

Cynthia L. Shaffer

#9  
owmp  
IS/ND

March 12, 2008

El Dorado County Planning Commission  
2850 Fairlane Court, Building "C"  
Placerville, CA 95667

Re: Final Draft Oak Woodland Management Plan ("OWMP")  
Draft Initial Study/Negative Declaration ("IS/ND")

Gentlemen:

I have been asked to submit the following comments on behalf of the Community Coalition. We appreciate the opportunity to review and comment on the Final Draft of the Oak Woodland Management Plan. As you know, we have closely monitored the County's progress in developing this program for some time, and are pleased to reach this important milestone. Accordingly, we submit the following comments for your consideration.

1. **Option B "In-Lieu" Fee.** Despite the modifications included in the Final Draft OWMP, we continue to believe that the Option B fee is set substantially higher than necessary to support the OWMP objectives.

A. **Acquisition Costs.** Many of the objections raised in our earlier letter have been addressed, including assumptions underlying the land valuation calculations, the inclusion of properties listed for sale (rather than closed sale transactions) and higher value properties within more urbanized areas of the County which were not comparable to designated Priority Conservation Areas ("PCAs"). We agreed with the assumption made by the County's consultant ("PMC"), that the value of the Conservation Easement was equal to 25% of the base land valuation. We had tested that assumption against recent actual Conservation Easement purchases and found that element of the PMC assumption was reasonable and supported by the transaction activity.

**The Final Draft OWMP Fee Calculation now substitutes the assumption that a Conservation Easement is equal to 80% of the underlying "fee title" value.** This assumption is unreasonable and unsupported by substantial, verifiable evidence.

#9  
P32  
OWMP  
15/MD

The information provided by American River Conservancy in support of conservation easement valuation seems to rely mainly on conservation easement “donations” made to ARC by “donors” for “income tax purposes”. Almost without exception, the appraisals upon which these transactions are based are unavailable to the general public, making meaningful analysis of the transactions nearly impossible. In establishing the fair market value of a Conservation Easement, the County *must* utilize only arms-length, purchase and sale transactions, in the same manner that the County appraises rights-of-way, and other real estate acquisitions.

B. Maintenance & Management. Initial fuel management of \$950 per acre for every acre is included in the fee calculation. As we indicated in our earlier comment letter, intensive fuel management of the entire conservation easement area is neither necessary nor desirable, because it would alter the character of the habitat.

We believe a more reasonable approach would be to assume that 30% of the lands will require intensive fuel management (at \$950 per acre), that an additional 30% of the lands would require moderate levels of initial fuel management (at \$475 per acre), and that the remaining 40% would be left in its natural state, resulting in an average cost per acre of about \$425. This approach would allow conservation areas to be managed to provide defensible space buffers adjacent to existing developed areas while preserving primary habitat values in more remote areas.

2. References to General Plan Policy 7.4.4.5. Several references to Policy 7.4.4.5 have been incorporated in the Final Draft OWMP. While that Policy remains a part of the General Plan, the OWMP implements Policies 7.4.4.4 and 7.4.2.8 (Implementation Measures CO-P and CO-M.) Accordingly, we recommend that language referring to Policy 7.4.4.5 be deleted from the Final OWMP.

3. Retention of Oak Canopy within Defensible Space Zone. We appreciate the concerns expressed by CAL FIRE and others that the OWMP should not serve to inhibit compliance with the maintenance of defensible space around new and existing structures. Although we understand that certain new language in the OWMP is intended to encourage retention of oak canopy while maintaining defensible space, we believe this language does the opposite.

The Final Draft OWMP suggests that an “applicant may assume 20% retention of the oak tree canopy within the defensible space area around building pads or sites”. [Page 6, Paragraph 3.] Our experience indicates that the retention would actually be closer to

#19  
PJ 3  
overhead  
15/11/07

80%, particularly within the 30' to 100' zone, where fuel modification techniques are employed to reduce "ladder fuels". We believe that the language should be modified to read "an applicant may assume 80% retention of the oak tree canopy within the defensible space area around building pads or sites, or may provide a site-specific analysis of impacts as determined by a qualified professional."

4. **Miscellaneous Recommended Revisions.**

A. Page 8, Section D. Modify second sentence to read "In lieu of on-site replacement, where such replacement is not feasible or desirable due to soil/habitat considerations and/or land use constraints..."

B. Page 9, Second "bullet". Delete underlined language. ("~~The qualified professional shall demonstrate that the replanting plan does not remove existing non-oak woodland and enhances existing oak woodland habitat.~~")

C. Page 9, Last "bullet". Delete. ("~~An estimate of the total costs associated with implementation of the replacement plan.~~")

D. Page 10, Section F. Delete new/underlined language. ("~~The biological study shall evaluate and demonstrate parity of habitat elements such as snags, large woody debris, and the diversity and structure of the understory between the oak woodlands lost and those being protected. If the off-site conservation easement is to mitigate for Valley Oak Woodland removed, then the easement must be within Valley Oak Woodland of equal or greater biological value.~~")

E. Page 10, Section G. Delete this Section in its entirety.

F. Page 14, Section 2.c. Septic system leach fields and fire safety defensible space do not necessarily require removal of oak canopy. Delete this section in its entirety.

G. Page 14, Section 6. Modify to read as follows "Payment of applicable fees and granting of any required easements shall be required as a condition of approval of all discretionary permits for which these provisions apply, and shall be completed prior to issuance of each permit allowing removal of trees, such as a grading or building permit, filing or a parcel or final map, or otherwise commencing with tree removal within the project.

El Dorado County Planning Commission  
March 12, 2007  
Page 4

#9  
pg 4  
OWMP  
15/2007

Thank you for your consideration of our comments concerning the Final Draft OWMP.  
Should you have any questions or need further information, please let us know.

Very truly yours;

(sent *via* email)

Cynthia L. Shaffer

CLS/rlk

cc: Oak Woodland Management Plan Comments, Attn: Monique Wilber  
[oaks@edcgov.us](mailto:oaks@edcgov.us)