

Attachment A – CEQA Exemption Information Form

Henningsen Lotus Park Boat Ramp Repair Project

County of El Dorado

Project Location

The Henningsen Lotus Park (HLP) Boat Ramp Repair Project (proposed project) is located in Lotus, an unincorporated community in El Dorado County, California within the *Coloma* U.S. Geological Survey (USGS) 7.5-minute quadrangle map within Sections 18 of Township 11 North, Range 10 East. The proposed project is located along the south bank of the South Fork of the American River, north of Lotus Road, within HLP, approximately one half mile south of the Lotus Road/State Highway 49 intersection.

The project site was historically a sand and gravel operation before the construction of HLP. The 51-acre park provides a wide variety of active and passive recreation opportunities, including a kayak and raft boat launch that provides access to the River.

Proposed Remedial Actions

Severe winter storms related to a series of atmospheric river systems that brought substantial precipitation and river flooding throughout Northern California between December 27, 2022 and January 1, 2023. Governor Newsome proclaimed this event, including damage incurred in El Dorado County, as a State of Emergency on January 4, 2023, and directed the California Office of Emergency Services to provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.

Governor Newsome requested that President Biden declare this event a federal emergency (Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§5121-5207 (the “Stafford Act”), as implemented by 44 C.F.R. §206.35 on January 8, 2023). President Biden approved the requested federal emergency declaration on January 9, 2023.

These storms caused the South Fork of the American River to rise to extreme flood stage, depositing cobble and rock throughout the HLP boat ramp and parking lot. The County of El Dorado removed approximately 500 cubic yards of rock from the parking lot and proposes to remove rocks from boat ramp area. This remedial action, removing approximately 35 cubic yards from the 25-foot-wide boat ramp area, is the subject of this statutory exemption.

Project Site Access

Primary access to the project site is via Lotus Road and the HLP parking lot.

Land Uses

The El Dorado General Plan Land Use Diagram designates the project area as Tourist Recreational. Surrounding and adjacent land uses include Medium Density Residential, Low Density Residential, Commercial, Public Facilities, Agricultural Lands, and Open Space. The proposed project would occur within landscaped areas and riverbank of an existing recreation facility . No improvements would occur within previously undisturbed areas or sites with native vegetation.

Reasons Why Project is Exempt

The proposed project is statutorily exempt for potential application in disaster recovery efforts from the provisions of CEQA pursuant to State Public Resources Code Section 21080 (b)(3) and CEQA Guidelines Section 15269(a).

Public Resources Code Section 21080 (b)(3) qualifies CEQA Guidelines Section 15269(a) as a statutory exemption and as it pertains to the proposed project, which consists of maintenance, repair, restoration, demolition, or replacement of property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area. In regard to the proposed project, subsection 3) would be directly applicable as it states as follows:

3) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code;

Additionally, subsection 15269(a), as a result of Public Resources Code Section 21080 (b)(3), would be directly applicable as it states as follows:

a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.

The proposed project would repair recreational improvements at HLP. These repairs would be consistent with all applicable land use policy and guidance documents including the County General Plan. The project would repair recreational facilities destroyed as a result of a disaster in the County of El Dorado, addressed by Governor Newsome’s January 4, 2023 Proclamation of a State Emergency and President Joseph R. Biden, Jr.’s January 9, 2023 Emergency Declaration for California and is consistent with this exemption.

Exceptions to Exemptions

The proposed project, with the approval of a statutory exemption, is not subject to any exceptions per CEQA Statute Section 21080(b)(3) and State CEQA Guidelines Section 15269(a).

Conclusion

The proposed project is consistent with State CEQA Exemptions Division Application to Discretionary Projects, Nonapplication, Negative Declarations, Environmental Impact Report Preparation in accordance with Public Resources Code Section 21080(b)(3). There are no CEQA exceptions to Statutory Exemptions.

References

- DUDEK, 2023, *Biological Resources Assessment for the Henningsen Lotus Park Boat Ramp Repair Project*.
- El Dorado County, 2004, *2004 General Plan Land Use Diagram – Coloma*, Available at https://www.edcgov.us/government/planning/adoptedgpmaps/documents/04lu_qd26.pdf, Accessed November 28, 2023.
- Executive Department – State of California, 2023, *Proclamation of a State of Emergency on January 4, 2023*, Available at <https://www.gov.ca.gov/wp-content/uploads/2023/01/1.4.23-SOE.pdf?emrc=e53f34>, Accessed November 28, 2023.
- Federal Emergency Management Agency (FEMA), 2023, *FEMA Emergency Release #HQ-23-003: President Joseph R. Biden, Jr. Approves Emergency Declaration for California*, Available at <https://www.fema.gov/press-release/20230109/president-joseph-r-biden-jr-approves-emergency-declaration-california>, Accessed November 28, 2023.
- Office of the Governor, 2023, *Letter to the President Requesting an Emergency Declaration for the State of California, January 8, 2023*, Available at <https://www.gov.ca.gov/wp-content/uploads/2023/01/2023-1-8.Winter-Storms-Disaster-Decl-letter.Signed.pdf?emrc=e2013c>, Accessed November 28, 2023.