: none"> <li><i>Northern Goshawk and other Migratory Birds. If active nests are found, project-related construction impacts shall be avoided by the establishment of appropriate no-work buffers to limit project-related construction activities near the nest site. The size of the no-work buffer zone shall be determined in consultation with the CDFW although a 500-foot buffer should be used when possible. The no-work buffer zone shall be delineated by highly visible temporary construction fencing. In consultation with CDFW, monitoring of nest activity by a qualified biologist may be required if the project-related construction activity has potential to adversely affect the nest or nesting behavior of the bird. No project-related construction activity shall commence within the no-work buffer area until a qualified biologist and CDFW confirms that the nest is no longer active.</i></li> </ul> | <p>Should grading or other project-related activities occur during the nesting season (February 1 to August 31), the Judicial Council shall conduct pre-construction surveys. The following surveys shall occur:</p> <p>At least two pre-construction surveys for northern goshawk, in addition to other migratory bird species.</p> <p>If an active nest is found, establish a no-work buffer zone of at least 500 feet (or consult with California Department of Fish and Wildlife, CDFW, for another zone size).</p> | <p>Judicial Council of California</p>   | <p>If necessary, between February 1 and August 31, prior to construction</p> <p>No less than 14 days and no more than 30 days prior to the beginning of each phase of construction</p> | <p>Judicial Council of California, California Department of Fish and Wildlife (CDFW, if necessary)</p> |
|  | <p>3.4-1c</p> <p><b>Conduct VELB Survey and Implement Avoidance/Compensation Measures.</b> <i>Prior to the construction phase of the proposed project, the Judicial Council shall ensure that protocol-level surveys for the presence of the valley elderberry longhorn beetle and its elderberry host plant are conducted by a qualified biologist in accordance with USFWS protocols. If elderberry plants with one or more stems measuring one inch or greater in diameter at ground level occur on or adjacent to the proposed project site, or are otherwise located where they may be directly or indirectly affected by the project activities, minimization and compensation measures, which include transplanting existing shrubs and planting replacement habitat (conservation plantings), are required. Surveys are valid for a period of two years. Elderberry plants with no stems measuring one inch or greater in diameter at ground level are unlikely to be habitat for the beetle because of their small size and/or immaturity. Therefore, no minimization measures are required for removal of elderberry plants with all stems measuring one inch or less in diameter at ground level.</i></p> <p><i>For shrubs with stems measuring one inch or greater, the Judicial Council would ensure that elderberry shrubs within 100 feet of proposed development be protected and/or compensated</i></p>   | <p>Conduct protocol-level, pre-construction surveys for the presence of the valley elderberry longhorn beetle and its elderberry host plant.</p>  | <p>Judicial Council of California</p>   | <p>Prior to construction</p>   | <p>Judicial Council of California, United States Fish and Wildlife Services (USFWS)</p>                |

**TABLE 4-1 (Continued)**  
**NEW PLACERVILLE COURTHOUSE MITIGATION MONITORING AND REPORTING PLAN**

| Impact   | Mitigation Measure   | Action(s)  | Implementing Party             | Timing  | Monitoring Party   |
|--|--|--|--------------------------------|---|--|
| <b>3.4 Biological Resources (cont.)</b>  |  |  |                                |   |  |
| 3.4-1 (cont.)  | <p><i>for in accordance with the U.S. Fish and Wildlife Services' (USFWS) Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS, 1999) and the Programmatic Formal Consultation Permitting Projects with Relatively Small Effects on the Valley Elderberry Longhorn Beetle Within the Jurisdiction of the Sacramento Field Office (USFWS, 1996b).</i></p>   |  |                                |   |  |
|  | <p>3.4-1d</p> <p><b>Conduct Special-Status Plant Survey and Implement Avoidance/Compensation Measures.</b> A qualified plant biologist shall conduct a pre-construction survey for all special-status species. The survey shall be floristic in nature and shall follow the procedures outlined in the California Department of Fish and Game's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2009).</p> <p><i>If special-status plant species are found, the Judicial Council shall consult with USFWS and/or CDFW to provide preservation and avoidance measures commensurate with the standards provided in applicable USFWS and/or CDFW protocols for the affected species. The preservation and avoidance measures shall include, at a minimum, appropriate buffer areas clearly marked during project activities, monitoring by a qualified plant biologist, and the development and implementation of a replanting plan (collection of seeds, revegetation, and management and monitoring of the habitat to ensure success) for any individuals of the species that cannot be avoided.</i></p>   | Conduct pre-construction survey for special-status species.  | Judicial Council of California | Prior to construction                                     | Judicial Council of California, United States Fish and Wildlife Services (USFWS) |
| 3.4-2: Implementation of the proposed project would have a substantial adverse effect on a sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. | <p>3.4-2a</p> <p><b>Protect Sensitive Tree Resources.</b> As part of the final design of the proposed project, the Judicial Council shall prepare a tree protection plan that identifies all trees to be removed on the project site and establishes buffer areas around protected trees. Where feasible, buffer zones shall include a minimum one-foot-wide buffer zone outside the dripline for oaks and heritage oak trees. Heritage oak trees are defined as native oaks with a diameter at breast height of 24 inches or more. The locations of these resources shall be clearly identified on the construction drawings and marked in the field by a Certified Arborist. Fencing or other barriers shall remain in place until all construction and restoration work that involves heavy equipment is complete. Construction vehicles, equipment, or materials would not be parked or stored within the fenced area. No signs, ropes, cables, or other items shall be attached to the protected trees. Grading, filling, trenching, paving, irrigation, and landscaping within the driplines of oak trees shall be limited. Grading within the driplines of oak trees shall not be permitted unless specifically authorized by a Certified Arborist. Hand-digging shall be done in the vicinity of major trees and as recommended by a Certified Arborist to prevent root cutting and mangling by heavy equipment.</p>   | Prepare a tree protection plan that identifies all trees to be removed and establishes buffer areas around protected trees, at least one-foot wide, where feasible.  | Judicial Council of California | Prior to issuance of building permit; during construction | Judicial Council of California   |
|  | <p>3.4-2b</p> <p><b>Implement Oak Woodland Compensation Measures.</b> Where avoidance is not feasible or practicable, the Judicial Council shall provide onsite, in-kind replacement of the full function and value of the natural community at a ratio no less than 1:1. All trees and shrubs planted shall be purchased from a locally adapted genetic stock obtained within 50 miles and 1,000 feet in elevation of the project site. Replacement of removed tree canopy shall be at a 200 trees (saplings or one gallon trees) per acre density or as recommended by a qualified professional. The maintenance and monitoring plan shall include cages for each seedling, identify a weed control schedule, and outline a watering regime for the plantings. Maintenance and monitoring shall be required for a minimum of 10 years after planting. Any trees that do not survive during this period of time shall be replaced by the property owner.</p> <p><i>As an alternative to onsite mitigation, the Judicial Council may contribute funds to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund. The Judicial Council may obtain a Conservation Easement on property off-site with healthy oak woodland canopy area equivalent to 100 percent of the oak canopy area proposed to be removed. The conservation easement site should either be in close proximity and/or in connection with any oak woodland contiguous to the project site or within or adjacent to an Important Biological Corridor or Ecological Preserve as designated in the General Plan. The Conservation Easement shall provide for the preservation of the designated area in perpetuity and shall include such terms, conditions, and financial endowments for monitoring and management deemed necessary by the County to ensure the long term preservation of the oak woodland within the easement area. The Judicial Council shall work with El Dorado County to identify an approved conservation organization.</i></p> | <p>Provide onsite, in-kind replacement of the full function and value of the natural community at a ratio no less than 1:1.</p> <p>Alternatively, contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision Fish and Game Code §1363(a), for the purpose of purchasing oak woodlands conservation easements.</p> | Judicial Council of California | During construction                                       | Judicial Council of California   |

**TABLE 4-1 (Continued)  
NEW PLACERVILLE COURTHOUSE MITIGATION MONITORING AND REPORTING PLAN**

| Impact  | Mitigation Measure  | Action(s)  | Implementing Party             | Timing                         | Monitoring Party  |
|---|---|--|--------------------------------|--------------------------------|---|
| <b>3.4 Biological Resources (cont.)</b>   |   |  |                                |                                |   |
| 3.4-3: Implementation of the proposed project could have a substantial adverse effect on federally protected wetlands and waters of the U.S. as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. | 3.4-3a<br><b>Prepare Wetland Delineation Report and Verify With U.S. Army Corps of Engineers.</b> <i>Prior to construction, a wetland delineation shall be conducted by the Judicial Council to determine if the proposed project site contains wetlands and/or waters of the U.S., and the resulting map shall be verified by the Corps. If jurisdictional wetlands or waters of the U.S. occur within the boundaries of the proposed project site, then Mitigation Measure 3.4-3b shall be implemented.</i>   | Conduct a wetland delineation.   | Judicial Council of California | Prior to construction          | Judicial Council of California, United States Army Corps of Engineers (Corps) |
|   | 3.4-3b<br><b>Implement Wetland Avoidance/Compensation Measures.</b> <i>To ensure that there is no net loss of jurisdictional wetland features, the Judicial Council shall compensate for impacted wetlands at a ratio no less than 1:1. Compensation shall take the form of wetland preservation or creation in accordance with Corps and CDFW mitigation requirements, as required under project permits. Preservation and creation may occur on-site (through a conservation agreement) or off-site (through purchasing credits at a Corps approved mitigation bank).</i> | If jurisdictional wetlands or waters of the U.S. occur within the boundaries of the proposed project site, compensate for impacted wetlands at a ratio no less than 1:1. | Judicial Council of California | Prior to construction.         | Judicial Council of California, United States Army Corps of Engineers (Corps) |
| 3.4-5: The proposed project would contribute to the cumulative harm to special-status species or species of special concern and/or loss of degradation of their habitat.  | 3.4-5a<br><b>Avoid Active Nesting Season.</b> <i>The Judicial Council shall implement Mitigation Measure 3.4.-1a as more fully described above under Impact 3.4-1.</i>  | See Mitigation Measure 3.4-1a.   | See Mitigation Measure 3.4-1a. | See Mitigation Measure 3.4-1a. | See Mitigation Measure 3.4-1a.  |
|   | 3.4-5b<br><b>Conduct Pre-Construction Nesting Bird Surveys and Associated Avoidance Measures.</b> <i>The Judicial Council shall implement Mitigation Measure 3.4.-1b as more fully described above under Impact 3.4-1.</i>  | See Mitigation Measure 3.4-1b.   | See Mitigation Measure 3.4-1b. | See Mitigation Measure 3.4-1b. | See Mitigation Measure 3.4-1b.  |
|   | 3.4-5c<br><b>Conduct VELB Survey and Implement Avoidance/Compensation Measure.</b> <i>The Judicial Council shall implement Mitigation Measure 3.4.-3 as more fully described above under Impact 3.4-1.</i>  | See Mitigation Measure 3.4-1c.   | See Mitigation Measure 3.4-1c. | See Mitigation Measure 3.4-1c. | See Mitigation Measure 3.4-1c.  |
|   | 3.4-5d<br><b>Conduct Special-Status Plant Survey and Implement Avoidance/Compensation Measure.</b> <i>The Judicial Council shall implement Mitigation Measure 3.4.-4 as more fully described above under Impact 3.4-1.</i>  | See Mitigation Measure 3.4-1d.   | See Mitigation Measure 3.4-1d. | See Mitigation Measure 3.4-1d. | See Mitigation Measure 3.4-1d.  |
| 3.4-6: The proposed project would contribute to the cumulative loss and degradation of wetlands and/or other waters of the U.S.   | 3.4-6a<br><b>Prepare Wetland Delineation Report and Verify With U.S. Army Corps of Engineers.</b> <i>The Judicial Council shall implement Mitigation Measure 3.4.-3a as more fully described above under Impact 3.4-3.</i>  | See Mitigation Measure 3.4-3a.   | See Mitigation Measure 3.4-3a. | See Mitigation Measure 3.4-3a. | See Mitigation Measure 3.4-3a.  |
|   | 3.4-6b<br><b>Implement Wetland Avoidance/Compensation Measures.</b> <i>The Judicial Council shall implement Mitigation Measure 3.4.-3b as more fully described above under Impact 3.4-3.</i>  | See Mitigation Measure 3.4-3b.   | See Mitigation Measure 3.4-3b. | See Mitigation Measure 3.4-3b. | See Mitigation Measure 3.4-3b.  |
| 3.4-7: The proposed project would contribute to the cumulative loss of oak woodland habitat and protected trees.  | 3.4-7a<br><b>Protect Sensitive Tree Resources.</b> <i>The Judicial Council shall implement Mitigation Measure 3.4.-2a as more fully described above under Impact 3.4-2.</i>   | See Mitigation Measure 3.4-2a.   | See Mitigation Measure 3.4-2a. | See Mitigation Measure 3.4-2a. | See Mitigation Measure 3.4-2a.  |
|   | 3.4-7b<br><b>Implement Oak Woodland Compensation Measures.</b> <i>The Judicial Council shall implement Mitigation Measure 3.4.-2b as more fully described above under Impact 3.4-2.</i>   | See Mitigation Measure 3.4-2b.   | See Mitigation Measure 3.4-2b. | See Mitigation Measure 3.4-2b. | See Mitigation Measure 3.4-2b.  |

**TABLE 4-1 (Continued)**  
**NEW PLACERVILLE COURTHOUSE MITIGATION MONITORING AND REPORTING PLAN**

| Impact   | Mitigation Measure   | Action(s)  | Implementing Party   | Timing                        | Monitoring Party   |
|--|--|--|--|-------------------------------|--|
| <b>3.5 Cultural Resources</b>  |  |  |  |                               |  |
| 3.5-1: The proposed project would adversely affect historic architectural resources.   | 3.5-1<br><b>Adherence to the Secretary of Interior Standards (SOI) Guidelines for Rehabilitation.</b> Plans for the reuse of the historic courthouse shall be submitted to and reviewed by the City of Placerville Historical Advisory Committee for consistency with the Secretary of the Interior's Standards for Rehabilitation. Such standards call for the retention of significant, character-defining features of the building while finding a new use for the structure that is compatible with its historic character. As part of the City's review, the City shall also require that restoration and reuse of the courthouse comply with the National Park Service's Preservation Brief #17, Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Architectural Character, and Preservation Brief #18, Rehabilitating Interiors in Historic Buildings - Identifying and Preserving Character-Defining Elements. The SOI Standards for the Treatment of Historic Properties, as well as Preservation Briefs #17 and #18, are provided in Appendix E of this EIR.  | Submit plans for the reuse of the historic courthouse to the City of Placerville Historical Advisory Committee for consistency with the Secretary of the Interior's Standards for Rehabilitation.<br><br>Should the historical courthouse transfer ownership from the Judicial Council to another party, the future property owner shall ensure reuse of the building in accordance with the plans submitted to the City of Placerville Historical Advisory Committee and in compliance with the Secretary of the Interior's Standards for Rehabilitation. | Judicial Council of California, future property owner                                    | Prior to construction         | Judicial Council of California, City of Placerville Historical Advisory Committee        |
| 3.5-3: Project construction could adversely affect currently unknown historic resources, including unique archaeological or paleontological resources  | 3.5-3<br><b>Stop Work in the Event of Cultural Resource Discovery.</b> If cultural resources are encountered, all activity in the vicinity of the find shall cease until it can be evaluated by a qualified archaeologist and a Native American representative. If the archaeologist and Native American representative determine that the resources may be significant, they will notify the Judicial Council. An appropriate treatment plan for the resources should be developed. The archaeologist shall consult with Native American representatives in determining appropriate treatment for prehistoric or Native American cultural resources. In considering any suggested mitigation proposed by the archaeologist and Native American representative, the Judicial Council will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. In the event that the resource identified is determined to be paleontological, a qualified paleontologist will be contacted and shall recommend to the Judicial Council appropriate treatment for paleontological resources. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed in other parts of the project site while mitigation for cultural resources is being carried out. | If cultural resources are encountered, cease all activity until a qualified archaeologist and a Native American representative can evaluate the resource. Work may proceed in other parts of the project site while mitigation for cultural resources is being carried out.  | Judicial Council of California   | During construction           | Judicial Council of California   |
| 3.5-4: Project construction could result in damage to previously unidentified human remains.   | 3.5-4a<br><b>Stop Work in the Event of Cultural Resource Discovery.</b> The Judicial Council shall implement Mitigation Measure 3.5-3 as more fully described above under Impact 3.5-3.  | Cease all activity and follow the protocol described in Mitigation Measure 3.5-3.  | See Mitigation Measure 3.5-3.  | See Mitigation Measure 3.5-3. | See Mitigation Measure 3.5-3.  |
|  | 3.5-4b<br><b>Discovery of Human Remains.</b> If human remains are encountered unexpectedly during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the El Dorado County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains.  | Cease all activity until the El Dorado County Coroner can determine whether the remains are of Native American descent.<br><br>Allow for the NAHC identify the person(s) thought to be the Most Likely Descendent, if necessary.   | Judicial Council of California, Native American Heritage Commission (NAHC, if necessary) | During construction           | Judicial Council of California, Native American Heritage Commission (NAHC, if necessary) |
| 3.5-6: The proposed project could contribute to cumulative losses of archaeological or paleontological resources.  | 3.5-6<br><b>Stop Work in the Event of Cultural Resource Discovery.</b> The Judicial Council shall implement Mitigation Measure 3.5-3 as more fully described above under Impact 3.5-3.   | Cease all activity and follow the protocol described in Mitigation Measure 3.5-3.  | See Mitigation Measure 3.5-3.  | See Mitigation Measure 3.5-3. | See Mitigation Measure 3.5-3.  |
| 3.6-3: The proposed project would substantially alter the existing drainage pattern of the site, in a manner that could result in changes in the volume of stormwater discharged from the site, exceedance of available stormwater conveyance capacity, or that could result in increased erosion on site or downstream. | 3.6-3<br><b>Prepare Comprehensive Drainage Plan and Implement Recommendations.</b> Prior to the construction phase of the proposed project, the project applicant shall prepare a Comprehensive Drainage Plan. The Comprehensive Drainage Plan shall include measures to minimize the use of impervious surfaces to the extent practicable, and shall include measures to infiltrate, retain, or otherwise channel runoff away from areas of open soil and other features subject to erosion or flooding. The project applicant shall ensure that the proposed project would result in no net increase in peak stormwater flows, based on a 100-year storm event. Drainage outfall from the proposed project site shall be routed into receiving drainage ditches or other facilities that are sized appropriately to contain anticipated stormwater flows. Runoff waters shall be discharged in a manner to prevent downstream or offsite flooding, erosion, or sedimentation.  | Prepare a Comprehensive Drainage Plan to include measures to minimize the use of impervious surfaces on site and include measures to infiltrate, retain, or otherwise channel runoff away from areas of open soil and other features subject to erosion or flooding.   | Judicial Council of California   | Prior to construction         | Judicial Council of California   |

**TABLE 4-1 (Continued)**  
**NEW PLACERVILLE COURTHOUSE MITIGATION MONITORING AND REPORTING PLAN**

| Impact  | Mitigation Measure   | Action(s)  | Implementing Party             | Timing              | Monitoring Party               |
|---|--|--|--------------------------------|---------------------|--------------------------------|
| <b>3.7 Noise and Vibration</b>  |  |  |                                |                     |                                |
| 3.7.1: Project construction could temporarily expose persons to or generate noise levels in excess of the City of Placerville or County of El Dorado noise standards. | 3.7-1a<br><i>Per the County of El Dorado General Plan Policy 6.5.1.11, construction shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on weekends and non-federally recognized holidays.</i>   | Restrict construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5 p.m. on weekends and non-federally recognized holidays.   | Judicial Council of California | During construction | Judicial Council of California |
|   | 3.7-1b<br><i>To further address potential nuisance impacts of proposed project construction, construction contractors shall implement the following:</i><br><ul style="list-style-type: none"> <li><i>Signs shall be posted at all construction site entrances to the property upon commencement of proposed project construction, for the purposes of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the applicable construction sites, of the basic requirements of Mitigation Measures 3.5.1a through 3.5.1c.</i></li> <li><i>Signs shall be posted at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number in the event of problems.</i></li> <li><i>An onsite complaint and enforcement manager shall respond to and track complaints and questions related to noise.</i></li> </ul>   | Post signs at all construction entrances to inform the basic requirements of Mitigation Measures 3.5.1a through 3.5.1c. Provide signs at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number in the event of problems. Provide an onsite complaint and enforcement manager. | Judicial Council of California | During construction | Judicial Council of California |
|   | 3.7-1c<br><i>To reduce daytime noise impacts due to construction of the proposed project, the applicant shall require construction contractors to implement the following measures:</i><br><ul style="list-style-type: none"> <li><i>Equipment and trucks used for proposed project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds), wherever feasible.</i></li> <li><i>Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.</i></li> <li><i>Stationary construction noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent this does not interfere with construction purposes.</i></li> <li><i>Erection of a solid plywood construction/noise barrier, where feasible, around the outside perimeter of the proposed project site that would block line of sight between construction activities and noise-sensitive receivers. Plywood should be at a minimum of one-half inch thick and not contain any gaps at its base or facets, in order to provide a maximum of 10 dB reduction in noise levels between construction activity and noise-sensitive receptors (Caltrans, 2013:5-4).</i></li> <li><i>The El Dorado County Jail and adjacent noise-sensitive residents within 500 feet of demolition and blasting activity shall be notified of the construction schedule, as well as the name and contact information of the project complaint and enforcement manager.</i></li> </ul> | Require equipment and trucks to use the best available noise control techniques. Require impact tools to be hydraulically or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools.   | Judicial Council of California | During construction | Judicial Council of California |
| 3.7.2: The proposed project could result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.                    | 3.7-2a<br><i>All blasting shall be performed by registered licensed blasters who will be required to secure all necessary permits and comply with regulatory requirements in connection with the transportation, storage, and use of explosives, and blast vibration limits for nearby structures. The registered licensed blaster would use the minimum required explosive yield to reduce the level of vibration to below the FTA building damage threshold for all buildings in the project vicinity.</i>   | Require all registered licensed blasters to secure all necessary permits and comply with regulatory requirements in connection with the transportation, storage, and use of explosives, and blast vibration limits for nearby structures.  | Judicial Council of California | During construction | Judicial Council of California |
|   | 3.7-2b<br><i>The El Dorado County Jail and adjacent vibration-sensitive residents within 500 feet of demolition and blasting activity shall be notified of the construction schedule, as well as the name and contact information of the project complaint and enforcement manager.</i>  | Notify the El Dorado County Jail and adjacent vibration-sensitive residents, located within 500 feet of the demolition and blasting activity, of the construction schedule and the name and contact information of the project complaint and enforcement manager.  | Judicial Council of California | During construction | Judicial Council of California |

**TABLE 4-1 (Continued)**  
**NEW PLACERVILLE COURTHOUSE MITIGATION MONITORING AND REPORTING PLAN**

| Impact   | Mitigation Measure   | Action(s)   | Implementing Party  | Timing  | Monitoring Party  |
|--|--|---|---|---|---|
| <b>3.7 Noise and Vibration (cont.)</b>   |  |   |   |   |   |
| 3.7-6: The proposed project would contribute to cumulative construction noise and vibration.   | 3.7-6<br><i>Implement Mitigation Measures 3.7-1a through 3.7-1c, 3.7-2a, and 3.7-2b.</i>   | See Mitigation Measures 3.7-1a through 3.7-1c, 3.7-2a, and 3.7-2b.  | See Mitigation Measure 3.7-1a through 3.7-1c, 3.7-2a, and 3.7-2b. | See Mitigation Measure 3.7-1a through 3.7-1c, 3.7-2a, and 3.7-2b. | See Mitigation Measure 3.7-1a through 3.7-1c, 3.7-2a, and 3.7-2b. |
| <b>3.8 Transportation</b>  |  |   |   |   |   |
| 3.8-1: The proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of study intersections or U.S. 50 freeway under Existing plus Project conditions. | 3.8-1a<br><i>The Judicial Council shall pay a fair share contribution towards travel lane modifications at the Placerville Drive and Forni Road intersection.</i>  | Pay a fair share contribution towards travel lane modifications at the Placerville Drive and Forni Road intersection.                 | Judicial Council of California                                    | Prior to construction   | Judicial Council of California                                    |
|  | 3.8-1b<br><i>The Judicial Council shall pay a fair share contribution towards installation of a signal at the Forni Road/County Jail-Ray Lawyer Drive Extension intersection.</i>  | Pay a fair share contribution towards installation of a signal at the Forni Road/County Jail-Ray Lawyer Drive Extension intersection. | Judicial Council of California                                    | Prior to construction   | Judicial Council of California                                    |
| 3.8-5: The proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of study intersections or U.S. 50 freeway under Cumulative conditions.            | 3.8-5<br><b>Implement Mitigation Measure 3.8-1b</b> ( <i>Judicial Council payment of a fair share contribution towards installation of a traffic signal at the Forni Road/County Jail-Ray Lawyer Drive Extension intersection.</i> ) | Implement Mitigation Measure 3.8-1b.  | See Mitigation Measure 3.8-1b.                                    | See Mitigation Measure 3.8-1b.                                    | See Mitigation Measure 3.8-1b.                                    |