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Public Comment, BOS Meeting 5/18/15- File no. 12-1203- draft Biological Policies

Supervisors:

The drafted policies presented favor development over preservation. The protections in current General Plan policy are being weakened or eliminated. Regardless of the appearance of public outreach, public comment is not being incorporated, and launching a Draft EIR based on the policies as proposed will only invite conflict. Please get public feedback and discuss/revise the policies accordingly rather than allow this to be a developer-driven process.

Policy specific comments are as follows:

1. Maintain retention standards. Do NOT allow 100% removal. Retention is designed to avoid fragmentation, and no amount of off-site replacement can repair that. What other jurisdictions endorse 100% removal?
2. Broaden the heritage tree designation to include trees 24" diameter and greater. Per Dudek, Tuolumne and Placer counties are most similar to El Dorado, and both use the 24" standard. What is our reason for allowing lesser protections?
3. Do not allow acorn planting as mitigation. Regardless of it as an accepted practice, the replacement value is *decades* out, and we do not have the resources for effective monitoring. I would like an example within our county where acorn mitigation has been effective (replacement planting stats).
4. Monitoring needs to be realistically planned. Again, we do not have the resources to just say "by Planning". The retail center at Green Valley Rd/Cambridge Dr in Cameron Park had on-site oak mitigations required. Where are those trees now?
5. Community Regions and Rural Centers should not be eliminated as possible conservation easement areas. This limits the possibility of corridors because of where these centers occur. Also, CR's and RC's may contain viable easement property since site specific reviews were not performed and CRB analysis continues to be delayed.
6. Cattle grazing should not be allowed on conservation easement land. This is known to be detrimental to oak woodland when allowed long-term.
7. Current maps of the existing oak woodland are needed for this discussion. We would also benefit from a side by side comparison of the woodland today vs. the woodland 20 years ago, to see our trend for removal, and what works and what doesn't work for mitigation.
8. "Baby" oaks (under 6" dia.) must be protected too, for their value in woodland regeneration.
9. Ministerial development should not be exempt. The flowchart appears to exempt ministerial development, which is inappropriate. Please re-evaluate all exemptions.

Sincerely,

Ellen Van Dyke, Rescue

**Cheryl Langley
Shingle Springs Resident**

To: Board of Supervisors

Date: May 17, 2015

Subject: **Biological Resources Workshop of May 18, 2015; File# 12-1203; Agenda Item# 1**

Board Members:

I have reviewed the Meeting Details for the May 18, 2015 workshop. The following comments are limited by the short timeframe allowed for public review, and by the absence of pertinent appendices (and one figure) referenced in the draft Oak Resources Management Plan (ORMP).

Please consider revising the draft ORMP in the following topic areas:

- **The Option A retention schedule should be retained.** Option B should be utilized only after it has been determined the project cannot meet the Option A retention schedule through any reasonable means.
- **Mitigation based on acorn planting is not adequate mitigation;** please eliminate the provision that allows acorn planting to mitigate removed trees/woodland.
- **To actually incentivize oak retention, mitigation ratios need to be more “rigorous.”**
- **The oak woodland replacement formula does not include replacement of understory, a key component of “wildlife habitat;”** please revise this formula to include habitat replacement.
- **Allowing developers to “identify conservation opportunities outside of the PCAs and IBCs, within or outside of important ecological areas” is inappropriate.** Suitable conservation easements need to be identified/established by the County, based on the best available biological resources information. Otherwise, conservation efforts are likely to be too disjointed to be effective. Similarly, **allowing off-site mitigation “...through private agreements between the applicant and another private party...” is inappropriate.**
- **Excluding “...lands within Community Regions and Rural Centers and lands designated Low Density Residential” from Priority Conservation Area (PCA) designation is inappropriate.** Some Community Regions/Rural Centers—as currently configured—include or are adjacent to Important Biological Corridors. **A willing seller should be able to sell their property into conservation easement status, even if their land is in a Community Region or Rural Center, and even if it is zoned Low Density Residential.** (It is doubtful biological resource evaluations were performed county-wide prior to the establishment of zoning designations; it is likely some parcels so designated are prime woodlands/wildlife habitat.)
- **Heritage Tree size is too large;** please consider defining Heritage Trees as a 24” dbh, rather than 36” dbh. This would be consistent with other counties such as Placer County.
- **Deed restrictions are too “volatile”** to equate to oak retention in perpetuity. Deed restrictions could potentially be removed by new owners.
- **Please consider raising the threshold for housing developments with a low income component from 10 percent to a more reasonable threshold.** (This applies to the granting of oak mitigation reductions.) Oaks help retain property values and enhance project aesthetics.
- **“Personal use” of oak resources on an owner’s property must be defined/restricted.** Otherwise, “pre-clearing” of a site under the guise of personal use is encouraged.
- **Maintenance of mitigation plantings by the “property owner” needs to be better defined.** Who is the “owner” of the “mitigation responsibility” if a property is resold during the 7 year monitoring period? What if a tree dies during that period—starting another 7 year cycle—and the property is *again* sold?

In closing, I’d like to say the policies proposed in this ORMP represent a significant weakening of environmental protection policies developed under the 2004 General Plan. Therefore, please consider revisions to the draft ORMP that will strengthen biological resource protections.