

Art Marinaccio
4024 Jackpine Rd.
Shingle Springs CA 95682

Peter Maurer
El Dorado County Planning
2850 Fairlane Ct Placerville CA 95667

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PLANNING DEPARTMENT

Copy to Mills College Chair Department of Biology
5000 Mc Arthur Blvd
Oakland CA 94613

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I feel compelled to prepare a written response to a letter purporting to provide "expert" testimony as to the adequacy of the CEQA review for the Oak Woodland Management Plan.

Unfortunately the person who penned this expert testimony is not familiar with the document or the General Plan. I would be shocked if in fact he had read even one percent of it no less the many volumes of information in the Final Environmental Impact Report.

If nothing else it points out that citing every written work on oaks from every source possible just gives every opinion on every subject. Many of the opinions expressed in the multiple volumes on the subject are simply opinions. Many if not most are simply biases expressed citing other works.

His first comment is that "to fully compensate for the impact to Oak woodland habitat is not met. The writer apparently does not like the Final EIR from the General Plan for some reason. This is not a CEQA issue of the effects of adopting this plan.

He further goes on to state that "apparently" the problem is that oak woodland habitat is being substituted by oak woodland canopy. I assume he used the word apparently because he has failed to actually read the document he has submitted "expert testimony" about.

Factually the assertion is absolutely incorrect as he would discover if he bothered to actually review the document. The document is not about canopy it is all about habitat. The PCA's were identified to address the issue of "large expanses of native vegetation" under 7.4.2.8. The Priority Conservation Areas precisely the habitat that the EIR suggests should be set aside in its natural condition in large blocks to mitigate the loss of native vegetation elsewhere.

In addition the writer apparently is completely unaware of and not familiar with the initial inventory and mapping of the important habitats adopted as part of the Integrated

Natural Resources Management Plan process. That mapping clearly includes all the corridors that were identified in the Final EIR for the General Plan as well as all the mapped Valley Oak Woodlands and other sensitive species that have been identified in the EIR.

The reference to the idea that this document fails because “ In my opinion-other than preserving individual trees for their aesthetic value—“ shows clearly that the writer has not even read the document. This is scientifically irresponsible.

Apparently someone who suggested this letter thinks that the CEQA process fails because canopy is being used as the factor for computing the fee rather than the entirety of the lands upon which the oaks are removed. I agree that the General Plan and EIR are not clear on this issue. This however is not a CEQA issue except for the results of the final calculation. We discussed endlessly the idea of using the entire acreage as is suggested in the letter and using a lower per acre fee to arrive at the same number.

This was rejected mainly for environmental reasons. If you charge for the entire acreage of the project regardless of the percentage of the trees remaining or cut there is no incentive to keep any of the oaks. This would be directly contrary to the goals. In addition to charge a person who removes 2 acres of trees on 400 acres 100 times the amount charged to someone who removed 2 acres of trees on 4 acres would be not only unfair but would probably bring a challenge on the as failing the “reasonably related to impacts” test. The bottom line is the fee collects adequate monies to fully fund the program and the components of the calculation to arrive at the fee is not a CEQA issue.

The final comments relate to the lack of connectivity in the OWMP and his wanting PCA's along Highway 50. First connectivity was not the subject of this plan it is a component of the Integrated Natural Resources Management Plan. The connectivity addressed in the Final Environmental Impact Report for the General Plan includes the “important Biological Corridors” as well as the major riparian corridors listed on page 5.12-90 of the EIR. These as well as others are included in their entirety within the Initial Inventory and Mapping as approved by the Board of Supervisors under Mitigation Measure CO-M. Any studies needed to amend those identified corridors will be an integral part of the scope of work on the INRMP. The CEQA document in no way is the least bit defective for the lack of addressing this issue. The PCA's are in fact the large expanses of native vegetation that are not now fragmented and unlikely to become fragmented.


Whoever suggested this letter to the writer apparently wants a different policy as to where the PCA's are located. The PCA's were located consistent with the policies adopted in the General Plan and Final EIR for that plan. The policy was to protect areas not now or likely to become fragmented. This is the biologically correct solution and is fully supported, in fact suggested, by the studies done by Savings/Greenwood and others.

Some would suggest that setting aside lands that otherwise might be developed has a higher political value. That may or may not be but that would be a different decision than

was made in the General Plan. It would be contrary to the biological decision. Further it would be a change in policy that has nothing to do with biology or CEQA.

The letter purporting to be "expert testimony" raises no CEQA issues and as such should not be officially responded to as if it did. You might add a copy of the link to the General Plan and Final EIR so he can find it.

Thank you,

A handwritten signature in black ink, appearing to read 'Art Marinaccio', with a stylized, cursive flourish.

Art Marinaccio