



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**DECERTIFYING LIMITED ASPECTS OF THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
GENERAL PLAN BIOLOGICAL RESOURCES POLICY UPDATE
AND OAK RESOURCES MANAGEMENT PLAN**

WHEREAS, on October 24, 2017 the Board of Supervisors adopted Resolution 127-2017 certifying the Biological Resources Policy Update and Oak Resources Management Plan Environmental Impact Report ("EIR") for the General Plan Biological Resources Policy Update Project (Project) which included revisions to specific biological resource objectives, policies, and implementation measures in the Conservation and Open Space Element of the County's 2004 General Plan, adoption of an Oak Resources Management Plan (ORMP) including an in-lieu fee payment option for impacts to oak woodlands and individual oak trees, and adoption of the Oak Resources Conservation Ordinance (Legistar 12-1203), and

WHEREAS, on November 21, 2017, Rural Communities United, an unincorporated association, filed a Petition for Writ of Mandate challenging the EIR (*Rural Communities United v. County of El Dorado*, Case No. PC20170536), and

WHEREAS, the petition was amended to add Conserve El Dorado Oaks, an unincorporated association, Ellen Van Dyke, an individual, and Cheryl Langley, an individual, as petitioners on the writ petition, and

WHEREAS, after extensive briefing and argument, the trial court ruled in favor of the County with the exception of two narrow holdings, and issued a writ of mandate directing that the County decertify limited aspects of the EIR, and suspended the County's authority to grant certain approvals.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of the County of El Dorado decertifies the following conclusions in the EIR in accordance with the Writ:

- A. The County's determination that focusing on preservation of oak woodlands habitat in the Highway 50 corridor was not the best course of action.
- B. The County's determination that it was not feasible to focus on preserving the oak woodlands within the 50 corridor.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chair, Board of Supervisors